



Mass trials cannot provide justice

Mass Trials Violate Right to Fair Trial for Accused in 2009 Violence

SUSPECTS in the 2009 mutiny by the Bangladesh Rifles border guards (BDR) have been subjected to widespread abuse, torture, and deaths in custody, Human Rights Watch said in a report released today. The mass trials of nearly 6,000 suspects raise serious fair trial concerns. The 57-page report, "The Fear Never Leaves Me": Torture, Custodial Deaths, and Unfair Trials After the 2009 Mutiny of the Bangladesh Rifles," [4] provides a detailed account of the mutiny and documents serious abuses in the aftermath, including torture by security forces of people in custody on suspicion of planning the mutiny, and of ongoing concerns about fair trial violations in mass trials of hundreds of suspects at a time. The notorious Rapid Action Battalion (RAB) has allegedly been involved in many of the abuses.

After the mutiny ended, though, the army and other security agencies immediately began to round up thousands of suspects. Family members of detainees and the media soon reported allegations of torture and custodial deaths. At least 47 suspects have died in custody. Detainees were subjected to beatings, often on the soles of their feet or palms of their hands, and to electric shock. Some victims described being hung upside down from the ceiling. Many of those who survived the torture suffered long-term physical ailments, including

government has ordered investigations into custodial torture or deaths related to the mutiny. Instead, official statements have claimed that many of the accused died of heart attacks, or other natural causes, even in cases in which there is substantial evidence of serious bodily harm while the person was in custody. Torture is routinely used by security forces in Bangladesh, even though it is a state party to the United Nations Convention Against Torture. Human Rights Watch and others have long documented the systematic use of torture in Bangladesh by its security forces, including the army, the Rapid Action Battalion, and the Directorate General of Forces Intelligence, the country's main intelligence agency. "The failure of

defense, access to the evidence against them, or even made aware of the charges. Although the prosecution has assured Human Rights Watch that testimony obtained under duress would not be used against the accused, defense lawyers told Human Rights Watch that such coerced statements were part of their clients' dossiers.



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Those responsible for the horrific violence that left 74 dead should be brought to justice, but not with torture and unfair trials," said Brad Adams, Asia director at Human Rights Watch. "The government's initial response to the mutiny was proportionate and saved lives by refusing army demands to use overwhelming force in a heavily populated area. But since then it has essentially given a green light to the security forces to exact revenge through physical abuse and mass trials." Human Rights Watch interviewed over 60 people for this report, including family members of the victims, prosecutors, defense lawyers, and journalists.

Human Rights Watch called on the Bangladeshi authorities to establish an independent investigative and prosecutorial task force with sufficient expertise, authority, and resources to rigorously investigate and prosecute allegations of human rights abuses after the mutiny. The mass trials should be halted. During the mutiny, 74 people were killed, including 57 army officers, and a number of army wives were allegedly subjected to sexual violence. The mutiny, believed to be triggered by long-standing grievances of the lower-ranking guards, broke out during the BDR's annual celebrations on February 25, 2009, at its central Dhaka headquarters in Pilkhana Barracks. The newly

kidney failure and partial paralysis. Several family members told Human Rights Watch that the victims seemed psychologically destroyed and depressed as a result. One man whose father died in custody told Human Rights Watch that his father had been in good health until he was arrested: "My father was trying to hide from me what had happened to him, but I could see he had trouble walking, he was almost staggering, couldn't stand." Human Rights Watch raised these concerns with the government in Dhaka as early as March 2009, and has raised them frequently since. Human Rights Watch knows of no cases in which the

government to investigate allegations of custodial torture and death makes it appear that it does not care about what happens to victims or about the conduct of government forces," Adams said. "The government talks a good game about human rights and the rule of law, but it has done nothing to end the culture of abuse and impunity among its security forces." Human Rights Watch expressed serious concern about the enormous number of people convicted after mass trials before specially created military tribunals and civilian courts. Most of the accused have not had recourse to adequate counsel, adequate time to prepare a

