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Continued Human Rights Abuses by Bangladeshs Rapid Action Battalion



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The brothers Lutfar and Khairul Khalashi were arrested by the Rapid Action Battalion (RAB), an elite government crime-fighting force in Bangladesh, on November 13, 2009. Because of RAB's long record of killing people in custody, the following day family members organized a press briefing in which they urged the authorities to ensure that the brothers would not be killed while in custody. But two days later, on November 16, 2009, RAB announced that both had been killed in a so-called shoot-out, or crossfire, with a RAB patrol team early the same morning. RAB provided no credible explanation for the killings. When the High Court issued a ruling the next day directing the authorities to explain the deaths, the law officer at RAB headquarters denied that any shoot-out had occurred at all, contradicting its previous announcement.

In one recent case, on March 3, 2011, RAB personnel in plainclothes picked up Rasal Ahmed Bhutto while he was minding a friend's shop in the capital, Dhaka. According to Bhutto's brother-in-law, Gulam Mustafa, one of their relatives in the army was able to contact colleagues in RAB and extract a promise that Bhutto would not be killed in crossfire. However, on March 10, Bhutto was brought to the area where he lived, in a RAB vehicle. He was shot inside the park. RAB summoned journalists to show the body of an alleged criminal

killed in crossfire. They brought him and committed cold-blooded murder, Gulam Mustafa told Human Rights Watch.

This report examines cases of extrajudicial killings, disappearances, and torture that have taken place in and around Dhaka, after the current Awami League government came to power in January 2009. It builds on the 2006 Human Rights Watch report, *Judge, Jury, and Executioner: Torture and Extrajudicial Killings by Bangladesh's Elite Security Force*. The number of victims is astonishing. In March 2010, the director general of RAB said that since it was started in 2004 RAB had killed 622 people. According to Odhikar, a Bangladesh human rights group, at least 732 people were killed by RAB between its inception and March 2011.

Although some within the government urge reform and accountability, the government has failed to make serious efforts to end the systematic use of extrajudicial killing and torture to fight crime. Its claims that incidents of crossfire deaths are the result of RAB officers acting in self-defense are as hollow now as they were under the previous military backed government and its predecessor, the Bangladesh Nationalist Party (BNP), which created RAB.

The Rapid Action Battalion was formed in March 2004. RAB was designed as a composite force comprising elite members from the military (army, air force, and navy), the police, and members of Bangladesh's various law enforcement groups. RAB personnel are seconded from their parent organizations, to which they return after serving time with the force. It operates under the ministry of home affairs and is commanded by an officer not below the rank of deputy inspector general of the police or someone of the equivalent rank from the military. RAB is organized into twelve battalions of which five operate in capital Dhaka.<sup>[1]</sup> It is regarded as an elite counter-terrorism force and indeed RAB has targeted, apart from criminal suspects, alleged members of militant Islamist or left-wing groups. RAB's official website depicts itself as battling the war against terrorism. When it was first created, critics, including the then opposition Awami League, had said that instead of setting up RAB, the government should undertake efforts to reform law enforcement and the courts. Creating RAB, they feared, would undermine the police, and some had expressed concern about using the military for civilian policing.<sup>[2]</sup>

Their concern was well-founded. In often standardized press statements, RAB claims that these victims were shot and killed in crossfire in self-defense or after they or their accomplices opened fire on the force. Investigations by Human Rights Watch and Bangladeshi human rights organizations have, however, for many years found that many victims were executed while in the custody of RAB. Bodies of those killed have often carried marks indicating that they had been tortured. Many persons who survived periods in RAB custody have repeatedly alleged torture.

RAB's penchant for killing people in custody is so infamous that many of those taken into custody expect to die. A man, who was held blindfolded in custody and beaten in August 2010, told Human Rights Watch that he heard his captors discuss his killing in a crossfire. I performed my last rituals and was prepared, he said. I know that people die like this every day in Bangladesh.

The impunity RAB has enjoyed since its establishment in 2004 continues under the Awami League government. In spite of commitments to end the killings and to punish perpetrators, no RAB officer or official has ever been prosecuted for a crossfire killing or other human rights abuse.

Nearly 200 people have been killed in RAB operations since January 6, 2009, when the Awami League government assumed office. Echoing their predecessors in the BNP-led government, the home minister and other government representatives deny any wrongdoing by RAB and other law enforcement agencies. Instead, they cling to the fiction that all of those killed were shot by authorities acting in self-defense. This is disappointing because, while in opposition, leading members of the Awami League expressed strong criticism of RAB and its actions.

As far back as March 2005, the Awami League criticized RAB in its official newsletter. Referring to RAB and two short-lived special police units named Cheetah and Cobra, it said that:

The newsletter also acknowledged that the practices of RAB had spread to the police and other law enforcement agencies:

The Awami League also reflected these concerns in their election manifesto issued before the December 2008 elections, stating that, extrajudicial killings will be stopped.<sup>[5]</sup>

In the first few months after it was elected to power, the Awami League maintained its firm rhetoric. In February 2009, at the United Nations Human Rights Council's Universal Periodic Review, Foreign Minister Dipu Moni announced that Bangladesh had a policy of zero tolerance for extrajudicial killings, torture, and deaths in custody, stating: We do not condone any such incident and will bring the responsible officials to justice.<sup>[6]</sup> A few days later, Prime Minister Sheikh Hasina also promised that legal action would be taken against those responsible for extrajudicial killings.<sup>[7]</sup> Indeed, the first few months of 2009 saw a comparatively low number of extrajudicial killings carried out by RAB. Some observers have attributed this to a wait-and-watch approach from RAB to determine whether the new government would take strong action to hold it accountable for past abuses or implement root and branch institutional reform.

But the new government has since followed in the footsteps of previous governments by embracing RAB as a crime fighting and anti-terrorism force to respond to public concern about high crime rates and international concern about the activities of Islamic militants on Bangladeshi soil. RAB is seen by the public as more capable of addressing organized crime than the police. Many Bangladeshis are unconcerned about abusive practices, believing that criminals deserve to be dealt with aggressively. It appears that the government is afraid of a populist backlash in taking on RAB.

Indeed, in March 2009, Law Minister Shafique Ahmed told Human Rights Watch that the government had no intention of investigating allegations of past human rights abuses by security forces, even though the perpetrators remained in RAB's ranks and would be likely to continue their illegal methods. Ahmed said that even though he did not condone crossfire killings, it should be remembered that RAB had only killed criminals.<sup>[8]</sup> A year later, in May 2010, despite numerous reports by human rights groups, the law minister claimed that such incidents had stopped. No more crossfire incidents are taking place in the country, he said.<sup>[9]</sup>

This was a shocking statement for a senior official and lawyer who is well aware of the legally required presumption of innocence. Even BNP officials have admitted that many innocent people have been killed by RAB. Ahmed and other Awami League officials have

consistently argued that they did not need to root out abusers because they could exercise effective political control over RAB, a claim that is belied by the evidence after over two years in office.

In response to allegations of rising extrajudicial executions, Home Minister Sahara Khatun said: Many people are talking and will talk about this. But as the home minister, I am saying that the law enforcers task is to bring the criminals to the book. When asked about allegations by Human Rights Watch on continuing extra-judicial killings, she said: What will the law enforcers do save themselves or die when criminals open fire on them?[10] Khatun has even denied that RAB has committed any extrajudicial killings since the current government came to power. On December 26, 2009, she said that There is no crossfire in the country, but added that law enforcement agencies were compelled to shoot miscreants to defend themselves when the suspects opened fire on them.[11]

Port and Shipping Minister Shajahan Khan expressed even stronger support for the actions of RAB and other security forces. On October 3, 2009, during a dialogue organized by BBCs Bangla Service, he reportedly said that it was impossible to try criminals under existing laws and that it was crossfire that will one day bring criminality to an end.[12] A few days later, the press reported that during an inauguration in Narayanganj, Khan said that crossfire killings were not human rights violations and that such killings helped to bring extortion and other crimes under control.[13] Surprisingly, none of the other ministers in the government publicly denounced Khans comments.

