



HUMAN RIGHTS monitor

State of Human Rights I

Human rights practices in Bangladesh - 2001

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

BA NGLADESH is a parliamentary democracy, with broad powers exercised by the Prime Minister. Sheikh Hasina, leader of the Awami League, was Prime Minister until Parliament's term of office expired in mid-July. A caretaker Government was installed in accordance with constitutional procedures and oversaw the national elections. Prime Minister Khaleda Zia, the leader of the Bangladesh Nationalist Party (BNP), came to power in elections on October 1 deemed to be free and fair by international observers. Political competition is vigorous.

Violence is a pervasive feature of politics, including political campaigns, and the October elections took place in a climate of sporadic violence and isolated irregularities. All of the major parties have frequently boycotted Parliament while in the opposition, claiming that they had little opportunity to engage in real debate on legislation and national issues. The higher levels of the judiciary display a significant degree of independence and often rule against the Government; however, lower judicial officers fall under the executive, and are reluctant to challenge government decisions. The Official Secrets Act of 1923 can protect corrupt government officials from public scrutiny, hindering the transparency and accountability of the Government at all levels.

The Home Affairs Ministry controls the police and paramilitary forces, which have primary responsibility for internal security. Primarily due to the police's accountability to the executive, police often are reluctant to pursue investigations against persons affiliated with the ruling party. The Government frequently uses the police for political purposes. There is widespread police corruption and lack of discipline. Police officers committed numerous serious human rights abuses and were seldom disciplined, even for the most egregious actions.

Efforts to improve governance and economic growth through reform have been unsuccessful, and were blocked by bureaucratic intransigence, vested economic interests, endemic corruption, and political polarization. The Government's commitment to economic reform is weak.

The Government's human rights record remained poor in many significant areas, and it continued to commit serious abuses, although it respected citizens' rights in some areas. Police committed a number of extra judicial killings, and some persons died in police custody under suspicious circumstances. Police routinely used torture, beatings, and other forms of abuse while interrogating suspects. Police frequently beat demonstrators. The Government rarely punishes persons responsible for torture or unlawful deaths. Prison conditions are extremely poor for the majority of the prison population. Rape of female detainees in prison or other official custody has been a problem; however, there were no reports of such occurrences during the year. The Government continued to arrest and detain persons arbitrarily, and to use the Special Powers Act (SPA) and Section 54 of the Code of Criminal Procedure, which allow for arbitrary arrest and preventive detention. The Public Safety Act (PSA), enacted in early 2000, gives the police even greater opportunity to abuse their powers. A court case challenging the constitutionality of the PSA remained pending at year's end. The lower judiciary is subject to executive influence and suffers from corruption. A large judicial case backlog existed and lengthy pretrial detention was a problem. Police searched homes without warrants, and the Government forcibly relocated illegal squatter settlements. Virtually all journalists practiced some self-censorship. Attacks on journalists and efforts to intimidate them by government officials, political party activists, and others increased. The Awami League as well as the BNP government limited freedom of assembly, particularly for political opponents, and both the Awami League and the BNP governments on occasion limited freedom of movement. The Government generally permitted a wide variety of human rights groups to conduct their activities, but it continued to refuse to register a local chapter of Amnesty International. Abuse of children and child prostitution are problems. Violence and discrimination against women remained serious problems. Societal discrimination against the disabled, indigenous people, and religious minorities was a problem. In the past, violence against members of the Ahmadiya religious minority was a problem. The Government continued to limit worker rights, especially in the Export Processing Zones (EPZs), and, in general, is ineffective in enforcing workers' rights. Some domestic ser-

vants, including many children, work in conditions that resemble servitude and many suffer abuse. Child labor and abuse of child workers remained widespread and serious problems. Trafficking in women and children for the purpose of prostitution and at times for forced labor remained serious problems. Both major political parties and their activists often employed violence, causing deaths and numerous injuries; however, the number of deaths declined, likely due to fewer general strikes during the year. Vigilante justice resulted in numerous killings, according to press reports.

Arbitrary or Unlawful Deprivation of Life

Police committed a number of extrajudicial killings. According to one human rights organization, 44 persons died as a result of the use of lethal force by the police during the year.

According to one human rights organization, 72 persons died in prison and police custody during the year.

