

## LAW amusements



## Alaska (US) Laws

**Clowns beware! No more than three passengers can ride in the front seat of a car.**

Citation: 9.36.040 Obstructing driver's view or driving mechanism.

A. No person may drive a vehicle when there are more than three people in the front seat, which number shall include the driver.

B. No passenger in a vehicle may ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the vehicle.

C. No driver may allow his vehicle to be loaded in such a manner as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the vehicle.

D. No person may drive any motor vehicle with any sign, poster, non-transparent material or an accumulation of snow, ice or frost upon the front windshield, side wings, or side or rear windows of such vehicle which materially obstructs, obscures or impairs the driver's clear view of the street or any intersecting street.

**Persons may not live in a trailer as it is being hauled across the city.**

Citation: 9.36.060 Riding in house trailers.

No person may occupy a house trailer while it is being moved upon a public street.

**For all you would-be pranksters out there, it is illegal to string a wire across any road.**

Citation: 9.36.100 Putting glass or debris on street.

A. No person may throw or deposit upon any street any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such street.

B. Any person who drops, or permits to be dropped or thrown, upon any street any destructive or injurious material shall immediately remove the such material or cause it to be removed.

C. Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

**No one may tie his or her pet dog to the roof of a car.**

Citation: 9.36.150 Carrying animals on outside of vehicle.

No person driving a motor vehicle shall transport any animal in the back of the vehicle in a space intended for any load on the vehicle on a street unless the space is enclosed or has side and tail walls to a height of at least 46 inches extending vertically from the floor, or the animal is cross tethered to the vehicle, or is protected by a secured container or cage, in a manner which will prevent the animal from being thrown, falling or jumping from the vehicle.

**A person may only carry a concealed slingshot if that person has received the appropriate license.**

Citation: 9.24.030 Carrying a concealed weapon. It is unlawful for any person other than a law enforcement officer to carry concealed about his person, in any manner, a revolver, pistol or other firearm or knife (other than an ordinary pocket-knife), or a dirk or dagger, slingshot, metal knuckles or an instrument by the use of which injury could be inflicted upon the person or property of another, except that any person in possession of a valid State of Alaska concealed weapon permit may carry a weapon as allowed by that permit.

**Employers of bars may not let their bartenders serve while they are drunk themselves.**

Citation: 9.04.030 Sale or disposition of alcoholic beverages to drunken persons.

A licensee, an agent, or employee may not:

- Sell, give or barter alcoholic beverages to a drunken person;
- Allow another person to sell, give or barter an alcoholic beverage to a drunken person within licensed premises;
- Allow a drunken person to enter and remain within licensed premises or to consume an alcoholic beverage within licensed premises;
- Permit a drunken person to sell or serve alcoholic beverages.

**One may not roam the city with a bow and arrows.**

Citation: 13.25.050 Possession of airguns and similar devices.

(a) No person shall have in his or her physical possession, nor shall discharge, an airgun, bow and arrow, or slingshot within the city.

(b) The prohibitions of subsection (a) of this section do not apply to possession or discharging in authorized locations, or to transporting along a direct course between authorized locations, provided the device is not loaded while en route.

(c) As used in this section:

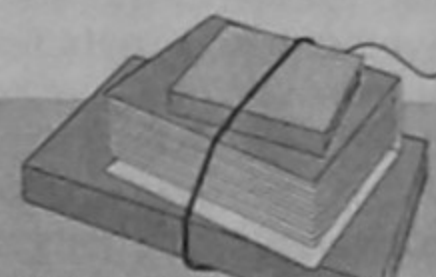
- "Airgun" means a BB gun, pellet gun or similar device which launches a projectile upon the release of compressed gas; and
- "Authorized locations" means and includes occupied residences, operational vehicles, premises in which such devices are sold or displayed, and facilities designed for indoor charges.

**Persons may not allow "attractive nuisances" to exist.**

Explanation: While the wording of the actual law may sound like an oxymoron, an "attractive nuisance" is really any object that will attract a bear (i.e. garbage). By discouraging bears to come around, dangerous human/bear interactions are limited as well as expensive bear relocation and/or shootings.

Source: www.crazy-laws.com.

## LAW lexicon



**Inadmissible** - That which, under the rules of evidence, cannot be admitted or received as evidence.

**Incapacity** - Lack of legal ability to act; disability, incompetence; lack of adequate power.

**Incarceration** - Imprisonment in a jail or penitentiary.

**Incompetent** - One who lacks ability, legal qualification, or fitness to manage his own affairs.

**Independent executor** - A special kind of executor, permitted by the laws of certain states, who performs the duties of an executor without intervention by the court.

