

LAW EVENT

Justice oriented facilities for accessible justice

PROMOTION and protection of access to justice, human rights and human security for all the citizens including women and vulnerable groups is a key priority in the context of Bangladesh. But the justice sector of this country is facing several constraints to deliver timely, affordable and accessible justice. One of the key constraints is the slow process disposal rate and corresponding build-up of a large case backlog. The backlog is placing considerable pressure on the justice sector and hinders the whole justice delivery process. In this backdrop, the Law and Justice Division of the Ministry of Law, Justice and Parliamentary Affairs, UNDP Bangladesh and DFID jointly have undertaken a project titled, "Justice Sector Facility (JSF)" with the overall outcome to strengthen the capacity of the justice sector agencies to better serve and protect the rights of all citizens including women and vulnerable groups.

On part of this, an inception workshop was held in Dhaka on October 20 to develop a common understanding of the challenges facing the justice sector and identify possible solutions through gathering information from policy makers and government high officials, learned judges, lawyers, members of law enforcement agencies and access to justice oriented NGOs.

More than 150 participants from across the justice sector namely the Ministry of Law, Justice and Parliamentary Affairs, Office of the Attorney General of Bangladesh, Ministry of Home Affairs, Supreme Court of Bangladesh, Bar Associations and other important stakeholders participated in the workshop.

Barrister Shafique Ahmed, Honorable Minister, and Ministry of Law, Justice and Parliamentary Affairs graced the inauguration ceremony of the workshop as a chief guest and Mr. Stefan Priesner, Country Director, UNDP Bangladesh as a special guest.

To establish rule of law independence of judiciary



and success of justice delivery system is must, where this project will play a vital role to revitalise the administration of justice in Bangladesh and to improve the overall situation of justice delivery. Barr. Shafique Ahmed anticipated.

He underscored the necessity of reforming criminal justice system through fixing mandatory time limit to end the trial of a case and in case of failure; provision dealing with consequences will be followed strictly.

Stefan Priesner, Country Director, UNDP in his speech said, "Justice is an area of increasing importance in development cooperation, and UNDP views it as closely related to human development and poverty eradication, and as a fulcrum for a human rights approach to development. JSF will form part of a broader blanket of technical support for the justice sector covering all relevant stakeholder agencies involved in justice delivery in Bangladesh."

Following the inaugural session, a working session

with keynote presentations on the thematic areas of JSF was conducted. Md. Sohel Ahmed, Joint Metropolitan Sessions Judge, Dhaka presented a paper highlighting the challenges of justice sector agencies as for example, weak communication, coordination and cooperation between criminal justice agencies, slow process of filing cases both within and between institutions, long disposal of cases which are hindering the justice system.

Mr. Zakir Hossain, Director (admin), Judicial Administration Training Institute also presented a paper on improved management and justice delivery by selected justice agencies.

The effective implementation of the project will contribute to reduce case backlog and speed-up trial process and facilitate the justice sector to ensure accessible justice for the people of Bangladesh. Speakers opined while commenting on different sessions.

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Compiled by Law Desk

INVESTIGATION RIGHTS CORNER

UNHCR calls on Dhaka to open border

UN Refugee Agency (UNHCR) has called on Bangladesh to open its borders to Rohingyas fleeing sectarian violence in Myanmar.

"UNHCR continues to consider that until public order and security are restored for all communities in [Myanmar's] Rakhine State, states should not forcibly return to Myanmar persons originating from Rakhine State," Pia Paguio, senior protection officer and officer-in-charge of UNHCR in Dhaka, told IRIN on 29 October. "We thus continue to appeal to the government of Bangladesh to open its borders to those in need of a safe haven."

Under Burmese law, the Rohingya - a persecuted minority of 800,000 - are de jure stateless in Myanmar and face constant persecution, while in

The latest displacement comes on top of the 75,000, mostly Rohingya Muslims, currently displaced after communal violence erupted in June following the alleged rape and murder of a Rakhine woman by a group of Muslim men in May.

At least 78 people were killed and close to 5,000 homes and buildings were destroyed in that incident. Most of the displaced are currently in nine over-crowded camps in Sittwe, separated from the rest of the community due to security concerns.

Closed border: There are more than 200,000 Rohingya in Bangladesh today, including more than 30,000 documented refugees living in two government-run camps (Kutupalong and Nayapara) within 2km of the Burmese border, according to UNHCR.

UNHCR has not been permitted to register newly



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Muslim-majority Bangladesh they are viewed as illegal migrants. Bangladesh has repeatedly said it will not accept any Rohingya refugees fleeing ethnic violence in neighbouring Myanmar's western Rakhine State. Hundreds of thousands of Rohingya have fled persecution in Myanmar over the past three decades, the vast majority to Bangladesh in the 1990s.

Displacement rising: According to Burmese government estimates released on 29 October, more than 28,000 residents have been displaced in Rakhine State following a week of deadly sectarian violence between Rohingya Muslims and ethnic (mainly Buddhist) Rakhine which began on 21 October.

At least 76 people were killed, and more than 4,600 houses and several religious buildings destroyed, in the unrest, the UN reported on 29 October. There was violence in the Rakhine State townships of Kyaukpyu, Kyauktaw, Minbya, Mrauk-U, Myebon, Pauktaw, Ramree and Rathedaung.

