



12 December 2008

## Human Rights Report 23 Months of State of Emergency in Bangladesh

***THE NEXT PARLIAMENT MUST ENSURE A REVIEW OF THE DECISIONS AND ACTIONS TAKEN UNDER THE STATE OF EMERGENCY***

***ELECTION COMMISSION MUST RESPECT THE RULE OF LAW***

***HUMAN RIGHTS MUST BE RESPECTED AT ALL TIME DURING THE ELECTION***

### ***Decisions and actions taken under the Emergency must be reviewed:***

Odhikar notes the Government's decision to lift the State of Emergency from 17 December, 2008. Odhikar has consistently campaigned against the Emergency since its imposition on 11 January 2007. Due to 'Emergency's inherent anti-human rights character, that denies essential freedoms far extensively than permitted under international laws, and fails to protect basic rights, Odhikar's stand against a State of Emergency emanates from its stated mission to 'uphold human rights in all circumstances'.

Odhikar demands that all political parties and the next Parliament must not grant a blanket indemnity to the State of Emergency, or to the declarations, decisions and measures taken during its tenure, including all steps taken by this Government. The Parliament must review all Ordinances and other measures of the Government during the State of Emergency and approve only those that fall within Constitutional remits of the Caretaker Government. The Parliament must not ratify unconstitutional and illegal orders, decisions or laws made by the present Government.

Odhikar also maintains that the upcoming Parliament cannot use their electoral mandate to ratify the deeds of the present Government, since a vote for an elected Parliament does not necessarily permit it to ratify or otherwise legitimise actions and measures of the current Government. The elected Parliament cannot and should not take up the responsibilities of this unelected Government.

### ***Election Commission must uphold rule of law:***

The Election Commission must ensure equal treatment under law; in particular, all election related laws. Odhikar is concerned that the Election Commission has not treated all political parties and aspiring candidates evenly, according to its own laws. From the registration of political parties to the submission and scrutiny of nomination papers etc, the Election Commission has failed to meet standards set by the law. Odhikar reminds the Election Commission to uphold laws during the entire election process.

### ***60<sup>th</sup> Anniversary of UDHR under State of Emergency:***

Odhikar regrets that even after the passage of 60 years since the adoption of the Universal Declaration of Human Rights, the basic Charter of human rights and freedom, Bangladesh celebrated its 60<sup>th</sup> anniversary under a repressive State of Emergency, where several fundamental freedoms were curtailed and human rights were violated. The present Government paid no attention to its obligations under the UDHR, even as a member of the Human Rights Council.

### ***Human Rights must be respected during election:***

Odhikar calls upon the Government to ensure respect for human rights, in particular, those of women, religious and ethnic minorities and disadvantaged members of the society as election day approaches. The Government must make sure that law enforcement personnel are fully aware of their human rights obligations and allow people to speak, assemble and vote without fear and hindrance. The security forces must not interfere in the election process or in any way intimidate voters or influence the outcome of the election.

The Government and the Election Commission should take appropriate measures to guarantee safety and security of members of vulnerable groups and communities during the polling day and afterwards as well.

### ***Violence during election:***

Odhikar reminds the Government and political parties not to provoke or participate in any violent act either before, during or after the election. Odhikar demands that the political parties publicly renounce and shun any violence whatsoever carried out by their activists or carried out in the name of parties during these days. Odhikar recalls with horror past acts of election related violence attributed to all major political parties. The rights of the voters must be respected by all concerned. Odhikar also urges political parties to stay vigilant against any act of violence unleashed by their members and supporters.

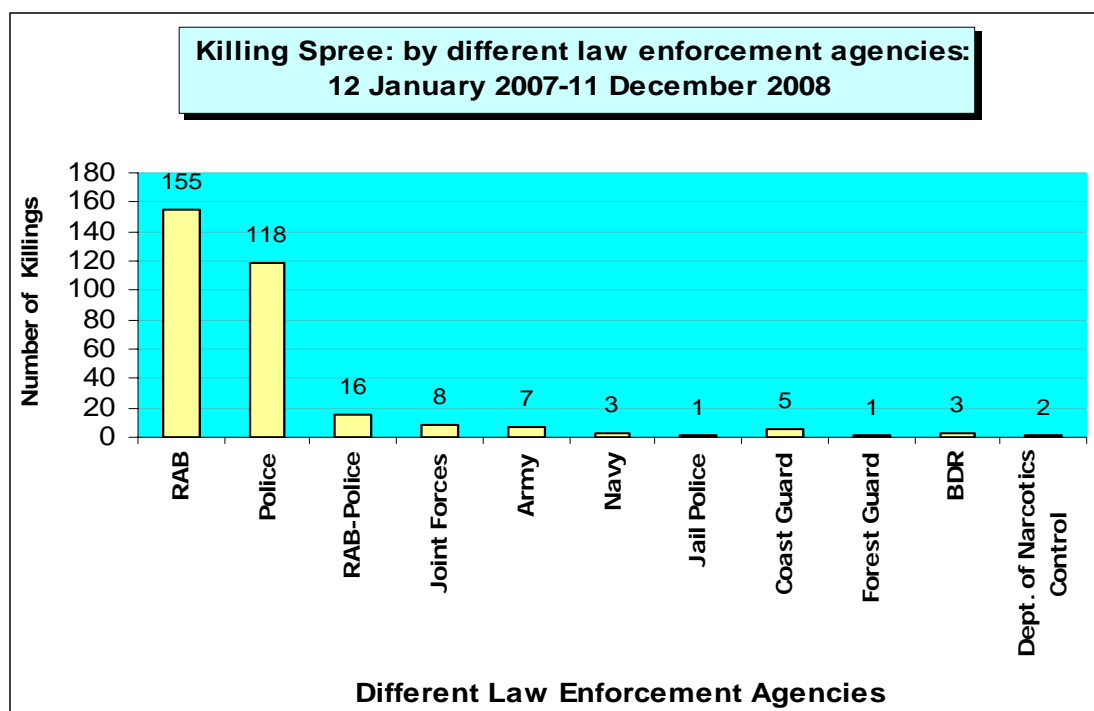
### ***Extrajudicial killings, custodial deaths are a national shame:***

Not only have extrajudicial killings not stopped, they are now being perpetrated with greater recklessness and the killings are carried out with absolute impunity. 319 people have been killed by legally constituted forces in the 23 months under the State of Emergency. So defiant of the laws and norms, these errant law enforcers do not even think it necessary to give an elaborate report of the circumstances of death to explain their conduct, but hand out the same stereotyped story of 'crossfire' or 'exchange of gunfire' for almost every incident of 'death in custody'. During this period 256 people were allegedly killed in 'crossfire' and 38 people were allegedly tortured to death while in custody.

It is true that extrajudicial killings have existed for years and are not an innovation of the present government, but if the government remained true to its claim that it would clear much of the cobwebs of the past, then it should have probed the summary executions that took place in the past instead of adding approximately a dozen new instances every month. Extrajudicial killings and custodial deaths are a national shame that should no longer be tolerated.

**Number of people killed by law enforcement agencies: 11 January 2007 to 11 December 2008**

Law Enforcement Agency	No. of Persons Reported Killed
RAB	155
Police	118
RAB-Police	16
Joint Forces	8
Army	7
Navy	3
Jail Police	1
Coast Guard	5
Forest Guard	1
BDR	3
Dept. of Narcotics Control	2
<b>Total</b>	<b>319</b>



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**Notes:**

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.