



LAW news



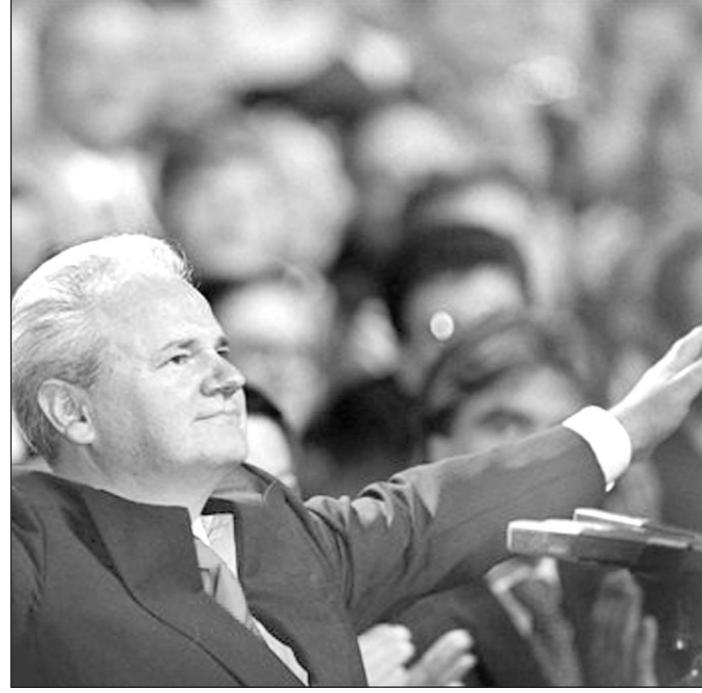
RIGHTinvestigation



Death of Milosevic :No closure for victims

The OSCE Chairman-in-Office, Belgian Foreign Minister Karel De Gucht, said today he regretted that the death of the former Serbian leader, Slobodan Milosevic, would likely mean no conclusion to his trial for crimes against humanity and other offences before the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague.

Speaking from Salzburg, where was attending a meeting of EU foreign ministers, the Chairman-in-Office warned that this unexpected develop-



ment would deny closure to many of the surviving victims of former President Milosevic's policies.

"This actually underlines the need for the international community and certain countries to fully support the ICTY in bringing the remaining fugitives to justice, in order not to block the process of reconciliation. It is essential to achieve this if we are to see a better future for the whole region", he added.

The Chairman-in-Office said he was satisfied that the OSCE would continue to extend trial monitoring support under the important bilateral agreement with the ICTY that was reached by the Permanent Council on 19 May last year. Under the terms of that agreement, which followed a proposal from the Prosecutor Carla del Ponte to the Chairmanship, the existing OSCE missions to Bosnia and Herzegovina, Croatia and Serbia and Montenegro are involved in monitoring war crimes trials being transferred from the ICTY to the judiciaries of their respective host countries.

Source: OSCE Press release.

FARIDA AKTHER

ON the occasion of International Women's Day, Narigrantha Prabartana (NGP), Sramabikash Kendra and Odhikar organised a protest meeting in front of "BGMEA" (Bangladesh Garments Manufacturing and Export Association) at 4PM on 8 March, 2006. Most of the women participating in the protest were wearing black sarees and shalwar kamiz to symbolize the sadness as well as protest against incidents of fire and deaths-injuries of the workers. This will continue as a weekly event on every Wednesday up to 1 May 2006.

The theme of the protest rally is,
"Break the lock
Save the lives of
Garments workers"

Background

Just before the International Women's Day, we have seen the dreadful fire incident in a Readymade garment factory - the KTS Composite Textile Mill of Arina Group in Kalurghat, Chittagong leaving 85 dead, hundreds missing and injured. According to the newspaper reports, 'as soon as the fire started engulfing different floors of the factory building, the panic stricken workers tried to save their lives but they failed to get out as the two main collapsible gates were locked.' Another report says, 'with one of the two gates locked the workers were forced to rush down a single narrow staircase filled with thick smoke and poisonous gas of burning chemicals'. Even the firemen found the collapsible gates closed and therefore had to break them. But the garment workers could not break the gates. They were inside the factory and burnt to death. Those who survived are in now suffering.

