

Trump rule restricting asylum seekers struck down by court

REUTERS

A US federal judge on Friday struck down one of President Donald Trump's initiatives to curtail asylum claims, ruling that the government could not reject migrants who had crossed the border illegally.

A different federal judge had already put a temporary block on the policy, which would have rejected asylum claims from people who entered the United States between legal ports of entry. The ruling on Friday by U.S. District Judge Randolph Moss in Washington, DC went further by finding the Trump rule violated immigration law.

The Trump administration issued the rule in November 2018 as part of

a series of policies aimed at reducing legal and illegal immigration, a touchstone issue that helped Trump get elected in 2016 and is already part of the 2020 campaign.

As with many of the Trump efforts, the rule ran into a number of legal challenges. In the Washington case, 19 asylum-seekers from Nicaragua, Honduras, El Salvador and Guatemala challenged the rule on several grounds, including that it violated U.S. law that allows migrants to apply for asylum regardless of whether they entered legally.

Immigrant rights advocates celebrated the decision, calling it a resounding defeat for the Trump administration that will save lives.

Second Aedes variety

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"We have no scope for researching the matter extensively in Bangladesh, but as an epidemiologist I suspect some patients are being infected by Aedes Albopictus. And this is why condition of some patients are deteriorating rapidly," he said.

"There are no papers to support it, but hypothetically there are 70 percent chances that this is true," he said.

Kholilur Rahman, chief entomologist of DGHS, recommended doing an extensive survey to look into the matter.

Past studies show only 2 percent of Aedes mosquito are of Albopictus variety, and their presence is high outside Dhaka. This is why it is difficult to say for sure that Albopictus is active in Dhaka, he said.

If Albopictus mosquitoes play a role outside Dhaka, then it will significantly contribute to the spread of dengue in districts as well as in rural areas because Albopictus population is higher in there, he said.

The DGHS conducted four surveys in Dhaka in 2018 and 2019 and found Albopictus population was 2 percent of all Aedes mosquito population.

But surveys done before 2006 found around 20 percent Aedes mosquito population was of Albopictus variety in Dhaka. It was higher in Chittagong city, Kholilur added.

In Rangamati, a 2017 survey by the DGHS found 30 to 35 percent Albopictus mosquito, he said, adding that it was true that in case of mosquito-borne diseases like malaria, dengue and filaria, a secondary carrier may become active in an "epidemic" situation.

There are around 123 varieties of mosquito in the country -- 13-16 in Dhaka, including Aedes mosquitoes.

"It is a hypothesis and I suspected it around 15 days back that this kind of situation might arise," he said.

Dengue virus was first detected in

Bangladesh in 2000, but it never spread to all 64 districts, he said.

Aedes Albopictus is a wild mosquito, often called "tiger mosquito," while Aegypti is a domestic mosquito, he said.

According to him, Aedes Albopictus is behind the rapid spread this year because there is no presence of Aegypti mosquito in villages.

"You will find Albopictus mosquito in villages. If it were not for Albopictus mosquito, the disease would not have spread in such a speed," he said.

Prof Mahbubur Rahman, who did his doctoral research on Aedes mosquito, said Albopictus mosquito population is high in areas with huge number of trees while Aedes Aegypti breeds in natural and artificial containers. This is why Aedes Aegypti is found in city areas.

Using insecticides is not an effective solution to control Aedes mosquito as its eggs remain viable for up to one year, said Mahbubur, principal of Norail Govt Mohila College.

He suggested drastic measures to destroy all containers like abandoned tyres, plastic drums, buckets and clay pots to control Aedes mosquito.

A July 17-27 survey by the DGHS in the two Dhaka city corporations found discarded tyres, flooded floors, plastic drums, water tanks, plastic buckets, clay pots, flower tubs and trays, paint pots, tin and metal cans, and plastic mugs are the main breeding places of Aedes mosquito.

DGHS Director (communicable disease control) Prof Sanya Tahmina said they have a plan to conduct a survey on Albopictus.

Apart from Aedes Aegypti, there are Aedes Albopictus outside Dhaka and it may contribute to the spread of dengue, she noted.