**Indeterminate sentence** - A sentence of imprisonment to a specified minimum and maximum period of time, specifically authorized by statute, subject to termination by a parole board or other authorized agency after the prisoner has served the minimum term.

**Indictment** - A written accusation by a grand jury charging a person with a crime.

**Indigent** - Needy or impoverished. A defendant who can demonstrate his or her indigence to the court may be assigned a court-appointed attorney at public expense.

**Initial appearance** - The defendant comes before a judge within hours of the arrest to determine whether or not there is probable cause for his or her arrest.

**Information** - Accusatory document, filed by the prosecutor, detailing the charges against the defendant. An alternative to an indictment, it serves to bring a defendant to trial.

**Infraction** - A violation of law not punishable by imprisonment. Minor traffic offenses generally are considered infractions.

**Inheritance tax** - A state tax on property that an heir or beneficiary under a will receives from a deceased person's estate. The heir or beneficiary pays this tax.

Source: Jurist International.

## HUMAN RIGHTS monitor

JULHAS ALAM WITH SAMAHA M KARIM

**T**HIS is not an irrational question at all: Why does a journalist need to know about law? Being journalists, especially at the time of complexity through which the world is going on, the matter has come to our minds very pertinently. When it comes to the International Humanitarian Law (IHL), a reporter who is interested to cover conflict must have a good idea about the rules of warfare. Why? Because journalists, who are deployed to cover war, are the "soldiers of the press".

Kent Cooper, General Manager of the New York-based news agency the Associated Press (AP), used the term "soldiers of the press" in 1943 in an address to the AP Board of Directors to pay tribute to all who were then covering the World War II when Hitler stepped out on the road to ruin.

And war is all about chaos, killing, rape, destruction, and, of course, the presence of the "soldiers of the press" on the ground, no matter whatever the causes.

In this modern age of chaos and brutality, understanding the IHL and keeping it in mind under fire is not a luxury.

Being the prime advocate of promoting IHL and spreading knowledge among the journalists, International Committee of the Red Cross (ICRC) has put it this way:

"Whether IHL is respected or violated is an important part of the story in contemporary armed conflicts. Violations of the laws are often at the origin of humanitarian and political crises. When combatants break the laws it can affect the success of their mission. It is increasingly likely that alleged war criminals will be prosecuted and it is important to understand the legal background to such proceedings when reporting on them."

"Understanding what certain actions and events mean in IHL terms will generate more quality war reporting. It will help journalists to ask pertinent questions, look at interesting angles, investigate the story behind the story, and feed the debate on the rights and obligations of the different actors in the field and beyond."

"Quality reporting from an IHL angle can make a difference. It can influence policy and decision-making as well as behaviours, i.e., increase the 'will' to abide by the law, to fight impunity, to protect civilians."

While IHL mainly focuses on protection of civilians in conflict situations and puts limitations on the means and methods of warfare, it is also important for the journalists on the ground to be aware of dos and don'ts, no matter one is embedded or working independently. It is important because it is related to a war reporter's personal safety: whether he will be treated as a civilian or not during his assignment in a dangerous situation.

In a recent workshop by the ICRC some two dozen journalists from newspapers, news agencies and television channels get that important message: in reporting armed conflicts it is important for the journalists to know the rules of war.

