

BANGLADESH

Briefing to political parties for a human rights agenda

As the January 2007 general elections draw near and political parties begin to step up campaigning to win seats in the *Jatiya Sangsad* (Parliament), Amnesty International calls on the leaders of all political parties in Bangladesh to make human rights the cornerstone of their political programmes.

Amnesty International believes that it is important that all political parties commit publicly – particularly as they prepare for elections – to promoting and protecting human rights whether in future they are in government or in opposition.

Amnesty International is concerned that past governments in Bangladesh have failed to introduce effective mechanisms for administrative accountability. This failure has facilitated misuse of state institutions by some politicians. It has also undermined the rule of law and weakened constitutional safeguards protecting respect for human rights.

Successive governments have routinely ignored human rights abuses by their own supporters, or supporters of allied political parties, allowing the perpetrators to be shielded by a climate of impunity. At the same time the police force, often poorly trained and under-resourced, together with a judicial system burdened by a serious backlog of unresolved cases, has in practice denied access to justice to the victims of human rights violations and their defenders.

Amnesty International believes that the political parties have an important role to play in ensuring that the cycle of impunity for human rights violations, which has long prevailed in the country, is addressed by the new government as a matter of urgency.

All political parties need to take determined steps to address deep rooted barriers to effective human rights protection in Bangladesh. Politically motivated misuse of institutions of the state, including the police and the judiciary, and the frequent use of violence against political opponents, has had a grave impact on respect for human rights. Evidence of an increase in human rights abuses purportedly committed in the name of political or religious ideology, is of growing concern. In addition a high incidence of extreme poverty and the inability of so many Bangladeshis to enjoy adequate access to basic economic and social rights, including health, food and shelter highlights the need for human rights to be at the heart of the proposed agenda of all political parties and of the future government.

Amnesty International has for long been highlighting aspects of these problems in its documents on Bangladesh.¹

¹ For details please see: <http://web.amnesty.org/library/eng-bgd/index>

Amnesty International believes that political parties can play a major role in strengthening and nurturing elements of reform that are critical to the protection of human rights. These include respect for freedom of expression and peaceful assembly and the robust rejection of any threats to the independence and impartiality of the judiciary. In addition all political parties should encourage the continued participation in, and contribution to human rights protection of Bangladesh's vibrant civil society, including the legal fraternity and non-governmental organizations, especially those working on behalf of the rights of women.

Amnesty International is calling upon all political parties in Bangladesh to address the concerns cited in this document, and to make human rights central to their agenda for reform.

In the following pages, this report focuses more closely on the apparent failure of political parties to:

- Promote an independent and non-partisan monitoring of human rights;
- Respect the right to physical and mental integrity of their opponents;
- Respect the right of all voters to cast their votes in an atmosphere free from fear and violence;
- Actively promote the rights of individuals or groups not to be subjected to any human rights abuses;
- Ensure that minority communities are protected against attacks;
- Respect the right to peaceful assembly and protest;
- Campaign to prevent violence against women and human rights defenders.

1. Political parties – defenders of rights or perpetrators of abuses?

Amnesty International remains concerned about reports that indicate a persistent pattern of human rights abuses perpetrated by members of the main political parties including the Bangladesh Nationalist Party (BNP), the Awami League and Jamaat-e-Islami.

When in opposition, Bangladeshi political parties have often expressed their concern about human rights violations inflicted on their members. Such violations have included: arbitrary arrests at the instigation of the ruling party officials; use of the police force to torture or ill-treat members of opposition parties; and the filing of politically motivated criminal charges against opponents. However, the same political parties have often remained silent in relation to human rights abuses reportedly carried out by their own members.

Abuses by political parties have usually been carried out by the “student” wings of the major parties. These groups include: Bangladesh Chattra Dhal (BCD), affiliated to the Bangladesh Nationalist Party; Bangladesh Chattra League (BCL) affiliated to the Awami League; and Islami Chhatrashibir, affiliated to Jamaat-e-Islami.

