

Human Rights Watch

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

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Intensifying Attacks on Human Rights Defenders, Organizations, and Institutions

Health Providers Complicity in Torture and Cruel, Inhuman or Degrading Treatment

In Search of Authoritative Local Voices

Bangladesh returned to democratic rule in 2009. Constitutionally guaranteed rights, suspended during most of 2007 and 2008, were in place and the elected government under Prime Minister Sheikh Hasina made strong commitments to address a number of serious human rights problems. Yet extrajudicial executions, custodial torture, and impunity for members of the security forces continue. Following a bloody rebellion within the Bangladesh Rifles (BDR), thousands of guards were arrested, many tortured, and some killed in detention.

In January 2009 the military-backed interim government that ruled Bangladesh under a state of emergency during 2007-08 stepped down following parliamentary elections. An Awami League-led alliance won 263 of the 300 contested seats in parliament. Domestic and international election observers generally considered the elections to be more free and fair than previous elections.

The new government has recommended the withdrawal of many of the corruption cases initiated against Awami League supporters charged in connection with the interim government's anti-corruption drive on the grounds that the cases were politically motivated. The similar legal processes initiated against members of the political opposition are, with few exceptions, continuing.

The government moved toward implementing the Chittagong Hill Tracts (CHT) Peace Accord signed between the government and the United People's Party of the Chittagong Hill Tracts in 1997. As part of this process the government removed some of its army troops in the area in 2009.

In July parliament adopted a new Human Rights Commission Act, under which an independent commission is mandated to investigate violations. At this writing the commission has yet to be constituted.

Elements in the Bangladesh Rifles, the country's border guard unit, staged a rebellion at BDR headquarters in Dhaka, the capital, on February 25-26, 2009. In the rebellion 74 people, including 57 commanding officers seconded from the army, were killed. Despite pressure from the armed forces to place those suspected of involvement in the rebellion before a court martial, the government decided in accordance with a recommendation of the Supreme Court to try them in civilian courts and under the BDR ordinance. As of September 2009 about 3,700 border guards were detained as a result of the indiscriminate arrests that followed the rebellion.

On several occasions during 2009 the government promised that it would end the grave problem of extrajudicial executions by members of the security forces. Yet the Rapid Action Battalion (RAB)-an elite paramilitary law enforcement agency-and the police continued to kill people in what the authorities refer to as "crossfire" killings, "encounters," and "shootouts" but in fact constitute thinly disguised extrajudicial executions. According to the human rights group Odhikar, 109 such killings were reported in the press between January 1 and October 31, 2009. The killings increased significantly during the second half of the year, suggesting a lack of commitment to

confront the security forces once the government settled into office. Alleged members of outlawed left-wing political parties are particularly targeted. In echoes of previous governments' statements that had been heavily criticized by the Awami League while in opposition, the government claimed that law enforcement agencies were only exercising their right to self defense.

On May 27, RAB killed two Dhaka polytechnic students, Mohammad Ali Jinnah and Mohsin Sheikh, in what RAB referred to as a "shootout." However, witnesses stated that the two men were arrested at night at their campus. Jinnah's family has filed a murder case against 10 RAB officers questioning how the victims, while allegedly running to escape, were shot in the chest, abdomen, and throat.

Torture continues to be used by law enforcement officials to force confessions in criminal investigations and to extort money. The bodies of those who are killed by RAB and the police regularly have physical marks and injuries indicating that they were subjected to torture.

Several persons taken into custody following the BDR rebellion in February 2009 died under suspicious circumstances. Many detainees were subjected to physical torture, including beatings and electric shocks. Relatives of Mobarak Hossain, one of the BDR members who died after being detained, allege that he was tortured to death. Sources at the Dhaka Medical College morgue told the media and human rights workers that Hossain's wrists, arms, knees, and shoulders were swollen and badly bruised. In May the government announced that a commission had been established to investigate the deaths of BDR members in custody. The findings of the commission, which was to have submitted its report within 15 days, have not been made public at this writing.

On October 22, F.M. Masum, a journalist at the *New Age* newspaper, was detained by RAB officers and tortured. Masum has written several reports about the paramilitary unit for *New Age*, including on its involvement in extrajudicial killings.

Laws that facilitate torture by removing or undermining fundamental safeguards against arbitrary arrests and detention remain in effect, including the Special Powers Act and the newly adopted Anti-Terrorism Act.

In 2009 Human Rights Watch could identify no cases of members of the security forces being convicted and imprisoned for killings, acts of torture, or illegal detentions. The government removed from their positions a few individuals responsible for human rights abuses committed by the Directorate General of Forces Intelligence (Bangladesh's most important military intelligence agency) during the former interim government's anti-corruption campaign.

Legal provisions that have traditionally shielded members of the security forces and other public officials from prosecution, by requiring government approval for criminal actions to be initiated, remain in effect.

The government is moving toward bringing to trial those responsible for international crimes in connection with the war of 1971. Parliament in 2009 passed amendments to the International Crimes (Tribunals) Act of 1973, but the law still falls short of international standards.

Despite the election of a new government, few journalists feel that they are able to write freely about the involvement of members of the armed forces in human rights abuses, corruption, and other illegal practices. There is no indication that the government is working to implement the Awami League's election promise of bringing to justice those responsible for past killings of journalists.

Several reporters scrutinizing the affairs of politicians and alleged criminals were physically attacked. On April 11, 2009, journalist Abdullah Al-Amin Biplob of the *Samakal* newspaper was severely beaten by a group of men identifying themselves as supporters of an Awami League member of parliament. Earlier the same day the parliamentarian had, according to Biplob, threatened to give him "a lesson" if he continued to write articles criticizing him.

A right to information ordinance adopted under the former interim government was turned into law in 2009, providing the right for people to access most kinds of government-held information.

While women occupy several key positions in the government, discrimination against women is common in both the public and private spheres. Bangladesh's reservations against the requirement in the Convention on the Elimination of All Forms of Discrimination against Women to ensure equal rights for women and men remain in effect.

Domestic violence is a daily reality for many women, and long-awaited laws on domestic violence and sexual harassment were still pending in 2009. The Acid Survivors Foundation reported 90 acid attacks, primarily against women, between January and September, but only eight convictions. There were reports of village elders and clerics issuing fatwas that resulted in women being caned for adultery or for talking to non-Muslim men.

Section 377 of Bangladesh's criminal code, an inheritance of British colonial rule, punishes consensual homosexual conduct with up to life imprisonment.

The NGO Affairs Bureau, which approves projects and funding of NGOs, created obstacles for some organizations trying to obtain permission to receive foreign donor funding. In August 2009 the Bureau cancelled an ongoing anti-torture project implemented by Odhikar on the grounds that the Ministry of Home Affairs objected to it.

Staff members of several human rights organizations were subjected to harassment by members of the security forces. Advocate Shahanur Islam Saikot of the Bangladesh Institute of Human Rights, who filed several cases against members of the army, RAB, and police for torture, received several death threats from individuals identifying themselves as belonging to these agencies.

Foreign governments including the United States and the European Union raised concerns about extrajudicial executions and other abuses, and continued to stress the importance of addressing the impunity problem. They also provided financial support to a range of human rights groups in Bangladesh.

In the hope of future cooperation with RAB on organized crime, Islamic militancy, and terrorism, the United Kingdom and United States continued to conduct human rights training for selected RAB members.

In 2009 Bangladesh was reelected to the United Nations Human Rights Council. However, the government has issued no standing invitation to the Council's special procedures to visit Bangladesh. In spite of their poor human rights record, Bangladesh's armed forces and police continue to be major contributors to UN peacekeeping operations.

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