

'I'm cautiously optimistic'

Says foreign secy on the Gambia's case against Myanmar in ICJ

STAFF CORRESPONDENT

Bangladesh is optimistic regarding the outcomes of the Gambian legal battle against Myanmar at the International Court of Justice, Foreign Secretary Shahidul Haque said yesterday.

"I am cautiously optimistic about the outcome of the ICJ [hearing]. We are optimistic after seeing the lines of arguments. If you look at the case [by The Gambia], it is much stronger. ... It can go either way," Shahidul said at a panel discussion on "The Rohingya Crisis: Why Accountability," organised by the Centre for Genocide Studies of Dhaka University in the capital.

He, however, also said that he was more optimistic about the International Criminal Court's process on the Rohingya issue rather than the ICJ's process.

"Because ICC is based on a stronger footing than ICJ," he said. The ICJ settles disputes between nations, while the ICC seeks to convict individuals responsible for crimes. Both courts are based in The Hague.

The Gambia is seeking provisional measures to protect the Rohingya from further violence in Rakhine and to hold Myanmar accountable for the alleged genocide against its Rohingya minority, in a watershed legal battle that took place between December 10 and 12 at the Hague in the Netherlands.

Bangladeshi officials said that The Hague-based principal judicial organ of the United Nations -- the ICJ -- usually gives its decision four to six weeks after a hearing.

The Gambia, on behalf of the Organization of Islamic Cooperation, filed a case at the ICJ on November 11.

The prosecutor of the ICC is conducting an investigation into the alleged crimes against humanity and persecution against the Rohingyas.

The move came more than two years after some 7,50,000 Rohingyas fled a brutal military campaign in Rakhine and took shelter in Bangladesh.

At the programme, Shahidul Haque said that the Rohingya crisis is a long-term one and is a mix of humanitarian, human rights and geopolitical crises.

While talking about setting up barbed-wire fences around the the Rohingya camps in Cox's Bazar, Shahidul said that the government wants to know who are entering and exiting the camp at the dead of night. "That is the rationale, we are not curtailing their right to move. We want to set up designated entry and exit points at the camp", he added.

On the issue of radicalisation among the Rohingyas refugees, Shahidul said some of them (refugees) are dealing with such a crisis for the first time. "We are, as a state, very nervous. We do not know what this particular population will do to us in 15 years' time."

At the programme, discussants thanked The Gambia for taking Myanmar to court. They also thanked

SEE PAGE 10 COL. 6



Hills being razed in Barabkunda of Chattogram's Sitakunda upazila. Despite a crackdown and fines on various businesses for hill-cutting over the past three years, hills continue to be razed in Mirsarai and Sitakunda upazilas. The photo was taken recently.

PHOTO: COLLECTED

Fines don't deter big businesses

FROM PAGE 16

six companies -- Abul Khair Group, KSRM, PHP Float Glass Industries Limited, Golden Ispat, Elias Brothers (MEB bricks) and BSRM -- had destroyed around 1,60,000 square feet of hills in the two upazilas.

All six were fined in 2017 or 2018. Some were fined on both the years as they had not stopped the hill-cutting.

Imrul Kader Bhuiyan, spokesman of Abul Khair Group, which had been fined Tk 8,36,000 in 2018, however, had told this correspondent in May that the fine stemmed from a "misunderstanding".

According to him too, some other people had cut the hills. "A government organisation cut the hill adjacent to our factory, but as we could not prove that, they slapped the fine on us," he said.

This newspaper could not verify Imrul's claim.

Representatives from the other companies accused refused to comment.

FINES THAT DON'T WORK

Mohammad Moazzem Hossain, regional director of Chattogram DoE, told The Daily Star in May that most of the companies in the area make commitments that they won't cut hills whenever they are fined.

Later the same companies are found to have been cutting the hills secretly, he added.

Golden Ispat, BSRM, KSRM, and PHP were fined twice in 2017 and 2018, while Abul Khair Group was fined in 2018 and Elias Brother in 2017.

Of these, BSRM cut the most hills, with the steel giants held responsible by the Chattogram DoE for destroying 1,05,000 square feet of hills in Mirsarai upazila to make way for a power plant named Chittagong Power Company Limited. The company was fined Tk 52 lakh.

Elias Brothers, Golden Ispat and Abul Khair Group were held responsible for cutting 21,000 square feet, taking the total hill area cut to 1,53,000 square feet, as per the DoE

data obtained by The Daily Star.

KSRM were charged with razing 5,000 square feet at Sitakunda, while PHP Float Glass Factory flattened 22,000 square feet in the same area.

The DoE fined KSRM Tk 5 lakh; PHP Tk 4 lakh; Golden Ispat Tk 4.8 lakh; and Abul Khair Group Tk 8.36 lakh.

