



HUMAN RIGHTS advocacy

UN forum aims to end trafficking

The first major United Nations conference on the growing problem of human trafficking has opened in Vienna.

More than 1,000 delegates from over 100 countries are attending the forum to discuss solutions, including techniques to monitor criminal gangs. There are believed to be millions of victims of trafficking worldwide - in a multi-billion dollar industry.

UN officials say human trafficking is the hidden crime of globalisation and nothing short of modern day slavery. International celebrities among the delegates included British actress Emma Thompson, Latin pop star Ricky Martin and Egypt's First Lady Suzanne Mubarak. The head of the UN Office on Drugs and Crime, Antonio Maria Costa welcomed their support in tackling a problem that affects both wealthy and developing countries. He compared the three-day conference, that ends on Friday, to something between the World Economic Forum at Davos and the infamous 1960s music festival, Woodstock. "Government statements, expert discussions, along with music, speeches, videos, films and art to inspire us all. I hope, by the end of the forum, a roadmap will be developed to guide us forward," he said. "This is not an inter-governmental conference, nor is it a talk shop. Think of it more as a rally. We march together." He said that "200 years after the end of the trans-Atlantic slave trade, we have the obligation to fight a crime that has no place in the 21st century". "Let's call it what it is: modern slavery," he said.

Booming business: The UN estimates that about 2.5 million people are involved in forced labour as a result of trafficking. It says the majority of victims are between the ages of 18 and 24 years and about 1.2 million children are trafficked each year. Ursula Plassnik, Austrian Federal Minister for European and International Affairs, said national action plans and regional international co-operation was needed. She said human trafficking had become a "booming organised crime" with annual profits of up to \$32bn (21bn euros; £16bn) on a global scale. "It is thus considered an even more lucrative business than trafficking of weapons," she said.

Protocol: Pop star Ricky Martin, who set up the Ricky Martin Foundation for children, told delegates that when he heard about the situation, he had to act. "I witnessed the horrors of human trafficking on a trip to India, where I saved three little girls from the streets of Calcutta," he said. "You know what was going on and if you won't do anything, you allow it to hap-



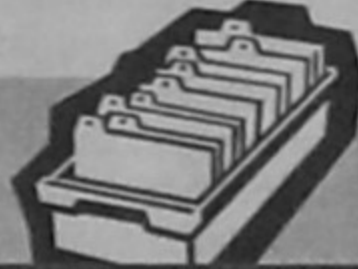
pen." Oscar-winning actress Emma Thompson told the forum the story of a Moldovan woman who was trafficked to the UK and forced to work as a prostitute.

The UN Global Initiative to Fight Human Trafficking was launched by the UN in March 2007.

Forum organisers hope more countries will be encouraged to ratify a UN protocol on human trafficking and to develop laws to fight the crime. Other issues on the agenda include finding ways of disrupting internet payments for sex services on the web.

Source: BBC NEWS.