In an article published on May 5, 2010, the *New Nation* newspaper claimed that as many as 50 people had recently been abducted and killed by people claiming to be members of RAB. According to the director general of RAB, members of the force had no involvement in these cases, which he attributed to criminal elements disguising themselves as members of RAB and other law enforcement agencies.[14] After his appointment as the new director general of RAB on September 5, 2010, Mokhlesur Rahman declared, RAB never supports extrajudicial killings. RAB is not involved with these incidents and RAB will operate its duty upholding human rights.[15]

While senior government officials insist that all those killed by RAB are criminals, in some cases RAB has killed individuals because of mistaken identity. Under pressure, the Ministry of Home Affairs ordered investigations into the killings of Mohiuddin Arif, killed by RAB on February 3, 2010, and Kaisar Mahmud Bappi, killed by RAB on September 10, 2009. The inquiries were conducted by home ministry officials. Both inquiries concluded that the men were victims of extrajudicial killings by RAB.[16] Witnesses heard my brother tell the officers, Please dont kill me. You are mistaking me for someone else. I am from a good family, said Kaisar Mahmud Bappis sister, Shamsunnahar Alam. They still shot him.[17] Officials from RAB have admitted privately to family members that Bappis killing may have been a mistake, but there is still no official acknowledgement.[18] The committees recommended the prosecution of the perpetrators, but no action has followed.[19]

On February 4, 2011, Prime Minister Sheikh Hasina admitted that extrajudicial killings remained a problem, something that government officials had for so long denied. On February 4, 2011, she said: We have been trying our best to stop extrajudicial killings, which started in 2004. I have always been against extra-judicial killing, which are continuing a long time. They cannot be stopped overnight.[20] Hasinas comments raise the question of whether the government has either the will or ability to control RAB.

One thing appears certain: RAB will continue to commit serious abuses as long as it is able to operate with impunity. Human Rights Watch has found no cases in which the current government has even initiated a serious criminal investigation of a RAB officer for a human rights violation, despite obvious cases such as the killing of the Khalashi brothers. The government and RAB have in a handful of cases claimed that disciplinary measures have been taken after internal inquiries. Human Rights Watch has repeatedly requested the Bangladeshi government to provide details of such disciplinary action. However, despite pledges from the highest levels, including the Prime Ministers office, no information has been provided.

Lawyers, politicians, representatives of civil society organizations, the media, and even artists have repeatedly warned against the dangers of not addressing the crossfire problem. They have urged the government to hold those responsible to account and to stop protecting the perpetrators.

Worryingly, RAB has recently begun to engage in enforced disappearances, perhaps as a way of hiding its involvement in killings. Bangladeshi human rights groups say that there have been more disappearances in recent times and that RAB has started to kill people without acknowledging any role in their deaths.[21] A member of Ain o Salish Kendra, a Bangladeshi human rights group, told Human Rights Watch, They are picking up people, often in plainclothes, and then there is no word. Any unit can operate anywhere. Sometimes bodies turn up in some other district. This is a new trend.[22] In July 2010, the National Human Rights Commission reported that it was dealing with a number of disappearances of people who had allegedly been picked up by RAB.[23]

The police appear to have increasingly adopted some of the extrajudicial working methods of RAB. According to Bangladeshi human rights groups, several hundred killings have in recent years been attributed to the regular police or other security forces, a sharp increase.[24]

The judiciary has expressed concern that RAB personnel are taking the law into their own hands, but it has had no better luck in holding abusers accountable. On November 17, 2009, the High Court issued an unprecedented *suo moto* ruling in the killing of the Khalashi brothers. The court directed the government and RAB to explain within 48 hours why appropriate action should not be taken against the RAB officers involved. The court also ordered a halt to extrajudicial killings. The hearing on the case was adjourned, however, and the bench that issued the notice was reconstituted before it could hear the case. As of March 2011, the case had not been transferred to a new bench and no new date for a hearing had been set.

Foreign governments, in particular the UK and the US, regard RAB as Bangladeshs most effective anti-terrorism force and have expressed strong interest in increasing cooperation with RAB. In the hope of improving RABs human rights record and deflecting criticism at home about working with RAB, these governments have provided human rights training to some RAB officers. They also say they are working with RAB to establish a structure for internal accountability.[25]

The US, UK, and Australia, among other countries, want to work with RAB on counter-terror issues because they view RAB as the most professional and well equipped law enforcement agency in Bangladesh. However, diplomats and foreign officials agree that RAB engages in widespread abuses. They insist that they are working with RAB and the Bangladeshi government to implement reform.

Leaked diplomatic cables make clear that the US government is constrained in its ability to assist RAB as a result of its reputation for extrajudicial killings. Under US law it can only provide human rights training after vetting participants, though it devotes few resources to the vetting procedure.[\[26\]](#)

At present RAB is drawn from personnel from the police and the military who return to their units once they have served their term with RAB. This practice has been widely criticized for giving soldiers civilian law enforcement tasks and expecting them to operate under a different framework and code of conduct without adequate training, leading to predictable abuses. It is also likely that the abusive practices of RAB are then introduced into other forces, such as the police. The constant shuffling between the different forces makes it difficult to keep track of those responsible for violations for vetting purposes.

Because they consider RAB as an important counter-terror partner, the US, UK, and other governments have proven extremely reluctant to criticize RAB publicly (though they have been more forthright in diplomatic cables back to Washington and London). These governments have worked to fend off accusations that they are supporting a death squad, but have shown little appreciation that the trainings they have supported to improve RAB practices appear to have had little impact. This is not surprising, as human rights training without vigorous prosecution of rights violators is unlikely to lead to improvements.

One recommendation made by some diplomats to Human Rights Watch is to disband RAB and instead create a separate, smaller force to focus on counter-terrorism and security issues. Such a force would be composed of specially trained police officers without the participation of soldiers. If such a force required specialized training, international assistance could be provided.

Since early 2006, Human Rights Watch has closely followed RAB and monitored its record of continuous human rights violations. During this period, the organization has spoken with dozens of persons with insight into RAB operations, and interviewed many persons directly affected by them.

This report is primarily based on Human Rights Watch interviews with more than 80 victims, witnesses, human rights defenders, journalists, law enforcement officials, lawyers, and judges. Research was conducted from April 2010 to March 2011. The report also makes use of official statements, press articles, and fact-finding reports prepared by Bangladeshi nongovernmental human rights organizations.

The cases of human rights violations presented in Section III of this report were selected following a review of all RAB violations reported in the media from 2009 to 2011. Criteria for selecting the cases included that the incident took place after the new government led by the Awami League took power; the violation took place in or near Dhaka, indicating that these cases were well known to the government; and demands were being made by family or relatives for justice in the cases.

In April 2010, Human Rights Watch sought a meeting with Hasan Mahmud Khandaker, then the director general of RAB, to discuss the findings presented in this report. Human Rights Watch spoke to him on the phone two times in April 2010, but in both instances he indicated he was not available for a meeting at that point in time. On April 22, 2010, Human Rights Watch sent a letter to Home Affairs Minister Sahara Khatun, copying the RAB director general, seeking information about investigations, internal disciplinary measures, criminal prosecutions, convictions, sentences, and compensation to victims in relation to the cases raised in this report or any other cases in which RAB is alleged to have committed human rights abuses. The letter was resent to the minister and to the new RAB director general, Moklesur Rahman, on October 27, 2010.[\[27\]](#)

Human Rights Watch also met with Prime Minister Sheikh Hasina and senior officials from the Prime Ministers office to raise concerns and request responses to letters written by Human Rights Watch with allegations of human rights violations by RAB. Despite repeated commitments, Human Rights Watch received no response from the government. Copies of these letters appear in the appendix.

Bangladesh is a state party to several of the central international human treaties, including the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Bangladesh is thus, among other things, obliged to ensure that no one is arbitrarily deprived of her or his life, that no one is subjected to torture, and that in the determination of a criminal charge, everyone is entitled to a fair and public hearing by a tribunal established by law, and to be presumed innocent until proven guilty.[\[28\]](#) Under international human rights law, Bangladesh is also obliged to thoroughly and promptly investigate serious violations of human rights, prosecute those implicated by the evidence and, if their guilt is established following a fair trial, impose proportionate penalties.[\[29\]](#) Implied in this is that all victims shall have the opportunity to assert their rights and receive a fair and effective remedy, that those responsible shall stand trial, and that the victims themselves can obtain reparations.