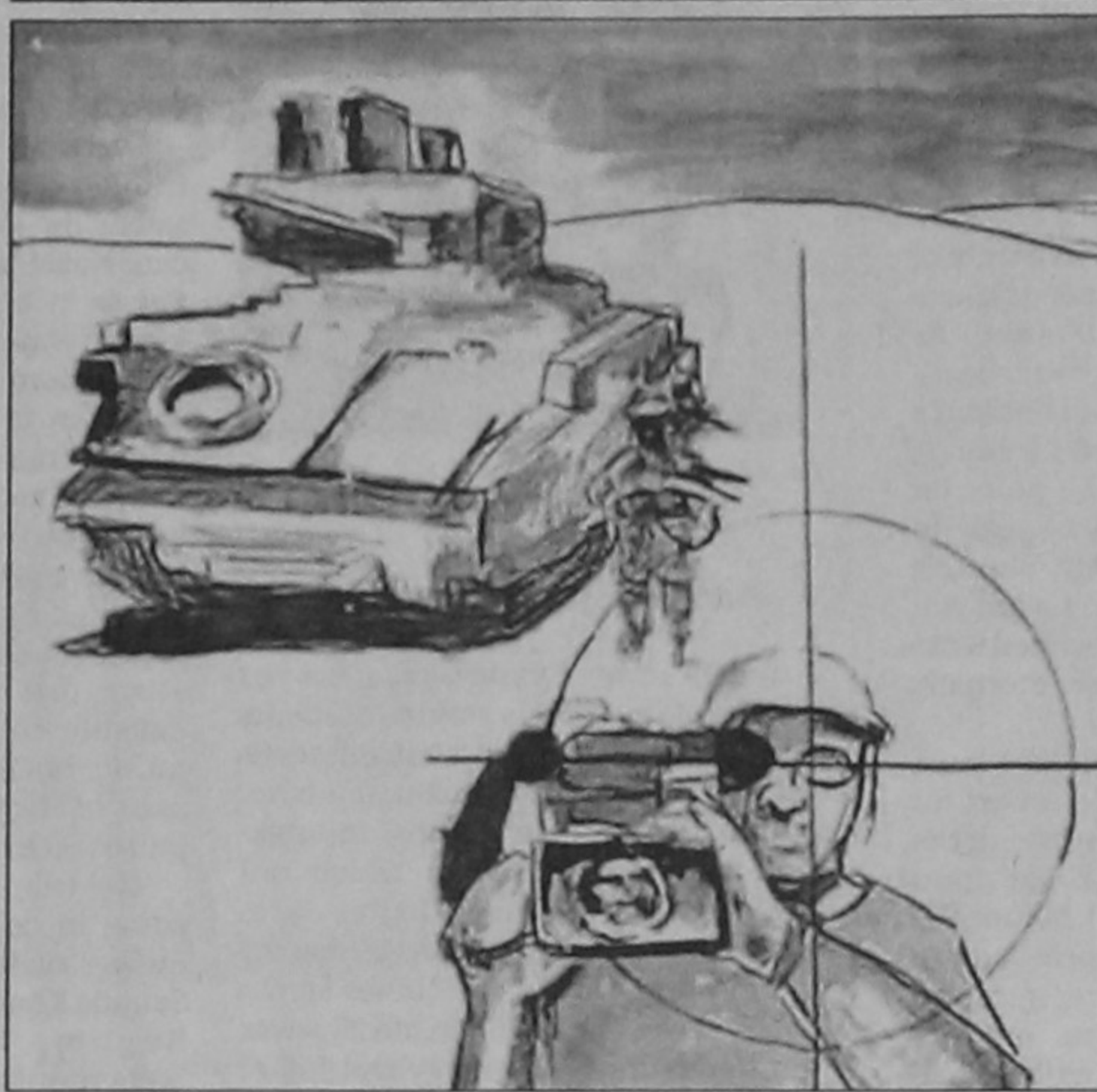
Surinder Singh Oberoi, a former journalist and now the Communication Officer, ICRC, said: Had he known the law, namely the IHL, he would have been able to write better and his contribution, would have been far more effective during his days in the profession.

He believes it is of crucial importance that journalists have some knowledge of the law.

For Bangladesh journalists it was a great experience especially who are currently involved in global news organizations such as the AP. When it comes to broadcast journalism the knowledge of IHL is a must.

This is a brutal reality that people are dying in war across the globe in this 21st century and everything is getting more and more complex. In this South Asian region, conflict is a reality be it Kashmir, war on terror, Talibanism or crisis in Sri Lanka. Conflict in the Chittagong Hill Tracts is a past but civil disturbance can

**A person believes or not, that's not the question, but when soldiers in Guantanamo Bay desecrate a holy book like Quran we hear uproar across the globe. When media unveil details of torture on prisoners of war, the sane world pours condemnation to uphold the sanctity of the modern age. Simply IHL deals with these things. It makes clear: Don't cross the limit. Don't try to be absolute.**



flare up anywhere in Asia or beyond, and Bangladesh media will need to deploy their own people there for raw details. Bangladesh media's presence is now very small in the conflict-ridden areas but being part of that to bring news and photos directly from the scene would be a reality soon to satisfy the audience.

The IHL, in layman terms, the rules of war, has become of great significance to those residing in a region of conflict and also those reporting armed conflicts.

