

## Int'l court

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In early 2014, an Islamist rights group urged the ICC in the Netherlands to investigate the "crimes against humanity" committed by the Bangladesh government in persecuting political foes before, during and after the December 5 elections that year.

British lawyer Toby Cadman filed the request on behalf of the International Coalition for Freedom of Rights in February 2014.

It is not clear if BNP-Jamaat has any direct link with this group. Cadman has represented Jamaat-e-Islami in the past, while the rights group was formed in Istanbul in 2013 after a military coup removed Egypt's president Mohammed Morsi from office.

Cadman was one of the three foreign lawyers Jamaat engaged to defend its leaders facing charges of crimes against humanity and genocide committed during the Liberation War in 1971.

In August 2011, the Hazrat Shahjalal International Airport authorities sent back the British legal expert from the airport, following an intelligence report against him.

Later, Cabman was seen speaking against the Bangladesh war crimes trial in different international forums.

Diplomatic sources said ICC Prosecutor Fatou Bensouda, who has the authority to decide about launching an investigation after studying the application, has rejected it.

The ICC investigates and, where warranted, tries individuals charged with the gravest crimes of concern to the international community: genocide, war crimes and crimes against humanity.

## UK does not

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killings, disappearances of political opponents, violence towards LGBT (lesbian, gay, bisexual and transgender) people and human rights situation in Bangladesh.

British lawmaker Simon Danczuk asked the minister whether it was time "to start applying some form of sanctions to try to get Sheikh Hasina to hold a proper general election as soon as possible."

Hugo Swire said, "I was absolutely appalled by the senseless murders of the LGBT activists Xulhaz Mannan and Mahub Tono, and we call on the Bangladeshi Government to bring those responsible for the killings to justice."

He further said extremist-related murders of members of minority religious groups and those whose views and lifestyles are contrary to Islam have increased in Bangladesh since February 2015, and they were "discussing this regularly with the Government of that country."

Referring to the gruesome murder of Xulhaz on April 25 in Dhaka, another British MP Alex Cunningham questioned whether Swire thinks that "Government are taking sufficient steps to tackle the issue of violence against LGBT people?"

"Clearly I do not. We have a certain amount of leverage in Bangladesh -- we are the largest grant aid donor, giving £162 million in 2015-16 -- so our voice has some influence there," the British minister replied.

"In the past year, UK's human rights and democracy programme has provided safety training for bloggers, and they have also funded a project promoting the rights of LGBT groups in Bangladesh, but there is a huge amount more to do," he said.

Swire said the UK was not "shy of pushing" the Bangladesh government "in the right direction."

## PM leaves

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cooperation in building advanced infrastructure -- at the meeting to be participated by seven heads of states and governments.

"Our prime minister has been requested to play leadership role in these four basic issues at the outreach meeting," Foreign Minister AH Mahmood Ali told reporters at a press conference yesterday.

He said Hasina's participation in the programme "reflected world leaders' confidence in her leadership".

Diplomatic sources said the PM, on the sidelines of the meeting, is scheduled to hold a bilateral meeting with British Prime Minister David Cameron tomorrow.

The two leaders, who exchanged letters after the UK imposed a ban on direct cargo flight from Dhaka to London recently, may discuss the issue during the meeting, as the security at the Dhaka airport has been beefed up, said the sources.

Hasina is expected to have a crucial bilateral meeting with Japanese Prime Minister Shinzo Abe on May 28 in Ise-Shima.

She would meet Sri Lankan President Maithripala Sirisena on the same day as well.

The PM is leading an 87-member delegation, including 30 businessmen, during the four-day visit to Japan.

Japanese PM Shinzo Abe, the current chair of the G-7, invited his Bangladesh counterpart on April 8 to attend the outreach meeting of G-7 tomorrow on the sidelines of the G7 Summit.

## Indian example

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punishment or treatment. But many people who have been arrested and placed on remand have been denied of their constitutional rights.

It is because the law enforcement agencies do not bother about the constitutional provisions. They have on many occasions abused their discretionary powers provided by section 54 and 167 of Code of Criminal Procedure of 1898. In so doing, they do not need to inform the arrestee about the reason for his or her arrest. They have taken arrestee on remand and tortured them for information.