When their parties are in government such “student” groups, who reportedly keep and use fire arms, can become unchallenged perpetrators of human rights abuses reportedly under the patronage of their party leaders.

The involvement of such armed “student” and other groups in the political process is believed to be one of the major causes of continued high levels of political violence, including patterns of killings and serious injury in Bangladesh. Political parties have pledged, but failed, to disarm their own “student” groups.

Recommendation: Amnesty International calls upon all political parties to prevent their members from committing human rights violations, and to seek to bring to justice anyone involved in abusing human rights, regardless of their party affiliation.

2 Political violence

In recent years, escalating levels of politically-motivated violence, including several waves of bombings, combined with a lack of appropriate action by the authorities have threatened to push Bangladesh to the edge of a human rights crisis.

Targets of the violence have included Sufi places of worship; opposition rallies, cinemas and other cultural venues, and court buildings. The violence has claimed many lives and resulted in the destruction of property. It has generated a sense of fear and insecurity amongst the public.

Suspected perpetrators of much of the violence have been individuals allegedly affiliated to Bangladeshi Islamist groups. There have been persistent allegations that some of these groups have had links with politicians within the ruling coalition parties, who have reportedly helped shield suspects from proper investigation and prosecution.

Although the government has taken action in recent months to address the problem,² there is a widespread perception that in many instances, the perpetrators and those instigating the violence have been allowed to evade justice.

Recommendation: Amnesty International calls on all political parties to both emphatically condemn such violence, and to urge the government to urgently take steps to bring the perpetrators to justice. All political parties must also address every report of the involvement of their members in acts of violence, and help ensure that those responsible are brought to justice in fair trials.

2.1 Instances of political violence

What follows, to illustrate the problem, are brief descriptions of some of the more publicized instances of political violence in recent years and an update on related legal developments.

² See: *Bangladesh: Investigations must comply to international human rights standards and extend to all those involved in human rights abuses regardless of their political links* (AI Index: 13/003/2006), Amnesty International 16 March 2006
<http://web.amnesty.org/library/Index/ENGASA130032006?open&of=ENG-BGD>

2.1.1 Mymensingh cinema blasts

At least 17 people were killed and more than 100 others injured in a series of bomb blasts in four crowded cinemas in Mymensingh in December 2002. There were reports that Islamist groups were involved in the blasts. The government set up a judicial investigation into the bombings, but although the judge appointed to conduct the investigation had only begun to gather the evidence, the government publicly asserted that Islamist groups were not involved and that the opposition Awami League was responsible. A number of academics and writers critical of the government, and several Awami League leaders, were detained. They included prominent writer Shahriar Kabir, university professor Muntassir Mamoon, Awami League politician Saber Hossain Chowdhury, and journalist Enamul Haque Chowdhury. They were reportedly tortured while in police custody and had a series of “sedition” charges filed against them. All the detainees claimed that attempts had been made to force them to confess to involvement in the Mymensingh bomb blasts, but that despite being subjected to torture, they refused to accept the accusation. Their detention and the government’s refusal to allow a proper investigation to be conducted to determine who was responsible for the blasts appeared to be a move by the government to intimidate its critics.

In March 2006, the government announced that the Mymensingh cinema blasts were carried out by the Jama’atul Mujahideen group. This admission by the government contravened its earlier assertions that the above-mentioned individuals were responsible for the bomb blasts. However, the government has as yet failed to recognize that these individuals had been wrongfully deprived of their liberty, and subjected to torture and ill-treatment.

Recommendations: Amnesty International urges the government to carry out an independent and impartial investigation into the incident, bring those responsible to justice in fair trials, drop unsubstantiated charges against individuals wrongfully accused of involvement in the blast, and provide them with adequate compensation. Amnesty International calls upon all political parties to publicly support this recommendation.

