



LAW campaign



World habitat day observed Campaigning for right to adequate shelter

THE United Nations has designated the first Monday in October every year as World Habitat Day to reflect on the state of human settlements and the basic right to adequate shelter for all. It is also intended to remind the world of its collective responsibility for the future of the human habitat.

Twenty years ago -- on December 5, 1979 -- the State Supreme Court issued its first court ruling in Callahan v. Carey, ordering the City and the State to provide emergency shelter in New York City to homeless men. This court order resulted from a class action lawsuit filed by Robert Callahan, a homeless man who like so many in the late 1970's slept on the streets of New York and led to a 1981 consent decree that established the historic right to shelter.

This simple right to shelter has been the bedrock principle upon which New Yorkers have provided compassionate support to men, women, and children who fall through the safety net and find themselves homeless.

UN-Habitat announced Indonesia to host the global celebrations of World Habitat Day this year. The event is always celebrated on the first Monday in October each year to reflect on the state of human settlements and the basic right to adequate shelter for all. It is also intended to remind the world of its collective responsibility for the future of the human habitat.

The theme of this year's World Habitat Day was the Millennium Development Goals and the City. This theme, chosen by the United Nations, to remind all of us that in the year 2000, world leaders meeting at the dawn of the new Millennium, committed themselves to launch a concerted attack on poverty, illiteracy, hunger, unsafe water, disease and urban and environmental degradation by adopting a set of eight goals. In September, the UN General Assembly already held a five-year review meeting to weigh progress on the eight goals.

UN-Habitat is working with a number of international and civil society organizations, cities and governments to realize Target 11 of Millennium Development Goal 7 - improving the living conditions of at least 100 million slum dwellers by the year 2020. We are also working together on Target 10 of MDG 7 - reducing by half the proportion of people without sustainable access to safe drinking water. The Global Campaign on Urban Governance and Global



Campaign for Secure Tenure enhance this work through a series of UN-habitat programmes, mainly in developing countries, that shoulder the heaviest poverty burdens.

Source: UN-Habitat

LAW reform

Juvenile crime correction system in Bangladesh

RITA BHOUMICK

RUSSELL was only nine years old when he was arrested on charge of killing his father. He was eventually convicted of the murder and sentenced to 30 years in jail. Russell was first sent to Comilla Jail and from there to Kishore Unnayan Kendra or Juvenile Correction Centre in Tongi, Gazipur. The boy from a remote village in Cox's Bazar had made a long journey since then.

Shamsun Nahar, social caseworker of the JCC says, "Russell has been here for six years and his behaviour is quite satisfactory. He is now 18. The law does not permit anyone over 18 to stay in the centre."

"Satisfied with his good conduct, we applied to the appropriate authority for granting him amnesty. Besides, BLAST (Bangladesh Legal Aid and Services Trust) on behalf of Russell appealed his conviction on February 07, 1998," she adds.

Supreme Court senior staff lawyer Md Abdul Mannan Khan says, "The court delivered its verdict in 1998 and the centre apprised me about this case in 2001. Having had a closer look, I have found out that he has been punished under a law, which is against section 51 of the Children's Act."

"According to section 51, no child can be jailed for life while section 71 says no child can be punished and imprisoned," he describes, adding, "After gathering necessary papers, I've taken preparation for the hearing in the High Court."

He continues, "At one stage of the hearing, it was found that sections 51 and 52 are contradictory to each other. Then the High Court ordered me to employ two senior lawyers as friends of the court. I worked as their assistant. January 16, 2002 was the scheduled date for the hearing, which did not take place due to some reasons. Later, I prepared myself again for the hearing after disintegration of the bench."

Social Welfare Ministry, Social Services Department and Kishore Unnayan Kendra applied to the President for granting him amnesty. He was released on July 20 after being pardoned. Later, Save the Children UK provided him one-year vocational training and awarded Tk 1,500 as stipend.

Social caseworker of Kishore Unnayan Kendra Masuma Akhter says, "Children's Act was introduced in Bangladesh in 1974. Under this law, a child (under 16 years of age) during the trial and verdict for his first and petty crime should be kept at a secure place with all humanitarian facilities."



She also says, "The tendency of committing crime is seen among the youngsters belonging to lower and upper class families. A juvenile court receives two types of cases; police case (GR case) and guardian case.