United Nations principles on the prevention and investigation of extrajudicial executions provide detailed guidelines for governments. They include the need for thorough, prompt and impartial investigations of all suspected unlawful killings to determine the cause of death and the person responsible. Independent and impartial physicians should perform autopsies in cases of possible unlawful killings, and bodies should be kept until an adequate autopsy is carried out and the family informed of the findings. Where the established investigative procedures are inadequate because of lack of expertise or impartiality, investigations of possible unlawful killings should be pursued through an independent commission of inquiry.[\[30\]](#)

It should be noted that the UN special rapporteur on extrajudicial, summary, or arbitrary executions has repeatedly requested permission for a country visit to Bangladesh, but has yet to receive a positive response.[\[31\]](#)

Below are some illustrative cases of continuing abuses by RAB. Human Rights Watch could have documented dozens of others, but taken together with all the unresolved cases in *Judge, Jury, and Executioner*, Human Rights Watch press releases on other cases in the interim,[\[32\]](#) and documentation by Bangladeshi human rights groups and the media,[\[33\]](#) we believe that the cases below are sufficient to indicate the urgency of the problem.

Rasal Ahmed Bhutto, a 34-year old shopkeeper, was picked up in the street outside a friends shop in Dhaka by men in plainclothes in a white microbus on March 3, 2011. Bhutto had been worried for many months that he was under RAB surveillance because of his alleged association with the murder of a BNP politician. He had started avoiding going to his shop for fear of arrest. His brother-in-law, Gulam Mustafa, said that Bhutto had a bad reputation in the neighborhood, and that he was often the scapegoat, blamed for any crime in the



area.

After his arrest, Bhuttos family and friends started calling journalists to find out where he had been taken. They were told by a journalist with close ties to RAB that he had initially been in the custody of RAB-10, one of RABs Dhaka units, and was then transferred to RAB-3, also in Dhaka.<sup>[34]</sup> This was later confirmed to Gulam Mustafa by a close relative, a member of the armed forces with ties to RAB headquarters.

One week later, men in several vehicles, some of them belonging to RAB and some civilian, brought Bhutto to his familys neighborhood in Naya Bazaar at around 10 p.m. and killed him there. They claimed he was killed in a shoot-out. Eyewitnesses to the killing described seeing Bhutto in an unmarked microbus on the night of his death escorted by two marked RAB vehicles. They heard a volley of gunshots about an hour later. By the time Gulam Mustafa arrived there, Bhutto had been shot and was slumped against a wall in a sitting position. Mustafa described the scene:

When asked why the family had not filed a notice with the police after Bhuttos arrest, Mustafa said: We know what happens when people go missing. We decided not to file a case because it is better to have a body to mourn over than hoping forever that your missing one is still alive.

According to witnesses, uniformed RAB personnel arrived at around 4:30 p.m. on February 15, 2011, to pick up 41-year-old Mohammad Rafiqul Islam, a salesman at a grocery store in Dhaka. He has since disappeared. RAB has denied taking him into custody.

After the family was informed by other shopkeepers in the neighborhood who saw Rafiqul being taken into custody, they tried to contact various government authorities and even went to the RAB camp. No one was able to provide any information. On February 22, 2011, Shada Mia, Rafiquls son-in-law, filed a missing person report with the local police.

Family members said that Rafiqul was a member of an Islamist group called Allah-r Dol, (Allahs party). A case had been filed against him by the police in April 2004 for his alleged involvement of a militant organization. Mohammad Shada Mia, Rafiquls son-in-law, said that his father-in-law used to attend court hearings regularly.

Odhikar interviewed two eyewitnesses who saw Rafiqul handcuffed by plainclothes officials outside his shop and then taken to the main street where there were some armed men wearing RAB uniforms and others in civilian clothes. RAB authorities have denied arresting Mohmmad Rafiqul Islam.<sup>[37]</sup> At the time of writing his whereabouts are unknown, but his family is concerned that he may have been killed by RAB.

According to witnesses, Azad Hussein Pappu, and Abdus Sattar were arrested by RAB officers in the Mirpur area of Dhaka on February 27, 2010.<sup>[38]</sup>

The next day, on February 28, RAB issued a statement saying that the two men had been killed that morning, around 3 a.m., during a raid in the capitals South Keraniganj area, which is located at the opposite end of the city from the point where they were arrested. RAB claimed to be following a tip-off that two criminal groups were confronting each other. RAB claimed that after RAB arrived on the scene, Pappu and Sattar came into the line during a shoot-out as the force retaliated when the criminals opened fire.<sup>[39]</sup>

According to Pappus family members and other witnesses interviewed by Human Rights Watch, five to seven men in civilian clothes arrested the two men at gunpoint around 11 a.m., as they were leaving the Mirpur home where Pappus mother and several of his relatives live. The armed men took the two men to a microbus parked at a street corner a few meters from the entrance to the house, and at that time the men in plainclothes put on vests with RAB written on the back.<sup>[40]</sup>

A large crowd of people witnessed the arrest. Pappus aunt, Shima Begum, was present at the time and told Human Rights Watch, RAB was telling people to move away as Pappu had a bomb in his bag that could explode at any moment.<sup>[41]</sup> She and Pappus uncle also said they heard a RAB officer accusing the two men of having stolen 1.4 million taka.<sup>[42]</sup> Pappu and Sattar were then forced into the microbus and taken away.

Pappus relatives started looking for him and Sattar at different RAB and police stations in the area, but officials told them that nothing was known about the arrests.<sup>[43]</sup> They also made repeated attempts to call Pappu on his mobile phone. He answered on four different occasions that afternoon during which he talked to his aunt, mother and his wife, who was seven months pregnant. He told them that he was blindfolded, did not know where he was being held and that he would be released as soon as the interrogation was over.<sup>[44]</sup>

At around 7 p.m., Sattars family was informed of the arrest by a relative living in South Keraniganj. They made several attempts to call Abdus Sattar, but found that his phone was switched off.<sup>[45]</sup> Late in the evening they arrived at the RAB-10 office in South Keraniganj but officers told them Sattar was not there.

Early the next morning, on February 28, friends and relatives informed both families that the two men had been killed and that their bodies were lying in an open field in the South Keraniganj area.<sup>[46]</sup> When Pappus mother and other relatives arrived there, approximately 10 to 12 RAB officers and many bystanders were present. The mother told Human Rights Watch that she started screaming at the RAB officers:

When the two families arrived at Mitford hospital around 3 p.m., hospital staff informed them that the bodies could not be handed over as their condition did not correspond to what was stated in the police report. However, they were allowed to see the bodies. Family members said Pappus thighs were severely bruised and there were burn marks on his back and the right cheek of his face which to the family looked as if they had been caused by a hot iron. They added Pappu had been shot in the right ear and the bullet had exited on the left side of his head. Despite repeated requests, the family has not been able to obtain a copy of the post-mortem report from the police.<sup>[48]</sup>

Sattars family members took a number of photos at the morgue, which they showed to Human Rights Watch. The photographs show wounds on Abdul Sattars forehead and chin, as well as bruises on his thighs and hands. He also had a burn mark on his chest.

