

BANGLADESH

Torture and impunity

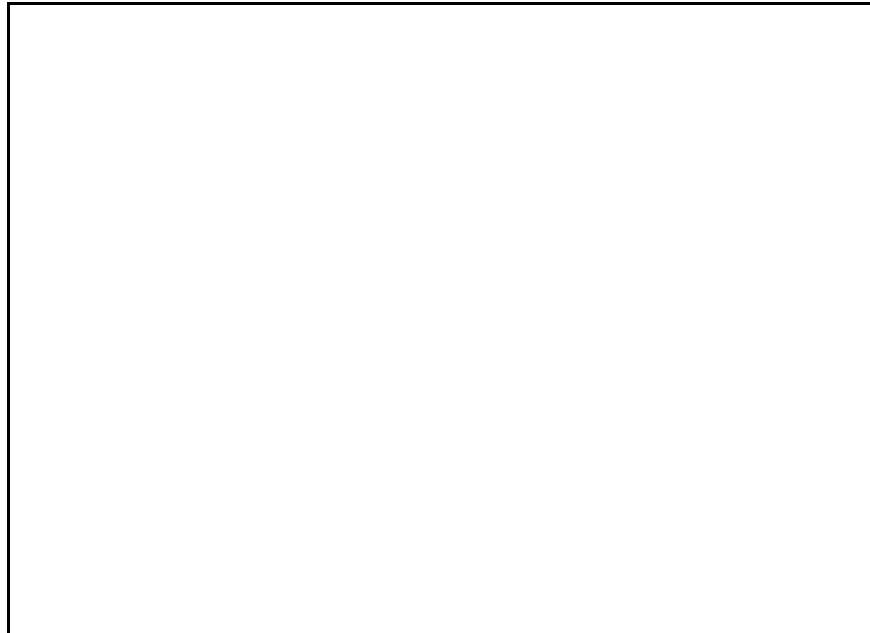
1. Introduction

Torture has been widespread in Bangladesh under successive governments. Neither governments nor the opposition parties past and present have shown serious determination to confront the practice and prevent it.

Each government's failure to address torture has constituted a failure to fulfil Bangladesh's obligations - under the Universal Declaration of Human Rights and the Constitution - to provide durable and effective protection from torture to the people in the country.

Each party's inaction on the issue of torture has effectively contributed to the continuation of this endemic human rights violation.

By signing the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in October 1998, Bangladesh has committed itself to safeguarding a most fundamental right of the people in its territory, that is freedom from torture. Government authorities have therefore a clear obligation to ensure that people are protected from torture.



Sheikh Shahabuddin Ahmed, 81 years old (centre, with marks of blood on his shirt) is being taken by plain clothes and uniform police to Savar Police Station in Dhaka on the day of his arrest on 7 July 1998. He was tortured at his home, in the street and at the police station.

The eradication of torture in Bangladesh demands determined action from the government; it also demands active support and participation from leaders of political parties. Sadly, neither

governments, nor the political parties in Bangladesh have shown a determination to address torture.

Elected representatives particularly have a duty to protect the interests of their constituency, the rights of their constituents, and the rule of law in their area. It is the role of Parliamentarians to lead their country towards better enjoyment of fundamental human rights, to press the governments to protect people against torture and other human rights violations.

On 13 September 2000 Amnesty International wrote to leaders of several political parties in Bangladesh requesting them to let the organization know if their parties plan to work towards the eradication of torture in Bangladesh - and, if so, to indicate the steps their parties will take to end torture committed against all victims, regardless of political affiliation. The courier service gave confirmation of the letters' delivery on 21 September 2000. However, as of early November, none of the major parties have responded. Amnesty International is particularly dismayed that three of these parties, namely the Awami League, the Bangladesh Nationalist Party, and Jatiya Party have failed to rise to this challenge as torture has been widespread in Bangladesh under their respective governments.

Amnesty International is publishing this report to highlight the endemic problem of torture in the country and to campaign against it. The report is based on interviews with victims of torture conducted in Bangladesh during a mission in May 2000 as well as information gathered by Amnesty International on torture over a number of years.

Amnesty International wishes to highlight the strength and effectiveness of several leading human rights organizations in the country in researching and publishing instances of human rights violations, some of whose case material on torture have been used in this report.

All governments should ratify international instruments containing safeguards and remedies against torture, including the International Covenant on Civil and Political (ICCP) rights and its Optional Protocol which provides for individual complaints. Amnesty International is encouraged to note that the ICCP was ratified by the Government of Bangladesh on 6 September 2000.

