



Death Penalty: A decade on, executions are on the wane but challenges remain

THE last decade has seen significant progress towards abolishing the use of the death penalty worldwide, but serious challenges remain before capital punishment is relegated to the dustbin of history, Amnesty International said marking the 10th World Day against the Death Penalty on 10 October.

Campaigning by a global coalition has contributed to the decision in 17 new countries to abolish the death penalty for all crimes since the first World Day was held in 2003, bringing the total to 140 states which have abolished in law or practice more than 70 per cent of the world's countries.

But even though there are fewer offending states, a handful among them powerful states like the USA and China still carry out executions with appalling regularity.

"In 2011, only 21 countries carried out executions down from 28 countries at the time of the 1st World Day against the Death Penalty. To have 17 countries abolish capital punishment for all crimes in this period is a sign of significant progress," said Widney Brown, Senior Director of International Law and Policy at Amnesty International.

"But despite this success, the battle against the death penalty is a long one and there is a lot of work to do to convince the remaining governments to stop the practice once and for all."

A definite abolitionist trend

Among the 140 countries that have now abolished the death penalty in law or practice are states representing all major world regions, religions and cultures, as well as diverse legal systems. Since 2003, each year an average of two countries have abolished the use of capital punishment for all crimes the most recent was Latvia in January 2012.

In the same period, 26 new states ratified the UN-backed accord abolishing the death penalty the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR). It now has 75 member states, after being ratified by Benin and Mongolia earlier this year, and was

recently signed by Madagascar. Even some of the countries with the most executions have made advances. In the USA, several individual states have abolished the death penalty.

Reforms

Another group of countries retain capital punishment but have introduced important reforms to reduce the number of capital crimes.

In 2011, these included China, the Gambia and Taiwan. China which executes the most people by far in the world abolished the death sentences for 13 non-violent offences and in cases where the accused is over the age of 75. But the scrapped capital crimes were seldom used, and it also extended death sentences to additional crimes.

Amnesty International opposes the death penalty in all cases without exception. But because change on the issue is often incremental, the organization continues to campaign for all states to abolish executions for people convicted of a committing a crime when they were children, as well as those who have mental or intellectual disabilities.