2.1.2 Shahjalal shrine blast

Three people were killed in a bomb attack at Hazrat Shahjalal shrine in Sylhet in January 2004. In May that year, another blast at the same shrine, killed two people and injured dozens. Although the government has announced an investigation, no one is known to have been brought to justice for these attacks.

Recommendations: Amnesty International urges the government to state publicly what steps it has taken to investigate the attacks and to bring the perpetrators to justice in fair trials. Amnesty International calls upon all political parties to urge the government to implement this recommendation.

2.1.3 August 2004 grenade attack

A grenade attack on a rally addressed by the opposition Awami League leader, Sheikh Hasina, on 21 August 2004 left 22 people dead and hundreds more injured. Sheikh Hasina narrowly

escaped from the attack. The opposition blamed Islamist groups linked to the BNP-led coalition for the attack. The government instituted a judicial inquiry. However, there were concerns about the inquiry's impartiality as Prime Minister Begum Khaleda Zia suggested that the Awami League might have carried out the attack themselves in order to tarnish the government's image.

The inquiry judge submitted his report to the authorities in October 2004. He told journalists that he had identified the perpetrators and a link to "foreign enemies" but gave no details. The content of the report and the government's response has not been made public. There has been no further investigation into the incident, and no one has been brought to justice for it.

Recommendations: Amnesty International urges the government to state publicly what steps it has taken to investigate the attacks and to bring the perpetrators to justice in fair trials. Amnesty International calls upon all political parties to urge the government to implement this recommendation.

2.1.4 January 2005 grenade attack

On 27 January 2005, another grenade attack killed five people, including former Finance Minister and leading Awami League politician Shah Abu Mohammad Shamsul Kibria, at an Awami League rally in Habiganj, northeast of the capital Dhaka. More than 80 people were reportedly injured.

An investigation was carried out by the police and charges have been brought against a number of people including some BNP members. However, the family of the assassinated politician has demanded an independent investigation to uncover the perpetrators and those who have instigated the attack, but the government refused their demand.

Recommendations: Amnesty International urges the government to carry out further investigations into the incident to identify whether there had been any official involvement in these attacks. Amnesty International is calling upon political parties to support this recommendation.

2.1.5 August 2005 bombings

After a series of isolated bomb attacks from the beginning of the year, on 17 August 2005 hundreds of small bombs, many targeting court and other government buildings, were detonated within a period of 30 minutes across the country. Two people were killed and hundreds injured. *Jama'atul Mujahideen* leaflets at the bomb sites called for the introduction of Islamic law in Bangladesh.

Dozens of people were killed and hundreds more injured in further bomb blasts including Bangladesh's first suicide bombing in November 2005. The bombings, which marked a significant escalation in the violence, sparked widespread criticism of the ruling coalition for failing to prevent such attacks. Eventually several leaders and activists of two Islamist groups – *Jama'atul Mujahideen* (Assembly of the Holy Warriors) Bangladesh and

Jagrata Muslim Janata (Awakened Muslim Citizens) Bangladesh were arrested in March 2006. These groups had already been banned in February 2005.

The government acted swiftly to investigate the bombings and to bring charges against members of these two Islamist groups, which have led to trials and convictions.³ There are, however, widespread concerns that no investigation has been carried out into the allegations that these groups have in the past received support from officials within the ruling coalition.

Recommendations: Amnesty International urges the government to carry out an investigation into allegations of official involvement in the activities of members of the Islamist groups who have been tried and convicted on charges of involvement in the bombings. Amnesty International calls upon the political parties to support this recommendation.

3 Electoral violence

Political parties have a major role to play in stemming violence in the run up to the general elections. Targets of such electoral violence include any person seeking to participate in the electoral process, but in the past they have most frequently been: activists from the political parties; members of parties opposed to the outgoing ruling parties; and minority communities.

