



Submission by the Asian Legal Resource Centre to the Human Rights Council's Universal Periodic Review concerning human rights in Bangladesh

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Annex to the ALRC's UPR report on Bangladesh

This annex contains information from both the Asian Legal Resource Centre (ALRC) and its sister-organisation, the Asian Human Rights Commission (AHRC)

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Section 1: Concerning the militarisation of Bangladesh's civilian institutions¹

Before the proclamation of the State of Emergency in the country the government of Bangladesh deployed thousands of its armed forces 'to aid the civil administration' offering magistracy power to them. In section 2 (a) of the Emergency Powers Rules-2007, the country's "law and order maintaining force" has been defined as including the Bangladesh Police, the Armed Police Battalion, the Rapid Action Battalion, Ansar (a village defence paramilitary group), Battalion Ansar (an armed village defence paramilitary group), the Bangladesh Rifles, the Coast Guard forces, the National Security Intelligence service, the Defence Intelligence service and the Armed Forces. Under Section 16 (2) of the Emergency Powers Rules-2007, any member of the 'law and order maintaining force' is authorized to arrest any person on suspicion without a warrant. Since the state of emergency the involvement of the soldiers has been increased covering all the institutions and corporations as well as autonomous bodies.

¹ <http://material.ahrchk.net/hrreport/2007/Bangladesh2007.pdf>

The armed forces are playing a dominant role, and are perpetrating arbitrary arrests, torture and detaining people using the Emergency Powers Ordinance-2007 and Emergency Powers Rules-2007, while the police are following the commands, suggestions or recommendations of the armed forces.

The armed forces of Bangladesh have been enjoying unbridled power and have been abusing human rights according to their wishes and capacities during the State of Emergency; they are not accountable to any authority at all. Instead, they are allowed to do and undo whatever they want. Section 20 of the Emergency Powers Rules-2007 authorizes the 'law and order maintaining forces' to use force in order to execute any order issued according to the Rules.

All the institutions, corporations and autonomous bodies, including the sports federations, of the country are either occupied by the officers of the armed forces. A few offices where the soldiers are still unwelcome are facing tremendous pressure and paying the costs for their 'unfriendliness,' having been effectively cordoned off by the military.

The government of Bangladesh has directed its civil administration to work in collaboration with the officers of the "Joint Forces" stationed across the country.²

The government made the decision on August 25, after having reshuffled its administration by appointing 35 new Deputy Commissioners (DCs), the apex bureaucratic authorities in the district administrations. The government briefed the media on its policies on the proposed local and general elections, implementation and monitoring mechanisms and emphasized the need for friendly relations with the local people. Cabinet Division Secretary Mr. Ali Imam Mazumdar chairing the meeting on 25 August directed the officers to work together with the SPs (Superintendents of Police) and the commanders of the Join Forces across the country.

The direction to the administrators asserting collaboration with the Joint Forces which comprises of officers of the armed forces and which is dominated by the army, practically renders the civil administration officials subordinate to the army. It also generates multiple suspicions regarding the government motives behind such controversial directives. This adds to the already adopted government policy of placing the armed forces over the civil administration. This is a small picture of the ongoing disaster in the governance in Bangladesh. Here are some facts:

The Ministry of Home Affairs is headed by Major General (Retired) M A Matin. Major General (retired) Ghulam Quader, former director general of National Security Intelligence, has been made adviser to the Ministry of Communications. Brigadier General (Retierd) M A Malek is the Special Assistant to the Chief Adviser for Ministries of Social Welfare and Telecommunications

Founding Director General of the Rapid Action Battalion, allegedly the arbiter of hundreds of extra judicial killings, and former head of the Bangladesh Police Mr. Anwarul Iqbal has grabbed the position of the adviser to the Ministry of Local

² The following part of the section is taken from:
<http://www.ahrchk.net/statements/mainfile.php/2008statements/1671/>

Government, Rural Development and Cooperatives. Another Major General (retired), ASM Matiur Rahman previously occupying the Ministry of Health was later asked to resign from his position for poor performance.

Immediate past army chief Lt. Gen. (Retired) Hassan Mashud Chowdhury is the chairperson of the Anti Corruption Commission while Colonel Mr. Hanif Iqbal occupies the position of Director General (Administration).

Brigadier General (Retired) Muhammad Sakhawat Hussain is in the constitutional position of Commissioner of the Election Commission. Bangladesh Army has been given official responsibility to prepare the voter list for the whole country. The army deputed its Principal Staff Officer (PSO) of Armed Forces Division Lieutenant General Masud Uddin Chowdhury to the Ministry of Foreign Affairs when he had been serving as the Chief Coordinator of the National Coordination Committee for deciding the corruption cases.

Major General (retd) Manzurul Alam chairs Bangladesh Telecommunication Regulatory Commission while Colonel Md. Saiful Islam takes the position of the Director General and Lieutenant Colonel Shahidul Alam is the Director of its Spectrum Management Department. Lieutenant Colonel Shahidul Alam is the Project Director of a World Bank funded project while Major Rakibul Hassan is a Deputy Director of its Systems & Services Department.

Captain of Bangladesh Navy Mr. A.K.M Shafiqullah is occupying the position of the Director General of the Department of Shipping while Commodore Mr. A K M Alauddin occupying the position of the Chief Engineer and Ship Supervisor.

Navy Captain Mr. Yeaheya Sayeed is a Director of Chittagong Dry Dock Limited, an enterprise of the Bangladesh Steel & Engineering Corporation and also a Member of the Chittagong Port Authority. Captain Mr. SY Kamal is Member (operations), Captain Mr. Ramjan Ali is Deputy Conservator of the Chittagong Port Authority, and Captain Mr. Zahir Mahmood is Deputy Conservator of the Port of Chalna Authority in Khulna.

Brigadier General Md. Rafiqul Islam is the Director (signals) of the Bangladesh Telecommunications Company Ltd.

Major Gen (retd) Manzur Rashid Chowdhury has been made the newly formed Truth and Accountability Commission's member.

Even the sports sector is not safe from their interference. The current army chief General Moeen U Ahmed grabs the positions of the Chairman of the National Sports Council and the President of Bangladesh Olympic Association. The chief of air force Vice Marshal Ziaur Rahman Khan heads Bangladesh Hockey Federation while the naval chief Admiral Sarwar Jahan Nizam heads the Swimming Federation. Major General Ahsab Uddin, the General Officer Commanding of the 9th Infantry Division, is the President of the National Shooting Federation. The chief of general staff of the army Major General Seena Ibn Jamali is the President of Bangladesh Cricket Board with Lieutenant Colonel (Retired) Md. Abdul Latif Khan as Vice President.

Lieutenant Commodore A K Sirker is occupying the post of General Secretary of the Basketball Federation.

These are very few out of the numerous positions occupied by the officers of the armed forces in the civil administration and autonomous institutions of Bangladesh. All information on such events is not available as the authorities suppress information to skip criticism.

Moreover, the armed forces have been deployed in all the district headquarters of the 64 districts of Bangladesh since the state of emergency besides the decades' long full-fledged militarization of three districts in the hill tracks of Chittagong region. Initially, the government deployed armed forces in all the upazillas (sub-district units) as soon as the emergency was imposed.

The DCs have been severely humiliate because army Majors being much junior to them have been placed in the districts levels. These Majors hurl abusive and exert illegal influences before the DCs, making the district heads embarrassed and frustrated. "People should no longer have patience and resist the audacity of these uncivilized Majors", commented a DC, who did not wish to be identified.

All the national level policy decisions are made, changed and influenced by the top officials of the armed forces. The "National Coordinating Committee", which oversees the corruption issues staying atop all administrative setups, recommends the Anti Corruption Commission as to who will be charged and who will not be. The top officers of the armed forces occupy the coordinating body.

The Rapid Action Battalion, also drenched with the officers of the armed forces on deputation, is extended to the district and upazilla levels with their own setups besides the regular police force.

The police who are supposed to be responsible for maintaining law and order in the country have excessively been supported by the Rapid Action Battalion (RAB) and the armed forces during the state of emergency. So, in reality, all the forces arrest people. The common people have access only to the police stations for enquiring on the whereabouts of the arrested and detained persons, and none of the law-enforcing agencies explain to anyone whenever arrests are made. When the armed forces and RAB arrest, detain and torture people the police remain out of the picture and none of the police stations record any case regarding such incidents. Even the lawyers rarely agree to assist the victims by drafting and lodging a complaint with the Magistrate's Court, which is last resort for the vulnerable people to seek redress following a denial by the police.

According to reports, the armed force officers frequently make phone calls to the Magistrates and Judges regarding pending cases to address the issues meeting the interest of the officers. Magistrates also cannot ignore fearing the security of themselves, their families and relatives. However, none of these magistrates agreed to disclose it officially other than "off the record". The condition of the prosecutors is worse than that of the judges and magistrates. The offices of the prosecutors and attorneys are filled up with members of the intelligence agencies and in special cases

the officers of the armed forces, who insist and direct them to lead the proceedings as the agencies wish.

Surprisingly enough, under the coverage of emergency provisions, officers of the armed forces remain present in the courtrooms and relevant offices of the courts during, before and after the trials as members of "Task Force". They visit the courts and the relevant offices to monitor, dictate and insist the staffs for the cases they are more interested.

The military remains far away from any mechanism of accountability unlike any other organizations of Bangladesh. Thus, the armed forces enjoy absolute impunity for their unlawful actions supported by the laws made by the government during the state of emergency.

The existing situation evidently shows the silent but gradual, and eventually complete, militarization in Bangladesh. The joint forces deployed across the country frequently intervene into many local and private institutions including the activities of the media, NGO, and human right activists though they are not eligible and competent to do so. These unlawful attempts have already demoralized the concerned professionals. As a consequence of regular interventions by the armed forces into their work, they cannot contribute to the society and to their respective fields by accomplishing their official responsibilities.

Section 2: Arrests and releases of prominent figures

Mr. Abdul Jalil, the General Secretary of the Bangladesh Awami League was arrested on 28 May 2007 in the afternoon from his office and was released on parole on 2 March 2008. Jalil was reportedly released on parole for 30 days but the authorities imposed a number of conditions on him if he goes abroad for treatment. He has to communicate the Bangladesh mission every three days after his arrival in a country for treatment and must not be involved in political activities or business there.

Mrs. Sheikh Hasina, former Prime Minister and President of the Bangladesh Awami League, was arrested on 16 July 2007, early in the morning from her house in Dhaka and detained in the official residence of the Chief Whip of the Parliament declaring it a "sub jail". She was released on June 11, 2008, on parole lasting eight weeks.

Mr. Arafat Rahman Koko, the younger son of former Prime Minister Khaleda Zia, was arrested along with her mother on 3 September 2007. The government released him on 17 July 2008 on parole. Local press reports claim that "The government has ordered the temporary release from prison purely on humanitarian considerations," said Home Affairs Adviser M. A. Matin after the military-backed regime decided to give the mother and son limited reprieve from detention.]

These releases resulted not from court decisions but rather from political negotiations. If courts release persons that the military government does not want released, they are usually re-arrested, often under fabricated charges.

Section 3: Unconstitutional counter-terrorism ordinance leading to abuses

On June 11, 2008, the military-controlled government imposed Anti-Terror Ordinance-2008, supposedly to combat terrorism. Section 6 of the ordinance, includes provisions for rigorous imprisonment of a minimum of three years to a maximum 20 years life-term, as well as the death penalty, for various crimes including: killings; serious attacks; abductions or kidnapping; causing damage to property; and possession of explosives, listed dangerous chemicals or firearms, with the "intention to harm the unity, harmony, security or sovereignty of Bangladesh and create panic among its people or any segment of the population."

Persons can be charged under Section 7 with providing financial or other forms of support for loosely-defined "terrorist activities" on the basis of mere "reasonable suspicion." Section 39 asserts that the crimes under this ordinance are non-bailable. Section 54 of the Code of Criminal Procedure-1898 and Section 86 of the Dhaka Metropolitan Police Ordinance-1976, already allow the police to arrest any person on suspicion. These powers have previously been abused to arrest people en masse. Under the new ordinance, the penalties and sentences for the various crimes are higher, however.

The police can hold persons in remand for interrogation for ten consecutive days, which can be extended for a further five days by magistrates, under Section 26. Magistrates typically follow the instructions of the government and other influential groups. Furthermore, multiple fabricated charges produced sequentially are used to ensure lengthier remand periods.

As with corruption charges that are being tried in special, military-government-appointed tribunals, charges under the Anti-Terror Ordinance are tried by Anti-Terror Special Tribunals. There are serious concerns about such tribunals' ability to deliver fair trials, as they are held in camera, without the presence of the public even the accused persons' relatives.