FACT file



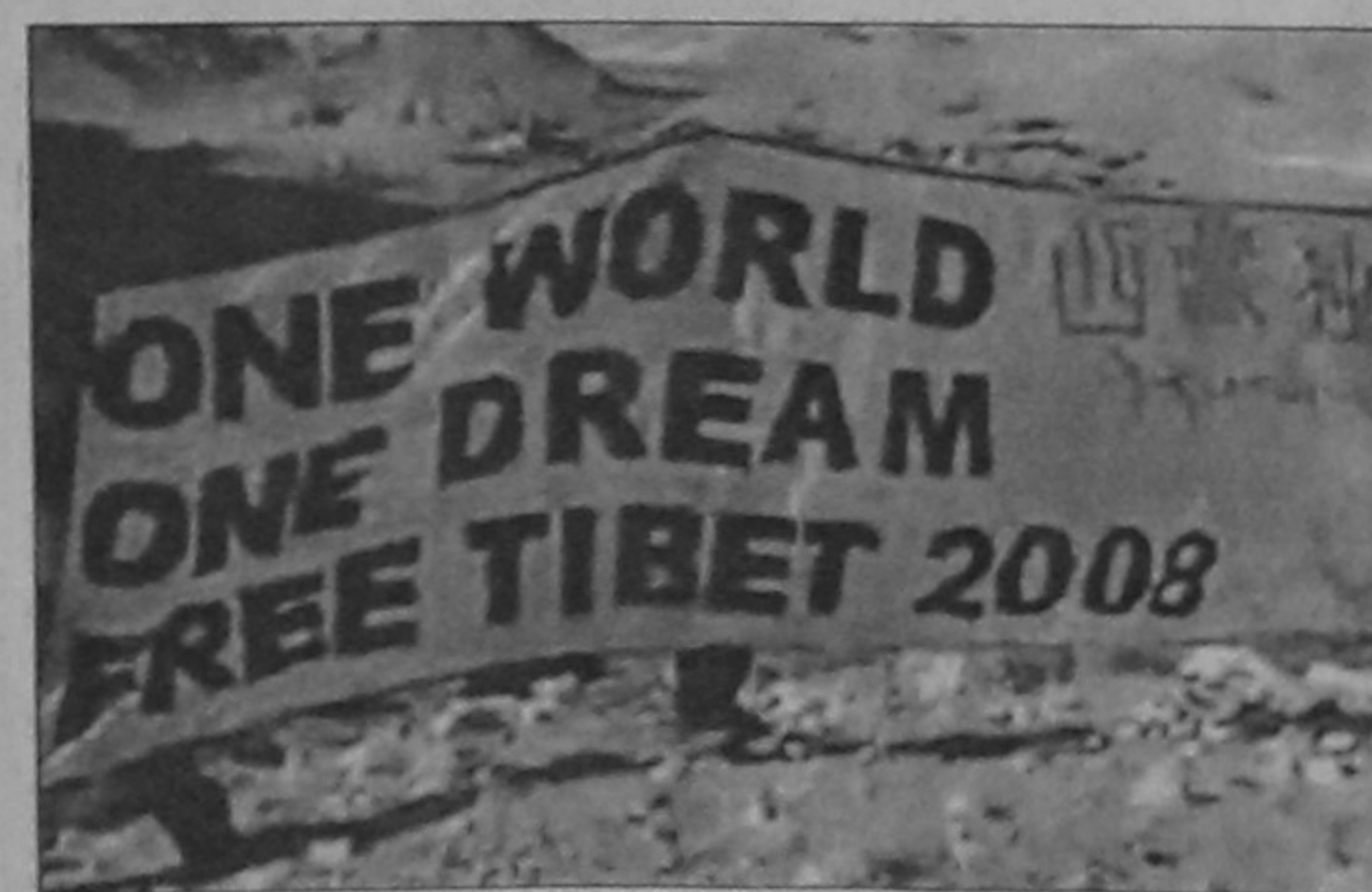
Hundreds of Tibet protesters arrested

Over 400 people were arrested in Nepal on Monday as the authorities clamped down on peaceful demonstrations against Chinese human rights abuses in Tibet.

"Nepal is sending a message of no-tolerance of dissent by arresting peaceful demonstrators," said Amnesty International, cautioning that the latest wave of repression extends beyond Tibet-related protests. "This is the latest in a series of clampdowns on peaceful demonstration as elections approach."

In one incident in the capital Kathmandu, activists were detained ahead of an Amnesty International Nepal vigil on Tibet. At 13:55 local time, 17 activists were detained in Maitiyala Mandala and taken to Singha Durbar Police Station. No reason has been given for their arrest.

Those arrested included: Rameshwar Nepal, Director of Amnesty International Nepal; Sushil Pyakurel, former Commissioner of the National Human Rights Commission; Govinda Bhandi, lawyer and member of the International Commission of Jurists; and other activists, including four from the Tibetan community and a number of



Amnesty International members.