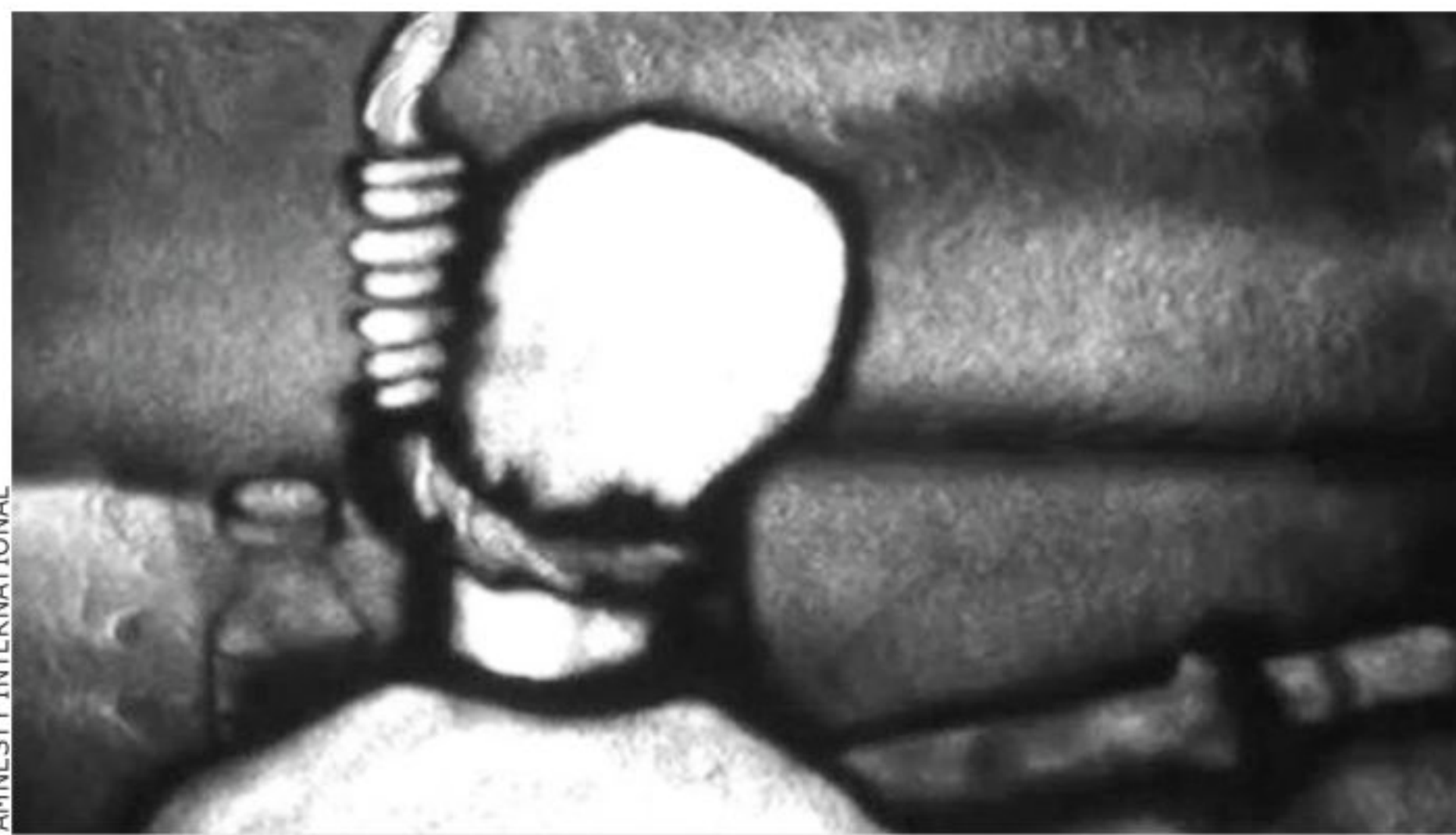
The organization also urges countries to adhere, at the very minimum, to all international standards on the use of the death penalty, including those calling for the death penalty to be used only in cases that meet the "most serious crimes" threshold moving away from its use in drugs offences common in Iran, Saudi Arabia and Singapore and other non-lethal crimes.

A fatal few holdouts

Although states that execute find themselves in an ever-shrinking minority, judicial killings continue apace.

Each year, in addition to an unknown number of people executed in China, countries including Iran, the USA, Yemen and North Korea each carry out scores of executions.

In 2012, Iraq, the Hamas-controlled Gaza Strip in the Occupied Palestinian Territories and Saudi Arabia have actually seen a rise in executions. Almost a third of those executed in Saudi Arabia in 2012 65 by early October were alleged drugs offenders, including many foreign



nationals. In Iraq 119 people have been executed this year so far almost double the known total for all of 2011.

In a particularly troubling development, several countries have recently resumed executions including Botswana, Japan, and the Gambia. In India, the threat of resumption is imminent. In some cases renewed executions followed a long hiatus the Gambia had previously not carried out death sentences for three decades.

Discrimination still often plays a significant role when it comes to meting out the death penalty, as often those with the least financial means, access to lawyers, or simply an understanding of the local language end up on death row.

Vaguely defined "terrorist" crimes, offences related to same-sex sexual relations and "religious" offences are often lumped in among the crimes considered for capital punishment.

And in some countries, people of specific ethnic or religious backgrounds disproportionately receive death sentences for example Kurds and religious minorities in Iran.

Amnesty International continues to urge all states to abolish the death penalty.

But until they do, it is imperative that the entire process meet international fair trial standards, including that charges and legal proceedings must be transparent, and the sentence subject to a mandatory judicial review. Governments also

have an obligation to report on all instances of death sentences being handed down and carried out.

"No criminal justice system on earth is perfect, so even with safeguards in place, there is always a very real risk of executing someone who is innocent. No state can justify taking such a risk," said Brown.

"This possibility and the irreversible nature of the death penalty are just two reasons why we will continue to campaign for all states still carrying out executions to reconsider, in hope they will join the overwhelming majority of the world that has given up the ultimate cruel and inhumane punishment."