Under Section 32, a magistrate or judge cannot grant bail "unless satisfied with reasonable grounds that the accused person might not be convicted." This suggests that the judge must pre-judge the case before it has been heard in full, which evidently goes against the fundamental principles of justice as accepted in international norms and standards.

According to Section 41, the government may transfer, on "reasonable grounds," any case relating to crimes under this ordinance, from any sessions court or tribunal to any special tribunal, or from any special tribunal to any sessions court, at any stage prior to the completion of depositions. This power allows the government to interfere in any case it wishes and completely erodes any notion of the independence of the judiciary. In a criminal proceeding, the government is a party to the dispute. If such a party is given statutory power to transfer cases at a whim, it is likely that it will exploit this power, resulting in delays and/or travesties of justice. This is being seen in Bangladesh under the State of Emergency.

Despite the Special Power Act-1974, the Emergency Power Ordinance-2007 and the Emergency Power Rules-2007, which already give the government wide powers to

arbitrarily arrest and detain people, the government has armed itself further with the Anti Terror Ordinance-2008 to increase its crackdown, with further abuses expected to be perpetrated. For this reason, the international community, which has thus far remained eerily mute, must immediately begin to act to pressure Bangladesh's government – a member of the Human Rights Council - to lift the emergency and repeal all such ordinances.

The government has also begun having select persons released, using executive orders from the Ministry of Home Affairs, completely bypassing and further undermining the courts and judiciary. The courts, in which charges have been laid against these persons, did not grant bail. These include prominent persons, such as former Prime Minister Sheikh Hasina and Khaleda Zia's son Arafat Rahman Koko.

The subordinate magistrates and sessions courts are being used as tool by the government to arrest and detain targeted persons, and release whomever the government wishes. All courts, including the Supreme Court, are under regular supervision by the intelligence agencies and personnel of the armed forces, who dictate what prosecutors and attorneys must do to comply with the military-government's wishes. If, despite this, the High Court grants bail to targeted persons, the law-enforcement agencies arrest and detain such persons again, literally in front of the main gate of the prison, upon their release, and charge them with "breaching emergency laws".

The High Court Division of the Supreme Court of Bangladesh on July 13, 2008, ruled that the President of an un-elected government, such as that currently in power, does not have the constitutional power to promulgate ordinances, unless such ordinances regard the general election concerning which the government was brought to power to organise. The same court also declared all ordinances made by the present military-controlled government to be ultra vires and unconstitutional. However, the Appellate Division of the Supreme Court on July 21, 2008, stayed this order for one month. The government has promulgated at least 79 ordinances, most of which run contrary to Bangladesh's Constitution.

Section 4: Fundamental rights suspended³

The State of Emergency has suspended many fundamental rights, including the freedoms of expression and assembly. Section 3 of the Emergency Powers Rules-2007 absolutely forbids any kind of association, procession, demonstration or rally in the country without special permission from the authorities. Under Section 3(4) of the above, any person found guilty of holding any meeting or demonstration faces two to five years rigorous imprisonment. Additionally, Section 5 completely prohibits the publishing of any criticism of the activities of the government that is deemed to be 'provocative' by the authorities, in news bulletins, video footage, talk shows, features, articles, editorials or cartoons. A large number of grass-roots-level newspapers have reportedly been ordered to close indefinitely.

³ <http://www.ahrchk.net/statements/mainfile.php/2007statements/1185/>

Section 5: Mass arbitrary arrests and detentions⁴

Astounding numbers of persons have been arrested since the State of Emergency began. The unconvincing response of the government to these allegations has been to deny that they have space to detain this number of persons. Bangladesh already has a well-documented track record of serious over-crowding in its prisons. Persons are arrested en-masse in order to intimidate, and, in general, are not detained for long periods.

An example of the scale of the problem is the four-week crackdown that started on May 28, 2008, resulting in the arbitrary arrest and detention of more than 50,000 Bangladeshis. During this, the Inspector General of Police (IGP) admitted to the media, on June 9, 2008, that the police have to use the emergency laws, as these do not permit bail, therefore avoiding courts releasing suspects. The ALRC notes that courts typically release suspects when there is no evidence against them. The IGP also admitted that an average of 1,667 persons have been being arrested in the country each day since the beginning of the emergency. The detention of so many individuals, even for relatively short periods, is leading to severe overcrowding in the country's prisons. Reports indicate that most persons arrested are subjected to some form of ill-treatment, including beatings, and that torture is also being used on a significant number of detainees, during which the police extract money or confessions.

The country's prisons are overcrowded to the point that the government recently released several hundred detainees who were either convicted of lesser crimes, such as theft, or had been detained for lengthy periods during their trials. In order to accommodate high-profile prisoners such as former ministers, law-makers and businessmen who have been arrested in recent months under the interim military-backed government's anti-corruption drive, the authorities have begun using public and private houses, which they are declaring as being 'sub jails'.

Examples: As will be seen, the ALRC and AHRC have documented many cases of arbitrary arrests in the country, including before the state of emergency was imposed. The numbers of such arrests have increased since the beginning of the emergency, but the practice has a long history in Bangladesh, and is perpetrated with impunity.

1. The Detective Branch (DB) police of Dinajpur district fabricated evidence and arbitrarily arrested a homeopathic doctor in relation to the seizure of unauthorized goods. The victim was detained in custody for seven days following a case lodged with the Kotwali police station by the police. The alleged perpetrators also extorted Taka one hundred thousand from the victim. Although the victim has now been released from detention, the charges against him have not been dropped. Therefore he continues to face legal action, despite the charges against him having originated from fabricated evidence. On 22 January 2006, the office of the Superintendent of Police (SP) temporarily suspended the key perpetrator following an investigation conducted by the department. However, the alleged perpetrator was not punished exemplarily and his associates' identities remain unknown. All of the perpetrators therefore, have gone unpunished despite their crimes having been proven by the investigation.⁵

⁴ <http://www.alrc.net/doc/mainfile.php/hrc9/519/>

⁵ <http://www.ahrchk.net/ua/mainfile.php/2006/1498/>

2. In January 2006, the Alliance of the 14 opposition political parties of Bangladesh declared a long march programme to be started from different corners of the country followed by a grand rally in Dhaka on 5 February 2006. According to the instruction of the government, the police began arresting people *en masse* to create an atmosphere of fear for the supporters of the opposition political parties.

The AHRC has received information about this mass arrest in general, and the four following cases in particular.

Case one

Garment worker, Md. Khairul Islam was going to his factory at Arambag in the Motijheel commercial area on the evening of 3 February 2006 to work a night shift. When he came to the Kamlapur bridge, the Motijheel police arrested him and took him to the police station. The police then implicated Khairul in a theft case and produced him before a court.

The following morning, Khairul's eighty-five-year-old blind father, Mr. Ratan Mian, learned the news. He went to the Metropolitan Magistrate Court in Dhaka to arrange bail for his son. The Court granted bail for Khairul. He then went to the gate of the Dhaka Central Jail to receive his son. However, the Jail authority did not release him for two days. The jail police claimed Taka three hundred more from Ratan, who had not a penny to spend, on condition of releasing his only earning son.

Case two

On 3 February 2006, at around 9pm, day labourer Md. Jalal Uddin went to a coaching centre to pay the tuition fees for his son. On his way back home the police of Ramna police station stopped him at Mogbazar crossing. The police arrested him without any specific reason and took him to the police station. He was detained in the Ramna police station for two consecutive nights despite the legal obligation of the police to produce each and every person before the court within 24 hours of arrest.

Jalal's wife, Mrs. Lipi Begum, says that there was no case against her husband and that she does not know the reason for his arrest. When Mrs. Lipi went to the police station with her son and asked why her husband had been arrested and when would he be released, the police did not allow her to meet with her husband. She waited outside the building of the police station until 3am. She then had to pay Taka five hundred to an unknown man, introducing himself as a lawyer of Dhaka Bar, who assured her he would help her husband to get released. Mrs. Lipi, however, has not seen that man since. She does not know about the fate of her husband. If Jala is not released the whole family will remain unfed and will face enormous problems. His son, Robin, is doing badly with his father not present in the home.

Case three

On 2 February 2006, Rafik Khan (25), a painter by profession, and his mother Mrs. Shefali Begum were sleeping in their hut at Kadamtali village under Ikuria police station in Dhaka district. Suddenly, during the night, a police vehicle came to their

house. The policemen broke the door and entered into the room. They arrested Rafik without any specific charge against him.

Rafik's mother requested the police not to arrest her son. However, the police only intimidated her and made an attempt to arrest her along with Rafik. Mrs. Shefali collects abandoned papers from the streets in the Dhaka city and sells those to paper mongers. Her son works as a painter. They live their lives in financial hardships despite their hard work. Her son was neither a criminal nor a politician. She does not understand the reason for his arrest. The police did not send Rafik to the Court by February 5 despite the legal bindings for law enforcers to produce people, who are under arrest, within 24 hours following their arrest.

Case four

The police of Kamrangirchar police station arrested, Mr. Md. Mazibor Rahman, activist of the main opposition Bangladesh Awami League, from his Maydhya Rasulpur village under the same police station of Dhaka on 2 February 2006. Mazibor had no charge laid against him. The court twice rejected the bail petition submitted by his lawyers. The lawyers believe that the treatment of their client by the Court was unlawful and unacceptable according to the domestic laws of the country.

(This case can be found at: [UA-053-2006: BANGLADESH: Arbitrary arrest and detention of ten thousand people by the police across the country](#)).⁶

The AHRC issued a statement on the same issue on February 8, 2006 entitled: [BANGLADESH: Thousands still in detention following an arbitrary, politically-motivated crackdown against the poor](#).⁷

The Government of Bangladesh has conducted a political crackdown of massive proportions, arresting over 10,000 persons between February 2nd and 5th, 2006. The police have randomly and arbitrarily arrested large numbers of persons, with the poor being targeted in particular. The arrests without warrants are being conducted through abusive application of Section 86 of the Dhaka Metropolitan Police (DMP) Ordinance and Section 54 of the Criminal Procedure Code (Cr.PC). Approximately 6,500 persons are still being detained in police facilities, without having been presented before a court, despite Bangladeshi law requiring the police present arrested persons to courts within 24 hours of arrest. Around 3,500 persons have been brought before courts on fabricated charges and are either being detained in prison or have been released on bail.

The widespread arrests began when an alliance of 14 opposition political parties declared a long march programme in various parts of the country, which culminated after several days in a grand rally in the capital, Dhaka, on February 5, 2006. The demonstrators were denouncing the electoral process and election commission in particular, and calling for the resignation of the current government. Reports indicate that those arrested were not participants in the march, but rather, were members of the poorest sections of society. It is thought that the arrests were conducted to create a climate of intense fear at the time of the demonstrations. The police have systematically targeted the poor in this widespread and arbitrary crackdown. Despite

⁶ <http://www.ahrchk.net/ua/mainfile.php/2006/1518/>

⁷ <http://www.ahrchk.net/statements/mainfile.php/2006statements/428/>

the police being obliged under law to produce arrested persons before courts within 24 hours of their arrest, Mr. Rafik Khan had still not been produced by February 5, 2006. Little else is known about his whereabouts or personal integrity.

This is the case with thousands of other persons in his situation. The AHRC is gravely concerned that they may be subjected to ill-treatment – notably given the number of arrested persons being detained in already over-crowded facilities in the country – and torture, which is systematically practiced in Bangladesh, notably against the poorest, most vulnerable persons in the country.

Reports indicated that the police are systematically fabricating charges against the arrested persons before bringing them before courts. While some 1'500 persons have reportedly been released, many of them have been released on bail following their having been produced before courts. It is thought that many persons have been forced to pay bribes in order to be charged under Section 54 of the Cr.PC, under which it is easier to get bail. Those unwilling or unable to pay bribes, as is the case with many destitute persons, face the possibility of being falsely implicated in murder, robbery or narcotics cases. Facing such charges, it becomes a very difficult and lengthy process to get bail in Bangladesh.

On February 5, 2006, a High Court Division Bench of the Supreme Court of Bangladesh issued an injunction restraining the government from any further arrests without warrants under section 86 of the DMP Ordinance and section 54 of the Cr.PC. The Court directed the respondents to submit a report in two weeks detailing the names and particulars of persons arrested under the two laws. Following the intervention of the Appellate Division Bench of the Supreme Court, the government has been granted a further two weeks to present its report. The High Court Division Bench asked the government to explain why the 'wholesale' arrests and detention of citizens under section 54 of the Cr.PC should not be declared illegal and why it should not be directed to refrain from 'unwarranted and abusive exercise of powers' under section 86 of the DMP Ordinance. It also called upon the government to explain why section 86 of the DMP Ordinance should not be declared unlawful and contradictory to the constitution of the country, and why the government should not pay compensation to the victims.