"We may send our teams to some places to catch adult Albopictus to see if those mosquitos are carrying virus," she said, adding that past studies did not find virus in Aedes Albopictus.

Dengue cases keep surging

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Yesterday, the Ministry of Local Government and Rural Development (LGRD) cancelled all leaves of the staff of city corporations and municipalities across the country, in its efforts to fight dengue, says a notice from the ministry.

Leaves of the staff of the Local Government Division have also been cancelled on the same ground, according to another ministry notice.

The order will remain in force until further notice, the notices added, asking all those already on leave to join work within 24 hours.

The notices also said the local government authorities, city corporations and different ministries took up various programmes to destroy larvae of Aedes mosquitoes which spread dengue.

The leaves have been cancelled so that the programmes are executed properly.

THE TWO DECEASED

A housewife died early yesterday after suffering from dengue in Uttar Krishnanagar village of Madaripur's Kalkini upazila.

Nadia Aktar, 40, was declared dead at Madaripur General Hospital around 12:30am, our Faridpur correspondent reported, quoting her husband Alamgir Moral and doctors there.

Alamgir said Nadia was first admitted to Kalkini Upazila Health Complex after she had been suffering from fever for a few days. She was diagnosed with dengue on July 30.

Later, her condition worsened and she was referred to Sher-e-Bangla Medical College Hospital in Barishal on August 2.

"As we did not get any bed at the hospital, we came back to Kalkini Upazila Health Complex. She was then again shifted to Madaripur General Hospital where doctors declared her dead," said Alamgir.

Madaripur Civil Surgeon Shafiqul Islam said Nadia had died before she was brought to the hospital.

In another incident, a one-and-a-half-year-old boy died while being treated for dengue at Sher-E-Bangla Medical College Hospital in Barishal yesterday evening.

The deceased was identified as Tawhid, son of Ishaq Ali of

Lakurtala village in Barguna Sadar upazila, reported our Patuakhali correspondent.

Tawhid was first admitted to Barguna General Hospital on July 30 with dengue fever. As his condition deteriorated, he was referred to the hospital in Barishal where he died, said Barguna's Civil Surgeon Dr Humayun Sahin Khan.

In Dhaka, 11-year-old Raiyan Sarker died of dengue at a private hospital near Panthapath on Friday, said his father Momin Sarkar. The boy was admitted to the hospital on July 31 in a critical condition, he added.

TWO HOSPITALS FINED

Meanwhile, two private hospitals in the capital were fined yesterday for charging extra for tests to diagnose dengue, UNB reported.

The National Health Care Network, and Alok Health Care were fined Tk 50,000 each by the Directorate of National Consumer Rights Protection (DNCRP).

A team led by DNCRP assistant directors Afroza Rahman and Abdul Jabbar imposed and realised the fines, said a press release.

The DGHS fixed dengue test fees on July 28 after the High Court expressed concern over charging extra for the tests.

DGHS fixed Tk 500 for dengue test, while that for Complete Blood Count test which includes RBC, WBC, Platelet, Hematocrit was fixed at Tk 400 and IgM+IgG or IgM+IgE tests at Tk 500.

The drive will continue to protect consumer rights, the DNCRP said.

DMP CLEANLINESS PROGRAMME

Dhaka Metropolitan Police yesterday launched a cleanliness campaign in the offices of its all units and adjacent areas in Dhaka to check dengue outbreak.

The three-hour-long campaign ended around 10:00am, a DMP press release said.

All offices of deputy commissioners (DCs) of police, police stations, police camps, control rooms, messes and dining places for the policemen under the DMP were cleaned during the campaign, said a press release.

The members of all units of DMP, including its high officials, took part in the campaign, it added.



Hilsa being auctioned off at Fishery Ghat in Chattogram yesterday. Fishermen said they had a good catch after a 65-day ban on fishing in the Bay ended.

PHOTO: RAJIB RAIHAN

Ministry failed to play its part

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Institute under the ministry, said the ministry has been particularly aware of the building anomalies, as it has been raised at every monthly coordination meeting.

"The ministry has everything in its knowledge," he said. "Rajuk, however, apparently has not been held accountable."

