



HUMAN RIGHTS monitor

RIGHTS investigation

LAW week

Successful global launch of the ICBL's "Landmine monitor report 2005"

THE Landmine Monitor Report 2005 mine action-focused, global launch took place in Zagreb, Croatia, on 22 November 2005. The event was co-organized by ICBL, the Landmine Monitor mine action team and Norwegian People's Aid (NPA), and was attended by representatives of the Croatian government and the diplomatic community, international organizations, and NGOs and the media.

In preparation for the 6th Meeting of State-Parties to the Mine Ban Treaty in Zagreb, Croatia, on 28 November-2 December 2005, the Landmine Monitor Report 2005 was launched in the Croatian capital. The Zagreb launch, which was one of three held simultaneously (the others being in the Algerian capital, Algiers, and in Medellin, Colombia) focused on mine action. It chose to present global and regional findings in a mine-affected region, which show positive developments and ongoing challenges in the battle against the landmine problem.

Facilitated by Sylvie Brigot, ICBL's advocacy director, the launch started with a presentation of the key findings of the 2005 edition of the Landmine Monitor Report 2005. The Monitor's Chief Editor, Ian Doucet, gave a global overview of the status of implementation of the Mine Ban Treaty, adding positive developments that have taken place since the Monitor went to print. These included the welcome announcement that Denmark has allocated 86 million Danish kroner over three years to clear its last remaining minefield on Skallingen peninsula, in advance of its legal deadline under Article 5 of the treaty.

The LM Thematic coordinator for Mine Action, Sara Sekkenes, gave a detailed account of mine action in South-Eastern Europe, stressing both achievements and the challenges ahead. The region remains significantly affected by landmines and mine clearance resources are underused due to lack of funds. Nonetheless, Bosnia and Herzegovina and Croatia in particular, are committed to an increase of national resources to mine action and in the formulation of mine action policies and strategies to increase and accelerate the release of suspected land.

Finally, Vanja Sikirica (NPA Croatia's mine action adviser) presented the Croatian report detailing aspects of Croatia's ban policy, mine action and victim assistance to the audience and the largely domestic media. Before the event the Croatian media had covered a number of mine-action-related stories and were well informed as to the event itself and the upcoming 6MSP next week. Vanja ended by formally presenting a copy of the Landmine Monitor Report 2005 to the senior representative of the Croatian Ministry of Foreign Affairs, Mrs. Dijana Plestina.

The LM launch was followed by a panel discussion on the challenges ahead for mine action in South East Europe. Panel participants were Oto Jungwirth, the Croatian Mine Action Center director; Darvin Lisica, the Bosnia and Herzegovina Mine Action Center deputy director for operations; Dorijan Maršić, the director of the Slovenia-based International Trust Fund for Demining and Mine Victims Assistance; Alfons Peeters, the sector manager for minorities, human rights, and energy of the European Commission in Croatia; and Damir Jakšić, NPA's programme manager in Croatia. All have displayed a very active engagement in mine action work in the region.

Panel participants were asked to share their views on challenges ahead



- for mine action in South-Eastern Europe:
  - How to speed up the process of releasing land back to the civilian population?
  - How to mobilize the necessary resources to meet the needs of mine action in the region?
  - How can Article 5 obligations be met in the region? And what more can be done by mine-affected countries to comply with Article 5.
- The mine action centre representatives introduced the methodologies put in place to speed up the release of suspected land to communities such as the locally anchored integrated methodology of task assessment and planning in Bosnia and Herzegovina and technical survey in Croatia. The participants stressed the need for improved management of mine action, greater participation of affected communities in planning interventions, and the design of national strategies and annual plans with clear targets in order to attract increased funding from both international and national donors. They also insisted on the ICBL's role to lobby governments of mine-affected countries on their responsibilities in meeting the obligations under the treaty.

Source: International campaigns to ban landmines (ICBL)

Foreign nationals peril in jails

UDATTA BIKASH

AROUND one thousand foreign nationals are languishing in different jails in Bangladesh. A significant number of them are there for several years even after finishing their terms or being acquitted. It is learnt that most of such inmates -- classified as "released prisoners" -- are rotting behind bars even without of minimum facilities over there.