This injunction, which is welcomed by the AHRC, has led to a cessation of the arrests, but the damage has already been done. Thousands of persons have had their rights violated and many of them remain in detention and at risk of further abuse. Even those persons who have been released on bail, face the prospect of several years of trial in relation to the fabricated charges against them, which present severe costs to bear and loss of income as well as the very real risk of being found guilty despite their innocence. The process of investigation by the police presents further risks of being subjected to bribery, and in the case of persons not being able to pay, the police are known to fabricate findings in order to ensure that the person is convicted. Even if the persons are freed in relation to such cases, they remain blacklisted by the police and frequently face further arrests in future operations by the police, as well as stigmatisation in society.

The AHRC recalls that on April 7, 2003 the Supreme Court of Bangladesh ordered the authorities to refrain from abusive use of section 86 of the DMP Ordinance and

section 54 of the Cr.PC. The authorities must immediately halt such abuses.

Furthermore, the AHRC calls upon the government to immediately order an independent judicial investigation into all arrests during this three-day period, in order to ascertain the existence of valid legal charges against the persons in question. The authorities should order the immediate release of all persons found to have been arrested arbitrarily; immediately drop all charges against these persons; launch an independent investigation to identify all persons responsible and bring them to justice; and provide prompt and adequate reparation to all the victims. Violations to be investigated include arbitrary arrests, the violation of the 24 hour period before presenting arrested persons before a court, any allegations of ill-treatment or torture, and in general the violation of the Supreme Court order concerning the abusive use of section 86 of the DMP Ordinance and section 54 of the Cr.PC.

3. The police have beaten a number of political activists and demonstrators during a nationwide dawn-to-dusk strike and peaceful demonstration programme called by a 14 political opposition party alliance on January 22, 2006. One leading activist was also arrested and later released. Reports indicate that other activists, including women, were arrested and detained in different police stations across the nation, although no further information is currently available concerning their plight.

The alliance of 14 political opposition parties, led by the Bangladesh Awami League, called the country-wide dawn-to-dusk 'Hartal' (strike) to protest against rising prices and calling for reforms to the Constitution, notably concerning the caretaker government and election systems.

Ms. Shamima Rahman, who is the president of Awami Juba Mohila League (Youth Women League), a political wing of the mainstream opposition Bangladesh Awami League, based in the Tenjgaon Police Station unit's jurisdiction area, has stated that the police attacked a demonstration at around 2:45 pm. Some 30 to 40 female demonstrators were reportedly injured due to physical assaults by the police. Ms. Shamima Rahman herself reports having sustained considerable injuries to her hands, legs, back and waist. She alleges that the police beat other demonstrators and also used abusive language. The police arrested her, but she was released later on following an escalation to the demonstrations as a result of her arrest. She received medical treatment for her injuries at a private clinic at Dhanmondi in Dhaka and later at her home.

Ms. Maya Akter, who is the general secretary of the Awami Juba Mohila League in the Kafrul police station unit's jurisdiction area, alleges that she was also beaten by the police at around 12 noon while taking part in a procession in Dhanmondi. Male members of the police beat the women and used abusive language, allegedly without any provocation from the demonstrators. The police dragged her along the street while taking her to a police van. One of her wrists has reportedly been fractured as a result of the police's actions. She has been receiving medical treatment at home and continues to fear further police reprisals.

Another political activist, Mr. Nasir Uddin, who is a member of the Bangladesh Awami League in the Kafrul police station unit's jurisdiction area, alleges that he was beaten by the police in the Mohakahali area of Dhaka while taking part in a

demonstration. The policemen reportedly beat him to the ground and continued beating him with sticks. He has reportedly sustained injuries all over his body.

Mr. Zahirul Haque Jillur, the president of the Awami League in the No. 39 Ward area, alleges that he was beaten by the police at the Nabisko bus stop in Dhaka during the strike. At around 10:30am, a former Member of the Parliament (MP), Mr. Dr. H B M Iqbal, who was leading a procession in the Nabisko area, was also beaten by the police. The police allegedly beat Mr. Iqbal to the ground and he was later admitted to Samarita Hospital at Panthapath with several injuries.

Mr. Karim Shikder, who is a leader of Jatio Samajtantrik Dal (JSD - National Communist Party), was also reportedly beaten by the police on the day preceding the strike, sustaining numerous injuries. The victims allege that other leaders and activists were also beaten by the police, including: Mr. Azizur Rahman, Mr. Abdul Mannan, Mr. Jalal and Mr. Sanowar Hossen.⁸

4. The arbitrary arrest of a businessman by the Detective Branch (DB) Police of Khulna district from his house at Paikgachha town on 2 November 2006. He was then reportedly pressurised, by the intimidation of the police to settle a land dispute with another person. The victim was released on the same day but has gone into hiding due to constant threats from the police. We were also informed that Paikgachha police refused to register the victim's complaint (General Diary) regarding the DB police's threats and intimidation. None of the alleged perpetrators were either identified or punished regarding the case.

The case can be read at: [UA-367-2006: BANGLADESH: A man arbitrarily arrested and intimidated by the Detective Branch Police of Khulna](http://www.ahrchk.net/ua/mainfile.php/2006/1548/)⁹

5. On 23 July 2006, at around 1:30 pm, ASI Mr. Mirazul and police constable (number: 1632), Mr. Sentu Mollah went to Munira's house. ASI Mirazul entered into Munira's room and attempted to rape her. Munira bite Mirazul's left ear to save her from the attempt of rape. Meanwhile, Munira's brother, Mr. Rafiqul Islam, cousin Ms. Rexona Begum, Ms. Asma Begum, and sister-in-law Mrs. Abeda Begum rushed to rescue Munira from the policeman. ASI Mirazul and constable Sentu then proceeded to beat Munira and her brother. Then the police arrested Mr. Rafiqul and proceeded to beat him with a bamboo stick, rifle bat and a chain on the street in front of about fifty villagers. They then put Rafiqul's leg in the paddle wheel of a rickshaw van. The police detained Rafiqul in the Senhati police camp for the night. Sub Inspector Mr. Anwar Hossain, who is the In-Charge of the Senhati police camp, and ASI Mr. Mirazul demanded Taka 10,000 (USD 150) from Munira's family on condition of not killing Rafiqul in "crossfire". Munira's family arranged Taka 5,000 with their utmost capacity and gave the money to the police to save the life of Rafiqul. The police then became angry with the family for not paying the full amount; they beat Rafiqul with stick and rifle bat again and put hot water in Rafiqul's nose. Due to the sever brutality by the police, Rafiqul's left hand and right leg were broken and he received injuries all over his body. Eyewitnesses told the independent human rights fact-finding team that Rafiqul cannot stand and walk. He has also been denied adequate medical treatment in prison.

⁸ <http://www.ahrchk.net/ua/mainfile.php/2006/1548/>

⁹ <http://www.ahrchk.net/ua/mainfile.php/2006/2069/>

On July 24, ASI Mr. Mirazul took Rafiqul to the Dighalia police station and lodged a fabricated case (number: 7) against him. The following day, Rafiqul was produced before the Magistrate Court who then ordered Rafiqul to be detained despite his critical health condition due to police torture. Facing repeated threats and harassment Munira lodged a petition case (number: 340/2006) with the Magistrate Court in Khulna on July 30 under sections 9, 4 (B) and 30 of the Women and Children Repression Prevention (Special Provision) Amendment Act 2003. The Superintendent of Police (SP) of the Khulna district, Mr. Moynul Islam, has thus been conducting an investigation regarding the case. ASI Mr. Mirazul, however, claims that "Rafiqul is the 492 criminal on the Department of Special Branch (DSB) police's criminal list" although none of the police officers or police station of the district has been able to assert any specific complaint that exists with the police; however, it is claimed that he was arrested because of restraining the police to do their duties. ASI Mirazul claims that Rafiqul was injured while he was being restrained by the police so that they could accomplish their official job.

This urgent appeal is available at: [UA-296-2006: BANGLADESH: Girl sexually harassed and boy arbitrarily arrested, tortured and detained by the Senhati Camp police in Khulna](#)¹⁰

6. On 4 January 2007, the eve of the massive political programmes called by the Awami League-led Grand Alliance, the Bangladesh Police began hunting people under various arbitrary sections of law. They particularly abused section 54 of the Code of Criminal Procedure, which gives police officers the authority to arrest any person on suspicion without an arrest warrant from a judicial authority. The police arrested people indiscriminately all around the country under section 54 then implicated some of these in previous pending cases or new fabricated charges. The Dhaka Metropolitan Police (DMP) alone arrested around three thousand people in one week. The arrested persons not only include political activists belonging to the Grand Alliance but also innocent pedestrians, schoolboys, day labourers, street hawkers and small businessmen. The Magistrate Courts sent these victims of arbitrary arrest into detention without any consideration. The victims and their families have been facing considerable sufferings and financial losses since the mass arrests. It is alleged that the Commissioner of the Dhaka Metropolitan Police (DMP), Mr. A B M Bazlur Rahman, fixed a certain target number of arrests for each of the police stations under his jurisdiction.

This urgent appeal is available at: [UA-025-2007: BANGLADESH: Around 3000 people arbitrarily arrested and detained by the Dhaka Metropolitan Police](#)¹¹

Case 1: Md. Saiful Islam alias Madari (25), a supply assistant of a biscuit-candy distributing company, lives in a slum in the Dogair Bazar area under the Demra police station in Dhaka. On 5 January 2007, at approximately 8:00 PM, Saiful was returning home from work when a BNP-led election campaign procession passed through. A clash took place in the adjacent area between two political groups, and the Demra police began arresting people indiscriminately, picking up Saiful from the street. Around 10:00 PM, Saiful's family learned of his arrest and rushed to the Demra police

¹⁰ <http://www.ahrchk.net/ua/mainfile.php/2006/1954/>

¹¹ <http://www.ahrchk.net/ua/mainfile.php/2007/2180/>

station that same night. They requested the police officers to release Saiful arguing his innocence and detailing his profession. A Sub Inspector (unidentified by the relatives) allegedly demanded BDT 2,000 (USD 28.77) on condition of releasing Saiful from police custody. Saiful's elder sister, Mrs. Hasina Begum, who is a handicraft maker in a cottage factory, gave the Sub Inspector the BDT 500 (USD 7.19) she had brought with her. The police officer then told Mrs. Hasina that five hundred Taka is not enough to release her brother and that he will send Saiful to the Court on the following morning. He suggested Mrs. Hasina to release her brother on bail. Mrs. Hasina then contacted a lawyer who asked BDT 10,000 (USD 143.83) for arranging bail for Saiful. On repeated request by Mrs. Hasina, the lawyer agreed to do the job for BDT 6,000 (USD 86.32).

On January 6, the Demra police produced Saiful before the Chief Metropolitan Magistrate's (CMM) Court including his name in a fabricated charge along with the names of many other such victims of arbitrary arrest. The CMM Court ordered Saiful be sent to the Dhaka Central Jail.

Meanwhile, Mrs. Hasina borrowed money to pay BDT 6,000 (USD 86.32) to the lawyer. Each day from January 7 to 9, the lawyer told Hasina that he was trying to arrange bail for Saiful as she asked about the progress. On January 10, the lawyer told Mrs. Hasina that Saiful's bail will be granted that same day and instructed her to go to the Dhaka Central Jail's gate by 9:00 AM on January 11 to receive her brother. Mrs. Hasina waited from 9 in the morning until 5:15 in the afternoon on January 11, but her brother did not emerge from the jail gates. Saiful was not released from detention at the time of our investigation.

Mrs. Hasina is worried about the future of her brother Saiful, whose employer fired him on the morning following his arbitrary arrest. Following this, Saiful's 22-year-old wife Marryam and 1.5-year-old daughter Tahira left their rented room in the slum and moved to the village home. Mrs. Hasina alleges that the police have no justification for the arrest of her innocent brother. She is concerned about the future of her own and her brother's financial livelihood.

