



## **BANGLADESH: Rulers establish an illusion of rule of law and democracy to deprive people by all means**

### *Introduction: An Illusion of Rule of Law and Democracy*

Bangladesh celebrates her fortieth year of Independence from Pakistan this year with an elected government in power for three years now after two years of a military-controlled emergency regime. Prior to the last general election the Bangladesh Awami League, like all other political parties of the country, made a huge number of pledges before the public, some of them written in the election manifesto while many other made in rhetorical speeches by the top leaders, including Sheikh Hasina, the incumbent Prime Minister.

The nation continued its culture of political polarization between the ruling and the opposition groups by blaming each other for the country's woes, as the Asian Human Rights Commission (AHRC) exposed in its reports in the previous years, paving the way for the perpetrators to violate the fundamental human rights of the countrymen unabatedly. There has been no required development as far as the democratization and the establishment of the rule of law is concerned. Moreover, the recurrence of gross abuse of human rights such as enforced disappearances, deprivation of right to life by extrajudicial methods – killing suspects in the pretext of crossfire and encounter and torturing detainees to death while in the custody of the state agents, not only continued but have increased alarmingly. There have been a number of incidents where the police captured persons on suspicion and offered them to a mob for lynching instead of producing them before a magistrate or investigating as to whether the person was innocent or not. The police and other paramilitary forces, specially the Rapid Action Battalion (RAB), kill crime suspects in the pretext of 'crossfire', on the one hand, while on the other; they have been encouraging the people to commit extrajudicial murders.

The government did not tolerate a different opinion to grow or the voice of the opposition be heard in the country. The police and paramilitary forces continued their service as "hired musclemen" of the ruling regime, as part of the culture of Bangladesh throughout decades, without any exception during the last three years of the Bangladesh Awami League's government. Freedom of assembly and association has been continuously denied by the State and continuously remained under extreme threats of brutal attacks by the police. Meetings, demonstrations and processions of the opposition political parties and workers, who demanded their due pays from the employers, and students, who protested against higher tuition fees, regularly came under brutal attacks by the law-enforcing agents, in collaboration with the armed gang of the ruling political parties in many occasions.

Exercising or enjoying the freedom of expression was challenging for the media and human rights groups, who appeared to be critical to the abuses of the government and



various agents of the State. Journalists received telephonic threats from the members of the law-enforcing agents and security forces, specially the Rapid Action Battalion (RAB) and the police and other intelligence agencies of Bangladesh as common phenomenon. Opinion-makers, who express critical views through their speeches, writings and research works, have been under serious intimidation and threats followed by surveillance of the National Security Intelligence (NSI), Directorate General of Forces Intelligence (DGFI), Rapid Action Battalion (RAB) and the Detective Branch (DB) of the Bangladesh Police. In several cases plain clothed members of these agencies physically visited the houses of the critics of the government in late night or in early morning and intimidated the individual professionals, including journalists and university-teachers. Almost every night such midnight-visits have taken place in the country. In several cases, by around midnights plain clothed persons, who claimed to be "government's men", instructed the security guards of the residences of professionals to ask the professionals come out of the main door for having a "chat" with the awaited persons. It has been confirmed by several direct victims of such incidents and eye-witnesses that the plain clothed so called "government's men" had come to the targeted places by vehicles that appear to be private cars. These ongoing midnight-visits have created extreme fear in the society in order to silence the critical voices of the country. No visible protest in public or registration of any complaint has ever taken place against these threatening visits as the country's judiciary is incapable of providing an effective remedy to the victims under the existing suppressive attitudes of the government.

Brutal forms of torture, which is endemic and an integral part of Bangladesh's law-enforcement system, has been wide spread in the country. All law-enforcement and security agencies of the State -- the police, Rapid Action Battalion (RAB), intelligence agencies, armed forces and other paramilitary forces continue to carry out illegal arrests, arbitrary detention, and torture in their respective torture cells, camps, offices, stations and outposts operating across the country. A number of high profile political persons including the incumbent Chief Whip of the Opposition in Parliament Mr. Zainal Abedin Farooque, a senior Member of Parliament, were tortured by the police officers in public, which has been broadcast by almost all private television channels of Bangladesh. The ruling political party leaders, as it happens in all regimes in the country, not only defended the perpetrating police officers, who were exposed to be politically recruited in the police service, instead of prosecuting them but also accused the opposition leaders for creating the grounds for the torture.

Policing and law-enforcement, by paramilitary force like the Rapid Action Battalion and intelligence agencies, in Bangladesh are based on bluff to the people of the country and the international community. Illegal arrest and detention followed by brutal forms of torture reached to such an alarming stage where a lawyer of the Supreme Court named Mr. Mamtaz Uddin Ahmed, who was also a former Deputy Attorney General, was allegedly tortured to death for his political attachment with the mainstream opposition party. The incumbent Attorney General of the country and the higher judiciary did not play any effective role to protect the lawyer from torture while the police tortured him



after his midnight arrest under the custody of the Detective Branch (DB) of police in the capital city, Dhaka. The police have denied the deceased's relatives access to the complaint mechanism by refusing to register a complaint from the family regarding the allegation of death due to torture in police custody. A writ petition was filed with a High Court Division Bench, which issued a rule against the government asking the authorities to ensure adequate medical treatment either at home or abroad; however, the order was not implemented by the government. After having been hospitalized for nine days – since 16 August 2011 – Mamtaz died on 26 August at a private hospital, where treatment costs were paid by the family while he was still under police custody. No action has been taken against the perpetrators to date. Ironically, the whole judicial system of Bangladesh has utterly failed to hold the perpetrators accountable for the alleged murder of the lawyer.

The higher judiciary of Bangladesh appears to be placed in auction for those persons loyal to the ruling political party. The recruitment process in the higher judiciary has been a matter of choice of the ruling party backed lawyers and high ranking political leaders instead of academic and professional quality and merit of the candidates, judicial ethics, norms, rules of recruitment and the very notion of integrity of the judicial institution.

Since the Bangladesh Awami League assumed office in January 2009 there have been more than 50 judges recruited in the High Court Division of the Supreme Court of Bangladesh. In all the cases political loyalty and nexus, and relationship with the influential persons were given priority to choose the candidates for the higher judiciary. The Supreme Court, which has developed rules for recruiting judges in the higher judiciary, has not follow those rules at the time of recruitment, or elevation from the subordinate judiciary to the higher judiciary, of a number of Additional Judges in the High Court Division.

The existing reality evidently establishes that Bangladesh neither has democracy and rule of law nor has any political will among the power-centered politicians other than blaming each other for assuming power, by deceiving and blackmailing the ordinary people from regime to regime. There is only the illusion of democracy and a façade of the rule of law, by showing few buildings named as "courts" and groups of people given the identities of "judges", "lawyers", "prosecutors", "attorneys" and "investigators" without any sense of justice in place at all.

### ***Freedom of expression, opinion and human rights activism being narrowed to non-existence***

The notion of freedom of expression is understood in a unique way in Bangladesh as the authorities provide a superficial type of freedom of expression and opinion for the media and the political opposition leaving them a very narrow space. At the same time many widened rooms are left in the control of the authorities for harassing the critics of the ruling regime and the machineries of the State. The enjoyment of freedom of expression



depends on the particular media or individual's capacity to sustain the wrath of the authorities unless the individual is believed to be insane. A "free press", in expressing harsh truth to expose anything that the ruling regime and the pro-military establishments never want to reveal, survives in the face of continuous intimidation and pressure from the political and military authorities who insist that the media censor the unexpected news stories.

In the given circumstance the media has to remain alert to treat any information considering the potential consequences, which inspires most of the print and electronic media to choose "self-censorship" even though the particular media is not intended to be politically biased. Partial "freedom of expression", by being critical to few and keeping mum to many unlawful actions, can be enjoyed by few high profile media personalities in cases where the journalist himself or herself or the head of the particular media maintains relationships with the relevant authorities in personal capacity or having creating a self-protection mechanism.

"Freedom of expression" as a fundamental right has been practiced in various ways by different groups in the country. However, this forecasts the potential consequences. Very few newspapers dare to use this right followed by close connections with the power-centered groups in the midst of a clear division among the media professional on the basis of their belongingness to the political camps. Every ordinary journalist, who strays away from the politically polarized groups, has to think twice whether his or her writings, containing a criticism or appreciation to either political group, though may not earn any benefits but can invite obvious harassment in the long run, if not in the current regime but in the successive regime as well.

A great deal of media is being established by companies for the mere purpose of protecting the "image" and "business interests" of the owner of the company, who may have political interests as well for or against either conflicting political groups of the country. A "fair" report, which keeps distance from the interests of the employing company that hardly wants to follow the journalistic ethics ensuring freedom of expression, may result to unemployment of journalists while there have already been many such examples in the country where journalists have lost their jobs overnight, without any prior notice, for going beyond the personal interests of the employing authorities. The thoughts in the back of the minds of the journalists also include whether there can be any influential person, or media, found to protect him or her in case the "victims of news" start taking revenge against the journalist. In fact, the divided journalist communities never stand firm and united beside their colleagues when any of them is under attack either by their employers or by the State agents, except for a few "eye-wash" meetings and press-briefing-based result-less demands.

Exposure of gross violations of human rights by the State agents had been the main reason for receiving threatening telephone calls to journalists, bloggers, and human rights defenders. Out of many examples, in one case, a journalist, having the reputation of exposing incidents of extrajudicial killings and enforced disappearance in the media for



several years, claimed to keep his identity undisclosed for security threats, received threatening calls the high ranking officials of the Rapid Action Battalion and intelligence agencies for exposing factual stories that they had attempted to cover up in officially formulated stories by the State agents. In such condition the individual journalist or human rights defender exposes himself or herself to a helpless atmosphere where he or she has to protect herself or himself on their own. At best, a few personal friends from the same professional community or relatives or family friends may stand beside the threatened professional. On the other hand, the journalist union or human rights organizations are unable to take any unanimous measure in support of the persons under threat even though the life of the individual journalist or human rights defender is at serious risk.



Photo source: [www.sheershanews.com](http://www.sheershanews.com)

In 2010, the AHRC raised the case of Mr. F M Masum, a journalist of a national English daily, there was no significant movement initiated by the journalist community when Masum was brutally tortured by the RAB. Likewise, in 2011, Mr. Md. Ekramul Hoque, editor of Sheershanews.com – a wire news agency based in Dhaka – and Weekly Sheershaw Kagoj, was arrested from his house in the early morning of 31 July 2011. Two weeks before Ekramul's arrest the authorities suddenly cancelled the accreditation cards of the journalists of his news agency without any explanation revealed in public. It was perceived by the journalist's community that the government cancelled the accreditations and arrested Ekramul for publishing news containing stories of corruption involving ministers and high profile politicians and government officials. Ekramul was detained in fabricated extortion cases one after another. Mr. Ekramul was taken in police remand for several days and interrogated in the custody of Task Force for Interrogation (TFI), which is reputed for using systematic torture in its specialized torture cell, and allegedly uses brutal forms of torture, according to his colleagues in the news agency. The police re-arrested him on 1 November, after three months of detention after having been granted ad-interim bail in two fabricated extortion cases by High Court Division Bench on 25 October, in front of the main gate of Dhaka Central Jail as soon as Ekramul stepped out of the prison and further detained in another fabricated extortion case filed by a public official.

He was only released on bail on 26 November after almost four months of illegal detention on fabricated cases.



Another journalist, out of many other similar cases, was picked up a team of police after midnight from the main door of his rented house in the city of Dhaka at around 1am on 3 November 2011. The journalist was identified as Mr. S M Nuruzzaman, a staff reporter of vernacular tabloid newspaper – Daily Manabzamin – in the crime news section of the newspaper. The police put him in a police van from the Adabor area after confirming his identity as a journalist for staying outside in the early hours of the



*Photo source: S M Nuruzzaman*

night. The police brutally tortured Nuruzzaman when he asked whether there was any lawful restriction for the people to stay out of their homes at that time of the night or not. The police team, who snatched Nuruzzaman's cell phone immediately after arrest, drove him to a place where a group of workers were working in a construction project. On the way the police officers led by Sub Inspector Anowar Hossain of the Adabor Police Station informed Nuruzzaman that there had been an incident of hijacking of BDT 200,000 from a person, and threatened that the police will shoot at his leg and expose him as a 'snatcher'. The police officers confidently claimed that "none of your fathers will be able to rescue you from us". From a switched off extra-mobile phone Nuruzzaman managed to call one of his journalist colleagues while the police left him on board to plan how to 'sell' the journalist as a 'criminal'. As a result of immediate arrival of a number of journalists at the scene and communication with high ranking police officers Nuruzzaman was released alive and un-handicapped from the jaws of the police. He sent petitions to the Commissioner of the Dhaka Metropolitan Police seeking an investigation and punishment of the alleged perpetrators on the following morning, however, nothing has happened to the errant police officers till the period of writing of this report.

#### **Torture of journalist Gias Ahmed does not lead to any investigation let alone a prosecution:**

Mr. Gias Ahmed, aged 43, is a senior journalist who works as Joint News Editor of Desh TV in Dhaka.

On 14 February 2011, at around 4:30pm, Mr. Gias, on his way to office, was trapped in traffic congestion at the SARC Fountain roundabout near to the Bashundara city. Gias's car with hundreds of others remained at almost a standstill despite several changes of the traffic signals for more than an hour.

When Gias's car was also asked by the police to turn towards an unusual direction he asked a traffic policeman named Mosharaf about the reason of the mismanagement of



the traffic system. He suggested that instead of blocking a particular road for hours the police could allow through at least few vehicles in short intervals to avoid prolonged standstill traffic trap in other roads adjacent to that point. In response, the policeman made a very ugly gesture at Gias showing the cane in the policeman's hand and shouted at Gias saying "chor" (thief). He also asked Gias's name, abused him verbally and indicated that he should get out of the car.

Getting out of the car Gias asked the policeman the reason for this gesture and why he had instructed him to alight from the vehicle. Suddenly, the policeman started beating Gias. At that stage, Gias introduced himself as a journalist and requested the officer to stop. The policeman continued to beat Gias and two plain clothed men, who were later identified as police-sources, and three police officers, namely Sergeants S M Asad, Ashraf and M A Baten joined constable Mosharaf. They beat Gias indiscriminately with sticks, fists, and kicked him in full view of the other motorists in public. Gias's spectacles were broken and his right eye was swollen as a result of torture. The police dragged Gias to a nearby police outpost and continued torturing him. During the torture Gias tried to inform his colleagues about his situation while the police snatched his cell phone.

Meanwhile, a police vehicle led by plain clothed Sub Inspector (SI) Jahangir Alam arrived at the police outpost and said, "Let's go to thana (police station). We will hang you, nail you, give electric shocks and as many methods as you need. We will push hot egg through your anus. Then, we will see who the hell you are!"

At around 6:15 pm the policemen dragged Gias to the police van for taking him to a police station. In the vehicle two policemen sat on each side of Gias. They told him it was to prevent him from escaping by jumping from the van. Showing identity card Gias asserted that as a journalist he fights for what is just and will never try to escape. Using filthy language and laughing at Gias the police said, "We did not understand that you are a journalist. We thought you were a street-hawker and pretending to be a journalist." Gias asked, "If I am hawker, can you torture me like this?" The police then beat him again. The policemen boastfully shouted at Gias by saying in filthy language, "We have sized (beaten) many journalists; and, nothing (has) happen(ed) to us. Nothing will happen at the end, if we beat you."



*Journalist Gias Ahmed's swollen eye at the Tejgaon police station after police torture. Photo credit: Zia Islam*

A policeman suddenly accused Gias of possessing arms illegally and the others started searching his body in humiliating manner. A police source, who was on board carrying a gun underneath his shirt, showed the gun and threatened that they will fabricate a criminal charge against Gias using that weapon. They intimidated him by saying that "You will languish in jail for 44 years, and will never be freed, if we do what we can!" The police named many journalists with the names of their respective media and said, "If you are a true journalist, so what? We are capable of taking care



of many men who are bigger than you!"