Amnesty International began its global campaign for an end to the death penalty under all circumstances in 1977.

Along with its partners in the World Coalition Against the Death Penalty, the organization will continue to promote national legislation abolishing the death penalty, call for additional ratifications of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, support international standards to abolish or restrict capital punishment, and support adoption of the fourth UN General Assembly resolution, calling for a moratorium on executions with a view to abolition of the death penalty, in late 2012.

Source: Amnesty International. (<http://www.amnesty.org/en/news>)



2 Sagar-Runi murder accused on 8-day remand

A Dhaka court on October 10 placed two accused in journalist couple Sagar-Runi murder case on an eight-day remand each. The accused are Tanvir Rahman and Palash Rudra Pual, a security guard of the couple's residence. Metropolitan Magistrate Keshab Roy Chowdhury passed the order after Md Zafar Ullah, senior assistant superintendent of police of Rapid Action Battalion also the investigation of the case, produced them before it with a 10-day demand prayer. Meanwhile, five more accused -- Mintu alias Bargira Mintu, Kamrul Hassan Arun, Md Bakul Miah, Rafiqul Islam and Abu Sayeed -- have been shown arrested in the case. - *The Daily Star online edition October 10 2012.*

HC questions RPO restriction

The High Court on October 9 questioned the validity of a legal provision, which prevents government employees from contesting parliamentary elections within three years into their retirement from service. In response to a writ petition, the court issued a rule asking the government and the election commission to explain in four weeks why this restrictive provision of the Representation of the People Order (RPO) should not be declared unconstitutional. According to Article 6 of the RPO (Amendment) Act 2009, if anybody has not finished three years after retirement from government service, he or she cannot contest parliamentary elections. - *The Daily Star October 9 2012.*

High Court for alternative to nat'l ID card

The High Court on October 8 directed the government to allow mobile-phone operators to sell SIM and RUIM cards against alternative identification documents in case subscribers do not have national identity (NID) cards. It, however, did not specify what sort of documents could be used as an alternative to NID for purchasing Subscriber Identity Module or Removable User Identity Module cards. The HC also issued a rule upon the government to explain in four weeks why its April 12 order making NID mandatory to buy RUIM/SIM cards should not be declared illegal. On hearing a writ petition filed by Muminul Islam Chowdhury from Dhanmondi, the HC bench of Justice M Moazzam Husain and Justice Md Habibur Gani came up with the directive and the rule. The petitioners had challenged the legality of the government order. - *The Daily Star October 9 2012.*

HC extends stay order on DCC polls

The High Court on October 8 once again extended its previous stay order on holding the Dhaka city corporation polls by three months, as the authorities neither implemented nor replied to its directives. The elections to both the north and south city corporations were scheduled for May 24, as announced by the Election Commission on April 9. Earlier on April 16, following a writ petition, the court had stayed the elections for three months as "the legal procedures" were not carried out beforehand. The HC bench of Justice Naima Haider and Justice Muhammad Khurshid Alam Sarkar passed the order after hearing a petition to extend its previous stay order. - *The Daily Star October 9 2012.*

HC to list heritage sites in Dhaka

A High Court bench on October 8 directed the government to prepare a complete list of all heritage structures in Dhaka city and file a report with the court within three months. Following a writ petition filed by Urban Study Group (USG), the HC issued the direction on the ministries of cultural affairs, housing and public work and local government. The heritage conservationist group filed the petition on October 2 in the wake of a move by Dhaka Zilla Parishad to tear down a colonial era building on Johnson Road the previous day to make way for a 20-storey commercial building. The court however withdrew its earlier temporary stay order on the demolition work and disposed of the petition. Earlier, in 2009, the government made a primary list of 93 age-old buildings and 13 roads in four areas for conservation in the capital city. - *The Daily Star October 9 2012.*