"The authorities' interference in peaceful protests by Tibetans and other human rights activists is unconstitutional," said Amnesty International. "The move by the District Administration to prevent a peaceful demonstration from taking place is against Article 12 of the Constitution of Nepal. There are also no legal grounds to pre-ban demonstrations."

Amnesty International has reiterated its call for the Chinese government to allow an independent UN investigation into the events in Tibet which prompted demonstrations in Nepal. It also called on the Chinese government to address the underlying grievances of the Tibetan people and long-term policies that have generated such resentment.

Source: Amnesty International.

RIGHTS corner

Cross-examination of rape victims: A mental torture

SNIGDHA MADHURI

Jerin Rahman, a pretty but meek schoolgirl, is full of dreams. Why not? After all she is a good student. Her mother wants to achieve through her what she could not do in her student life. But one day, some local goons shattered all of their dreams.

The wayward youths who had long been teasing Jerin (not her real name) picked up her on her way to school and gang-raped her in an abandoned house of Mohammadpur area barely six months ago.

Upset, Jerin's parents filed a case with a Women and Children Repression Prevention special court seeking justice -- also only to witness another humiliation.

During the trial, the defence lawyer asked Jerin a volley of insensitive questions what she found indecent. In a crowded court, the lawyer asked the distressed girl to describe how she was raped.

At one stage of the continuing trial, Jerin became mentally ill and attempted to commit suicide.

Jerin, who was a student of class IX when the worst thing happened to her, never visited her school since then.

Another girl, Hasna Banu (name changed to protect privacy) from Manikganj fell victim to a rapist, Rahim Miah, a few months back. Hasna Banu filed a case against Rahim, seeking justice. During the trial, the teenager became mentally ill and began considering herself guilty of the rape.

"I've been harmed physically, socially due to the rape. But the way the defence counsel asked me obscene questions it was more harmful and disgraceful for me. Now I rather wish to die. It's a sin to be born as a girl," Hasna says.

Undoubtedly, rape is the most terrible thing for a woman. Due to rape, a woman is harmed not only physically and socially, but also mentally as the victim is haunted by trauma. Her behaviour changes and she starts hating herself and distrusting others.

Ishrat Jahan Bithi, a psychologist of Bangladesh Rehabilitation Centre for Trauma Victims, says, "After being raped, a woman develops a number of psychological problems along with physical problems. She loses her confidence all together. She is embarrassed when she is asked filthy questions in court. In such a situation, a victim may even try to commit suicide."

Kaniz Fatema, programme officer of human rights organisation Odhikar, says, "It's a legal process that in a rape case the defence lawyer will question the victim. But, in court such indecent questions are asked and gestures and made in presence of many that mentally devastate a victim. In many cases, many victims withdraw their cases to avoid this type of unwarranted humiliation."

In the Women and Children Repression Prevention Act, 2003, a section, 'Trial in camera', has been included so that during cross-examination the victim does not face humiliating and uneasy situation. Under this section, the victim is supposed to be questioned in a closed room in presence of only the judge and



the lawyers from both sides. And the victim's statement is recorded and heard again, if necessary.

Section 20(6) relating to the trial process of the Women and Children Repression Prevention Act, 2003 states that the trial proceedings of the crime can take place in a closed room under section 9 of the law.

"But the trial in camera section is hardly practiced," says Farida Yasmin, deputy director (Law) of Bangladesh Legal Aid and Services Trust (BLAST) and a Supreme Court lawyer.

She says, "The questions defence lawyers ask the victims are very shameful, disgraceful, humiliating and objectionable. In most cases, defence counsels intentionally ask obscene questions to get some sort of pleasure. They also try to prove the victims as characterless by diverting the cases to other directions. Since the cross-examinations take place in front of many people, victims feel humiliated and get demoralised. Some victims even commit suicide."

She says, "In court, efforts are made by the defence lawyer to find the sexual history of the complainant. To win the case, the defence lawyer asks irrelevant questions one after another. The raped woman is asked how many males raped her, if she tried to resist at that time and if she got any pleasure. This is how the woman is re-raped by the court."