In the two-day workshop on "Situation of Armed Violence: Emerging Challenges, Role and Responsibilities of Media" held on August 22-23, 2008 at the BRAC BCDM, Gazipur, Philippe Stoll, Communication Coordinator of the ICRC, explained some of the essential rules of the IHL.

One being 'limitation', the IHL states that injuring the enemy is not unlimited, there ought to be a limit to the amount of harm inflicted on the enemy/combatants.

Another rule signifies 'proportionality'. This is basically that the means and methods of warfare must not be excessive in relation to the concrete and direct military advantage anticipated.

Concerning a major fundamental right - 'humanity' is another rule. This includes freedom from torture, degrading and inhuman

behaviours. One may not inflict unnecessary suffering on another. One may not kill an individual who is unarmed or no longer actively involved in the hostilities and civilians.

Another essential rule of the IHL is 'distinction'. It is important to distinguish between civilians and combatants. Another distinction is required to be made between the military objective and the civilian objects.

The IHL also provides a framework for 'military necessity'. This allows a proportionate use of force in making an enemy submit, however it does not permit military necessity as an excuse for inhuman conduct and does not justify acts prohibited by the law. The IHL seeks to provide a balance between humanity and military necessity.

The IHL is applicable in two situations, in international armed conflicts and non-international armed conflicts. The Additional Protocol II applies in these circumstances providing protection of civilians.

Article 3 common to the four Geneva Conventions prohibits violence against civilians in conflicts "not of an international character" and expands the explicit prohibitions to include forcible displacement (Article 17) as well as "acts or threats of violence, the primary purpose of which is to spread terror among the civilian population" (Article 13). In recent times observance to the Geneva Conventions is universal.

Humanitarian organizations, as the ICRC, and journalists have certain moral obligations in common. They work as the voice of the victims to the authorities/powers. Persons working in these fields work to promote humanity and protection of the civilian population. In carrying out their tasks the common qualities they must convey are neutrality and impartiality.

However, there are certain problems being faced, even though they are neutral, they are becoming the target. In recent times there has been increasing news of journalists being battered and killed. The emblem of the Red Cross used fraudulently in illegal activities hampering the universal neutrality and trust they represent.

The ICRC has showed interests to launch training programme for journalists through practical demonstration in the area of war reporting. That would be a great scope as knowledge about law only cannot equip adequately somebody to work on the ground in a dangerous condition. That can be a step forward for quality journalism, war journalism.

Julhas Alam is Correspondent of the Associated Press (AP), based in Dhaka and Samaha M Karim is working with Law Desk.

## LAW week



## Khaleda, Nizami, Tarique, SQ Chyget HC bail

The High Court (HC) granted a four-month ad interim bail to detained BNP Chairperson Khaleda Zia and her son Tarique Rahman in the "Zia Orphanage Trust" fund embezzlement case filed by the Anti-Corruption Commission (ACC). The HC granted anticipatory bail to Jamaat-e-Islami Ameer Motiur Rahman Nizami in the Barapukuria coalmine corruption case until the trial court concerned accepts the charge sheet of the Barapukuria coalmine corruption case.

The HC also granted ad interim bail to Salauddin Quader Chowdhury former parliamentary affairs adviser to former prime minister Khaleda Zia, and Gasuddin Al Mamun, friend of Tarique Rahman, in separate criminal cases. Hearing the petitions, an HC bench comprised of Justice Sharif Uddin Chaklader and Justice Md Emdadul Haque Azad issued separate rules upon the government to explain as to why the petitioners should not be granted regular bail. - *The Daily Star*, August 27, 2008.

## High Court Division issued rule for safe migration of workers

On 25 August 2008 the High Court Division of the Supreme Court issued a rule nisi upon the Foreign Ministry, Ministry of Expatriate Welfare, Bureau of Manpower, Employment and Training (BMET) and Bangladesh Association of International Recruiting Agencies (BAIRA) to show cause as to why the role of the concerned ministries to ensure safe migration of workers shall not be considered as a failure to discharge their duty and as to why the respondents shall not be directed to ensure safe manpower export. A Division Bench comprising Justice Syed Mahmood Hossain and Justice Farid Ahammed issued the rule in a writ petition (no. 6409/2008) filed by human rights organisation Ain o Salish Kendra (ASK), IMA (International Migrants' Alliance) Research Foundation and three victim workers repatriated from Malaysia filed the writ application.

