

HUMAN RIGHTS MONITOR 

Brazzaville Summit for sustainable forest

COUNTRIES from the tropical forest ecosystems of the Amazon, Congo and South East Asia have strengthened co-operation on the sustainable use of forest resources to achieve national economic growth, at a major summit in Congo-Brazzaville.

The Summit of Heads of State and Government on Tropical Forest Ecosystems brought together representatives from 32 countries from the world's main forest regions for the first time. The summit was hosted by the government of the Republic of the Congo, with support from the United Nations Environment Programme (UNEP) and other UN agencies.

Delegates adopted a joint declaration to work together to improve the sustainable management of tropical forests. It addresses issues such as biodiversity, climate change, national development and deforestation in the context of the UN Climate Change Conference in Durban in December 2010 and next year's UN Conference on Sustainable Development in Brazil (known as Rio+20).

In the declaration, the heads of state and government affirm their commitment to put in place enabling mechanisms that would encourage position the forest sector as a key tool for the transition towards a low-carbon, resource efficient green economy, sustainable development and poverty reduction in their countries.

The Amazon, the Congo basin, together with the tropical forests of Southeast Asia cover 31% of the world's land area, house more than half of all terrestrial



biodiversity and contribute to the livelihoods of more than one and a half billion people. The forest basins provide vital ecosystem services and goods such as food and timber resources and water purification - that underpin human wellbeing and a vital part of regional economies.

Delegates at the Brazzaville summit stressed the need for adequate, reliable and sustainable financing to allow their countries to meet the challenges of sustainable forest management and other forest-related commitments.

They recommended new public-private and civil society partnerships, as well as multilateral co-operation, to facilitate investments to strengthen for-

est-related sectors in their countries.

Particularly, the Heads of State and Government called for concrete steps on how to move forward international financing instruments such as the Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (REDD+) initiative and secure the phase 3 funding that tropical forest basin countries critically need.

They appointed Mr. Bharrat Jagdeo, President of Guyana, as Goodwill Ambassador for the forests of the three basins to work with developed and developing countries to find solutions and resources to improve management of these globally vital forest resources.

The Brazzaville Declaration, which recommends that forests be considered as a priority area at next year's Rio +20 conference, is the first step towards a more formal co-operation agreement on forests between countries of the three major tropical forest basins and other countries worldwide.

Delegates mandated Denis Sassou Nguesso, President of the Republic of Congo, to coordinate the development of the cooperation agreement, in consultation with the countries of the three tropical forest basins and relevant regional organizations (Amazon Cooperation Treaty Organization (ACTO), The Association of Southeast Asian Nations (ASEAN) and Central African Forests Commission (COMIFAC).

A draft version of the Brazzaville Declaration can be viewed at: www.3bassinsforestiers.org.

Press release by UNEP.

LAW QUOTATIONS 6699

"Although individual decisions may seem small in the face of global threats and trends, when billions of people join forces in common purpose, we can make a tremendous difference."

-UN Secretary-General Ban Ki-Moon

"Water is fundamental for life and health. The human right to water is indispensable for leading a healthy life in human dignity. It is a pre-requisite to the realization of all other human rights."

-The United Nations Committee on Economic, Cultural and Social Rights

"But we know that the law is good, if a man use it lawfully; Knowing this, that the law is not made for a righteous man, but for the lawless and disobedient, for the ungodly and for sinners, for unholy and profane, for murderers of fathers and murderers of mothers, for manslayers."

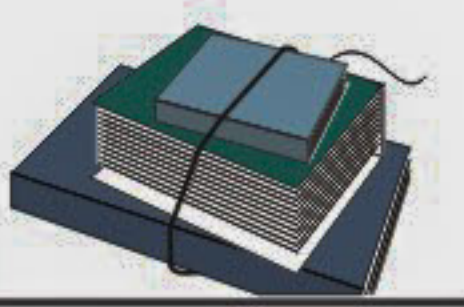
-Bible
1 Timothy 1. 8-9.

"We must not make a scarecrow of the law, setting it up to fear the birds of prey, and let it keep one shape, till custom make it. Their perch and not their terror."

-William Shakespeare
Measure for Measure.

"What a cage is to the wild beast, law is to the selfish man."

-Herbert Spencer



LAW LEXICON

Legal texts - Books that cover specific areas of the law, usually dealing with a single topic.

Legislation - The act of giving or enacting laws; the power to make laws via legislation in contrast to court-made laws.