At the Tejgaon police station the police dragged Gias down from the police van and detained him for hours while abusive language and humiliation continued. Gias gave his name card to a police officer and requested him to check with the Desh TV about his true identity. The Duty Officer insisted Gias to put his signature on a statement that he (Gias) had committed a crime for which he was brought to the police station and upon his (Gias's) written apology and guarantee of not committing the same crime in future the police would release him. Gias refused to give a fabricated statement to the police and strongly told the police to specify the crime which they referred to and produce him before a court, which police denied.

A police-source approached to Gias and demanded money by saying, "Give some money and make your way out!" As Gias strongly refused to pay a penny to the police, the surrounding policemen said in filthy language, "Brother-in-law still erupts despite so much torture!" For refusing to pay the money the police transferred Gias to a police cell from the room of the on duty officer, as a punishment. A policeman came to the cell and asked about his home town and Gias, replied that he was from Gopalganj district (which is the home district of the incumbent Prime Minister of Bangladesh). The policeman spoke in a manner so as to suggest that Gias was inferior to him (police), "Do you know that all the OCs (Officer-in-Charge) of the police stations of the city of Dhaka are from Gopalganj? Being a man from Gopalganj, who are in power, you are beaten in this manner! It's a pity!"

Meanwhile, a number of journalists, photo-journalists and camera-crew among various media arrived at the Tejgaon police station. The journalists were restricted from taking photo of Gias in the police cell by the police officers. Both the police and the journalists argued with each other regarding the reason for torturing and detaining Gias at the police cell as well as the serious visible injuries on his face and body. After a long debate the police brought Gias to the office room of the on duty officer.

Following physical arrival and interventions from the President of the Bangladesh Federal Union of Journalists (BFUJ) senior leaders of the journalist community he was released from the police station at around 12:45am without any charge being made against any of the perpetrators. Before releasing Gias the perpetrator police officers claimed that "Gias was beaten by the mob and the police rescued him" while the senior police officers rebuked them by saying, "Don't we understand what happened and what you claim after 11pm of the night?" The police officers received assurance from the journalists that they must forget everything and not to publicise the incident through the media and pledged that the matter will be investigated properly by the police authorities. However, nothing happened to any of the perpetrators.

Later, the Dhaka Metropolitan Police formed a two-member departmental probe committee comprising of Additional Deputy Commissioner (Traffic) of the West Zone Md. Elias Sharif and Sergeant Hasnat Nazmul Alam. The committee visited Gias's house



and took a statement from Gias's car driver Mahmud Hasan Daud, who was key witness at the time the police tortured Gias on the street. The probe committee, which was formed for a departmental inquiry, hardly maintained any credibility at all. The formation of this committee itself appears as a farce while the senior police officers were well aware of the practice of the police and particularly about the situation what journalist Gias Ahmed went through. They ensured that a criminal case against the police officers for torturing Gias was not registered although there was visible evidence of torture as well as witnesses right in front of them. The police apparently tried their level best to ensure that the journalist community did not publicize the incident as a high profile torture case, which is a default practice to suppress the facts relating to the prevalence of torture in the country. Neither the committee nor the DMP authorities has ever released any information regarding the findings of the departmental probe until now.

The Bangladesh police maintain a chain of corruption instead of any chain of command or obligation to uphold the laws of the land. It is not capable of conducting a credible and fair investigation. Instead, it is generally understood that the departmental probe committees are formed to utilize the authority of the superior officers as new opportunity to extort more money from the police personnel, who are time to time indentified as the perpetrators of torture and violation of law.

These cases are records of what happens in everyday life at the hands of the police in Bangladesh. In the case of Gias Ahmed, the only difference is that the leaders of the journalists' community were able to intervene to rescue the victim alive from the jaws of the police without a fabricated charge against him. In thousands of cases ordinary people fall prey to the police and other paramilitary forces like the Rapid Action Battalion (RAB) as well as at the hands of the armed forces in similar or further brutal manner that go unrecorded, un-intervened and unaddressed due to the absence of mindset, commitment, ignorance and failure of the victim to expose that he or she is an important and dignified person. In the meanwhile the culture of blatant impunity is entrenched within the system from the bottom to the top of the governmental institutions and it has been spread around in the grassroots level of the society as well.

### *Illegal Arrest and Arbitrary Detention followed by Fabricated Charges*

The pattern of law-enforcement in Bangladesh is based on illegal arrest on suspicion without any credible investigation into a crimes before making the arrest, which by default supplements with arbitrary detention for indefinite period, extortion of money from the detainees or their relatives by using torture, and fabricating criminal cases or implicating them in pending cases for failing to pay the required amount of bribes.

Illegal arrests followed by arbitrary detention and fabrication of criminal cases against individuals continued on a random basis as the police routinely do in Bangladesh. No person needs to be an offender of a criminal act for being subjected to illegal arrest in Bangladesh. The police are habituated to arrest, especially the political activists and



supporters of the opposition party on instructions from the ruling political masters and, on a daily routine basis, anyone among the pedestrians, students, journalists and lawyers without any credible evidence of the arrestee's involvement in any criminal act or a warrant for arrest issued by a competent court of law. There have been numerous illegal arrests and arbitrary detention made in Bangladesh, however, there are no exact statistics as no institution is capable of, or has access to, records of illegal arrest and arbitrary detention as per the existing infrastructure and attitudes of the public institutions, and the law-enforcing agencies and security forces in particular.

Arresting people illegally and detaining them arbitrarily is a multipurpose lucrative business for the police and other law-enforcing agents of Bangladesh. On one hand, a detainee, who is afraid for his life under the custody of the law-enforcers, can be "source of income", as policing or law-enforcement without bribery cannot be imagined in Bangladesh, for the State agents. On the other hand, the detainee, despite his innocence, can be exposed as a "criminal" by having fabricated cases made against him. Some of the detainees can be exposed as "militants" by using torture and ill-treatment for a prolonged detention, and, or, harassing his close relatives. Arresting a so called disguised militant is normally understood as a great success of the law-enforcement agencies, who often exploit the popular public preferences to continue their business of abusing the laws of the land, which also brings about several benefits for them. First, the law-enforcing agents glorify their success of serving the nation with professional commitment. Secondly, such so called success opens windows for them to earn gallantry rewards. Thirdly, they can establish the importance of the existing methods of law-enforcement by coercions, collaboration with the original criminals, and torture as key point that the "system works successfully". Fourthly, the pro-coercive advocates of the State agents can bury the debates of promoting justice and human rights by cornering the policymaking authorities to give up the thoughts of reforms for a "pro-democratic rights and justice-based" law-enforcement and policing system. It must be remembered that the country's politicians and bureaucrats want to see the police as "hired gunmen" for the ruling regimes regardless whoever is in power having a judiciary, which is visibly incapable of establishing justice for many reasons.

Ultimately, the existing law-enforcement and criminal justice systems in compliance with an intolerant and violent political culture with the support of an anti-people bureaucracy endlessly propagates for an illusion of democracy and mockery of rule of law without any existence of either democracy or rule of law in their true senses.

***Systemic practice of torture in the absence of a commitment by the ruling regime to protect citizens from it***

Torture and law-enforcement is synonymous in Bangladesh, as this practice is at the heart of ordinary police work. It is also used as a tool to repress the government's political opposition through the law-enforcement agencies, who act as hired gunmen for



whichever party is in power, regardless of whether it is an elected or unelected technocratic civilian government or a military dictatorship at the time.

The police are the main agency responsible for the endemic use of torture. They make use of torture for all manner of situations and operations, particularly at the time of arrest and during arbitrary detention of criminal suspects. Torture is used to extract confessional statements during investigations into routine criminal cases. The police, who lack professionalism and training, often disregard the laws of land and procedures for arrest and detention. They use torture and ill-treatment at the time of arrest, which are frequently not made with a proper warrant issued by a competent court. They detain suspected criminals for days and even weeks without any publicly-available record being available regarding their arrests and detention. Under such circumstances, they torture the detainees, mostly to extort money from them or their relatives, and in order to force them to make confessional statements that incriminate themselves or others, as desired by the police. Failure to provide the required amount in bribes to the police results in brutal forms of torture is used and fabricated criminal cases being lodged against detainees. The police have turned all of their police stations, barracks, interrogation cells - such as the Task Force for Interrogations (TFI) cells - and other departments, such as the Criminal Investigation Department (CID), Detective Branch (DB) and Special Branch (SB), into an industry that uses torture to generate wealth. This also generates large numbers of victims, who then face stigmatisation, social exclusion, denial of access to adequate medical treatment and denial of access to the complaint mechanism leading to absolute injustice for the rest of their lives.

Beside the police, the Rapid Action Battalion (RAB), a paramilitary force comprising members of the armed forces, border guards and the police, which are regarded by the authorities as an "elite force", is notorious for being a force of "licensed killers" due to its record of extra-judicial killings and torture. It maintains specialised torture cells with sophisticated equipment used to torture detainees. The armed forces and intelligence agencies operate their own secret torture cells, where detainees are kept for indefinite periods, without any access to the outside world. There is also a specialised team called the Joint Interrogation Cell (JIC), who are specialised in using torture as part of investigations.

Torture causes many deaths and severe physical disabilities in a large number of persons every year in Bangladesh. No authority keeps any records or statistics concerning the numbers of victims or level of physical, social and economic losses that result from this prevalent practice. Survivors of torture are also denied access to adequate medical treatment for their injuries due to harassment by State-agents, not only to the victims and their families, but also to medical doctors and health professionals.

Torture continues unabated, as complaint mechanisms, which are mostly controlled by the police do not allow survivors to register formal complaints at police stations. Most victims cannot afford to hire a lawyer to file a complaint with the Magistrate's Courts. Anyway, these typically lack the judicial mindsets required to ensure justice for victims of



torture and human rights abuses, instead paving the way for perpetrators to walk free, as the police control both the investigation and the prosecution at the Magistrate's Courts.

Prosecutors are appointed by the ruling political parties after every new regime assumes office. These prosecutors maintain close affinities with the ruling party and with the police, to cover up the crimes of the state-agents. This practice denies the right to justice and judicial remedies for the survivors of torture and other gross abuses of human rights in Bangladesh.

With the afore-mentioned practical hurdles entrenched within the systems of the criminal justice of the country, torture is not defined in domestic legislation even though the Constitution of Bangladesh prohibits torture and ill-treatment under Article 35 (5), which reads:

"No person shall be subjected to torture, cruel or inhuman or degrading punishment or treatment".

As a State-party to the ICCPR and CAT, Bangladesh has the obligation to protect its citizens from torture and it must ensure justice and reparation for victims of torture. It has been more than twelve years since the nation ratified the CAT. However, the country has still not criminalized torture in its domestic legislation, although a draft law titled "Torture and Custodial Death (Prohibition) Bill-2009" remains pending since 10 September 2010 before its national parliament. A Parliamentary Committee for Private Members' Bills and Regulations headed reviewed the Bill and submitted its report to the Speaker of the *Jatiya Sangsad* (National Parliament) on 10 March 2011. The report signed by the Chairperson of the Parliamentary Committee Mr. Abdul Matin Khasru MP, a former law minister and a lawyer at the Supreme Court Bar of the country, asserts that his Committee revised the Bill and unanimously recommends the enactment of the amended Bill.

The ruling political party alone has 275 seats out of a 350-seat parliament, while its allies have 34 more seats, and is capable of legislating an anti-torture law by itself, to prove its commitment to begin to put an end to this heinous rights violation. However, the government led by the Bangladesh Awami League continues to fail to fulfill its election pledge to stop human rights abuses as a priority.

The government's prolonged silence regarding the pending Bill demonstrates its lack of political will concerning the need to criminalize torture and to tackle impunity for this grave abuse. This barrier to victims seeking redress is also a violation of Article 31 of the Constitution, which reads:

"To enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law."



But neither the government nor the judiciary visibly cares about this constitutional provision. The people's rights to life, liberty and security are flouted by State-agents without any fear of them being held accountable. Entrenched impunity enables the repeated recurrence of gross human rights abuses. It is a vicious cycle and one that can be broken if the government wills it, but this will continues to be lacking.

The parliamentary committee, which submitted its Bill review report to the Speaker of the parliament, has appeared to have accomplished its responsibility while most of the human rights groups and media hardly raise the issue of criminalization of torture other than 'observing' the UN International Day in support of the Victims of Torture on 26 June, and for spending the money allocated in the project funded by donor agencies for such 'celebrations'. The ongoing practice, which allows torture to continue as part of the policing and law-enforcement system with blatant impunity, is completely unacceptable when it is the tax-payers' money that keeps the police and law-enforcing agents in their jobs so that they can continue to torture people.

### *Unabated extrajudicial killings with endorsement from the ruling regime in public:*

The behaviour of the ruling politicians, who maintain the executive authorities and are supposed to be guides of others, has not been changed and it does not appear that there might be any change in the near future although the rulers are obliged to change it for the sake of their very constitutional obligations.

Extrajudicial killings continued unabatedly in Bangladesh with endorsements by the highest executive authorities in public throughout the year. The police and Rapid Action Battalion (RAB) are responsible for an estimated 1500 extra-judicial killings in the last eight years, with at least 54 having taken place under the pretext of 'crossfire' in the ten months of 2011. Apart from the 'crossfire' there have 16 more persons tortured to death in the custody of the law-enforcement agents until October 2011.

High profile persons occupying public offices equivalent to cabinet ministers continued endorsing the lawless actions of the paramilitary force – RAB – and the police throughout the year. For example, Mr. Tarique Ahmed Siddique, Prime Minister's Defence Adviser, told on 18 May 2011 in a press briefing at the Office of the Prime Minister of Bangladesh that he was 100 percent sure that the RAB did not deliberately shoot at Limon's leg<sup>1</sup>. Three days later, the Home Minister Ms. Sahara Khatun endorsed the RAB for its lawless actions and immediately defended the comments made by the Prime Minister's Defence Adviser by saying that Limon's parents and the media "should respect the government's version"<sup>2</sup>.

---

1 [http://newagebd.com/newspaper1/archive\\_details.php?arcid=19397](http://newagebd.com/newspaper1/archive_details.php?arcid=19397)

2 [http://newagebd.com/newspaper1/archive\\_details.php?arcid=19772](http://newagebd.com/newspaper1/archive_details.php?arcid=19772)



The Prime Minister of the country Mrs. Sheikh Hasina also said the RAB was doing everything 'legally' and there is 'no impunity' to this force at all. She further claimed that her government brings the perpetrators to book and blamed her political opponents for using the same 'elite force' to abuse power in politically motivated matters<sup>3</sup>. Hasina claimed so in an interview with Washington Post during her visit to the UN General Assembly in September 2011.

In reality, our extensive documentation on extrajudicial killings, abduction and subsequent torture to death and enforced disappearances at the hands of the RAB and other forces such as the Detective Branch (DB) of police, as well as intelligence agencies of the country with blatant impunity portrays a horrendous human rights situation in Bangladesh. Not a single victim has ever received any redress or legal remedy from the existing criminal justice system of Bangladesh, which evidently proves that none but the Prime Minister of Bangladesh is the biggest saviour of the perpetrators.

The criminal justice system is absolutely incapable of addressing the killings allegedly committed by State agents. No investigations are carried out and there are no medico-legal facilities to gather evidence required to produce successful prosecutions.

There have been serious clampdowns on human rights defenders who dare to work to document cases of killings in the country.

### *Disappearance and secret killings of persons amidst continuous denials by state agents*

The incidents of enforced disappearance in Bangladesh have been increasing alarmingly. The law-enforcement agencies and paramilitary forces, particularly the police, the Rapid Action Battalion and the armed forces, are directly involved in the abductions of persons and their subsequent disappearances. The executive authorities endorse these actions while the country's courts of law remain incapable of protecting citizen's rights from such heinous crimes.