Three workers; named Md Sirajul Islam, Abu Hanif Hawladar and Anamul Haque Talukdar went to Malaysia through the recruiting agencies, Ardent International Ltd. and Al-Fatih Overseas in 2007. On their arrival in Malaysia, the local agents seized their passports from them and also from more than hundred other Bangladeshi workers. Then they confined them all in a warehouse for about five months. Later, they were handed over to another company and the overseas agents misappropriated their salary. As the affected Bangladeshi workers moved to the Malaysian court claiming their wages, the court declared their work permits fake. The workers, including the three petitioners then went to the Bangladesh High Commission in Malaysia asking for their help. But the High Commission did not provide them with any kind of assistance. Finding no other alternative, the helpless Bangladeshi workers took shelter under an over bridge near the Bangladesh High Commission at Kuala Lumpur. They also contacted with their respective recruiting agencies in Bangladesh. But they also did not respond. Finally, the Bangladeshi workers, including the three petitioners, returned home with the aid of IMA Research Foundation, one of the petitioners in the said writ petition. - *Press Release*.

## 12 more bigwigs get HC bail

The High Court (HC) granted bail to 12 people including nine politicians in separate cases filed by the Anti-Corruption Commission (ACC), police and individuals. Responding to separate bail petitions filed by the accused, two division benches of the HC granted anticipatory and ad interim bail. The benches also issued separate rules upon the government to explain as to why the petitioners should not be granted regular bail and the proceedings against them should not be quashed.

Meanwhile, BNP chief Khaleda Zia filed a petition with the HC for bail in the "Zia Orphanage Trust" fund embezzlement case. The people who were granted bail include former information minister M Shamsul Islam and former agriculture minister MK Anwar, BNP's Senior Joint Secretary General Tarique Rahman, his close friend and controversial businessman Gasuddin Al Mamun, former BNP state minister Barket Ullah Bulu, former BNP deputy minister Asadul Habib Dulu and former BNP lawmakers Shahidul Islam Master, Mashiur Rahman and Abul Khair Bhuiyan and former Awami League lawmaker Ali Reza Raju. - *The Daily Star*, August 26, 2008.

## EC scrambles to resolve its re-demarcation issue

The Election Commission (EC) is urgently trying to get out of the tight spot it finds itself in after a High Court (HC) ruling stayed for three months the effectiveness of a gazette notification on the recent redemarcation of constituencies. The rush is prompted by the fact that the Supreme Court is set to go on vacation for a month and a half after Thursday.

Returning from vacation, the court will resume on October 12, while the EC plans to announce the parliamentary election schedule by the end of October or early November, for holding the poll in the third week of December. Legal experts and EC officials said the commission might face difficulties in proceeding with its plans if the issue is not resolved soon, as it will have to finish the gigantic task of preparations before the poll. - *The Daily Star*, August 25, 2008.

## Bibiyan power tender may be cancelled

The Bibiyana 450 megawatt power project tender is likely to be cancelled as the law ministry believes bid documents of the tender's lone bidder are so flawed that these lack legal merit for evaluation.

The power ministry had earlier made an unusual request to the law ministry to give its opinion on a condition imposed by Powertek Consortium of Malaysia and South Korea. The law ministry observed that imposing such a condition is a material deviation.

The bid originally participated by several companies finally drew only one offer because of poor handling of the tender by the Power Cell and the role of its tender consultant -- International Finance Corporation (IFC) -- that controversially disqualified the local Summit group. The Power Cell so far did not succeed in completing any large power project tender except that for Haripur 360 MW AES project in 1998. And till date it completed tenders for some small and rental power projects, most of which were awarded to incompetent and wrong bidders.

The Bibiyana tender initially attracted pre-qualification bids from AES, Chevron, Powertek, Kepco, Summit and Malaysian YTL late last year. Soon after the pre-qualification, Powertek and Kepco announced its consortium and AES announced its withdrawal. Finally, when the bid submission date came, Powertek appeared as the lone bidder. - *The Daily Star*, August 23, 2008.

## Manpower brokers in big hundi racket buy job demands

Amid law management in the overseas sector, recruiting agencies and manpower brokers smuggle about Tk 8,000 crore every year in the form of hundi to buy visas or job demands for Bangladeshi workers. Such illegal transactions spawn enormous malpractices forcing a large part of low-skilled workers into penury. But the government measures fail miserably in negotiating with labourer receiving countries to check frauds.

