



Press freedom and application of remand to interrogate journalists

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JOURNALISTS still face harassments in Bangladesh though democracy prevails in the country. Recently, there was an editorial published in the Prothom Alo (October 26, 2012) on the alleged remand application against a group of journalists. A case was earlier filed against a total of 400 employees of the Amar Desh. Journalists were on bail and they were also attending hearing following procedures. Interestingly, a police officer recently prayed for remand to get information about correct and full names and addresses of journalists employed with the national daily.

What is the purpose of remand? There is a common allegation against police that members of the force usually harass, even physically assault during remand. Previously, there were incidents when detained persons died in the process of interrogation during remand. In the name of remand, law enforcing agencies have allegedly committed gross human rights violations in the past. Seeking remand in order to gather names and addresses from journalists gave birth of several questions.

Among the journalists against whom the application was made, the name of the executive editor of the daily Amar Desh is also placed. According to the concerned police officer, the editor and his colleagues needed to be remanded in custody for interrogation about their full names and permanent addresses. It not only surprised the journalist community alone, but other professionals involved with media as well. Journalists are quite known and there are other ways to get information about the professionals involved with the media.

"When any person who in the presence of a police-officer has committed or has been accused of committing a non-cognizable offence refuses, on demand of such officer, to give his name and residence or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be

ascertained" - said in Section 57(1) of the Code of Criminal Procedure (CRPC). Attempt made by police officer to seek remand in order to gather address of senior journalists has received wide-spread criticism. They already secured bail from the court and they attended court hearings on earlier occasions.

"Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or

injury during custody such as requiring police officers to take injured arrestees to the hospital and requiring police to conduct interrogations at the jail gate rather than in police remand. Let alone general public, journalists were subjected to torture and harassment in several incidents.

It was not only in the Prothom Alo, but there was an editorial published also in the New Age (October 23, 2012) on the alleged remand application. It has been

opined in the editorial of New Age, "Had the officer been really incapable of collecting the 'full names and permanent addresses' of such well known citizens, he should rather have been ousted from the police force on charge of sheer incompetence in the first place". Whatever it is mentioned in the application, it is quite clear that the objective of taking the journalists to remand is to harass them.

Bangladesh has signed and ratified a number of international human rights convention where the state made specific commitment to ensure press freedom. Bangladesh is also a party of the Convention against Torture (CAT). Even though repeated commitments were made in international forums, culture of impunity has still existed and a section of police officers were allowed to continue with their excessiveness. Remand application against journalists of the daily Amar Desh for a trivial reason simply reflects this trend.

"To enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law" - said in Article 39 of the constitution. In order to secure democracy, protection of all persons including media personnel is vital. Journalists must be treated in accordance with law in order to flourish democracy.

The writer is a human rights worker.



morality, or in relation to contempt of court, defamation or incitement to an offence (a) the right of every citizen to freedom of speech and expression; and (b) freedom of the press, are guaranteed" said in Article 39(2) of the constitution of Bangladesh. However, freedom of press is not secured when there is a conflict with party in power. There are apparent suggestions that the present government like their previous predecessors is hostile towards oppositional journalism.

There is a judgment [55 DLR (2003) 363] promulgated by the High Court providing specific guidelines for law enforcing agencies. The guidelines included measures intended to prevent death and



Gathering storm - the humanitarian impact of climate change

UN climate change talks in Doha could be on the verge of adding a focus on "loss and damage" to its framing of the global response to climate change. The new issue area would supplement existing emphases on the mitigation of and adaptation to climate change - underscoring the growing realization that simply adjusting to a warmer world may no longer be an option.

There is no agreed-upon definition for "loss and damage", but the phrase broadly refers to a range of harms incurred in developing countries from the impact of climate change that cannot be avoided either through mitigation or adaptation. The issue has been contentious, as the term could allude to a right to compensation and a legal obligation on the part of developed countries to provide it.

Its inclusion in the UN Framework Convention on Climate Change (UNFCCC) negotiating texts was resisted until the 2010 UN meeting in Cancun, Mexico. The phrase was featured in the Cancun Adaptation Framework, which called for a work programme to explore the concept.