2. Failure of all governments in Bangladesh to prevent torture

As the following extracts from Amnesty International's annual reports show, ill-treatment and torture has been an endemic problem in Bangladesh under successive governments since the inception of the country as an independent state. Sadly, none of the country's governments have demonstrated a clear determination to combat torture.

Amnesty International has highlighted reports of widespread torture and other human rights violations in the Chittagong Hill Tracts in a separate document which is available on request.¹

2.1 From independence (1971) to 1975: There were reports of torture and ill-treatment of the detainees particularly by *Rakkhi Bahini*, a para-military force operating as a law enforcing agency during the early years of Bangladesh's formation as an independent state. At least one of these reports reached the Supreme Court in 1974 in the form of a *habeas corpus* petition on behalf of Shahjahan, an 18-year-old boy who died allegedly as a result of torture while in the custody of *Rakkhi Bahini*. A division bench of the Supreme Court ruled in favour of the petition. The government reportedly pleaded that they could not produce Shahjahan as he was no longer in custody and the court, faced with limited jurisdiction, recommended that the government set up a commission of inquiry to establish the truth about the circumstances in which Shahjahan died and his whereabouts as there were credible reports that Shahjahan had been arrested by *Rakkhi Bahini*. Amnesty International has not been able to establish whether this inquiry was ever conducted.

2.2 From 1975 to 1985: Amnesty International received persistent reports of torture, ill-treatment and deaths in custody allegedly as a result of torture. Some related to abuses of civilians as well as political suspects in the military while being interrogated by the army as a means of obtaining confessions prior to their trial by military tribunals. Allegations of ill-treatment of political prisoners in 1976 and 1977 included severe beatings and burnings with cigarettes during periods of interrogation, particularly in Dhaka Cantonment and the National Security Intelligence interrogation centres. Other allegations during the early 1980s related to several cases of death in police custody and in prison, reportedly as a result of torture. In several cases political prisoners accused of attempting to overthrow the government were held incommunicado and denied access to lawyers for weeks or months during which time they were allegedly subjected to torture. An Amnesty International observer in Dhaka in April 1981 attending the trial of five men charged with attempts to overthrow the government in June 1980 found that two of them had been held incommunicado for two months and that they had made statements in court to the effect that confessions had been extracted under duress and torture in the Dhaka Army Cantonment. The methods used allegedly included threats of being killed and prolonged interrogation while blindfold and tied. These allegations were not denied by the prosecution. Amnesty International also received reports that 12 soldiers, who were sentenced to death after a military trial *in camera* in July and August 1981 found them guilty of the killing of former President Ziaur Rahman, had been tortured in order to sign confessions. Outsiders were denied access to the men until the start of the trial *in camera* and they were executed shortly afterwards. Opposition leaders and students particularly from the Awami League and the JSD arrested in 1983 during a series of protests against the continuation of military rule were tortured

¹ See *Bangladesh: Human rights in the Chittagong Hill Tracts*, Amnesty International February 2000 (AI Index: ASA 13/01/00)

in army custody in Dhaka Army Cantonment. They were beaten, suspended from the ceiling and were threatened with further torture. One of the detainees, Moshtaque Ahmed, the ex-President of the Dhaka Medical College, was allegedly tortured to death. Testimonies of torture from political prisoners arrested between February 1983 and mid-1985 showed patterns of persistent beatings with a wooden cane or “hunter”, a whip-like instrument of plaited leather; being suspended from the ceiling by the arms; exposure to cold air fans for extended periods; and having the face covered by a cloth repeatedly soaked in water. In some cases reported in the Bangladesh Press, police officers were ordered to appear in court for their alleged participation in torture although it was not known if any police officers were convicted.

2.3 1986 to 1995: Scores of prisoners arrested in connection with criminal offences died as a result of police torture. Two of the victims in 1986 were said to be aged 17. The *post-mortem* on Mohammad Ashiqul Islam, a school student, noted that his death was caused by a brain haemorrhage and injuries “which are .. homicidal in nature”. An inquiry into his death was conducted by an army officer and a magistrate, and in July three police officers at the station where he had been held were dismissed. When such incidents gained public attention, the authorities announced that they had established investigations either by police officials or by a magistrate. However, information on the findings of the investigations and action taken as a result was rarely made public. Abu Sayed Moksedul Huq Rintu, a student from Barisal, had died in November 1987, reportedly as a result of beatings in pre-trial detention in Barisal Jail. A *post-mortem* found that he had died of head injuries, noting evidence of blows on his neck, head and back. In 1998, following a private prosecution, police officers were convicted of the murder of Sahfiqul Islam, a 17-year-old school student who had died in police custody in October 1986 after he had been held for three days in Dhaka police station. The police officers were sentenced to 10 years’ imprisonment and a fine in the first case known to Amnesty International in which police have been prosecuted in connection with the death of a prisoner in custody.