In the '80s, the employers used to bear the expenditure to hire workers from the country. But later a syndicate of visa traders enticed the employers to take cheaply paid workers from them in exchange of commission, creating dozens of ways to exploit the workers. The key villain behind the workers' woes is a syndicate of local and international brokers, who jointly exploit the nation's main remittance earners. Bangladesh earned around Tk 55,000-crore remittance in 2007-08 fiscal year from around 60 lakh expatriates. - *The Daily Star*, August 27, 2008.

## Dear reader,

You may send us your daily life legal problems including family, financial, land or any other issues. Legal experts will answer those. Please send your mails, queries, and opinions to: LawDesk, The Daily Star, 19 Karwan Bazar, Dhaka-1215; telephone: 8124944, 8124955, fax 8125155; email: dslawdesk@yahoo.co.uk, lawdesk@thedailystar.net

## LAW campaign

## Regional legal instrument for South Asia

DR. UTTAM KUMAR DAS

Participants at a regional dialogue on migrants' rights recommended to the South Asian governments to adopt a comprehensive strategy and regional legal instrument to address the challenges of labour migration. They urged for a gender sensitive policy in this regard covering all stages of the migration process. These policies shall also take into account the need for providing support to migrant workers and their families for protection and welfare. It underscored the need for promotion of safe migration through facilitating access to work opportunities abroad.

"It is the sovereign right of each State to regulate the admission and stay of foreign labour in its country, similarly each State has a responsibility to ensure safe migration and to protect the human rights of migrant workers- whether in regular and irregular situation," said a joint declaration of the event.

The dialogue on the "Implementation of International Instruments on Protecting Rights of Migrant Workers" held in Dhaka from 18 to 20 August 2008 with participation of Government representatives from Bangladesh, India, Nepal, Pakistan and Sri Lanka, as well as from international organisations, non-governmental organisations, civil society groups and the private sector. The International Organisation for Migration (IOM) and United Nations Development Fund for Women (UNIFEM) have jointly organised the programme.

Other recommendations to the Governments of South Asian states are: establishment of a National Committee on Migration comprising all stakeholders working in the sector, strengthen the internal inter-ministerial coordination on labour migration issues, examine the possibility of concluding bilateral agreements with receiving countries with a view to ensuring protection, entitlements and monitoring of the entire migration process, strengthen the capacity of the missions abroad for the protection and welfare of migrant workers and to explore and expand migration opportunities, ensure adequate representation in the various regional and international fora on migration, consider integrating the protection of the human rights of migrant workers into the national policies and plans to ensure compliance of these policies and plans with applicable human rights instruments, ensure harmonisation of the national laws and policies with the provisions with



the perspective of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Migrant Workers' Convention) and CEDAW. The participants observed that the Governments should also take into consideration the general recommendations put forward by the CEDAW Committee, collaborate with the civil society on issues related to the protection of the rights of all migrant workers, with special attention to female migrant workers.

At the regional level, the dialogue recommended for the South Asian countries to engage in discussing a common strategy to address the challenges of labour migration and develop an institutional framework (working group/task force) at the official level to facilitate this process, pursue cooperation and collaboration in the framework of the Colombo Process, explore the possibility of adopting a regional legal instrument on migration, set up institutions that will build capacity of potential migrant workers, set up a mechanism for monitoring the situation of labour migrants in sending and receiving countries involving all stakeholders in migration including international organisations, NGOs, independent women's organisations, media, migrant associations and other civil society organisations. They also recommend for institutionalisation of cooperation between IOM and SAARC, through the conclusion of a Memorandum of Understanding.

With regard to international organisations, the

dialogue recommends for supporting the governments and other stakeholders in their efforts to promote safe migration and to protect the rights of migrant workers and their families. It urged IOM to prepare a comparative analysis of national laws and regulations of South Asian countries and their relevance to the ratification of the Migrant Workers' Convention, in coordination with relevant international agencies. IOM, UNIFEM and other relevant international organisations are requested to promote sharing of good practices on safe migration and migration management.

For the civil society, the dialogue has following recommendations: to promote awareness, disseminate information and advocate at the national and regional levels on the ratification of the Migrant Workers' Convention, establish networks with their counterparts in countries of destination to draw attention to the need for protecting the human rights of labour migrants, and develop mechanisms to support labour migrants in need, work towards the inclusion of labour migration issues in SAARC, including for the establishment of a regional framework on labour migration, and encourage the establishment of a civil society network on migration within SAARC.

The writer is a National Programme Officer (Labour/Trafficking) of IOM's Mission with Regional Functions for South Asia in Dhaka.