Sattar's sisters told Human Rights Watch that Sattar and another brother, Mustaq, had been accused of killing a man named Kamal in the South Keraniganj area. Mustaq had been arrested three months earlier, but Sattar had gone into hiding. One of the sisters, Mukta, said that during a visit to South Keraniganj police station after Mustaq's arrest, she heard him screaming as he was being beaten and that a police inspector told her, now you know how it feels to hear your brother's screams. Afterwards, when she was allowed to see him, Mustaq was unable to stand up and said that the police had beaten him severely.<sup>[49]</sup> Mustaq was later released on bail in June 2010. The same day that she was informed of the death of her son, Pappu's mother went to file a complaint with the South Keraniganj police station. She told Human Rights Watch that the police refused to accept the complaint and said to her, why should we accept a complaint when a criminal has been killed?<sup>[50]</sup>

Sattar's family also tried to file a complaint with the South Keraniganj police station. According to his sister Mukta, the police told her, You cannot file a complaint when criminals kill criminals. When she asked him if he meant that RAB are criminals, he just told her to shut up and leave.<sup>[51]</sup> A few days later, the family filed a complaint with the Dhaka Chief Metropolitan Magistrates Court. On July 15, 2010, the Officer-in-Charge of the South Keraniganj Police Station submitted a report to the court regarding the unnatural deaths of Sattar and Pappu. The report stated that both were killed in crossfire. The family's lawyer, Advocate Moshir Rahman, informed Human Rights Watch that he planned to submit a petition disagreeing with the police report in time for the next hearing on September 15, 2010 but at the time of this writing there was no additional information available on whether that appeal went forward.<sup>[52]</sup>

On February 3, 2010, Mohiuddin Arif, a 32-year-old surgery technician at the Apollo hospital in Dhaka, died from injuries that he apparently sustained after he was arrested and detained by RAB ten days earlier.

At 7:30 a.m. on January 24, 2010, three men in plain clothes claiming to be officers from RAB-4 arrived at Arif's house in Dhaka's Pallabi area, where he lived with his wife, two young children, parents, and other relatives. As Arif had just left for work, his father Abdul Majid phoned him and told him that RAB was waiting for him at the house. Arif returned home about 15 minutes later and RAB members immediately took him away.<sup>[53]</sup>

Majid told Human Rights Watch that he phoned RAB-4 around noon to clarify the whereabouts of his son. He was told that there was no senior officer present at the station and so therefore no information could be provided. At 8 p.m., however, seven or eight RAB officers arrived at the house, bringing Arif with them. In the presence of several family members, they started searching the house and pushing a handcuffed Arif from room to room. When they apparently did not find what they were looking for, they yelled at Arif, asking why he had told them that he had a pistol hidden in the house. He responded that he had done so to get them to stop beating him. As he was being dragged back to the vehicle in which he and the RAB officers had arrived, Arif shouted out to Majid, Father please kill me now; do not let them take me away again.<sup>[54]</sup>

Around 7 p.m. on January 25, the RAB transferred Arif to the Pallabi police station. Family members arrived at the station around 9 p.m. that evening, but they were not allowed to talk to Arif. They claim, however, that they paid the police a 16,000 taka (about US\$ 230) bribe in exchange for a promise that he would not be tortured.<sup>[55]</sup>

On January 26, Arif was accused of robbery and taken to the Dhaka Chief Metropolitan Magistrates Court. The family paid a court clerk a bribe of 16,000 taka to facilitate his release on bail. They were told, however, that bail could not be granted, but that the court could ensure that he was not returned to the police station for further interrogation. Arif was instead sent to the Dhaka Central Jail, where he was admitted to the jail hospital.<sup>[56]</sup>

On January 31, Arif was taken from the prison hospital to the Dhaka Medical College Hospital, but due to a lack of available beds he could not be admitted. Majid was permitted to talk to his son at the Dhaka Medical College Hospital, and told Human Rights Watch that Arif was in a very bad physical condition at the time, vomiting and unable to walk. Arif also told his father that he had severe pain in his chest because several RAB officers had stomped on him during interrogation.<sup>[57]</sup>

On February 4, Majid returned to the Dhaka Medical College Hospital in the hope that his son had then been admitted. He was told, however, that he had already been treated and returned to the jail. A few hours later he was informed by the jail authorities that his son had died the previous day and that the body had been transferred to the hospital morgue.<sup>[58]</sup>

At the morgue, Majid noticed that Arif's legs were, smashed and did not retain their usual shape; they were flattened.<sup>[59]</sup> Arif's brother, Mahabub Alam Khokon, who collected the body from the morgue, said that the repeated beatings had turned the legs green, that skin had been scraped off on several parts of the body, and that the feet were swollen and looked as if they were falling apart.<sup>[60]</sup>

In line with standard procedures when there is a death in custody, a report describing the cause of the death was drawn up. According to the *The Daily Star* newspaper, executive magistrate Mokbul Hossain's investigation report confirmed that torture marks were found on different parts of the body.<sup>[61]</sup>

The officer in charge at Pallabi police station, however, informed human rights workers from Odhikar that when Arif was detained at the station, the officer did not notice any injuries on Arif's body.<sup>[62]</sup> The second officer in charge, Afsah Hossain, told Human Rights Watch that Arif had fallen ill in prison. He added that he did not have any further details of the case and recommended that Human Rights Watch talk to sub-inspector Feroze Hossain, the first investigating officer, or to the second investigating officer sub-inspector Mainul Kabir.<sup>[63]</sup> When contacted by Human Rights Watch, sub-inspector Hossain first denied that he was the investigating officer on the case and then said that he could not remember any details about it.<sup>[64]</sup> Kabir simply said that he had nothing to do with the case.<sup>[65]</sup>

Odhikar was told by the officer in charge of Pallabi police station that Arif had been fired from Apollo Hospital long before his arrest due to allegations of corruption. However, the senior manager of the human resource division at the hospital said that this information was incorrect. In fact, Arif's time punch card from the hospital appeared to show that he was on duty at the hospital at the time the alleged robbery took place that he was later accused of taking part in.<sup>[66]</sup>

Arif's family did not attempt to file a crime case with the police or the courts. Majid said to Human Rights Watch, What would be the outcome? At the very most a RAB officer will be transferred. I will not get my son back.<sup>[67]</sup> However, Constable Zakir Hossain, a guard at Dhaka Central Jail, has reportedly filed a case of unnatural death with Shahbagh police station.<sup>[68]</sup> When Human Rights Watch

contacted the police station, assistant sub inspector Sharif said he was unable to provide any details relating to the case and that it would take him some time to find out about its current status.[\[69\]](#)

However, after the intervention of the NHRC, this case was investigated by the Home Ministry. Although the report was not officially made public, it was leaked. The committee concluded that Arifs death was caused by the physical tortures he endured while he was under the custody of RAB and police.[\[70\]](#) Yet no criminal charged have been filed against any of the perpetrators.

Two brothers, Lutfar Rahman Khalashi, who owned a pharmacy, and Khairul Huq Khalashi, a local garment trader, were arrested by RAB in Narayanganj district around 1 a.m. on November 13, 2009.[\[71\]](#) The following day, family members organized a press briefing at Madaripur press club in which they urged the authorities to ensure that the two men would not be killed in crossfire.[\[72\]](#) When relatives and friends heard that the two brothers might be taken to the RAB-8 office in Madaripur city, approximately 150 kilometers south of Narayanganj, they organized a demonstration in front of the RAB station there on November 15. The following morning, they were informed that the two men had been shot and killed near South Shirkhara Sewage gate.[\[73\]](#)

On November 16, RAB issued a statement saying that the two brothers had been killed in an exchange of gunfire after a group of criminals opened fire on a RAB patrol team early the same morning in the Jolkor area of Madaripur district.[\[74\]](#)

According to a family member who saw the brothers dead bodies, both of them were shot with a single bullet to the chest. The family has not been able to obtain a copy of the magistrates inquest report or of the autopsy report.[\[75\]](#)

Media accounts reported that the two men were local leaders of an outlawed left-wing political group, the Purba Banglar Communist Party.[\[76\]](#) Bablu Khalashi, the son of Lutfar Khalashi, said at the press briefing on November 14 that his father had twice contested local government elections and that his fathers political rivals had spread the false rumor that he was involved with the outlawed group.[\[77\]](#) He also claimed that less than two years ago, in July 2008, Obaidul Khalashi, a sibling of Lutfar and Khairul Khalashi, was killed by RAB.[\[78\]](#)

A family member told Human Rights Watch that the RAB killing could be linked to a previous murder case, in which the Khalashi brothers had been accused in the killing of man who was the brother of the local government chairperson. The relative further claimed that the Khalashi brothers were charged with the murder, but they were out of jail, having been released on bail, when they were killed by RAB.[\[79\]](#)

After the death of the two brothers, family members alleged they received repeated anonymous threats by phone and were warned by the caller not to proceed with a criminal case.[\[80\]](#) Several journalists who attended the press briefing in Madaripur told human rights workers that RAB later requested them to sign a statement saying that they had not been present at the briefing.[\[81\]](#)

The killing of the Khalashi brothers echoes the case of Mizanur Rahman Tutul, a physician and alleged leader of the outlawed Purbo Banglar Communist Party (Red Flag faction), who according to the authorities was killed in a shootout between his group and police on July 27, 2008. The evening before his death, at a press conference at Jhenidah Press Club, his 80-year-old mother, Novera Khatun, urged the government to save her son from crossfire and prosecute him instead if he had committed any crimes. According to her, the RAB arrested Tutul in Dhaka on 25 July, and the arrest was reported by a daily newspaper.[\[82\]](#)

Around 10 a.m. on October 22, 2009, F. M. Masum, a journalist with the *New Age* newspaper, heard loud noises outside the Dhaka apartment building where he lives. When he went downstairs he found on the street outside a group of men in civilian clothes beating Baby Akhtar, the wife of his landlord. The men requested that he unlock the front gate of the building. As he did not know who they were, he was initially reluctant to do so and asked them to identify themselves. The men shouted that they were members of RAB.