Lawyer Salma Jabbin, coordinator of the litigation unit of Ain o Shalish Kendra, says till now there has been no enforcement of the 'trial in camera' section. She emphasises the amendment of the law for imposing some restrictions on questioning in court.

Bangladesh Mohila Parishad general secretary Ayesha Khanam says, "In court, lawyers torture women time and time again with their filthy words. This type of harassment in the trial proceedings is the reflection of gender insensitivity and perversion of all concerned."

Everyone must change this mentality."

From the psychological perspective, the questioning of victims in court about rape is very damaging and inhuman, says Dr Mahmudur Rahman, chairman of Dhaka University's psychology department. "A victim never has the mental strength to speak up standing in courts. This process of questioning in courts of our country is inhuman."

Eminent lawyer Anisur Rahman, also a teacher of Stamford University in Dhaka, says, "If the court atmosphere is not friendly, the victim will be in an uncomfortable situation in describing the incident. Restrictions should be imposed on cross-examinations by lawyers by amending the rape-related laws."

He says, "In court, defence lawyers ask such questions that are irrelevant in many cases. The lawyers try to make the whole environment juicy to be relished by perverted people and that is unfortunate."

Anisur Rahman lays emphasis on change of mentality of the lawyers, having separate courts for trying rape cases, full enforcement of the 'trial in camera' section, imposing some restrictions on questioning and appointment of female public prosecutors and assistant public prosecutors to conduct rape cases.

Rehana Sultana, a lawyer of Bangladesh Mohila Ainjibi Parishad, says under the Witness Act of 1872, a lawyer has the right to ask any question to prove any incident. But, a lawyer should not cross the limit of decency by asking obscene and irrelevant questions. "Trial in camera" section is not enforced due mainly to lack of clear idea about human rights law among lawyers.

About enforcement of the 'trial in camera', she says, "The judges and lawyers must have a clear idea about law and the lawyers for victims should apply to court for having 'trial in camera'."

NewsNetwork

HUMAN RIGHTS monitor

Heavy price of justice system

Saudi Arabia should urgently enact a penal code to protect all criminal suspects against arbitrary arrest, Human Rights Watch said in two reports released today. Criminal defendants, especially children, need greater protection against gross abuses during interrogation and unfair trials. The new reports are the result of a yearlong examination of the criminal justice system and draw on hundreds of interviews with Saudi officials, current and former detainees, their lawyers, and their families.