Bangladeshi history has shown that minority communities are particularly vulnerable to, among other forms of violence and discrimination, electoral violence (see below). The memories of attacks against members of the Hindu minority during the 2001 general elections, which including killings, beatings, rape, and looting of property, continue to linger. Amnesty International urges all political parties to actively support steps aimed at protecting those most at risk of electoral violence.

3.1 Communities at risk of violence

Attacks on minority communities, including Hindus, Ahmadis, tribal people in the Chittagong Hill Tracts and elsewhere and Christians, continue to be reported. Such attacks are carried out with impunity. The following paragraphs refer to the minorities particularly at risk in respect of whom Amnesty International makes the following recommendations:

Recommendations: Amnesty International urges the government to ensure the adequate protection of members of the minority communities. Amnesty International calls upon leaders of political parties, especially those in the current ruling coalition, to ensure that their members understand that the use of violence during election campaigning constitutes criminal activity; that none of their members will be allowed to evade justice through their links with party politicians; and that all party officials

³ See: *Bangladesh: Fear of imminent execution* (Index: ASA 13/009/2006), Amnesty International 28 September 2006 <http://web.amnesty.org/library/Index/ENGASA130092006?open&of=ENG-BGD>

and leaders will cooperate fully with any investigation to identify and bring to justice in fair trials perpetrators of human rights violations.

3.1.1 Hindus

As stated above, following the general elections of 1 October 2001, hundreds of Hindu families were subjected to violent assaults, including rape, beatings and the burning of property. They were reportedly attacked by supporters of the BNP which won the majority of seats in Parliament, because of their perceived support for the Awami League. Hundreds of Hindu families reportedly fled to India. The police failed to take effective measures to protect the Hindu community. Some arrests were made but most assailants were not brought to justice. So far, there has been no independent and impartial investigation into these attacks.

While the government has taken action since 2001 to protect members of the Hindu minority in the main cities, during their festivities or in times of escalated tension between Hindu and Muslim communities in neighbouring India, members of the community in Bangladesh, particularly in the rural areas, continue to be at risk of attacks.

3.1.2 Ahmadis

The current campaign of advocacy of hatred and violence by some Islamist groups against members of the Ahmadiyya community in Bangladesh is a serious threat to freedom of religion and expression. Anti-Ahmadi agitators have reportedly been involved in a catalogue of human rights abuses which have remained unaddressed.

While the Government of Bangladesh has acted to prevent the crowds from entering Ahmadi mosques, its failure to bring to justice those responsible for these attacks has severely undermined safeguards in international human rights law and the Constitution of Bangladesh for freedom of religion, thought and conscience.

3.1.3 Chittagong Hill Tracts

The tribal people of the Chittagong Hill Tracts (CHT) have for a long time been the targets of massacres, arbitrary detention, torture and extrajudicial executions, notably during the years of armed conflict (mid-1970s to 1997). The signing of the peace accord between the Government of Bangladesh and tribal representatives in December 1997 appeared to provide assurances that their civil and political rights as well as their economic, social and cultural rights would be respected. However, eight-and-a-half years after the signing of the accord, the Government of Bangladesh has failed to implement fully some of the most crucial provisions of the accord. These include the rehabilitation of all returned refugees and internally displaced families, settlement of land confiscated from the tribal people during the conflict, withdrawal of non-permanent army camps from the Chittagong Hill Tracts and transfer of power within the provisions of the peace accord to the local CHT administration.

Tribal people continue to be the targets of mass attacks by Bengali settlers apparently aided by army personnel acting with impunity. The government has apparently failed to prevent these abuses or to bring those perpetrating them to justice.

3.2 Failure to respect the right of peaceful assembly and freedom of expression

In several waves of mass arrests over the past few years, thousands of opposition supporters have been arbitrarily detained, usually for weeks, following the peaceful exercise of their freedom of expression. The arrests have usually followed mass anti-government demonstrations by the opposition supporters.

