

## CIVIL LIBERTIES

## Hopes for a fresh beginning



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THE nation embraces 2016 with a degree of scepticism and anxiety. With the experiences of disenfranchisement and violations of fundamental rights including those of right to life and liberties experienced in 2015, people at large are eager for a new beginning. Their expectations are modest – to live in an environment of rule of law and enjoy rights and liberties that are enshrined in the Constitution of the Republic.

Civil and political rights and freedoms are the founding pillars of any democratic polity. The legitimacy of the State is directly linked to its commitment and capacity in upholding those pillars. Any deviation to undermine them erodes such legitimacy.

Since the country's inception democracy has endured periodic assaults under authoritarian rulers, both civil and military. That had resulted in unilateral amendments of the Constitution, blurring of distinction between various branches of the State, setting up of special forces and granting them virtual impunity, undermining of statutory institutions, curtailment of freedom of expression and assembly, and emasculation of civil society organisations and the independent media.

Shrinking of democratic space marked the year 2015. Repression through mass arrests and filing of cases, manipulation of outcomes of local government elections by ousting opposition polling agents, capturing of voting booths, casting of false votes, obstructing independent polls observers and journalists, and inflicting physical attacks on candidates and their supporters were found to be rampant in the city council elections of late April and end of December. Evidence presented, particularly in the electronic media, made the claims of the Chief Election Commissioner of those polls being "free and fair" hollow.

The government's unwise move of denying the opposition alliance to observe January 5 as the "death of democracy day" triggered massive violence, countless strikes and *oborodh* for the next three months causing deaths, injuries and damage to property. Those, in turn, led to reactions from the state agencies that allegedly involved extra-judicial killings (EJK), disappearances, mass arrests, and filing of large number of cases against unnamed people. While the government accused the opposition of unleashing 'a reign of terror' using petrol bombs on vehicles, in most cases it failed to nab the real perpetrators. The opposition on its part made counter claims that supporters of the ruling alliance and other vested quarters conducted these acts to discredit it. The failure of the BNP leadership, to unequivocally denounce the mindless

violence, and not asking its supporters to disassociate from the tactic, not only tarnished the alliance's image, it also undermined the effectiveness of *hartal* as a legitimate democratic means to protest the State's excesses.

The year also experienced further hardening of government attitude in providing space to the opposition in conducting political activities. Restricting the BNP leader to her office for weeks, conducting raids and sealing of the head office of the organisation, filing of countless criminal cases against, and arrest and detention of, leaders of all tiers of the organisation and denial of permission to hold public rallies were some of the methods it used to quell resistance. Pressure tactics neutralised some opposition leaders and activists who distanced themselves from party activities. It also induced others to join the ruling party and its associate organisations. The law enforcement and intelligence agencies came in handy in executing this agenda.

The denial of the right to protest was

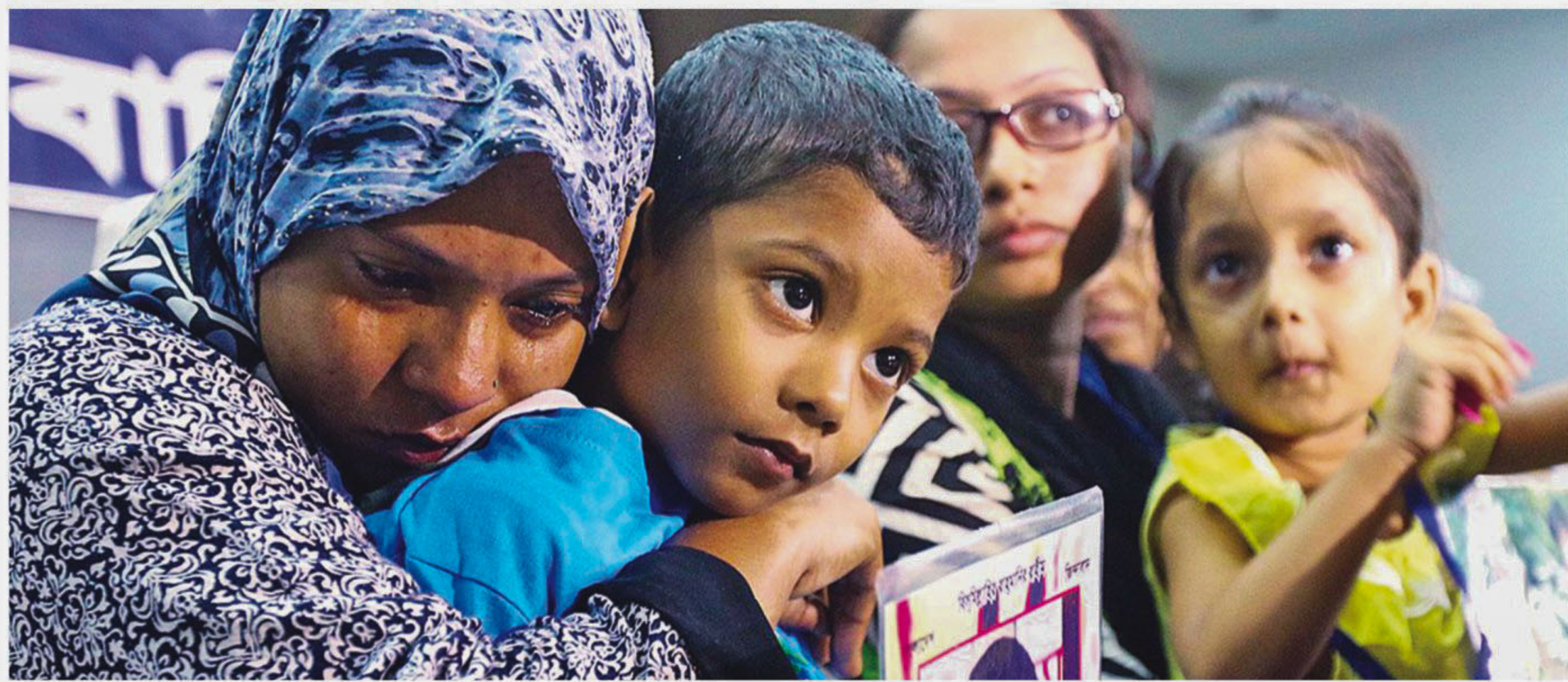
EJKs. Another rights watchdog, Ain O Salish Kendra puts the figure at 162. Odhikar documentation notes that among the 170 killed extra-judicially, 136 were dispensed off in 'cross-fires'. A disaggregation of the figure informs that as many as 51 persons (37.5 percent) were killed during the political turmoil of the first quarter of the year (January to March).

