



RIGHTS monitor



Proper enforcement of law needed to tackle cyber crime

KONIKA BISWAS

Swapna Chowdhury, a pretty and smart girl, works in a media outlet. Everything was going well for her until some of her objectionable photos were found on a website. Of course, the pictures were shot without her permission. Naturally, she found herself in a very embarrassing situation in her own circle. After personal investigation, Swapna (not her real name) came to know that it was her ex-lover who did the dirty job. They were pretty close even a few days ago. They broke up for some good reasons and the 'gentleman' took revenge in this distasteful manner.

Let's talk about Shovon, 22, and Trina, 20, a pair, studying BBA at a private university. They are found close to each other in places like corridor, empty classrooms and car. Suddenly, it was discovered that some pictures featuring them in compromising situation had been secretly taken by mobile camera and circulated to other mobile phones. Such complaints have become too common these days and this has been the result of a love craze of the young generation. Nowadays youths are increasingly using cyber cafes as their dating places. According to newspaper reports, various types of antisocial activities take place in these cafes in the name of net browsing. For Internet browsing, there are separate cabins for pairs where their intimate moments are videoed secretly. These pictures are later made available on the Internet. A few days ago, Rapid Action Battalion (RAB) raided such a cyber café in Mohammadpur area.

Teenager Sharma Sharif, a student of a renowned girls' college, is also a victim of cyber crime. Montu, a musclemen, had been teasing her since she was in school, forcing her father to lodge a complaint with police against him. Montu got angry after having warned by police and decided to blackmail Sharma. He took photos of Sharma on her way back home from college and posted them on an Internet porno site with her address and telephone numbers. And then indecent phone calls and letters kept coming to Sharma.



There is another example. The Principal Information Officer of a well-known private bank suddenly began receiving huge spam (unwanted) mails from unknown business entities with various offers, including access to different porno sites and selling of sex-stimulating medicines. He has to spend a quite some time everyday in deleting these mails.

A report published on the Internet by America on Line (AOL) says it exchanges about a billion spam mails everyday. The number stands at about 13 billion in the whole world. A European Union research in 2001 showed such unwanted mails cost additional US\$ 10.6 billion in addition to helping the criminals instigate racial conflicts through the Internet.

The above-stated incidents are some of the examples of cyber crime. The 'cyber crime' is a much-talked-about matter among those who use the Internet. This is such a crime that can endanger a person's wealth and dignity. Cyber criminals are very talented and experts of computer programming. Instead of using it for a good cause, they are using this high-tech knowledge in committing crimes. It is very difficult to tackle cyber crimes. A spammer can have access to any computer with the Internet from anywhere in the world. So they can use the Internet account without the permission of the subscriber. The spammer can even steal secret information from the computer by which he or she can cheat someone and tarnish his or her image.

A cyber criminal from any corner of the world can harm millions of people. For example, a huge number of people will be affected if the transaction data of a country's stock exchange is stolen or erased. But, it is very difficult to trace a spammer or hacker, as this crime is committed electronically. It is difficult to follow a cyber criminal because he or she is not involved physically with the incident. Furthermore, they do not work from any particular area. Actually, the whole world is their workplace making the job really difficult for the law enforcers. So, it can be said that internet-related crimes can suppress the severity of other crimes. In the face of this ongoing threat, many countries, including the USA, the UK and Japan have taken initiatives to check it. Even, Bangladesh's neighbouring countries have also begun thinking about publicity, enactment of necessary laws and their proper enforcement. In India, the proper enforcement of the law to tackle cyber crime has already begun. Pakistan is also working to address the problem.

Let's talk about the situation in Bangladesh. Compared to other countries in the world, the Internet technology has come to Bangladesh lately. But, the country does not lag behind when it comes to cyber crimes. The country's Internet system is becoming a centre of cyber crimes like stealing information, pornography etc. To address the problem, it is essential to enact a stringent law. And, after a long wait, many discussions and criticism, the Information Technology Act, 2006 was passed in parliament. IT specialists think it is possible to take effective measures against cyber crimes, including pornography, by properly enforcing this law. This law is very tough indeed. Under the law, an offender is liable to long-term imprisonment and huge fine. But, not a single case could be filed yet under this law. The law enforcers, however, have launched some activities in this regard and they are hopeful of doing some good jobs pretty soon. According to advice from the National Security Intelligence (NSI), measures are being taken to keep watch on cyber cafes and internet-related activities.

How can cyber crimes be controlled in Bangladesh?