The International Women's Day (IWD) is marked on 8 March every year. We may recall the history of the IWD which originated from the movement of the clothing and textile workers in New York city, USA in 1857. At that time, the garment workers protested against the very poor working conditions, long working hours and low wages. The context was definitely similar to ours, if not the same. It was the turn of the

20th century amid rapid world industrialisation and economic expansion that led to exploiting women workers and denied their rights. Now in 2006, we are facing the similar situation the face of globalisation and the WTO rules. Women continue to remain the most exploited labour force with no recognition and even letting them die in fire, not allowing them to save their own lives. There is a lock at the gate, which can only be opened if the Garment factory administration wishes. On the IWD, 2006 our demand is to unlock the gates and save the lives of the workers.

The International Women's Day was commemorated during the 1910s and 1920s, but dwindled. It was revived by the women's movement in the 1960s and 1970s. In 1975, which had been designated as International Women's Year, the United Nations gave official sanction to and began sponsoring International Women's Day broadening the issues from the the struggle of women workers to celebrating for the economic, political and social achievements of women. Did we achieve that? Yes we did some extent, and we did not in many spheres. But that does not stop the women movement from proceeding forward? The answer is definitely, NO.

8th March, 2006: Break the lock!

Since the day was preceded by a terrible incident in which hundreds of garment workers had to give life and also suffer injuries, three organizations Sramabikash Kendra, Narigrantha Prabartana and Odhikar got together to focus on the issue of safety of life of workers during the working hours. The lock became a symbol of resistance, which has to be opened.

It was a meeting of protest against injustice and demand for the life of garments workers. Three organizations have participated in the meeting. Shima Das Shimu, (Sramabikash Kendra) said that garments workers are like any other citizens of the country. They have the rights to enjoy their basic rights. But they have no chance for such facilities. They are working hard. Bangladesh earns most of its foreign exchange from the labour of eighteen lac workers (80% are women) who are working in 3500 factories. Although so many work-

ers are working in the garments, there is no safe working environment. last 15 years, more than three hundreds workers had died in garments factories. In Baipal Savar last year 80 workers died and 84 were injured due to collapse of the factory building. Many workers were untraced. The working environments of garments are not safe for workers. According to the labour law a worker can work for 208 hours in a month. But they do their works for much longer time. Fire accident, fire ignition and other sorts of accidents are taking place in the garment factories every now and then because of illegal establishment of garments factories in the residential areas. Poor workers are giving their lives in these accidents. Now garments factories are made as a death trap. There is no security of life. There is no alternate stairs at the time of emergency. A lock hangs on the gate. While working in the garments factories the workers are engulfed in dangers in every steps. After the accident we can see that some authorities give some money as compensation of life. A workers life cannot be measured only in monetary compensation. Now there are a number of constraints. Including series of accidents a lack of security, lack of proper environment are the impediments in the normal growth and development of garments sector. There is no monitoring system with equipment of fire extinguisher and fire prevention arrangement inside the factories. The gate is always locked.

Sayida Akther Kumkum, (Narigrantha Prabartana) said that the workers of garments factories have no minimum wage provision. Even the workers never get their monthly salary in time. There is no formal wage structure for the workers of private garments industries. The garments workers of our country play very important role in export earning. About 90% workers of garments industries are female. A major section of the rural women has chosen the garments in as a source of their livelihood. They work all the day and night, in exchange get a little amount of salary. Moreover, they have no security of life. The owners of garments factories disobey the labour law, industry and factory law and fire ordinance and have made the garments



industry a death trap. In February 2006 the fire accident of 'KTS' garments in Chittagong took the lives of garments workers. The lock system is in every garments factories all over the country. They do not trust the workers. That's why they lock the gates.

Nazma (Odhikar) said that Bangladesh is the best among the garments exporting countries of the world. Our country is earning a lot of foreign exchange through the works of garments workers. The workers of garments factories are working day and night. But they have no overtime salary for their additional work as per the rule of labour law. The salary of the garments workers is very poor. Now house rent and price of essential commodities have increased many times. Different workers union have demanded for their security of working place and minimum wage provision taka 2500. The working environment of garments factories are not so good.