Case 2: On 8 January 2007, around 11:00 AM, Liton, who makes paper packets, left his house to deliver his products to customers. At 12:00 PM, police arbitrarily arrested Liton from the Postagola area then allegedly fabricated a charge against him, implicating him in a bomb explosion and accusing him of damaging public property. He was produced before the Chief Metropolitan Magistrate (CMM) Court by the Shyampur Police. The Magistrate ordered to have Liton sent to jail, following the police's objections to grant him bail. After two hours Liton's family came to know about his arrest, and Liton's widowed mother, Mrs. Jotsna, immediately sought means to have her son released. She contacted a lawyer, paying BDT 6,000 (USD 86.32) on condition of arranging bail for her son, and spent an additional two thousand Taka to pay for her commute back and forth from her house to the police station, lawyer's chamber, court and jail. On 11 January the Magistrate Court released Liton on bail, and he was freed from the Dhaka Central Jail at 2:20 PM.

Liton and his family do not know whether he will be discharged from the case permanently or how much time and money will be necessary for him to be freed of the fabricated charge. Liton's mother-in-law mourns the fact that the family will be

socially stigmatized because of his arbitrary arrest and detention, though family and friends know Liton as a hardworking man who has never committed crime in his life.

Case 3: Mr. Mosharraf Hossain was waiting in front of the Dhaka Central Jail. He has a small hosiery factory at Mirpur section no. 1., where Md. Ripon (26) is the only worker. When Ripon did not come to work on 7 January morning, Mosharraf went to look for his employee, who has no relative residing in Dhaka. Having searched in many places, Mosharraf came to know that Ripon was arrested by the Shah Ali police on his way back home on 6 January evening. The police had allegedly implicated Ripon in a pending snatching charge, and he was being detained in prison. Without Ripon, Mosharraf's hosiery factory would have to close. In order to save his own livelihood, Mosharraf decided to have Ripon released from jail. He contacted a lawyer and paid BDT 4,000 (USD 57.55) to arrange bail for Ripon. On 10 January afternoon, the lawyer informed Mosharraf that Ripon's bail was granted and that he would be released from jail on the following morning (11 January). Mosharraf was waiting until 5:10 PM for his employee, who has no relative but an elderly mother in his village home in the Pabna district. He had not been released at the time of our investigation.

Mosharraf added that he pays Taka 3,000 (USD 43.17) per month to Ripon as his wage; the money spent to arrange Ripon's bail will be deducted from his salary.

Mosharraf does not know what will happen to Ripon as a consequence of having been falsely implicated in a snatching case. Mosharraf thinks that it is his human duty to save a helpless man's life as well as to protect his own livelihood. He will have to look for an alternate to Ripon, if the latter's livelihood is crippled with the fabricated charge.

Case 4: Md. Islam Babu (22), who lives at 24/1 Lalmohon Street in the Dholaikhal area under the Sutrapur police station, is salesman at a plastic pipe shop in the Alubazar area under the Kotwali police station in Dhaka. During the blockade on 9 January, Babu's employer, Mr. Jafarullah, entrusted Babu with the keys to the shop. Coming to the shop around 10:00 AM, Babu was determining whether he should open the shop when a clash between the police and political activists erupted, and demonstrators and pedestrians alike began to run away. Babu decided not to flee as he was responsible for the shop. The police reportedly beat Babu on the scene and arrested him. On the same day, Babu was sent to the Chief Metropolitan Magistrate's (CMM) Court where he was implicated in the police attack and charged with damaging public property. The Court ordered Babu to be sent to jail.

Babu's father Mr. Abdul Malek, who also works at a plastic pipe shop in the same area, was at a loss when he learned of his son's arrest. He requested his employer, Mr. Shah Alam, to arrange bail for his son. On 10 January, Mr. Shah Alam, paying BDT 1,000 (USD 14.39), managed to convince one of his lawyer friends to plead for Babu, and the latter was supposed to be released from jail on 11 January. Mr. Malek was frustrated as he waited in front of the Dhaka Central Jail with his employer Mr. Shah Alam. Both he and Mr. Alam are worried that the police may continue to harass Babu and that unexpected expenses might arise in efforts to be rid of the case against Babu.

Case 5: Md. Sagar (25), a green coconut seller on the footpath at Natun Bazar, lives in the Natun Bazar area under the Badda police station in Dhaka. On 7 January,

around 12:00 pm, Sagar was returning home for lunch by a rickshaw from his shop. On the way, the Badda police stopped his rickshaw and arrested him. Sagar's brother-in-law, Mr. Abul, went to the Badda police station on the same afternoon to release Sagar. The police refused to release Sagar saying that he was arrested by the order of superior officers. A Sub Inspector, whose name tag was removed from his uniform, allegedly said that for BDT 1,000 (USD 14.39), he would produce Sagar before the Court under section 54 of the Code of Criminal Procedure so that Sagar could easily be released on bail. Abul paid BDT 600 (USD 8.63), appealing to the police officer to produce Sagar under section 54. After Abul's repeated request, the police agreed.

Mr. Abul then made contact with a lawyer to whom he paid a total of BDT 2,500 (USD 35.97) to arrange bail for Sagar. The lawyer told Abul that Sagar might be released on January 11 or 12, and asked him to wait in front of the prison. Abul was waiting for Sagar outside the jail gate since the early afternoon of 11 January, but Sagar was not released at the time of our investigation.

Case 6: Md. Abdur Rahim (14), a screen print worker, was arbitrarily arrested on suspicion by the Savar police in the evening on his way back home in Joynabari village. Rahim's father Mr. Abul, a day labourer, rushed to the Savar police station to have his son released. It is alleged that the police took BDT 500 (USD 7.19) from Mr. Abul and promised that they will release his juvenile son from custody. Instead, the police produced Rahim before the Magistrate Court for public property damage. Abul spent BDT 6,000 (USD 86.32) to have his son released on bail. The lawyer assured him many times that Rahim would be released, so Abul spends his days in front of the Dhaka Central Jail to receive his son without knowing the reason of delays. Even in his young age, Rahim contributes to the family.

7. A businessman named Muzibur Rahman and his relative Mr. Waheduzzaman by the military personnel at the Paikgachha Upazilla (sub-district) of Khulna district on 23 January 2007. They had been arbitrary arrested and received threats and intimidation the Detective Branch (DB) Police and the Paikgachha police in Khulna district on 2 November 2006 (See further at: <http://www.ahrchk.net/ua/mainfile.php/2006/2069/> and <http://www.ahrchk.net/ua/mainfile.php/2006/2136/>)

An army team allegedly commanded by Major Mr. Mizan arrested Mr. Muzibur from the Paikgachha Magistrate Court area, while simultaneously arresting the victim's relative Mr. Wahed from his shrimp cultivation project at Kamarerabad village of the Paikgachha Upazilla. Both Mr. Muzibur and Mr. Wahed were tortured by the military at scene of arrest. They were then transferred and tortured at the temporary army camp at the Lona Pani Kendra (Saline Water Fisheries Research Institute) in Paikgachha. Due to the severe torture, Mr. Muzibur cannot move his right leg and Mr. Wahed has lost strength in the lower part of his body. They remain handcuffed to their hospital beds and are under police protection. Their families have been denied access and the victims fear for their lives, while the government authorities have not taken any action against the alleged perpetrators. They remained in detention without any specific charge until 14 February 2007 when a court granted bail following local human rights group's intervention.

This case can be found at: [UP-015-2007: BANGLADESH: Prolonged and arbitrary detention of two torture victims](#); and [UP-019-2007: BANGLADESH: Court granted bail to two torture victims](#)¹²

Section 6: Examples of endemic torture

Custodial deaths resulting from torture at the hands of the law-enforcement and security forces continue to occur, with over 60 reportedly thought to have occurred in the last seven months alone, and around 100 such deaths for 2007 in total. The authorities claim that they all result from heart attacks or the victim having jumped from roof-tops or tall trees (the victims apparently have access to roofs and trees during searches for evidence of their alleged crimes, according to the authorities). This practice is reminiscent of the notorious Operation Clean Heart in late 2002, in which an estimated 58 persons died in suspicious circumstances in detention following mass arrests. There is no mechanism to punish the perpetrators of torture, as the practice has not yet been criminalized by the authorities, even though Bangladesh is a State Party to the UN Convention against Torture (CAT). It must be recalled that Bangladesh made a reservation on article 14(1) of the Convention, which asserts the State's obligation to provide medical treatment and compensation to the victims of torture, which greatly undermines the value of Bangladesh's ratification of this important instrument and is indicative of the country's real intent with regard to the respect of human rights, regardless of the rhetoric used by the country's representatives at the United Nations Human Rights Council..

Examples

1. On 30 November 2005, the police of the Mohammadpur police station of Dhaka city arrested Shafiul Islam Shafi (35) after suspecting his involvement in a theft which took place at a jeweler's shop in New Super Market in the Sobhanbag area of the city. Shafi, who had been previously worked as a private security guard at the market and who was being irregularly paid his wages, went to the authority of the market to seek his due salary. The police arrested him soon after from his house seemingly upon the request of the market authority.

On 1 December, Shafi was produced before the Metropolitan Magistrate's Court and was taken into remand for three days. Police Sub Inspector, Mr. Ismail and Sub Inspector Mr. Shawkat, who are members of the Civil Team of the Mohammadpur police station, tortured him while taking him into a room on the first floor of the police station on December 1, immediately after getting him in remand from the court. Subsequently, he died allegedly at the hands of the police who took Shafi to the Sohrawardy Hospital after he had already died, according to the declaration by the medical doctors who were on duty there when he arrived. Eyewitnesses at the Dhaka Medical College Hospital (DMCH) morgue reported that there were a number of considerable injuries found over the legs and hands of the dead body of Shafi. SI Ismail and SI Shawkat beat Shafi with hockey sticks. On the same day, the police intimidated the doctors of the Sohrawardy Hospital for not disclosing the facts regarding his injuries caused as a result of torture on the body.

¹² <http://www.ahrchk.net/ua/mainfile.php/2007/2208/> and <http://www.ahrchk.net/ua/mainfile.php/2006/2069/>

The case can be read at: [UA-227-2005: BANGLADESH: Man illegally arrested and detained then tortured and killed in the remand of the police in Dhaka](#)¹³

2. On 4 January 2006, two persons were killed and at least 35 others were wounded by the police firing at a demonstration calling for uninterrupted electricity supply in the villages under Shibganj police station in Chapainawabganj district. The police and the Palli Biddut Samity authorities filed two separate cases against hundreds of villagers, including the leaders of the Palli Biddut Shamity Subscribers' Association, with the local police station regarding the incident. On January 22, late in the night, the Shibganj police arrested three leaders of the Palli Biddut Shamiti Subscribers' Development Association regarding two cases lodged against them by the police. According to the statement of Golam Rabbani's wife, Mrs. Shamima Akter Parul, the police blind folded the three leaders and tied their hands behind their back with rope and handcuffs. They were then taken to the Shibganj police station and beaten by the police. The police accused them of mobilising the people against the government authorities. They were then taken to the office of the Superintendent of Police (SP). The police put their heads underneath a table and forced them to kneel down. They then beat them with stick over different parts of the body. A panel of lawyers, visiting the victims in the Chapainawabganj jail, stated that the three were unable to walk properly due to obvious injuries sustained. The victims were admitted to the medical ward of the Chapainawabganj district jail owing to their leg injuries.

The case is available at: [UP-013-2006: BANGLADESH: Three persons tortured by the Chapainawabganj police](#)¹⁴

3. On 17 January 2007 at around 7:00 pm, members of the armed forces arrested Mr. Amanullah alias Aman (40) along with two other persons namely Mr. Abdul Gafur (38) and Mr. Basu Dev (32) from Kopilmuni Bazar under the jurisdiction of the Paikgachha police station in Khulna district. The soldiers started beating the three men at the time of arrest.

The army then took them to the temporary local army camp at the "Lona Pani Motso Gobeshana (Saline Water Fisheries Research) Institute", the Paikgachha police. Mr. Amanullah was detained in the military camp overnight and was allegedly subjected to brutal torture. On January 18, his physical condition deteriorated and he lost consciousness. At around 10:00 pm, Mr. Amanullah's dead body was brought to the Paikgachha Upazilla Health Complex, where the on duty medical doctors declared him dead. A medical doctor, on condition of anonymity, revealed that the victim was dead before he had been taken to the hospital by the Army personnel. The victim's death occurred within 27 hours of having been arrested.

The Army kept the Paikgachha Upazilla Health Complex confined for the whole day on January 19 while the inquest report was prepared by Sub Inspector Mr. Masduzzaman in presence of other officers of the armed forces, local police and civil administration and the hospital staffs. The inquest report was prepared by a police officer instead of a magistrate, in violation of Section 176 of the Code of Criminal Procedure. The hospital, including the Emergency Medical Treatment unit, was

¹³ <http://www.ahrchk.net/ua/mainfile.php/2005/1396/>

¹⁴ <http://www.ahrchk.net/ua/mainfile.php/2006/1499/>

completely suspended for the whole day for the public. The soldiers refused all patients who came to receive medical treatment at the hospital.