For those who have completed sentences, there are mainly two reasons for not getting released: the foreign missions or governments concerned are not interested in their release and repatriation, and the person concerned is not willing to return back to his or her country of origin fearing oppression or persecution by the State authority or others. The latter one is applicable for most of the Myanmar nationals, sources indicated. They are mainly in jails in Cox's Bazar, Bandarban, Chittagong and Comilla.

According to official and other relevant sources, many of them have been in jail for more than two years. There are even instances of some "released" prisoners in the lock-up for over five years.

There are also nearly 200 convicted foreign nationals and 400 others waiting for trial in jails, sources indicated. They are from Myanmar, India, Sri Lanka, Nepal, South Africa, Tanzania, Saudi Arabia etc.

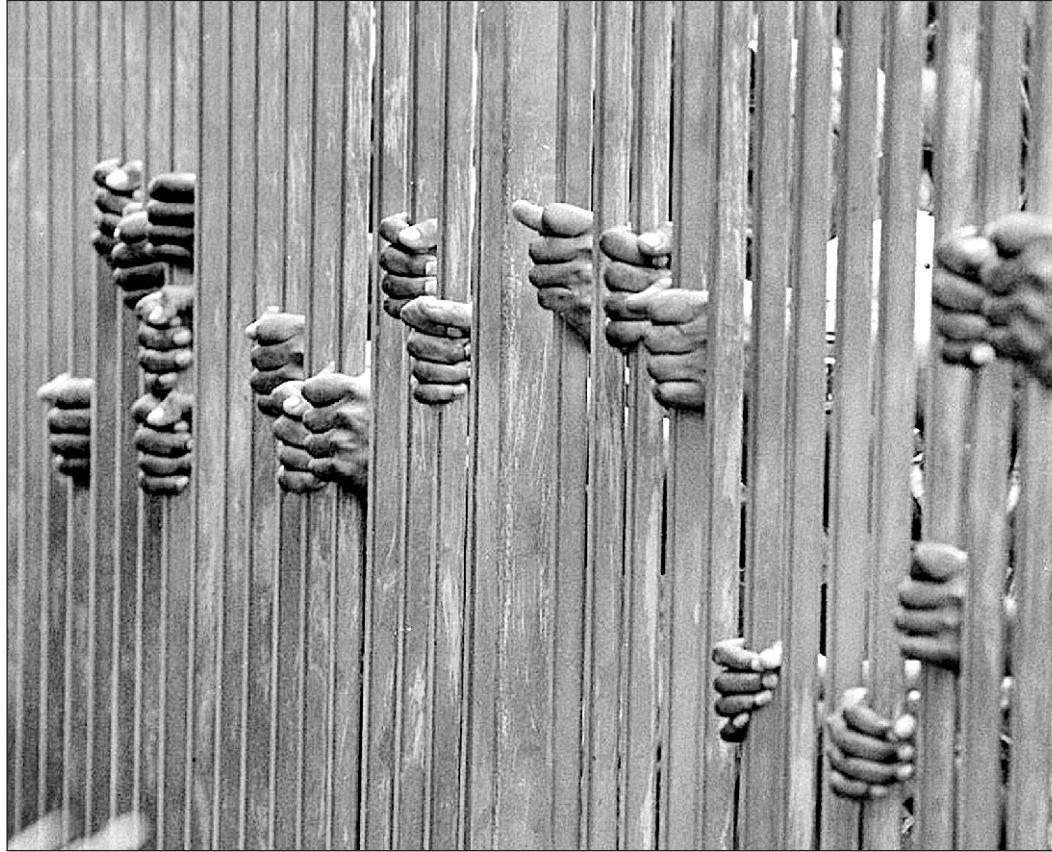
It is difficult for journalists or human rights activists to gather the exact figure. However, according to concerned sources the country-wide break down is as follows: Myanmar- about 600, India- 200, Thailand- 70, and the rest are from different countries.