Most police abuses go unpunished, and the resulting climate of impunity remains a serious obstacle to ending police abuse and extra judicial killings. However, in some instances where there was evidence of police culpability for killings, the authorities took action. On May 28, the High Court confirmed the death sentence of three policemen convicted of the rape and killing of a

educational institutions in various locations, including Dhaka, Khulna, and Barisal. Violence caused disruption to academic activities at Rajshahi University, Shah Jalal University of Science and Technology in Sylhet, and Jahangirnagar University.

In July 2000, gunmen fired at a van in Chittagong, killing eight persons, including six members of the BCL. The Government accused the ICS of being responsible for the attack. Then-Prime Minister Sheikh Hasina challenged her supporters and the police to retaliate for the killing of her student supporters, declaring that there should be 10 opposition bodies for each one from the ruling party. An anti-Jamaat campaign following the July 2000 killings resulted in the deaths of at least two Jamaat activists, the injury of many others, and the arrests of hundreds more. The Jamaat-e-Islami asserts that the attack on the van was a continuation of a shoot-out the previous day between rival factions of the BCL that left three BCL activists dead. Police have charged 22 persons in connection with the BCL killings, 3 of whom are in custody. At year's end, the trial was pending.

On June 16, an explosion during a meeting at an Awami League office in Narayanganj killed 20 persons and injured more than 100 others. Police cordoned off the area soon after the explosion, but a military investigative team did not arrive until 6 hours later. The Awami League Government

have requested permission to appeal the decision. If their sentences are upheld, they may be hanged. The 11 others, living outside of the country, were convicted in absentia.

In 1995 the Government charged former President Hossain Mohammad Ershad with ordering the 1981 murder of the alleged assassin of President Ziaur Rahman. Ershad, leader of the Jatiya party, was granted bail in 1997. This case remains pending while other cases against Ershad are ongoing.

The Awami League Government continued to imprison eight persons accused of perpetrating the November 1975 murders of four senior Awami League leaders who then were in jail. The trial began on April 12. Thirteen others living outside of the country are being tried in absentia. Four of the eight persons detained were released by the new government on bail in December.

Extortion from businesses and individuals by persons with political backing was common, and businessmen on several occasions went on strikes to protest the extortion. In May 2000, several young men shot and killed Iftakhar Ahmed Shipu, owner of a cellular telephone shop in Dhaka, after Shipu refused to give them a free telephone. A parliamentarian's son and several others were charged with the killing in a case filed by Shipu's relatives.

In December 2000, police opened fire on strikers at the port of Mongla and killed four persons.

Press reports of vigilante killings by mobs are common. Newspapers on numerous occasions reported that mobs had beaten alleged muggers, sometimes to death. Press editorials and commentaries opined that the increasing mob violence reflected a breakdown of law and order and a popular perception that the criminal justice system did not function. Human rights groups and press reports indicate that vigilante violence against women who are accused of having committed moral offenses is common, particularly in rural areas, and that religious leaders sometimes lead it.

Violence along the border with India remained a problem. According to press accounts and human rights groups, border violence has claimed more than 200 lives during the last 5 years. Domestic human rights NGO's report that Indian border forces killed as many as 108 citizens during the year. Bangladeshi border security forces may have killed more than a dozen Indian personnel.

Disappearance

In September 2000, Nurul Islam, the BNP Organizing Secretary for Laxmipur district, was abducted from his home.

Soon after, Abu Taher, General Secretary of the Awami League Laxmipur District chapter, 2 of his 3 sons, and 12 other persons were accused in connection with the disappearance of Nurul Islam. In September 2000, police arrested two of the accused along with five other suspects. However, for more than 10 months, the primary accused persons in the case, Abu Taher and his two sons, were not arrested. On August 5, 3 weeks after the non-party caretaker Government came to power, police arrested Abu Taher's two sons, one of the two accused in the case, and another Taher son under suspicion. They originally were arrested for illegal possession of weapons, but later were indicted in connection with the disappearance of Nurul Islam. On August 13, Abu Taher and five others appeared before the High Court and requested anticipatory bail for themselves and one of Taher's sons. The High Court granted bail for 3 months, but cancelled it the following day, ordering Taher and the five other persons to appear before a lower court within 2 weeks. On August 28, Taher and one of the other accused persons surrendered to the court and were jailed. Approximately 40 persons, mostly Awami League student activists, staged violent demonstrations, ransacking shops and damaging vehicles. Police, using batons, charged the demonstrators, injuring 15 and arresting 12 persons. Police first filed a case under the non-bailable Public Safety Act, but later released three without charge, and filed a criminal case against the other nine student activists, who were released on bail.