Meanwhile, the Paikgachha police lodged an Unnatural Death (UD) case with the same police station regarding Mr. Amanullah's death. The Paikgachha police claim that the victim had about five cases against him with the police station, while Mr. Gafur and Mr. Dev are on the "Criminal List" of the police without providing any details. The Army officers insisted the medical officers of the Khulna General Hospital into preparing a false post-mortem report declaring Mr. Amanullah's death was "due to cardio respiratory failure". Eyewitnesses said that they witnessed several injuries all over Amanullah's body.

Meanwhile, Mr. Gafur and Mr. Dev were found disappeared until January 22 since their arrest on January 17. Following deterioration of their health due to brutal torture in army custody, the alleged perpetrators admitted both of them at the hospital in the Khulna city on 19 January evening maintaining top secrecy. The two men received medical treatment until on January 22, the army handed over them to the Paikgachha police who produced them before the Paikgachha Upazilla Magistrate's Cognizance Court on January 23, under Section 54 of the Code of Criminal Procedure. The court ordered to detain them to jail.

Due to fear for security and ongoing state of emergency and severe censorship on publishing news criticizing the government, the news of Mr. Amanullah's death was not been published in any local media. There is no record of his death with the local hospital.

The urgent appeal can be found at: [UA-029-2007: BANGLADESH: Three men allegedly tortured by soldiers in Khulna; one dead](#)¹⁵

Example 5. On 20 February 2007, at around 10:00 am, 11 officers of Bangladesh Navy arrested Mr. Khabirul Islam Dulal, Commissioner of Ward No. 6 of the Charfashion Municipality under Bhola district. The officers alleged that Mr. Dulal was in possession of an illegal weapon and asked him to surrender it. As he expressed his ignorance about any possession of illegal arms they handcuffed and blindfolded him in front of many people and begun beating brutally. The Navy team pushed Mr. Dulal into one of their vehicles and took to the temporary camp in the upazilla Dak Banglo (a public rest house in the town used by the visiting government officials).

Over the next 4 hours, the commander, Lt. Reza of the Navy allegedly kept physically assaulting the victim with roller sticks, fists and boots. The victim was kept handcuffed and blind folded for almost the entire period. At around 3:30 pm, the navy took the victim to one of his aunt's house at Masterpara village in the Char Fashion municipality. At the house, the soldiers used abusive languages and threatened the family at gun point, including her 26 year-old and 16 year-old daughters. The victim was brought to the backyard and was again beaten by soldiers. The officers kept searching in the house for about 20 minutes. At around 4:00 pm, the officers once again blind folded and handcuffed the victim before proceeding to his house. Lt. Raza who was holding the rope that tied the victim's hands together, ordered the two armed

¹⁵ <http://www.ahrchk.net/ua/mainfile.php/2007/2192/>

soldiers to ransack the house. Lt. Reza again beat Dulal with a roller stick in the yard, this time in front of his family and relatives. At this time, Dulal's cousin's wife, Mrs. Parul Begum, attempted to save the man; however, officers pointed their guns at her head while two soldiers beat her with sticks on the lower part of the body.

Unbelievably, the soldiers also beat an 11-years-old girl named Moni who was carrying a 6-month-old son. A soldier pressed against Moni's throat and strangled her. The 6-month-old infant, Abir, was thrown around 10 meters away from Moni's lap. While this was happening, Parul's son-in-law Mr. Nur Uddin and his brother Mr. Mosleh Uddin came to visit the house and were also beaten by the soldiers.

Dulal's two sons, eight year-old Ziaur Rahman Jim and three year-old Jibon, were held at gun point while their mother, Mrs. Jasmine Akhter Khuku, was beaten in front of the family. Dulal's aunt Mrs. Moyful Begum and Dulal's 58-years-old mother Mrs. Hajera Khatun were also beaten by the navy personnel. Mrs. Khuku alleges that Lt. S M Reza beat her on the hips with stick; pushed her against the wall and hurt her right eye and foot, before knocking her to the ground. Also, about 1.5 million Taka (USD 21,740) was stolen from the house, money that was to be used as payment for labourers working on the "Abashan" and "Adarsha Gram" housing projects of the municipality. Gold ornaments worth approximately 1 million Taka (USD 14,500) and belonged to the projects contractors were also taken from the house.

After the raid on the house, two Navy personnel lifted Dulal's body and put a long roller stick under his arms, since Dulal's hands were tied behind his back. The men put the body by the side of a pond outside Dulal's house. Meanwhile, Dulal who had been unconscious returned to his senses and asked for water. A Naval staff brought dirty water from the pond in a pot and poured in Dulal's mouth. Then, Dulal was taken to one Mrs. Fatema Begum's home. As Dulal could not walk by himself, the Navy personnel held his arms and dragged his legs on the street. The Navy personnel asked Mrs. Fatema to give up the guns suspiciously kept in the house. Fatema then gave them a toy pistol, which her son plays with. Later on, Dulal was taken to the house of a former Member of Parliament (MP) and a leader of the Bangladesh Nationalist Party (BNP) Mr. Nazim Uddin Alam, who was not at home at that time. The security guards at the house Mr. Hafizur Rahman was also beaten by the Navy soldiers.

Then Lt. Reza brought Dulal to the rooftop and ordered him to stand up alone; however, Dulal was not able to do it by himself and fell down on the floor. Lt. Reza kicked him and ordered the soldiers to collect red chilli powder, salt and rice husks from a next door neighbour named Mrs. Helena's. The spices were mixed together with water in a bucket and poured in Dulal's mouth. About 20 minute later, Mr. Reza forced Mrs. Helena to give hot water, which was also poured into Dulal's mouth. Dulal's relatives claim that many people living in the adjacent houses.

Later at around 9:30 pm, navy personnel picked up Dulal in a vehicle and took to the Navy camp. Arriving at the camp, Lt. Reza kicked Dulal's motionless body was handcuffed and blindfolded in the back of the vehicle. Then, he held the rope and proceeded to kick Dulal's body severely and dragged him toward the nearby pond. As witnessed by many locals, Dulal's body rolled into the pond. For roughly five to six minutes, the body was under water. Later, Dulal's body was taken to the Emergency

Unit of the Char Fashion Upazilla Health Complex. The Medical Officer (MO), Dr. Ekramul Kabir, found that Dulal was already dead. “Doctor Ekramul Kabir of Char Fashion Upazila Health Complex also noted that Dulal died long before being admitted to the hospital. Observing the state of the body, he requested other four doctors for their opinion. After that they sent a report to the Char Fashion Police Station. There was a lot of water inside the dead body and the marks of ropes were clearly demarcated around the wrists. He also noticed that pieces of skin were falling off the body due to severe bruising and that the testicles were also bruised. Dulal’s throat was distended, and some of his toes and finger nails were missing too.”

Local journalists received threats from the Navy and were told to only write that “Dulal jumped into a pond and died when trying to flee”. The Navy personnel also threatened the local journalists that they would kill them like Dulal if they disclose anything more regarding the murder.

This case is available at: [UA-079-2007: BANGLADESH: Extreme torture, child abuse and an extrajudicial killing in Bangladesh as Navy runs rampant](http://www.ahrchk.net/ua/mainfile.php/2007/2267/)¹⁶

Section 7: System and legislation providing impunity to the perpetrators of human rights abuses

Bangladesh has further entrenched its culture of impunity during the State of Emergency. Section 6 of the Emergency Powers Ordinance ensures prior impunity to any perpetrators of gross human rights abuses. Section 6(1) declares that “*Any order relating to any authority delegated by or under, this Ordinance shall not be challenged before any court.*” Furthermore, according to Section 6(2), “*Unless any provision under this Ordinance stipulates otherwise, no civil or criminal case, or any other legal proceedings shall be lodged against the government for any harm incurred as a result of any action, or any action done in good faith under, by the authority of this Ordinance.*” Impunity has been legislated in the past in Bangladesh. For example, the government passed the Joint Drive Indemnity Act-2003 following the disastrous Operation Clean Heart, ensuring impunity for the perpetrators of torture and killings committed under this operation.

Section 46 of the Constitution of Bangladesh empowers the government to extend immunity from prosecution to any state officer on any grounds:

Notwithstanding anything in the foregoing provisions of this part, Parliament may by the 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 or order in any area in Bangladesh or validate any sentence passed, punishment inflicted, forfeiture ordered, or other act done in any such area), to make the above-mentioned law.

Although this provision was originally intended with reference to the 1971 war for independence from Pakistan, it is now being used to protect police and joint operations units from prosecution for human rights abuses. Notably, the Joint Drive Indemnity Ordinance 2003 removed from the hands of victims and their families the

¹⁶ <http://www.ahrchk.net/ua/mainfile.php/2007/2267/>

right to take legal action against soldiers, police and other security forces responsible for the gross abuses that occurred from 16 October 2002 to 9 January 2003 under Operation Clean Heart (see further: Nick Cheesman, "Fighting lawlessness with lawlessness [or] the rise & rise of the Rapid Action Battalion", article 2, vol. 5, no. 4, August 2006).

But aside from the passing of special laws under section 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.

Under 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 Bengal's 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. It is also an article that seems to have much more in keeping with antiquated French administrative regulations than with the common law tradition.

Even as Bangladesh's criminal procedure was being established, the eminent British legal scholar A V Dicey wrote of the "essential opposition" between the idea that a government official should have special protection from a court on the grounds that they were merely carrying out an order and the basic principles for the rule of law and justice in England:

The personal immunities of officials who take part... in any breach of law, though consistent even with the modern droit administratif of France are inconsistent with the ideas which underlie the common law of England. (A V Dicey, Introduction to the study of the law of the constitution, 8th ed., Liberty Fund, Indianapolis, 1982 [1915], p. 267)

The government of Bangladesh has never sought to make changes that would overcome this inconsistency. On the contrary, it has exploited 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 courageous attempts of Shahin Sultana Santa and her husband to overcome these massive obstacles are illustrative (Lawless law-enforcement & the parody of judiciary in Bangladesh, article 2, vol. 5, no. 4, August 2006). Santa was assaulted in front of television cameras and mercilessly tortured by the police in Dhaka during March 2006: she was pregnant at the time, but lost her child shortly afterwards. In any sane and properly functioning society, such an incident recorded for the whole world to see would lead to swift and severe punishment of the perpetrators, and probably high-level inquiries to determine what went wrong and make legal and structural changes

to prevent similar atrocities in the future. But the police, judiciary and administration of Bangladesh are neither sane nor properly functioning.

What happened when Santa went to lodge a complaint? The Mohammadpur police refused to record it: not once, but repeatedly. Her husband, a lawyer, lodged two cases directly in the court. One of the cases was investigated by a judicial probe commission, on an order from the judge. The probe did not finish the job. The judge then ordered a supplementary report. The report concluded that "the victim was excessively tortured unnecessarily, which is a punishable crime under the Penal Code, if it is sanctioned by the authority according to the section 132 of the Code of Criminal Procedure". So far so good, but what happened? The judge dismissed the case on a technicality: that the probe had not established the intent of the police as required under the Women and Children Repression Prevention (Special Provision) (Amended) Act 2003. Never mind that the judicial investigator had concluded that there was a case to be answered under the Penal Code, the whole thing was thrown out even before anyone was taken to trial. Santa and her husband are now pinning their hopes on the Supreme Court. But few others would have the know-how and determination to carry on if in their shoes.

Section 197 for its part iterates that a court must obtain government approval to hear a case against one of its officers, and then, that even if it is approved the government has complete control over how the case is heard:

(1) When any person who is a Judge within the meaning of section 19 of the [Penal Code], or when any Magistrate, or when any public servant who is not removable from his office save by or with the sanction of the [Government], is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the [previous sanction of the Government]-

(2) [The Government] may determine the person by whom, the manner in which, the offence or offences for which, the prosecution of such Judge, [Magistrate] or public servant is to be conducted, and may specify the Court before which the trial is to be held.

Under these circumstances it is no exaggeration to say that the notion of redress for rights abuses by state agents is non-existent in Bangladesh. Where politicians use the police, magistrates and prosecutors for personal gain, what approval can be expected from them when an ordinary person alleges torture, death by "crossfire" or some other terrible wrong committed by police or other security officers? All claims by the government that there is justice and enjoyment of human rights in Bangladesh are made farcical when viewed through the lens of these laws.

Who's afraid of a judicial probe?