According to sources, only in Cox's Bazar jail, there are about 500 Myanmar nationals. Out of them about 200 are released prisoners, while 350 are under-trial prisoners (UTP) and 50 are convicted ones. Most of the Myanmar nationals are the ethnic Rohingyas from the northern Rakhine state. They are accused in different cases which include: illegal entry into the country, robbery, smuggling of arms and drugs, and other crimes.

Among the detainees, there are about 130 refugees in Cox's Bazar and Bandarban jails. Most of them are the under trial prisoners. UNHCR has reportedly been arranging legal assistance for them. However, this process is now in a stuck-up as the concerned authority has not been allowing the relevant staff from UNHCR to meet detained refugees or asylum seekers in jail.

According to the provision of the international human rights law, International Committee of Red Cross and United Nations High Commissioner for Refugees (UNHCR) are mandated to visit, respectively, detainees of foreign nationalities and refugees in jails. The concerned staff are supposed to meet them to take note of their desire and necessities. The information would remain confidential and would be used for the interest of the person concerned only (that does not mean to save any one involved in criminal activities, the aim is to ensure proper legal representation for defence of the individuals and to let the law take its own course). The government or local authority concerned is supposed and expected to facilitate this.

However, as mentioned, the



scenario is not favourable in Bangladesh. It is alleged that UNHCR is hardly allowed to visit intending asylum seekers and refugees in jails. For example, the concerned authority in Cox's Bazar is not allowing UNHCR staff to meet refugees to facilitate their legal and other assistances. This is fully in contradiction of the norms of the international law.

It is learnt that few months back the District Magistrate (also the Deputy Commissioner) of Cox's Bazar has reportedly instructed the jail authority not to allow any one from UNHCR to meet detained refugees or prospective asylum seekers. However, the authority did not show any reason in this regard. UNHCR has reportedly expressed its concerns in this regard and sought necessary cooperation from the District Magistrate (DM) to fulfill its mandate in terms of protecting rights of the refugees. According to sources the refugee agency sent a formal letter in August last to the DM. However, it has received no positive response till now.

According to the concerned official they are doing this for security reason. However, for sake of security or any other reason rights of the detainees should not be compromised. The authority concerned should be pro-active in this regard to find out solutions in consultation with UNHCR or other human rights organisations for maintaining international human rights norms. Previously, UNHCR staff could meet refugees in Cox's Bazar jail whenever necessary.

**Bangladesh's obligations**

Bangladesh is a party to major international human rights instruments, which oblige the State to follow some norms in terms of dealing with detainees, especially with foreign nationals.

Article 11(1) of the Universal Declaration of Human Rights (UDHR) to which Bangladesh is a party provides that "Every one charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had

all the guarantees necessary for his defence."

So, the authority concerned should coordinate with UNHCR or other human rights organisations in this regard. Self-decided action or omission of a section of the government officials at the local level could put the country in question in matters of dealing with foreigners in jails.

It is reported that early this year, Bangladesh authority has handed over 172 Myanmar nationals who completed their sentences in different jails. Reportedly, some of them people were not willing to return back to Myanmar fearing persecution by the authority.

Question could be raised here: did the Bangladesh authority listened to the individuals whether they had any asylum claim/need and considered this properly? Presumably, it was not followed.

Article 14 of UDHR says: "Everyone has the right to seek and to enjoy in other countries asylum from persecution." So, the authority should be aware of this principle while the country is a party to the UDHR.

As there is no asylum policy and procedure in place, the government could seek assistance and guidance in this regard from UNHCR. The UN agency has extensive operations in the country.

Under its mandate delegated by the General Assembly, UNHCR has been running an asylum centre in Dhaka in partnership with a national NGO, Dhaka Ahsania Mission (DAM). The DAM, Refugee Counselling Service Unit (RCSU) provides assistance to intending asylum seekers. (They also run the assistance programme for the mandated refugees). However, the decision of granting refugee status after thorough screening is standard with UNHCR, an official says.