When Masum, after some hesitation, opened the gate, RAB commanding officer Anisur Rahman and other RAB members, in front of several witnesses, punched Masum in the face, beat him with wooden batons, and kicked him. Masum and the witnesses have described to Human Rights Watch how the RAB members demanded that Masum explain why he dared to defy their orders, and accused that his reluctance to open the gate showed that he was assisting the landlord Akhtar in peddling drugs. Masum denied any involvement in drug dealing and repeatedly shouted that he was a newspaper journalist.[\[83\]](#)

According to Masum, the RAB officers then tied his hands and took him inside the building where he was blindfolded and beaten again. His left ear started to bleed. Masum says that he was also forced to sit down on the floor and repeatedly beaten on the soles of his feet with something that felt like the blunt side of a machete. At one point I asked the officers for water, but I was told that I was going to get a bullet instead of water, he told Human Rights Watch.[\[84\]](#)

Eventually Masum fell unconscious. When he woke up he was taken to his own apartment on the second floor of the building. RAB had placed seven or eight bottles of Phensedyl, a cough syrup that in Bangladesh is regarded to be an illegal drug, on his bed. When Masum tried to protest, someone punched him again and he was forcibly photographed with the bottles.

Shortly afterwards, the RAB took Masum together with Akhtar to the RAB-10 office in Dholpur, and they arrived there around 11 a.m. As he was too weak to walk, he had to be assisted to the 3rd floor where he was interrogated and asked if it was true that he was a journalist. He showed the officers the business and identity cards he had in his wallet. According to Masum, one officer said, You should be punished. You are working for Nurul Kabir [the editor of the *New Age* newspaper]. Lots of army officers had to suffer during the Caretaker Government because of him.

Masum says he was then beaten with bamboo sticks around his knees and with an iron rod on the soles of his feet. Every time they hit the soles of my feet it felt as if they were beating straight on to my brain, he told Human Rights Watch. He fell unconscious again. When he woke up he found himself locked up in a cell.

Later on he was taken outside. A sign saying drug peddler was attached to his t-shirt and he was placed behind a table with Phensedyl bottles and photographed and filmed with a video camera. When he was taken back to the cell, one RAB officer told him that he would be killed in crossfire.



When Masums journalist colleagues learned about the arrest, they immediately contacted RAB, and the minister and the secretary of the Ministry of Home Affairs, and requested Masums release. According to Odhikar, various RAB officers provided them with different explanations for the arrest, stating that he had been discovered with Pethedine, a pain reliever and anti-spasmodic drug that is widely abused in Bangladesh, or that he was in possession of Phensedyl syrup, or that he was found in the company of sex workers.[\[85\]](#)

Eventually the authorities decided to release Masum. At 10 p.m. on October 22, a group of journalists from the *New Age* arrived at the RAB office. RAB Office Director S. M. Kamal Hossain requested the journalists sign a document saying that Masum was in good health, even though they could see that he had bruises on his face and other parts of his body, and that he was unable to walk unassisted.[\[86\]](#)

Following his release, Masum was immediately taken to Dhaka Medical College Hospital, where doctors gave him first aid and took an x-ray. He also had a CT-scan performed at another hospital. The following day he was admitted to a private hospital, the Dhaka Community Hospital.

On October 23, RAB released a [statement](#) saying that, RAB sincerely expresses regret for the unwarranted incident that has taken place between RAB personnel and journalist F.M. Masum of the largely-circulated [sic] daily *New Age*. RAB is looking into the matter with importance. The RAB headquarters has formed an inquiry team and the matter is being investigated. Punitive action will be taken against anyone of RAB found guilty.[\[87\]](#)

The same day, Arif Newaz Farazi, one of Masums colleagues at the *New Age* tried to file a complaint with the Jatrabari police station. The police officer in charge informed him that because the incident included a public authority, the police could not initiate any action without authorization from the higher authorities. When he returned the following day, the police told him that they would investigate the matter and that a sub-inspector had been assigned the task.[\[88\]](#)

The sub-inspector went to see Masum in hospital and talked with him several times on the phone, as did an investigation team from RAB.[\[89\]](#) On October 25, Home Minister Sahara Khatun and State Minister Shamsul Haque Tuku also came to the hospital. The home minister told the press, It is very sad if the law enforcers did anything unlawfully nobody will be spared of his or her misdeed.[\[90\]](#)

In April 2010, Enamul Kabir, operations officer in RAB-10, told Human Rights Watch that RAB officer Anisur Rahman was found guilty by a RAB court of inquiry for the torture of Masum. As a result, his deputation to RAB was ended and he was sent back to the Bangladesh Air Force, where he previously served. No further disciplinary sanction or criminal action had been taken against anyone involved.[\[91\]](#)

Masum spent 12 days in hospital and another two months resting at home before returning to work. As of early April, he still suffered reduced hearing in his left ear and pain in his legs.

Baby Akhtar, who was arrested at the same time as Masum, alleged the RAB also beat her and staged photographs of her with bottles of Phensedyl.[\[92\]](#) She told Human Rights Watch that:

During interrogation at the RAB-10 office, she says the RAB beat her again. She added that when she was asked to stand up to sign and thumbprint the interrogation documents, she had so much pain in her legs two officers had to assist her.

According to RAB, just before midnight on September 9, 2009, a team of officers led by Flight Lieutenant Raihan Asgar Khan, the operations officer of RAB-1 (one of the five battalions that operate in Dhaka), conducted a raid at the construction site of an apartment block called Aftab Tower in Dhaka. According to Major Mohammad Sakhawat Hossain, deputy director of the Legal and Media wing at RAB headquarters, RAB-1 had received specific information that a wanted criminal called Kamrul Islam, a name similar to, but not the same as that of the victim, except that they both shared the nickname Bappi, was plotting a major crime at Aftab Tower. According to Maj. Hossain, the criminals opened fire when the RAB team entered the building. RAB personnel responded in self-defense. The exchange of fire lasted almost 20 minutes. Police and RAB reinforcements arrived and surrounded the building. After the shooting ended, RAB searched the area, recovering arms and ammunition. They also discovered a body, which they identified as Kamrul Islam. RAB also claimed to have arrested his two accomplices, Chashma Masud and Abid Hossain Shoikat.[\[94\]](#)

The deceaseds family disputed the RAB claim. They said that the victims name was Kaiser Mahmud, and not Kamrul Islam as claimed by RAB. Kaiser Mahmud, 24, also had the common Bengali nickname of Bappi. Kaiser Mahmud was raised by his older sister, Shamsunnahar Alam, and her husband, Manzurul Alam. According to Manzurul Alam, he spoke with Bappi at around 11:30 p.m. on September 9. When Manzurul Alam came home from work after midnight, he was told that Bappi had not returned. The family kept trying his mobile phone, but it was switched off. According to his sister, Bappi always came home when he said he would. I was very strict with him, she told Human Rights Watch. He would not stay out late without permission.[\[95\]](#) Manzurul Alam says they waited all night for news.