There is no security of life. The authorities think that the workers are not human being they are only machines. But we want to let them know that workers are not machine. They have their right to enjoy their basic rights.

So we demand at the BGMEA should provide the following:

- To lock from the Gate should be removed. The door should remain open during working hours.
- The security of the workers should be ensured.
- The workers must get their salary in time.
- The good working environment in the factories should be ensured.
- The families of the deceased workers and those who are injured must be given appropriate compensation. And those responsible for their death must be brought to justice.

In the protest meeting a big lock was there along with the banner with a danger sign on it to symbolise the risk posed by the lock to the lives of garment workers. The main demand is that the lock must remain open during the working hours of the factory. Lives of garment workers are valuable.

Every Wednesday from 8 March, a group representing Sramabikash Kendra, Narigrantha Prabartana and Odhikar will stand wearing black clothes and carrying the big lock in front of the BGMEA for an hour between 4: 00 pm to 5 pm. please join us.

The author is women human rights activist.

FACTfile



Women survivors of gender-based violence in Nepal's refugee camps

NINI GURUNG

MEENA'S* life changed forever the day she was raped. She screamed for help, but nobody heard. Meena, who has speech and hearing difficulties, was completely shattered by the incident but did not lose her will to survive. With the support of her family and UNHCR, Meena, who has four children, fought for justice against this brutal act. "I do not want this to happen to other women," she said. Legal counselling was given to her and the perpetrator was brought to justice, convicted for the crime and given a three year sentence. Supporting survivors of gender-based violence is an important part of UNHCR's work in Nepal.

"Legal assistance is made accessible to all survivors of reported sexual and gender-based violence [SGBV] incidents," said Abraham Abraham, UNHCR's representative in Nepal. The legal assistance is provided either directly by UNHCR protection staff or by lawyers from the Nepal Bar Association (NBA) Jhapa Unit. It covers many aspects of bringing a case to court including legal counselling, legal representation, filing of the case, and facilitating the appearance of the survivor and witnesses at court hearings.

But UNHCR is also working on ways to prevent gender-based violence occurring in the first place. "UNHCR has focused its preventive activities towards bringing about a change in the attitudes of the refugee population towards women. It understands that promoting respect for women and girls is a key factor in reducing the number of sexual and gender-based violence incidents in the camps, in addition to bringing the perpetrators to justice," said Abraham. And since these measures have been introduced, refugee women say that these camps have become safer places for them to live.

Today, Meena is a successful small-scale entrepreneur stitching clothes for the refugee community. This important change in her life happened after she joined the basic skills development training which is provided for women in the camp where she lives. After enrolling in the advanced tailoring course, she then got financial backing from a micro-credit programme. Micro-credit programmes are gaining popularity among women in the camps.

These programmes enable women to do economic activities which they can manage themselves. The goods they produce are only sold within the camp so the financial gains of such programmes are not large. But they do enable women to become more self-sufficient to the point that they can meet their household needs, as well as boosting their self esteem and dignity. Lalita*, who is 22 years old and has one child, has also benefited from the micro-credit programme.



Butanese refugee women participate in a "women in business" class run by Bhutanese Aiding Victims of Violence (BRAVVE) ©UNHCR/J.Pagonis

Like Meena, she too became involved in the scheme after suffering gender-based violence. She was repeatedly beaten by her husband for no apparent reason. "One day, I was severely beaten by my husband and had to be hospitalised," said Lalita. "The day I was released from the hospital, I decided to put an end to this cruelty against me," she added. Lalita started to lead a normal life, completely forgetting her and their daughter. Left alone with her daughter and an uncertain future, Lalita had to make some tough decisions to move forward in life. She pursued legal action against her husband, applying for divorce on grounds of polygamy and physical abuse.

The court, hearing her plea, reprimanded her husband and granted her a divorce. Lalita reflected on the steps she took to put her life back together. "During that difficult time of my life, I received support and guidance from UNHCR and joined the skills training classes run by Bhutanese Refugees Aiding Victims of

Violence (BRAVVE).