The programme, after two years of series of meetings and studies, will report its findings in Doha, and there is some expectation that a separate mechanism to address funding or guidance on how to deal with loss and damage could be announced. One of the main debates will be how to institutionalize loss and damage more formally, says Sönke Kreft, policy officer with the NGO Germanwatch.

Losses inevitable

Saleemul Huq, the lead author of the chapters on adaptation in the last assessment of the Intergovernmental Panel on Climate Change (IPCC), describes loss and damage as the third paradigm in the UNFCCC process. "It opens up a major new strategy to respond to climate change beyond mitigation and adaptation. The discussions around this topic are still in their infancy but will undoubtedly

grow in importance over time." "The concept of loss and damage is increasingly important because we have not mitigated or adapted to climate change in time: whatever we do now, there will still be losses and irreversible impacts," said a joint paper produced by the NGOs ActionAid, Germanwatch, Care International and the World Wide Fund for Nature. "Loss and damage is a reality for millions of people now and is likely to become important to many more as we learn to live with climate change," writes Sam Bickersteth, chief



executive of the Climate and Development Knowledge Network (CDKN).

Bangladesh started a programme to examine these issues, the Loss and Damage in Vulnerable Countries Initiative, which is funded by the UK government. CDKN has appointed a host of organizations to the initiative, including Germanwatch, the United Nations University-Institute for Environmental and Human Security, the International Centre for Climate Change and Development (ICCCAD) and the Munich Climate Insurance Initiative. "People now have to go past the notion that with adaptation we can manage all climate

impacts," said Kreft. "I see this development particularly prominent among the G77 group, which as a whole devotes much more resources and thinking on this issue than one or two years ago."

Vulnerability and liability

Small island countries, led by the Alliance of Small Island States (AOSIS), have been strongest and most persistent advocates for the need to address loss and damage, rallying their position around the fact that their ability to adapt to climate change will be limited when their land is being

drowned by rising sea levels. Issues over liability have long been brewing. In 2011, the Pacific island nation of Palau sought an advisory opinion from International Court of Justice (ICJ) on whether countries have a legal responsibility to ensure that any activities on their territory that emit greenhouse gases do not harm other countries.

Human rights expert Roberto Espino told PBS, the American broadcaster, that while "ICJ advisory opinions are non-binding and technically have no legal teeth... [they] are held in the highest regard in the international community and have, on more than one occasion, sown the seeds of development in inter-

national law".

There have been several recent, grim reminders of the inevitability of a much warmer world. The UN Environment Agency (UNEP), in its annual Emissions Gap Report yesterday, warned that the globe is already set to grow two degrees Celsius warmer this century. And earlier this week, a new report for the World Bank painted the even worse scenario of a possible four-degree increase in global temperatures this century. Even a two-degree rise in global temperatures would have catastrophic effects: water stress in arid and semi-arid countries, more floods in low-lying coastal areas, coastal erosion in small island states, and the elimination of up to 30 percent of animal and plant species.

Exploring options

The Cancun Adaptation Framework's work programme has indicated that "loss and damage will grow to become a major issue affecting economies and livelihoods in developing countries," according to a briefing paper by Juan Hoffmaister, loss and damage coordinator for G77 and China, and Doreen Stabinsky, professor of global environmental politics at the College of the Atlantic in the US.

Germanwatch's Kreft points out that the work programme has been placed under the umbrella of the UNFCCC's Subsidiary Body for Implementation, which allows for discussion on various options. But he expects dissent to arrive again as the debates take a "liability/compensation tone".

There are also plenty of technical issues to consider, for instance, how loss and damage could be addressed through the new climate deal expected to be worked out at the end of 2015, he added. Risk reduction, risk retention and risk transfer are approaches often prescribed in response to loss and damage. But the work programme found that these approaches are also limited.