Manzurul asked a relative to check at the Dhaka Medical College. Meanwhile, another relative said that the television networks were reporting that a criminal had been killed and that the person looked rather like Bappi. Manzurul and other relatives went to the morgue and identified Bappis body. However, an autopsy conducted on September 11, 2009 identified the deceased as Kamruzzaman Bappi instead of Kaiser Mahmud, the actual name of the victim, or even Kamrul Islam, as RAB had claimed.

Kaiser Mahmuds family believes that Bappi was killed because RAB was looking to find and kill the other Bappi, Kamrul Islam, and did not take the time to properly identify their target. According to Shamsunnahar Alam:

According to family members, Bappi worked as a model and was planning on a management degree. They said that a group of watchmen at the Aftab tower said that there was no shoot-out that day and that Bappi had been killed without provocation.[\[98\]](#)

After human rights groups began to question the incident, the Home Ministry ordered an investigation. The inquiry was led by the deputy secretary, Law Section of the Ministry of Home Affairs, and included a member from Odhikar. The investigation found that Bappi did not die in crossfire, as reported to the media by RAB. Instead, when they questioned the two men arrested during the operation, the committee discovered that Masud, Saikat, and Bappi had gathered at Aftab Tower to consume Phensedyl, a cough syrup often used as a

recreational drug. They interviewed an eyewitness who worked as a laborer at the construction site who said that he had often seen the three men gather there to drink Phensedyl and that he had never seen them carry any weapons. He also said that RAB had placed the weapons they later claimed to have recovered beside Bappi's body. The committee also found that, contrary to RAB claims, there were no police cases lodged against Kaiser Mahmud to show that he was a criminal suspect. The committee found that, RAB has not been able to prove and as per RAB's statement that armed criminals were present at the crime spot. It concluded that:

Despite these findings by the committee that Kaiser Mahmud was wrongfully killed in a case of mistaken identity the government has not acted on the report, which recommended that the perpetrators be prosecuted.

On May 28, 2009, 23-year-old Moshin Sheikh, and 22-year-old Ali Jinnah, both students at Dhaka Polytechnic Institute, were killed by RAB.

According to fellow students interviewed by Human Rights Watch, Sheikh and Jinnah went to have tea at a stall located just outside the dormitories of the Dhaka Polytechnic Institute around 10 p.m. on May 27. When they failed to return at midnight, the time by which regulations require all students to be back at the dormitories, their friends made several failed attempts to reach them by phone.<sup>[100]</sup>

The media reported that several students witnessed the two men being arrested by plainclothes RAB officers as they were going to have tea.<sup>[101]</sup> One of Sheikh's classmates also reportedly said that someone identifying himself by name as a member of RAB-2 answered the phone when their friends tried to call the two missing students around midnight on May 27.<sup>[102]</sup>

Around 1 a.m. on May 28, one of the students saw a television headline stating that the RAB killed two men in Dhaka. Suspecting that the two men might be Sheikh and Jinnah, early in the morning a group of students went to the Dhaka Medical College Hospital, where they found Sheikh's and Jinnah's bodies in the morgue.<sup>[103]</sup>

Assistant superintendent of RAB-2 Talebur Rahman told the press that the killing took place around 12:30 a.m., when RAB conducted a search of vehicles near the National Parliament. He said, [a]s the RAB men asked them to halt, they fired on them forcing the RAB men to retaliate triggering the shootout. Soon after the exchange of fire, the RAB personnel found two dead bodies lying on the roadside. After searching the bodies, they found two revolvers and bullets.<sup>[104]</sup> The director general of RAB said that the two students were killed in a shootout as they were engaged in snatching.<sup>[105]</sup>

The autopsy report reportedly stated that a total of seven bullets pierced the bodies of Sheikh and Jinnah. Jinnah was hit in the middle and on the right side of the chest. Injury marks were also found on his legs. Sheikh was hit in the neck and abdomen.<sup>[106]</sup>

Farhad Sheikh, the older brother of Sheikh, told Human Rights Watch that his brother was involved in student politics and served as an organizing secretary of one of three rival factions of the Chhatra League, the Awami Leagues student wing. In the weeks prior to the death of Sheikh and Jinnah, there had been several violent clashes between the different student factions, including one on the day that the two men were last seen alive.<sup>[107]</sup>

On June 7, 2009, Sohel Taj, then state minister for home affairs, said that, If a case is filed in connection with the killings, actions will be taken against the people responsible through proper investigation.<sup>[108]</sup>

On June 15, 2009, Jashimuddin, brother-in-law of Jinnah, filed a case with the Dhaka Chief Metropolitan Magistrates Court, accusing ten members of RAB-2 and one student of murder. Metropolitan Magistrate AKM Emdadul Haque asked the officer-in-charge of Tejgaon police station to investigate and submit a report to the court.<sup>[109]</sup> According to Jashimuddin, the report eventually issued by the Tejgaon police simply repeated what RAB had stated in its press release. Jinnah's family then filed a new petition with the Dhaka Chief Metropolitan Magistrates Court challenging the report submitted by the police. The court issued an instruction to the Criminal Investigation Department of Police to conduct a new investigation. As of September 2010, the family had not received any information about the investigation.<sup>[110]</sup>

Sheikh's family has not filed a case with the authorities. Farhad Sheikh told Human Rights Watch: We do not have the money to file a complaint with the police, and nothing happens without money.<sup>[111]</sup>

The principal of Dhaka Polytechnic Institute, Shamsul Alam has said about the victims that, both of them were meritorious students and well behaved.<sup>[112]</sup>

Government and RAB officials often stress that RAB-members who commit wrongdoing face internal administrative sanctions and are occasionally prosecuted. In 2009, RAB said, 164 officers were punished by the force and criminal cases were filed against five members.<sup>[113]</sup>

However, RAB's willingness to take action against members for alleged involvement in extortion, drug trafficking and other crimes apparently does not extend to bringing actions against those RAB members who commit grave human rights violations. As far as Human Rights Watch has been able to establish, no RAB officer has ever been prosecuted for any of the killings carried out by the force. The torture of journalist F.M. Masum is a case in point, where the RAB officer judged by the RAB to have committed the acts was simply sent back to his military unit without any further punishment.

In two cases, the Ministry of Home Affairs, after its own investigations, found RAB officials responsible for extrajudicial killings. In the case of Mohiuddin Arif, who was killed on February 3, 2010 in Mirpur, the investigation found that Arif had died in RAB custody due to torture.<sup>[114]</sup>

The other case was that of Kaiser Mahmud, also known as Bappi (both cases discussed in detail in the previous chapter). A member of Odhikar was part of the inquiry committee. The committee found that Bappi had not died in crossfire as claimed by RAB, but had been shot.<sup>[115]</sup> Although, in both cases, it was recommended that the perpetrators be prosecuted and punished, the government has not taken any action.<sup>[116]</sup>

The High Court Division of the Supreme Court has raised concerns on several occasions about the crossfire phenomenon. On June 29, 2009 the High Court issued a notice in response to a public interest litigation filed by the human rights organizations Ain o Salish Kendra, Bangladesh Legal Aid and Services Trust, and Karmajibi Nari, asking the government to explain why killing by law enforcement personnel in the name of crossfire or encounters should not be declared illegal.<sup>[117]</sup> At this writing, the government had not responded. On November 17, 2009, the High Court issued an unprecedented *suo moto* ruling in relation to the above mentioned killing of Lutfar Khalashi and Khairul Khalashi.<sup>[118]</sup> Relying on newspaper reports stating that the two brothers were killed by RAB personnel, Justice AFM Abdur Rahman and Justice Mohammed Emdadul Hoque Azad, directed Major Kazi Wahiduzzaman of RAB-3, Lt. Hasan of RAB-8, the director general of RAB and the secretary of the Ministry of Home Affairs to show cause within 48 hours as to why appropriate actions should not be taken against concerned RAB officers.<sup>[119]</sup>

In December 2009, in a reply to the *suo moto* ruling, Mohammed Ashraf Hossain, law officer at the RAB headquarters, stated that the newspaper reports were, not at all true and the reportings are baseless, false and motivated. He further stated that, no occurrence as claimed in the report has taken place within the territorial jurisdiction of RAB-3 and RAB-8 and no operation whatsoever was conducted by the RAB-3 and RAB-8 at the alleged place of occurrence as well as against the alleged victims and furthermore no officer is working by the name of Kazi Wahiduzzaman in RAB-3 and RAB-8.<sup>[120]</sup>

Hossains statement provided no explanation as to why RAB had previously said that the two men were killed in a shootout between RAB and a group of criminals.<sup>[121]</sup>

On December 14, the High Court heard the arguments of the State and the nongovernmental organizations Ain O Salish Kendra and Bangladesh Legal Aid and Services Trust, acting as interveners in the case. However, on the request of the attorney general, the matter was adjourned until January 9, 2010. Expressing concern that 11 crossfire killings had been reported in the 26 days since the *suo moto* ruling was issued, the court asked the attorney general to ensure that there would be no new crossfire killings before the next hearing. The attorney general promised to communicate the request to the director general of RAB.<sup>[122]</sup>

On January 7, 2010, the Chief Justice reconstituted the High Court benches and the judges that had issued the *suo moto* ruling were assigned to deal with civil instead of criminal cases. At this writing, the case has not yet been assigned to a new bench.