Dr Kamal Uddin Ahmed, project director of high-tech park of Bangladesh Computer Council and a cyber crime specialist, says, "At this age of free flow of information, it is not possible to completely stop particular harmful sites from entering Bangladesh. But, the Bangladesh Telecommunications Regulatory Commission, the internet-related regulatory body or the chief of any organization taking internet service may set up a perimeter with the server for filtering harmful sites. This measure will reduce the possibility of crimes. It is done in many developed countries. But, this is not enough."

According to officials of some leading internet service providers, cyber crimes can be tackled quite easily. They say if the system is known the origin of a mail can be detected. Even, with the help from service providers like BSNL and Google it can be known which computer a mail came from. If they want they can close any harmful site for their subscribers. But, government orders and legal activities are needed for this.

Internet service providers are ready to assist the government in capturing cyber criminals, including providing IT training. "If the government wants, we can certainly extend cooperation," says Russell, Ahmed, chief operating officer of Global on Line. Cyber Café Owners Association general secretary Ashfaq Uddin Mamun admits antisocial activities do take place in some cyber cafes. "In our country, there is no specific cyber café-related guideline. Many are conducting objectionable activities due to absence of tough legal measures."

News Network

HUMAN RIGHTS advocacy



Equality for the disabled

MOHAMMAD SHAHIDUL ISLAM

DECEMBER 3rd was the International Day of Disabled Persons. This year the theme of the day was "Decent work for Persons with Disabilities." Bangladesh has signed and ratified this convention recently. Now more commonly called differently-abled persons or persons with disabilities, the world is yet to see equality being granted to this substantial segment of the population. The theme of the Day is based on the goal of full and equal enjoyment of human rights and participation in society by persons with disabilities, established by the World Programme of Action Concerning Disabled Persons, adopted by the UN General Assembly in 1982.

One of the most pressing needs for the disabled is accessibility. They have every right to gain access to facilities enjoyed by able-bodied persons, but there are many modern buildings in Bangladesh and elsewhere that have not taken the disabled into account at the design stage.

Accessibility can mean simple things, not grandiose designs. Ramps and lifts instead of stairs, railings, specially designed washrooms, visual guides for the deaf and audio signals for the visually impaired are just a few of these.

In some countries, currency notes have tactile features that help the blind identify the monetary value. Subtitles on films and tele dramas help the deaf to appreciate and enjoy those creations.

Bangladesh does have an impressive healthcare and education record envied even by many developed countries. But Bangladesh does lag behind the West and even some developing countries as far as accessibility for the disabled is concerned. All political parties should have supported an initiative to ensure that accessibility laws would be strictly implemented soon or later.

We hope the authorities will succeed in this endeavour. Thereafter, no new buildings and structures should be approved if there is no provision for the disabled and even older buildings should be urged to retro-fit disabled-friendly facilities where possible.

Disability is caused by many factors. Some disabilities are birth defects, but most other disabilities are caused later in life by disease, accidents (at work or on highways) and the conflicts witnessed in many countries. But many of these disabilities can be prevented.

For example, diabetes, if untreated, can lead to blindness and/or the amputation of a leg. Road accidents too can be prevented if all drivers and road users including pedestrians observe road rules and act with discipline. Simple practices such as clearing mosquito breeding grounds can eradicate diseases such as filaria.

Nor should disabilities be thought of as permanent in this modern world. The latest artificial limbs are only second to the real thing. A Cochlear implant is virtually an inner ear that helps those with auditory difficulties to experience a whole new life.

But the most interesting development is the fusion of the mechanical aids with the body's own biological sensors - cameras that link up with the optic nerve may one day help the blind to literally see the world in a new light.