Article 32 of the Constitution of Bangladesh protects the fundamental right to life and liberty, stating that:

"No person shall be deprived of life or personal liberty, save in accordance with law."

Yet this has not been implemented in reality and this most fundamental right is being repeatedly violated with complete impunity.

Enforced disappearance is frequently being used a tool by the country's law-enforcement agencies and paramilitary and armed forces to detain and even extra-judicially execute

---

<sup>3</sup>[http://www.washingtonpost.com/world/an-interview-with-bangladesh-pm-sheikh-hasina/2011/10/10/gIQAXAQRcL\\_story\\_2.html](http://www.washingtonpost.com/world/an-interview-with-bangladesh-pm-sheikh-hasina/2011/10/10/gIQAXAQRcL_story_2.html)



individuals. According to cases being documented by the AHRC, state agents typically wear plain clothes at the time of the abduction of the victims. None of the police stations in the country register a proper complaint regarding allegations of abduction whenever the law-enforcing agencies are named in the complaints. Instead, all the agencies, in chorus, deny their involvement in the alleged abductions.

The AHRC has documented interviews of a number of families that allege that their relatives were disappeared after they had been picked up by the plain-clothed armed men that claimed to be from the Rapid Action Battalion (RAB). According to the reports received, three previously disappeared persons have returned to their respective homes after lengthy detention periods in secret torture cells operated by the RAB. Another disappeared man, named Mr. Forkan, who returned home after few months of being disappeared, has again been disappeared after he told the media about his experiences during detention in the RAB's secret torture cells. Most disappeared persons do not resurface and there remain serious concerns that they have in fact been extra-judicially killed by the State.

After returning from the secret detention centres, the victims have remained extremely scared about their own as well as their relatives' safety, and have requested not to be named publicly when describing their experiences. They were all picked up by plain-clothed armed men, who introduced themselves as being officers of the RAB. They were handcuffed and blindfolded at the time of arrest. They were taken into the RAB's custody and detained for several months in unknown locations without any contact with the outside world. During detention, they were reportedly tortured on a regular basis. They had been detained for four to eight months without any accessible records being kept by any of the country's institutions. After prolonged detention they were driven a few hundred miles away from their place of detention and dropped off in isolated rural areas during dark nights still wearing blindfolds. In all cases, the persons were then arrested by the local police, who informed the relatives to pick them up. During their disappearance, prior to being surfaced, the victims were subjected to serious intimidation by the Rapid Action Battalion's officers, including death threats.

The relatives of the disappeared are initially prevented from exercising their right to register a proper complaint regarding the alleged abductions, as the abductors introduce themselves as being officers of the Rapid Action Battalion or as "government's officers" and claim to have "instructions from superior authorities" to take the victims away. There has not been a single recorded instance, amongst the cases documented by the AHRC, in which the perpetrators of the abductions and disappearances have shown specific documents or warrants issued by courts or referring to particular criminal cases against the abducted person. The state agents that are committing these abductions are therefore using extra-judicial methods to detain persons, but are clearly so confident that their actions will benefit from impunity that they often identify themselves to the victims and their relatives. In fact, as the police do not register any complaints when members of the authorities are involved in such actions, the members of the RAB and other agencies



will identify themselves in order to ensure that investigations are not carried out and that impunity prevails. In order to ensure that specific identification is not possible, however, the perpetrators do not wear their uniforms at the time of the abductions. Typically, the heavily armed abductors make use of several vehicles without registration numbers. The authorities do not carry out any credible investigations regarding the allegations of disappearance, citing the excuse that there has been no complaint registered with the police to justify their inaction.

Instead of taking any visible, credible or effective action to investigate the cases of enforced disappearance, the government of Bangladesh has instead harassed journalists and threatened to close media concerns for asking questions to the country's Home Minister regarding disappearances. Several journalists have received threats by telephone from high ranking officers of the Rapid Action Battalion, regarding which the relevant United Nations Special Procedures have been informed.

Extra-judicial deprivation of life and liberty continues unabated in Bangladesh, as its judiciary, including the Supreme Court, which has obligation to protect the constitutionally enshrined fundamental rights of the citizens, is utterly failing to ensure that any legal remedies are available to victims or their families regarding enforced disappearances.

This represents a violation of Article 31 of the Constitution, which reads:

"To enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law."

The government and the judiciary are visibly disregarding their obligations under constitutional provisions, as far as the protection of citizens under the supreme law of land is concerned. People's rights to life, liberty and security are being violated by State-agents without any effective legal remedies being available. Entrenched impunity within the institutional system and the mindsets of officials and politicians ensures the recurrence of gross human rights abuses and undermines the perceived security of Bangladesh's people.

### *Impunity for political gains and Disappearance of Justice'*

Bangladesh currently operates a system of impunity concerning this egregious human rights violation, protecting perpetrators of deeply cruel and inhuman, violent acts while denying their victims any hope of seeking justice and reparation.



The Constitution of Bangladesh<sup>4</sup> maintains a double standard in terms of establishing justice to its people. In Part II, Article 27, the Constitution talks about 'equality before law' while in Part III, it ensures 'impunity' for 'any person in the service of the Republic' in Article 46, which reads:

"Notwithstanding anything in the foregoing provisions of this Part, Parliament may by law make provision for indemnifying any person in the service of the Republic or any other person in respect of any act done by him in connection with the national liberation struggle or the maintenance or restoration of order in any area in Bangladesh or validate any sentence passed, punishment inflicted, forfeiture ordered, or other act done in any such area."

The Asian Human Rights Commission (AHRC) and its sister organization, the Asian Legal Resource Centre (ALRC) urged the nation repeatedly to repeal Article 46 for the sake of liberating the numerous victims of human rights abuses from a condition of confinement which never allows anyone to get out for justice.

Aside from Article 46, there are barriers built into ordinary criminal procedure that prevent people in Bangladesh from making a complaint against an official. Sections 132 and 197 of the Code of Criminal Procedure 1898 are those that prove the best defence.

According to Section 132, no criminal complaint can be lodged against any official without prior sanction from the government. This means that complainants must first lodge a case with a magistrate, argue the case and have it investigated simply in order to get it opened. Furthermore, an accused person who is found to have been acting "in good faith" or on orders from a superior shall never be charged and his actions shall never be considered a crime. These provisions appear to have been incorporated into the criminal procedure by the British colonial regime to protect its personnel at all costs from being pursued into a court by a "native" whom they had wronged.

The government of Bangladesh has never sought to make changes that would overcome this inconsistency. On the contrary, it has been exploiting the section to an extent that perhaps even the British regime would never have imagined. And although section 132 runs contrary to decades of development in international jurisprudence aimed at establishing that to claim to have simply been following orders is no excuse from responsibility, still in Bangladesh it lives on.

The authorities only deny the allegations of gross violations of fundamental human rights and bar the victims from seeking justice.

---

<sup>4</sup> [http://bdlaws.minlaw.gov.bd/pdf\\_part.php?act\\_name=&vol=XV&id=367](http://bdlaws.minlaw.gov.bd/pdf_part.php?act_name=&vol=XV&id=367)



**Two cousins' experiences in the custody of the Rapid Action Battalion explain how the law-enforcement takes place and how the victims struggle for survival in Bangladesh<sup>5</sup>:**

**Victim-1. Nahidul Haque Sazib:**

Mr. Nahidul Haque Sazib, aged 25, is a transport businessman. On 5 April, at around 9:30pm, a team of the Rapid Action Battalion (RAB) stopped him near to his family's business office at Chandkharpul area. After asking Sazib's name and occupation the RAB members accused him to be a "snatcher". All of a sudden the RAB personnel blindfolded him and put a hood on Sazib's head. By a private vehicle Sazib was driven to the RAB-10 camp adjacent to the Lalbagh Fort. Taking to the first floor of the camp they brutally tortured Sazib. As a result, Sazib lost his consciousness for which a doctor cum RAB officer examined him and used a spray on his legs and gave some medicine to Sazib in blindfolds.

Later, Sazib's toes were clipped with crocodile clips connected to electric wires that were plugged with the power outlet to electrocute him on several occasions in the night. Likewise, he was transferred from one room to another for torturing systematically for the next three days followed by doctor's interventions. They pushed needle in Sazib's fingers and rubbed a sharp metal to reduce the length of his fingernails. Then, they used a spray to hide the wounds of the fingers. Four to five personnel of RAB sat on Sazib's leg and beat underneath the soles of his feet with blunt weapons. They also pushed sticks through the ear causing bleeding from his ears. They inflicted needle in his palms, fingers and underneath the fingernails. Later, they cut the nails and sprayed some chemical (colour) since then the wounds were normally invisible. New visitors of the RAB frequently greeted Sazib by kicking him and stamping his calf muscles by boots. The torture went on for a few hours until Sazib lost consciousness on each occasion.

Whenever Sazib asked what wrong he had done or what crime he had committed for which he had been tortured the RAB members did not answer to the questions but continued torturing him.

**Victim-2. Kawsar Hossain Razib:**

Mr. Kawsar Hossain Razib, aged 24, was a small businessman engaged in plastic bottles in the old town of the city of Dhaka. Razib is a cousin to Sazib.

On 6 April 2011, at around 8pm, a day after Sazib was arrested and detained, Razib was arrested by a team of plain-clothed members of RAB as soon as he came out of the local mosque after offering his evening prayer. Similarly, asking Razib to "keep mouth shut" they immediately, blindfolded him, put a hood over the head and then handcuffed tying both hands behind his back. By a microbus Razib was taken to the office of the RAB-10.

---

<sup>5</sup> <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-082-2011>



The RAB members produced Razib before a senior officer, who tortured him with hockey-sticks under his soles after putting him on a chair in seating position. They electrocuted him with two crocodile clips wired with the toes keeping him in the same position. Applying systematic methods and shifting from one place to another with breaks followed by medical check-ups by doctors of the RAB Razib was tortured while in detention. The perpetrators used various weapons and sports instruments like hockey-sticks to beat and needles for pushing into his fingers and toes. As a result of severe beating and nailing when Razib was unable to stand on his own feet. Failure to "Stand up!" resulted electrocution, which made him jump from the floor due to electric shock, and then the RAB membes ridiculed Razib by saying, "You lied that you cannot stand. See! You can jump too!"

While torturing him the officers of RAB repeatedly insisted that Razib to confess before their superior officers as per instructions. When Razib claimed to be innocent the RAB officers tortured him further and used abused language aimed at his mother. Any denial of confessing to the so called crimes or protest of abusive words to his parents increased the amount and severity of torture, which caused lacerations in his legs, back and hands. In order to escape torture Razib, finally, agreed to deliver a confession to their superior officers in whatever manner they instructed him. Since the arrest and detention the RAB tortured Razib in their custody after intervals and detained him a dark room.

On 7 April, Razib and his cousin Sazib were produced together before a superior officer with blindfolds and hoods over the heads. Before taking to the superior officer the RAB members repeatedly insisted to "confess" that they were held for "snatching" and threatened to kill both cousins together in "crossfire" if any of them claim to be innocent. The RAB officers also threatened to fabricate arms and murder cases unless the instructed "confession" was made to their senior officer. In order to escape further torture both cousins agreed to say the instructed confession to the senior officer, who also tortured him at the first meeting.

The RAB took Razib and Sazib in the open air on the bank of the Buriganga River at the Swari Ghat area of the city of Dhaka after the midnight to kill them in "crossfire". The RAB officers asked Razib and Sazib to run away. Both cousins did not follow that instruction as they were aware of the officially adopted method of extrajudicial killing by the RAB. Instead, both persons held the legs of the officers of the RAB, who became kind and decided not to kill them and drove back to its Lalbagh camp where both persons were detained for the whole day. Systematic torture continued for the whole day with threats of fabricating criminal cases.

On 8 April night, the RAB personnel ordered to complete "wudu" (ablution) suggesting to reciting Surah Yasin and Surah Ar-Rahman (verses of the Holy Qur'an) from two small books. This was deliberately done, as part of the frightening system of the RAB's killing missions, to make the detainees understand that they were being taken out for 'crossfire' killing. By midnight, they were again tortured by being beating with thick sticks



and electrocution. At around 1:30am, in the early morning on 9 April, putting the two cousins in a vehicle the RAB drove them to the Azimpur area.

Two night guards of the Azimpur Staff Quarters were brought to the vehicle and instructed by the RAB members to sign on a piece of paper. The RAB instructed the night guards to recognise the faces of Razib and Sazib as "snatchers" so that they can testify before the Courts when required. The two night guards followed the instructions accordingly while it was almost dawn. Then, one of the RAB officers told that "There was order to kill you. You might have done good deeds in your life. That's why you are not being killed. You are going to be released in a normal case. Keep offering prayers; don't tell the story (of torture and detention) to anyone; live a good life!" In response, when Sazib told that he used to live a good life keeping offering his prayers regularly and asked, "Why did you torture me?" After the question the RAB members abused him in filthy language and took him back to the RAB-10 Office while Razib was taken to the Mitford Hospital for treatment.

At the RAB-10 Office Sazib was taken to a senior officer, who shouted at Sazib very rudely while torturing him brutally. The officer asked, "How dare you made the high-ranking persons like ministers and parliamentarians to call us? You show up your power! Let me show you my power now!" Until 11:30am several officers continued torturing him.

At around 2pm, Razib was brought back from the hospital where he was given first aid instead of required treatment. The RAB officers warned Sazib and Razib to remain careful in future and not to tell the incident to anyone else in life. The RAB made a photo session pasting the names on the chests of the two cousins putting two knives that were kept on a table in their office. They introduced Razib and Sazib, wrongly writing the name as Mozib, as "snatchers" on the name tags.

At around 3pm, the RAB brought the two cousins to the Lalbagh police and handed over them to the police. Deputy Assistant Director (DAD) of the RAB-10, Md. Abu Bakor Siddik accompanied Razib and Sazib to the police station and asked the on-duty officer to register a First Information Report (FIR) under Section 4(1) of the Law and Order Breaching Crimes (Speedy Trial) (Amendment) Act-2010 with the Lalbagh police station. The Lalbagh police primarily argued with the RAB regarding the inappropriateness of the provisions of the Law and Order Breaching Crimes (Speedy Trial) (Amendment) Act-2010. The RAB personnel pursued the police officers for registering the complaint. They also insisted the police to show the two persons' own cell phones and money as "snatched goods", which the police refused to do. Finally, the police recorded the case as FIR no. 11 dated 9 April showing that it was recorded at 2:45pm.

In the complaint DAD Siddik claims that a plain-clothed team of six members of the RAB-10, including him and five other named colleagues, came under attack from a group of snatchers at 1:10am, in the early morning of 9 April 2011 near the Eden College area.



Two persons were arrested while two others escaped from the scene. A 12-inch-long stainless steel knife and another locally-made-iron knife were seized from Razib and Sazib respectively with the help of the local night guards. Razib fell on the road while attempted to escape and received injuries.

The Lalbagh police further detained the two cousins in the police station.

On 10 April, the police produced Razib and Sazib before the Chief Metropolitan Magistrate Court under the snatching case after getting them discharged from the Mitford Hospital although the two cousins' injuries remained unhealed. The Court observed that they were tortured as there were no specific statement regarding the injuries of the two cousins supported by the medical record, which mentioned that the victims had "Physical assault and generalized body assault". The Magistrate granted bail to both persons on a bond of BDT 10,000.00 each with guarantees from the lawyers and local elites until the next hearing on 21 April.

Since the families of Razib and Sazib communicated with journalists and human rights defenders the RAB members started intimidating the relatives on phone and in person. Plain clothed members of the RAB, who came to their houses and business offices, threatening to kill every one of the families if the case is discussed in public any further. The two families have been afraid of further similar or worse atrocities against the members of the families including the two victims while the government has not yet initiated any credible investigation into these heinous crimes.