At every monthly coordination meeting, the ministry reviews Rajuk's development planning and regularity actions and what decisions Rajuk board takes every month, said a former Rajuk chairman.

According to the minutes of the public works ministry's monthly coordination meeting held on March 31 this year, the ministry required Rajuk inspectors and authorised officers to provide information on illegal buildings, building deviations and buildings under construction and what actions Rajuk has taken against errant building owners.

The same minutes say that as part of the ongoing building inspection, 71 percent of 3,897 buildings in eight Rajuk zones were found to have deviated from the approved plans.

Rajuk informed the ministry that a process was on for taking action against only 182 building owners, as per the minutes.

On average, 150 building deviations are detected every month, said the head of yet another agency under the works ministry.

Rajuk makes a summary of all its decisions and places it to the ministry's monthly coordination meeting. The ministry can direct its auxiliary agencies, question about any issue and make further query.

"So, it is shocking that Rajuk has been going scot-free for decades despite rampant building deviations and disasters, violation of the capital city's master plan and lax development control," he said.

National Professor Jamilur Reza Chaudhury said, "Once, an influential real estate developer being elected lawmaker became a member of the parliamentary standing committee on the public works ministry, whose agenda usually is to get his housing project approved by Rajuk."

The former caretaker government adviser questioned, "How can you

expect the committee would hold Rajuk accountable for implementing building regulation and housing laws?"

He went on, "When the country's highest court refers its verdict for the prime minister's attention, it means the regular government machineries are not working."

"Anyway," added the national professor, "it is a political issue and I don't want to make a comment."

Rajuk Chairman Md Abdur Rahman did not respond despite repeated calls and a short message made over his official mobile phone to obtain his version in this regard.

Md Shahid Ullah Khandaker, secretary to the housing and public works ministry, said, "Rajuk is run by a board and all the power is vested in them."

And Rajuk has its own administrative mechanism like posts of authorised officer, director, member and chairman.

There are hundreds of examples of gross building anomalies like FR Tower and all of those have not been placed to the ministry, he said.

When this correspondent pointed out that the ministry has been informed over the years, he said, "We are only aware of numerical information."

"Rajuk often resorts to hide-and-seek in many cases. They do not take action despite knowing an anomaly; they suppressed the FR Tower anomaly since 2007. We will now look into it."

When told that the ministry has been aware of what Rajuk has been doing over the years, he said, "If you ask about it this way..."

Over the decades, he then said, there may be some lapses on part of the ministry in holding Rajuk accountable. "But from now on, we will not spare anyone."

The Daily Star on July 4 contacted Public Works Minister SM Rezaul Karim with a short message over his mobile phone, seeking his response to how his ministry as the administrative authority holds Rajuk accountable for its actions and inactions in the matter of city's development regulations and building safety.

The minister in his reply said he would respond later.

Having waited for a week, this correspondent contacted him again on July 11 seeking his response. The

minister, however, did not respond.

HOW A BUILDING PLAN IS APPROVED

Md Nurul Huda, a former chairman of Rajuk, said the building construction committee either led by a zonal director or a Rajuk board member is enough to approve a building project. All the five members of the committee have to sign to approve a building plan.

In case a building plan is turned down, the applicant appeals to the Rajuk chairman.

Within Rajuk's routine regulatory role, over 100 building inspectors are responsible for regular inspection and report any building deviation or anomaly to the authorised officers, who are overseen by the Rajuk board members with the chairman at the helm of overall supervision, said Huda.

There are eight zonal directors in Rajuk, responsible for conducting building approval process and overseeing deviations. Two of five Rajuk board members are responsible for overseeing the zonal directors and authorised officers.

Theoretically, each set of officials in the hierarchy is supposed to hold the officials in the lower hierarchy accountable for building deviations and illegal construction, said Huda.

PREVENTION

According to Md Abu Sadeque, former director of House Building Research Institute, the building construction law requires Rajuk to enforce the provision of "building occupancy certificate" after completion of a building.

Without this certificate, water, electricity and gas authorities are not supposed to give connections to a new building.

Rajuk has not enforced the rule over the years, he said. "Building anomalies would have been significantly streamlined had the rule of obtaining occupancy certificate been enforced."