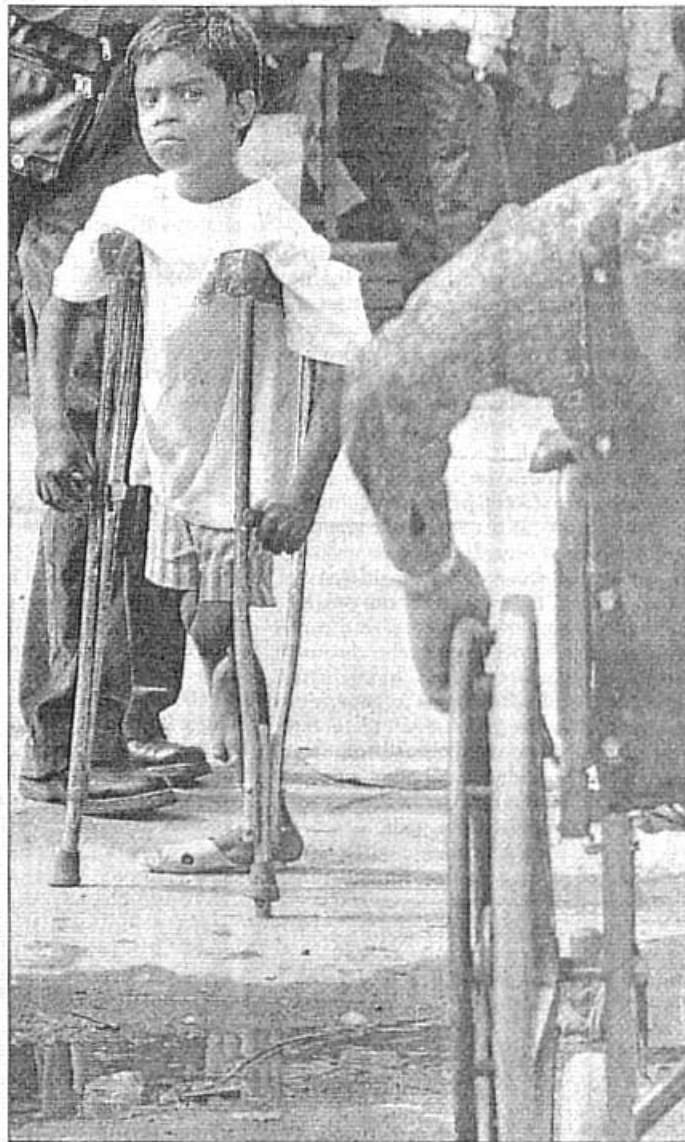
The latest advances in medicine can prevent and even cure many disabilities caused by disease. The adaptation of ordinary devices to make them disabled-friendly is another aspect - cars can be tailored to be driven by persons with disabilities.

In the meantime, we must do everything possible for the uplift of the disabled and to make them feel at home in an able persons' world.

It is in this context that the UN should be commended for addressing discrimination against the disabled in the sphere of employment. UN Secretary-General Ban Ki-moon has stressed on the goal of decent work for persons with disabilities.

The crux of his argument is that every person deserves opportunities for productive employment in conditions of freedom, equity, security and human dignity.

It would indeed be a pity if a differently-abled person is denied some form of employment even when he or she possess the required qualifica-



tions and the capability to discharge the required duties despite the handicap.

The truth is that persons with disabilities are deprived of adequate employment opportunities in nearly every society. According to the UN, at least half of all disabled people in developed nations, and the vast majority of those with disabilities in developing countries, are unemployed. Most others are underemployed, or will never have full access to the labour market.

It is a vicious cycle. They encounter difficulties gaining access to an education or acquisition of employable skills. Later on, fears and prejudices about their abilities deny them the work opportunities available to others. This bleak picture should be changed to ensure justice to the disabled persons seeking work.

The best hope for the disabled in this regard is the Convention on the Rights of Persons with Disabilities, which is expected to enter into force early next year. It recognises the rights of persons with disabilities to work and employment on an equal basis with others.

The disabled need not beg for mercy and dignity. A dignified life for the disabled should no longer be a dream.

The writer is a human rights activist and freelance contributor.

LAW watch

UN Body plans to end investigation of contracts

The General Assembly is preparing to put an early end to an in-house panel that has exposed more than \$600 million in tainted United Nations contracts and is currently investigating an additional \$1 billion in suspect agreements. A budget committee of the General Assembly is scheduled to

the panel itself be investigated for the way it has treated officials and diplomats. In its effort to curtail the task force's work, Singapore succeeded in winning over the powerful Group of 77, an assemblage representing the developing world that has grown over the years to 130 nations.



vote as on a resolution that would force the panel to close down its operations in six months. The effort to scuttle the panel is not a budget matter so much as a political one, and it represents the continuing suspicion developing countries have about international intervention in their affairs.

The fight has been led by one country, Singapore, which contends that a United Nations official from there has been treated unfairly in an investigation. The resolution also recommends that

The threatened shutdown of what has been a penetrating inquiry comes at a time when the United Nations is still recovering from the findings of mismanagement and corruption in the oil-for-food program made by Paul A. Volcker. Mr. Volcker, a former Federal Reserve chairman, said in the 2005 report that the United Nations suffered from a "culture of inaction." The six-month cap would effectively finish off the investigative unit, said its director, Robert Appleton, a former assistant United States attorney

in Connecticut. Mr. Appleton also served as special counsel to the inquiry into the program under which Iraq was allowed to sell some of its oil, despite United Nations sanctions, to meet the needs of its civilians. "The investigations will obviously cease," Mr. Appleton said noting that the United Nations currently had no other unit "to address these matters."