**Limon Hossain's maimed leg represents his country's law-enforcement and governance:**

Md. Limon Hossen, a 16-year-old student of the Kathalia P. G. S. Multilateral High School and College and an examinee of the (currently ongoing) Higher Secondary Certificate (HSC) examination under the Bangladesh Technical Education Board of Dhaka. Limon's family lives in Saturaia village under the jurisdiction of the Rajapur police station in Jhalkathi district. His father Mr. Tofazzel Hossen is a day-labourer while his mother Mrs. Henoara Begum is a housewife.

On 23 March 2011, at around 3:30pm, Limon was asked by his mother to bring the family's cattle from the bank of the Sondha river where three cows were left for grazing. At around 4pm, while returning home Limon was stopped



*A dysfunctional system is only capable of producing such limbless human beings like Limon Hossain*



by a group of nine persons riding three motorbikes (three persons on each bike). Among them one man was plain clothed while the rest eight were wearing the black uniform of the Rapid Action Battalion (RAB).

The plain clothed man, who was later identified as Md. Lutfor Rahman, Deputy Assistant Director (DAD) of the Crime Prevention Company No. 01 of the RAB-8 based in Barisal city, asked Limon's name and started beating him, accusing him (Limon) to be a 'terrorist'. Limon, who used to manage his tuition fees by working as part-time labourer at local brick factory due to his family's unaffordability, claimed that he was student informing the name of his college. He also requested the RAB men to contact the principal of the Kathalia P. G. S. Multilateral School and College to verify his studentship. DAD Lutfor and his colleagues denied to accept Limon's statement and attempted to kill him by pointing gun at him. Limon cried in fear and requested not to kill him. Suddenly, DAD Lutfor shot him pointing gun in his left thigh. Limon fell on the ground and lost his sense and started bleeding from his leg. The news of Limon's shooting at Limon in broad day light reached his relatives and neighbours immediately. Limon's mother Mrs. Henoara Begum along with his uncle Moazzem Hossen rushed to the scene and saw that Limon was bleeding from his left leg. When the mother and uncle cried out for help for saving the life of Limon the members of the RAB prevented them from approaching Limon. The RAB members started beating Moazzem. DAD Lutfor grounded Moazzem and stood on his head and neck with Lutfor's boot while the other colleagues held his hands and legs in order to stop Moazzem's movement<sup>6</sup>.

The RAB personnel took off the lungi (a clothed worn by males in Bangladesh and few neighbouring countries) from Limon's body making his body naked. They put the lungi on the blood, which came out from Limon's body, and stamped with their boots to wipe the blood from the ground with the lungi and threw the blood-soaked cloth into the river.

The RAB personnel took off Limon's shirt to tie up the bullet wound. After about two hours four persons carried Limon's body to a boat at a nearby boat pier and asked the boatman Mr. Munsef to ply the boat, which left for unknown place.

The family became worried about Limon's fate and the deteriorating health condition of Moazzem, who was critically injured due to torture by the RAB. They took Moazzem to the Kawkhali hospital for treatment. They learned from the eyewitnesses that a black pickup van of the RAB took away Limon's body from a pier near to Jamaddar Bari. Since then, Limon whereabouts remained unknown to the family. Later, in the evening, Limon found himself at the Sher-E-Bangla Medical College Hospital in Barisal city when he returned to his sense.

---

<sup>6</sup> <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-075-2011/>



In the late night, DAD Lutfor filed two criminal cases (No. 10 and 11) with the Rajapur police station accusing Limon and seven others claiming an incident of encounter between a so called group of terrorists and the RAB-8, which is habituated to publicize fake stories of encounter since its inception.

The first case (First Information Report- FIR No. 10 of the Rajapur police station, dated 23 March 2011) was registered under Sections 19 A and 19 F of the Arms Act-1878. In this case DAD Lutfor claimed that a group of terrorists of the Shahid Jomaddar's gang opened gun fire targeting the RAB team when the latter reached Shahid Jomaddar's house. RAB responded the gunshots by firing from their own pistols and Stenguns. The terrorists escaped except one person named Limon, who had a bullet wounds in his left thigh, with a USA-made pistol and magazines in his possession.

The second case (First Information Report- FIR No. 11 of the Rajapur police station, dated 23 March 2011) was registered under Sections 322, 353, 307 and 34 of the Penal Code-1860 for obstructing the law-enforcement agencies to discharge their duties and attempting to murder.

In both complaints the RAB's DAD Lutfor claimed Limon's age as 25 years despite the fact that according to the official records Limon's age is 16 years and 3 months only. They have also insisted the hospital staffs to record the same age of Limon when he was brought to the Sher-E-Bangla Medical College Hospital in Barisal.

On 24 March, at 10am Limon's family came to know that Limon had been admitted to the Sher-E-Bangla Medical College Hospital in Barisal. When the relatives went to the hospital they saw four armed men of the RAB cordoned Limon at Bed No. 11 of the Surgical Ward No. 27. The RAB men refused Limon's father Mr. Tofazzel to see his son. Limon's mother Mrs. Henoara, as a form of extreme submissiveness and request, held the legs of the on-duty RAB personnel requesting them to allow her to see her son. Then, they allowed Henoara to go to her son, but after a short while they kicked out her from the hospital. The family learned that Limon was admitted to the Sher-E-Bangla Medical College Hospital at 8pm on 23 March, four hours after the shooting.

After the midnight of 24 March, the doctors of the Sher-E-Bangla Medical College Hospital confirmed that they were unable to cure Limon, who had a perforation in his left thigh due to bullet wounds. On 25 March, the doctors referred Limon to the National Institute of Cardiovascular Disease (NICVD) for better treatment. The doctors of the Sher-E-Bangla Medical College Hospital implied that Limon's condition was critical and life-threatening for which a huge amount of money will be required to save his life. The family became worried about money. The people of Limon's neighbourhood donated money for his treatment although it was not enough that compelled the helpless family to borrow money mortgaging a piece of land.

On 26 March evening, the Rajapur police cordoned by Constables Aftab and Abdur Rashid took Limon to the NICVD in the city of Dhaka by an ambulance forcing Limon's



family to pay BDT 5,500.00 for the fare of the ambulance. When Limon was taken to the NICVD early in the morning of 27 March the doctors further referred him to the National Institute of Traumatology, Orthopedic and Rehabilitation (NITOR) for required treatment.

On 27 March, the doctors of the NITOR operated on Limon's left and finally amputated it from the thigh of which all the tissues were found completely damaged due to bullet wounds. Limon has been under treatment of the doctors of the NITOR, who imposed all the expenditure of Limon's surgery upon the family.

The members of the RAB cordoned the hospital after Limon had been taken to the NITOR and continued surveillance.

On 6 April, a leading national daily newspaper published a detailed report about the incident with a picture of Limon's amputated leg. Since the media report the RAB and police forced the authorities of the NITOR to lock the hospital ward where Limon was admitted. All the doors of the ward were locked from inside expelling the relatives of other patients and denying entry to visitors at that ward. The journalists, human rights defenders and lawyers were refused entry to the hospital by the uniformed and plain-clothed members of the RAB and the police. The Chairman of the National Human Rights Commission (NHRC) of Bangladesh Prof. Mizanur Rahman was only been allowed to visit Limon. The NHRC Chairman suggested the parents of Limon to file complaints to seek justice from the court of law.

When Limon's relatives tried to consult with lawyers regarding filing complaint with the local Court of Magistrate of Jhalkathi district the members of the RAB have started intimidating and threatening everyone of the whole area in Jhalkathi including the journalists, lawyers, relatives and neighbours for expressing their opinion regarding the barbarity of this paramilitary force.

Moreover, the officials of the RAB had called many people over cell phones asking them to go to the office of the RAB-8 and keep silence about the case of Limon. A large number of plain-clothed members of the RAB had been staying in Saturia village and collecting the names of and other particulars of the persons, who have already shared their views with the newspapers and donated money to Limon's family for his treatment. The well-wishers and neighbours of Limon had still been forced to go in hiding in fear of extrajudicial killing by the RAB.

Simultaneously, in Dhaka, the plain-clothed members of the RAB cordoned the Ward of the NITOR denying entry of the attendants of the patients, who have been helpless for getting food, medicine and assistance for using washrooms while hospital does not provide adequate support and care of the patients.



Limon's father Mr. Tofazzel Hossain told the Asian Human Rights Commission (AHRC) that his family has seen an unimaginable disaster due to the atrocities of the RAB<sup>7</sup>. He pointed out that, firstly, his son, who had passion of maintaining study by part-time working in brick factory, has been a physically disabled for his whole life. Secondly, as a day labourer Tofazzel cannot afford the high expenditure of medical treatment of his son as the public hospital asked his family to buy all medicines and necessary tools for the surgery and the post-operation medical treatment. He has already spent BDT 150,000.00 for his son's treatment, which has also been cordially supported by the people of all walks of his native village and by selling a piece of his land. He is highly confused about the fate of his son as the family's affordability is on the verge of its last limit. Thirdly, Tofazzel's hope for getting justice has been diminishing due to continuous threats and intimidations by the RAB to his relatives, neighbours and other professionals who have expressed their sympathy to his family. Tofazzel asked when the AHRC interviewed him, "Can anyone imagine how we have been suffering from this disastrous situation? Is there any mechanism to stop the barbarity of the RAB in this country?"

The Asian Human Rights Commission (AHRC) has learned that there was another person named Limon Hossain Jamaddar, who mostly used to live in Dhaka and reportedly employed in a private company, hailed from the neighbouring area where Limon was shot by the RAB-8 on 23 March 2011. This Limon Hossain Jamaddar, aged around 25 years, is a son of one Mr. Kamrul Jamaddar, having a relationship with Mr. Shahid Jamaddar whom the RAB team accused in the two criminal cases lodged after shooting Limon Hossen, who is 16-year-old college student. The Rapid Action Battalion (RAB), which is termed as an "elite force" by the Government of Bangladesh, did not bother for verifying the identity of a targeted person regardless whether the person concerned is innocent or involved in any kind of offence due to its extreme lack of minimum efficiency of law-enforcement. The RAB has not yet admitted that they have shot Limon for mistaken identity for maintaining the arrogant attitudes as well.

Locally, the police of Jhalakathi district was asked, by the Inspector General of Police, to investigate into the matter for saving the members of the RAB, according to the police officers claimed to remain unidentified for the sake of "saving job".

The Ministry of Home Affairs of Bangladesh formed a probe commission, which found no crime link of Limon with any criminal gang in its contradictory probe report, believed to be made to save the perpetrators of the RAB. Though, Limon's innocence is proved in the governmental report but it also claimed that there no point-blank shooting at Limon's leg claiming, quoting "witnesses", that "shootouts" between the members of RAB and criminal gang occurred at the scene of crime. Ironically, the same Home Ministry is so useless that has not instructed its subordinate law-enforcement agencies like the RAB and the police to withdraw the fabricated cases against Limon while the

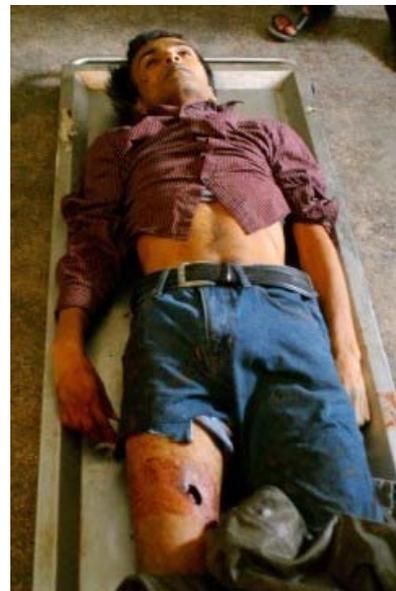
---

<sup>7</sup> <http://www.youtube.com/watch?v=8XpAfGws-fg>  
<http://www.youtube.com/watch?v=DdZ2SD2nw7Y>

government withdraws thousands of "politically motivated cases" to save their party-men and the relatives of the ruling political parties. Subsequently, Limon has to appear before the courts for facing trial despite after having maimed by the so called "elite force" of the country. And these cases evidently expose how deeply impunity has been rooted within the Bangladeshi system.

**College student Kazi Imtiaz Hossain Abir was killed for nothing but earning departmental credentials for the police:**

Kazi Imtiaz Hossain Abir was a student of higher secondary level at the Northern College at Mohammadpur in the capital. He lived with his family at House No. 31 (Third Floor) of Road No. 21 of the Rupnagar Residential Area under the jurisdiction of Pallabi Police station in Mirpur of Dhaka Metropolitan City.



*Abir, a teenager, left his home with such a face in the photo on the left; and when he fell prey of the police for their routine killing for rewards the relatives receive their beloved one as it appears on the right.*

On 10 January at around 7 pm in the evening, Abir received a call on his cell phone and left his home at around 7:15 p.m. taking BDT 200.00 from his mother. His friends claim that Abir played badminton with them at a court until 8:30 pm. He then went to one of his friends' house. As he met his friend, who was about leave for a family programme outside, Abir attempted to go back home. At that time, his mother Mrs. Monowara called him on his cell phone while he answered saying that he would be returning home in less than 30 minutes or so.

As Abir did not return home by around 9pm his mother called his cell phone again and an unknown person received the call. Abir's mother asked the recipient who he was. The person did not answer her question and Abir's mother repeatedly asserted that it was her son's phone. She asked that the phone be handed to her son and for the person's identity. Instead of replying to her request or question the man asked for her address,



which she refused to share with the person. The call was disconnected by the man and since then the cell phone was found to have been switched off.

That night the family and friends searched for Abir at several locations but did not find him. The following morning, Abir's parents watched that a TV channel's news bulletin which was broadcasting video footage containing the dead body of their son Abir. Quoting the police the report revealed that Abir was killed in "crossfire" by the Pallabi police the previous evening while allegedly preparing for a robbery with others. The Pallabi police filed three cases against Abir regarding the so called robbery and subsequent death<sup>8</sup>.

The AHRC analysed the documents regarding the cases, and found that Assistant Sub Inspector Mr. Md. Ismail Hossain (Badge No. 7695016392) filed the first complaint as First Information Report (FIR) no. 27 with the Pallabi Police Station at 11:05pm on 10 January under Section 19 (A) of Arms Act of 1878. Only Abir was named as the accused with four-five unidentified persons. Sub Inspector Hekmot Ali was assigned as the Investigation Officer (IO) by the Officer-in-Charge (OC) of the Pallabi police Mr. Md. Iqbal Hossain.

In the complaint police ASI Ismail Hossain claims that the OC of the Pallabi police informed a police patrol team led by him about a gather of five-six persons prior to a possible robbery. He, accompanying Police Constable (ID No. 2557) Md. Mazibor and Md. Saidur Rahman (ID No. 19883), went to Balurmath area, which was the alleged place of the gathering, found that indiscriminate gunshots were fired toward the police, who immediately returned fire in self-defence. All the "terrorists" fled the scene and hid in darkness. The police found one critically-injured person, who was bleeding at the time from his bullet wounds. He was holding a revolver in his right hand. The person told the officers his name as "Abir (28)" before losing consciousness. They sent Abir to a hospital (which was not named) with critical injuries. A revolver with two loaded bullets and two empty cartridges was recovered from the crime scene at 9:25pm on 10 January 2011 in presence of three persons – namely Mr. Md. Jainal Chairman (48), son of late Mr. Rajab Ali Sikder, living in Kalshi Balur Math slum, under Block-11/C (lower to the dam); Mr. Sahabuddin (45), son of late Mr. Osman Ali, living in House # 19, Lane # 7, Bauniabandh, under Block-C; and Mr. Aziz Chairman (50), son of late Mr. Surut Ali Munshi, living in a house adjacent to the Mosque of Balurmath slam, under Section-12/A of the Pallabi police station. The police took signatures from the three "witnesses" on the seizure list. The FIR also claims that ASI Ismail and constable Saidur were injured [without any details about their injuries] and received first aid from "Adhunik Hospital", which referred them to the Rajarbag Police Hospital for further treatment.