It is learnt that few human rights organisations like Bangladesh Legal Aid and Services Trust (BLAST), Odhikar, Bangladesh Society for the Enforcement of Human Rights (BSEHR) have communication with foreigners in

detention. Government has also decided to extend legal assistance to foreign detainees through its legal aid programmes. However, their activities reportedly aim to release the prisoners and arrange their return to countries concerned. These activities should be focused to look into the asylum need of the individuals. These organisations and UNHCR could joins hands and arrange release of the detainees and find solutions to their plights. The UN refugee agency should also come forward to look into the human rights need of the detained foreign nationals. For this, the jail staff and immigration officials need to be trained up. The government, UNHCR and human rights organisations could collaborate for the purpose.

It is learnt that the huge number of released prisoners contributed to the overcrowding of jails to the worst. Presently, there is a capacity for around 25,000 prisoners in jails. But prison administrations are forced to cram there over 70,000, as reported by media.

It's also a burden on a poor administration. The government reportedly spends around US \$ 10,000 per month on food for the released prisoners, the media reported.

According to some human rights activists, there are problems also from the side of foreign missions. It is observed that sometimes few missions are reluctant to their nationals detained in jails as they are "financially insolvent and socially unimportant."

For example, among the Myanmar prisoners, as reported by the internet-based news service OneWorld, there are fishermen who trespassed into Bangladesh waters or were arrested for smuggling. The Myanmar Embassy in Dhaka reportedly shows little or no interest in taking them back despite repeated reminders from the concerned authority.

The writer is a human rights researcher and practitioner.

RIGHTS corner

Disable people are deprived of their rights in Bangladesh

LUBANA YASMIN PALIA

WHEN Misti lost her legs after falling from a tree, her family had thought it was the end of the teenage girl's world. But she has proved the family wrong. She overcame all odds to receive higher education and get a job. Wheelchair-bound since passing the SSC exams, Misti is now a successful career woman.

Nothing could stop the spirited young woman from pursuing her education. She got admitted into Dhaka University for M. Phil after completion of her Master's in accounting from Mohammadpur Central College.

After a few days, she flew to Japan with a fellowship. On her return from Japan, she wanted to continue with the M. Phil, but she was informed that her admission had been cancelled. The authorities even did not explain the reason of the cancellation. She was disappointed, but not totally down.

Having failed to do the M. Phil, Misti began looking for a job and got one. She has since then been working as a deputy coordinator of a business firm in Dhaka for the last three years. She still intends to resume higher education, including a doctorate.

In Bangladesh, there are many disabled people like Misti. But not all of them are as successful as she is. They are deprived of their due rights

for lack of awareness and sympathy.

According to the World Health Organisation, about 10 per cent of the population in the developing nations are disabled. Therefore, the number of disabled people in Bangladesh should stand at 1.4 million. Many disabled people have to depend on others and become burden of the families for lack of opportunities. But they want a change and live a normal life.

There are two types of disabled in the society: some of them can still work and some cannot. There are those who are born crippled, while accidents and diseases make others disabled. The disabilities include physical disability, blindness, deafness, dumbness and mental retardation. Besides, there are other types of disabilities.

Visually impaired Mansura Yasmin is a second year student at Dhaka University's Political Science department. She says, "On the occasion of 'Disabled Day' in 2001, the Social Welfare Ministry announced that 10 per cent of government jobs would be reserved for the disabled. Regrettably, orphans were also included in this quota, which means 10 per cent together. It is not clear how the disabled will benefit from the quota."

She further says, "Despite having qualifications, we are not getting jobs even though everyone should stand by the disabled like me."

Animesh Taju, deputy coordinator of Bangladesh Disabled Welfare Association, is physically crippled. He says, "For a man like me, getting a job depends on the type of his disability. For instance, physically disabled are more occupied than others are. Although visually impaired are more educated than others, they cannot be employed for lack of environment involving proper machines."

He goes on: "Among the limited number of employed disabled people with dumbness, most of them are engaged in manual jobs. Besides, in terms of employment, women disabled lag far behind their male counterparts."