Opposition activists have also been the targets of attacks by members of the ruling coalition parties or by police personnel. In one such incident in August 2005, hundreds of Awami League supporters were reportedly injured when various Awami League gatherings were attacked by BNP members. In 2006, during several rounds of mass arrests of opposition activists, leading opposition members have been particularly targeted by the police and subjected to severe beatings during rallies.

Recommendations: Amnesty International calls on all political parties to make clear their commitment to the right to freedom of speech and peaceful assembly, and to ensure protection of these rights.

4 Human rights defenders

The failure of successive governments in Bangladesh to stop abuses against people seeking to promote and defend human rights in the country has encouraged such abuses to persist.

In a report published in August 2005,⁴ Amnesty International highlighted the arbitrary arrest, torture and filing of unfounded criminal charges by government agents against those who speak out on human rights abuses.

Human rights defenders include journalists, writers, academics, staff from non-governmental organisations and lawyers. Although the instances of the arbitrary arrest of human rights defenders have decreased over the past two years, politically motivated and apparently unfounded charges brought against scores of human rights defenders in the past remain pending.

Human rights defenders have also been routinely subjected to death threats, physical attacks and sometimes unlawful killings or extrajudicial executions. Perpetrators are individuals or groups usually linked to armed criminal gangs, political parties, Islamist groups or mercenary gangs thought to be linked to local politicians.

The government's inaction has led to a climate of impunity in which physical harassment, torture and deaths have in many instances not been investigated and neither have the perpetrators been identified and brought to justice in fair trials. The authorities have a duty

⁴ See: *Bangladesh: Human rights defenders under attack*
(AI Index: ASA 13/004/2005)
<http://web.amnesty.org/library/Index/ENGASA130042005?open&of=ENG-BGD>

to take action to prevent and punish human rights violations committed by their agents and protect people against attacks committed by armed gangs.

Over a dozen people who have spoken out against human rights abuses in Bangladesh have been killed since 2000 by assailants believed to be linked to armed criminal gangs or armed factions of political parties. Scores of others have been seriously injured, some permanently, and require ongoing medical attention. Several journalists have had their fingers or hands deliberately damaged to prevent them from writing.

Recommendations: Amnesty International calls on the leaders of all political parties to recognize and publicly support the legitimate work of human rights defenders, to condemn any type of harassment or attack on them by agents of the state or non-state actors, and to make clear that statements which undermine the legitimacy of their work or that generate a climate of hostility towards them will not be tolerated. It calls on them to ensure that any human rights violations committed against human rights defenders are promptly, effectively and impartially investigated and that those responsible are brought to justice in fair trials.

5 Violence against women

Violence against women is reportedly widespread throughout Bangladesh. It includes physical assault, rape, dowry related burning and killing of women, and acid attacks. According to media reports, in the first quarter of 2005 alone, more than 1,900 women were allegedly subjected to violence, over 200 were killed allegedly following rape, over 300 women were allegedly abused for not meeting their husbands' dowry demands and over 100 were trafficked. The NGO, Acid Survivors Foundation said that at least 166 incidents of acid attacks involving 210 victims – 138 of whom were women – took place in the first nine months of 2005. There are also disturbing reports about the recurrence of fatwa (religious edicts) related to flogging in the country after a relative lull in recent years.

Bangladeshi media continue to report new cases of violence against women. Social stigma, police refusal to act on most reports of violence against women, and a lack of legal and community support for the victims prevents many of them from seeking justice.

Preventing violence against women requires active support from all sections of society, including the government, political parties, the society at large and state institutions.

Recommendations: Amnesty International calls on leaders of the political parties to state publicly their abhorrence of violence against women and to commit themselves to demanding that the issue will be addressed by the new government.

6 Torture

Widespread and persistent torture and other ill-treatment has been routinely ignored by successive governments and major political parties since Bangladesh's independence. For too long torture and ill-treatment inflicted by the police and army personnel on political prisoners

or suspected criminals has been accepted as normal behaviour by government agents.⁵ The government should take determined action to protect everyone against torture and ill-treatment as a matter of urgency.