A judicial probe is an investigative inquiry into an active case by a magistrate under the Code of Criminal Procedure. According to its section 202(1), it is possible for

Any Magistrate, on receipt of a complaint of any offence of which he is authorized to take cognizance, or which has been transferred to him under section 192, may, if he thinks fit, for reasons to be recorded in writing, postpone the issue of process for

compelling the attendance of the person complained against, and either inquire into the case himself or, if he is a Magistrate other than a Magistrate of the third class, direct an inquiry or investigation to be made by any Magistrate subordinate to him, or by a police officer, or by such other person as he thinks fit, of the purpose of ascertaining the truth or falsehood of the complaint; [Provided that, save where the complaint has been made by a court, no such direction shall be made unless the provisions of section 200 have been complied with.]

In Santa's case, a judicial probe found that she had been tortured and prosecutions could follow under the Penal Code, but still the judge found a way to enforce the wishes of the police rather than due process. This is the usual fate of a judicial probe in a human rights case.

Take the brutal assault on journalists on 16 March 2006 in the Chittagong stadium at the start of a test cricket match between Bangladesh and Australia. This police attack also was televised and could not be disputed. Under heavy pressure, a judicial probe commission was set up under the District and Session Judge of Comilla. The State Minister of Home Affairs, Md. Lutfuzzaman Babar, promised that the probe report would be published in the media the day after it was submitted to his ministry and the alleged perpetrators would be prosecuted in accordance with its findings. The minister subsequently forgot all about these promises. The report was never published and nor have any perpetrators ever been punished, apart from some departmental disciplinary action.

Ultimately, most probe commission reports are useless documents that anyhow are ignored or manipulated by the authorities to reach whatever conclusion they would have come to in the first place: i.e. one that will ensure that the perpetrators escape punishment. Sometimes the failure is due in part to the work of the person heading the probe, who may deliberately distort and delay the findings to protect the accused, or who may simply have a lack of genuine commitment and interest in the needs of the victim. In other instances, it is the efforts of other authorities to undermine the probe that are its downfall. Many times it is due to both. In either case, most reports end up gathering dust on a shelf or in a wastepaper basket.

In fact, whereas a judicial probe is intended to reveal truths that may cause the case to progress, it can also be used to dispatch a case without giving the complainant any chance to speak. This is because under section 202(2B) if the police are entrusted with the probe, "When the police submit the final report, the magistrate shall be competent to accept such report and discharge the accused." This is what happened in the case of Abdur Razzak, who died in Bogra district jail on 27 June 2005 after illness and an assault which was allegedly on the orders of the jail authorities. When Razzak's mother lodged a complaint in court about the death of her son, the magistrate instructed the officer in charge of the local station, Police Inspector Mansur Ali Mondol, to investigate the case. Mondol lodged a final report with the court without investigating and recording the complaint as required. The case was closed without Razzak's mother being informed. She was thereafter forced to open another case against the alleged perpetrators. Other human rights cases where judicial reports have come to little or naught include the assault of Rashida Khatun; the mass killings and

assaults in Nawabganj, and the shooting deaths of two men and a boy and injury of at least 16 others on the orders of a magistrate in Kustia.

Section 8: Examples of extra-judicial killings

Examples:

1. In a demonstration outside of the rural electrification office on January 23, 2006, eight persons were killed by police fire. The police had gone to remove the road blockade at Kansat Bazar, where the demonstrators, all consumers of the Palli Biddut (Rural Electrification) were demanding the release of three leaders of the Palli Biddut Subscribers' Development Association. Without notice the police fired on the crowd, killing six people on the spot and causing serious injuries to many others, who are now struggling to survive in hospitals without appropriate medical treatment. Two victims have since succumbed to their injuries in the Rajshahi Medical College Hospital (RMCH).

The victims of extrajudicial killings are identified as: 1. Nasir Uddin (35), son of Mr. Ayes Uddin, living in Kharokpur village under Shibganj police station in Chapainawabganj district

2. Anwarul (30), son of Mr. Fakasu Mondol, living in Kanshat colony under Shibganj police station in Chapainawabganj district

3. Mannan (40), son of Mr. Mosahak Mondol, living in Shibnagar Ghontola village under Shibganj police station in Chapainawabganj district

4. Garibullah (35), son of Mr. Nizam Uddin, living in Kolabari village under Shibganj police station in Chapainawabganj district

5. Manirul Islam Chowdhury (26), son of Patan Ali, living in Trimohini village under Shibganj police station in Chapainawabganj district

6. Anwar Hossain Babu (12), son of Mr. Abdul Kuddus Ali, living in Shibnarayanpur village under Shibganj police station in Chapainawabganj district

7. Daud Ali (27), son of Mr. Jarjis, living in Baluchar village under Shibganj police station in Chapainawabganj district

8. Ahab Ali (28), living in Kharokpur village under Shibganj police station in Chapainawabganj district

The case is available at: [UA-041-2006: BANGLADESH: Eight people killed and at least one hundred injured by police fire in Chapainawabganj district](#)¹⁷

2. On 8 March 2006, Md. Masudur Rahman (alias Iman Ali) appeared before the Dhaka Sessions Judge's Court for a case against him. As soon as he came out of the Court room a team of the Rapid Action Battaion (RAB) arrested him. The following morning (March 9), Iman's dead body was found in a field at Khagain village, around one kilometre away from his home. The Savar police recovered the body for autopsy and handed it over to Iman's family at around 4pm on the same day. Iman's relatives alleged that this was a blatant killing, not 'crossfire'. "Two bullets entered into the left side of the chest and exited from the back while another bullet exited through the right of the back after entering into the chest; all three bullets hit from the front side of the

¹⁷ <http://www.ahrchk.net/ua/mainfile.php/2006/1492/>

body.” He had been electrocuted before being killed after seeing burns to his back and right hand. There was also swelling around the right ear, a bruise on the right side of the face and a hole in the toe of the right foot. Quoting eyewitnesses, Iman’s brother Mr. Nazrul said that security guards witnessed the RAB personnel shoot five rounds of blank fire after having already shot Iman. The RAB personnel allegedly stole a gold chain, two gold rings, a mobile phone and about Taka twenty thousand from Iman during the arrest.

The case can be read at: [UA-106-2006: BANGLADESH: Arbitrary arrest and extra-judicial killing by the Rapid Action Battalion in Dhaka](#)¹⁸

3. On 14 July 2006, a Rapid Action Battalion team arrested business partners Harunur-Rashid and Aslam Hossain at their travel agency in Dhaka. The same evening they were handed over to a RAB-6 unit responsible for Jessore district, Khulna division, Bangladesh. According to the Jessore RAB, Harun and Aslam confessed under interrogation to having hidden illegal arms at two different places.

Relatives of the two men allege that RAB personnel contacted them and offered their lives in exchange for 700,000 Taka (USD 10,000). The price was too high for the families, who could not raise even a third of the amount. The two men became able to manage 200,000 Taka (USD 2,860) by which the RAB were not convinced. Finally, both men were later killed in an incident involving so-called "crossfire".

RAB publicized that at 3:40 am on July 16, Hossein was taken to Shekhhati Taraf Nawapara village three kilometres east of Jessore town, purportedly to recover illegal weapons, when he was supposedly killed by "crossfire" as his associates ambushed the RAB unit. He was declared dead at the Jessore General Hospital. The RAB said that it seized one pipe gun and three bullets at the scene.

About the second victim the RAB claimed that on the same morning, they took Rashid to Krishnabati village beside the Jessore- Kolkata highway, four kilometres west of Jessore, with the intention of recovering weapons. A group of Rashid's followers reportedly were ambushed and the victim was killed in "crossfire" as he tried to flee. The RAB said that it seized one pistol and one bullet from the place.

According to villagers, both victims had been involved in criminal activity over a decade ago but had surrendered under a general amnesty in 1999. They succeeded in getting bail in the cases that were finally lodged against them and started a business in Jessore. The Jessore district central (Kotwali) police station confirmed that there had been no complaints lodged against either of the men anywhere in the country since 1999.

This urgent appeal is available at: [UA-268-2006: BANGLADESH: Two persons killed in "crossfire" at Jessore while in the custody of the Rapid Action Battalion](#)¹⁹

4. On the morning of 1 September 2006, a Rapid Action Battalion team arrested laundry worker Mr. Md. Shamim and chicken-seller Mr. Abul Hawladar from the Tutpara area in Khulna. Early in the morning on September 2, sounds of gunfire and

¹⁸ <http://www.ahrchk.net/ua/mainfile.php/2006/1613/>

¹⁹ <http://www.ahrchk.net/ua/mainfile.php/2006/1911/>

hand bombs blasted throughout the streets awaking the inhabitants of Baro Khalpar, Khulna city. When local people thought that it was a robbery they began to shout at the culprits; however, the RAB officers urged them not to worry. The RAB personnel then informed local's that they had an 'encounter' with an extremist group.

RAB's news release issued that on September 2 claimed that, the RAB-6 arrested Mr. Abul Hawladar and Mr. Md. Shamim from Tutpara on September 1, at around 9:00 am. During their interrogation, both men confessed that they were cashiers (toll-collector) of the underground extremist party "Janajuddho" (Mass war). They also revealed the names of their associates, who were allegedly plotting destructive activities on a regular basis at their meetings in the Baro Khalpar area. When RAB took Abul and Shamim to the Baro Khalpar area, terrorists open fired against the officials, who then replied with gunshots, and during the 'encounter' between the RAB and the gang, Abul and Shamim fled the scene. The police along with local people then found their bodies and brought Abul and Shamim, to the hospital where the on duty doctors declared them dead.

The two families of the deceased termed the deaths of Abul and Shami as "preplanned killing in the name of crossfire". Mr. Abul's brother Mr. Tipu Hawladar claims that Abul was a chicken seller at Jorakal area for a long time. He alleges that the RAB has given back a dead body of an innocent man. Mr. Tipu went on to expressed his deep concern and shock to why there is still no justice in the country.

Shamim's wife Mrs. Duli Begum also said, "We were almost struggling with financial hardships in our five-year conjugal life, despite my husband used to work in two laundry shops until the late night every day. People, who collect millions of Taka as tolls should not live in a slum like us". She alleges that the RAB has made her a widow with the killing of her innocent husband.

On 24 September 2006, concerned police officers of the Khulna Metropolitan Police (KMP) asserted that there was no case and no general dairy (GD) was lodged against Mr. Abul Hawladar and Mr. Shamim.

The families of the deceased persons allege that the personnel of the Rapid Action Battalion are continuously threatening them not to speak out regarding the so called "encounter" deaths of their relatives. The RAB personnel also have asked them not to contact journalists or human rights defenders. The families have been warned that if they violate the directions of the RAB personnel then they will also be killed in 'crossfire'.

This urgent appeal can be read at: [UA-343-2006: BANGLADESH: Alleged extrajudicial killings of two more persons in the pretext of "crossfire" by the Rapid Action Battalion](http://www.ahrchk.net/ua/mainfile.php/2006/2031/)²⁰

5. Mr. Md. Moshiul Alam Sentu was passing through Nilkhet area adjacent to the Dhaka University by rickshaw with his friends on 15 July 2008 at about 7pm. A microbus carrying members of RAB-3 chased him from behind and shot at his right

²⁰ <http://www.ahrchk.net/ua/mainfile.php/2006/2031/>

leg. The RAB members kicked him dragging on the ground while arresting and picking up in their vehicle. Sentu's mother, an inhabitant of Barisal city, got the information of her son's arrest from a witness of the scene of arrest and contacted to the local office of RAB-8, deployed in the southern city of Barisal. Major Mr. A K M Mamunur Rahsid Mamun of the RAB-8 confirmed the arrest of Sentu assuring her that nothing unwarranted would happen to her son.

On the following day early in the morning Sentu's mother learned that Sentu was killed in "shootout" by RAB at Bilbobari area in Kashipur of Barisal. At around 4am on 16 July 2008 some inhabitants witnessed the scene of making the story of this "shootout". Ms. Morzina Begum witnessed, in the semi-darkness, that three RAB vehicles arriving and stopping suddenly on the street beside her house. About 15 members of the RAB were walking around. The officers were seen standing in different groups in various parts of the road, which had a paddy field on one side and a canal on the other. The RAB officers blocked the road and fired about three blank shots into the air. They began to continually open and close the doors of their vehicles. Then the RAB officers carried something out of the vehicle and put it in the paddy field. After few minutes she heard the sound of gunshots. Unable to even think about sleeping until finding out more about the incident, she took a Koloshi (earthen jar for carrying and preserving water in rural area) and pretended to be collecting water. She walked past the scene where the RAB had gathered and moved toward her neighbour's house. On coming back the same way, she saw a body lying in the paddy field, very close to the road with RAB officers scattering something on the ground. Morzina was asked by the RAB officers whether she could identify the body. To avoid any future trouble she replied in the negative. Then the officers told her that the person was Chhatra Dal leader Sentu, who had just been killed in a "shootout." At this time the RAB personnel brought ammunition from their vehicles and scattered them on the ground. There was no ammunition in this area when she first saw it. About 7am police and a Magistrate arrived at the scene and prepared an Inquest Report on the dead body. She confirmed that there was no blood on or around the place where Sentu's dead body was placed but merely two new towels.