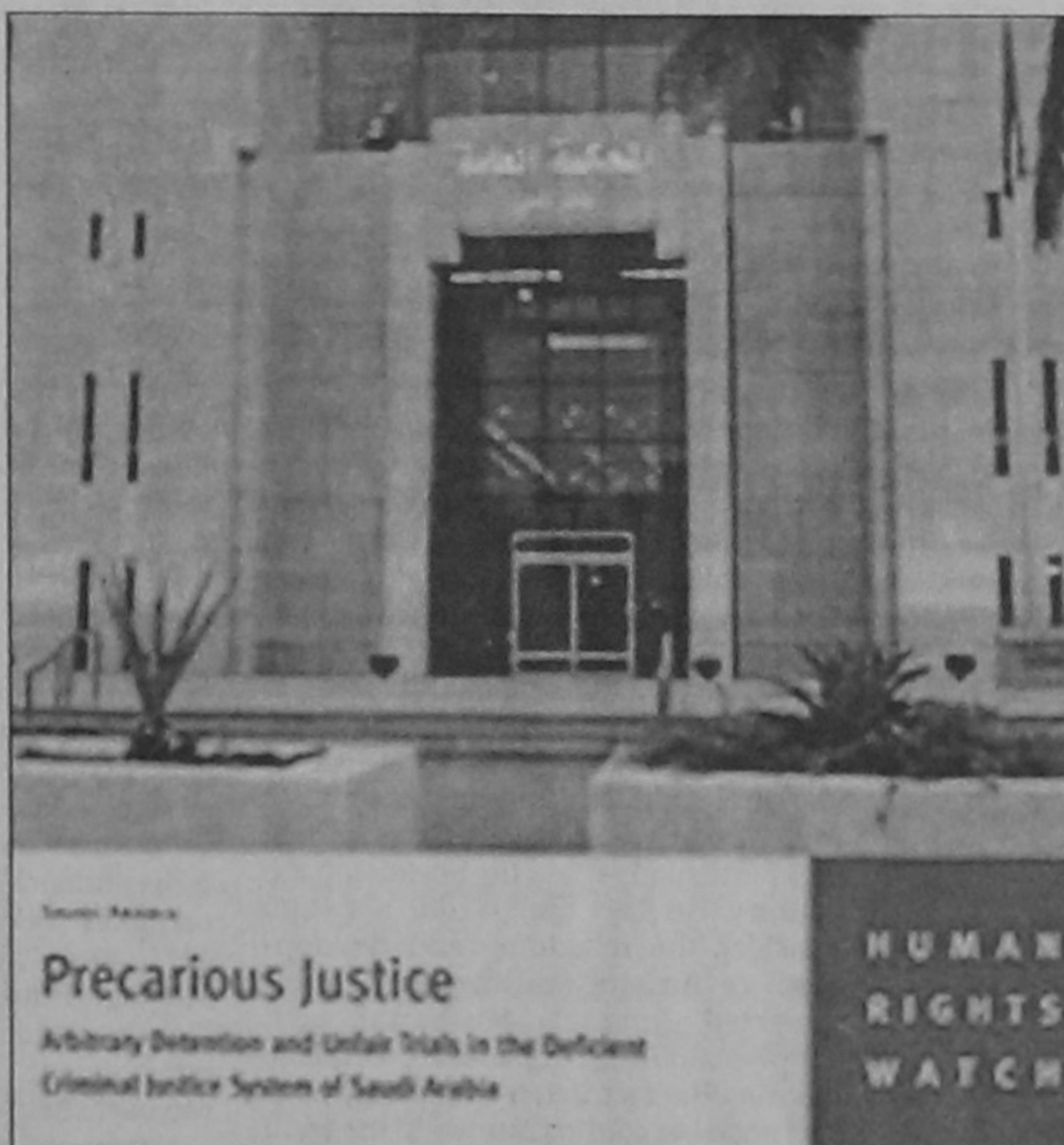
The first, 144-page report, "Precarious Justice: Arbitrary Detention and Unfair Trials in a Deficient Criminal Justice System," documents the arbitrary arrest and detention of individuals for vaguely defined crimes or behavior that is not inherently criminal. Once arrested, suspects often face prolonged solitary confinement, ill-treatment, forced confessions, and are denied a lawyer at crucial stages of interrogation and trial.

"Current practices in Saudi justice cannot be seen as fair," said Joe Stork, acting Middle East director at Human Rights Watch. "Suspects are stuck in a faulty system without any semblance of due process and fair trial rights."

"Precarious Justice" also documents how defendants face prolonged detention before being brought to trial, at which they cannot question witnesses, examine evidence or present an effective defense.

"Under Saudi justice today, the presumption is guilt, not innocence," Stork said.

The second, 82-page report, "Adults Before Their Time: Children in Saudi Arabia's Criminal Justice System," documents the routine arrest of children for such "offenses" as begging, running away from



home, or being alone with a member of the opposite sex. Prosecutors can hold children, like adults, for up to six months before referring them to a judge. In the case of girls, authorities can detain them indefinitely, without judicial review, for what they say is "guidance." Detention centers mix children under investigation or trial with children convicted of a crime and sometimes with adults. Judges regularly try children without the presence of lawyers or sometimes even guardians, even for crimes punishable by death, flogging, or amputation.

Saudi Arabia sets no clear age when children can be treated as adults in criminal cases. Instead, judges use signs of puberty to deter-

mine criminal responsibility. The report documents 12 cases in which judges tried even young children as adults, based on physical signs of puberty such as pubic hair or menstruation and without any consideration of emotional or mental maturity. In 2007, Saudi Arabia executed three juvenile offenders, including a 15-year-old boy who was only 13 at the time of the alleged crime. International standards set 12 years as the minimum age of criminal responsibility, and prohibit the death penalty for crimes committed by persons under age 18 at the time of the crime.

