

2 Iraqis file lawsuit on detention at JFK

CNN ONLINE

Lawyers for two Iraqis with ties to the US military who had been granted visas to enter the United States have filed a lawsuit against President Donald Trump and the US government after they were detained when they arrived in New York Friday.

The lawsuit could represent the first legal challenge to Trump's controversial executive order, which indefinitely suspends admissions for Syrian refugees and limits the flow of other refugees into the United States by instituting what the president has called "extreme vetting" of immigrants.

According to court papers, both men legally were allowed to come into the US but were detained in accordance with Trump's move to ban travel from several Muslim-majority nations.

The lawyers for the two men called for a hearing because they maintain the detention of people with valid visas is illegal. They were still at John F Kennedy International Airport as of late Saturday morning, one of the lawyers told CNN.

"Because the executive order is unlawful as applied to petitioners, their continued detention based solely on the executive order violates their Fifth Amendment procedural and substantive due process rights," the lawyers argue in court papers.

The two Iraqi men named as plain-



Protesters outside Terminal 4 at John F Kennedy International Airport in New York yesterday.

PHOTO: REUTERS

tiffs in the suit are Hameed Khalid Darweesh, who worked as an interpreter for the US during the Iraq War, and Haider Sameer Abdulkaleq Alshawi. The suit said Darweesh held a special immigrant visa, which he was granted the day of Trump's inauguration on January 20, due to his work for the US government from 2003 to 2013.

The lawsuit said the US granted Alshawi a visa earlier this month to meet with his wife and son, whom the US already granted refugee status for their association with the US military.

Court papers said Customs and

Border Protection authorities did not allow the lawyers to meet with the men and told them to try reaching Trump, Democratic Reps Jerrold Nadler and Nydia Velázquez, both of New York, attempted to speak to Darweesh and Alshawi at JFK's Terminal 4 but were denied.

"When Mr Darweesh's attorneys approached CBP requesting to speak with Mr Darweesh, CBP indicated that they were not the ones to talk to about seeing their client. When the attorneys asked, 'Who is the person to talk to?' the CBP agents responded, 'Mr President.

BSMMU to investigate anomalies

FROM PAGE 16

Vice-Chancellor Prof Kamrul Hassan Khan in the chair, also formed a seven-member probe body to look into the alleged anomalies and corruption.

"The list of the nurses [published by the BSMMU authorities] has not been approved by the Syndicate," said Rustom Ali Farazi, who is a member of the BSMMU Syndicate and also an independent lawmaker.

Farazi would head the probe body.

The Syndicate did not approve the recruitment, a list of which was published on January 26, as it was not approved by the apex body, said another Syndicate member seeking anonymity.

Farazi told The Daily Star that the

BSMMU, as per a decision of the Syndicate, would recruit nurses on an ad hoc basis as it needs the staff on an emergency basis.

Interestingly, the BSMMU authorities in a press release signed by Public Relations Officer Prashanto Kumar Majumder said there was no discussion over recruitment or postponement of the recruitment.

Asked about it, Farazi said discussion on the matter took place for a few hours at the meeting that decided to form the probe body. "The committee has been formed to find out if there was corruption and the level of corruption as well," he added.

Tension has been prevailing at BSMMU since January 19 as the VC

reportedly assaulted Pro-VC [Academic] Prof ASM Zakaria Swapan over publishing of alleged corruption in the recruitment process in a Bangla daily.

The VC, however, denied the allegation of assault.

On January 24, Health Minister Mohammed Nasim asked the BSMMU authorities to follow "alternative rules" in recruiting the nurses since there were allegations of corruption.

Allegations are rife that 76 applicants from Tangail scored more than 80 in a written test. Of them, 23 are allegedly from Ghatail, the home upazila of VC Prof Kamrul Hassan Khan.

Some of them were on the final list, said sources.

Two burn victims die

FROM PAGE 16

in a critical state with 25 percent of his body burnt.

The fourth victim, Syed Mahmudul Haque who lived on the third floor of the building, suffered seven percent burns and received primary treatment.

At the time of the incident, Ifti's parents Nasima Akhter and Abdul Motaleb were out of town, visiting their village home at Amirabad in Chittagong's Lohagara.