Another eye-witness named Ms. Khaleda Begum asserted that she witnessed the RAB officers firing blank shots from their guns at about 4am. After an hour she went to the paddy field and saw a dead body and two towels. None of the neighbouring families heard any other sounds except the movement and blank gunshots fired by the RAB.

A retired army officer named Mr. Mahtab, from West Kauniya Bagan village, visited the scene and saw the members of the RAB standing around the dead body of Sentu. He noticed a few guns and bullets scattered on the road. The paddy field, which was the scene of the "shootout", was not trampled and there was no damage to the crops. Mahtab told the rights activists that he had seen Sentu's dead body at the scene of the alleged "shootout". The body had two bullets in the chest shot from very close range and a bullet in the left leg shot from a few feet away. This estimate was given from his long experience in the army. The dead body seemed to have been placed in the paddy field. He argued that if there was a gunfight between two groups there would have been extensive damage to the paddy field.

However, the RAB-8 issued a media release saying that on 16 July at 4:15am when the team arrived at Bilbobari of Kashipur in Barisal, Sentu's associates attacked their

(RAB) microbus and opened fire in order to recapture Sentu. To protect State property and to maintain their safety RAB fired back. Sentu managed to escape from the RAB microbus. The exchange of fire continued for about 12 minutes after which Sentu's associates stopped firing. The RAB officers cordoned off the whole area and at dawn found Sentu's body in the area of the shootout along with the ammunition of his associates. The windows of the RAB microbus were broken and two officers were injured in the incident.

Section 9: Attacks on the freedom of the press and the work of human rights defenders

Human rights defenders and professionals, including from the media, are regularly being monitored, threatened and intimidated by the personnel of the country's armed forces and various intelligence agencies.

Human rights defenders: Numerous human rights organisations that have been critical of the government and are seeking redress for victims have been visited by the intelligence agencies' officers, who check their project proposals, activities and funding sources. Dozens of human rights defenders are facing fabricated criminal charges, which have been lodged either by the law-enforcement agencies or by their allies.²¹ Many of them have been detained and tortured.²²

While there are a large number of NGOs operating in Bangladesh, providing services that the State is failing to provide itself, the great majority of them are reduced to working on non-threatening issues, as working on serious rights violations such as torture, extra-judicial killings and the like results in severe repercussions.

For example, human rights defender Mr. Jahangir Alam Akash was arbitrarily arrested despite a High Court order not to arrest him.

Mr. Akash, a journalist and human rights defender, published news on extrajudicial killings by Rapid Action Battalion 5 (RAB-5) in Rajshahi District. As a human rights defender (he is the Coordinator of the Task Force against Torture) in the district he sent the information to human rights organizations at home and abroad. Subsequently, he was threatened by Major Mr. Rashidul Hassan Rashid of RAB-5, who has been engaged in a UN Peacekeeping Mission in the Ivory Coast since July 10, 2008. A fabricated extortion case was lodged against him on June 20, 2007 in secret, but this was exposed on October 2, 2007. Mr. Akash took action and was able to obtain ad-interim anticipatory bail from the High Court Division for two months on October 17, 2007. Ignoring the High Court's order, RAB-5 arrested him on October 24, 2007. Several hours later an extortion case was lodged against him.

Upon arrest, from his house in Rajshahi city, he was blindfolded and beaten with boots and fists. The RAB allegedly hung him from the ceiling and tortured him one of

²¹ For example, <http://www.ahrchk.net/ua/mainfile.php/2008/2713/>

²² Please see here for examples: <http://www.ahrchk.net/ua/mainfile.php/2007/2369/>;
<http://www.ahrchk.net/ua/mainfile.php/2007/2262/>;
<http://www.ahrchk.net/ua/mainfile.php/2007/2247/>;
<http://www.ahrchk.net/ua/mainfile.php/2007/2223/>.

their torture cell. He lost consciousness on several occasions as a result of the torture. He was handed over to the Boaiya police in Rajshahi later that evening. The police did not produce him before any court before sending him to prison under a fabricated extortion case lodged under the Emergency Powers Rules. He was detained in prison for 27 days until he was granted bail from High Court Division and the Metropolitan Sessions Judges Court of Rajshahi.²³ Mr. Akash was released from detention on November 19, 2007. On November 25, 2007, another extortion case was lodged against him at the Puthia police station. Initially, the Metropolitan Sessions Judge's Court granted him bail, removing a charge under Section 16(2) of the Emergency Powers Rules 2007 that would have prevented him from getting bail. After his release the local administration, under the influence of RAB-5 and the Police, added a charge under Section 16(2) again through an order issued by the Ministry of Home Affairs. Altogether the RAB managed to get three fabricated charges lodged against him by their alleged allies. A writ petition has since been lodged with the High Court Division by those assisting Mr. Akash, enabling him to post bail concerning these cases.

In another case, a human rights defender who had been working on the landless and homeless poor's right to land for many years, Mr. Shahidul Islam, was illegally arrested by the armed forces from his office, detained and tortured in the army camp. He was unable to stand or walk on his own due to the torture he had been subjected to. In the evening he was sent to Satkhira District Jail without any medical treatment or production before any Magistrate.²⁴

Another example is the case of Nasiruddin Elan, who was threatened and intimidated by Navy officers.²⁵ At around 2 pm on 26 April 2007, Mr. ASM Nasiruddin Elan, the acting director of the ODHIKAR, a human rights organization based in Dhaka, received a phone call from Lieutenant Commander Mr. Mehedi of the Bangladesh Navy. Mr. Mehedi asked Mr. Elan to meet Mr. Zubayer, Captain of the Bangladesh Navy, at their Naval Headquarter in Banani, Dhaka. Soon afterwards another phone call was received by Mr. Elan from a person allegedly attached to the Naval Headquarter Intelligence. The caller informed that Captain Mr. Zubayer wanted to discuss with him regarding two incidents of deaths in naval custody in the Bhola district, which was earlier investigated by the Mr. Elan's fact-finding teams representing ODHIKAR.

At around 10:15 am on May 2, Lieutenant Commander Mr. Mehedi called to the office of ODHIKAR and once again asked Mr. Elan to go to the Navy Headquarters. Mr. Mehedi told Mr. Elan that Captain Zubayer wanted to discuss with him regarding the death of two persons, and insisted him to meet Captain Zubayer. Mr. Elan, however, told Lt. Commander Mehedi to instead send an official letter from the Navy Headquarter. At 12:15 pm and at 3:30 pm, Lt. Commander Mehedi made repeated phone calls insisting for him to report to their Headquarters at 9 am on May 3. Lt. Commander Mehedi told Mr. Elan that their office would never send any official letter to his organization. At 4 pm, Lt. Commander Mehedi once again called Mr. Elan informing him that his colleague, Captain Zubayer would meet him, at 9 am on May 3.

²³ <http://www.ahrchk.net/ua/mainfile.php/2008/2713/>

²⁴ <http://www.ahrchk.net/ua/mainfile.php/2007/2223/>

²⁵ <http://www.ahrchk.net/ua/mainfile.php/2007/2369/>

On May 3, at around 9 am, a man wearing plain clothes went to the ODHIKAR office. He introduced himself as Mr. Mizan, a radio operator and said that he was sent by the Navy officers to take Mr. Elan to the Headquarters. Mr. Elan was taken on a scooter with registration number: Dhaka Metro-Tha-03-3766. It was Mizan who driven the scooter towards the Navy's Headquarters and arrived there at 9:40 am. At 9:45 am, a Sub Lieutenant named Mr. Enayet Hossain, had called from the Navy Headquarters to inquire whether Mr. Elan had left from the Naval Headquarters or not.

At around 9:50 am, Mr. Elan was taken inside the Navy Headquarter and was made to wait until 11 am inside the communication room. Two navy officers were present there at that time, and were later joined by another two officers wearing plain clothes entered the room. Captain Zubayer addressed them as officers of the Directorate General of Forces Intelligence (DGFI). Soon after the two DGFI officers came in, Captian Zubayer started casting abusive words against Mr. Elan telling him: "How dare you criticize the Navy?" and proceeded on threatening him as: "If I kill you now, who will save you?"

The other persons inside the room likewise started interrogating Mr. Elan using rough and harsh language. They mentioned that they knew a lot about ODHIKAR and if necessary they would interrogate even the President of ODHIKAR, Mr. Hassan Arif, who is a former Attorney General of Bangladesh. Showing a number of paper clippings of ODHIKAR's fact-finding report. They also accused all the staffs of ODHIKAR as involved in seditious and anti-state activities and that they are all traitors.

"You all are agents of (abusive language) America, India and Pakistan from where you receive money." The officers continued on casting abusive language saying: "We (expletive) ODHIKAR, American Embassy and your admirers." One of them said: "I will hand you over to the DGFI for further action." The navy officers then told Mr. Elan to: "Stop you activities immediately! You must keep in mind that you are working in a State of Emergency". Captain Zubayer said to Mr. Elan that "it is better for him to start agricultural farming than engaging in human rights activities." He also warned Mr. Elan not to mention about their meeting to anyone, otherwise he could be arrested.

At the end of the meeting, Mr. Elan was asked to wait in the next room. His cell phone was switched off and kept away from him while he was being blocked from communicating with his colleague, Mr. Elyus. Mr. Elyus had earlier accompanied him to the place but was refused entry into the office of Captian Zubayer.

The media: Two private television channels, ETV and CSB News have been accused of broadcasting 'provocative' video footage and reports concerning recent riots in the country, and on August 23, 2007, the Press Information Department ordered them not to publish any more such programmes. This was supplemented by an order to close down the CSB News TV channel. The AHRC was informed that the transmission of the CSB News was reportedly cut from 6:35 pm on 6 September 2007 for seven days through the intervention by the Bangladesh Telecommunications Regulatory Commission (BTRC). The BTRC chairman, who is a retired major general of the

army, was accompanied by a number of military officers at this time. It is believed that the BTRC stopped the transmission of the CSB News due to its broadcasting of the brutality of the armed forces and the police during the protest in the Dhaka University area. It is alleged that the government has intentionally stopped the transmission the TV channel without any guaranteed possibility of resuming its programme after the said seven days; it is still closed.

The officers of the armed forces monitor the television news bulletins and newspapers and threaten and intimidate editors by phone or in person. Television channels have stopped broadcasting many of their issue-based discussions and talk show programmes and newspapers are also engaged in heavy self-censorship. The media now only publish items that the government will like. The stories of arbitrary arrests, torture and extra-judicial killings at the hands of the armed forces and other law-enforcement agents, including incidents of fabricating charges against innocent people by the law-enforcement agencies, are rarely published in the print and electronic media.

The ability to use force at will has increased the vulnerability of any persons that oppose the government, be they demonstrators, journalists or human rights defenders, for example. On August 23, 2007, some 12 journalists were arrested in one incident while covering the clashes between the military and Dhaka University students and other protesters. It is believed that several other journalists have also been arrested in separate incidents.

Shah Shamsul Haque Tengku & others: A bloody day at the cricket:²⁶

Photojournalists Farzana Godhuli and Shah Shamsul Haque Tengku arrived at the Chittagong stadium at around 9am on 16 April 2006 in order to cover a cricket match between Bangladesh and Australia. Chittagong Metropolitan Police traffic sergeant Anwar Sattar stopped their motorised rickshaw at the gate as it did not have a parking permit. The journalists then showed their accreditation cards and a VIP car-parking pass and asked to proceed. The police sergeant became aggressive and abused the journalists. When they responded to him, he allegedly pulled Tengku out of the vehicle and began punching and kicking him, while threatening to kill him. Some other police joined the melee. Meanwhile, other journalists who saw the attack rushed to take photos and to intervene. The sergeant became annoyed with them and tried to take their cameras.

The journalists decided not to cover the cricket match but instead protest against the police assault. When the match organisers and administrators sought to reconcile the journalists and police, the journalists held a sit-down strike on the boundary of the playing field. Chittagong Metropolitan Police (Port Zone) DC Ali Akbar Khan then led a group of around 25 policemen to beat the journalists with rifle butts, batons, boots and fists. They also stole and broke as many cameras as they could. At least 16 journalists were injured, including Anurup Roy Titu, who had to undergo an operation at the Royal Hospital in Chittagong for head injuries. A 65-year-old photojournalist, Zahurul Haque, was also severely beaten with batons and rifle butts while lying on the ground.