After a few months she developed her skills in weaving, bag-making and traditional cloth production. BRAVVE, which also conducts "women in business" courses for vulnerable refugee women, is one of two Bhutanese refugee organisations providing skills development training and income-generating activity programmes in the camps. It is supported by AUSTCARE and the Lutheran World Foundation. The other, the Bhutanese Refugee Women's Forum (BRWF) is supported by UNHCR. Lalita found the BRAVVE training very useful.

"This has helped me in engaging myself in something productive and has given me the opportunity to earn a little incentive to support in the upkeep of my family," she said looking happy.

It has also given Lalita further ambitions. "Now I want to enrol in the 'women in business' course."

*Names have been changed to protect the women's identities.

Source: www.unhcr.org

LAWweek



Draft coal policy violates constitution

Economists and energy experts at a dialogue yesterday said the draft coal policy violates the constitution as it seeks to award the coalfields to foreign investors on a royalty basis. They said the policy, which has been prepared without consulting the people, is basically export-biased and lacking in terms of national interests. As it has been drawn up without linking the National Energy Policy, it may lead to a serious energy crisis in near future, they added. The draft policy prepared by the Infrastructure Investment Facilities Centre (IIFC) has never been discussed in parliament, whereas article 143(1) of the constitution says all resources underly any land or territorial waters vest in the people. The draft policy also does not hold the foreign investors liable in case of defaults that may cause national losses, the paper noted suggesting contracts of profit or production sharing, along with royalty. The provision that the investor will determine the mining method is also wrong, said BEA General Secretary Dr Abdul Barkat, adding that the method must be approved by the government. -- *The Daily Star*, March 11, 2006.

Shaikh Rahman charges in two cases to be filed in a week

Charge sheets in two cases filed in Sylhet against the chief of outlawed JMB, Shaikh Abdur Rahman, and his associates will be submitted in a week, said Superintendent of Police (SP) of Sylhet Ansaruddin Khan. He told the Daily Star yesterday afternoon that investigations are progressing in a good pace. There is no need for further remand of the JMB chief, the SP added. A three men team of Criminal Investigation Department officials from the capital are also in Sylhet monitoring the investigations. -- *The Daily Star*, March 11, 2006.

Law drafted to curb terrorist financing

The government has drafted the anti-terrorist financing act aiming to clamp down on the militants' sources of funds, their financers and bring them to justice.

"The draft of the law to trace the financers of the militants would be placed before the cabinet on Monday [tomorrow]," Law, Justice and Parliamentary Affairs Minister Moudud Ahmed said while talking to ntv, a private TV channel, yesterday. He said the militants could be tried at the existing speedy trial court or a new tribunal could be set up, if necessary, for trying them. According to sources in the home ministry, the new law will have provisions of death penalty or life term imprisonment as the maximum punishment to the people who will be found guilty of financing terrorists. A special court will also be set up under the new law for trying those who finance the militants, the sources said, adding that the judgement of the cases under the law will be given within six to eight months. For conducting investigation a new office in the name of Financial Crime Investigation and Prosecution Office (FCIPO) will also be set up. Representatives from Bangladesh Bank, National Board of Revenue, Rapid Action Battalion and other related intelligence agencies will work under the office. According to the proposed law, any act that poses a threat to the sovereignty, unity, integrity or security of Bangladesh is a terror. Any act of damaging public or private property, hindering supply of materials essential for people's life, keeping any person as hostage, threatening one with death, assaulting one physically or creating public panic by such acts has also been defined as terrorism. -- *The Daily Star*, March 11, 2006.

9 members of fake mobile court held

Rapid Action Battalion (Rab) arrested nine members of a fake mobile court at Mirpur in the city yesterday. Saiful Alam Bhuiyan led a team of nine men and raided Mongol Bakery on Mazar Road around 1:00pm. He claimed to be a magistrate and fined the bakery authorities Tk 1 lakh as the documents and environment were not up to the mark. However, the authorities got suspicious as the 'magistrate' reduced the fine to Tk 1,000 and the 'court' had no law enforcers.

Informed by the employees, Rab-4 personnel rushed the bakery and arrested the nine. The Rab also seized a microbus, a camera, a mini-cassette player, Tk 1,000 and a banner, on which "Dainik Choukash" was inscribed. -- *The Daily Star*, March 11, 2006.