This is why the High Court in its verdict delivered in 2003 said the two sections of the CrPC is largely inconsistent with the constitution and asked the government to amend those provisions to make them consistent with the provisions of country's supreme law. The Appellate Division on Tuesday upheld the HC verdict dismissing the appeal filed by the government.

Now, the crucial question is: can the verdict minimise the pervasive culture of abusing the law, which has taken deep root in the police administration and has spread like a disease over the decades?

The main hurdle to implement the court's verdict is the present state of the police administration.

It is an open secret that the abuse of discretionary powers has become one of the major reasons for corruption in police administration.

None of the successive governments has taken any effective step to stop the corrupt practices. Instead, all the successive governments have benefited from the misuse of police powers by using it on leaders and activists of the opposition parties.

The Indian experience may be helpful to understand the gravity of the situation that exists in Bangladesh.

Indian police enjoyed the same discretionary powers like the police of Bangladesh. Indian Supreme Court has been making efforts for more than two decades to circumscribe the vast discretionary powers vested by law in police by imposing several safeguards and to regulate it by laying down guidelines.

Following the apex court's verdict, the government of India amended the CrPC in 2010 to minimise abuse of the powers.

Through these processes there have been some improvements in the situation in India.

The Law Commission of India in a report in 1999 described the terrible situation prevailing in the country.

It said notwithstanding the safeguards contained in the CrPC and the constitution, the fact remains that the power of arrest is wrongly and illegally exercised in a large number of cases all over the country.

"Very often this power is utilised to extort money and other valuable property or at the instance of an enemy of the person arrested. Even in case of civil disputes, this power is being resorted to on the basis of a false allegation against a party to a civil dispute at the instance of his opponent," said the commission.

The National Police Commission in its Third Report a few years ago described the power of arrest as one of the chief reasons for corruption in the police. By and large nearly 60 percent of the arrests were either unnecessary or unjustified, the commission said.

Such unjustified police action accounted for 43.2 percent of the expenditure of the jails, it noted.

With the situation remaining almost unchanged, the Indian Supreme Court in 2013 came up with a

set of strong guidelines concerning arrest and remand.

It asked all the state governments to instruct its police officers not to automatically arrest when a case is registered under section 498-A of Indian Penal Code. Before arrest, the police must be satisfied themselves about the necessity for arrest in exercise of the power under the CrPC.

It also asked magistrates not to authorise detention mechanically on the prayer of the police. The magistrate must be satisfied by going through the facts recorded by the police for ordering further detention.

Failure to comply with the directives shall, apart from rendering the police officers concerned liable for departmental action, also be liable to be punished for contempt of court to be instituted before the High Court having territorial jurisdiction, the SC court warned.

Judicial magistrates have also been warned by the apex court. Authorising detention without recording reasons as aforesaid by the judicial magistrate concerned shall be liable for departmental action by the appropriate High Court.

The latest move taken by the Indian Supreme Court has worked effectively to some extent, resulting in declining in the number of arrests in different states in India.

Situation in Bangladesh is the opposite. The HC in its verdict in 2003 had issued 15-point directives concerning arrest on suspicion and remand. But none of the directive has been followed in last 13 years, prompting the Appellate Division to express its displeasure on April 17.

Police could not be held liable for their failure to obey the directive as there was no mention of punitive measure.

In the past, the successive governments have not implemented some important judgments delivered by the apex court. Even the SC had to struggle for many years to implement its judgment on the separation of the judiciary from the executive.

Now, proper implementation of the apex court's latest verdict against arbitrary arrest, detention and remand depends on the political will of the government.

However, only implementation of the verdict is not adequate to cure the disease in the police administration. The government also should take measures to reform the police.

The judiciary, the custodial of the people's fundamental rights guaranteed by the constitution, should be more vigilant to ensure people's rights are not violated by the arbitrary use of police powers.

A victim of arbitrary use of power by police becomes traumatised as Justice MN Venkatchaliah, former chief National Human Rights Commission of India, said: "Arrest has a diminishing and demoralising effect on his [a victim's] personality. He is outraged, alienated and becomes hostile."

The police have already earned a bad name for various reasons, including excessive politicisation and alleged rampant corruption in its administration. The force is empowered by the state to enforce the law, protect property, and limit civil disorder. But it cannot deliver on its vision which is to provide quality service by competent, efficient and dedicated professionals enjoying trust and respect of citizens to make Bangladesh a better and safer place.