Elias Brother was fined Tk 24.5 lakh, a much higher amount than others, as they were charged with cutting an entire hillock.

As the hills are considered khas land (government land), almost all of those have been preyed upon by the big companies, with authorities choosing not to do more than fining them.

Apart from imposing fines, the DoE has two other options: conducting mobile courts if magistracy power is granted from the cabinet division and filing cases against the perpetrators in the environment court.

If a relevant case goes to court, the perpetrators could face 10 years in jail provided the DoE are able to prove the allegation.

Most of the time, however, the DoE cannot prove the allegation and the companies accused also deny all wrongdoing.

Another important aspect in this is the amount of influence big companies wield.

Sources within the DoE said the companies have a lot of clout and they use it to prevent further action from being taken. This allegation is often repeated by officials, especially when it comes to bigger conglomerates who keep in touch with higher-ups of the administration.

Contacted earlier this year, Bipul Chakma, deputy general manager of Golden Ispat, told The Daily Star that DoE had fined them for cutting a portion of the hill adjacent to their factory. "After the fine, we complied with the DoE's instruction..." he said.

Tapan Sen Gupta, executive director of BSRM, told The Daily Star

that the environment department had fined them without having any proper ground to do.

He did not want to comment further on the matter. The PHP Float Glass Factory and KSRM declined to comment.

Meanwhile, the locals around the area point fingers at the companies.

"PHP expanded its factory by cutting hills and KSRM built a scrap warehouse by doing the same thing. They are not cutting hills right now. But the hills which lie just adjacent to their factory could be flattened any time later," a local of Amthola, preferring anonymity, told The Daily Star.

Kamal Hossen, professor of Institute of Forestry and Environmental science at Chittagong University told The Daily Star these hills were very important for the environment, adding that Bangladesh had 12 percent hills against its total landmass.

"The majority of the hills are in Chattogram and in CHT, and 80 percent of biodiversity mostly depends on the hills. When hills are cut indiscriminately, the nature loses its ecological balance," he added.

Big companies are entering remote areas of Hill Tracts to cut hills to make ways for their business structures contributing to the drying up of streams and endangering lives of ethnic groups, he said.

He observed that rampant hill cutting had intensified the landslide incident in greater Chattogram.

"As most of our hills are sandy and cutting those causes soil erosion blocking natural rain flow which results in waterlogging in the port city," he said.

The DoE Director said the owners of big companies, too, need a sound and healthy environment to live. The earlier they focus, the better it is for all of us.

"Our stance will be hard from now on if monetary punishment does not work," Moazzem said.

Time running out for 10,000 illegals

FROM PAGE 1

the country's Immigration Department. Of them, 38,734 are Bangladeshis.

Other countries that took the opportunity include Indonesia (53,328 people), India (22,964) and Myanmar (6,923).

A top official at the expatriates' welfare ministry, seeking anonymity, said about 10,000 to 15,000 workers who have registered for the programme were waiting to return.

"We hope the Malaysian government will extend the deadline," he added.

An undocumented Bangladeshi migrant worker living in Malaysia recently told this newspaper that he had registered with the programme

but could not return to Bangladesh. Plane tickets are scarce, he said.

On July 18, Malaysian Home Ministry announced the implementation of the B4G programme as part of its measures to reduce the number of illegal immigrants in the country, the New Straits Times report says.

In an attempt to mitigate the crisis, Biman Bangladesh Airlines announced the operation of 16 additional flights only for migrant workers on Dhaka-Kuala Lumpur-Dhaka route from December 12 to December 31.

A total of six airlines operate 58 flights a week on Dhaka-Kuala Lumpur route. Of them, Biman and

Malaysian Airlines operate 14 flights each, Malindo 13, US-Bangla and Air Asia seven each and Regent Airways three.

Following an initiative taken by the expatriates' welfare ministry on December 9, the government has been providing a subsidy of Tk 10,000 per ticket to those who have registered for the B4G programme, according to the ministry officials.

Addressing a programme at Jatiya Press Club yesterday, Prof Tasneem Siddiqui, chair at the Refugee and Migratory Movements Research Unit, said those who sent the migrant workers to Malaysia without proper documents should be held accountable.

Case buried, hope too

FROM PAGE 1

preparing to fly to Malaysia for a job.

According to police statement, Tarek was an arms dealer, what his family members rejected outright.

They alleged that detectives killed Tarek over a dispute with Salma Begum, then an official with the rank of police superintendent, and her husband.

Tarek had no case or general diary filed against him.

Soon after his death, Zafor went to Kadamtali Police Station to file a case but police did not accept it. On September 25, he filed the case with a Dhaka court against 10 persons, including seven DB men.

In the case statement, Zafor said Salma's family was angry with them as they had refused to sell her their homestead near her land in Dania.