Soon after hearing the news, Nasima rushed to the CMCH. Sixteen-year-old Ifti, however, could not overcome the severe burn injuries and

died.

A bright student, Ifti was hopeful that she would do well in the SSC exams, scheduled only a few days away, her cousin Bappi said. "Even with 100 percent burn injuries, she was asking her mother how she would take the examinations."

Around 5:15am on Friday, four people suffered burns as an explosion ripped through a six-storey building at Nirapod Housing Society in Bakalia Dewan Bazar area.

A portion of a wall on the second floor and most of the doors and windows of the building, where 36 fami-

lies live, were damaged by the explosion and consequent fire.

Probe committee formed

The Chittagong district administration yesterday formed an eight-member committee to investigate the incident.

The committee is comprised of representatives from various departments, law enforcement agencies and utility service providers.

Additional District Magistrate Mominur Rashid, head of the committee, said the panel would have to submit its report within seven working days.

Is the police above law?

FROM PAGE 1

hands of law enforcement agency, deprivation of life and liberty, honour and dignity have been protected," said the SC.

In a recent judgement against the law enforcers' arbitrary use of powers, the apex court highly praised the law, saying, "This is one of the finest piece of legislation so far promulgated after the independence of the country."

"This law reflects the aims and aspirations of country's founding fathers while framing the constitution."

But there has been little application of the law that provides minimum punishment not less than five years and maximum life term imprisonment with a fine for crimes committed under it.

Even though, the law was enacted more than three years ago, alleged torture by law enforcement agencies and custodial deaths didn't stop. Records of Ain O Salish Kendra (ASK), a human rights body, show at least 147 people died in custody in the last two years.

According to ASK, 78 people died in custody in only last one year. Of them, 32 were convicted and 46 were detainees.

In 2015, the number of custodial death was 69, and of them, 42 were facing trial, according to ASK's record prepared on the basis of newspaper reports.

Moreover, a section of lower-tier police officers were accused of engaging in extortion by threatening people with cases.

In last one year, more than a dozen such cases were reported in Dhaka Metropolitan Police area alone, according to a Daily Star report published on November 13, 2016.

Against this backdrop, the SC has directed judicial magistrates to take action against errant police officers whenever they find infringement of this law that was passed by the parliament amid widespread allegations of police torture.

"The magistrates shall not remain as silent spectators whenever they find infringement of this law and shall take legal steps against errant officers," it said in the full judgement, the copy of which was released last November.

But the police think otherwise.

Additional SP of Comilla Tanveer Salehin Emon, who on behalf of the force placed the demand for cancellation of the anti-torture law, said as per the law anyone can file a case over

mental torture, but it did not say what will be the yardstick for mental torture.

So anyone can file false cases against police, he said while reading out a written statement.

If false case were filed against police on charge of mental torture it would eventually dampen policemen's enthusiasm to interrogate the accused. They would be demoralised and lose the spirit of work. Public safety would be compromised as a result, he said, seeking the prime minister's intervention to repeal the law.

But legal experts think people do not dare to file cases against any police official in the prevailing situation, let alone filing any false case.

Prime Minister Sheikh Hasina, who assured them of understanding their other demands, however supported the anti-torture law and refused to accept the police position.

She said it was piloted by a man who was tortured severely during the BNP rule. When he became a parliament member, he placed the bill in parliament.

Awami League MP Saber Hossain Chowdhury, now president of Inter-Parliamentary Union, had placed the bill in parliament.

But the premier did not categorically reject the demand to frustrate the police as she said: "I don't know whether it would be right to repeal the law which has been passed by parliament."

She tried to allay the fear of police by saying if anyone lodges any false complaint, the complainant will be equally punished under this law.

As a matter of fact, the police did not come up with this demand suddenly.

In 2015, they sent proposals to the home ministry for major changes to the anti-torture law and wanted safeguards from prosecution for custodial death and torture.

Police wanted the Rapid Action Battalion (Rab), Criminal Investigation Department (CID), Special Branch (SB) and Detective Branch (DB) of police excluded from the purview of the anti-torture law.

In defence of the proposed changes, police had argued that the law might cause impediment to the duties of law enforcement agencies to save lives and properties during political instability, especially from arson and other sub-

versive activities.