Hearing on writ about Hall-Mark Scam adjourned

The High Court on October 7 adjourned for two weeks the hearing on a writ petition that sought its directive on the government to recover Tk 3,547 crore loan taken by Hall-Mark Group and five other companies from Sonali Bank. Supreme Court lawyer Eunos Ali Akond filed the petition on September 17 with the HC, seeking its order on the authorities concerned to confiscate the assets of the companies on failure to refund the money. The HC passed the adjournment order after Eunos prayed for postponement of hearing on the petition, saying that he will insert some new grounds in his petition. He also urged the HC to ask the government to constitute a judicial commission to probe the irregularities in all the public and private banks. - *The Daily Star October 8 2012.*



Urge for children's ombudsman to ensure rights

SPEAKER at a seminar urged the government to foster and finalise the process of amending the children Act 1974 determining children's age below 18 years. They observed that the Domestic Violence (Prevention and Protection) Act 2010, and Anti Trafficking Act 2011, National Children policy 2-11 and several other national policy documents had clearly determined children's age as 18 years. But the Law ministry vetting had

He said that Poverty is a relative term for the protection of child rights. But whatever resources we have we need proper and equitable distribution of resources, if this distribution can be ensured then we can have better society, better atmosphere which are essential for our children.

Dr. Rahman stressed on Human rights analysis of our national budget and urge for specific allocation of budget for the protection and promotion of child rights.



slowed the process as the ministry was in favour of keeping children's age below 16 years.

Stressing the need on establishment of children's Ombudsmen, Speakers said that such an institution can increase the political and national attention to children, act as a watch dog and independently monitor children's rights as well as highlight violation of children's rights.

Save the Child jointly with National Human Rights Commission Bangladesh and Child Rights Governance Assembly organised the roundtable discussion on "Child Rights: Compliance with CRC" on 6 October 2012.

Chairman, National Human Rights Commission, Dr. Mizanur Rahman graced the occasion as Chief Guest.

Mr. Michael McGrath, Country Director, Save the Children, said that Bangladesh so far has made progress for the protection of child rights though it is a poor country. But he stressed upon the protection of Rohingya Children irrespective of their entrance from ethnic minorities or uncertainties in the legal arena.

Mr. Kazi Reazul Hoque, Chair, Child Rights Committee emphasised on the unique age of defining children as 18 years and minimum age of criminal responsibility as 12 years. In case of petty offences committing at the age 9-12, Local government will monitor until they attain 12 years, he suggested.

Among others Mr. Ranjit Kumer Biswas, secretary, Ministry of social welfare and Mr. Emranul Haq Chowdhury, Convenor Child Rights Governance assembly were also spoke on the occasion.

-From Law Desk.



Duty to respect the employee's privacy

Now a days it has been observed that the corporate houses take mobile sim/s under corporate package for their employees. It is cost effective as such the corporate houses, in lieu of paying cash incentive as mobile facility, provide a certain amount of ceiling to their employees through the corporate packages. But the astonishing fact is that the corporate houses through the said sims collect Call Details Record (CDR) and location status from the mobiletelephone services provider. Here lies the question of personal privacy.

Though the owner of the sim is the corporate house, it relates to a fundamental right of personal privacy of individuals. This is a clear violation of the right to privacy and Article 43 of the Constitution which states that "Every citizen shall have the right, subject to reasonable restrictions imposed by law in the interests of the security of the State, public order, public morality or public health- (a) to be secured in his home against entry, search and seizure and (b) to the privacy of his correspondence and other means of communication."

In addition it can also be noted that: There are three main aspects to privacy in employment. The first aspect concerns the employee's right to know what information is held about her. The second aspect concerns the privacy of information about the employee; and the third is about non-intrusion into the employee's private life. This sort of collection of CDR by the corporate houses to their employee does not only infringe the privacy of the person who owns the telephone, it also affects anyone who calls or is called by that person.

In *Halford v UK* (1997) the European Court of Human Rights rejected the government's argument that employees should have no general expectation of privacy for their telephone calls at work and that an employer should be able to monitor calls without due process.

The time has already come for BTRC to take initiative to prevent the corporate houses from getting the CDR of any of her employee's in an authorized manner. If it is undertaken in an unauthorized manner then it is illegal and will result in prosecution of the person responsible for breach of privacy.

BTRC needs to instill this fear in the minds of the corporate employer so that they refrain themselves and at least think 100 times before using technology for their vested interest.

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