Visually impaired Prodig Chandra Das is a teacher of Handicraft Training Centre. He joined the centre at the end of 2004. "Like other job-seekers, I also had to go through written examination and viva voce, and I was appointed for my qualifications. Although I got the job quite easily, many disabled people have to take huge trouble to get a job," he says.

Alongside a few government organisations, some non-government organisations have also come up to support the country's disabled. These include Bangladesh Disabled Welfare Association (BDWA), Bangladesh National Dumb Association, Society for the Welfare of Autistic Children and Disabled Handicrafts. Of them,

nearly half of the BDWA employees are disabled, which proves that the disabled are also able to run an organisation.

Animesh Taju says, "The government has recently arranged loans for the disabled. They can borrow a certain amount of money from some local banks by which they can achieve financial freedom by investing the money although availing of the loan is not hazard-free. Everyone of the society needs to supplement the government efforts to get over such problems."

Official sources say the government has recently made arrangements to keep one per cent of first and second class government jobs reserved for the disabled.

Nowadays, the disabled are showing success in every sphere of life, including computer use, office works, planning, writing, dancing, singing and sports.

Majeda Begum, a female UP member in Tangail, is one of them. The visually impaired lady was elected member from a women's reserved seat and she has been able to contribute to the community. Along with working for the poor, she has been campaigning tirelessly to rid the locality of dowry and early marriage. Many had laughed her off when Majeda expressed her desire to become a member. "They had said a blind cannot be a member," Majeda Begum recalls.

Majeda has proved that disability



cannot stop a person from contributing to the society if he or she has the will and gets the opportunity.

Source: News network

Press Council Act

**Journos hit out at move for punitive provision**

Eminent journalists strongly criticised Bangladesh Press Council chairman's suggestion for adding a punitive provision to the council's law. "He should have held open and in-depth consultation with working journalists, editors and publishers before making any suggestions for a law to give punitive power to the press council," Ataus Samad, advisory editor of the daily Amar Desh, said. President of Jatiya Press Club Reazuddin Ahmed said such a punitive provision goes against the very concept of the Press Council. Besides, Bangladesh Federal Union of Journalists (BFUJ) in a statement said it would never accept any initiative to enact a law to control the journalists. Press Council Chairman Justice Abu Sayeed Ahammed, in the council's annual report 2004 placed in parliament said, "I am in favour of adding a punitive provision to the act to make it effective and to strengthen the council." -- The Daily Star, November 27.

Ban on sending female workers abroad lifted for 6 months

The government has finally permitted Bangladesh Association of International Recruiting Agencies (Baira) to send trained female domestic workers to all the Middle Eastern countries on an experimental basis for six months under a set of conditions regarding pre and post migration management. Presently, only eight recruiting agencies are authorised to send female workers only to Saudi Arabia against a security deposit of Tk 50 lakh with the government by each of them as guarantee for compensations in cases of the workers' return due to any breach of contract or abuse. Upon the government's withdrawal of the partial ban, other recruiting agencies that are members of Baira will also be able to send female domestic workers abroad, but will have to meet some stringent conditions. The recruiting agencies will have to bring them back on schedule. In cases of their failures to comply with the government conditions or violations of rights that may require compensations, the workers will be compensated from the deposited Tk 1 crore. Baira will have to replenish the amount spent from the deposit. -- The Daily Star, November 27.

Rohingya refugees being registered

The process of registering the remaining Rohingya refugees in Bangladesh has begun amidst their sluggish repatriation to Myanmar over the last two years and a rising number of Myanmarese living outside the two government-run refugee camps. "We started a two-month long registration campaign of Rohingya refugees from Myanmar in the two government-run refugee camps in Cox's Bazar district in south-eastern Bangladesh," said a press release issued by Jennifer Pagonis, UNHCR Media Relations and Public Information spokesperson in Geneva yesterday. Officials at the UN refugee agency, UNHCR, in Dhaka told The Daily Star that as many as 30 surveyors are undergoing training for registering an estimated 20,500 Rohingya refugees in the two camps -- Kutupalong and Nayapara. -- The Daily Star, November 28.