Foreign children trafficked for begging are doubly vulnerable: Saudi Arabia has done little to prevent trafficking or prosecute traffickers, but routinely arrests and returns trafficked children to countries such as Somalia or Chad where they risk recruitment as child soldiers, trafficking, and other serious abuses. Most deportations take place within three to four days of arrest, with little or no effort to trace the children's families or ensure their safety.

"In Saudi Arabia's justice system, a child who commits a minor offense and a hardened adult criminal are treated similarly," said Clarisa Bencomo, children's rights researcher for the Middle East at Human Rights Watch. "Instead of helping reintegrate these children into society, it exposes them to new dangers and greater abuses."

Human Rights Watch calls on Saudi Arabia to:

Adopt a written penal code that does not criminalize the exercise of basic human rights such as freedom of expression;

Enact new and amend existing legislation to reinforce protections against arbitrary arrest, due process and fair trial violations;

Instruct prosecutors and judges to dismiss cases or overturn verdicts where serious due process and fair trial violations have occurred;

Set up a public defender program affording all indigent and juvenile defendants a lawyer;

Outlaw the death penalty and all forms of corporal punishment against persons under 18 at the time of the offense;

End discriminatory laws and practices that make girls and women vulnerable to arbitrary arrest and detention;

End the arrest and detention of foreign children who are victims of trafficking and other exploitation; and

Ensure that no child is repatriated to a country where they risk abuse.

Source: Human Rights Watch.

LAW week

Charge sheet against Tarique in a week

In the wake of widespread criticism over the slow progress of investigation of cases against many high-profile corruption suspects, the Anti-corruption Commission (ACC) is trying to speed up legal procedures. The ACC yesterday said the charge sheet in a case filed against Tarique Rahman in connection with illegally amassing wealth could be submitted in a week. The case was filed on September 26 last year. Even though the military-backed caretaker government after assuming power last year talked about widespread allegations of corruption by BNP-led four-party-alliance government leaders, no significant progress was made in prosecuting former prime minister and BNP chief Khaleda Zia, her sons BNP Senior Joint Secretary General Tarique Rahman and Arafat Rahman Koko. Meanwhile, several cases filed against former premier and Awami League chief Sheikh Hasina were moved to different trial courts and even in higher courts to get the cases disposed of quickly. This move raised questions over the impartial role of the caretaker government in dealing with corruption suspects of different political parties. "The charge sheet in the illegal wealth case against Tarique can get approval from the commission (ACC) any moment and it can be done in this week," said ACC Director General (admin) Col Hanif Iqbal in a routine press briefing yesterday. "Scrutiny of the investigation report in the case against Tarique has been completed. It is at the final stage and awaits approval from the commission to be placed as a charge sheet," Hanif added.

The IO submitted the investigation report in January but two months were spent in just scrutinising the report. --The Daily Star, March 25, 2008.

Dhaka wants donor status at UNHCR

Bangladesh will seek donor status at the United Nations High Commissioner for Refugees (UNHCR) which would enable Bangladesh to be part of the decision-making process regarding refugee issues across the globe. The decision to seek donor status has already been made in principle during a recent inter-ministerial meeting at the foreign ministry with officials from the ministries of foreign affairs, home and food and disaster management participating. "We have forwarded the proposal to the finance ministry because there is an issue of financial involvement," a foreign ministry official told The Daily Star yesterday. The decision to seek donor status was made following a proposal from Permanent Representative of Bangladesh to United Nations in Geneva Dr Debapriya Bhattacharya. "We can participate in all the UNHCR meetings, which its donors attend, and make our contribution to decisions," the official said, adding, "We are interested to get donor status because there are around 25,000 Rohingya refugees living in Bangladesh for over the last one decade." Asked about the amount of money Bangladesh needs to donate to UNHCR to enjoy the donor status, the official said this was actually a token donation. There are many countries that donate \$2,000 or more yearly, he said. "We shall also donate a minimum amount." On how Bangladesh's national interest regarding the Rohingya issue will be ensured when it gets the donor status, the official said Bangladesh can discuss in details its views and problems with the UN agency and its other donors regarding the issue. "We cannot force repatriation of the Rohingya refugees, but can surely have amicable solutions of problems centring it," he said. --The Daily Star, March 25, 2008.