Arbitrary use of powers by the police also taints image of a country as the quality of a nation's civilisation is largely measured by the methods it uses in the enforcement of criminal law.

## Hindu trader killed

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informed police who recovered the body and sent it to Gaibandha Sadar Hospital morgue for an autopsy.

Law enforcers picked up Nipen Chandra in this connection. Hours after the killing, global terror outfit Islamic State (IS) claimed responsibility for the attack in an online post, says US-based SITE Intelligent Group that monitors terrorist activities globally.

Referring to Amaq News Agency, the media wing of IS, the post says "IS fighters stabbed to death a Hindu businessman in Gaibandha [sic] in northern Bangladesh."

The Daily Star could not independently verify the IS claim.

In an interview with Reuters, State Minister for Foreign Affairs Shahrar Alam said Islamic State was trying to ride a wave of religious radicalisation by "falsely claiming" a spate of killings in Bangladesh.

On May 20, suspected militants killed homeopath Sanaur Rahman and seriously injured his friend Saifuzzaman in Kushtia. Before that, Buddhist monk Shwe U Chak was killed in Naikhangchhari of Bandarban and Sufi practitioner Shahidullah in Tanore of Rajshahi.

Debesh's family members said he had no enmity with anyone in the area. However, they claimed that Debesh had an altercation with some local drug addicts a month ago.

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## Justice stumbles

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According to the first information report, Jalil was 16 during the occurrence of the offence. In the charge sheet, however, the investigating officer mentioned he was 15.

A person under 16 would be considered a child under section 2(g) of the Children Act 1974 at that time. And this is why Jalil was entitled to a trial under the Children Act.

But he was deprived of his rights under article 31 of the constitution as he was tried under the normal law, the HC said.

Article 31 says, "To enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with the law, is the inalienable right of every citizen, whenever 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."

The HC mentioned with "sorrow" that having failed to produce witnesses, the prosecution prayed to the trial court for time again and again when Jalil, a child, was in the jail custody, and the time petitions were granted without hesitation.

On the other hand, the trial court rejected Jalil's bail petitions, it added.

The HC found 52 orders of granting time prayers of the prosecution and five orders of rejecting Jalil's bail petitions.

Both the state and the accused have the right to get equal treatment until the accused is convicted, but Jalil has been deprived of this right, the HC noted.

The case was filed in Bhola on September 24, 2001, under the Women and Children Repression Prevention Act, 2000, for the rape of a five-year-old child on September 23 the same year.

The Women and Children Repression Prevention Special Tribunal on August 30, 2004, sentenced Jalil to life imprisonment and fined him Tk 10,000.

Jalil filed an appeal with the HC against the verdict.

The HC granted the appeal and sent the case back to the Bhola court for a retrial.

Back then, the HC had directed the trial court to determine whether Jalil was a child during the occurrence of the offence. It also ordered the trial court to dispose of the case in line with its observations.

On March 8, 2010, the Additional Sessions Judge of Bhola convicted Jalil and sentenced him to life and fined him Tk 20,000.

Jalil moved the HC against this verdict too.

In its judgment, the HC said it was surprising but true that the trial court judge did not consider the age of the accused mentioned in the first information report (16 years) and in the charge sheet (15 years).

Even, the District and Sessions Judge on January 21, 2002, had Jalil present before him and had become sure he was a child, and therefore, he constituted the Juvenile Court for his trial, the HC said.

"If any trial takes place outside the rule of law, it has to be considered as injustice. Though following a jail appeal convicted Abdul Jalil had earlier been considered as minor by this court [HC], in his observation the judge of Women and Children Repression Prevention Tribunal did not consider him a minor. Whatever the reason may be for the tribunal, it was tantamount to arbitrary injustice," the HC declared.

"Instead of justice, he [the trial court judge] had done injustice. Therefore, the conviction order of Abdul Jalil is not satisfying. Hence to establish justice, the court [HC] has to set aside the disputed verdict and conviction."

Contacted, Additional Registrar of the HC Sabbir Faiz said Jalil would be released after the verdict reached the jail authorities via the trial court.

