

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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### Annual reports

Events of 2007

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A military-backed caretaker government was installed in January 2007 and ruled Bangladesh under a state of emergency for the rest of the year.

The caretaker government announced police and judicial reforms and promised to set up a National Human Rights Commission. It was initially welcomed by most Bangladeshis, civil society activists, and the international community in the hope that it would stamp out corruption, build the rule of law, and restore democracy.

However, as the year progressed there was increasing concern in Bangladesh and internationally about the lack of progress on election preparations, the increasingly visible role of the army as the main power in the country, and the large numbers of arbitrary arrests, cases of torture, and custodial killings by security forces acting with impunity under emergency rules.

As part of its "minus two" policy of removing the leaders of the two main parties from the political process, the government arrested former prime ministers Khaleda Zia, leader of the Bangladesh Nationalist Party, and Sheikh Hasina, leader of the Awami League, as well as other senior politicians and government officials, and charged them with corruption. In the name of sorting out political gridlock and preparing credible national elections, the government banned all political and trade union activities and imposed new limits on press freedoms.

In December 2006, widespread protests over alleged fraudulent election preparations led to deepening political instability. Several people were killed and hundreds were injured in the violence. On January 11, 2007, after the United Nations and European Union announced that plans for elections were so compromised that they would not send observers, then-President Iajuddin Ahmed announced that elections would be postponed and declared a state of emergency. He also resigned as chief advisor, and on January 12, a new army-backed "caretaker government" headed by Fakhruddin Ahmed was brought in.

(Under Bangladesh's constitution, a caretaker government is appointed for a period of three months immediately prior to elections to ensure they are carried out in a neutral and impartial manner. Since October 2006, President Iajuddin Ahmed had served as "chief advisor"-in effect, prime minister-of such a caretaker government. On January 11, the old caretaker government was dissolved and a new one established the following day, with Fakhruddin Ahmed as chief advisor.)

Although Fakhruddin Ahmed promised reforms and a quick return to democracy, elections were soon put off until December 2008. Immediately upon being installed, the caretaker government issued the Emergency Power Rules, still in effect at this writing, which dramatically dilute constitutional protections for basic rights.

Pervasive corruption has caused widespread disillusionment with the political parties running the country. Bangladesh has for many years ranked at or near the bottom of Transparency International's index of corruption. On April 18, 2007, the caretaker government announced the Anti-Corruption Commission (Amendment) Ordinance aimed at rooting out high level corruption and stopping the influence of organized crime over politics. It acceded to the UN Convention against Corruption, replaced senior bureaucrats with persons perceived to be more honest, and forced some officials in key statutory and constitutional positions-such as the attorney general and

heads of the Anti-Corruption Commission and Election Commission to resign and be replaced by officials considered to have greater integrity. These moves proved highly popular.

The Anti-Corruption Ordinance, however, also empowers Anti-Corruption Commission officials, with retroactive effect, to arrest suspects without warrants, confiscate property without court orders, and detain suspects for thirty days without a warrant. Many suspects have been held for 30 days while evidence of their alleged offenses is collected. The special tribunals set up for these cases often fail to meet international fair trial standards because of limits on access to counsel, flawed evidentiary requirements, and lack of judicial independence.

### **State of Emergency and Suspension of Rights**

Tens of thousands of people were reportedly arrested in the weeks following the declaration of a state of emergency in January 2007. The government has not published accurate statistics on detainees, access to official places of detention has been restricted, and the security forces have used unofficial sites, such as the headquarters of the Directorate General of Forces Intelligence (DGFI, or military intelligence) in Dhaka, making it impossible to know exactly how many people were arrested or how many are still being held.

Most arrests under the state of emergency have taken place without warrants. Security forces have told detainees that they do not need such authorization under emergency rules. Evidence used to make arrests often has not been transparent or available to detainees or their lawyers. Credible reports suggest that many arrests have been based on coerced statements from others or have been the product of "score-settling." Many offenses have been deemed "non-bailable" under emergency rules, resulting in indefinite detention even for minor charges.