The overwhelming majority of the victims were persons with allegations of having criminal background. The opposition activists also became targets, particularly during the three-month political violence at the beginning of the year. In 2015, leaders and activists of the ruling party also became victims of EJKs. On August 18, 2015 Chhatra League leaders Arzu Mia and Mehedi Hassan were killed in separate 'gunfights' in Dhaka and Magura. The ruling party's Member of Parliament, Fazle Noor Taposh alleged "RAB killed Arzu after he was arrested. The 'gunfight' claimed by RAB was a standard statement. It did not make any sense" (*Prothom Alo*, 20/08/2015).

persons surfaced alive, and 10 bodies have been found. The whereabouts of eight persons are still unknown.

In 2015 a number of cases of allegations of torture in custody of law enforcement agencies have been reported. Among others, the detained leaders and activists of opposition political parties, owners of television channels, students, civil society activists and journalists have accused law enforcement agencies of torture. The Assistant Director of the University Grant Commission, Omar Siraj (35), who was arrested on September 18, 2015 on allegations of leaking question papers of recent medical college admission test, died in the custody of the Rapid Action Battalion (RAB). In another instance a High Court bench issued a Rule as to why the torture on Mizanur Rahman, the Bagerhat correspondent of *Prothom Alo* would not be declared illegal (*Prothom Alo*, 24/03/15).

Shooting detainees and other accused in the leg appears to have become a recent addition in the list of forms of torture. This act has disabled several people. On 4



Families of missing victims waiting for answers

PHOTO: STAR

palpable as the State came down heavily on admission seekers to medical colleges who demanded fresh examination on grounds of irregularities conducted in the original round of tests, on citizens groups calling for the protection of the Sundarbans and the cessation of the Rampal coal-based thermal power plant project, and on primary and secondary teachers drawing attention of the state for due recognition and higher pay.

During the 9th parliamentary elections the Awami League took a strong stand against EJKs. This position was reaffirmed at the Universal Periodic Review in 2009 at the UN Human Rights Council held in Geneva in which Bangladesh declared, "zero tolerance" of such killings.

The strong-arm tactics in law enforcement, lack of accountability of enforcement agencies, and most importantly, the mindset of denial among those running the State, have led to the persistence of EJKs in Bangladesh. Odhikar informs that during the period between January and November, 170 persons were subjected to

A new dimension was added to this illegal quick-fix approach. Several incidents have been reported where it was used to offset public pressures. Included among them were EJKs of alleged tiger-poachers and forest robbers (six persons in the Sundarbans in August), and human traffickers (three persons in Teknaf between 8 to 12 May).

There have been cases where although the law enforcement agencies denied taking the person/s concerned to their custody, subsequently (days or weeks later) they were handed over to the police station or produced before the court. The refusal of the administration to acknowledge the reality and thus institute any investigation into the claims of involuntary disappearance further encourages the perpetrators to continue with the heinous acts.

Odhikar reports that from January to November 2015, families of 59 persons have brought allegations of involuntary disappearance against law enforcement agencies. Of them, 34 were shown as arrested after being disappeared, seven

February, Nayon, a student of Jagannath University was arrested by the police after he got down from a torched bus during the days of political mayhem. Police accused him of being a Jamaat supporter. Nayon was shot in the leg despite claiming that he was follower of the Hindu faith (*Manabzamin*, 18/02/15).

As citizens of a democratic State the people of Bangladesh are entitled to exercise the fundamental rights and freedoms that are enshrined in the Constitution and protected under international human rights instruments. Included among those are the rights to life and liberty, and to be treated with dignity. The evidence presented above provides a grim depiction of the reality. It is hoped that the New Year's spirit will provide an opportunity to the policy makers and state functionaries to rethink their approach in administering the State. This will surely help restore the social contract between the people and the State.

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