Human rights workers, lawyers, judges, journalists, and other concerned citizens in Bangladesh have repeatedly expressed apprehension about the crossfire killings, and urged the government to investigate deaths in the custody of RAB and the police.<sup>[123]</sup>

There was outrage after RAB shot and injured a student, Limon Hossain, in Jhalakathi on March 23, 2011, as he was grazing cattle. His left leg was amputated on March 27. Limon said that RAB members shot at him within minutes of arriving at the field where he was working, even as he told them that he was a student and urged them check with villagers and his college principal. RAB insisted the boy was injured during a shoot-out with criminals, and started a criminal case against him accusing him of possessing illegal weapons.<sup>[124]</sup>

This case may well have ended up as another statistic in RABs record of killings, torture and indiscriminate firing, except that the Bangladeshi media highlighted Limons suffering. The National Human Rights Commission wrote to the Home Ministry demanding an immediate investigation. I will go to the president if the Home Ministry does not form a probe committee and submit its report to the NHRC within the stipulated time, NHRC chairman Mizanur Rahman told journalists. The Rapid Action Battalion has no authority to shoot a person even if that person is guilty. The RAB personnel responsible for the incident have violated human rights and the law. The offenders must be detected and punished to stop such practice.<sup>[125]</sup>

Earlier, after a leaked cable citing international concerns about RAB violations, the *Daily Star*, in an editorial had said:

Earlier, in May 2009, at a time when many government representatives still paid lip-service to the promise of putting an end to extrajudicial killings, the *New Age* newspaper, in an editorial, called upon the government to take decisive action to hold those responsible to account:

Many within the justice system have also warned that law enforcement officers lack of respect for rule of law undermines the whole legal system. Dr. Shahdeen Malik, Supreme Court advocate and director of the law school at BRAC University, points out that extrajudicial killings mean that the government does not have faith in its legal and judicial system:

Senior judges have publicly expressed the same views. In January 2010, Supreme Court Justice Nazrul Islam Chowdhury said in a seminar that extrajudicial killing must be stopped and argued that it will be suicidal for the nation, the society and the country to leave with the law enforcement agencies to decide who should be killed on criminal charges.<sup>[129]</sup>

The National Human Rights Commission had earlier recommended the government to ensure independent investigations into all alleged extrajudicial killings. In December 2009, Justice Amirul Kabir Chowdhury, the commissions chairperson, recommended that:

Shahidul Alam, the renowned photographer and managing director of Drik Picture Gallery in Dhaka, said in April 2010 that, Criminals have survived because of patronage of the powerful. The removal of criminals, through crossfire, does not affect the system of control, but merely substitutes existing criminals for new ones. This is why crimes continue unabated under RAB. All it does is to undermine the legal system.<sup>[131]</sup>

On March 22, 2010, the police closed down Drik Picture Library shortly before the opening of an exhibition featuring photographs by Shahidul Alam and installations relating to the theme of crossfire and the RAB. The reason given by the authorities was that the exhibition lacked official permission and would create anarchy.<sup>[132]</sup> Shahidul Alam, told the news media, however, that Drik had organized thousands of exhibitions in the past, including some at which the present and former prime ministers attended the opening, without any requirement from the authorities for explicit permission to hold an exhibition.<sup>[133]</sup> On March 31, after Shahidul Alam filed a writ petition with the High Court, the police officers placed outside the gallery were removed and the exhibition was opened to the public.<sup>[134]</sup>

Foreign governments and inter-governmental organizations have repeatedly expressed concern about RABs poor human rights record

and the governments reluctance to hold accountable those responsible. At the UN Human Rights Councils Universal Periodic Review of Bangladesh in 2009, it was recommended that Bangladesh, address the problems of extrajudicial killings and torture by security forces and take steps to address the culture of impunity for human rights violations by law enforcement agencies.[\[135\]](#)

Dhaka-based diplomats have repeatedly made similar recommendations. In early 2009, EU ambassador Stefan Frowein stated:

At the same time, many foreign governments have come to regard RAB as an essential partner in the fight against terrorism. Talking to the *New Age* newspaper in December 2009, M. Sohail, director of RABs legal and media wing, said that RAB exchanged experience, knowledge, training and facilities with defense teams in the US, UK, and Australia.[\[137\]](#) In January 2010, in an interview with the same newspaper, the director general of RAB said that the three countries had helped the force by conducting training on human rights, investigations, and counterterrorism.[\[138\]](#)

In 2008, the UK and the US started separate human rights-focused training programs for RAB.[\[139\]](#) The US Department of Justice has reported that its International Criminal Investigative Training Assistance Program works with the US Marshals Service to assist RAB in implementing internal disciplinary procedures and internationally accepted standards for use-of-force.[\[140\]](#) In February 2009, at the inauguration of a US sponsored human rights training workshop for RAB, Ambassador James Moriarty stated:

According to the US embassy, the training strives to contribute to increasing transparency of investigations; improving forensic capabilities, especially evidence collection and management; establishing an internal affairs unit; and improving risk assessment and mitigation. Future training will also include basic forensics, interview skills (for internal investigations), public affairs training and investigating human rights complaints.[\[142\]](#)

