

## **Interview 18: BANGLADESH: Annie Halder**

Ms. Annie Jhumur Halder is the Chairperson of the Christian Development Alternative (CDA), a human rights organisation based in Dhaka.

### **What do you think about the policing system in your country?**

To answer this question, I need to focus on the system. The policing system is arbitrary and suppressing. It is based on colonial law and in this modern age it operates in a medieval way. The police use torture and extrajudicial killings as key tools. The policing system is corrupt and the whole force itself is a factory of corruption. The policing system is a threat to democracy, justice and peace of the country. The police should work as a law enforcement agency that enforces the law of the land in order to help the judiciary establish justice in our society. The police are a very important body that is involved in process of investigation of crime and prosecution. In criminal proceedings - from the stage of registering a complaint to the completion of investigation report - the police manipulate the facts and the process as well. They fabricate various complaints while they enforce the law, and thus, they appear as lawbreakers in most occasions.

The government is failing in its primary duty to provide the public with an honest, efficient, effective police service that ensures the rule of law and an environment of safety and security. Instead, the government is using the police as an obedient tool to suppress and oppress the opposition political party and the poor and popular who speak out against the faults of the government. Many human rights activists have been beaten and tortured by the police, the Rapid Action Battalion (RAB). It is very sad that in criminal proceedings, the police play a vital role. Particularly when the police commit torture or any other crime, another police officer investigates the case and it is not imaginable in Bangladesh that a police officer will bring a charge against his colleague. They even do not file a case against any police officer. A recent murder case filed against Sub-Inspector Abdul Mannan with the Chatkhil police in Noakhali district, where a young man was tortured in custody and died, was the first case that was registered against a police officer by another police officer. But there is no reason to be happy with this incident because, the police did not come out of their own bad system. Rather, it was eyewash. It represents a policing system where the police prepared a defective complaint on which they took a signature from the mother of the victim; they registered the same complaint as an FIR (First Information Report) and paved the way to weaken the whole case, aiming to save their colleague from the murder charge. Ultimately, the police once again killed the truth at the very primary stage of the case.

George Washington said: "the administration of justice is the firmest pillar of government." The governments of Bangladesh in the past did not rely on a transparent system in order to establish the truth. Instead, they used the police as their hired musclemen. They are doing the same thing even until now. It appears that a silent genocide is going on in Bangladesh due to the defective policing system of the country.

### **What do you think of the police's use of torture?**

Torture is the result of our defective policing system; it is a failure of the criminal justice system in Bangladesh - but it is not the cause of these problems. It is the result of defective law and huge power given to the police by many black laws, such as Section 54 of the Code of Criminal Procedure, 1898 and the Special Powers Act 1974. Making an arrest is not the only thing that the police do. The method they apply for extracting information

from the arrested person is barbarous, and this is the reason behind custodial deaths. Most custodial deaths are pure killings by groups of criminals in uniform. It is a way of life in Bangladesh. Abuse of power under Sections 54 and 167 the Code of Criminal Procedure, 1898 by the police is alarming although it has been elaborately discussed by the High Court Division of the Supreme Court of Bangladesh in the case of *BLAST v Bangladesh* (55 DLR, page 363). In this case, the High Court has given 15 directions to the government to follow along with the recommendations to implement by amending

the Code of Criminal Procedure, 1898. Out of the 15 directions the first eight are related to the police power of arrest under Section 54 of the Code of Criminal Procedure, 1898. But the truth is this that the High Court's directions were not followed or practiced properly in any case. The police's use of force in extorting information from the accused is an abuse of Section 167 of the Code of Criminal Procedure, 1898 and is very alarming. Section 167 implies two situations: (1) when an investigation can be completed within 24 hours and (2) when investigation cannot be completed within 24 hours. The provision of Section 167 also implies that while producing a person arrested without a warrant before a Magistrate, the police officer must explain the reasons as to why the investigation could not be completed within 24 hours, and what the grounds are for believing the accusation against the person in question. Also the police officer must transmit to the Magistrate a copy of the entries in the Case Diary in Bangladesh Police (B.P.) form no.38

according to the directives given by the High Court Bench (DLR 55, page 381) if the question of taking any detainee under police remand comes up. After examining the information of the Case Diary and the reason shown by the police officer, the Magistrate will decide whether the person shall be released at once or be detained further. This is a mandatory law which the Magistrate has to follow. But what happens in most cases is that the accused who has been badly tortured is not even produced before the court. The police seek remand for 7 days normally while the Magistrate unquestionably grants 2/3 days remand. But the Magistrate simply passes an order on the forwarding letter of the police officer authorising the police to "interrogate" the detainee, either in the police station or to detain the person in jail, even if the person is not a criminal. The nonapplication of proper judicial mind in view of sub-section 1, 2 and 3 of section 167 of the Code of Criminal Procedure 1898 by the Magistrate has resulted in many custodial

deaths and incidents of torture in police custody. Even though Bangladesh signed the Convention Against Torture (CAT) almost a decade ago, the government still has not brought a new law forward defining torture as a crime. That is the big story regarding the problem of torture in police custody and the failure of governments, police and other law enforcement agencies.

But out of many problems, the nation was going to see the light when Mr. Saber Hossain Chowdhury on 10 September 2009 placed a private bill titled "Torture and Custodial Death (Prohibition) Bill-2009." Sadly it has been almost a year since then, but the government has kept silent and has not legislated the law while almost every day people are being tortured in police stations and many are killed by criminals in uniform who receive impunity for their actions. Torture cannot be defined as a crime without political will. The present Prime Minister Sheikh Hasina has promised many times to make

Bangladesh a torture free country, but it is an open question as to why she and the vast majority of the government led by her is not taking proper and speedy initiatives to pass the bill in Parliament.

### **What are your views on the public relations of the police?**

The police are a name of fear for normal people, but they are very useful to politicians and the wealthy. In the absence of democratic policing, the police are synonymous with corruption and in many cases, they are the real criminals, especially in drug selling. In many cases, they are the main investors in the drug business, or they earn a huge amount of money from it.

For a woman, the police station is not a safe place at all. Bangladesh has many records of where police raped woman in police custody. The police are a symbol of fear and corruption in Bangladesh. Victims are further victimized when they go to a police station seeking help. The first problem is getting a complaint registered; the police normally discourage this at the police station or in some cases, they become over interested in filing false cases against poor people or people who are in opposition of larger political forces. In both situations – whether someone is filing a case or not filing a case - money,

corruption and political connections are intertwined. When the case is recorded, then during the inquiry and investigation process, the victim and the accused are physically and/or mentally harassed. This often includes people who are not involved with the crime. The police tend to involve them to gain bribe money. The UNDP funded huge amounts of money for police reform, but still there is no notable change. I think we need an effective law, its implementation and total reformation of criminal justice system in Bangladesh.

If you have a problem these days would you go to the police station? Personally, I do not have any problems. But my observations of this system come from seeing what the people of my country face every day.