Source: IRIN. (<http://www.irinnews.org/In-Depth/96862/73/>)



Ameer on 10-day remand

Ameer Hossain, the ringleader of Parag Mondol abduction case, was placed on a 10-day remand by a Dhaka court on November 29. Senior Judicial Magistrate Md Tajul Islam passed the order when Monirul Islam, officer-in-charge (Investigation) of South Keraniganj Police Station and also the investigation officer of the case, produced him before the court and sought a 12-day remand for him. Ameer was arrested on November 24 at Tongi in Gazipur after a 'shootout' with Detective Branch of police when he sustained severe injuries. He was rushed to Dhaka Medical College Hospital. Parag Mondol, a six-year-old student of KG-1 of Heed International School, was abducted by criminals at Shuvadda Paschim Para in Keraniganj on November 11. Parag was found after three days of his abduction on November 13 at Atibazar in the locality. - *The Daily Star online edition November 29 2012.*

Sircar, Akhtar Hamid get bail

A Dhaka court on November 29 granted bail to former speaker Jamir Uddin Sircar and former deputy speaker Akhtar Hamid Siddiqui in four graft cases filed by the Anti-Corruption Commission. Judge Mohammad Zahirul Haque of the Senior Special Judges' Court in Dhaka granted them bail after they surrendered before the court in the morning and sought bail in the cases. The court fixed January 10 for passing an order on whether it would take the charges into cognisance. Earlier, the ACC on December 28, 2010 filed the cases with Sher-e-Bangla Nagar Police Station. The anti-graft watchdog pressed charges against Jamir Uddin and Akhtar Hamid on November 7 and 8 this year respectively. - *The Daily Star online edition November 29 2012.*

Split HC order on money-laundering case

The High Court on November 27 made a split order on a petition challenging the legality of running a money-laundering case in a lower court against BNP Senior Vice-chairman Tarique Rahman and his business partner Giasuddin Al Mamun. The Anti-Corruption Commission (ACC) on October 26, 2009, had lodged the case with Cantonment Police Station against the two on charge of laundering Tk 20.41 crore to Singapore between 2003 and 2007. Mamun filed the criminal revision petition with the HC saying that the ACC must have prior permission from the government to run the case against him as per provisions of the Money Laundering Prevention Act, 2009. But the anti-graft body did not follow the provision of the law. Justice Abdul Awal, senior judge of the HC bench, issued a rule upon the ACC and the government to explain within two weeks why the trial court's October 18 order rejecting Mamun's petition seeking stay on the trial in the case should not be declared illegal but Justice Md Faruque, junior member of the bench, summarily rejected the petition. - *The Daily Star November 28 2012.*

Suranjit's ex-APS gets bail

A Dhaka court on November 27 granted bail to Omar Faruque Talukdar, sacked assistant private secretary (APS) of former railways minister Suranjit Sengupta, until December 10. Judge Mohammad Zahirul Haque of the Senior Special Judge's Court of Dhaka granted Faruque an ad-interim bail for a period of eight weeks. On October 2, Faruque, a key figure of the railway gate scandal, had surrendered before the court seeking anticipatory bail in the case filed by the Anti-Corruption Commission. The ACC filed the case against him on August 14 for amassing wealth of Tk 1.47 through illegal means. The next hearing on the bail petition that Faruque submitted on November 27 will be held on December 10. - *The Daily Star November 28 2012.*

HC to prosecute people responsible for Ashulia fire

The High Court on November 26 asked the government to explain within four weeks why it should not be directed to prosecute and punish people responsible for the fire at an Ashulia garment factory. Issuing the rule on a writ petition, the HC also asked Bangladesh Garment Manufacturers and Exporters' Association (BGMEA) to submit to it within two months a list of garment factories across the country, and a report on whether the authorities of the factories comply with the relevant laws to run those, and what steps they have taken to save the workers from fires. The court also decided to form an independent committee to probe the incident. An HC bench comprised of Justice Mirza Hussain Haider and Justice Kazi Md Ejarul Haque Akondo that issued the rule said it will form the committee on receiving the names of its members from the NHRC and Bela, as per a proposal from Dr Kamal Hossain, counsel for the petitioners. - *The Daily Star November 28 2012.*

HC stays effectiveness of Grameen Bank ad

The High Court on November 26 stayed for two months the effectiveness of an advertisement published by the Grameen Bank authorities for recruiting its "managing director." In response to a writ petition, the court also issued a rule upon the authorities to explain within three weeks why the advertisement should not be declared illegal. The bank, its chairman, and selection-board chairman have been made respondents to the rule. Tahsina Khatun, a director of Grameen Bank, on November 26 filed the petition challenging the legality of the advertisement published in a few national dailies on November 13 for recruiting its chief executive. The petition said the bank's selection board has no power to appoint the MD as per the Grameen Bank Ordinance, 1983. - *The*

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