Crimes like hijacking, drug dealing, robbery and killing committed by the adolescents (under 16 years of age) are regarded as police cases while the cases filed by the guardians under section 33 of the children's act to correct their unruly children are guardian cases. If a guardian files such a case the court, after questioning the guardian, either orders to keep the adolescent in the Kishore Unnayan Kendra or orders to correct the concerned in the custody of the guardian under direct supervision of a probation officer."

Maleka Khairunnesa, a first class magistrate of Juvenile Court of Kishore Unnayan Kendra says, "If an adolescent commits a crime for the first time and his/her social condition is good, he/she is kept in the family environment under the supervision of a probation officer. The youngster is freed after one year although the law mentions a time frame of 1 to 3 years.

She also says, "If the family environment is not good, the offender is kept in the correction centre for three months up to one year. But, the trials of serious crimes like rape, drug dealing, arms and explosive crimes and killing are not held in Juvenile courts or Magistrate courts. These trials are conducted in Metropolitan Tribunal or Session Judges courts."

A senior legal aid officer of 'Aporajeo Bangladesh', an organisation that works for the well-being of destitute children, says, "Sometimes the court orders of the cases filed by police do not reach the correction centre. As a result, the records show either an adolescent is fugitive or has been released despite being detained in the correction centre. This is how an adolescent is detained without any trial."

Saduruddin Ahmed, director of Department of Social Services, says, "Under the present condition of the country, it will be very good if we can have one correction centre in every division. At present, there are only three centres with two located in Gazipur and one in Jessore."

"During their stay in the correction centres, the youngsters are provided with education and vocational training until they reach 18 so that they can lead a normal life afterwards," he says. "They are given loans so that they can utilise the vocational training they received in the correction centres. A plan is also underway to provide them with jobs," he added.

The director says, "Under the present socioeconomic conditions of

the country, it is not possible to make separate arrangements for different types of offenders in one institute because it is very expensive."

Golam Ahmed Faruq, a probation officer of Kishore Unnayan Kendra says, "If the Juvenile Court finds an adolescent guilty of an offence, the court can set him/her free by suspending the punishment based on the report submitted by the probation officer. But, the freedom will come on some conditions, including a commitment not to repeat the offense and lead a normal life."

Professor of Dhaka University's Clinical Psychology Dr M Mahmudur Rahman says, "Children and adolescents tend to follow others if their families and environments are not healthy."

"The children, particularly those of the 8-14 age group, resort to crimes when their parents fail to guide them properly," he says, adding, "Not only teachers, but also the parents should take more care of the children to prevent them from committing crimes."

According to Dr Rahman, children and adolescents on the streets should be provided with food, education and secure shelter, which are their rights. If petty crimes are not eradicated, millions more crimes will be committed. The government should take initiatives to sort this out. Spending money only on prisons will not address the issue.

Source: News Network.

LAW week



Mufti Hannan captured

In a dramatic nighttime drive in the capital, Rapid Action Battalion (Rab) intelligence officials arrested one of the country's top Islamist militant leaders, Mufti Abdul Hannan. The Rab members arrested Hannan along with his wife and four children at an Ananda Nagar house in Madhya Badda and took them to the Rab Headquarters. Hannan, who also has links to international militant groups, is the operation commander of the Bangladesh chapter of the international Islamist militant organisation Harkatul Jihad.

Hannan told newsmen at the Rab office in Dhaka he has been staying in the country after the former home minister, now the commerce minister, Altaf Hossain Choudhury, assured him of "no fear" in staying in the country. Accused in a sedition case, Mufti Hannan is also the prime accused in the plot to assassinate the then prime minister Sheikh Hasina in Kotlipara in Gopalganj on July 20, 2000. Hannan had also submitted a mercy petition to Altaf to relieve him from the case of attempt to assassinate Hasina, he told the reporters. -- *The Daily Star, October 2.*

Militants strike again on courts

Yet another incident of five serial bomb blasts at courts in Chandpur, Laxmipur and Chittagong left two people killed and 38 others, including a district judge and a policeman, injured, stoking fears that have loomed over the country since the August 17 attacks. Some hand-written leaflets of the Jama'at ul Mujahideen Bangladesh (JMB), calling for establishing Islamic rule in the country, were found at the Chandpur blast site.

Two bombers held from the Chandpur blast site and one from Laxmipur said JMB, which is blamed for the August 17 attacks across the country, assigned them to carry out the bombings. They said the militant organisation had plans to turn public attention to its leaflets by blasting bombs in courtrooms. -- *Prothom Alo, October 4.*

First charge-sheet in Aug 17 blast case filed

Defying alleged pressure of the ruling alliance, Joypurhat police filed the first charge-sheet in one of the August 17 serial blast cases against 28 militants including two top leaders of Ahle Hadith Andolan, Bangladesh (Ahab).