Legitimate - That which is legal, lawful, recognized by law or according to law.

Leniency - Recommendation for a sentence less than the maximum allowed.

Letters of Administration - Legal document issued by a court that shows an administrator's legal right to take control of assets in the deceased person's name.

Letters Testamentary - Legal document issued by a court that shows an executor's legal right to take control of assets in the deceased person's name.

Liable - Legally responsible.

Libel - Published defamation which tends to injure a person's reputation.

Licensing boards - State agencies created to regulate the issuance of licenses, i.e., to contractors, cosmetologists, realtors, etc.

Lien - An encumbrance or legal burden upon property.

Source: Jurist International.



YOUR ADVOCATE

This week Your Advocate is Barrister Omar Khan Joy, Advocate, Supreme Court of Bangladesh. He is the head of the chambers of a renowned law firm, namely, 'Legal Counsel', which has expertise mainly in commercial law, corporate law, family law, employment and labor law, land law, banking law, constitutional law, criminal law, IPR and in conducting litigations before courts of different hierarchies. Our civil and criminal law experts from reputed law chambers will provide the legal summary advice.

Query

What are the provisions of getting a legal aid and where to go for? Does everyone get a grant of legal aid?

Md. Sharifullah
Rajendrapur, Dhaka

Response

I would like to thank you very much for your queries. Your queries are of very much importance as legal aid is indispensable for those who can not afford the expense of litigation. In Bangladesh, the concept of legal aid is not much popular. However, the government modernized the existing legal aid scheme of the country by enacting the Legal Aid Act 2000 which provides for decentralization of activities in national and district level. Accordingly, the Government formed a National Legal Aid Board by way of Gazette Notification in 2001 to control the whole legal aid scheme at national level. Besides, Legal Aid Committees at the District level have also been established.

According to the Legal Aid Act 2000, all applications for seeking legal aid must be submitted to the National Legal Aid Board or to the District Legal Aid Committee as the case may be. Where an application is rejected by the District Committee, the aggrieved person

may prefer an appeal to the National Legal Aid Board within sixty days of the rejection.

As far as your second query is concerned, the Ministry of Law, Justice and Parliamentary Affairs formulated guidelines as empowered by the Act of 2000. The guidelines enumerate categories of persons eligible to seek legal aid which includes: any freedom fighter who is totally or partly incapable of earning or whose annual income is below six thousand taka, person receiving old age honorarium, poor women holding VGF card, women or children who are either victim of trafficking or acid violence, any person who has been allocated land in model village, any poor widow or women deserted by her husband, physically or mentally handicapped person incapable of earning and having no mean of subsistence, any person unable to establish his right to defend himself in court due to financial crisis, anyone who has been detained without trial and unable to defend himself due to

financial crisis, anyone considered by Jail authority or Court as poor or helpless, anyone considered by the legal aid board in pursuance of any financial crisis, socio-economic reason or disaster.

Besides, some of the Non Governmental Organizations (NGOs) of our country provide legal assistance in the form of counseling to the aggrieved mostly in cases involving family matters. Sometimes they provide legal assistance in the form of representation in special cases.

I hope the aforesaid opinion shall help you to resolve your queries.

For detailed query contact:
omar@legalcounselbd.com.



World day against child labour



12 June 2011 marks the adoption of the landmark International Labour Organisation (ILO) Convention No 182, which addresses the need for action to tackle the worst forms of child labour. While celebrating progress made since the Convention's adoption in 1999, the World Day highlights continuing challenges, such as the millions of children involved in hazardous work.

The ILO has estimated that some 215 million children are trapped in child labour. Many of these chil-

dren work long hours, often in dangerous conditions. Child labour is closely associated with poverty and denies children their right to education. Many poor families are unable to afford school fees or other school costs. The family may depend on the contribution that a working child makes to the household's income, and place more importance on work than on education. When a family has to make a choice between sending either a boy or girl to school, it is often the girl who loses out.

The theme of the World Day for 2011 is "Children in hazardous work". More than half of child labourers worldwide--an estimated 115 million--are involved in forms of employment that are likely to harm their health, safety or morals. This problem affects a wide variety of jobs and industries and is widespread in both developed and developing nations. The international community has identified hazardous work as among the worst forms of child labour it has targeted for eradication by 2016. The World Day is intended to focus global attention on this practice and call for urgent action to combat it.