This is an edited version of the US State Department Report on the human rights practices of Bangladesh. In the next episode other aspects of the report including torture will be published.

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14-year-old girl in 1995. In March 1999, four police officers were charged with manslaughter after a body was found in the rooftop water tank of the Detective Branch in Dhaka. The case is ongoing. The case against a police sergeant for killing a rickshaw puller in July 1999 in Agargaon was settled out of court when the accused policeman reached a settlement with the victim's family. Court proceedings continued against 14 persons, including 13 police officers, arrested and charged after a college student in police custody was beaten to death in July 1998. At year's end, nine of the accused persons were in custody, and proceedings in the case were continuing.

Violence, often resulting in deaths, is a pervasive element in the country's politics. Supporters of different political parties, and often supporters of different factions within one party, frequently clash with each other and with police during rallies and demonstrations. According to human rights organizations, more than 656 persons were killed and nearly 25,770 others were injured in politically motivated violence during the year. Both Awami League and BNP supporters, often with the connivance and support of the police, violently disrupted each others' rallies and demonstrations as well as those of other parties. Opposition parties also used armed violence and intimidation to enforce general strikes ("hartals"). During the year, 24 persons died in violence related to general strikes.

On February 3, after the High Court ruled illegal all "fatwas" (expert opinions on Islamic law), some NGO's organized a rally in Dhaka to applaud the ruling, hailing it as a victory for women and all who have suffered from fatwas. These NGO's bused women into the city from rural areas for the rally. Some Islamic groups, claiming that outlawing all fatwas was an attack on Islam, blocked the main roads into the city and tried to disrupt the rally. In the ensuing violence, a policeman was killed inside a mosque.

Political killings continued during non-hartal periods as well, particularly in the period prior to the national elections. On August 10, in Pabna District, members of an outlawed Maoist party hacked two Awami League supporters to death. On August 12, 8 persons were killed and 30 others were injured in clashes between Awami League and BNP supporters in Feni.

Violence also is endemic between the student political wings of the major national parties, and between rival factions within the parties. During the first several months of the year, campus violence led to unscheduled closures of

accused 27 persons in connection with the bombing, all from the BNP and the Freedom Party. Of those, six persons are in custody (four of whom were charged and two of whom are being held on suspicion of involvement). All of the accused persons who were detained in this case by year's end had been released on bail.

On January 20, a bomb killed four persons during a rally held by the Communist Party of Bangladesh. The case is still under investigation.

In August 2000, S.M.A. Rab, a prominent Awami League leader in Khulna, was killed. A Maoist group claimed responsibility. On June 13, police charged 15 persons with the murder, 9 of whom were in custody. The court issued warrants for the arrest of the other six, as well as orders to seize their property. On June 17, Rab's son petitioned the Chief Metropolitan Magistrate (CMM) to reject the charge sheet, terming it "baseless and concocted," and requested that the case be reinvestigated. The CMM rejected the petition. Rab's son blames the killing on his father's rivals inside the Awami League who were upset by party leader Sheikh Hasina's announcement that Rab would be the party's nominee for the Khulna mayoral post.

In July 2000, Shamsur Rahman, a well-respected journalist, was killed in Jessore after writing a series of articles about alleged criminal activities and connections between political activists, smugglers, and domestic terrorists. A prominent BNP leader, 5 journalists, and 11 others, have been charged with his murder. Of the 17, 8 are in custody. Numerous other journalists were killed or attacked throughout the year (see Section 2.a.).

Former Awami League M.P. Mohammed Mohibur Rahman Manik remains free on bail while a case against him for involvement in bomb making remains ongoing; in March 1999 two persons died while making bombs at his residence.

