
August 06, 2015

**Statement of Odhikar regarding the Media Release from
Bangladesh Police Headquarters, Dhaka on extrajudicial killings**

A press release in Bangla titled “Police did not commit extrajudicial killings: statements of Odhikar and BAMAK are unlawful; only subversive campaigns”, memo No. M and PR/1705 dated August 02, 2015, issued by the Bangladesh Police Headquarters and sent to the media, has been brought to the attention of Odhikar. In this, the Police Headquarters stated that the statements of the two organisations ‘Odhikar’ and ‘Bangladesh Human Rights Commission’ (BAMAK) on ‘Extrajudicial Killings’ are contrary to existing laws of Bangladesh, which is tantamount to challenging rule of law and the judicial system. Odhikar refutes this claim of the Police. Human rights organisation Odhikar has been working to establish rule of law and put an end to impunity in Bangladesh for over 20 years. Extrajudicial killings contravene rule of law. Incidents of extrajudicial killings are occurring and such allegations are regularly made by the victim families. There are also incidents where police threaten to ‘cross fire’ arrestees in order to extract ‘confessions’. Odhikar gathers such evidences from reports published in different national dailies and information sent by human rights defenders from the field; and releases its reports after compiling such information.

The incidents of extrajudicial killings were noted even by the highest Court of the land. It has issued several rules on the matter. On November 15, 2009 a Bench of the High Court Division of the Supreme Court of Bangladesh, issued a *suo moto* Rule on the government regarding the deaths of two brothers, Lutfar Khalashi and Khairul Khalashi in ‘crossfire’ in Madaripur. In the Rule the Court asked the government to show why the killings of the two brothers in ‘crossfire’ would not be declared illegal. On December 14, 2009 the State (Attorney General) appealed for time during the hearing to the same High Court Division Bench. The Court ordered that the practice of ‘cross fire’ be stopped until the hearing of the case is completed. Later, the Bench which had issued the Rule was dissolved when the Chief Justice of the Supreme Court re-organised the High Court Division Benches. As a result, the hearing of that matter is still adjourned.¹ On June 1, 2010 a High Court Division Bench of the Supreme Court comprising of Justice AHM Shamsuddin Chowdhury and Justice Mohammad Delwar Hossain, during a hearing on an appeal for the acquittal of Chittagong Police Commissioner, Moniruzzaman, from charges of Contempt of Court, commented that “incidents of deaths due to torture in custody will not be tolerated; because the judges have taken oath, constitutionally, to protect the rights of the people”.²

¹ The daily JaiJaiDin, 14/01/2010

² The daily Prothom Alo, 02/06/2010

The aforementioned Orders made by the Judges of the High Court Division make it apparent that incidents of extrajudicial killings are occurring in Bangladesh. Furthermore, the Ministry of Home Affairs commented on two incidents of death in the hands RAB as ‘extrajudicial killing’. These were the deaths of Mohiuddin Arif on February 3, 2010 in Mirpur area of Dhaka and the killing of young TV actor Kaisar Mahmud Bappi on September 10, 2009 in the Rampura area of Dhaka. Investigations of the two incidents were conducted under the leadership of the Deputy Secretary (Law Wing) of the Ministry of Home Affairs, based on the allegations made by the families of the deceased. It was mentioned in the investigation reports that Arif died due to torture in RAB custody; while Bappi was killed in direct shooting by RAB and not in ‘crossfire’. The special inquiry committee had also recommended that exemplary punishment of the perpetrators through due process of law be ensured.³ Though the higher officials of the police did not admit to the deaths in crossfire or gunfight as extrajudicial killing in their statements, this has already been proved through the reports of the Home Ministry. On June 19, 2010 a CNG-run-auto rickshaw driver Babul Gazi died in police custody. Police claimed that he died due to injuries as he fell down on street when he tried to escape from the police van. However, the family of the deceased alleged that RAB recovered two auto-rickshaws from Babul Gazi and demanded two hundred thousand taka from him. But Babul could only pay RAB 70 thousand taka. He was tortured to death as he could not pay two hundred thousand taka.⁴ An autopsy of Babul Gazi’s body was conducted due to his unnatural death. Dr. Prodeep Biswas, who conducted post-mortem, mentioned in the post-mortem report that the incident of death of Babul Gazi was due to an ‘accident’. However, that post-mortem report was not accepted by the High Court Division of the Supreme Court. Later a High Court Division Bench of the Supreme Court ordered that a special committee be formed to examine the post-mortem report. As a result, Professor Dr. Kazi Deen Mohammad of Dhaka Medical College and Hospital formed a three-member Forensic Expert Committee. The expert committee stated in its report that the death of Babul Gazi was homicidal in nature. After submitting this report, Dr. Prodeep Biswas admitted that the marks of injuries on the body of Babul Gazi were homicidal in their manner.⁵ The above-mentioned incidents clearly prove that extrajudicial killings occur.

In its media release, the Police Headquarters also mentioned that “it has been noticed that there is a similar attempt in Bangladesh to act as the ‘Fifth Column’ in Spain. It went on to claim that reports of various foreign funded organisations are making this country’s law enforcement and judicial systems look controversial in the eyes of the world. This has a negative impact on Bangladesh’s reputation, foreign investment and political and other issues; and may be considered as subversive activities”. Odhikar takes exception to this statement of the Police. As a human rights organisation, it is the prime responsibility of Odhikar to highlight incidents of

³ The daily Amar Desh, 25/11/2010

⁴ Information gathered by Odhikar.

⁵ The Daily Ittefaq, 06/11/2010



human rights violations in the country; and demand explanations from the government. Human rights defenders have always urged the government to put an end to the impunity enjoyed by the members of various state security forces; and it is the duty of a democratic government to pay attention to the statements of human rights defenders and try to address the problems by being responsive. The activities and sacrifices made by human rights defenders are always praiseworthy to a democratic and accountable government.

Bangladesh, as a member of the UN Human Rights Council, is committed to stop human rights violations and ensure security to human rights defenders. It must be mentioned here that Odhikar is also an organisation which has a special consultative status of the Economic and Social Council (ECOSOC) of the United Nations.

Human rights defenders associated with Odhikar are engaged in a long-drawn struggle to establish human rights and to put a halt to impunity in Bangladesh. Odhikar is working as the voice of thousands of victims without any discrimination. Odhikar has incurred the government's ire under successive regimes, for being vocal against enforced disappearance, extrajudicial killings and torture and for campaigning to establish rights to freedom of expression, personal liberty and the media. Human rights defenders who are associated with Odhikar are being monitored and intimidated. Apart from that, all project related funds of Odhikar, have been stopped. Despite this, activists of Odhikar are committed to defend human rights. Odhikar believes that the government must ensure the accountability of all security forces, including the police. Odhikar demands that once proven, the government ensure the trial of responsible members of law enforcement agencies who are allegedly involved in extrajudicial killings. Odhikar expresses its condolence to the family members of personnel of all law enforcement agencies, including the police, who sacrificed their lives to save others and it also has immense respect for the professional, competent and patriotic police officers for their contributions.

In solidarity,
The Odhikar Team
www.odhikar.org