

Odhikar report on International Human Rights Day

Odhikar, New Age and RCT, Denmark jointly organised a roundtable in Dhaka and rallies in six districts

Introduction:

On 10 December 2009, Odhikar and New Age, an English language national daily newspaper, jointly organised a roundtable on “**Extra-judicial Killings and the Rule of Law**” at Spectra Convention Centre in Dhaka on the occasion of International Human Rights Day. The red-letter day was observed under the project ‘Human Rights Defenders Training and Advocacy Programme in Bangladesh’, supported by RCT, Denmark¹.

Odhikar, with its grassroots level human rights defenders, also organised rallies in Tangail, Sirajgonj, Rajshahi, Kushtia, Jessore and Satkhira to mark International Human Rights Day.



The Editor of the New Age and Advisor of Odhikar, Nurul Kabir presided over the roundtable while Adilur Rahman Khan, Secretary of Odhikar moderated the session. Various human rights activists, lawmakers, politicians, academicians and senior journalists took part in the discussion.

Proceedings:

Major General (Retd) Moinul Hossain Chowdhury, former Adviser to the Caretaker Government; Dr. Abdul Moyeen Khan, former Minister for Science and Information Technology and a BNP² leader; Shah Jikrul Ahmed, Member of Parliament; Shammi Akhter, Member of Parliament; Dr. Ahmed Ziauddin, Advisor, Odhikar; Dr. Piyash Karim of the Department of Economics and Social Science at BRAC University; Saiful Huq, General Secretary, Revolutionary Workers Party; Mahbulul Alam, Member, Communist Party of Bangladesh; Advocate Sultana Akhter Rubi of Shommilito Nari Shomaj; Jatiya Mukti Council leader Dr. Faizul Hakim Lala; and journalist Mustain Zahir spoke at the meeting.

¹ RCT Denmark: The Research and Rehabilitation Centre for Torture Victims, based in Denmark.

² BNP: Bangladesh Nationalist Party

Politicians, rights activists, journalists and civil society actors stressed the need for a sustained campaign for mobilising public opinion against state-sponsored extrajudicial killings in order to establish rule of law and human rights. They observed that rule of law will remain impossible if extra-judicial killings, torture and injustice remain prevalent in society. They also asked the political authorities to use their good offices to put an end to injustice and nurture a democratic polity by admitting the mistakes they were making.

The organisers said that the recent spate of extrajudicial killings which began with the inception of Rapid Action Battalion (RAB)³ has taken the lives of many. According to Odhikar data, as many as 1,419 people have been killed by the law enforcers between June 2004 and November 2009. Among them 141 were killed during the first 10 months of the present Awami League-led government, which assumed office in January 2009.

Manzoorul Alam described how his brother-in-law, Kayser Mohammad Bappi who was a television actor, was branded a criminal and killed by the RAB in the city's Rampura area on September 10, 2009. He said, Bappi was not a criminal but a TV actor. RAB killed Kayser Mohammad Bappi, instead of Kamruzzaman Bappi, an alleged criminal of the area. He said the state machinery which had failed to save Bappi's life, was now trying to brand him a criminal to justify the killing. The death of Bappi can not be termed as 'crossfire' as the law enforcers killed him with 13 bullets. Police are trying to portray the incident into a different way.

"The state has no right to brand an innocent person a criminal," Manzoorul Alam said. "We are helpless when our lawmen open fire on us instead of protecting the lives of the citizens in an independent country."

Major General (Retd) Moinul Hossain Chowdhury termed the extrajudicial killings a manifestation of indiscipline in the disciplined forces and that the impunity of law enforcing agencies inspires such killings. He said "we made our nation independent for establishing human rights. The Government has to take responsibility to protect the human rights of its people." He also said that politicians must decide whether the crossfire killings will stop, adding that killing unarmed people was cowardice on the part of a soldier. He added that criminalisation of law enforcing agencies, judiciary and politics has made lawmen unruly. The former adviser also called upon the authorities to scrap a number of black laws to ensure justice. He hoped that trial of the crossfire killings would take place in course of time.

Former Minister and a BNP leader Abdul Moyeen Khan said incidents of human rights violations are taking place due to misuse of power. Torture can not be acceptable in the name of remand. He emphasised on the importance of reviewing arresting provisions before making a charge sheet. He commented that no killing was acceptable whether it was judicial or extrajudicial. The provision for death sentence should be scrapped to ensure justice, said the former Minister, asking all those present to raise their voices against cruelty and inhuman treatment of people in any form. He also called for a thorough review of the country's legal system.

The BNP leader suggested scrapping the provisions for remanding someone in the custody of law enforcers, detention before charge framing and the cancellation of the system of seeking bail in the courts, which he believed would help curb extrajudicial killings. He commented that the law should be equal for all, otherwise rule of law can not be established. In order to establish rule

³ RAB is an elite force instituted in June 2004 to combat crime.

of law and human rights, he said, the overall political culture must change for the wellbeing of the people.