He also alleged that a team of detectives influenced by Salma and her husband killed his son.

The couple and the detectives named in the case denied the allegations. The officers maintained it was an incident of "shootout".

Since filing of the case, some of the accused and their associates kept putting pressure on Zafor to settle it as some of the officers in question were being denied promotion and chance to join the UN peacekeeping mission because of this, police sources said.

In April this year, Kadamtali police arrested his another son Shihab Uddin Tanjil, who was also a witness in the case, on the charge of selling drugs. He is now behind bars.

Family members say Tanjil was framed to hush Zafor.

On May 23, Zafor was taken to an office of an autonomous institution at Segunbagicha where the two sides reached a settlement. Six days later, he went to the court to give his statement, said his relatives and neighbours.

In the statement, Zafor said he didn't have a complaint anymore. And that both parties agreed not to do anything out of vengeance in future, according to court sources.

For this, the accused gave Zafor Tk 20 lakh though they had pledged Tk 25 lakh, said his relatives and neighbours on condition of anonymity.

"How long an ill-fated father could continue legal battle against all odds? He had to agree on the settlement to save his other son," a relative of Zafor told The Daily Star.

LEGAL BATTLE

People hardly raise voice -- let alone file cases -- over the killing of near ones in incidents like "shootout".

But Zafor fought tooth and nail.

The 10 persons made accused in his case included Salma Begum, her husband Khairul Alam Tutul and Tutul's brother-in-law Abdul Ahad Sohrah, and seven DB men -- Assistant Commissioner AKM Mahbubur Rahman, Inspector Nibaran Chandra Barman, Sub-Inspector Shaheen Md Amanullah, Assistant Sub-Inspector Md Aktaruzzaman, and constables Asadul Haq, Momtaz Uddin and Khairul Islam.

Soon after the so-called shootout, DB officials -- Nibaran and Amanullah -- filed two cases with Mugda Police Station against Tarek and four others for "firing on police and possessing firearms".

Zafor came to know the names of the seven DB men from the statements of these two cases.

For years, he shuttled between the court and home, repeatedly refusing offers of money -- up to Tk 1 crore -- by the accused, said his relatives.

In April 2017, one of the witnesses in the case filed by Zafor was arrested and sent to jail under the Anti-Terrorism Act.

Khondoker Nayeem, the witness, came out on bail 11 months later, cut ties with Zafor and declined to give any testimony, saying he was arrested for being the witness, added the sources.

Zafor still would not budge. He pleaded the court for a judicial probe as he doubted if a proper investigation would be carried out by law enforcers against their own colleagues.

Three police personnel,

including two officials with the rank of additional SP from Criminal Investigation Department (CID) and Police Bureau of Investigation (PBI), investigated Tarek's killing.

"During the probe, it was found that no case or general diary was filed against Tarek. There is no allegation by the locals against him either," Afrida Rubai, the first investigation officer and then additional SP of CID, mentioned in her report.

The report submitted to court on August 16, 2016, also stated that Zafor had land dispute with Salma but they did not find any evidence that she influenced detectives to arrest him.

Zafor filed a naraji (no-confidence) petition and sought judicial probe and the court handed the case to PBI for probe.

After investigating around a year, then additional SP SM Shafiqul Azam of PBI did not submit any probe report or findings.

He returned the case documents to the court in October 2017, with the opinion that the case filed by Zafor should be investigated alongside the two cases filed by Nibaran and Amanullah.

The complainant filed another naraji petition and pleaded for a judicial probe once again. Around a year later, the court asked PBI to reinvestigate.

PBI asked Inspector Hamid Uddin Ahmed to carry out the investigation. But he did not make any progress in the investigation and submitted a report to the court, saying he was not getting any witnesses.

Talking to The Daily Star earlier this month, Hamid admitted that the complainant and the accused reached a settlement.

"As they reached the settlement, I submitted a report. The court then closed the case," said Hamid.

Asked about his finding, the PBI official said only Zafor and his wife gave testimonies but the other witnesses including Nayeem refused to do so.

"So, we got nothing significant."

WHERE ARE THE ACCOMPLICES?

The statements of two cases filed by the DB officials mentioned Bristol, Kalu, Bhagina Rubel, and Noakhaila Rocky as Tarek's accomplices.

A seven-member DB team led by Mahbub picked up Tarek from his Dania residence on September 14, 2014. Hours later, they took him to Manda area to "recover firearms". DB men said in the statements, adding they said they saw the four accomplices there.

"As we saw four of his accomplices, we allowed Tarek to go for bringing the firearms as part of our strategy," read the statements.

"Taking firearms from his accomplices, Tarek indiscriminately shot at police."