Jamir Uddin Ahmed, officer-in-charge of Joypurhat Police Station, with the home ministry nod secretly handed over the charge-sheet to court Sub-inspector Abdus Salam last night, reports our Rajshahi staff correspondent. Salam places the charge-sheet today before a first class magistrate's court. The charge-sheet submission was scheduled for October 1, but it was delayed on the last moment instructions of a local BNP lawmaker for dropping Ahab adherents' names. A few keymen of the alliance government persuaded by the Ahab activists now on the run had also lobbied in this connection. -- *The Daily Star, October 4.*

Bomber admits Aug 17 role

One of the two bombers caught during Chandpur blast has admitted to having exploded bombs in the district on August 17, the day near-simultaneous explosions rocked the entire country. Abul Kalam, 22, who has been involved with Jama'at ul Mujahideen Bangladesh (JMB) for about two years, also confessed that he had met Jagra Muslim Janata, Bangladesh (JMJB) operations commander Siddiqui Islam alias Bangla Bhai in Bagmara at the beginning of this year.

Special security measures have been taken at the courthouses across the country following the terrorist attacks. Some of the court building kept doors and windows shut yesterday for fear of renewed attacks. Two of the three bombers caught on the Chittagong court premises admitted to being members of Shaheed Nasrullah Al Arafat Brigade (Snab), the newly formed military wing of the JMB and JMJB.

The family of JMB cadre Masum, 22, who was caught while hurling bombs at Laxmipur court on Monday, is involved with Jamaat-e-Islami Bangladesh, a key component of the ruling four-party alliance. -- *The Daily Star, October 5.*

ACC plans to curb graft in education sector

The Anti-Corruption Commission (ACC) will make surprise visits to the National Curriculum and Textbook Board (NCTB) and the Directorate of Education to take instant action against corruption and irregularities. The decision was taken at a closed-door meeting between the ACC and the education ministry officials.

"We will conduct sudden visit to the NCTB and the education directorate to reduce corruption," ACC Commissioner Maniruzzaman Miah told journalists after the meeting, also attended by officials of the NCTB and the directorate. "We have not come here to probe specific allegations but to find out ways to reduce corruption in the education sector," Miah said about the discussion in the meeting. The meeting also discussed how to mitigate the teachers' hassle in drawing their pension and seeking information about their monthly payment orders (PMO). -- *The Daily Star, October 5.*

Ctg judges get bomb threats over phone

Three Chittagong judges received threats of bomb attack from anonymous callers asking them to discharge their duties as per Islamic 'sharia', two days into bomb attacks in courtrooms in three districts that left two killed and 38 injured.

Moreover, a militant organisation -- Islami Ain Bastabayon Parishad mailed three leaflets to Dhaka Bar Association asking it to cooperate in establishing Islamic rule in the country. The leaflets were similar to those circulated with the August 17 blasts. The two incidents triggered panic among people in the judicial arena and they sought security at their houses and offices, and immediate action against those issuing the threats. The judges who received threats are First Joint District Judge Shamsul Islam, Senior Assistant Judge Kazi Abdul Hannan and Judge Umme Kulsum. Court sources said the unknown callers made phone calls to the offices of the three judges between 9:30am and 9:45am. The callers first asked about the identities of the judges and hung up. A few minutes later, they again rang the judges and threatened them with bomb attacks on their courtrooms, the sources added. -- *BD News, October 6.*

PM seeks help to combat terrorism

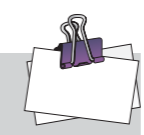
Prime Minister Khaleida Zia reiterated her government's stand against terrorism and urged all to help the government arrest the culprits involved in the recent bomb blasts. "Terrorism has no room in Islam. Those who indulge in terrorism are nothing but terrorists," she told the newly elected office bearers of the Federation of Bangladesh Chamber of Commerce and Industry (FBCCI). The prime minister pledged to take stringent measures against those involved in terrorist activities using the name of religion. The process of apprehending the culprits has been continuing and they will be tried under the law, she said. Highlighting her government's success in economic, education and health sectors, Khaleida said those who do not like to see this progress have been trying to destabilise the situation. She urged all including the businessmen to remain alert against the vested quarters. -- *BSS, Dhaka, October 6.*

Gunmen for judges, security in courts

In the wake of bomb attacks on courts and death threats on judges and lawyers, the government y decided to provide gunmen to district judges and step up security at courthouses across the country. The judges, many of whom received death threats over telephone in the last couple of days, will also receive security arrangements at their courts as well as residences.