In the second and third cases recorded as FIRs no. 28 under Sections 353, 332,333 of the Penal Code-1860; and FIR no. 29 under Sections 399,402, 302 of the Penal Code-1860

---

<sup>8</sup> <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-029-2011/>



respectively matching the same language and texts in the first complaint except the difference of legal provisions of the penal code. SI Md. Yasin Munshi and SI Md. Ezajul Islam were made IOs for those two cases respectively.

The Asian Human Rights Commission (AHRC) found inconsistencies in the documents related to incident of Abir's extrajudicial killing. The police submitted a "Death Certificate" to the Chief Metropolitan Magistrate Court of Dhaka. The Death Certificate was issued by Dr. Nurul Islam of the National Institute of Trauma and Orthopedic Rehabilitation (NITOR) of Dhaka. It does not assert the cause of death although it mentions that "there is a penetrating injury on the medial aspect of the right lower thigh about (2cm X 2cm)". According to the Death Certificate, the time of death was "10pm (probably)" and the age of Abir was recorded as "24" while the columns of 'father's name' and 'address' were filled in with "unknown" in the Death Certificate. But, in the letter forwarded to the Court the Investigation Officer (IO) SI Mr. Hekmat Ali claims that Abir was sent to the Dhaka Medical College Hospital for treatment after his bullet wounds. In the seizure list and in the FIR Abir's age was shown as "28". In all the three complaints address of the crime scene has been written with pen although the whole document is composed in computer.

The AHRC interviewed the local people regarding the so-called crossfire and the death of Abir. The inhabitants asserted that they were not aware of any incident of "crossfire" during the evening of 10 January 2011. Some local people, who requested that their identities not be revealed due to further security threats to them from the police, said, the police came at around 8:40 pm and then asked everyone, "Close your shops and go home! Don't come out from home!" All the people went home following the pressure from the police. The inhabitants said that they heard the sound of two gun shots and after a short break one more similar sound. People became seriously scared of what was happening outside. Within few minutes the police came to three influential people of the area and showed them a dead body. The police asked the three local persons to sign on a paper as "witnesses" which they did. Responding to questions of the human rights defenders the "witnesses" told that they had no choice but to put their signatures on the paper according to the instructions by the police for the sake of their own existence. During the interview most of the slum dwellers were found to be afraid to talk or pass any comments about this incident.

Professionals related to the forensic examination of dead bodies told the human rights defenders that the shot fired at Abir's right thigh had been done at close range<sup>9</sup>.

Abir's relatives said that Abir's cell phone has not been returned to the family and is not included in the seizure list. They expressed their complete frustration and distrust over the criminal justice system to defend their decision of not registering a complaint regarding the extrajudicial murder of Abir. They asked questions: have authorities ever

---

<sup>9</sup> <http://www.humanrights.asia/news/urgent-appeals/images/2011/AHRC-UAC-029-2011-02.JPG>



prosecuted any personnel of the law-enforcement agencies despite the fact that a large number of innocent persons have been murdered? They argued that there are a number of wanted criminals in the city whom the people want to see behind bars. They want legal action against the police who have failed to arrest them for years. They demand answers as to why an innocent student, who did have not a single complaint against him with any police station or court of the country, should be killed and publicized as a robber. Does the government ever feel how deeply shocked and infuriated people are about these lawless murders by the government's own agents?

On 12 January, the Deputy Commissioner of the Dhaka Metropolitan Police (DMP) for the Mirpur Zone Mr. Imtiaz Hossain visited the Bauniabandh Balurmath area as part of the DMP's departmental investigation regarding the incident. However, the report has not been made accessible for anybody. As a matter of practice such investigations are conducted only to justify the lawless actions of the law-enforcement agencies in Bangladesh, particularly the so-called incidents of "crossfire". The police and other law-enforcing agencies continue killing innocent people in such methods only for attaining gallantry rewards of the "bravery" in service.

No one from the National Human Rights Commission of Bangladesh or the judiciary has ever conducted a fair investigation into this case till the end of November 2011 regarding this matter.

#### **Victims of police brutality in Dinajpur:**

On 8 March 2011, at around 1am a group of plain clothed persons knocked on the door of Mr. Shahjahan in Dup toil village under the jurisdiction of Forokkabad union council of the Birol police station in Dinajpur district. The strangers claimed to be from the police. Shahjahan's family, who were aware of an incident which occurred the previous night when a group of robbers claiming to be police robbed the house their neighbor Mr. Suresh Mohuri, suspected that their house was about to be attacked by robbers in the same manner. The family decided not to open the door mentioning the previous night's robbery. The strangers continued to knock on the door demanding that Shahjahan accompany the "police" to locate the house of Suresh Mohuri. Upon hearing this refusal the strangers, who were actually from the police shouted at the family in abusive language. The family, who were still uncertain of the true identity of the strangers then called to their neighbours on a cell phone that they were afraid of a probable attack by robbers.

The villagers came out of their homes with sticks and bamboos and as they were approaching Shahjahan's house they saw some people running toward a vehicle parked on the road. They chased the suspected robbers, who switched off the headlights of their vehicle after reaching an open place named Sotighata in the middle of their way and stopped there. The vehicle restarted driving and stopped again at Chhetra Bazar, which strengthened the people's suspicion about a potential robbery. A few of the agitated villagers hit one of the fleeing persons with a stick resulting in the person being injured in



the head. The villagers then found that the vehicle, which had been parked, belonged to the police and that the group who had knocked on the door of Shahjahan's house were also policemen.

Soon after, the chairman of the local government unit, Forokkabad Union Council, Mr. Lutfor Rahman and Acting Chairman of Birol Upazilla Mr. Md. Anwarul Islam arrived at the scene. Lutfor immediately sent the injured police officer, who was identified as Mr. Md. Haider Ali, Sub Inspector of Birol police station, to Birol hospital by the vehicle of the Upazilla chairman. The public representatives controlled the villagers and helped the rest of the police team comprising of Constables Md. Muzibor Rahaman (Constable ID No. 1048), Mohammad Isreal Haque (Constable ID No. 277) and Driver cum Constable Mohammad Rashedul Huq (Constable Number 268) to leave the village for the Birol police station. The police team, which had already lost the leader of the team SI Haider Ali, threatened the villagers that they would teach them lesson for attacking the police. They then left the scene cancelling their original plan of visiting Suresh Mohuri's house.

Later the same morning, at 9:15am, SI Haider Ali filed a complaint (Case No. 7, dated 8 March 2011) with the Birol police against four named persons and around sixty unidentified villagers under Sections 148, 341, 332, 333, 353, 307 and 34 of the Penal Code-1860. The four persons, who were made accused in the case, are 1) Md. Anwarul Haque Uzzal, 2) Md. Shahjahan Ali, 3) Md. Jewel Islam of Dupcoil village, and 4) Md. Mamtaz Ali of Mokhlespur village of the Birol police station.

Meanwhile, three police vehicles carrying two platoons of riot police led by the Assistant Superintendent of Police (ASP) of Sadar Circle Md. Mokbul Hossain, Officer-in-Charge (OC) of Birol police station Mr. A. K. M. Mohsin Uz Zaman Khan arrived in the village. Soon after the Superintendent of Police of Dinajpur district Mr. Siddiquee Tanzilur Rahman joined them.

The police tortured the people including passers-by, farmers, students of the school and college, children, women and the elderly on their way to the village and after arrival in the village. They also sexually molested young girls and women during the attack on the people. The police indiscriminately tortured the visitors in the wedding ceremony of a Muslim family and a child feeding ceremony, as a ritual, of a Hindu family during that period. A large number of people of different ages including women and children have asserted that they were brutally tortured by the police. Local human rights defenders also found marks of injuries caused as a result of police torture on the bodies of the victims.

The Asian Human Rights Commission has interviewed a number of the victims who have shown their injuries and described how the police spread carried out their atrocities around the neighbourhood<sup>10</sup>.

---

<sup>10</sup> <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-068-2011/>



Mr. Lutfor Rahman, chairman of the Forokkabad union council, described the background and the story of torture and sexual violence by the police against the inhabitants of the village in details. He asserted that he witnessed the police beating people and molesting the girls and women. He also told that the SP of Dinajpur district police and the ASP of the Sadar Circle of Dinajpur directly participated in torturing the people randomly, which was also testified to by the victims before the Deputy Inspector General (DIG) of police of the Rajshahi Range on the following day.

In fact, all these brutal torture in public were not enough for the authorities to initiate a credible investigation leading to prosecution in the country.

**Cleaner Salma Begum was too incapable to sweep away a morally collapsed judicial officer:**

Mrs. Salma Begum, aged 42, had been a cleaner of the First Court of Settlement of Dhaka for around 20 years.

Mrs. Salma alleges that she was molested by a judge while she was cleaning the office room of the Chairman of the First Court of Settlement of Dhaka at Shegunbagicha of the city of Dhaka on 23 February 2011.

At the time of sweeping the floor of the official chamber room of the Chairman of the First Court of Settlement of Dhaka she felt that a man embraced her from behind. When Salma was able to turn her face she saw Mr. Mohammad Yasin, the Chairman of the First Court of Settlement, smiling at her as he continued to hug her. Salma got scared and immediately shouted for help while Mr. Yasin told that he was "kidding". A personal assistant of the judge Mr. Jafar Ahmed came to the scene in response to Salma's loud cries for help. Mr. Yasin allegedly asked Jafar to expel Salma by saying, "Hold the neck of this woman and throw her out!" Salma came out the judge's room crying.

Eye-witnesses wishing to remain unidentified told the Asian Human Rights Commission that they saw Salma shivering and upset as well as very much humiliated and traumatized immediately after the incident.

Afterwards three members of the Court of Settlement including Mr. Mohammad Yasin, Chairman, Ms. Fahmida Quader, Member (Judiciary) and also an Additional District Judge, and Mr. Arun Kumar Malakar, Member (Administration) also a Deputy Secretary, held a closed door meeting for few hours. Ms. Fahmida and Mr. Arun later called Salma and allegedly rebuked her saying that she (Salma) made a false allegation against the judge. Both Fahmida and Arun allegedly intimidated Salma asking her to keep her mouth shut and said that there will be "medical examination" done to justify her allegation.

A police team arrived led by an Assistant Superintendent of Police who stayed in the office room of the Chairman of the Court of Settlement until, around 9pm, the judge Mr. Yasin left his office, unusual than other working days. Responding to phone calls from



Mr. Yasin throughout the whole day a number of senior public officers also visited the office allegedly to endorse their support to the judge.

The allegation was related to two persons having unequal hierarchical official status. The person, who alleged to have been sexually insulted and approached by a powerful officer, was apparently vulnerable in a country where things happen arbitrarily with impunity to the persons or officials having the capacity to influence the authority and governmental power.

It became an imbalanced and unequal battle for a poorly-positioned woman for re-establishing her dignity and self-esteem. Importantly, the authorities all have – legal, ethical and moral – responsibilities as well as constitutional obligations to remain unbiased for the sake of protecting the human dignity of a woman in this case, and protecting the ethical standards for the judicial officers as a whole to wipe out judicial garbage, whenever there are similar allegations.

The Ministry of Law, Justice and Parliamentary Affairs formed a probe committee to investigate into the allegation after an Urgent Appeal<sup>11</sup> had been issued by the Asian Human Rights Commission. However, the authorities have not disclosed any updates about the findings of the probe report.

**Religious Minority - Ahmadiya Community – faces discrimination and deception by the authorities:**

The "Ahmadiya Muslim Jama'at, Bangladesh", a religious community having a conflicting identity with the majority Muslims in Bangladesh and other parts of the world, organised its 87<sup>th</sup> Annual Convention targeting the 6 to 8 February 2011. Accordingly, on 2 January 2011, the General Secretary of the Ahmadiya community Mr. Mohammad Jahidur Rahman booked the venue at the Rover Scouts Camping Centre's ground at Bahadurpur, under the jurisdiction of the Joydevpur police station in Gazipur district.

As part of the procedure the community leaders sought permission from the Deputy Commissioner of the Gazipur district, and requested the Inspector General of the Bangladesh Police to tighten the security of the venue during the convention.

On 24 January, the Office of the Deputy Commissioner (DC) of Gazipur district officially granted permission of holding the convention at the Bahadurpur Rover Scout Camping Ground for the three days. The community made required payments in advance to the relevant public authorities for using the venue after having secured the permission.

Suddenly on 6 February, on the first day of the three day convention, at around 10am a police officer arrived to their venue and asked them to leave the place immediately by

---

<sup>11</sup> <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-052-2011/>



saying that the Office of the DC of Gazipur had cancelled the permission, which had been granted 13 days earlier, and imposed Section 144<sup>12</sup> (of the Code of Criminal Procedure-1898) following "objection from the local people" regarding the programme. The police, behaving very rudely, switched off the sound system during the ongoing ceremony.

In the midst of the police pressure for evacuating the venue, the senior leaders of the Ahmadiyya community called the DC and finally learned that the permission granted earlier was cancelled as he was "surrounded" by Moulanas in his office to do so. A delegation of the Ahmadiyya community communicated with the top level decision-makers of the government, however, failed to receive a further permission of continuing their programme.

The Ahmadiyya community's leaders claimed that they followed due process to organise their annual convention in a protected and isolated compound for a comprehensive discussions on their religious norms, standards and feelings among the followers of "non-political and peace-loving community". But, the Gazipur district administration cancelled the permission without any reasonable ground or visible symptom in favour of the cancellation as claimed that there was "fear of deterioration of the law and order in the area".

The authorities were accused of denying the freedom of religion, which is protected as one of the fundamental rights of the citizens in the Constitution of Bangladesh. Article 41 (1) enshrines freedom of religion, as it reads:

"Subject to law, public order and morality-

(a) every citizen has the right to profess, practice or propagate any religion;

(b) every religious community or denomination has the right to establish, maintain and manage its religious institutions."

Besides, any discrimination is prohibited in the constitution as fundamental rights. The Article 28 (1) of the Constitution of Bangladesh reads:

"The State shall not discriminate against any citizen on grounds only of religion, race caste, sex or place of birth".

As a party to the International Covenant on Civil and Political Rights (ICCPR)<sup>13</sup> Bangladesh has international obligations under Article 18 of the ICCPR, which asserts that:

---

<sup>12</sup> [http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=75&sections\\_id=20789](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=75&sections_id=20789)

<sup>13</sup> <http://www2.ohchr.org/english/law/ccpr.htm>



"1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions."

Moreover, the Constitution of Bangladesh in Article 37 enshrines the freedom of assembly, which reads:

"Every citizen shall have the right to assemble and to participate in public meetings and processions peacefully and without arms, subject to any reasonable restrictions imposed by law in the interests of public order health."

According to Article 21 of the ICCPR:

"The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."

As a State-party to the ICCPR and due to specific provision of the country's constitution Bangladesh failed to implement the international and constitutional obligation by protecting the rights of the religious minority communities. The failure of the decision-making authorities of the government to ensure necessary security arrangements to allow the Ahmadiyya community to hold its pre-scheduled programme represents the mindset of the government regarding the freedom of the religious minority communities in the country.

### ***Collapsed rule of law system creates more room for victimization of women:***

Bangladesh's collapsed rule of law system contributes immensely to the sexual abuse of girls, as the criminal justice system provides no remedy or justice to victims of violence such as stalking, acid throwing, molestation or even rape. There are numerous examples where the police -- and so called social leaders -- have insisted victims of rape or acid violence to marry the perpetrators. According to the Acid Controlling Council, 1496 acid



attacks were registered between 2002 and 2009, with only 273 persons being punished, while the rest of the perpetrators walked free. The country's law against acid violence is made meaningless by the authorities' inability to implement it and their facilitation of crime.

On a daily basis, women and girls fall victim to stalking and sexual violence on the street in Bangladesh. The perpetrators, who maintain a relationship with the ruling political party, easily walk free, as the police protect anyone having an association with the ruling political party. Ultimately, there is no room for women to obtain justice, despite the country's special law and tribunal to punish crimes of violence against women and children.