CEC's new rule for journalists

Chief Election Commissioner (CEC) MA Aziz introduced a procedure that requires journalists to submit their written questions first to know anything about the commission's preparations for the next election. No question besides the written ones would be entertained. The CEC also asked the journalists not to seek appointment from him frequently. "You will have to submit your queries in writing first. I will respond only to your written questions," Aziz told journalists at his office. Secretary to Election Commission (EC) secretary SM Zakaria and Joint Secretary Mohammad Zakaria were also present at that time. A former CEC termed it unprecedented in the history of EC. -- The Daily Star, November 28.

Robbery Case

Court orders judicial probe against Huda

A Dhaka court ordered a judicial probe into the robbery case against Communications Minister Nazmul Huda and 34 others. Following a direction from the Court of District and Sessions Judge, Dhaka, Magistrate Salma Siddiqua Mahatab of the District Magistrate's Court directed First Class Magistrate Mohammad Zia Uddin to probe the matter. Earlier on September 13, the Court of Second Class Magistrate, Dhaka dismissed the case saying that there were no elements for taking it into cognizance. Judge Mohammad Rafiqul Islam in his October 20 order cancelled the lower court's order following a criminal appeal by the prosecution lawyers and said the case would continue according to the law. Mohammad Abdur Rouf, secretary of Fazlur Rahman Foundation and a consultant of Beximco, filed the case with the Court of First Class Magistrate, Dhaka. -- The Daily Star, November 28.

Twin JMB suicide strikes spell carnage in courts

Nine people including two lawyers and a police constable were killed and 78 others injured in two suicide bomb attacks by Jama'atul Mujahideen Bangladesh (JMB), on Chittagong and Gazipur court premises. In the latest wave of terror strikes on the judiciary, two JMB members blew themselves up -- one near a police check-post at the entrance to the Chittagong court building and the other in a crowd of lawyers and their clients at the Gazipur bar association building. The Gazipur suicide bomber died on the spot, while doctors till date are trying hard to save the life of Chittagong bomber, Abul Bashar. The JMB has targeted the judiciary as a part of its professed struggle to turn the state into an Islamic shariah-based one. Two notes found with Bashar termed the attack a preliminary warning to the forces working to ensure security of judges and announced to continue the Jihad until 'an Islamic welfare state is established'. -- The Daily Star, November 30.

HC Rule on Govt. for attacks on courts, judges

The High Court issued a rule on the government why its continuous failure to discharge constitutional obligations to hold impartial, adequate and effective investigations into the bomb blasts on court premises since August 17 should not be declared a failure in protecting fundamental rights. A division bench, upon a writ petition filed by a member of Bangladesh Bar Council, ordered the government to submit progress reports to the High Court every two weeks on the investigations into the attacks on court premises.

The rule also asked the government to show cause why government omission in taking adequate and effective measures to ensure security of the members of the judiciary, court officers, lawyers, police personnel and court-users should not be declared to be a failure to protect the fundamental rights of the petitioner. Advocate ZI Khan Panna, chairman of the Human Rights Committee of Bangladesh Bar Council that represents as many as 40,000 legal practitioners of the country, filed the petition on behalf of the committee. -- The Daily Star, December 1.

Suicide Bomb Attacks

SCBA enforces hartal

The Supreme Court Bar Association (SCBA) enforces a countrywide dawn-to-dusk hartal to protest against Tuesday's killings in bomb attacks on Gazipur and Chittagong courts. Lawyers across the country yesterday observed a mourning day as nine people were killed in the suicide bomb attacks. The Awami League-led 14-party opposition combine has extended its support to the first ever call by a lawyers' body for a countrywide shut-down. The SCBA executives led by its President Mahubey Alam called the strike after an emergency general meeting at the Supreme Court. The lawyers body sought support of the political parties, civil society members and people from all walks of life to make today's general strike a success. Lawyers meanwhile staged demonstrations, held meetings, wore black badges and hoisted black flags on all bar premises across the country. Prothom Alo, December 1.

Corresponding with the Law Desk

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