Attorney General Mahbub Alam told reporters at his office that the accused was a child, but he was not treated like one. As a result, he suffered a lot.

About the compensation, he said it would be difficult for the state to pay Tk 50 lakh to a victim of injustice.

The lower court judge or the prosecution might have done the mistake, but not the state, he said, adding that an appeal should be moved against the compensation order.

## Iraq forces push towards Fallujah from south: general

AFP, Baghdad

Iraqi forces pushed towards Islamic State group bastion Fallujah yesterday from areas to the south as part of operations to retake the city from jihadists, a commander said.

Forces from Iraq's 8th Division backed by tribal fighters set out from the Amriyat al-Fallujah area south of the city and the Al-Salam intersection to its southwest, said Staff Major General Ismail al-Mahalawi, the head of the Anbar Operations Command.

## Deadly wheat blast

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Tofazzal Islam, who heads the biotechnology department of Bangabandhu Sheikh Mujibur Rahman Agricultural University (BSMRAU) in Bangladesh, teamed up with UK-based Sainsbury Laboratory, led by Sophien Kamoun, and The Genome Analysis Centre (TGAC), led by Diane Saunders, to float the collaboration.

Croll and McDonald are part of the plant pathology group at the Institute of Integrative Biology of ETH Zurich. The group works on genome evolution in pathogenic fungi and uses genomics tools to identify how plant pathogens cause diseases.

Their findings come at a time when the authorities in Bangladesh have recently burnt down many blast-affected wheat fields as farmers struggled to contain the disease that periodically devastated crops in South America.

Blast affected 1.08 lakh hectares of wheat fields in Jessore, Kushtia, Chuadanga, Meherpur, Jhenaidah, Magura, Barisal, and Bhola causing up to 40 percent of crop damage, according to official estimates.

Farmers all over the country cultivated wheat in 4.3 lakh hectares of land in 2015-16 fiscal.

According to farmers, they noticed yellow and black spots on the leaves and sheaves of the wheat infected with the disease. After a few days, the spots got larger and spread over the entire plant.

At one stage, both the sheaves and flowers turned yellow and white, and finally the plant withered without producing any grain.

After 1985 when scientists discovered the disease in Brazil's Paraná state, wheat blast spread across South America and a US state -- Kentucky -- but never made it to Asia till this February when it struck many wheat fields in Bangladesh.

BSMRAU's Prof Tofazzal told The Daily Star that their teams collected infected leaves from the affected fields, sequenced a significant portion of the pathogen's genome and made the data instantly available, giving the scientists in Zurich a scope for analysis.

The Zurich scientists collected 47 samples of rice blast strains, 32 Brazilian wheat blast strains, five strains from various additional hosts from across the world and four crop samples from Bangladesh's affected wheat fields.

Wheat blast and rice blast are closely related pathogen lineages. While all rice blast pathogen strains are genetically very similar, wheat blast pathogen strains are genetically diverse and distinct from rice blast.

According to the ETH Zurich scientists, the wheat blast outbreak in Bangladesh was not caused by any rice blast strain. They found that the wheat blast strains in Bangladesh are genetically very similar to the wheat blast strains previously identified in Brazil.

Apart from Bangladesh, other Asian countries that import wheat from Brazil include Thailand, the Philippines and Vietnam.

These countries should increase surveillance efforts to learn if wheat blast has already entered their wheat

fields, the scientists said.

They also noted that the disease had already caused huge yield losses in Bangladesh and there was a significant worry about its rapid spread to wheat production areas in India and beyond.

R K Gupta, who heads the Indian Institute of Wheat and Barley Research, recently told the local media, "Quarantine facilities in Bangladesh might not be very good. Hence, infected wheat might have sneaked in the country [India], but we have very strict quarantine norms, which is why there is no possibility of any infected wheat coming into the food chain."

The quarantine issue came up prominently against the backdrop of this year's blast attack as many pointed fingers at government procurement of wheat from Brazil last year, which caused a huge uproar in Bangladesh.

Ilahi Dad Khan, director (procurement) at the Directorate of Food, however, rejected the notion that the wheat import from Brazil had anything to do with the outbreak of wheat blast this year.

"The wheat we had imported from Brazil went through due quarantine process before those were kept at the silos."