Tensions had increased after monks, and women's and youth groups organized anti-Rohingya and anti-Organization of Islamic Cooperation demonstrations in Sittwe, Mandalay and Yangon, the report said.

arriving Rohingya since mid-1992. Most Rohingya are living in villages and towns in the Cox's Bazar area and receive little to no assistance as the agency is only allowed to assist those who are documented.

UNHCR does not have access to the 193km Myanmar-Bangladesh border to verify the situation of persons arriving from Rakhine State. Moreover, Bangladesh's closed border policy remains in effect.

Despite repeated advocacy efforts by UNHCR, civil society and the diplomatic community, Dhaka, fearing a major influx, closed its borders to persons fleeing communal violence Myanmar in June.

Those who did manage to make it across the border were rounded up and sent back to Myanmar. However, there are no reliable figures on the number of arrivals and the number repatriated.

Bangladesh is not a signatory to the 1951 Refugee Convention or its 1967 Protocol.

"UNHCR reiterates its readiness to provide protection and assistance to the governments and the people of Bangladesh and Myanmar in addressing this evolving humanitarian situation," said Paguio.

LAW WEEK

Acquittal of 6 Army Men Challenged

The government on Thursday filed a concise statement with the Supreme Court for hearing a pending appeal in the jail killing case. Attorney General's Office filed the statement alleging that the 2008 High Court verdict acquitting six former army personnel was done without proper examination of documents and evidence. In the statement, the government prayed to the apex court to uphold the lower court verdict, which had found all the six army personnel guilty. The Attorney General's Office will pray to the Appellate Division on Sunday to fix a date for hearing the appeal against the HC verdict. Principal state counsel for the case Anisul Huq on Wednesday sent the statement to the Attorney General's Office to file it with the SC. The HC in its verdict on August 28, 2008 acquitted the six former military personnel from the charge of killing four national leaders -- Syed Nazrul Islam, Tajuddin Ahmad, AHM Qamruzzaman, and Captain Mansur Ali -- inside the Dhaka Central Jail on November 3, 1975. All of these army personnel were found guilty at the lower court on October 20, 2004. Two of them were given death sentence and the rest life-term imprisonment. Capital punishment was handed down on Dafadar (dismissed) Marfat Ali Shah and Dafadar (dismissed) Abdul Hashem Mridha. They both are absconding. The four sentenced to life-term were Lt Col (dismissed) Syed Farooq-ur Rahman, Lt Col (retd) Sultan Shahriar Rashid Khan, Maj (retd) AKM Mohiuddin Ahmed and Maj (retd) Bazlul Huda. They were executed on January 27, 2010 in the Bangabandhu Sheikh Mujibur Rahman assassination case. The lower court in 2004 also gave life-term to eight others. The High Court however did not say anything about them in 2008. -The Daily Star, 1 November 2012.

Arms brought for Ulfa

A prosecution witness in the sensational 10-truck arms haul cases yesterday told a court here that the arms cache was brought for the Indian separatist organisation United Liberation Front of Assam (ULFA). Making his second deposition before the Chittagong Metropolitan Special Tribunal-1 in the cases, former habildar of Bandar police outpost Golam Rasul said ex-NSI official Maj (retd) Liakat Hossain and "smuggler" Hafizur Rhaman had informed him about the matter. The law enforcers had detained five suspected Ulfa activists in this connection, but later released them following an order by the then state minister for home Lutfuzzaman Babar, said court sources quoting the witness. Rasul said while on duty at the outpost on April 1, 2004, he received a phone call around 10:45pm. The caller told him that some illegal goods were being unloaded at the jetty of Chittagong Urea Fertiliser Limited (CUFL). "When I asked the caller about his identity, he cut off the phone line. I informed sergeant Alauddin about the matter, and we two left for the jetty. After reaching there, we saw many people, two trawlers loaded with boxes, about eight trucks and a crane. The boxes were being unloaded by the crane." Asked about the unloaded boxes, the workers said there were machinery parts inside them. On April 2, 2004, around 1,500 wooden boxes containing submachine guns, AK-47 assault rifles, submachine carbines, Chinese pistols, rocket shells and launchers, hand grenades and bullets were seized from two vessels at the jetty of CUFL. Two cases were filed the next day with Karnaphuli Police Station under the Special Powers Act and arms act for smuggling and seizure of arms. Trial in the cases got underway on November 29 last year. -The Daily Star, 1 November 2012.

5 indicted for killing Khalaf

A Dhaka court yesterday framed charges against five accused in the Saudi embassy official Khalaf Al Ali murder case. Judge Mohammad Motahar Hossain of Speedy Trial Tribunal-4 also fixed today for starting the trial of the case. The court summoned Sub-Inspector Mosharraf Hossain of Gulshan Police Station, also complainant of the case, to appear before it today and narrate what he knows about the incident. Four of the accused, Mohammad Al Amin, Saiful Islam Mamun, Rafiqul Islam Khokon and Akbar Ali Lal, now in police custody, claimed themselves innocent of the murder and demanded justice when the charges were read out to them. The four also told the court that they were arrested in connection with another case. However, they were later shown arrested in the Saudi official murder case and forced to give confessional statements before magistrates. The court framed charges against another accused Selim Chowdhury and issued an arrest warrant against him. Selim is on the run. Khalaf, 45, an official at the consular section of the Saudi embassy in Dhaka, was shot dead near his Gulshan house in the capital's diplomatic enclave in the small hours of March 6 this year. -The Daily Star, 1 November 2012.

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