Bail orders or habeas corpus decisions in favor of detainees often have been ignored or overturned by politicized appellate decisions. On August 30, the United Nations Special Rapporteur on the independence of judges and lawyers expressed concern at alleged irregularities in the trial of Sigma Huda, the United Nations Special Rapporteur on trafficking in persons, who was convicted by the Special Anti-Corruption Court of Bangladesh and sentenced to three years' imprisonment on extortion charges, citing reports that the "right to legal representation and the independence of the court were severely affected during her trial."

Torture in custody, a longstanding problem in Bangladesh, continues to be routine. The use of unofficial places of detention for interrogation by the DGFI and others has exacerbated this problem, as such sites are beyond the scrutiny of the courts, lawyers, family members, and the media.

Professor Anwar Hossan, a Dhaka university professor, was taken into custody for his alleged involvement in inciting August campus protests against the army. He was taken to an unofficial detention center run by DGFI, where he remained for two days without being brought before a judge. When he was later produced in court, he said that he had not been allowed to sleep, was questioned constantly, and was slapped.

Similarly, Tasneem Khalil, a Daily Star reporter, CNN representative, and Human Rights Watch consultant, was taken to an unofficial place of detention by DGFI on May 11, where he was interrogated, tortured, and coerced into making a false confession. After international pressure, he was released but later had to seek asylum in Sweden.

The paramilitary Rapid Action Battalion (RAB) and the police continue to engage in extrajudicial killings of suspected criminals and others. The security forces euphemistically call these "crossfire" killings, falsely suggesting they are carried out in self defense. Such killings continued under the caretaker government. Odhikar, a Dhaka-based human rights monitoring organization, said that 126 people were killed by security forces during the first 210 days of emergency. Of them, 82 were allegedly killed in "crossfire," while at least 23 others were allegedly tortured to death. The most brutal was the March torture and killing of Choles Ritchil, a well known rights activist. Although eyewitnesses identified some of the perpetrators, the government failed to bring them to justice.

Section 5 of the Emergency Power Rules bans the use of the internet or other electronic or print media to publish "provocative" editorials, feature articles, news items, talk shows, or cartoons. Violations lead to confiscation of equipment and jail terms ranging from two to five years.

In 2007, many journalists and NGO workers continued to receive anonymous phone calls from persons claiming to be members of DGFI, the army, or RAB, warning them against defaming the army or government. Others were summoned to military intelligence headquarters and delivered warnings. Some, such as Tasneem Khalil, were tortured, sending a chilling message to all journalists.

Security forces use mass arrests as a means to suppress demonstrations. Curfew was imposed after protests erupted in August when a squabble between soldiers and Dhaka university students spread into demonstrations against the emergency restrictions and de facto army rule. Many began to question whether the military would be willing to give up power.

Soon after the August demonstrations, two television channels-Ekushey Television (ETV) and the CSB news network-received a written notice from the Press Information Department warning them not to broadcast "provocative" news. Several journalists were arrested and some were beaten up while they were covering the protests.

The activities of nongovernmental organizations (NGOs) were also restricted by the army. In July 2007, a notice was issued by the NGO Affairs Bureau asking all voluntary organizations to spend at least half of their foreign grants on visible development works such as roads and canals. Human rights defenders, including the head of Odhikar, were threatened for highlighting abuses by troops.

While governments such as the US, UK, and India expressed concern about the slow pace of election preparations, few expressed concern over the country's poor human rights situation. Most cheered reforms while turning a blind eye to the human rights violations that accompanied mass arrests and continuing reports of torture and illegal killings. Although the army already had effectively taken power in January when it installed the second caretaker government, no international actors publicly called on the army to return full powers to a civilian government.

The Bangladeshi army continues to receive assistance and training from several foreign governments including the US and UK, which are concerned about Islamic militancy in Bangladesh. The army remains a large contributor to UN peacekeeping operations and is thus susceptible to pressure from the UN and others to restore civilian rule and enforce basic rights. At this writing, international actors had not used this leverage.

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