However, BSMRAU's Prof Tofazzal did not negate the idea that some food-grade wheat might have been used as seeds in Bangladesh.

Eminent plant pathologist Prof M Bahadur Meah, who is now heading a national committee on tackling wheat blast, emphasised on putting a proper quarantine protocol in place.

Wais Kabir, a consultant to Food and Agriculture Organization and a former executive chairman of Bangladesh Agricultural Research Council, said there was no alternative but to work on the existing weaknesses in quarantine system to fight the outbreak of the disease.

Talking to The Daily Star recently, Moin U Salam, principal research officer at the Department of Agriculture and Food, Western Australia (DAFWA), said, "In Australia, no movement of food grains takes place without the proper quarantine process."

The fungi responsible for wheat blast could have already been there in the seeds and the disease spread this year due to an ideal weather for the proliferation of the pathogen, said Salam who has the experience of playing a role in tackling the attack of yellow rust in wheat in Australia in 2004-05.

"This February had some untimely rains and the night temperature in Bangladesh was three to five degrees higher than the usual February temperature in the last 10 years."

Meanwhile, Mexico-based International Maize and Wheat Improvement Center (CIMMYT) recently expressed fear that wheat blast could spread to other hot and humid wheat-growing regions in South Asia, China and beyond.

An outbreak of the disease would threaten the food security and livelihoods of hundreds of millions of disadvantaged farmers and consumers, it said.

## Bangladesh goes

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international investors and host states. Following the claim by Bapex, the ICSID issued a rule seeking explanation from Niko.

"But Niko has not yet responded," Nasrul Hamid, state minister for power, energy and mineral resources, said yesterday.

According to energy ministry sources, Niko has to reply by July this year, and a hearing on the issue will take place at the ICSID in the last week of August.

The minister said the amount of compensation would be much higher if further assessment of the damages was carried out.

Niko entered into a joint venture agreement with Bapex on October 16, 2003 for development and production of petroleum from Chhatak and Feni gas fields.

The Canadian firm started drilling the Chhatak-2 well in December 2004 with a plan to drill three development wells in Chhatak West and one exploratory well in Chhatak East.

The Chhatak-2 well suffered the first blowout on January 7, 2005 in Tengratilla. This prompted the energy ministry to form an enquiry committee to determine the cause of fire as well as the damage caused by the blowout.

In the enquiry, the committee found that the blowout had resulted from operational failure and inappropriate casing design and held Niko responsible for the blowout.

Niko took up a programme for drilling a relief well to contain the blowout in Chhatak-2. On May 30, 2005, Niko started drilling a relief well about 91 metres west of the blown out well. While the drilling was in progress, another blowout occurred on June 24, 2005.

The second blowout took place due to the firm's lack of experience, according to officials.

In December 2005, the government demanded compensation from Niko for the damage, saying the firm has to do it either through amicable settlement or arbitration.

But Niko resorted to dilatory tactics

to shirk its responsibility. In 2008, the government filed a damage suit with a Dhaka court against Niko claiming Tk 746 crore in compensation for the blowouts. The trial is pending.

"No tangible progress has taken place in the last one decade. So, Bapex has moved to the ICSID," said Hamid.

In 2010, Niko filed two cases with the ICSID: the first was to clear its liability for the blowouts and the second was to get arrears from Petrobangla.

Petrobangla withheld payments on purchases from a gas field operated by Niko.

Petrobangla cannot pay the money at this moment as the High Court has ordered the government not to make payment to Niko until the compensation case at a Bangladeshi court is resolved or the two parties reach an amicable settlement.

## Living

FROM PAGE 16  
and even social interactions, but these 'epigenetic' changes can then be passed on to the next generation.

In a new paper in the journal, Molecular Psychiatry, scientists from Duke University in the US described how this might help explain why depression appears to run in some of the poorest families.

Deprivation was associated with "a host of negative outcomes including poorer general health and increased risk for mental illness including depression, anxiety, and addiction," they wrote.

"Low socio-economic status may confer risk through a variety of mechanisms, including higher levels of perceived and objective stress and cumulative environmental risk such as poor housing quality, noise pollution, and exposure to violence," the researchers added.

The study's lead researcher, Dr Johnna Swartz, said their work had shown how these kinds of problems were affecting the genes of the people concerned.