Police fired back, triggering a "gunfight that left Tarek dead". His four accomplices fled away, according to statements of the two cases.

But after five years of investigation, investigators could not find trace of the "four accomplices".

"We did not find any of them in our investigation ... As the complainant [Zafor] had negotiation in the case filed with the court, we submitted final reports," CID Inspector Nur Islam, also the investigation officer of the cases, said earlier this month.

"If we get any clue about the four accused, we will reopen the case."

Salma, now additional commissioner of Rajshahi Metropolitan Police, on Thursday said she and her husband are innocent and in no way involved in the incident. Zafor might have brought the allegation being influenced by others after the death of his son.

Replying to a query, she said, "I am unaware of any settlement."

Mahbub, now a deputy director of Anti-Corruption Commission, also denied the allegation that the detectives killed Zafor's son over land dispute.

About the settlement, he said, "The man has grown old. They have withdrawn the complaint as they do not want to pursue it."

OIC welcomes UN resolution against Myanmar

BSS, Dhaka

The Organisation of Islamic Cooperation has welcomed the United Nations for adopting a resolution strongly condemning atrocities against the Rohingyas in Myanmar.

"The general secretariat of the OIC welcomes the UNGA resolution," said an OIC press release yesterday.

The top global alliance of Muslim-majority countries urged to redouble all diplomatic and political efforts to put an end to violence and

SEE PAGE 10 COL. 2

In Remembrance



Dr. Bazlul Mobin Chowdhury
(Founder Vice-Chancellor of Independent University Bangladesh)
1941-2010

Remembering this day, nine excruciatingly long years ago, when we lost the man who taught us the true meaning of Compassion, Integrity, Respect, Generosity, Humility and Honor.

D-308

Taposh for South, Atiqul for North

FROM PAGE 1

The party lent its support to 54 ward councillor candidates in the DNCC and 75 in the DSCC.

The Jatiya Party, the main opposition in parliament, picked Brig Gen (ret'd) Kamrul Islam, a newcomer in the party, as its mayoral candidate in the DNCC and Haji Saifuddin Ahmed Milan, a Dhaka-based businessman, in the DSCC.

Kamrul joined the JP following the Election Commission's announcement of the polls schedule on December 22, JP insiders said.

Earlier on Saturday, the BNP nominated Tabith Awal, a sports organiser and son of party leader Abdul Awal Mintoo, and Ishraq Hossain, son of former Dhaka city mayor and BNP leader late Sadeque Hossain Khoka, to run for mayors of Dhaka north and south city corporations.



Kamrul



Saifuddin

They also mentioned Khokon's poor handling of the dengue menace.

On Saturday evening, the AL Local Government Nomination Board sat at the Gono Bhaban with Prime Minister and AL President Sheikh Hasina in the chair to pick the party candidates for the January 30 polls.

Talking to reporters yesterday, Taposh, who resigned as Dhaka-10 lawmaker to contest the mayoral polls, said the PM has been working relentlessly to build a developed Bangladesh. And for that, a developed capital is needed.

"I want to take the opportunity to contribute to this."

Seeking cooperation from Khokon,

Talking to this newspaper, several AL leaders said incumbent DSCC Mayor Sayeed Khokon failed to live up to the expectations of the party high command.

The AL leader said if he gets elected, he will work together with Khokon and the DNCC mayor to build a "new Dhaka".

Mentioning former DNCC Mayor Anisul Huq as his source of inspiration, Taposh said, "I hope the people in Dhaka South City Corporation will keep their trust in me and give me a chance to serve them."

The AL leader further said if he is elected DSCC mayor, a master plan will be formulated for the city's development in line with the Vision 2041.

Since the city's population has increased over the years, its residents are not getting the expected services from the city corporations, he noted.

The PM split the city into two independent city corporations, taking these problems into account, Taposh said.

"I have decided to contest the city polls with the aim of resolving these problems."

Atiqul also sought cooperation from all in building a better Dhaka city.

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KSA arrests dozens over 'indecent'

AFP, Riyadh

Saudi Arabia has arrested more than 200 people for violating "public decency" -- including by wearing immodest clothing -- and "harassment", police said, in the first such crackdown since the ultra-conservative kingdom began easing social norms.

Some 120 men and women have been arrested over the past week for offending public morals, including wearing "inappropriate clothes", Riyadh police said in a series of statements on Twitter since Tuesday.

It added that unspecified penalties were imposed on the violators.

Another 88 people were arrested in various harassment cases, police have added in separate statements, after several women complained on social media that they were harassed at the MDL Beast music festival in Riyadh earlier this month.

The electronic music festival, which drew tens of thousands of fans, was billed by organisers as the biggest ever to be hosted in the kingdom.

Police did not offer any further details, including the duration of the detentions.

SEE PAGE 10 COL. 2