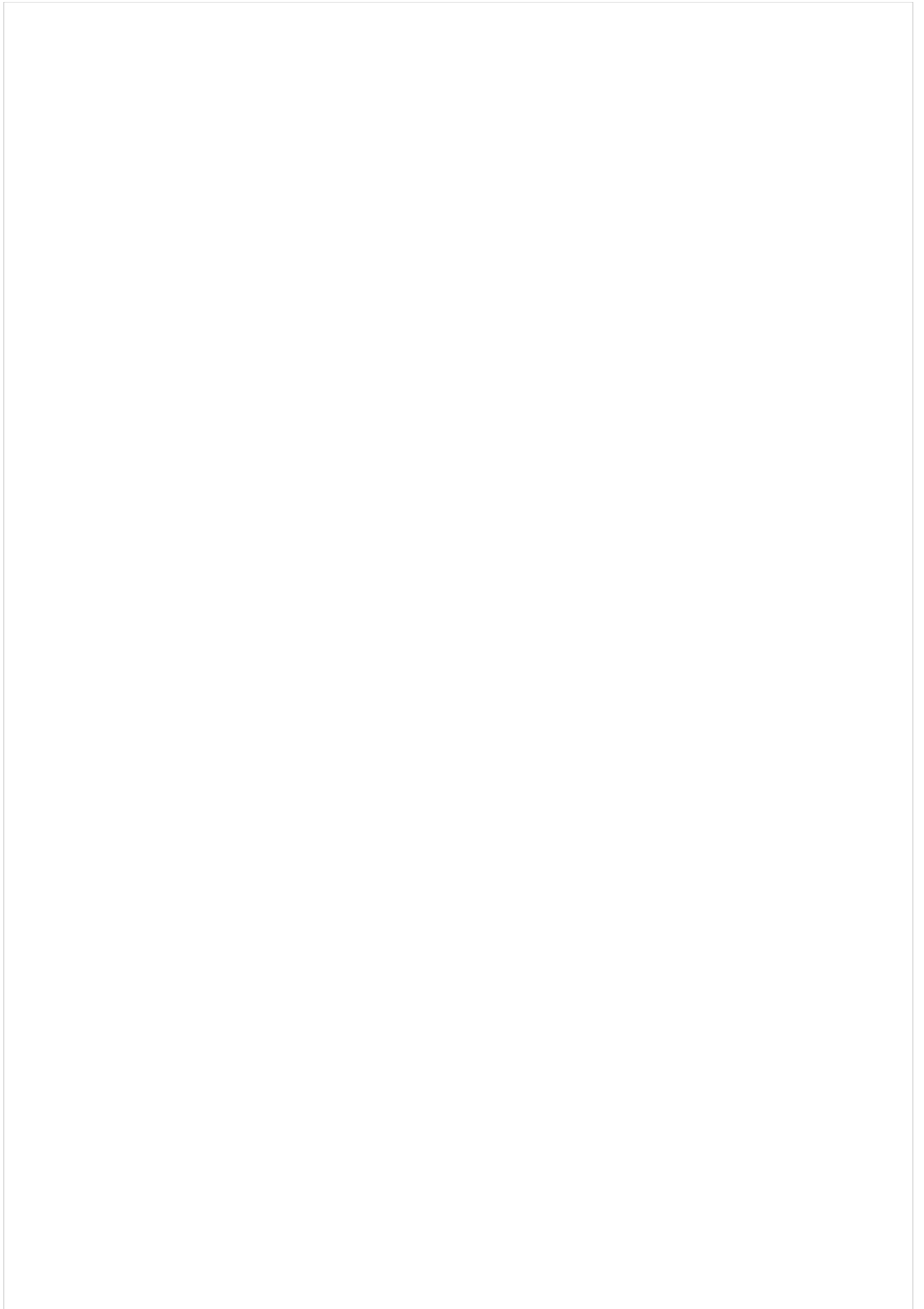
The US embassy reports that it, since 2008, has completed two rounds of training for a total of approximately 50 RAB members.[\[143\]](#) While indicating to Human Rights Watch that their approach was to first focus on human rights and then expand to more general anti-terrorism and anti-crime training, the US State Department stated in a report to the US Congress as far back as fiscal year 2004 that the Anti-Terrorism Assistance Program had contributed to ensure that RAB officers had received expert anti-terrorism instructor training.[\[144\]](#) In November 2009, a Bangladeshi newspaper reported a US Admiral as saying the US had promised RAB to work together on counter-intelligence and curbing terrorism.[\[145\]](#)

The UK has also worked on introducing and providing RAB with the skill sets to conduct their law enforcement duties in a more ethical manner.[\[146\]](#) Areas covered in the UK's cooperation with RAB include human rights training, interview, investigation and crime scene skills, and the inclusion of RAB members in a range of other human rights and law focused events. The training is delivered to selected candidates with the idea that these candidates should provide training to other RAB members, thereby ensuring the skills and knowledge are spread through all RAB battalions.[\[147\]](#)

In March 2008, for example, the British High Commission organized a 12-day training in which 54 members of RAB were trained by British police on human rights.[\[148\]](#) In October 2009, the British National Policing Improvements Agency gave a five-day-long training session to 21 RAB members on forensics.[\[149\]](#) In November 2009, a nine-day-long training on major crime investigations was organized for 20 RAB members.[\[150\]](#) The UK has publicly justified its human rights training program for RAB[\[151\]](#)

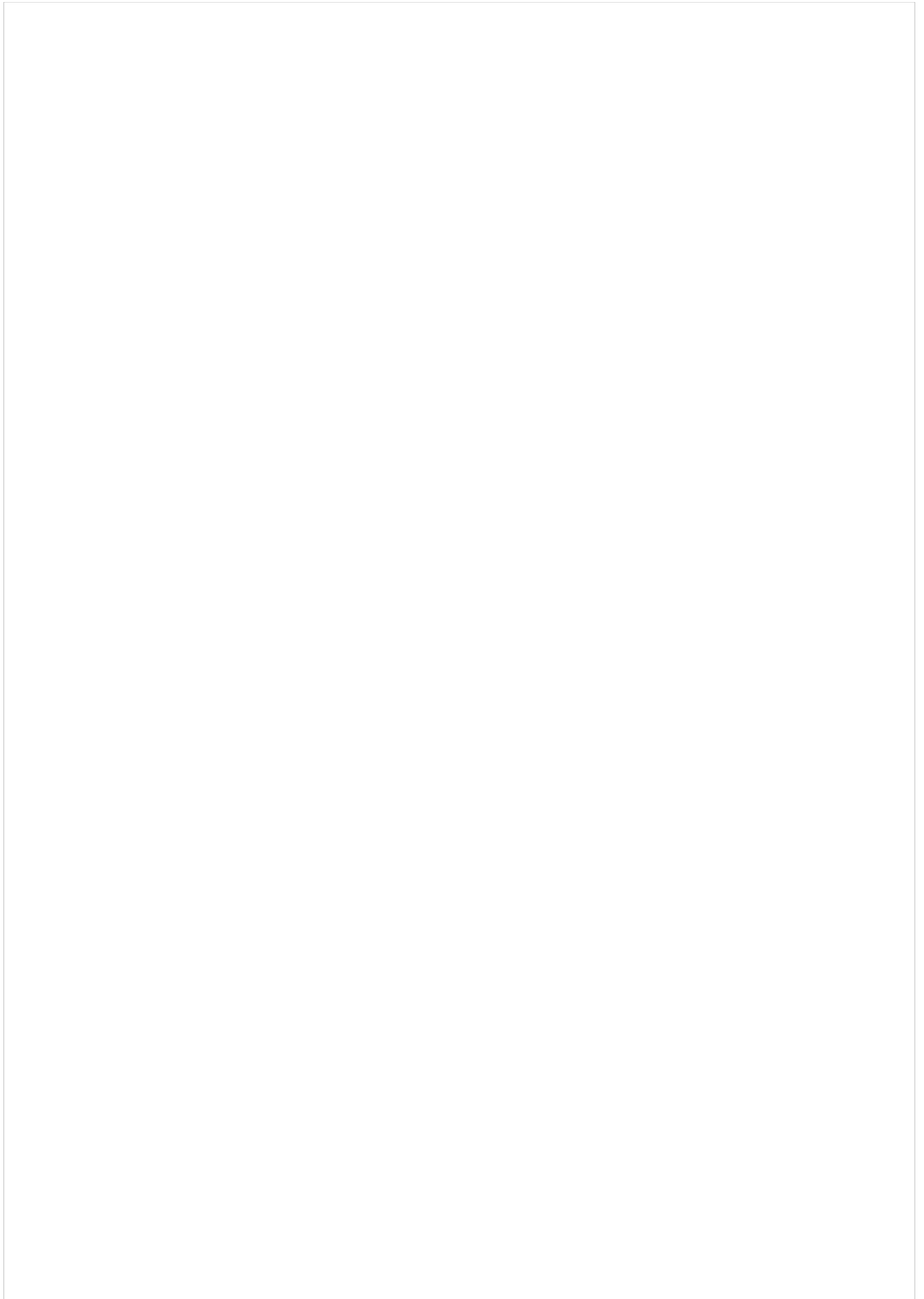
To date, from a human rights perspective, the UKs and USs training and capacity building efforts appear to have had little practical impact. Since the training, there have not been significant reductions in RABs involvement in human rights abuses, and accountability for such violations has not increased. The training approach appears to have overlooked the fact that the RABs poor human rights record is not a consequence of isolated actions by a few bad apples, but rather results from an operating strategy that sanctions impunity for those who commit human rights abuses.

To the UK and Australian Governments



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This report was researched and written by Henrik Alffram, consultant to the Asia Division of Human Rights Watch, Meenakshi Ganguly, South Asia director, and Tejshree Thapa, South Asia researcher. M. Sanjeeb Hossain provided valuable research and translation support.

The report was edited by Brad Adams, Asia director; Clive Baldwin, senior legal advisor, and Cassandra Cavanaugh, program office consultant, reviewed the report.

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Government Should Disband or Radically Reform Rapid Action Battalion

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