Recently, there is a new trend of violations against women, where women and girls are being tempted to establish a sexual relationship with men who, on the pretence of being their lover, secretly make audiovisual recording of intimate scenes and then blackmail the victims. With no protection of dignity and justice available from the existing system, victims choose to commit suicide as a result of such crimes. Those who survive, live with the trauma for the rest of their life.

In the name of 'shalish' (arbitration, mostly in rural areas) or 'fotwa' (unofficial trial in public under misinterpreted Shariah laws) a large number of influential or interested groups punish women for unjustified and unverified allegations of adultery by lashing, stoning and other forms of corporal punishment, which in many cases lead to their deaths. The Supreme Court of Bangladesh, in a recent verdict, has declared the acts of punishing any person in the name of arbitration or religious trial as 'extrajudicial punishment', asking the government and police to take measures to stop such actions across the country. In reality, the practice of caning, lashing and stoning to death of women continues as the authorities remain careless of their constitutional obligations of protecting every individual's right to life and justice.

There are also a few special laws in effect, in addition to the Penal Code, to address violence against women, including the Women and Child Repression (Prevention) (Special Provision) Act-2001. This law allows for the establishing of a special tribunal of sessions judges in each of the country's district headquarters to prosecute perpetrators of violence.

The practice of paying dowry has been deeply rooted over centuries in all religious communities including the Muslim community, which has different norms in theory. Bangladesh's Dowry Prevention Act-1980 remains useless in protecting women from the curse of dowry.

Dowry is practiced as a 'gift' within the country's 'elite' and middle classes, while it is the lifeblood of the lower classes. It, partially and temporarily, establishes the bride's position in the groom's family as well as in society. There are many who are concerned only about the quantity of dowry, not the quality of the human being. Many a time, the bride's



appearance, education, efficiency can be hidden by her skin color, which needs to be adjusted with the amount of the dowry, whereas the quality of the bridegroom and his family is always ignored.

The consequence of dowry is extreme amongst the poor and uneducated, where the brides' families must take on the burden of a loan to pay the dowry. This creates feelings of guilt for the woman, who finds herself in a helpless condition due to her lack of institutional education, and thus incompetence in getting a job, which could strengthen herself financially and socially. Meanwhile, she becomes a victim of dowry in her husband's family, who may continually demand more payment or emotionally (and perhaps physically) abuse her for an insufficient dowry. Due to poverty and social pressure, a married woman cannot think about going back to her parent's family. Acute depression leads many women towards suicide. Those responsible for creating an environment that forces women to end their lives walk free however, due to Bangladesh's dysfunctional criminal justice system.

In whatever jobs the women work however, they are struggling to ensure their rights, including decent working hours, appropriate salary, pregnancy leave, and a positive and healthy working environment.

Women are mostly compelled to work for more than eight hours in any field of work, particularly in factories, private companies and NGOs, where they have fixed starting times, but leaving time is dependent on the whim of the employers. Bangladesh has no minimum wage law, so women are deprived not only of their required salary, but also overtime payments and other service benefits. Women do not get paid pregnancy leave as established by law, unless they compromise their salary or the period of their leave. At home, women's work is never over on a daily basis, from child care, to cooking, washing, to farming and cattle nourishing, and there is no reward or acknowledgment of this work.

Women face discrimination in public offices like local governmental institutions, despite the government's provision of reserving one third of public offices for women. On the basis of this provision, geographically women possess three times more authority; in reality however, male public representatives deprive women from exercising their decision making power.

Moreover, society -- dominated by men -- always stigmatizes women when they become victims of violence and abuse, and maintains the default mindset of giving impunity to the male perpetrators.

Not only are women themselves victims of gross human rights abuses like torture and extrajudicial killings, but they are also victims when their husbands are forcibly disappeared or extrajudicially killed by state agents. These widows suffer more than other widows due to society's stigmatization of the deceased as 'criminals' (when in fact they were killed without any fair trial to defend their innocence); their families are seen by



society as the ‘families of criminals’. The widows have to struggle to provide for the children and other family members.

Bangladesh is a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). With the excuse of religious bindings and poverty however, the country has a number of reservations (articles 2 and 16.1(c), pertaining to eliminating discrimination against women and ensuring equality between the two genders in the public and official domain, and in family and marriage matters) to the Convention, which is not only hypocritical, but also makes a mockery of protecting women’s rights.

Public institutions and state agencies in Bangladesh are largely made up of men, all of whom belong to a society with repressive and negligent attitudes towards women -- who are seen as inferior creature -- contributing to the ongoing discrimination against them. It is therefore essential to shift social, legal, political, bureaucratic and judicial behaviour towards women, while recognizing their capacity and rights. Only then can the government of Bangladesh truly undertake its obligation to protect and fulfill the rights of all women.

### *The ridiculous role of the NHRC in a completely collapsed rule of law system:*

The Asian Human Rights Commission has brought to the notice of the Chairman of the National Human Rights Commission (NHRC) of Bangladesh the problem with regard to FMA Razzak in several communications. The AHRC also brought to his notice the long series of harassments Mr. Razzak has faced, particularly during February to April 2011 by Major Mustafizur Rahman Bokul and his family.

What is as shocking as the meanness and the brutality of this attack is the active cooperation that this Major and his family received from the police officers of the Paikgachha Police Station. Had it not been for their active support of this military officer this incident could not have taken place.

The AHRC copied a letter written to the SP of Khulna relating to the culpability of the police with regard to this incident.

Sadly, the brutal attack on Razzak, was an attempt to gouge out his eyes and assassinate him. Anyone would agree that in any country this kind of an attack would be considered an exceptionally cruel act that would require prompt action on the part of the police, who have the obligation to investigate into such a crime on behalf of the State. Unfortunately, the officers of the Paikgachha police station have not shown any kind of energy and enthusiasm to act promptly and with impartiality and competence in dealing with this case.



This is not a surprise, as the Officer in Charge (OC) of the police station and also some other police officers are hostile to FMA Razzak because he has been an independent journalist and a committed human rights activist who has in the past pointed out some of the deficiencies of the police in dealing with several matters. Quite clearly during the last three months (since late February) after the first attack was carried out against FMA Razzak and his family, the officers of this police station have quite clearly failed in their duties to carry out a proper investigation into that incident. This may be because, among other things, the attackers are an Army Major and his family. As it is already revealed in the media and in the documentations made by international human rights groups, the Army Major's name is Mustafizur Rahman Bokul. Had the police conducted a proper investigation into that first incident, which took place on February 18th, the latest incident could easily have been averted. Police inaction, relating to the investigative actions that they are bound to take by law, into the incident in February created the background for the brutal attack which took place on the 29th of April.

The failure to investigate the incident in February was due to the assignment of the Sup-Inspector (SI) Idris Ali, a man who had just been promoted to the rank of Sub Inspector from Assistant Sub Inspector without any investigation skills or experience to investigate into the matter. This assignment of SI Idris Ali to investigate was made by the OC Enamul Haque, who was fully aware of the SI's inefficiency.

The result of all this was the continuous harassment of Mr. Razzak and his family in March and April. The police were informed by Mr. Razzak and his families that they have been chased out of their house and that all their belongings have been destroyed and most of their possessions had been taken away by the attackers from the house of F M A Razzak. Among the valuable possessions removed from Mr. Razzak's house are deeds relating to the properties of the Razzak family, the jewelry belonging to the women of the Razzak family, and many other documents, including Mr. Razzak's passport.

Razzak and his family have been prevented from entering their own house and premises for over two and a half months and the police have been informed of this.

On one occasion, some members of Razzak's family were attacked by Mokhlesur Rahman a. k. a. Kazal Sarder, the brother of Major Mustafizur Rahman Bokul. This happened in the presence of the ASP of the Dakope Circle, who had invited Razzak's family as well as some other villagers to come to Razzak's village to participate in the investigation.

Despite of such knowledge of continuous harassment on the Razzak family, the police in fact took the side of Major Mustafizur Rahman Bokul's family and did nothing to restore Razzak's family back to their home, from which they were compelled out by force.

It is on the strength of the support that the Major Mustafizur Rahman Bokul's family had on the police that the attack on April 29th was carried out so openly without a crowd of over 40 persons mobilized by Major Mustafizur Rahman Bokul to launch an attack on



Mr. Razzak and his brother, who were unarmed and merely trying to find a vehicle for a trip the next day. From what transpired, Mr. Razzak and his family are firmly of the view that some of the officers of the Paikgachha police station were aware of the attack that was going to take place. It is their view that this attack was carried out with the knowledge of some of the police officers. In fact, the Second Officer SI Tarok Chandra Biswas, SI Idris Ali, SI Nur Islam, SI Delwar Hossain and some other officers came to the place of the incident, that is, to the house of Major Mustafizur Rahman Bokul, where Razzak had been carried by Kazal Sarder and others. SI Idris Ali and another police constable assaulted Razzak's brother Bodiuzzaman Bodiar.

Even after Razzak had faced this serious attack on his eyes and he was completely motionless, the police did nothing to assist him or to get him medical assistance. The police in fact assumed that Razzak was dead and treated him as such. They did not even take the body. Instead, they got Major Mustafizur Rahman Bokul's family to take Razzak in a van, thus leaving him to the mercy of his attackers. When he was brought to Paikgachha hospital, he was left on the floor as a dead body and the police did not intervene to ensure that he would be looked after by medical officers, even at that stage. The police also did not try to assist him to be admitted to the hospital for treatment.

At the hospital premises, the group of persons who attacked Razzak were the surrounding the hospital. The police, instead of arresting the attackers, were, in fact providing them security. At the end, when other people gathered against them, the police protected the attackers and escorted them back to their home, that of Major Mustafizur Rahman Bokul.

Shortly after the crime had taken place on April 29th, police arrived and all the attackers, including Major Mustafizur Rahman Bokul's brother Kazal Sarder, were present at the scene. These police officers saw the attackers and in fact negotiated with the attackers. But they failed to arrest these attackers. When a cognizable offence takes place in front of the police officers, it is their duty to arrest them there and then. However, days have gone by and these attackers remain free.

Under these circumstances, it is quite reasonable for Razzak and his family and also all others, including his associates, not to expect an impartial inquiry into this crime by the present OC and other officers of the Paikgachha police station; having said that, it is also reasonable to request the appointment of an impartial and competent investigator into this serious crime.

The police, having accompanied the perpetrators to the hospital and being aware of this incident, no one has yet recorded a statement from Mr. Razzak or his brother. However, Mr. Razzak, as soon as he was able, made a recorded statement on the 30th of April

The AHRC sent a transcript and a copy of a CD of the statement of Razzak to the chairperson of the NHRC requesting him to take an inquiry under his charge and to ensure that competent and impartial officers will inquire into the incident in all



thoroughness, including also an inquiry into the police complicity in the crime and all the perpetrators will be arrested and be charged as early as possible.

The AHRC sought urgent action to the following issues:

- a. To secure the arrest of Major Mustafizur Rahman Bokul, his family members and other persons in the gang that were actively involved in this brutal attack.
- b. That you will visit FMA Razzak at the hospital and inquire into his medical condition and that you will take all measures to ensure that he will receive the necessary medical assistance.
- c. That you will do your utmost to ensure the security of FMA Razzak and his family which includes two children who are living in hiding out of fear of the attackers.
- d. That you will do all within your mandate to ensure justice against the perpetrators and also the provision of compensation for this attack, although it is simply impossible to compensate one for a crime such as this.

At the date of writing this report nothing was done by the authorities in order to provide justice to Razzak and his family, including his injured brother.

**FMA Razzak's story vividly exposes how rotten and useless is the criminal justice system and governance in Bangladesh:**

States and state agents have historically used violence to stifle public debate, and silence their critics. In many countries around the world today, states no longer rely heavily upon overtly coercive methods and instead acknowledge the need for authentic debate. But in many others, states and state agents continue to resort primarily to coercive methods.

In such countries, some persons try to break the silence on matters of importance that threaten repressive systems for social control. These persons we honour with the title, "human rights defender". Oftentimes, the efforts of these persons seem small, especially to people in countries where an authentic debate is taken for granted. Yet, such efforts necessarily begin small, and build up only with years of hard work.

Despite their appearance of smallness, such efforts challenge fundamental principles on which the state's power is based. For this reason, human rights defenders in these countries inevitably become targets for violence. Sometimes the violence seems arbitrary. Sometimes it seems grossly disproportionate to the small efforts of the person.

People unfamiliar with the milieu in which the human rights defender has been working naturally have trouble seeing how apparently small efforts to change society can provoke savagery. At such moments, those people who work with the human rights defender have a special responsibility to delineate the person sharply from his social and political environment, and in so doing, to set out some features of that environment, so that others can also understand why the person has been made the subject of violence.



For this reason, the Asian Human Rights Commission issued a short narrative on the work of a Bangladeshi human rights defender, FMA Razzak.

The story of how members of an army officer's family barbarically attacked and almost killed Razzak, gouging at his eyes and breaking his limbs, is now internationally known. The AHRC has set up a campaign webpage, which it is updating constantly, providing the latest details on the case and on subsequent events.

The purpose of writing the narrative was not to iterate all the contents of statements and appeals on the attack against Razzak, but to explain what motivated the attack, and to show how the police, judiciary and National Human Rights Commission in Bangladesh are working not to defend this human rights defender but to enable the continuance of violence and impunity in their country. To do this, we must begin with the story of Razzak, the human rights defender. That story, although specifically the story of Razzak, is more generally the story of the human rights defender as Bangladeshi; the story of anyone who sincerely believes and fights for human rights in such a country, which was a bridge too far for the local police and military.

In February 2011, the local police, Rapid Action Battalion and military officers particularly Major Mustafizur conspired to make yet another fabricated criminal case against Razzak and his family. This time, the complaint was of arson and destroying property. With this new case underway, mobs led by the brother of an army major began a series of concerted attacks on Razzak's family and his property, culminating in the eye gouging assault in which he nearly lost his life.

On February 18, the brother of the army major led a mob to attack Razzak's house and its occupants, injuring his wife, brother and sister-in-law. The entire family went into hiding. On February 28 a mob led by the same man came to the unoccupied house, damaged property and carried off timber from the yard. In early March, someone apparently poisoned poultry owned by the family. And, on March 14 the officer's brother broke into the house with a group of others and looted it, carrying off a laptop, camera, jewelry and even a refrigerator.

Throughout this time, the police and courts took no action to stop the perpetrators. On the contrary, the function of the criminal justice system was to terrorize the family and enable the attacks to continue if Razzak refused to give up. The state agencies were fully arrayed against this human rights defender and his loved ones, including children and the elderly. The prelude to the third attempt on Razzak's life was, in hindsight, a portent of what would come after the attack. The prerequisites for impunity were already in place. In fact, the major attack could not have occurred without guarantees that the attackers would be protected.

The attack, when it came, was horrific. After some time in hiding, Razzak and his younger brother had again ventured out into public, and on April 29 had been travelling to meet with police and other local authorities, to appeal for help and to try to resolve



the latest concocted case against them. Perhaps because they had been travelling to meet state officials, rather than trying to evade them, the men had not expected that the attack would come when it did.

The attack is described in full on the AHRC website. Briefly, according to Razzak, around 40 men surrounded the two brothers as they were trying to hire a car to travel for meetings with officials the next day. Razzak recognized them as men attached to the family of the army officer who had led the attacks of the previous two months. Kazal, the major's brother, was again present to coordinate the assault. Razzak vividly describes what happened next:

"Immediately, the gang jumped on me. They began to indiscriminately hit me: my head, back, chest, hands, legs--every part of the body. Kazal and his gang tried to push fingers into my eyes to gouge the eyes out. I tried to block the eyes with my hands. Then, they severely pressed on my testicles. I was about to die! I had to move my hands from the eyes to the testicles at that moment. Immediately, they pushed fingers and a rod into my eyes and kept moving the rod inside the eyes. They tried to take out my eyeballs.