"We have five people who will leave because of the uncertainty, and it is difficult to recruit competent qualified investigators for six-month contracts," he said. "Also, companies will delay and wait us out until we leave." Inga-Britt Ahlenius, the under secretary general for internal oversight services, said that letting the task force expire "would undo the great work that has been accomplished so far and expose the organization to greater risk." The 18-member procurement task force, seven of whose members came from the Volcker inquiry, was created in January 2006 to pursue irregularities in United Nations purchasing that had arisen in the earlier investigation.

Its findings that 10 significant instances of fraud and corruption had tainted contracts worth \$610 million was published in The Washington Post. Ms. Ahlenius told the budget committee last month that the panel's work had been thorough and effective. She listed more than 300 accusations examined, 22 reports issued on 63 individual cases, 250 cases still open and 31 vendors disbarred as well as corruption discovered in several United Nations missions and large contracts abroad.

United States prosecutors used the task force's work to help convict Sanjaya Bahel, a former

United Nations procurement officer, on fraud and bribery charges for steering \$100 million in contracts to an Indian company in exchange for cash and deals on Manhattan luxury apartments. The current argument is not an economic one. The task force is asking the committee for \$4.9 million for the whole year, an amount that would almost surely be offset by the amount of reimbursed and repatriated money the United Nations would receive from the outcomes of the task force's work. It has already identified \$25 million in misappropriated money.

The case that led Singapore to try to shut down the panel involves Andrew Toh, who has been in various forms of suspension and paid leave after questions were raised two years ago about the leasing of two Peruvian helicopters for a peacekeeping operation in East Timor. This October, Mr. Toh was cleared of charges in that case but found negligent in not properly declaring his financial assets for 2004 and 2005 and not cooperating with the task force. Mr. Toh contends that he was denied legal counsel by the task force. The task force said that Mr. Toh was not entitled to it under United Nations procedures.

Singapore contends that the panel is engaging in unfair tactics in trying to preserve itself. Kevin Cheok, the country's deputy ambassador, complained to the budget committee. "Anyone who voices concern about the behavior of the procurement task force has been painted as somehow being pro-corruption or anti-reform," Mr. Cheok said.

Source: The New York Times

LAW week



Public servants asked to disclose wealth by Dec 31

All government servants must declare the amounts of their wealth by December 31 as required by the government as part of its newest move to boost the ongoing anti-corruption drive through ensuring transparency in the administration. The move requires public servants to declare the amounts of their wealth at the time of their joining the service and updating those every five years. While issuing an order regarding the matter in the third week of this month, the establishment ministry circulated two tables one for statements listing movable and immovable properties owned at the time of joining the service and another for updating the declared list for preparing a central database of wealth of about 10 lakh public servants. Meanwhile, there is a strong possibility of extending the December 31 deadline as the establishment ministry received a number of requests for the extension, according to reliable sources. The Government Servants (Conduct) Rules, 1979, which requires every government servant to declare his or her or any of the family members' movable and immovable properties at the time of joining the service, and an update showing any increase or decrease in the amount of the declared property every five years, has not been followed properly for a long time, according to the establishment ministry. - *The Daily Star, December 24.*

Govt to think about lifting emergency if EC wants so

Law Adviser Mainul Hossain said the caretaker government would discuss lifting the state of emergency if the Election Commission (EC) wants so in the interests of local government elections. "It is the Election Commission who will fix the schedule and hold the elections. So let them say first what they want. We will discuss it with the chief adviser," he said replying to a query. The present government does not need the state of emergency to remain in power, he said adding that they would withdraw emergency only when they would think the time is ripe and doing so is needed for the sake of national peace and stability. Talking to reporters at his ministry, Mainul said many qualified people are there to lead the nation. There must be a qualitative change in politics. But the language the politicians still use suggests that hardly any change has taken place, he noted. "Let the politicians commit themselves to not going back to the situation preceding January 11," he said. Coming down hard on politicians, Mainul said people have been struggling for democracy since the British rule. But politicians do little to help the cause. - *The Daily Star, December 24.*