The JSD⁴ leader and Member of Parliament Shah Jikrul Ahmed said that the trend of extra-judicial killings started after immunity was passed for those involved in the killing of Sheikh Mujibur Rahman, the founder President of the nation. He said that everyone has to respect rule of law and all the political parties need to be united to protect human rights. Lawmaker Jikrul Ahmed said there should be constant pressure on the two major political parties to be sincere about the rule of law. He also emphasised on education of the people and reduction of poverty for a society free of injustice.

BNP lawmaker Shammi Akhter said that it is a matter of sorrow that we have to talk about human rights today even after the nation got independent for establishing human rights. She said, when extra-judicial killings take place, human rights violations occur and there is no other option but organising a collective movement. She also termed the Home Minister's statement that there was no incident of crossfire taking place, as ridiculous. All incidents of extra-judicial killings have to be investigated and perpetrators be tried, she demanded. Shammi Akhter said, "Whoever assumes power becomes hypocritical and such attitude should change." She called for ensuring accountability of all for a just society.

Odhikar's Advisor Dr. Ahmed Ziauddin called upon rival political camps to stop trading the blame for extrajudicial killings. He commented that the tendency of avoiding responsibility is seen during all government regimes. Neither the previous governments nor the present government has a tendency to admit their mistakes. He added that human rights can not be protected without an effective preventive measure.

Dr. Ziauddin reminded all that the present government's Foreign Minister, after assuming power within six months, has made a commitment before all Member States at Geneva during the Universal Periodic Review session at the UN Human Rights Council, that extra-judicial killings must be stopped. Despite the declaration to stop extra-judicial killings, such killings continue. He also requested political leaders to keep in mind that no movement for protection of human rights even violated the rights of other people.

BRAC University teacher Dr. Piash Karim, referring to the case of Bappi, wondered how the authorities, who could not put Bappi's killers on trial, would hold the trial of other killings. He said the trial of the perpetrators of extra-judicial killings is the moral and political responsibility of the government. Dr. Karim observed that mainstream politics in the country was suffering from bankruptcy, and that there should be an alternative stream of politics for democratisation. He also called for initiating a social movement against all sorts of injustice.

Revolutionary Workers Party leader Saiful Huq said that the present government was continuing the culture of extra-judicial killings as previous governments and violating the Constitution and the justice delivery system.

CPB⁵ leader Mahbubul Alam said every effort to strengthen democracy would go in vain if extra-judicial killings were not stopped.

⁴ JSD: Jatiyo Shomajtantrik Dol (Socialist National Party)

⁵ CPB: Communist Party of Bangladesh

Dr. Faizul Hakim Lala said that the incidents of extra-judicial killings started in 1972 when the Jatiyo Rakkhi Bahini⁶ was created. Such killings have been continuing till date. People are being tortured in many forms during remand in custody. He said that under the prevailing state mechanisms, the state itself violates rights of its citizens. The human rights situation in the country is vulnerable and the people's voice has been strangled in the name of anti-terrorist drives.

Advocate Sultana Akhter Rubi said that the month December is the month of victory. 16 December is the victory Day of Bangladesh. It is a matter of regret that today there is not an encouraging environment to truly celebrate this occasion, she added. She also said that the uniformed people are involved in criminal activities and destroying the rule of law. She urged all to unite and strengthen the movement against injustice and for upholding human rights.

While presiding over the roundtable, New Age Editor Nurul Kabir said Bangladesh's war of independence was a struggle for the restoration of human rights. The struggle was to ensure one's right to express views fearlessly at the social and political levels, but the battle still continues. Describing the history of extra-judicial killings in Bangladesh, Nurul Kabir said, such killings have been taking place since 1972. Referring to Odhikar statistics, he said that 141 people have allegedly been killed extra-judicially during the last 11 months of this year. Of them, 09 in January, 02 in February, 01 in March, 04 in April, 17 in May, 07 in June, 05 in July, 19 in August, 35 in September, 28 in October and 14 in November. He said, when the State lies to its people, they become helpless. Extra-judicial killings are taking place while the government does not affirm it. He demanded that all the cases of extra-judicial killing be impartially investigated and a report be made public and perpetrators brought to justice. A united movement of all democratic forces is a must, involving the majority of the people, in order to win the battle for establishing rule of law, he added.

Apart from this roundtable meeting in Dhaka, Odhikar brought out rallies in Tangail, Sirajgonj, Rajshahi, Kushtia, Jessore and Satkhira district headquarters, organised by its grassroot level human rights defenders on the occasion of International Human Rights Day. The rallies got a lot of attention in the areas they went through. About 70-80 people, including local journalists, lawyers and social and cultural activists took part in each rally. The participants in the rallies carried placards and chanted slogans for promoting human rights.



⁶ Jatiyo Rakkhi Bahini was a special force formed by the government of Sheikh Mujibur Rahman and the forerunner of the present RAB.



Human rights defenders at Rajshahi District brought out a rally on the occasion of International Human Rights Day.



Human rights defenders at Jessore District brought out a rally on the occasion of International Human Rights Day.



Human rights defenders at Kushtia District brought out a rally on the occasion of International Human Rights Day.



Human rights defenders at Tangail District brought out a rally on the occasion of International Human Rights Day.