"Simultaneously, many others were hitting me with rod and stick. I cried out for help. But nobody responded to my cry. Only my younger brother tried to rescue me. But the gang caught him and brutally beat him, taking him a few yards far from where I was being beaten. I had no scope to follow or understand what was happening to my brother. I could do nothing to save myself. They knocked me down to the ground and jumped on my body and hit me as they wished.

"They constantly hit my right leg, which broke on the scene as I fell. When I tried to block the hits with my right hand, they hit my right hand, which also broke. I became completely motionless. They took away my mobile phone and some money that I had in my pockets. I was almost dead there."

At this moment, what saved Razzak was his own sense to feign death. Had he continued to fight or cry out, the mob would surely have killed him. But knowing that nobody would come to help him, that the arrangements had already all been made to get rid of him once and for all, he lay still and listened to the men talk. Kazal called his brother, Major Mustafizur Rahman Bokul. He put the phone on speaker so the others could listen, and Razzak also heard the exchange. It began with Kazal:

"Brother, the kuttar bachha (son of dog) is caught in our hands now!"

"Only caught? What do mean? Break his legs and hands! Take out his eyes!"

"We have already taken out his eyeballs making him blind and have broken his hands and legs!"

"Where are you now?"

"We are in front of the paribahan (long route bus) counter."

"Throw his body into some ditch!"

Instead of following the order, Kazal and the mob took Razzak in a van to a place where other members of the officer's family and more people were present. The group again assaulted him. They again called the major on speaker phone, who said that he would arrange for the RAB in Khulna to take the body and make it look as if Razzak had been killed in crossfire. But, his brother advised that it would take too long and that the matter had to be sorted out before then. Kazal instead called the officer in charge of the Paikgachha police, OC Enamul, who asked,

"Kazal, what are you doing now?"

"We have already taken out his eyes and broken his hands and legs."

"Very good! Bhalo kaz korecho (a great job)! Don't kill him on the scene; I am sending police there."

After two police arrived, they began coordinating with the attackers. Neither the police nor the family wanted to take Razzak's body away. Finally, the police agreed to escort the attackers to the hospital, with the latter bringing Razzak by van. At this time it seemed that he was dead, or would soon die. Hospital staff kept him on the verandah and offered no help. Later, they sent him on to Dhaka, where at last he received treatment, and from where he could tell his story. According to medical tests, Razzak has lost 75 per cent of his right vision.

### **The most elementary things not done:**

The role of state agencies during, and following, the attack on this human rights defender is highly ridiculous. What the AHRC finds is that across all of these agencies, even the most elementary things that should have been done have not been done.

The role of the police in enabling the attack and colluding with the attackers is obvious. After the attack, with a large amount of national and international news on the incident,



*Attempted gouging eyes of F M A Razzak does not oblige the authorities to ensure justice to him?*

it would be reasonable to expect that the police would feign an investigation. But even this seems to be unnecessary. A month on from the assault, no police officer has yet recorded Razzak's testimony. The police did record a First Information Report about the incident, which listed 38 persons as accused, Kazal at the top of the list. Despite this, to date no charges have been brought against any of the 38. By



contrast, on top of the fabricated case against Razzak pending from February, in April and May the police lodged two further concocted cases against him, his brother, wife and some other relatives and supporters. One journalist implicated in these cases they detained.

The local judiciary has so far done its job to protect the perpetrators. Although some of the accused it initially placed in custody, because Razzak's lawyers could not bring a proper medico-legal certificate to court in time, the judge released 14 out of the 15 persons detained. Whereas the criminal justice system has the responsibility to see that official medical examinations are recorded according to procedure and evidence brought to court, in this case the judge transferred his own duty onto the victim as a means to enable some of the accused to walk free.

The army for its part has seen no reason to suspend, investigate or even comment upon Major Bokul. He continues in his post as usual, despite requests for him to be suspended coming from high levels inside the country and abroad, and despite public rallies in Khulna calling for his dismissal.

The police recorded eight General Dairies (GD) from the relatives and allies of the army officer against Razzak and his family members for alleged extortion since Razzak's whole family was ousted from their properties. The language of the GDs appears the same in all eight cases. The police turned all these eight GDs into Non-General Register cases (mostly known as Non-GR case), that are not cognizable offence as per law, in violation of Section 155 of the Code of Criminal Procedure-1898, which has provision of producing the informant of the GD before a Magistrate while the police did not do so in any of these cases. All the eight Non-GR cases were assigned to Sub Inspector Idris Ali, a newly promoted officer from Assistant Sub Inspector without having skill, for investigation.

Perhaps the most scandalous part in the business following the attack has been the role played by the National Human Rights Commission. Despite repeated requests from the AHRC, as well as from other persons and groups in the country and outside, it has failed to act on the case. The NHRC chairman, Professor Mizanur Rahman, in a discussion with AHRC staff iterated the lies of the army major: that Razzak was a criminal, and the attack related to a personal dispute rather than human rights work. Although he promised to visit Razzak in hospital, the chairman failed to appear, and his commission failed to record a statement from the victim. The NHRC, in short, has joined the ranks of the propagandists for the perpetrators of this heinous attack.

Yet, none of this is exceptional to Razzak's case. On the contrary, these are the routine methods of the criminal justice system in Bangladesh: precisely the methods against which Razzak had been fighting for years. The police give various excuses for being unable to complete an investigation. The court puts the onus on the victim. Other agencies that in principle should come to his aid instead rally around the perpetrators. This is the milieu into which Razzak first tentatively took steps as a human rights



defender in the 1990s. It is the system of violence against which he has struggled since, and against which he is today forced to struggle for his own survival.

***The violence continues against human rights defenders in Bangladesh:***

Within days of the attack on Razzak, the threats of further violence spread. Two of the attackers visited eyewitnesses who had joined rallies to call for the arrest of the perpetrators, and brandishing long knives told the witnesses that they would be killed if they did not remain silent. The eyewitnesses and families were forced into hiding.

That the attack on Razzak was motivated by his human rights work, and not a personal dispute--as people attached to the perpetrators have tried to portray it--is painfully obvious from what has since happened to two of his colleagues. Both of the two had been working closely with the AHRC on the campaign for Razzak following the attack of April. Both were in recent days abducted and threatened with death by unidentified members of the state security forces. One has suffered trauma from his experience and has gone into hiding. The other has spoken out.

That young man, Dipal Barua, was returning from a friend's house on May 24 when a group of men pulled him into a waiting car. They blindfolded and handcuffed him, drove him to an unknown place, and stripped him naked. The men locked him in a room for about seven hours, without food, water or a toilet.

After this time, men took Dipal to another room. He thinks that the time was midnight or early morning. There were, he thinks, seven to eight persons inside this room, judging by the voices he heard. They questioned him: why had he visited Razzak in hospital many times? Why was Razzak shifted from the Dhaka Medical College Hospital to a private hospital? How much money was paid to Razzak by the AHRC? How long he has been engaged in the work of the AHRC? Who are the other persons working for the AHRC in Bangladesh? Where do these persons reside and where are they based? Are the persons currently living in Bangladesh or not? Who is the boss of the AHRC's Bangladesh work? When does that boss visit to Bangladesh? When is the boss coming to Bangladesh for the next visit? Who came from Hong Kong to visit Razzak after his hospitalization? Whom did the AHRC team meet during their visit? Had not ten million Taka (about USD 140,000) been sent to Dipal and his friends from abroad for human rights work and where is the money?

Similar questions were repeatedly asked for an hour or so. Thereafter, the interrogators told Dipal that they were going to kill him. He got frightened and told them that he has aged parents and appealed to them not to kill him. He said that he is willing to do whatever they ask and asked them to spare his life.

Then the men told Dipal to sever all connections with the AHRC. They mentioned the names of several other persons, and told him not to have any contact with them either. They told him that they were going to give him a chance and that he should use it, that if



he again had contact with those persons, he would not have such a chance. Then they put him back in the room until the afternoon time, when they took him back to the same place from where they had picked him up on the previous day.

Dipal's terrifying story speaks for itself. His colleague William Nicholas Gomes, Executive Director of Christian Development Alternative (CDA), who experienced similar abduction followed by interrogations for several hours, revealed similar horrific stories. Not only are the attacks on human rights defenders in Bangladesh organized, systematic and life threatening, but they are also targeting persons connected to the AHRC because of the pressure of the campaign for Razzak.

### *No other strategies*

Today, not only FMA Razzak and his family but also all human rights defenders in Bangladesh who have rallied to his side face real danger. One reason that the danger has spread is that the system has no strategies to deal with a man like Razzak, who will not stop his fight. The system's methods are premised on the idea that the person against whom they are directed will eventually give up. When a person refuses to give up, they system is bereft of alternative strategies. Its personnel know only to escalate and widen the violence.

Others will be subjected to harassment and also possibly to further abductions and interrogations. In a country where extrajudicial killings are commonplace, we can also assume that the persons responsible for these threats are prepared to make good upon them. For these reasons, the solidarity of the international human rights community is vital for the human rights defenders of Bangladesh at this precarious time.

But it is also vital that this solidarity be informed by an understanding that the violence ultimately is rooted in centuries of oppression, and in the struggle, oftentimes seemingly small, to break open the silences which enable oppressive structures. In a society where most people are inert or disinterested in the plight of the ordinary victim of state violence, when the voice of a person like Razzak is heard, it echoes through the empty space that in another society may be filled with many disparate voices. It attracts the notice of many people, including those who do not want to hear such a voice, and will go to lengths to silence it again.

In this sense, the attack on Razzak must be understood not as an attack upon an individual but as an attack upon society. Its objective is to silence many by silencing one. The attackers know full well that if such a man as Razzak can be forced into quietude, others also will remain that way. In response to such an attack, the duty of all other persons who identify themselves human rights defenders, both in Bangladesh and around the world, is to ensure that this objective does not succeed.

So far as Bangladesh is concerned, this accounts for the existence and practices of the Rapid Action Battalions, which operate with extraordinary powers in part because of



demands from the more affluent sections of society for some type of security, no matter how it is obtained.

When these paramilitary groups begin to operate they kill not only criminals but also many ordinary folk. In fact, there is no attempt to distinguish between the criminal and the innocent person. The paramilitary group does not have the capacity or a process by which to arrive at such a distinction. On the contrary, its operations are premised on the notion that whoever is targeted must suffer the consequences. Therefore random killing is allowed and becomes an acceptable part of the practices of these paramilitary groups.

When random killing increases, so too does social uproar. Despite the repressive social conditions in which people are situated, many try to find a way to make their voices heard against such policies. Human rights organisations and others take up the issue of the victims and make demands on the government that such killings cease. The repressive state, which is hemmed in by its own anti-rule-of-law methods and the demands from affluent sections of the society for some kind of security, comes to regard human rights organisations as its enemies. Opposition to extrajudicial killing and other gross abuses of human rights committed in the name of public security becomes some sort of subversive activity.

### *Razzak's story- Bangladesh's story:*

With the general understanding, one can go to the specifics of what happened to Razzak in Bangladesh in 2011. Razzak had for some years been working as a human rights defender. He helped people to make complaints, he accompanied them to court and he liaised with lawyers. Over time, he was seen as a great threat to the local police, who went out of their way to make his work as difficult as possible. Indeed, his interference cost the police and other official's money, lost opportunities for promotions and lost favour with politicians.

On one occasion, the police charged Razzak with the abduction of a young girl. There was no complaint filed by the young girl or her family against him. They had complained that she was missing, but even though the suspects did not include Razzak, the police went after him anyway. Numerous people intervened on his behalf, including a number of international human rights organizations. Shortly thereafter, the young girl was located with a family friend in a village some miles away. The girl maintained that she did not know Razzak, and said that she had left the village voluntarily because her father had brought a new wife into the home. By then Razzak had been in police custody for two weeks. His family had to pay a bribe of USD2000 for his release, and his wife had to sell her jewellery in order to raise the money. This happened two years ago.

Subsequently, a military officer engaged in land grabbing practices seized the property of Razzak's father. When Razzak took records to the police station to file a complaint, the police ignored his complaints and took the side of the military officer. They ignored Razzak's requests for help for more than two months. During that time, Razzak and his



family had to live in hiding. The case was brought to the attention of the government, the official national human rights commission and a number of international human rights organizations, but Razzak and his family did not receive assistance. In the meantime, Razzak ventured out of his hiding place to meet senior members of the community whom he wanted to ask for guidance and support. On his journey, a gang of men waylaid Razzak and his brother. The men severely assaulted the two and attempted to gouge out Razzak's eyes. This was done with the full knowledge of the police. The police then came and escorted the perpetrators of the crime to take Razzak's body to the hospital, as if to show they had performed their duties in some way. Three hospitals refused to take Razzak, because of pressure from the attackers, as well as a desire to avoid becoming involved in the difficulties Razzak faced with the police. It took the intervention of a member of parliament to find a place in a hospital for Razzak to receive proper treatment. Once he was admitted, it was discovered that his eyes had been badly damaged, and he had to be hospitalized for a few weeks.

This story, although brutal, is familiar to human rights defenders working under repressive states. Unless volunteers for justice like Razzak work to raise awareness about the difficulties ordinary people in their search for justice, the unequal balance of power between the state authorities and members of the public never changes. But when human rights defenders do this work, their own safety is compromised.

### *International solidarity, a challenge to the repressive state*

Once Razzak was in hospital, his case received a great deal of publicity from international human rights organizations and embassies, urging government intervention. The government was inundated with complaints about this case. A few people came forward to help Razzak, one of them was a young pacifist. After this man helped Razzak he was himself abducted and threatened with killing by persons who were evidently secret state agents. Some details of his case are mentioned in the AHRC's publications<sup>14</sup>, as are those of another man who was similarly warned that if he kept up working on Razzak's case then he would be killed and his body disposed of in the sea. Both men have now fled to safety.

Although we might on the one hand ask whether the risks taken by Razzak and these two men for relatively small and simple actions in defence of human rights are acceptable risks, ultimately movements to safeguard the rights and dignity of ordinary civilians can never emerge without a few people like Razzak who are prepared to take these types of risks. Indeed, the struggle of a human rights defender under the repressive state is inherently risky.

If human rights are to be defended, human rights defenders must also be protected. This is an extremely pressing problem; it is not just the issue of a few people, it is a societal

---

<sup>14</sup> <http://www.article2.org/pdf/v10n02.pdf>



problem. Although it is to one degree or another a problem of all societies, it is one of peculiar difficulty under repressive states. Therefore, as human rights defenders worldwide we must work to build up as many new measures as possible to build international solidarity and provide support for such persons in order to better enable them to work under circumstances that entail and necessitate risk.

### *Trial on War Crimes of 1971:*

The government has initiated a trial of the alleged perpetrators of the 'war crimes' committed in 1971 during the liberation war of Bangladesh against the then West Pakistan, after around 38 years since the crimes were committed. An approximate number of three million killings, 200,000 rapes and numerous incidents of arson, the destruction of homes and business centres followed by lootings have been publicly reported throughout the decades.

It was been much expected for the last four decades by the survivors of the atrocities of the wartime and a few million others, who lost their beloved family members and relatives, that justice will be delivered to them for their loss and sufferings. The Asian Human Rights Commission welcomes the decision of adopting the international laws and putting that into effect by initiating the trial of the crimes committed during the war, which is long overdue.

The process -- from the very outset -- of the trial has drawn a lot of international attention, from the media, human rights groups and independent experts, diplomats and professionals in the relevant field, for several reasons.

The window of trying the war crimes was opened by making constitutional amendment, which was the first ever amendment of the newly adopted Constitution of Bangladesh, on 15 July 1971 in order to insert a sub clause in Article 47, which reads:

"Notwithstanding anything contained in this Constitution, no law nor any provision thereof providing for detention, prosecution or punishment of any person, who is a member of any armed or defence or auxiliary forces or any individual, group of individuals or organisation] or who is a prisoner of war, for genocide, crimes against humanity or war crimes and other crimes under international law shall be deemed void or unlawful, or ever to have become void or unlawful, on the ground that such law or provision of any such law is inconsistent with, or repugnant to, any of the provisions of this Constitution."