Victims of torture and ill-treatment include children, women, the elderly, political opponents, as well as criminal suspects. Methods of torture include; beating with rifle butts, iron rods, bamboo sticks, hanging by the hands from the ceiling, rape, “water treatment” in which hose pipes are fixed into each nostril and taps turned on full for two minutes at a time, the use of pliers to crush fingers, and electric shocks.

Recommendations: Political parties should publicly declare their absolute opposition to torture and ill-treatment, and use their influence and campaigning activities to demand the eradication of such practices, including by making a public commitment for Bangladesh to become a state party to the Optional Protocol to the UN Convention against Torture as a matter of priority.

7 Possible extrajudicial executions

Police and other security personnel have continued to engage in what appears to be extrajudicial executions. Hundreds of people have reportedly died in recent years in what the government has portrayed as deaths in crossfire between the special security force known as the Rapid Action Battalion (RAB) and suspected criminals. There are concerns that the deaths, which have usually occurred in desolate locations after the arrest of suspects, have been deliberate killings by the RAB. There has been no independent investigation into these deaths, and no one has been brought to justice for them.

Recommendation: Amnesty International urges the government to ensure that every report of death alleged to have occurred in crossfire is promptly, effectively and impartially investigated and that those responsible are brought to justice in fair trials. Amnesty International calls upon the political parties to support this recommendation.

8 Possible excessive use of force

Over a dozen people were killed in protests relating to electricity shortages in the northern town of Kansat in April 2006 after police fired live ammunition with AK47s, rubber bullets and tear gas to dispel the crowds. There has been no independent investigation into these killings and no one has been brought to justice.

Recommendations: Amnesty International urges the government to ensure that every report of possible excessive use of force is promptly, effectively and impartially investigated and that those responsible are brought to justice in fair trials. Amnesty International calls upon the political parties to support this recommendation, and to pledge in their

⁵ See *Bangladesh: Torture and impunity (AI Index: 13/003/2000)*, Amnesty International .November 2000 <http://web.amnesty.org/library/print/ENGASA130072000>

*manifestos to uphold human rights standards concerning the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.*⁶

9 Death penalty

Amnesty International is gravely concerned about the increasing instances of people sentenced to death, and the rising number of executions. In 2005, at least 217 men and one woman were sentenced to death, and at least three men were executed by hanging.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment. The application of the death penalty is irrevocable while the risk of error leading to the state killing of an innocent can never be discounted. The death penalty has never been shown to deter crime more effectively than other punishments.

Recommendations: Amnesty International urges the leaders of all political parties to state their opposition to the death penalty and executions in the country and urges the government to impose a moratorium on the death penalty with a view to moving towards its abolition as a matter of priority.

10 Law reform and institution building

Bangladeshi human rights defenders have frequently raised concerns about a number of legal practices which allow the executive to improperly influence the judiciary. One such issue is the separation of the lower layers of the judiciary (magistrates) from the executive authority.⁷ Calls for this separation have been endorsed by the High Court, which in 1999 ruled that the judiciary should be separated from the executive. However, successive governments have failed to implement this ruling.

Similarly, governments in Bangladesh have failed to set up a National Human Rights Commission, and the Office of the Ombudsman – which is a constitutional requirement – has never been established.

Recommendations: Amnesty International is urging all political parties to seek, and state their commitment to, the implementation of reforms strengthening the independence of the judiciary, and establishing other independent forums for the receipt and investigation of complaints of human rights and other abuses.

⁶ For the full text of these principles, please see: http://www.unhchr.ch/html/menu3/b/h_comp43.htm

⁷ At present, the post of the District Magistrate (a judicial authority) and the Deputy Commissioner (an executive authority) are held by the same person. All magistrates before whom complaints are filed in the first instance are therefore answerable to the local Deputy Commissioner who is the highest executive authority in his/her area. This compromises the independence of the judiciary particularly when complaints are made against the police or government officials.