The situation would not have reached this extent had Rajuk made use of a very powerful Nagar Unnayan Committee, which has been left almost non-functional for the past couple of years.

"These two simple regulatory tools -- occupancy certificate and Nagar Unnayan Committee -- would have made a big difference in streamlining the building aberrations," he added.

Goal of fast-track trial still unmet

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And 17,25,270 criminal cases including those over corruption are waiting to get disposed of at lower courts and 2,36,116 of them remained pending for more than five years till March 31.

Advocate Khurshid Alam Khan, editor of the Dhaka Law Reports (DLR) and chief counsel for the Anti-Corruption Commission, told The Daily Star on July 12 that the provisions of most of the special laws fixing the timeframe for finishing the trial proceedings of the cases have become virtually ineffective.

Trials of a corruption case filed under the Anti-Corruption Commission Act, 2004 and a case filed under the Speedy Trial Tribunal Act, 2002 are supposed to be finished in 60 days and 135 days respectively after the courts concerned accept them for trial as per the Criminal Law Amendment Act 1958.

The cases filed under the Women and Children Repression Prevention Act-2000 and Drug Control Act-2018 have to be disposed of in 180 days and 135 days respectively after the courts concerned take their charges into cognizance.

But the trial proceedings of such cases do not end within the specific time limit for many reasons, including that the investigation reports are not submitted and the witnesses don't appear before the trial courts.

Besides, the courts are loaded with a huge number of cases, Khurshid Alam added.

As of March 31 this year, a total of 35,82,347 cases including the criminal ones have been pending with courts including the Appellate and High Court Divisions of the SC, according to the study report.

Eminent jurist Dr Shahdeen Malik says it is hardly the fault on part of the courts for the trials not being completed within the time fixed by the law because the law enforcement agencies are failing to complete their tasks within the stipulated time.

For example, laws say police must submit the investigation report of the

cases in 90 days, but they don't complete the task within the specific period of time. And one can hardly hold them accountable for this failure, he told this correspondent on July 12.

Lawmakers have not formulated provisions against the law enforcing agencies for their failure to complete the investigation on time.

The courts also adjourn the hearing of the cases when the witnesses are not produced before them, Shahdeen Malik said, adding that all the issues are very complex which have no easy solution.

Contacted, Law Minister Anisul Huq told The Daily Star that most of the provisions of laws fixing the timeframe for finishing the cases are directory, not mandatory.

The time limits are considered after the courts take cognizance of the charges, but the courts sometimes cannot finish the trial proceedings within the timeframe specified by the laws even after starting the trial of the case, he said.

"We are trying to sort out the issues and trying to solve them. There is no necessity to update the laws for resolving the problems," Anisul Huq, also a criminal law expert, added.

The HC on July 18 this year issued seven directives to accelerate trials of the cases filed under Women and Children Repression Prevention Act 2000.

The HC bench of Justice M Enayetur Rahim and Justice Md Mostafizur Rahman ordered the judges of women and children repression prevention tribunals across the country to complete within six months the trials of cases filed for rape and murder after rape.

The HC judges observed that even three to four-year old children are raped and murdered after rape but trials of those incidents are not finished in time, which is very disappointing and regrettable.

While passing orders on the appeals in three rape cases, the HC asked the tribunal judges to hold continuous hearing of the cases on every working day under section 20 of the Women and Children Repression Prevention Act

2000.

The same HC bench on February 5 this year directed the lower courts concerned to finish the trial proceedings in all narcotics-related cases within six months.

The HC observed that the trial proceedings in such cases remain unfinished for a long time as the witnesses are not produced before the courts and their statements are not recorded on scheduled dates.

Such a case could be disposed of in a single day if the judge, the investigation officer and the public prosecutor sincerely deal with it, the HC bench observed.

The bench on February 26 directed the district and sessions judges to finish in the next six months the trial proceedings of the criminal cases pending for the last 10 years.

On November 25 last year, the HC bench of Justice Md Nazrul Islam Talukder and Justice KM Hafizul Alam directed the lower court concerned to finish within six months the trial proceedings of Gatco corruption case, filed against BNP Chairperson Khaleda Zia and others in 2007.