The same amendment inserted another provision, Article 47A, which reads:

"(1) The rights guaranteed under article 31, clauses (1) and (3) of article 35 and article 44 shall not apply to any person to whom a law specified in clause (3) of article 47 applies.

(2) Notwithstanding anything contained in this Constitution, no person to whom a law specified in clause (3) of article 47 applies shall have the right to move the Supreme Court for any of the remedies under this Constitution."



The Government of Bangladesh legislated the "International Crimes (Tribunals) Act-1973, which is also known as Act No. XIX of 1973, on 20 July in 1973, for trying the offenders of war crimes of 1971 war against the erstwhile West Pakistan.

Since the constitutional amendment and the enactment of the law a complete and formal trial on war crimes had not held throughout the last four decades. The original law had a provision in Section 22 authorising the Tribunal to regulate its own procedure, which -- "International Crimes Tribunals Rules of Procedures-2010" -- was made on 15 July 2010 after the "International Crimes Tribunal" was formed by the government in March 2010.

As it is the first experiences of the country to hold such a trial the governmental authorities and the professionals, who are directly related to the investigation, prosecution and trial from their respective capacities have obligations under constitutional and international laws to guarantee that the norms and standards of fair trial have been ensured by trying the war crimes.

There have been debates created from the defendants that the above mentioned two constitutional provisions appear to be contradictory to the principle of "equal protection of law" as universally recognized, and protected in Article 27 of the Constitution of Bangladesh, fundamental rights of an accused as far as "fair trial" is concerned, and ultimately against the principle of "presumption of innocence".

The government and the Trial and its relevant professionals have international and constitutional obligations to convincingly and comprehensively establish that the trial process complies with all international norms in terms of its transparency and credibility in order to fulfill the expiations of parties concerned, including the aggrieved complainants and the defendants and the witnesses along with the professionals and observers from the local and international levels.

### ***Nexus of Police with politician and thugs for sand-grabbing and plights of innocent villagers and environmental rights activists:***

The Asian Human Rights Commission (AHRC) has received information that the villagers living on Mayadip Island of Narayanganj district had been deprived of their right to food as a result of sand extraction by a private company, Micro International for many months. The governmental authorities have failed to prevent the company from extracting sand illegally due to pressure from the ruling politicians. Several groups of homeless or nomadic communities were rehabilitated in Mayadip Island by the government and started fishing for their livelihood. However, the government has not provided other basic facilities such as safe drinking water, public health care, and educational facilities after relocating the people. Even worse, ongoing illegal sand extraction threatens food insecurity and environment as the island is being eroded. Two other neighbouring islands, Nalchar and Ram Prasader Char have already been eroded and many villagers were forced to leave the island as two third of the islands were



degraded. The villagers of Mayadip Island suffer from hunger earning less than US\$ 1.00 per day. They have made several complaints about illegal sand extraction and their difficulties to the administration. Despite some positive action by the administration and the stay order of High Court, the company allegedly from time to time comes to a location nearby the island for sand extraction. The sand grabbers further filed fabricated cases against the villagers and environmental rights activists who protested against the illegal sand extraction with different police stations in collaboration with the police officers. The police have failed to conduct thorough and impartial investigations into those false cases. These ongoing fabrications of criminal cases have pushed the struggling community to the verge of extinction and created huge wastage of human as well as monetary resources. The authorities from the top to the bottom have continuously failed to address the problems of these people 97 percent of whom live below the poverty line.

***Poverty alleviation is replaced by stealing the shares of the poorest by ruling party men and bureaucrats:***

The Asian Human Rights Commission raised the issue that the Vulnerable Group Feeding (VGF) program aiming to ensuring food security of the poor in Gaibandha district failed to reach the actual beneficiary. Out of 13 villages in Monohorpur Union, Palasbari sub-district, 1,000 families from seven villages only are on the list of the beneficiaries whereas six villages are excluded. In addition, it is alleged that the political leaders have taken the VGF cards of 600 families who are in the beneficiary list but never received the food subsidy. Some of the cardholders receive 3 kilograms of rice instead of 15 kilograms earmarked.

It is alleged that the elected representatives of Palashbari sub-district had taken 300 VGF cards, the chairperson of the council Mr. AKM Moksed Chowdhury Biddut had taken 150 cards while two vice chairpersons took 75 cards each. The committees of ruling party of the sub-district Awami League and their ally Jatiyo party had taken 150 cards each. Another 300 cards were taken by Monohorpur union Awami League and Jatiyo party's president and secretary. The fact was clarified by the four members of the union VGF committee; Mr. Samsuzzolha (Deputy Assistant, agricultural officer), Mr. Sadekur Rahman (secretary of Monohorpur union council), Mr. Abdus Sadek (Family Planning Inspector of Monohorpur Union), and Mr. Abdul Wahab Prodhan Ripon (secretary of Monohorpur union Awami League).

After taking the VGF cards, the public representatives and the VGF committee members who belong to the political party distributed the food subsidy to some beneficiaries but not all. It was found that about 234 actual cardholders who are entitled to get the food subsidy had not received the benefit.

It was further alleged that the VGF committee had already submitted a muster roll with false signatures to the government officials in charge of the program of Palashbari sub-



district. On the contrary, no beneficiary was informed that they were entitled to receive food subsidy by the VGF.

After the AHRC had raised the matter internationally and locally the government announced that they would investigate into the allegations. However, there has not been a proper investigation revealed in public domain so far.

### *Judiciary's Independence being subject to political loyalty and objective to abuse against the oppositions:*

The independence of judiciary is seriously undermined by the executive authorities while the judiciary itself is visibly compromising with the executive, simultaneously, in a race of personal gains by exploiting the politically polarized condition in absence of professionalism among the legal practitioners.

The judiciary of Bangladesh is structured in two levels -- Subordinate Judiciary that include the Courts of Magistrates at the bottom and Courts of Sessions as well as equivalent special tribunals -- and the Supreme Court composed of the High Court Division and Appellate Division. The whole judicial institution is plunged into deeply rooted manifold problems.

The Courts of Magistrates, which is the foundation of the judiciary, where all criminal cases begin with and remain until the investigations are completed, are accustomed to follow the wishes of the police instead of the law that authorizes the Magistrates to hold the police accountable. The magistrates, who as institution remained under the executive control for many years without an opportunity to grow up as independent judicial institution, do so for their lack of knowledge about the law and jurisprudence of the country, due to inadequate training for strengthening judicial mindset, and lack of moral courage to administer justice.

One example may give a picture of the reality of the magistracy of Bangladesh. Everyday hundreds of General Diary, which is popularly known as GD, registered in the police stations of the country containing allegations of non-cognizable offences many of which lack authenticity while registering a GD mostly depends on "satisfaction" of police officers or accessibility of the informants to the police either by political influence or money or both, instead of merits in all matters. When a GD is registered about any non-cognizable office under Section 44 of the Police Act-1861, which reads:

"It shall be the duty of every officer in charge of a police-station to keep a general diary in such form as shall from time to time, be prescribed by the Government and to record therein all complaints and charges preferred, the names of all persons arrested, the names of the complainants, the offences charged against them, the weapons or property that shall have been taken from their possession or otherwise, and the names of the witnesses who shall have been examined.



The Magistrate of the district shall be at liberty to call for and inspect such diary."

Regulation 377 of the Police Regulations of Bengal-1943 guides in details about the procedure for the police to follow and functions all about related to GD.

But, when the matter related to GD comes to a Magistrate, he has to follow Section 155 of the Code of Criminal Procedure-1898, which says:

"(1) When information is given to an officer in charge of a police-station of the commission within the limits of such station of a non-cognizable offence, he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to the Magistrate.

(2) No police-officer shall investigate a non-cognizable case without the order of a Magistrate of the first or second class having power to try such case or send the same for trial.

(3) Any police-officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a police-station may exercise in a cognizable case."

In almost all cases the Police do not "refer the informant to the Magistrate" as per Sub-Section 155 (1) and the Magistrates also ignore this provision in almost all cases without asking the police about the informant. Instead, the police send the copy of the GD with a cover letter seeking permission to the conduct investigation, which is granted by the Magistrate as a routine work. Thus, the Magistrates do not only ignore their legal procedural bindings but also, ultimately, allow the police to indulge into the extortion of money from the interested parties in the name of investigation.

Thousands of such investigations take place in every year in Bangladesh where the police exploit and extort unimaginable amount of money from the ordinary people, who could have been relieved from these blood-sucking machineries at the very beginning if the Magistrate was aware of the legal provisions and cared about his legal responsibility of holding the police accountable.

These mistakes and the ignorance of the Magistrates that take place on uncountable occasions in the country, almost daily, cause tremendous trouble, including custodial torture and harassment, to the ordinary citizens.

The ruling regime has initiated a festival of withdrawing criminal cases taking the advantage of Section 494<sup>15</sup> of the Code of Criminal Procedure. By appointing a set of

---

<sup>15</sup> [http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=75&sections\\_id=21986](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=75&sections_id=21986)

Effect of withdrawal from prosecution 494. Any Public Prosecutor may, with the consent of the Court, [u] \* \* \*] before the judgment is pronounced, withdraw from the prosecution of any person either generally or in respect of any one or more of the offences for which he is tried; and upon such withdrawal,-

(a) if it is made before a charge has been framed, the accused shall be discharged in respect of such offence or offences;



politically chosen loyal public prosecutors across the country the Courts of Sessions always comply with the government's decision without thinking twice about the very basic point that dropping the complaint denies justice to the original complainant who remains completely out of the procedure. Normally the government, which represents the complainant, drops charges in "politically motivated" cases thereby allowing the accused persons to go free by administratively induced impunity. The government has been withdrawing hundreds of criminal cases on the basis of political choices.

This is done by means of a complaint from a politically powerful person to the Ministry of Home Affairs. This ministry then contacts the Deputy Commissioner who is the ex-officio District Magistrate with instructions to either close the case or remove the names of certain persons. The Public Prosecutor then implements the instructions received from the Deputy Commissioner and above. This makes the function of the judges and magistrates no more than that of rubber stamping.

The higher judiciary of the country ignores the festival of withdrawing cases although all the ruling regimes do withdraw cases and ultimately establish that the government itself does not trust the judicial institutions of the country. The executive authorities take initiatives of withdrawing the cases, in fact, without accepting the judicial process and without believing that the people who are accused in certain cases cannot be proven innocent or acquitted at the end of the trials. Thus, the governments follow the "extrajudicial method" – by extending administrative impunity towards their chosen people on the basis of political identity – and establish their "no-confidence" to the judicial institutions, which can be treated as "contempt of court" if the judiciary has capacity to understand its inherent integrity at all.

Likewise, the higher judiciary ignores the recruitment process of the judges in the High Court Division of the Supreme Court of Bangladesh although the government violates the rules made by the Supreme Court itself. For example, according to 17 BLT (AD) 231 paragraph- 32(ii) and (iii):

(ii) The opinion of the Chief Justice of Bangladesh in the matter of appointment of judges to the Supreme Court is entitled to the Supreme Court is entitled to have the primacy.

(iii) In case of appointment to the High Court Division, the Chief Justice shall consult with two senior most judges of Appellate Division and equal number of judges of High Court Division... and he shall consult with senior members of Supreme Court Bar. . ."

Since the Bangladesh Awami League assumed in the office there have been more than 50 judges recruited to the High Court Division of the Supreme Court as "Additional Judge" whereas the Supreme Court Bar Association, which is currently led by the pro-opposition supporters, accuse that the above mentioned rules were not followed by the Chief Justice

---

(b) if it is made after a charge has been framed, or when under this Code no charge is required, he shall be acquitted in respect of such offence or offences.



and, subsequently, the leaders of the Bar boycotted the oath-giving ceremony of the newly appointed judges, as well as the takeover, and farewell, of the recent two Chief Justices of the country for the alleged violation of rules.

***Bangladesh's hollow commitment to the international human rights instruments and mechanisms:***

According to Article 2 and 6 of the ICCPR, Bangladesh has the obligation to ensure the right to life of its people, and ensure prompt and effective reparation where violations occur. It is also obliged to bring legislation into conformity with the ICCPR.

As a member-state of the Human Rights Council of the United Nations for more than five years now Bangladesh must maintain the highest possible standards in protecting human rights and establishing justice in its territorial jurisdiction. Regrettably, the nation has absolutely failed to comply with its international obligations concerning torture, extrajudicial killing, and impunity so far. Despite continued voluntary pledges the governments of the country have done nothing to address many serious rights abuses that continue to be perpetrated by state agents. It has repeatedly failed to ensure the requisite cooperation with the HRC's Special Procedures to justify its membership in the Council. Only a few mandates have been allowed to conduct country visits, and these have not included the mandates on the independence of judges and lawyers, on extra-judicial killings or on the freedom of expression, all of which have had requests pending for several years.

The government should invite the Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment, as well as other independent experts, particularly the Special Rapporteurs on extra-judicial, summary or arbitrary executions and on independence of judges and lawyers, to visit the country as a priority. The Human Rights Council is being weakened as a result of its inability to address the human rights situations in non-cooperative countries, including many within its membership. The need for greater cooperation with the Working Group on Enforced and Involuntary Disappearances is also crucial given the growing problem of enforced disappearances being witnessed in the country.

The AHRC notes that the Human Rights Council has failed to discuss or take any credible action concerning the wide-ranging human rights violations that have taken place in Bangladesh since the body was created. It appears there is a lack of interest and political will to address the country's situation, despite the severity and scale of the violations taking place there. The government's efforts to silence its critics domestically have no doubt contributed to this fact and this will only be accentuated if the Council's passivity is turned into complicity by allowing the country to continue perpetrating such grave human rights violations as enforced disappearances and extra-judicial killings without any repercussions.



The AHRC therefore urges the members of the Human Rights Council to urge the government of Bangladesh to take all necessary measures to effect immediate and verifiable change concerning the issues of arbitrary deprivation of life, independence of the judiciary and impunity. If no action is taken to halt violations, provide remedies and hold those responsible accountable for these grave abuses, Bangladesh's membership in the Council will continue to prove to be an embarrassment for this body and obstruct its credibility and ability to deliver on its goals. The government of Bangladesh must immediately stop enforced disappearance and other gross violation of human rights. Bangladesh must, without delay or reservations, ratify the International Convention on the Protection of All Persons from Enforced Disappearance. The government is also urged to promptly and unconditionally grant the requested visits by the Special Rapporteurs on extra-judicial, summary or arbitrary executions and on independence of judges and lawyers, as a priority.

Apart from the UN Human Rights Council the rest of the international community, particularly the development partners, who promote the norms and standards of international human rights instruments in their individual territories, also fail to make protection of human rights and justice of persons as the topmost prioritized obligation for Bangladesh to enhance partnerships. The international community appears to be reluctant to see a functional criminal justice system in a country where they spend their tax-payers' money for development.

***Resurrection of thoughts require for reforms and justice- as the urgent need!***

The civil society of Bangladesh must think about what the nation immediately needs, as a priority, to address widespread killings by State agents where credible investigations and successful prosecutions are lacking? Without taking into account these systemic obstacles, the AHRC believes that efforts by the international system are unlikely to be effective. The AHRC urges Bangladesh to take all measures necessary to develop institutions capable of dismantling the systems of impunity that currently thrive within its borders.

Bangladesh urgently requires the criminalisation of torture and thorough reforms to its criminal justice system. Complaint mechanisms must be open and free from any kind of refusal, resistance, threats and intimidation. Criminal investigations into allegations of human rights abuses by State-agents must be performed by an independent and efficient agency. There should be an independent, apolitical, permanent and accountable prosecutorial authority. The country's judiciary should be made competent to deliver justice independently, and be rid of the discrimination and corruption that plagues it at present.