Ctg Arms Haul Charge Sheet

Former state minister for home Lutfozzaman Babar had ordered the CID to submit the charge sheets in the 10-truck arms haul cases without implicating NSI officials, ex-DIG of CID Farrukh Ahmad told a Chittagong court yesterday. "According to the order of Lutfozzaman Babar and with consent from former home secretary Omar Faruq, the charge sheets were submitted without disclosing the involvement of NSI officials in the smuggling of arms and ammunition," Farrukh said in his deposition as a prosecution witness in two cases in this connection. Farrukh also implicated several former National Security Intelligence (NSI) officials including its former director general Brig Gen (ret'd) Abdur Rahim, deputy director Major (ret'd) Liakat Hossain and field officer Akbar Hossain and former director of Directorate General of Forces Intelligence (DGFI) Brig Gen (ret'd) Rezzakul Haider Chowdhury in the offence. Law enforcers seized 10 truckloads of arms and explosive at the jetty of Chittagong Urea Fertiliser Limited in the wee hours of April 2 in 2004. -*thedailystar.net*, July 4, 2012.

HC stays suspension order of 6 UP chairmen

The High Court (HC) on Wednesday stayed for three months a government order that had suspended six union parishad (UP) chairmen of Bishwanath upazila in Sylhet.

The court also issued six separate rules upon the government to explain why the suspension of the UP chairmen should not be declared illegal.

A vacation bench of the HC comprising Justice Hasan Foez Siddique and Justice AKM Shahidul Haque came up with the order and rules after holding hearing on six separate petitions filed by the suspended chairmen challenging the legality of the government decision of suspending them from their offices. The suspended UP chairmen are Mohammad Lilo Miah of Alamkari Union, Nizam Uddin Siddique of Khajanthi Union, Md Jalal Uddin of Bishwanath Union, Kabir Hossain Miah of Lamakazi Union, Md Tahid Miah of Dewkolosh Union and Md Abbas Ali of Dowlatpur Union. -*thedailystar.net*, July 4, 2012.

Tarique's bail in 3 cases extended for a year

The High Court yesterday extended bail for BNP leader Tarique Rahman for one year in three cases of extortion and tax evasion. A vacation bench of Justice Kamrul Islam Siddiqui and Justice Abu Taher Md Saifur Rahman granted the bail after hearing three petitions seeking extension of a previous bail order. Tarique, senior vice-chairman of the main opposition BNP and son of its Chairperson Khaleda Zia, is now in London for treatment, his counsel barrister Mahbub Uddin Khokon told The Daily Star. The BNP leader is accused in 14 criminal cases and now on bail in 12 cases. He was freed from jail on bail in 2008 and went to London for treatment the

"Families of victims and survivors of the mutiny deserve justice. It is impossible to hold fair trials unless the prosecution prepares a case against each person accused and that person's defense counsel has the time and documentation to prepare a proper defense," Adams said. "Mass trials like these simply cannot provide justice for victims, or real answers about who was responsible for the terrible crimes committed during the mutiny."

Source: Human Rights Watch.



The tradition of lawyers' dress code

EMDADUL HAQUE

THE costumes worn by the lawyers are the most distinctive working costumes in existence for more than seven centuries. The costumes for judges were more or less established by the time of Edward III (1327-1377) based on the dress code for attending the Royal court. The material for robes was originally given to judges as a grant from the Crown. The division of legal profession in England dates back to 1340, paving the way for the evolution of professional advocacy. In 1340, in a reaction other people opposed the length of the attire but the lawyers obstinately decided to adhere to the long robes. The medieval judges wore violet robes in the winter and green robes in the summer. The green summer robes fell into disuse by 1534 and after 1534 only the black and violet robes were commonly worn.

existing costumes to be worn. After 1635 a black robe with a light colour fur in winter and violet or scarlet robes with short-pink taffeta in summer were introduced. A black girdle or cincture was worn with all robes. By the end of 1680s two rectangles of linen tied at the throat. So, in England judges, barristers and solicitors in the 17th century were using black coats, robes, traditional wigs and bands. Three stories are heard in England regarding using of robes. Firstly, robes adopted in 1685 as the symbol of mourning for King Charles II. Secondly, in 1694 it is found that all of the nations judges attended the funeral of Queen Mary II dressed in black robes as a sign of mourning. Thirdly, in memory of Queen Anne in 1714, the same mourning was followed. Italian judges resembling English judges in the 18th century wore white wigs, black robes and white bands. Thus from the tradition of three monarchs the black robes tradition spread around the Britain and then surrounded in the world and still persists today as part of the Britain's colonial adventures.