The assurance came when a delegation of district judges met State Minister for Home Affairs Lutfuzzaman Babar at his office to seek security, following panic after recent telephone threats and bomb attacks on Chittagong, Chandpur and Laxmipur courts, which came 47 days after countrywide bombings at different points, including courthouses. On security measures for other judges and magistrates, he said, "Since manpower of the police administration is limited, the government has primarily decided to provide gunmen only to district judges. But the minister has assured of special security measures at other courts at the same time." Opposing the existing judicial system and saying it contradicts the rule of Islam, a group of criminals has targeted courts and distributed leaflets saying judges and lawyers should be killed. Chhunnu, also a judge of the Special Court Dhaka Division, said. -- *The Daily Star, October 7.*

LAW event



Training on Refugee Law

DR. UTTAM KUMAR DAS

BANGLADESH should accede to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, and also need to adopt national legislation pertaining to refugee protection. Considering the geopolitical situation of the country this should be done immediately. The recommendation came from a three-day training on Refugee Law held from September 30 to October 2, 2005 at the Proshika Human Resources Development Centre (HRDC) at Koita, Manikganj. The program, first of its kind in the country was organized by Dhaka-based research and advocacy NGO, Empowerment through Law of the Common People (ELCOP) and was sponsored by the United Nations High Commissioner for Refugees (UNHCR).

Dr. M. Shah Alam, Professor of Law, Chittagang University, Advocate Dr. Kazi Akter Hamid and Dr. Naim Ahmed of the Supreme Court of Bangladesh, Professor Dr. Mizanur Rahman, Dr. Rahmat Ullah and Ms. Seema Zaman of Dhaka University, and Mr. Christopher Beng Cha Lee, Representative, UNHCR Bangladesh and the Dr. Uttam Kumar Das conducted different sessions of the training.

Total 31 participants attended the training, representing the judiciary, concerned Ministry, Bar associations, UN agencies, universities, Bangladesh Bar Council, media, research and human rights organizations.

In the certificate awarding and closing ceremony of the training on 2 October, Mr. Christopher Beng Cha Lee, UNHCR Representative in Bangladesh said that the human rights situation in the two refugee camps in Cox's Bazar is not acceptable to the international community. Referring to the international obligations of Bangladesh as a party to major international human rights instruments, Mr. Lee observed that the refugees here should be treated humanely as per norms of the international human rights standard.

Criticizing the role of a section of the government officials in the field who are in-charge of the administration and maintenance of law and order in camps, Mr. Lee said that the refugees should be allowed to rear chicken, doing vegetable gardening or play football in the camps among others.

The UNHCR Representative assured the participants to expand promotional activities on Refugee Law in Bangladesh. He also took note of the recommendation for

introducing internship for law graduates with UNHCR in Bangladesh.

Professor M. Asaduzzaman, Chairman of the University Grants Commission (UGC) who was the Chief Guest on the occasion, underlining the need for studying the growing subject like Refugee Law assured his all out cooperation to introduce this in different universities. He suggested the participating faculty members to take initiatives in this regard. He also urged for necessary logistic and materials support in this regard from UNHCR. He also felt the need of introducing Law as a general subject in the curriculum of graduate levels. This would help to aware the students on their legal rights and obligations, he observed.