²⁶ Please see further details at: [AHRC UA-128-2006](#); [UP-089-2006](#); [UP-095-2006](#); [UP-121-2006](#); [UP-141-2006](#) and page 59 onwards of <http://www.article2.org/pdf/v05n04.pdf>

Although the assault was broadcast live on national and international television, incredibly the Chittagong Metropolitan Police headquarters on the same day denied any wrongdoing. Nonetheless, Police Sergeant Sattar was temporarily suspended the next day, and DC Akbar was removed from his duties, but not suspended.

Journalist groups were not satisfied and demanded a judicial inquiry into the incident and permanent suspension of all police involved in the attacks. On April 19, the High Court Division of the Supreme Court asked the government to explain about the attack, and why it had not taken disciplinary action against the police involved. It also directed that the journalists be compensated. In response, the government set up a judicial probe and a committee to suggest treatment and compensation for the journalists. A senior police officer was also assigned to make internal inquiries.



Police assault journalists in the middle of the Chittagong cricket stadium during an international match (Anurup Roy Titu on the ground at centre) - Photo: DEBU PRASAD

On April 24 District and Session Judge Shawkat Hossain was assigned to undertake the judicial probe. The probe started on May 7 and was to be completed on May 17. But after more than a month its work was not done. Furthermore, some journalists had alleged that the probe recorded statements from a number of fake eyewitnesses put forward by the perpetrators.

Meanwhile, a seven-member committee headed by the Joint Secretary of the Information Ministry, Mir Mosharraf Hossain, recommended paying 1,436,397 Taka (USD 21,000) to twenty journalists who were injured and had cameras broken in the assault. The authorities agreed to pay and arranged for further medical treatment for Anurup Roy Titu in Thailand, and Shamsul Haque Tengku in Dhaka.

The police departmental inquiry conducted by DIG Aminul Islam implicated DC Akbar, AC Enamul Kabir and Police Sergeant Hossain. The police chief then said that he would wait for the judicial probe's report before taking action.

On July 12 the home affairs minister announced that he had asked the police chief to begin departmental proceedings against the three alleged perpetrators based on the findings of the judicial probe and police reports.

Despite the high profile of the case and findings of guilt by various inquiries, the authorities have not started criminal proceedings against the accused police. Concerned persons say that the compensation payments and other efforts by the state appear to have been aimed at diminishing public hostility and mollifying the journalists in order to avoid criminal prosecutions.



DC Akbar assaults 65-year-old journalist Zahurul Haque in the Chittagong stadium - Photo: DEBU PRASAD

In another case, the Durgapur police of Rajshahi district allegedly arbitrarily arrested a journalist, Mr. Robiul Islam on 28 March at about 2:30pm without any arrest warrant from his house by Sub Inspector Mr. Golem Mohammad. While in police custody for about 12 hours, the police attempted to implicate him in a robbery case and intimidated him to make a confessional statement. The journalist published serious reports on malpractices done by the police. Following the intervention of a few concerned journalists and his relatives, the police released him at 2a.m. on the following morning. The authorities did not hold any investigation or punish any of the alleged perpetrators.²⁷

²⁷ Please see further details at: <http://www.ahrchk.net/ua/mainfile.php/2008/2810/>

Section 10: Independence of the judiciary and the directions of the Supreme Court²⁸

The Supreme Court of Bangladesh, including both of its divisions, is the only genuinely independent court in the country. In fact, in contrast to other parts of Bangladesh's odd judiciary, it has up to the present obtained public respect for its uprightness and non-partisan decisions. Among its historic verdicts in recent times was its order to the government to cleave off the two lower tiers from the various ministries to which they are answerable (in *State vs. Mr. Mazdar Hossain*, 2 December 1999). That order included 12 directives to the government, including to establish a Judicial Service Commission for recruitment of judges of the subordinate courts and to ensure financial upkeep of the courts. The problem is that as the one island of relative coherence and consistency in a sea of corruption and maladministration, the Supreme Court judges have difficulty enforcing these directives. Even the staff members of the Supreme Court offices, such as bench clerks, are known to compel litigants to pay bribes every step of the way, and offer extra services, such as pushing cases up the queue, for more money.

Although section 22 of the Constitution of Bangladesh directs the government to ensure an independent judiciary, in fact the entire lower judiciary in Bangladesh moves on strings extending from government departments. The components of the special rapporteur's equation--rule of law, separation of powers, independence of judiciary and for that matter, genuine democracy--are all missing from Bangladesh today. To understand why, it is necessary to look in more detail at the structure, work and characteristics of its judges.

The judiciary in Bangladesh has three major parts, starting with magistrate's courts and then judge's courts in each of the country's 64 districts, and at its peak, the Supreme Court, which comprises of a High Court Division and Appellate Division.

To open a case, it is necessary to go through a magistrate. Here a complainant will find the first problems, particularly if the complaint is against a state official. Magistrates are not independent of the government. In fact, they are petty administrators-cum-judges. All magistrates throughout the country, and at the four metropolitan cities, where they work in Chief Metropolitan Magistrate's Courts, are answerable to the local district deputy commissioner. This person is the chief executive officer of the area. The deputy commissioner will also hold the position of district magistrate, who is in turn the boss of the additional district magistrate. The latter handles the assigning of duties to the sitting magistrates throughout the jurisdiction together with the district magistrate/deputy commissioner: these may include revenue collection and other administrative functions. So magistrates work for not only the Ministry of Home Affairs but also the Ministry of Establishment and the Ministry of Finance. They can also at any time be assigned duties from other ministries. A "magistrate" may at 9am start work as a revenue collector, after 11am go to sit in court and conduct trials and after lunch be engaged in some other government business. Needless to say, the first priority of these so-called magistrates is to implement government orders, rather than adhere to any notion of judicial integrity. They also are actively involved in investigations of cases as well as arriving at

²⁸ <http://www.article2.org/mainfile.php/0504/243/>

verdicts: an executive magistrate and judicial magistrate rolled into one, but less efficient than two separate persons.

Judge's courts are the second line of defence for the state and its functionaries. Each is headed by a district and session judge, accompanied by an additional district and session judge and a number of sub judges, senior assistant judges and assistant judges. Perhaps the titles are intended to be ironic, or to convince the public that through reiteration of the word "judge", one can be found somewhere. In fact, none can be properly called a judge in the sense that the word is understood in developed jurisdictions or international law. Instead, these are just a higher level of state agents. The Ministry of Law, Justice & Parliamentary Affairs oversees their recruitment, posting and promotion. Although the "judges" may not have to run around collecting taxes and looking after government property like magistrates, still they are subject to the dictates of the executive, not any judicial authority.

It is obvious to any intelligent onlooker that when judges are under executive control, the government can interfere in under-trial cases whenever it feels like it. And it does. Much of the time this is done through various indirect means. But sometimes also it is direct, particularly where a politician from the ruling party needs to be rescued from prosecution.

The case against Bangladesh National Party (BNP) leader Mirza Khokon in connection with a series of bomb blasts on 10 November 1998 is a good example. Khokon, the brother of BNP Joint Secretary General Mirza Abbas (later a government minister) was leading an opposition rally through the Khilgaon area of Dhaka when bombs went off in the vicinity, killing one person. Participants in the rally were blamed. On 21 September 2000 six persons, including Khokon, were charged. After the BNP took power, the case was kept pending. Then, Sheikh Momen, a Senior Assistant Secretary of the Ministry of Home Affairs wrote to the Additional District Magistrate of Dhaka on 19 June 2006 "recommending" that the court drop Khokon from the charges. On July 3, the magistrate asked the prosecutor to comply and, not surprisingly, on July 17 an application was lodged to drop Khokon's name from the case. Finally, on July 25 the Metropolitan Session Judge's Court did as instructed. The Ministry of Home Affairs said that the murder case had been politically-motivated and that by removing Khokon from the charge sheet they were saving an "innocent" man. Apparently the ministry felt qualified to decide the question of guilt or innocence of the accused on the court's behalf. Whether or not Khokon had anything to do with the blasts will never be known as in either case there is no means under the present judicial system to try such a person without political interference one way or the other.

Section 11: Supreme Court's Appellate Division surrenders constitutional power to entertain bail petitions under the emergency laws²⁹

The Appellate Division of the Supreme Court of Bangladesh, which consists of the Appellate Division and the High Court Division, has held that no court in the country has a jurisdiction to entertain bail petitions on crimes registered under the Emergency

²⁹ <http://www.ahrchk.net/statements/mainfile.php/2008statements/1548/>

Powers Rules 2007. The judgement was delivered by the Appellate Division overruling a previous judgement of the High Court Division of the same court.

The controversial judgement of the Appellate Division is perhaps the first ever judgement by a Supreme Court of any country to abdicate its own power of review into a matter relating to arrest and detention. The Supreme Court Bar Association has protested against this judgement and is boycotting ceremonial events of the Courts. This judgement amongst others indicates the alarmingly increasing bend of the subordination of the courts to the executive in Bangladesh.

The High Court case where the court sought the opinion of six leading lawyers as Amicus Curiae (Friends of the Court) before delivering their verdict can be found here: <http://www.alrc.net/doc/mainfile.php/clbang/501/>

Section 12: The Special Powers Act-1974

Autocratic authoritarian tools for abusing human rights have been incorporated into every-day governance by the military-backed rulers of Bangladesh. For decades, the people of Bangladesh have been suffering under the Special Powers Act-1974, which has been frequently abused to detain people arbitrarily. Section 21 authorizes the government to detain any person under the Special Powers Act-1974. Now, during the State of Emergency, things are worse, notably due to the Emergency Power Ordinance-2007³⁰ and Emergency Powers Rules-2007.³¹

The above act has also been used to detain persons arbitrarily for longer periods. According to section 3 of the Special Powers Act-1974, the Government may detain any person for a prejudicial act [according to section 2(f) of the Act] or remove any person from Bangladesh.

The relevant sections of the Act are as follows:

Section 3. Power to make orders detaining or removing certain persons-

(1) The Government may, if satisfied with respect to any person that with a view to preventing him from doing any prejudicial act it is necessary so to do, make an order-
(a) directing that such person be detained; (b) directing him to remove himself from Bangladesh in such manner, before such time and by such route as may be specified in the order; Provided that no order of removal shall be made in respect of any citizen of Bangladesh.

(2) Any District Magistrate or Additional District Magistrate may, if satisfied with respect to any person that with a view to preventing him from doing any prejudicial act within the meaning of section 2(f) (iii), (iv), (v), (vi), (vii) or (viii) it is necessary so to do, make an order directing that such persons be detained.

³⁰ For an unofficial English translation of the Emergency Power Ordinance-2007, please see: <http://bangladesh.ahrchk.net/docs/EPO2007en.pdf>

³¹ For an unofficial English translation of the Emergency Powers Rules-2007, please see: <http://bangladesh.ahrchk.net/docs/EPR2007en.pdf>

(3) When any order is made under sub-section (2), the District Magistrate or the Additional District Magistrate making the order shall forthwith report the fact to the Government together with the grounds on which the order has been made and such other particulars as, in his opinion, have a bearing on the matter, and no such order shall remain in force for more than thirty days after the making thereof unless in the meantime it has been approved by the Government.

(4) If any person fails to remove himself from Bangladesh in accordance with the direction of and order made under sub-section (1)(b), then, without prejudice to the provisions of sub-section (5), he may be so removed by any police officer or by any person authorised by the Government in this behalf.

(5) If any person contravenes any order made under sub-section (1)(b), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Section 4. Execution of detention orders- A detention order may be executed at any place in Bangladesh in the manner provided for the execution of warrants of arrest under the Code.

According to section 9 of the Act, the Government is authorised to 'constitute an Advisory Board for the purpose of this Act'.

Section 12. Action upon the report of advisory board-

(1) In any case where the Advisory Board has reported that there is, in its opinion, sufficient cause for the detention of a person, the Government may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit:

Provided that the Advisory Board shall, after affording the person concerned an opportunity of being heard in person review such detention order, unless revoked earlier, once in every six months from the date of such detention order and the Government shall inform the person concerned of the result of such review.

Since the Special Powers Act seems to be extremely prejudicial to civil rights, and since it empowers the government with a wide range of powers for repression, the act has been under public criticism from its inception. The opposition parties have always committed themselves to repeal it if they were voted into power. But in the last 33 years, the Act has yet to be defeated.