absence of his natural curly hair used to wear a wig to disguise his baldheadedness. His successive king Louis XIV also went prematurely bald and opted for wig as a style leader. Since then wigs were used as fashion which became almost universal for European upper & middle class men by the beginning of the 18th Century. Other rationales included ease of hairdressing, ease of cleaning of



Bands are official neckwear accustomed to use by clergy and lawyers. Bands used by clergy often called preaching bands and worn by lawyers are usually called barrister's bands. Again the history of adoption of bands credited to England where bands were used for legal, official and ecclesiastical and academic use in the mid-seventeenth century. During mid-seventeenth century plain white bands came to be in variable neckwear of all judges, sergeants, barristers, students, clerical and academicians. However, the judicial costumes in the UK have been changed a lot in 2008 and 2011 stopping wearing of gowns and wigs in the Supreme court, civil and family courts. The USA also mirrored the British judicial costumes of the 18th century but after revolution wigs were banned retaining other robes. But by the mid-nineteenth century the USA almost quitted the British styled robes fixing no specific dress code for attorneys. Almost every judge in USA wears a black robe over formal business suit and attorneys are free to choose their own costumes. Australia and Africa have changed the dress code in court premises recently. Middle East countries tend to follow anti-western dress code in courts. In Afghanistan and in Iran chief justice wear white and black turbans along with traditional robes. Judges in Libya and Egypt simply wear green sashes over the business suits terming green as the colour of justice in Islam.

The ancient Egyptians used to wear wigs to shield their shaved, hairless heads from the sun. After the fall of the Roman Empire, the use of wigs went into oblivion in the West for a thousand year until they were revived again in the 16th century as a means of compensating for hair loss or improving one's personal appearance. Royal patronage was crucial to the revival of the wig as Queen Elizabeth I of England famously wore a red wig in a Roman style while French Kings Louis XIII and Louis XIV pioneered wig-wearing. In 1624 Louis XIII went prematurely bald and the fashion conscious king in

hair, comfort while sleeping, ability to change styles and colours and class considerations as wigs were expensive. Wigs were also used after shaving of natural hair to get relieve from head lice. Around 1715, lighter wigs were used as fashion too. It dribbled its custom out of fashion until the 1720's when it was only worn by professionals namely lawyers and doctors. After 1740, it was only worn by judges and had gone completely out of fashion.

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The origin of legal profession in the Indian subcontinent is traceable to the English legal system due to their ruling for 190 years. Considering Britain as the mother of the judicial attire and addressing, judges

and advocates in the courts in India use almost the same. In India, as per rules under the Advocates Act, 1961 advocates shall have to wear a specific robes namely a vest, a white shirt, a black coat, a black gown and a white band with a slightly dressed down version for female lawyers. Instead of white band a black neck tie is used in the subordinate judiciary. Indian Bar council in 2001 relaxed wearing of black coat for advocates practicing in subordinate courts during summer. Again in 2006 India throws out the phrase "My Lordship" or "My Lord" addressing the judges of the Supreme Court and High courts and instead favours "Your Honour", "Honourable Court" or just "Sir or Madam". Pakistani judges and advocates also use black and white in the courts. In 1980s, Pakistani judges modified their dress code to do away with wig and to allow a black traditional Pakistani sherwani. As a staunch follower of the British judges and advocates Bangladesh still follow them. The Supreme Court of Bangladesh provided criminal rules and orders fixing dress code for judges and advocates. Regarding dress code there is no mention in the Bangladesh Legal Practitioners and Bar Council Order, 1972 other than their professional conduct and etiquette. Appellate Division Rules of 1988 of Bangladesh Supreme Court talk about senior advocates and advocate on records. Nothing has been changed in Bangladesh concerning dress code for lawyers and advocates.

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