Rahman remanded at Dhaka court

Law enforcers took Jama'atul Mujahideen Bangladesh (JMB) chief Abdur Rahman on another 10-day fresh remand instead of producing him before a Sylhet court yesterday, showing him arrested in an August 17 bomb blast case in the capital. Rahman was supposed to be produced before the Sylhet court that sent him on the earlier 10-day remand after his arrest but was shown arrested in a case filed for an explosion near Dhaka Sheraton Hotel on August 17 last year. A Sylhet court, meantime, sent two JMB cadres and Rahman's family members on another 10-day fresh remand while a Mymensingh court sent Chan Miah and his wife Rina Akhtar, the hosts of Bangla Bhai, on a 10-day remand. The members of Rapid Action Battalion (Rab) took Rahman to the court of Chief Metropolitan

Magistrate (CMM), Dhaka amid tight security. reports our court correspondent. Apart from lawyers and litigants, hundreds of commoners gathered on the court premises to see the militant leader. DB Inspector Shah Mohammad Moshiur Rahman in his appeal termed Rahman "the mastermind" of the August 17 countrywide blasts and sought the remand period for further quizzing him. No lawyer defended the chief of the banned militant outfit. Rahman himself also did not say a word. According to the Criminal Procedure Code (CrPC), producing Rahman before a Dhaka court was violation of the CrPC as he was supposed to be produced before the Sylhet court that granted his earlier remand. Our Sylhet correspondent reports: First Class Magistrate Ershadul Haque yesterday granted the 10-day fresh remand for JMB men Hridoy Chowdhury and Abdul Aziz alias Hanif, Rahman's wife Nurjan Begum, daughter Afifa and Hridoy's wife Chameli. The magistrate also ordered to send house-wife Tasnia and two children—Mahmud and Fuad—to safe custody. -- *The Daily Star*, March 13, 2006.

Hearing on EC's leave-to-appeal deferred again

The Supreme Court yesterday deferred for a fortnight the hearing on Election Commission's (EC) leave to appeal against the High Court's (HC) directives regarding preparation of the much-debated electoral roll. Court sources said the latest deferral was due to absence of Dr Kamal Hossain, the counsel for the writ petitioners, and 'quorum non-judice' of the full court of the Appellate Division. Dr Kamal is on a visit abroad. Earlier, the hearing was deferred thrice for quorum crisis following the illness of judges. The court fixed March 27 as the next date for hearing. By that time, the enumeration across the country will be completed within a twice-extended timeframe. The HC directives came on January 4 in response to two writ petitions filed by the main opposition Awami League lawmakers. The petitions challenged the validity of the unilateral decision of the chief election commissioner (CEC) to have a fresh roll. They also sought a stay on the preparation of the controversial voter roll. The HC asked the commission to revise the existing voter roll. Averse to abide by the court's ruling, the EC has petitioned the Appellate Division to overturn the January 4 judgment. -- *The Daily Star*, March 13, 2006.

Anti-terror Law doesn't approve as some ministers oppose

The cabinet yesterday did not approve the proposed Anti-terrorist Act 2006 as several ministers opposed the law and asked for revision before its enactment. The cabinet however discussed in detail the draft law placed in a cabinet meeting that decided to form a cabinet committee for its further scrutiny. The committee will comprise five members and submit a report within one month of its formation, sources said. Several ministers present at the meeting chaired by the prime minister opposed the law saying that it might be used as a political weapon, the sources added. Some of the ministers said there is no such law in this subcontinent and the government should examine very carefully before making such a law. The proposed law has provisions for death penalty or life term as the maximum punishment for an act of terrorism. It suggests forming a special court and completion of the trial within six to eight months. According to the proposed law, any act that poses a threat to sovereignty, unity, integrity or security of Bangladesh is a terror. Any act of damaging public or private property, hindering supply of materials essential for people's life, keeping any person as hostage, threatening one with death, assaulting one physically or creating public panic has also been defined as terrorism. Yesterday's cabinet meeting however approved amendments to a law for providing legal assistance for those who are financially helpless and unable to seek justice. -- *The Daily Star*, March 14, 2006

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 <a href="mailto:dlaw