The home ministry had formed a committee to scrutinise the proposals and made a move to bring amendments. At that time, rights organisations, including Amnesty International and Ain o Salish Kendra, expressed deep concern and denounced the government move and the police demand.

In the wake of criticism, the home ministry could not proceed further.

But, after more than a year police has again stepped up its effort behind its demand for scrapping the anti-torture law.

The consequences of their demand would be far reaching.

It questions the constitutional provision which provides safeguard against torture.

"No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment," reads the article 35(5) of the constitution.

The anti-torture law was enacted by the parliament to enforce the constitutional provision.

The police demand is against the nature of our Liberation War where the fundamental message was of freedom and justice.

Their demand also undermines Bangladesh's commitment to the international community. The country signed in 1998 the UN convention against torture, and cruel, inhuman or degrading treatment or punishment.

As a signatory to the convention, Bangladesh promised to create effective legislation, and to take administrative, judicial or other measures to prevent acts of torture in its territory.

The law enforcement agencies should not forget that the powers they exercise belong to the people. And their fundamental duty is to ensure people's safety by exercising the powers.

They should keep in mind what President Abdul Hamid told them at a programme at Bangabhaban, marking Police Week 2017 on Wednesday: "Getting the security of their lives and property is the right of people, not the mercy of anyone (police). You (police) should remember that you get salaries and allowances from public money."

The best police force is the one that is guided by law that protect the fundamental rights of the people.

Green activists

FROM PAGE 16

recurrence of such attacks.

A group of policemen beat up cameraperson Abdul Alim of AIN News and its reporter Ehsan Bin Didar when they were covering Thursday's shut-down enforced by the National Committee to Protect Oil, Gas, Mineral Resources, Power and Ports.

The next day, the Home Minister Asaduzzaman Khan Kamal told journalist in Moulvibazar that police do not assault journalists and that sometimes collisions occur which was normal.

Yesterday, the minister at a programme in Tangail said he did not know about the whole incident when he made the comment.

"I was asked suddenly yesterday [Friday] and I was not informed about which journalists were assaulted," he said yesterday afternoon.

"We got some video clips which are being scrutinised. A probe committee by this time has been formed. Action was taken against a policeman responsible. Everything is going on," he said adding that police members responsible will definitely face trial.

Manjurul Ahsan Bulbul, president of Bangladesh Federal Union of Journalists, said, "The two journalists were taken inside the [Shahbagh] police station and police officials' heinous attack was organised. There is no scope for calling it a collision."

Joint Secretary Shahed Chowdhury of Jatiya Press Club said the prime minister on the first day of Police Week 2017 asked the police to be people friendly. The attack on on-duty journalists without provocation was a burning example of how a section of police ignored her call.

Bangladesh Paribesh Andolon in a press statement also condemned the police attack on journalists and protesters.

Pro-Sundarbans activists yesterday demonstrated against the police attack on anti-Rampal agitators and journalists, reports our DU correspondent.

The committee organised a rally and brought out a procession in the Jatiya Press Club area.

Addressing the rally, Prof Anu Muhammad, member secretary of the committee, said, "People have the constitutional right to protest if the government is involved in international interest activities."

Meanwhile, Pragatishil Chhatra Jote, an alliance of progressive student bodies, declared fresh student strike in all educational institutions in Dhaka on January 30.

"We will also hold protest rallies at all educational institutions across the country on the day," alliance coordinator Iqbal Kabir said at a press conference held at Madhu's Canteen of Dhaka University.

PM slams

FROM PAGE 16

was being produced there", she claimed.

The premier said coal would be transported to the Rampal power plant site from deep sea in covered barges and low-sound engines would be used in those vessels.

A barge with 1,000 tonnes of coal sank near the Sundarbans recently, but the environmentalists did not go there for having an idea about its impact, she added.

"Did the environmentalists conduct any examination about the impact of the capsizing of the barge?... They should have visited the site to assess its impact," she said.

The PM urged engineers to speedily complete all development projects undertaken by her government, maintaining quality and standard of works. She sought their cooperation to turn Bangladesh into a middle income country by 2021.

Putting emphasis on undertaking projects with proper planning considering the country's limited land, she called upon the engineers to work for advancing the country ahead keeping pace with the competitive world.