A case remains pending against 24 individuals, including former minister and BNP leader Tariqul Islam, in connection with the March 1999 bombing of a performance of the left-affiliated cultural group Udichi Shilpi Gosthi. Ten persons were killed in the attack.

In April the High Court upheld the 1998 convictions of 12 of the 15 persons convicted and sentenced to death for the 1975 murder of then-President Sheikh Mujibur Rahman (father of Awami League leader and former Prime Minister Sheikh Hasina) and 21 of his family members. Three persons were acquitted. Of the 12 persons convicted, 4 are in custody and

LAW watch

Human rights and government wrongs

THE ECONOMIST GLOBAL AGENDA

THE publication of the American State Department's voluminous annual "Country Reports on Human Rights Practices" has attracted even more scrutiny than usual. Human-rights activists have been poring over the document for evidence that America has let its allies in its "war against terrorism" off lightly. They have found some, but not much.

EVERY year since 1977, America's State Department has compiled a report, running to thousands of pages, on human-rights conditions, in, nowadays, nearly 200 countries. It is widely regarded as hard-hitting, not least by some of the foreign governments whose practices are criticized, and which routinely protest at what they see as yet another instance of American meddling in their internal affairs. But this year, America's domestic critics were also lining up to review the report, suspecting that the "war against terrorism" might have led the State Department to tone it down. Those worries seem to have been largely unfounded. But the larger dilemma how to reconcile America's human-rights ideals with the pragmatic business of coalition-building remains unresolved.

Suspensions of political interference in the report's findings were heightened by a delay of a few days in its publication, attributed by a State Department spokesman to "various contingencies and realities that are addressed in the editing". Colin Powell, the secretary of state, was also known to be reviewing the report "closely".

Those who feared that the events of September 11th might have brought about a change in American attitudes on human rights had two main concerns. The first was that some of the policies adopted to prosecute the war against the Taliban and al-Qaeda might deter the government from criticizing similar measures elsewhere. This was a particular worry in relation to the treatment of the prisoners held at Guantanamo Bay in Cuba, and to the legal process (or lack thereof) to which they will be subject. The second was that the importance of sustaining a broad international coalition would lead America to soften its criticism of some of its most important partners - the Taliban forces in Afghanistan, for example, or Central Asian dictatorships such as Uzbekistan, or China and Russia, both permanent members of the

United Nations Security Council.

On neither count has the State Department given its critics much ammunition though they have found some. As it did last year, the section on Egypt, for example, discusses the use of military tribunals to try terrorist suspects in Egypt. As last year, the report points out, in words that echo the American administration's own policy towards al-Qaeda suspects: "The [Egyptian] government defends the use of military courts as necessary to try terrorism cases, maintaining that trials in the civilian courts are protracted and that civilian judges and their families are vulnerable to terrorist threats." Unlike last year, however, the sentence "the military courts do not ensure civilian defendants due process before an independent tribunal" has been omitted.

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On the second concern - soft-peddling on criticism of important allies and partner evidence of politically motivated editing is scarce. Uzbekistan, an important logistical base for the war in Afghanistan, offers one example. The report notes that the government is holding thousands of political detainees, but claims there has been "limited progress". That is useful, since the State Department's certification that human-rights conditions are improving is a pre-condition to continued American financial aid. Similarly, Human Rights Watch, a lobby group, claims that the report is too generous to Colombia, in its assessment of the army's progress in cutting ties to paramilitary groups which it is required to do if it wants continued American military aid.

But in general, it is hard to detect any change in the tone of the report. Among close friends, questions are even raised about

Britain mentioning deaths in police custody, mistreatment by prison officials, trafficking in women and discrimination against "travellers" (itinerant groups such as gypsies). And the section on China, a large, important and prickly power whose acquiescence in the war in Afghanistan has been much prized, is according to Human Rights Watch "at least as hard-hitting as last year's". The report points out that China's record "remained poor", and that it maintains a "harsh and comprehensive" campaign against the Falun Gong group.

China, in fact, is one of a number of countries where the government has seized on the rhetoric of America's war against terrorism to justify repressive policies in its case especially towards Muslim separatists in the western region of Xinjiang, which borders Afghanistan. Similarly Russia has cited evidence of links between al-Qaeda and rebels in Chechnya; India has drawn parallels with its own battle against secessionists in Kashmir; Israel has tried to portray Yasser Arafat, the Palestinian leader, as its neighbour Osama bin Laden.

Such claims highlight the difficulties America faces in incorporating a human-rights dimension in its foreign-policy making during its campaign against terrorists. In his preface to the report, Mr Powell claims that, "as we defend our security" after September 11th, "we have placed the preservation of human rights and democracy at the foundation of our efforts." The candour of the report seems, at least in part, to bear out this boast.

America's human-rights-abusing partners, however, probably do not see it that way. Rather, many have always been cynical about the extent to which any government, and especially America's, will allow human-rights concerns to hamper its economic or strategic interests. September 11th has reinforced the view, at home and abroad, that there are much more important things to worry about in foreign policy than how a government treats its own citizens. Five thousand pages of thorough State Department research are enough to cause embarrassment and sometimes anger in most of the countries covered. But they may not be enough to convince those criticised that America will make them pay the price for their crimes.

Human rights law puts lifers on road to freedom

DAN McDUGALL

Two of Scotland's most notorious criminals took a step closer to freedom last night after a judge ruled they were eligible for parole.

The men, who were both convicted more than 30 years ago for separate killings, were among a group of 10 criminals, all jailed for life, who appeared at the High Court in Glasgow to have their sentences reviewed under the terms of the European Convention of Human Rights (ECHR).

The decision to re-examine the sentences is likely to open the floodgates and allow a review of the sentences of an estimated 540 prisoners serving life sentences.

Under the strict terms of the convention, all life prisoners will eventually have minimum "punishment periods" attached to their sentences by judges.

European laws allow the release of prisoners who have served more than an "average" life sentence of about 13 years, provided they are not considered dangerous.

Andrew Burke, from Paisley, who murdered a four-year-old boy with a hatchet, was ruled among those eligible for immediate parole, although psychiatric reports may still hamper his release.

Lord Coulsfield ruled that Burke, currently Scotland's longest-serving prisoner, should serve a minimum 15 years for murder. Burke has been in prison since 1959 but has already had two parole pleas rejected.

Also eligible for parole after court hearings is Richard Coubrough, 68, nicknamed the Snake, who was jailed for life in 1971 for the murder and rape of Dorothea Meehan, a Renfrew nurse.

Speaking after setting the sentences, Lord Coulsfield made it plain the minimum terms did not take into account whether the prisoner posed a danger to the public, adding that it was still up to the parole board to make that decision after the punishment period had expired.

He said: "The punishment part as defined in the legislation is the part of the sentence which is necessary to satisfy the requirements of retribution and deterrence, but ignoring any period of confinement which may be necessary for the protection of the public."

Your Advocate

The Law Desk will resume 'Your Advocate' column. We invite you to send queries/questions on any legal and/or human rights issues. 'Public interest' spirited lawyers will answer your queries. Send your queries to: Law Desk The Daily Star 19, Karwan Bazar Dhaka 1000. Fax: 8125155. 8126154 E-mail: lawdesk20@hotmail.com

ANNOUNCEMENT

Join the Campaign for National Human Rights Institutions (CNHRI)

The Law Desk has teamed up with 'Law Watch, A Centre for Studies on Human Rights Law', to launch a Campaign for National Human Rights Institutions (CNHRI). The proposed network (CNHRI) will act initially as a pressure group to establish an independent National Human Rights Commission and a credible Office of Ombudsman in Bangladesh. The Law Desk is interested to receive your opinions, suggestions and writings on national human rights institutions. Selected entries will be published in LAW AND OUR RIGHTS <www.dailystarnews.com/law> National human rights institutions are being set up in many parts of the world. While the powers of these institutions in the different countries vary, there seems to be a 'core concept' emerging. In many countries, such national institutions have not matched the high expectations they generated when they were first set up. On the other hand, in some other countries, where the expectations were not so great, national institutions have yielded some positive results. The succeeding governments of Bangladesh did not keep the promises of 'establishing a number of national human rights institutions' they had made to the people. The network will strive to advocate for their early establishment in accordance with international standards. If you have any query regarding the network or the issue, please do not hesitate contact us at Law Desk, <lawdesk20@hotmail.com> or Law Watch <lawwatch2001@yahoo.com>