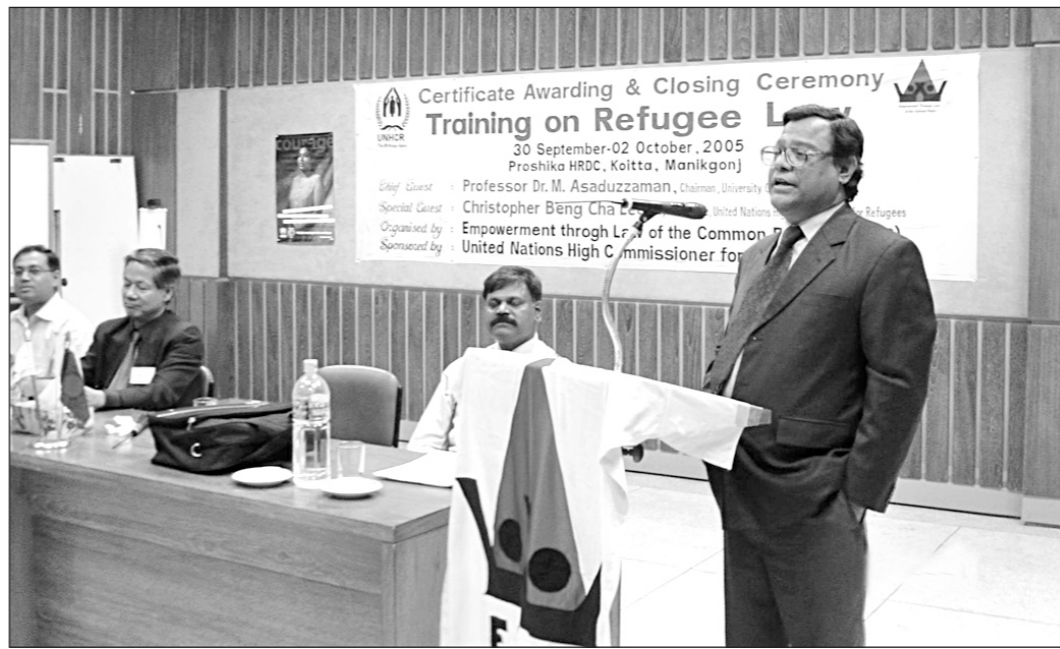
The concluding session was also addressed by Professor Dr. Mizanur Rahman, Executive Director of ELCOP and Coordinator of the training Dr. Rahmat Ullah. From the participants, Mr. Akhteruzzaman, Senior Assistant Judge of Comilla, Mr. Md. Hafizur Rahman Mollah, Senior Assistant Secretary of the Ministry of Food and Disaster Management, Advocate Mahbubul Alam of the Society of Justice, Advocate Dilruba Afabi of Bangladesh Bar Council, Mr. Tofazzel Haque, Assistant Professor of Southeast University, and Mr. Porimol Palma of the Daily Star spoke on the occasion.

They unanimously appreciated ELCOP and UNHCR for arranging such a programme and recommended to continue this. They also suggested to expand the duration of the program to a week including a field trip and frequency so that other person those who are interested could attend the same.

The training aims at to train up a pool of human resources who could contribute progressively in the field of judiciary, education, policy, and human rights. This will be helpful for the young faculty members to introduce Refugee Law at their respective institutes. UNHCR Representative opined that if some one had human rights or refugee law in his or her course, then he or she would have a wide scope to have a job with the international organizations, and UN and humanitarian agencies as well.

UNHCR would be pleased to provide necessary material support in this regard, as the Representative mentioned.

As part of the promotional activities, the UN Refugee Agency has been conducting a short training on Refugee Law for lawyers in Dhaka and Cox's Bazar through the



Bangladesh Bar Council for last eight years. So far, about 550 lawyers have been trained up. It has also initiated training program for journalists on refugees' rights and role of media.

Since last year, UNHCR Bangladesh has expanded its promotional activities on Refugee Law. The agency does provide supports in the form of developing curriculum and providing study materials to educational institutions that intend to introduce course on Refugee Law or on related issues.

So far, three universities in Dhaka have introduced Refugee Law at the graduate or under-graduate programs with support from UNHCR. UNHCR has been providing protection and assistance to the Rohingya refugees from Myanmar in Bangladesh since 1992.

Being facilitated by UNHCR, so far, 236,618 refugees repatriated to Myanmar. Now, about 20,734 refugees are staying in two camps in Cox's Bazar with protection and assistance from UNHCR. However, the repatriation is on

going.

In addition to that there are 159 mandate (urban) refugees in the country. They survive on UNHCR's assistance until having a durable solution. UNHCR's major implementing and operational partners in Bangladesh are the Ministry of Foreign Affairs, Ministry of Food and Disaster Management (MPDM), Ministry of Home Affairs, Office of the Civil Surgeon in Cox's Bazar under the Ministry of Health, Department of Public Health Engineering, World Food Program, Bangladesh Red Crescent Society, Dhaka Ahsania Mission, Bangladesh Bar Council, Refugee and Migratory Movements Research Unit (RMMRU), ELCOP etc.

The writer is the National Protection Officer, UNHCR Bangladesh.

Corresponding with the Law Desk

Please send your mails, queries, and opinions to: Law Desk, The Daily Star 19 Karwan Bazar, Dhaka-1215; telephone 8124944, 8124955, fax 8125155; e mail <slawdesk@yahoo.co.uk, lawdesk@thedailystar.net