Optical Fibre Line

HC order allows BTB to sign deal for backup

The High Court in a rule recently stayed an order of the Bangladesh Telecom Regulatory Commission (BTRC) and allowed a private company sign a deal with Bangladesh Telegraph and Telephone Board (BTB) for swapping an optical fibre network. This gives BTB the chance to have this vital backup line free of cost. The backup line is required to stay connected to the submarine cable when the main line is disrupted; and thus ensure uninterrupted telecom and Internet communications. The High Court rule was issued following a writ petition filed by private phone company Bangla Phone, which has been receiving various kinds of warning from the BTRC since May. Bangla Phone is focussed on setting up fibre optic network, sources said. The BTRC had warned Bangla Phone of cancelling its telephony licence for violation of licence terms, but so far remained vague about the allegations. However, Bangla Phone categorically defended its position saying all of its activities have been in line with the licence terms.

Bangla Phone was trying to have an agreement earlier this year with BTB for swapping optical fibre networks between Cox's Bazar and Dhaka, which would provide a vital backup for BTB's own network that connects the country with the submarine cable. - *The Daily Star, December 24.*

Govt firm on forming Truth Commission

Law Adviser Mainul Hossain said differences of opinion regarding the formation of the proposed Truth Commission will not deter the government from going ahead with the initiative. "To the best of my knowledge, the government is actively considering forming the Truth Commission despite differences of opinion," he told reporters at the Secretariat. He made the statement when reporters asked about the fate of the much-talked about body, which would receive confession from people accused of corruption and decide financial penalties instead of sending them to jail. The issue has already generated public debate. "There are differences of opinion, which is not right. It is creating confusion to some extent," Mainul said. He brushed aside any uncertainty regarding the formation of the commission due to the confusion. He said at first the government was considering forming the commission only for businessmen so that the complaints against the businessmen could be dealt with quickly and they could go on with their businesses and continue their economic activities. But many people and the media raised question as to why only the businessmen would have access to commission, why not the politicians, he said adding that the government has decided to allow the politicians have access to the commission. The government wants to repatriate the sum of money that have been siphoned off abroad. The Truth Commission is needed to make that happen, said the adviser. - *The Daily Star, December 25.*

DU Teachers' cases

Courts record statements of complainants

Two Dhaka courts completed recording statements of the complainants of two cases filed against four Dhaka University (DU) teachers and 15 students for violating Emergency Power Rules in August this year. The complainants are Sergeant Shawkat Ahmed of Nilkhet Police Box and Sub-Inspector (SI) Rezaul Karim of Shahbagh Police Station. The detained teachers are Prof Sadrul Amin, president of Dhaka University Teachers' Association, Prof Anwar Hossain, general secretary of Duta, Prof Harun-ar-Rashid, dean of the Science Faculty, and Prof Neem Chandra Bhowmik, chairman of the department of applied physics. Lawyers for Prof Sadrul Amin, Prof Anwar Hossain, Prof Harun-ar-Rashid and a detained student named Moniruzzaman cross-examined Sergeant Shawkat Ahmed for an hour and Additional Chief Metropolitan Magistrate Golam Rabbani recorded his statement. After recording the statement, the court fixed December 31 for next hearing of the case. Later, the teachers and the student were brought to the Court of Metropolitan Magistrate Habibur Rahman Siddiqui where the defence lawyers cross-examined the complainant Rezaul Karim. The court fixed December 31 for next hearing of the case. - *The Daily Star, December 25.*

Stolen statues

Int'l smuggling rackets might be involved

Investigators of the artefacts heist at Zia International Airport are yet to find any clues or motives even after 100 hours of the incident. Their impression is that it was a "deliberate" and "well-planned" take. They are also trying to find out if local or international smuggling groups were involved in the theft. Law enforcers, so far, arrested 15 people in connection with the heist and investigators believe that any of the 15 could have information about the incident or even be involved in it. They have been placed on a five-day remand. Rapid Action Battalion (Rab), which plays a vital role in the investigation, focused on the suspects for their probe. Additional Director General of Rab Colonel Gulzar Uddin Ahmed told The Daily Star "Our prime suspects now are the 15 arrested people. It is impossible for the heist to have taken place without them not noticing." "We are trying to recover the stolen artefacts besides finding out the culprits," Gulzar said. Rab sources said none of them yet confessed to them of having any link to the heist but investigators discovered anomalies in the statements of a number of arrestees and initial investigation is going ahead based on these. - *The Daily Star, December 26.*

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