The HC bench of Justice Jahangir Hossain Selim and Justice Riaz Uddin Khan on February 12 this year directed police to complete investigation in arms and drug-related cases and submit reports to the courts concerned within a month after the cases are filed.

The HC also ordered the inspector general of police to form monitoring cells in all districts to make sure that the investigation officers follow the directive.

It said the officers, who would fail to file the probe reports in a month, will have to explain to the courts why they could not do so.

The investigation in such cases should not take more than 15 to 20 days, according to their observation.

But the IOs take several months and even years to complete investigation into such cases which is not desirable, the HC judges observed.

Son buried

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matter of days," Momin, who works at ACI Limited, said to The Daily Star yesterday.

He said his daughter began running a fever on July 25 and his son, a six-grader at Sarkari Mohammadpur School and College, on July 28.

"Raiyan woke up with a fever that day. He, however, took a paracetamol and went to school. Afterwards, his temperature shot up. He also said he was feeling very weak," said Momin, who lives with family in the capital's Shekheratek area.

When Raiyan's temperature rose to 105 degrees Celsius, he was taken to see a doctor at a chamber in Mirpur. As advised by the physician, Raiyan and Maliha went for a dengue test at a diagnostic centre in Mirpur the same day.

The diagnostic report came on July 30 and it showed the siblings had dengue.

"Raiyan's fever came down that day. We desperately looked for a hospital bed but failed," his father said.

The boy started throwing up later that night. As his condition worsened, he was admitted to a hospital in Panthapath area.

The next day, Raiyan was shifted to the PICU and he died on Friday afternoon.

"Maybe I could have saved my son had he been admitted [to a hospital] and had we got the test reports earlier," he said.

"My son had secured golden A+ in his PSC exams. He had much interest in space science."

Some people

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organised a programme at the Jatiya Press Club to inform the media about its reaction to the periodic report.

Speaking at the event, eminent jurist Dr Shahdeen Malik said, "There is no minimum security in the country. Incidents of extrajudicial killings and absence of accountability for those is a major sign of a country turning into a failed state."

Reading out a written statement, Supreme Court lawyer Sara Hossain said the Bangladesh government's report avoided many issues.

Another SC lawyer Jyotirmoy Barua said torture in police custody was not stopping as there was neither any resistance nor any remedial measures in this regard.

He said incidents of enforced disappearance were taking place and there was no implementation of laws related to stopping torture.

In the written statement, the committee said while responding to various questions of the CAT, the Bangladesh delegation mentioned issues of torture and other cruel and inhuman behaviour in the light of the country's constitution and existing laws.

But the delegation tried to hide the reality of not taking action against the incidents of torture, disappearance, extrajudicial killing and other organised crimes and not bringing the culprits to book, except making arrests in one or two incidents, the rights group alleged.

Women rights activist Shirin Haque, also the moderator of the programme, said efforts to stay away from truth was regretful.

The Bangladesh delegation on Tuesday faced a volley of questions from the UN committee about alleged human rights violations and repression against the country's citizens.

Most of the queries the team faced were regarding the role of law enforcement agencies and impunity given to them despite their alleged involvement in torture and custodial deaths.

The 28-member team, led by Law Minister Anisul Huq, had to deal with the queries.

This was the first time Bangladesh submitted a report to the CAT since the country's inclusion to the UN body in 1998.

Rights abuses

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stagnant while the hill peoples are living a miserable life of uncertainty and insecurity."

Indigenous peoples of the plain live in even more miserable conditions, he said.

The government's promises of a separate land commission for them has not been kept, he added.

"In the country, there are claims of development on one side and people wailing amid inequality, deprivation and lack of rights on the other."

The UN has dedicated this year's observance of the indigenous peoples' day to indigenous languages.

Commenting on the theme, Santu Larma said the official data showed some 14 out of 41 indigenous languages were facing extinction in Bangladesh. But the actual number could be even higher.

He urged the government to establish a national academy to save the languages and demanded constitutional recognition of the indigenous communities.

The forum would observe the international day at the Central Shaheed Minar tomorrow to avoid the events being too close to the Eid holidays.