5th Amendment Case: SC for hearing of govt appeal by bigger bench

A three-member bench of the Appellate Division yesterday referred to the chief justice for hearing by a bigger bench on government appeal against the High Court judgment that declared illegal the Fifth Amendment to the constitution.

When the long-pending government appeal came up for hearing, the bench, headed by Justice M Fazlul Karim, passed the order of referral of the appeal hearing that involves important constitutional interpretations, as the Fifth Amendment had ratified regimes since the August 15, 1975 changeover until April 9, 1979. Court sources said the bench took the decision as it felt the necessity of hearing such matter of great importance by a greater bench. On Aug 29, 2005, the High Court declared "illegal" the Fifth Amendment to the constitution, meaning the rules by Khandker Mushtaque Ahmed, Abu Sadaat Mohammad Sayem and Ziaur Rahman since August 15, 1975 until April 9, 1979 were unlawful. The verdict had come upon a decades-old writ petition challenging the Martial Law Regulation (MLR) 7 of 1977, issued to legalise all acts of the martial-law governments. In the verdict, the HC had observed that martial law as a whole is 'illegal and unconstitutional' and all the actions, laws, and rules made under martial law are 'illegal'. "The changes of government between August 15, 1975 and before the national elections of 1991 were not carried out constitutionally," the HC verdict had said.

A High Court bench comprising Justice ABM Khairul Haque and Justice ATM Fazle Kabir also had observed that the constitution does not permit anyone to assume power by any means other than the ones mentioned in the constitution. "If anyone does so, it will amount to sedition." The court, however, noted that although all government activities between August 15, 1975 and April 9, 1979 had been declared illegal, the history cannot be altered. "Many of these illegal acts were done in public interest." From this perspective, the court 'condones' some of these actions that could have been done in line with the constitution. --UNB, March 25, 2008

HC verdict on Khaleda's writ petition Apr 10

The High Court yesterday fixed April 10 for pronouncing its judgment on the writ petition of detained BNP Chairperson Khaleda Zia challenging validity of the Election Commission invitation to her party's reformists for dialogue on electoral reforms.

A division bench comprising Justice Mirza Hussain Haider and Justice Mamnoon Rahman passed the order following hearings on extensive submissions from both sides.

The court also adjourned until April 10 the hearing on another writ of similar nature in the form of Public Interest Litigation (PIL) filed by Nasir Uddin Ashim, a BNP leader.

On November 4 last year, the High Court, upon Ashim's writ, had issued a rule upon the EC and the government to explain why they should not be directed to invite legitimate BNP officials for the pre-election dialogue on electoral reforms.

The BNP leadership dispute arose when on November 5 last year the EC, ignoring Khaleda-appointed BNP Secretary General Khandaker Delwar Hossain, sent a letter to Maj (Retd) Hafiz Uddin Ahmed to participate in the dialogue with political parties on electoral reforms. Aggrieved at the decision, Khaleda Zia, also the immediate-past premier, moved to the High Court for seeking redress.

On November 18 the same year, the High Court, responding to Khaleda's writ, had stayed operation of the EC letter to the BNP standing committee-nominated acting Secretary General, Maj Hafiz, causing the Election Commission to inconclusively conclude the crucial first round of its reform dialogue with political parties. The court also had issued a rule upon the EC, the acting secretary general and six members of the BNP standing committee and the chief adviser of the caretaker government to explain why the impugned letter 'should not be declared illegal'. --UNB, March 25, 2008.

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