Praising the engineers and engineering education in Bangladesh, Hasina said many of them showed rare talents in their workplaces in many developed countries.

She said the engineers can accelerate programmes to build digital Bangladesh by associating their talent, thinking and hard work with science and technology.

IEB President Kabir Ahmed Bhuiyan and General Secretary Mohammad Abdus Sabur spoke on the occasion.

The theme of the IEB convention this year is "Digital Technology for Development".

Earlier, Hasina awarded IEB Gold Medals to Dhaka Wasa Chairman Habibur Rahman and Chief Coordinator of the Padma bridge construction project Maj Gen Abu Sayed Mohammad Masud for their outstanding contribution in academic and professional fields.

She unveiled plaques of the IEB's new centres in Mymensingh, Bogra, Rangpur and Ashuganj of Brahmanbaria as well as allotted pieces of land at Purbachal in Dhaka, Khulna and Faridpur for setting up new centres.

Gladioli

FROM PAGE 2

Najiat Ahmed from Savar's department of agriculture extension office says more than a thousand farmers in Savar cultivate flowers on 350 hectares in total. Savar's agriculture officer Md Mofidul Islam says that considering the popularity of gladioli cultivation, training will be arranged for farmers new to growing the flower.

Turn in 5 names

FROM PAGE 1

Shafiqul said the committee held the meeting to decide on its modus operandi.

Copies of a letter will be sent to all the political parties, who took part in talks with the president, to recommend five names to the Cabinet Division's additional secretary.

On Monday, the search committee will meet 12 eminent citizens. They are former High Court judge Md Abdur Rashid, former vice chancellors of Dhaka University Prof AK Azad Chowdhury and Prof SMA Fayed, educationalist Serajul Islam Choudhury, rights activist Sultana Kamal, former chief election commissioner ATM Shamsul Huda, former election commissioners Sohel Hussain and Sakawat Hussain, local government expert Toifal Ahmed, secretary of Shushanar Jonno Nagorik Badiul Alam Majumdar, Prof Abul Quasem Fazlul Huq of Dhaka University and former inspector general of police Nurul Huda.

Talking to The Daily Star, Mahbulul Alam Hanif, joint general secretary of the Awami League, said they would discuss the issue within the party after receiving the formal proposal from the search committee.

"We will propose names for the appointment of chief election commissioner and other commissioners," he added.

Hanif, however, said he personally believed that it would not be logical to seek names from the political parties. "Competent persons might be dropped from the list of probable commissioners if they were recommended by any political party. This might give rise to controversy later."

BNP Secretary General Mirza Fakhru Islam Alamgir said they will submit the names on time.

"We are yet to receive the letter from the search committee. We will submit names if we receive it," he told this correspondent.

Asked whether they would disclose the names, he said the party would hold a meeting after receiving the letter and would decide about it.

PETITION FILED WITH HC

A supplementary petition was filed with the High Court yesterday, seeking stay on the activities of the search committee, reports UNB.

Supreme Court lawyer Eunus Ali Akond filed the petition as a writ petition was earlier filed with the HC seeking its directives to formulate a law for constituting the EC.

Talking to reporters, Eunus said the formation of the search committee for reconstituting the new EC is "contradictory" to the article 118 (1) of the constitution which says: "There shall be an Election Commission for Bangladesh consisting of the chief election commissioner and not more than four election commissioners and the appointment of the chief election commissioner and other election commissioners [if any] shall, subject

to the provisions of any law made in that behalf, be made by the President".

He said the recently formed search committee is "illegal" as the country's charter speaks of a law for constituting the EC.

Eunus filed a writ petition with the HC on January 11 seeking its directives to formulate a law for constituting the EC and the petition was kept on Sunday's cause list for hearing with the HC bench of Justice M Moinul Islam Chowdhury and Justice JBM Hassan.

The cabinet secretary, the law secretary and the EC were made respondents to the petition, the lawyer added.

Take me home

FROM PAGE 16

the shelter authorities that her father Bechu Miah took Nasima to Maldah in West Bengal in 2006 and sold her to a young man from Bihar. Her parents then returned to Bangladesh. She became pregnant and had a miscarriage.

Her so-called husband sold her again, he told The Daily Star.