Sources: International Labour Organization (ILO)

LAW WEEK

Remove structures from Patuakhali riverbank: HC

The High Court (HC) on June 9 directed the government to remove all structures from the bank of Ramanabad river in Golachipa upazila of Patuakhali in two months. After holding hearing on a writ petition, the HC also declared construction of structures for a commercial market on the riverbank illegal. The HC bench of Justice AHM Shamsuddin Chowdhury Manik and Justice Gobinda Chandra Tagore delivered the verdict following the writ petition filed by Bangladesh Environmental Lawyers Association (Bela). Bela filed the petition on April 5 last year as public interest litigation. The HC on the same day issued a rule upon the government to explain why the earth filling and construction of structures on the river bank should not be declared illegal. -The Daily star June 10 2011.

Over 70 housing projects illegal

The High Court on June 8 directed the government to remove or demolish 77 unauthorised housing projects in and around Dhaka within 30 days. The court in the verdict on a writ petition also ordered the Rajdhani Unnayan Kartripakkha and the police to stop advertisement, earth-filling and sale of plots by those housing projects and remove their signboards and hoardings immediately. The HC bench of Justice AHM Shamsuddin Chowdhury Manik and Justice Gobinda Chandra Tagore at the same time directed Rajuk to submit a report on compliance with the directives within 40 days. - The Daily star June 9 2011.

109 BGB men jailed

A special court on June 6 handed down rigorous punishment to 109 jawans of Rifles Security Unit in a case filed for the mutiny in February 25-26, 2009 at the then Bangladesh Rifles (now BGB) headquarters in the capital. The special court-7 led by Maj Gen Md Rafiqul Islam, director general of Border Guard Bangladesh, also acquitted four of the charges and fined each convict Tk 100. Of the convicts, 34 jawans were sentences to highest seven years in prison while the others got shorter prison terms. The court altered punishment of a convicted jawan twice while delivering the verdict at the Palkhana headquarters. Earlier, Nayeb Subedar Abdul Matin Mia filed the case on May 6, 2010 against 113 BDR men including former RSU JCO Subedar Saidul Haque. -The Daily star June 7 2011.

Fresh charges against Koko, Saimon framed

A Dhaka court on June 6 framed fresh charges against Arafat Rahman Koko, son of BNP Chairperson Khaleda Zia and Ismail Hossain Saimon, son of former shipping minister late Akbar Hossain, for money laundering. The charges against Koko and Saimon were reframed under Money Laundering Prevention Act 2002 to avoid legal complications as they were indicted for activities which occurred before 2009. Earlier on November 30 last year, the same court indicted Koko under Money Laundering Prevention Act 2009. Judge Mozammel Hossain of the Special Judge's Court-3 framed the charges after Special Public Prosecutor Mosharrif Hossain Kajol submitted an application. The court set June 15 for the next hearing of the case. - The Daily star June 7 2011.

Shut illegal sawmills

The High Court on June 6 directed the government to immediately shut down the sawmills illegally set up in the Sakhipur reserve forest area in Tangail. In response to a writ petition filed on the basis of a report in The Daily Star, the court asked police to take action and file criminal cases against those responsible for felling trees in the forest. The HC bench of justices AHM Shamsuddin Chowdhury Manik and Gobinda Chandra Tagore ordered the government officials concerned to submit in 10 days a report on actions taken in compliance with the court order. It issued a ruling upon the government to explain in three weeks why it should not be directed to remove the sawmills from the reserve forest area and why its inaction to protect the forest should not be declared illegal. - The Daily star June 7 2011.

Hearing on charge framing against Saeed Eskander July 6

A Dhaka court on June 5 deferred the hearing on charge framing against Major (Retd) Saeed Eskander till July 6 in connection with a corruption case. Judge AFM Aminul Islam of Special Judge Court-1 passed the order after Saeed Eskander's lawyer Sanaullah Miah submitted a petition seeking an adjournment of the hearing. Sanaullah in the petition said his client could not appear before it due to hartal called by his party Bangladesh Nationalist Party (BNP). Anti-Corruption Commission (ACC) Deputy Director Benazir Ahmed, also investigation officer of the case, submitted the charge sheet on February 6 to the Dhaka Chief Metropolitan Magistrate's Court, naming 12 witnesses. - The Daily

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: Law Desk, The Daily Star 64-65, Kazi Nazrul Islam Avenue, Dhaka-1215; Tel: