

HUMAN RIGHTS DAY, 2014

# Reclaiming right to life and protection of the law

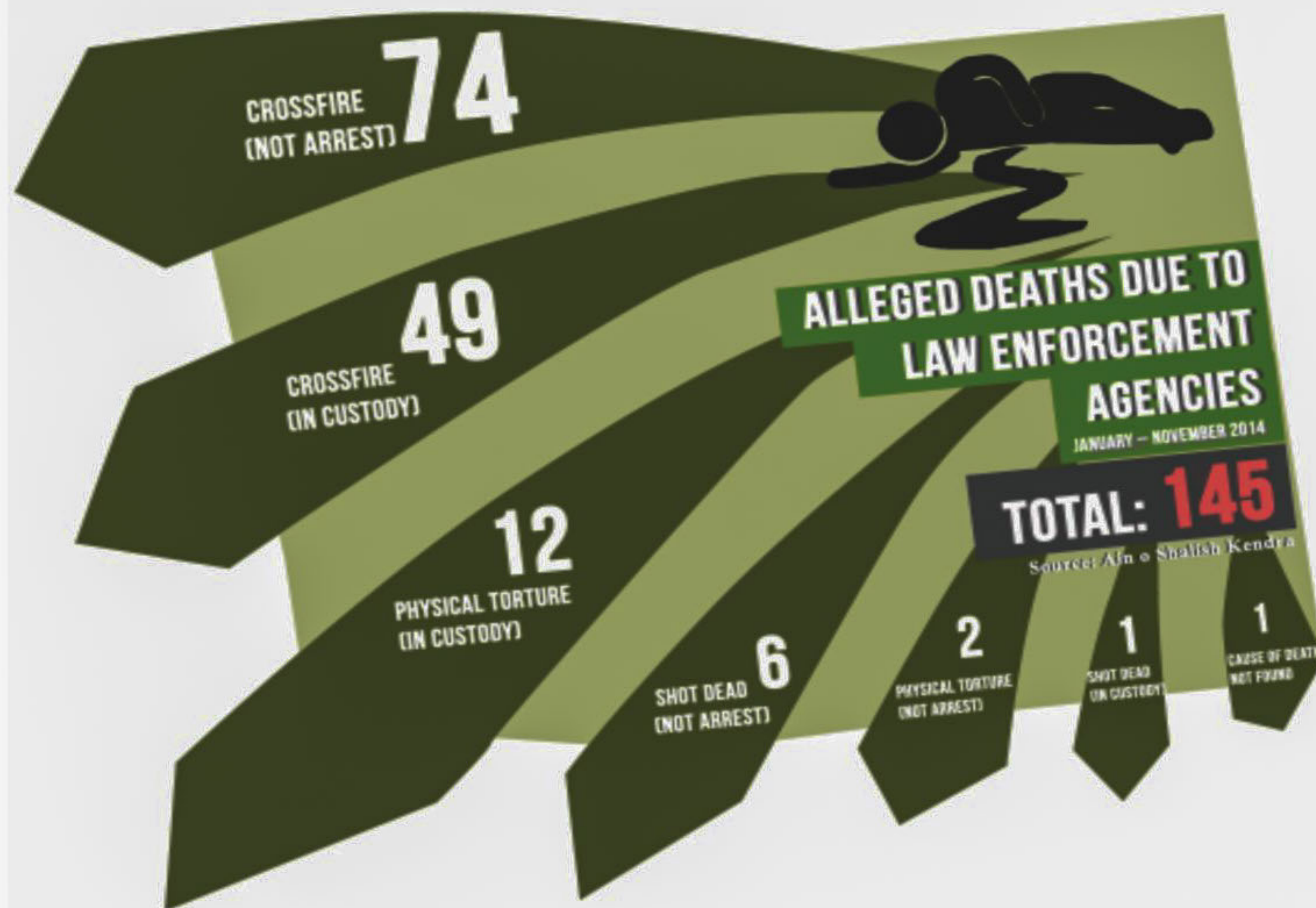
C R ABRAR

THIS day marks the Human Rights Day. The day is celebrated to draw attention 'of the all peoples of the world' to the Universal Declaration of Human Rights (UDHR). The theme for this year is Human Rights 365, conveying the thought that every day is Human Rights Day. It reminds us that each one of us, everywhere, at all times is entitled to the full range of human rights.

The Article 3 of the UDHR states that 'Everyone has the right to life, liberty and security of person'. Building on this basic principle Article 6 of the International Covenant on Civil and Political Rights, 1966, affirms that 'Every human being has the inherent right to life.' It goes on to assert, 'The right shall be protected by law. No one shall be arbitrarily deprived of this life.' Drawing on these international instruments the Constitution of Bangladesh reiterates, 'No person shall be deprived of life or personal liberty save in accordance with the law' (Article 32). It was preceded by another important tenet, 'To enjoy the protection of the law, and to be treated in accordance with the law, and only in accordance with the law, is the inalienable right of every citizen ...' (Article 31).

However, as the nation approaches 44th anniversary of its victory over the barbarous Pakistani occupation army, enjoyment of the right to life and protection of the law has remained a chimera for the ordinary citizens of the land. Not even a single week passes that death by 'shootout', 'gunfights' or 'crossfire' involving members of the law enforcement agencies (LEAs) are not reported in the news media. Needless to say, while in most cases families, neighbours and friends of victims point fingers at the LEA, they are met with standard denial of the concerned authorities. Thus far, no credible enquiry has been launched in any such case, let alone trials held of the perpetrators.

Extra judicial killing (EJK) has been the hallmark of law enforcement since the early 1970s when the infamous Jatiya Rakkhi Bahini (the National Guards) was let loose on the nation to counter the so-called miscreants. One of the most high profile cases of EJK was the



liquidation of Siraj Sikder, the leader of the Sarbojha Party in early 1975. It is interesting to note that there has been little change in the narrative of the press statement issued after the killing of Sikder and those issued now following incidents of 'shootouts' or 'crossfire'.

After the restoration of the much-aspired democracy, the government of Begum Khaleda Zia in October 2002 launched the Operation Clean Heart. It was a countrywide indefinite joint operation against terrorism consisting of the police, paramilitary and military forces, including at least seven infantry divisions with more than 18,000 soldiers. While the legal foundation of engaging the army was tenuous, the government made every effort to justify its action. The Awami League, then in opposition, demanded that the government should quit if the army is needed to rule the country. It accused the ruling party of trying to cover up its own failure, terming it "Operation Dirty Heart". It also claimed that the main objective of the government was repression of the opposition, rather than the stated goal of reducing crime.

Bangladesh Nationalist Party's another gift to the nation's law enforcement was the Rapid Action Battalion (RAB). The agency was established in 2004 ostensibly in response to a breakdown in law and order, particularly in western and central Bangladesh. Within a short

period of existence, its operations were marked by "deaths in crossfire", a phenomenon described by the Human Rights Watch that "had the hallmarks of extra-judicial executions". Despite changes in the government, the elite force continued to receive unbridled state patronage under the military-backed caretaker government as well as of the Awami League governments since 2009. Although Additional Inspector General of Police officially leads RAB, in reality military officers deputed in the agency is believed to have a disproportionate say. Many, including the Awami League while in opposition, questioned this role of army in civilian law enforcement without civil accountability, oversight and necessary training.

Over the last decade, human rights organisations, both national and international, have documented serious and systematic abuses of RAB, including extrajudicial killings, torture and arbitrary and unlawful arrests. It has been estimated that the agency has been responsible for more than 800 deaths since its inception. This year alone (January to November) 145 people were killed in crossfire by various law enforcement agencies and 88 persons were victims of enforced disappearance (Source: Ain O Shalish Kendra). These claims of the rights organisations and the discerning media fall on deaf ears as the agency and the government

continues to deny any wrongdoing. It was only after the infamous contract killing of 7 persons in Narayanganj allegedly on behalf of a ruling party member that RAB officers were put on dock due to the instruction of higher judiciary.

In a number of cases victim families and eye-witnesses claimed that individuals were illegally arrested by people believed to be members of police force or RAB and were taken away in vehicles marked as RAB vehicles. Inability to deal with errant members of the agency who committed excesses or were engaged in illegal detention or contract killing, over time, has contributed to a situation of a culture of systemic impunity. The web of impunity granted to RAB has likely contributed to situations that encouraged other security agencies, for example the police, to perpetrate similar crimes.

Despite evidence of its alleged participation in several high profile cases,

including those of involving opposition activists, the political leadership of the country refused to entertain any demand for launching investigation against RAB. In 2009 the erstwhile Law Minister of the Awami League government is on record stating that even though he did not endorse "crossfire" killings, he highlighted that RAB had only killed criminals. As late as in March 2014, the Shipping Minister Shahjahan Khan in condoning RAB stated, "I think a bit of crossfire was needed to uproot terrorism from the country". The same Minister a few years ago at a BBC interview justified crossfire on the ground that criminal justice system was unable to deal with crime.

Sometimes the regular process of administration of justice is thwarted to protect the misdeeds of RAB. There are umpteen numbers of cases where the relatives and families of the victims claimed that local police stations refused to register general diary, let alone file cases, when they reported that LEA was involved in the incident concerned. In Brahmanbaria, based on the documentary evidence when a judge of a local court directed authorities to register a case, she was posted out within 24 hours. Her successor revised the order and made it contingent upon police investigation.

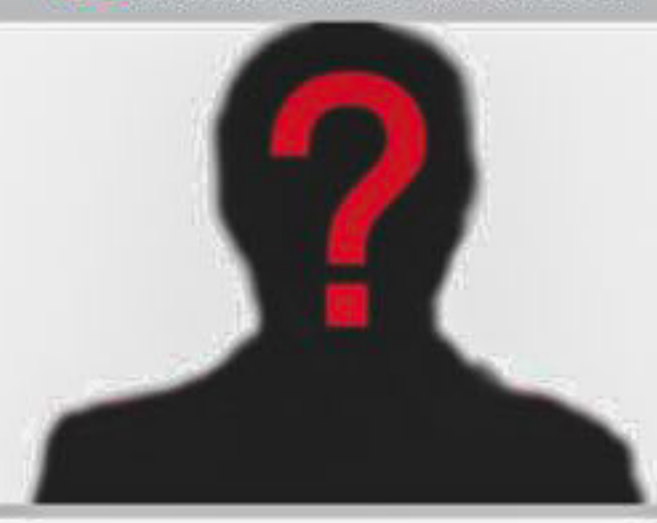
The failure to institute credible investigation has led to a situation in which the onus of investigating deaths allegedly committed by RAB have fallen on RAB itself, thus compromising impartiality and independence. Rights activists have alleged that content of RAB enquiries have remained secret and "have blamed the victims, calling them criminals and portraying their deaths as justified".

It is unfortunate that in almost 44 years of its existence as a nation the enjoyment of two most precious rights, that of life and protection of the law, have remained elusive for the people of Bangladesh. Instead of shoring up regular agencies of law enforcement through training and resources, successive governments have opted to establish and nurture various types of special force and accorded them with sweeping powers and immunity. We hope this Human Rights Day inspires us all to re-claim those rights and force the State to live up to its commitment of zero-tolerance to extra judicial killings.

The writer teaches International Relations at the University of Dhaka. He researches and writes on rights and migration issues.

## FORCED DISAPPEARANCE January-November, 2014

**88** Total number of abduction  
**23** Dead body recovered later on  
**12** Released after abduction



## QUOTABLE Quote



Attitude  
is a  
little  
thing  
that  
makes a  
big  
difference.



## Congratulations Our Heartiest Felicitations to

**Kailash Satyarthi & Malala Yusufzai**



As education campaigners we feel inspired as they receive the prestigious 2014 Nobel Peace Prize today in Oslo. It's International Human Rights Day.

Let's celebrate this occasion and at the same time reiterate our demands and recommit ourselves to ensure right to quality education for each and every person on planet earth.

Bangladesh has made significant progress in terms of enrollment and gender parity although quality of education remains as a major challenge. There are still many children in Bangladesh who have never been to school or have dropped out including those with disability or from the marginalised groups, hardcore poor, street children or those living in inaccessible areas. The proposed Right to Education Act is yet to get state approval. We need to do more and act now for meeting the challenges.

On this auspicious day, We call upon our leaders and public representatives to fulfill their Constitutional obligation to uphold the right to education of every citizen.

**We stand committed to the cause.**



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