At one point, Nasima fell sick. Police rescued her when she was getting admitted to a hospital. Nasima was taken to a shelter in Krishnanagar and later moved to Baganda Janasiksha Prochar Kendra in Hooghly, said Jamal.

Asim Mukherjee, secretary of Baganda Janasiksha Prochar Kendra, told this paper that when Nasima was taken there in 2006, she was 14 or 15 years old.

He said, "On the information gathered during her counselling, we tried to find her parents. We are maintaining regular contacts with Subrata Sarker of Barisal, who is involved in voluntary work, to get information on her parents."

Talking to this newspaper, Subrata said he tried to find her parents, but failed.

Abhishek Mukherjee, executive director of the centre, said Nasima also has difficulty in speaking. They applied various techniques to know about her home address. She was shown videos of various villages, roads and launch terminals in Bangladesh.

He told The Daily Star, "We have tried our best. Bangladesh deputy high commission in Kolkata has been informed about the matter."

Contacted, Jamal of Bangladesh Deputy High Commission told The Daily Star that he went to Baganda Janasiksha Prochar Kendra in November and talked to Nasima.

He said as Nasima has difficulty in speaking, they could not be sure of where she came from.

Nasima may not be from Barisal, but she is from Bangladesh, he added.

This correspondent also visited the Baganda shelter and talked to Nasima. The girl said she had trusted her father, but he sold her in the name of marriage.

Nasima said, "I don't feel good here. I am upset. My health is also deteriorating as I am always tensed. I want to go home. Please, find my home".

Commendable

FROM PAGE 16

These were revealed at a press briefing held at the conference room of the chief judicial magistrate yesterday.

Even though in 2016 the filing of the cases was the highest in nine years, the lower courts were able to set the record with a low number of magistrates.

The numbers of pending cases came down to 26,401 at the end of the year.

After separation of the judiciary from the executive in 2007, the lower courts led by judicial magistrates started functioning in Tangail in 2008 with 21,295 pending cases.

As the disposal rate was low compared to filing of cases, the number of pending cases rose to 29,895 at the end of 2015.

Posts of three magistrates have been vacant for one year in the district while two other magistrates have been on training for the last six months.

However, the five serving magistrates, led by the chief judicial magistrate, have been able to dispose of the large number of cases.

Chief Judicial Magistrate Khaleda Yasmin, Additional Chief Judicial Magistrate Hamidul Islam and senior judicial magistrates Abdullah Al Masum, Sheikh Samidul Islam, Anjan

YEAR	CASES FILED	DISPOSED OF
2016	15,354	18,848
2015	13,196	12,843
2014	13,234	12,641
2013	14,230	14,724
2012	13,766	5,743
2011	13,171	6,764
2010	13,214	5,450
2009	14,657	4,941
2008	16,167	5,053

SOURCE: COURT DOCUMENT

Kanti Das and Rupun Kumar were present at the press conference.

Earlier in the day, the chief judicial magistrate expressed her hope that they would dispose of more cases in 2017 at a police-magistrates conference.

Contacted, Additional Registrar of the High Court Sabbir Faiz said it was really commendable when the case disposal rate is higher than the rate of case filing.

"If this continues, the case backlog will come down and the sufferings of justice-seekers will reduce," he added.

He could not instantly say if other districts have such a high disposal rate, but added the rate of disposal has certainly increased in recent years.

Urea left in the open

FROM PAGE 1

Covering it with sheets of tarpaulins could not save it from moisture from rains. Such low-quality urea is less effective, farmers of the area complained.

Milon Hossain, a farmer of Belchapi village in Pabna, said farmers now had to apply more urea than what they used to do before.

Another farmer Sobhan Ali said that despite objections dealers were supplying them with dampened urea.

Dealers, however, put the blame on BCIC for supply of poor quality fertilizer.

President of Fertiliser Association's Pabna district unit Idris Ali Bishwas told this correspondent that the BCIC authorities had not taken any step after dealers requested them not to supply poor quality urea.

Instead, they were forced to receive dampened urea for marketing, said Idris, a central committee member of Bangladesh Fertilizer Association.

BCIC North Bengal Regional Office refused to make any response to inquiries about such practices of supplying substandard urea to the dealers.

"The BCIC headquarters have directed us not to