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Odhikar Report

13 months of emergency in Bangladesh
Immediately lift the state of emergency

Odhikar continues monitoring human rights issues including infringement of rights during the State of Emergency proclaimed on January 11, 2007. This is the monitoring report on human rights issues during the 13 months of the State of Emergency.

1. Emergency Power Rule and Torture

The Emergency Power Ordinance 2007 and the Emergency Powers Rules 2007 contain provisions restricting fundamental rights and human rights. Section 5(1) of the Emergency Powers Ordinance-2007 declares: "No question shall be raised before any court regarding the orders passed on the basis of this ordinance or by the authority of this ordinance". Section 5(2) states, "If it is deemed that any order has been passed or signed by any authority according to the power delegated under this ordinance that order, passed or signed by that authority, shall be deemed admissible under the definition in the Evidence Act-1872 in the courts. Furthermore, under rule 16(2) of the Emergency Powers Rules-2007, it is stated that any member of the 'law and order maintaining force' is authorised to arrest any person on suspicion without a warrant. These laws are contrary to a range of international human rights standards and norms and as these sections of laws are repeatedly abused by law enforcement agencies, the human rights of arrested persons are violated by such agencies in the form of torture and verbal and physical abuse.

It is reported that allegations of torture and violations of human rights continued under the State of Emergency. Suspects were picked up by the law enforcement agencies; detained, and tortured while they were in custody or during remand in order to extract evidence to use against them or others.

Allegations of torture was first made by Tarique Rahman, joint Secretary-General of the BNP about a month ago. Soon afterwards, allegations of harassment and torture were also made by a Dhaka University teacher who had been detained following the campus protests in August 2007. Allegations of torture have also been raised by businessman Giasuddin-Al-Mamun and many others including politicians taken into custody.

Odhikar asks the military-backed government once again to look into the matter of harassment and torture of those in custody, which not only breaches every human rights instrument but also directly violates our Constitution, and to immediately cease such activities if the allegations are found to be true.

2. Extra judicial killings

Extrajudicial killings continued throughout the 13 months of Emergency. Between 12 January 2007 and 11 February 2008, 184 people have reportedly been extra-judicially killed by Bangladeshi law enforcement agencies. Among them a total of 69 people died while in custody of law enforcement agencies.

Breakdown of Extra-judicial Killings by Agency

The following chart shows the law enforcement personnel allegedly responsible for the reported extra-judicial killings:

<u>Law Enforcement Agency</u>	<u>No. of Persons Reported Killed</u>
Rapid Action Battalion (RAB)	91
Police	64
RAB and Police joint operation	04
‘Joint Forces’	07
Army	07
Navy	03
Jail police	01
Coast Guards/Forest Guard	03
Bangladesh Rifles	02
Department of Narcotics Control	02
TOTAL	184

Circumstances of the Deaths

Of the 184 people extra-judicially killed, it was reported that 131 people were killed in so-called “crossfire”/encounter/gunfight/shootout¹, 29 people were tortured to death, 13 were shot dead in circumstances other than “crossfire”/encounter/gunfight/shootout and there were 11 deaths in other circumstances.

3. Custodial deaths other than reported extrajudicial killing

Since the State of Emergency proclaimed on 11 January 2007 11 January 2008 it was reported that a total of 92 people died in jail custody; among them detained ward commissioner and BNP leader Abdul Quayyum Khan died. His family members claimed that he died due to lack of treatment. One 10-year-old boy was found killed in the Juvenile Development Centre with his throat slit and another one reportedly died in a clash between prisoners. The cause of death of 4 persons was unknown and another 4 person’s deaths were reported as unnatural deaths .A further 81 prisoners reportedly died due to illness.

The death of detained Ward Commissioner Mohammed Quayyum Khan raises questions regarding the military-backed government’s handling and treatment of those taken into custody during the emergency. Quayyum fainted in a toilet at the Dhaka Central Jail on the morning of February 8, 2008 and was taken to the Dhaka Medical College Hospital where he was declared dead soon after his admission. According to eyewitness accounts, he was taken to the hospital handcuffed. Family members as well as senior members of the BNP have reportedly claimed that Quayyum had been suffering from a heart disease and that his death resulted from a lack of treatment in jail. Allegations of ignoring the medical treatment of detainees were also raised in the cases of Sigma Huda, a human rights advocate, and Sabera Aman, wife of a former state minister, and many others.

Bangladesh is a State Party to the UN Convention against Torture (CAT). Article 14(1) of the Convention states that State Parties must ensure in their legislation that victims of torture are able to enforce their ‘*right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation*’. The government of Bangladesh made a declaration regarding Article 14 (1), stating “The Government of the People’s Republic of Bangladesh will apply article 14 para 1 in consonance with the existing laws and legislation in the country.”

Bangladesh is yet to have in place such legal provisions providing this kind of compensation or medical or any other kind of treatment for victims of torture and impunity.

¹ Reports in the press have increasingly used more than one of the terms “crossfire”, “encounter”, “gunfight” and “shootout” in one article to describe the same incident. It is, therefore, no longer possible for Odhikar to determine which of these descriptions best describes an incident of extra-judicial killing. Odhikar has, therefore, grouped these incidents together.

Eviction of slum dwellers

During the 13 months of State of Emergency, the Government demolished a number of slums and evicted the slum dwellers. In last 30 days, the Government evicted at least 200 families from Mohakhali slum, in Dhaka. This caused serious human rights violations as the actions directly affected their rights to livelihood and shelter.

Free detained workers and peasants

Odhikar urges the Government to publish a detailed list of detained workers and peasants arrested under the Emergency Power Rules 2007 while they were protesting against poor working conditions, irregular pay and other violations to their rights, and also urges the Government to release them and withdraw any cases against them.

Arrest, detention and trial

At least 929 people, mostly politicians, were arrested under the Special Powers Act 1974 and were sent to jail under preventive detentions between 11 January 2007 and 10 January 2008. Odhikar urges the government to publish a detail list of the people arrested and sent to jail under preventive detention during the Emergency.

Most of the detained politicians, including former Prime Ministers Sheikh Hasina and Begum Khaleda Zia, are facing a number of cases. People campaigning for their welfare have voiced their concerns regarding transparency of inquiries and legal procedures and urge the government to ensuring their human rights while trying them.

Illegal Detention During this period, the freedom fighter Gazi Golam Dastagir, businessman Quamrul Huda and many others were abducted and illegally detained for an indefinite period.

Odhikar's Recommendations to the Government:

- Lift the State of Emergency immediately;
- Release all political prisoners; if there are cases against any person, trials should be conducted respecting human rights and ensuring due process of the law, in an open and transparent manner to ensure justice
- End all forms of intimidation towards the media
- Withdraw cases filed against workers and peasants for violating the State of Emergency.
- Stop evicting poor people without making alternative rehabilitation for them.
- Extra-judicial killings, torture and indiscriminate arrests should cease to continue.
- Hold independent judicial inquiries into extra-judicial killings and prosecute all those suspected of involvement.

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Notes to the Editor:

1. Odhikar seeks to uphold the civil, political, economic, social and cultural rights of the people.
2. Odhikar documents and records violations of human rights and receives information from its network of human rights defenders and monitors media reports in twelve national daily newspapers.
3. Odhikar conducts detailed fact-finding investigations into some of the most significant violations.
4. Odhikar is consistent in its human rights reporting and is committed to remain so.