A case was also brought in 1988 against a police officer from Babuganj district, who was sentenced to two years’ imprisonment and a fine for torturing a woman in custody. Two sisters were reportedly raped by police officers in Chittagong in August 1989 when they went to the police station to file a complaint. One prisoner, Shahidul Islam reportedly had extensive injuries and was unable to speak when he was taken to hospital from Katwali police station, Jessore district, in June. He died the next day. A police officer in Jessore was sentenced to seven years’ rigorous imprisonment in February 1989 for causing a prisoner’s death through torture. Police severely beat people during strikes and some arrested demonstrators were reportedly tortured. Nurul Islam Hoan, a leader of the left-wing five-party alliance was arrested during a strike called by the alliance in August. He suffered a fractured leg and hand allegedly as a result of severe beatings inflicted while he was in custody. A private prosecution was brought against the six police officers allegedly involved, but the outcome was not known by the end of the year.

Wazed Ali, a rickshaw-puller, died in custody in February 1990 at Kotwali police station, Jessore, reportedly after a severe beating. His death was followed by clashes between protesters and police during which at least four people died. The police said that Wazed Ali had committed suicide, but they apparently disposed of his body themselves. In May 1990 Hasanul Karim, known as "Manik", a student leader, died a few hours after his arrest in Chittagong. A *post-mortem* attributed his death to shock and brain haemorrhage, and found the injuries that caused his death had been inflicted with blunt weapons. The police said that he had been attacked by members of the public at the time of his arrest but in a photograph taken shortly afterwards there was no sign of the injuries later found on his body. Fakir Mohammed Mondol, a prisoner under trial, died suddenly on 13 August 1991 in Chuadanga Sub-Jail, allegedly as a result of torture. A *post-mortem* report found that he had died of natural causes, but cell-mates and family visitors said he had been in good health shortly before his death. At least seven prisoners were said to have been killed after security forces were called in to quell by force a riot in Dhaka Central Jail in April 1991. Eye-witnesses said the security forces sprayed prisoners in their cells with tear-gas and hot water, causing hundreds to suffer severe burns. Prisoners were also beaten and many reportedly sustained broken limbs as a result. The government denied that prisoners had been beaten or that any had been killed as a result of excessive use of force by the security forces. An inquiry was initiated but its findings are not known to have been made public.

At least two journalists were beaten by riot police when they took photographs during a demonstration in July 1992. About 50 other journalists were injured, some seriously, when police broke into the National Press Club in Dhaka and opened fire. At least 12 people were reported to have died as a result of torture in 1992. In July 1993, a 13-year old street child, Mohammad Shawkat, was allegedly raped by two police constables in Dhaka. The constables were suspended, but no charges were known to have been brought against them. In January 1993, Rustam Ali died in a police station in Sylhet allegedly following torture; he had been arrested the same day and was reportedly in good health. No investigation was known to have been undertaken. During demonstrations police often indiscriminately beat peaceful protesters.

In July 1994, police injured some 15 journalists in Chittagong who were covering a rally. Over 40 people died in police and judicial custody allegedly as a result of torture in 1994. In August 1995, 14-year-old Yasmin Akhter died after three police officers in Dinajpur had reportedly raped and injured her. They had reportedly given her a lift in a police van and later dropped her dead body by the roadside. Police claimed she had died when she jumped from the van. Following public protests about the attempted cover-up, three police officers were suspended and charged. A judicial inquiry submitted its report to the government in October but it was not made public.

2.4 From 1996 to present: Torture was as widespread as in previous periods. At least 13 prisoners reportedly died in custody in 1996 following torture. Hundreds more were subjected to beatings. In January 1996, police reportedly beat scores of students during a raid on the

Jagannath Hall student residence at Dhaka University. Incidents of rape in custody by security forces continued to be reported. Police frequently beat anti-government demonstrators, and journalists covering demonstrations during this period.

In February, 18-year-old Shima Chowdhury died in Chittagong Jail where she was being held in so-called “safe custody” during an investigation into her alleged rape in police custody in October 1996. In July 1997, four police officers accused of raping Shima Chowdhury were acquitted by a trial court in Chittagong. The judge reportedly criticized the prosecution for presenting a weak case. The government appealed against the decision, following an outcry from women’s groups and human rights organizations. In August 1997, three police officers were found guilty of the rape and murder of 14-year-old Yasmin Akhter in 1995 and sentenced to death.

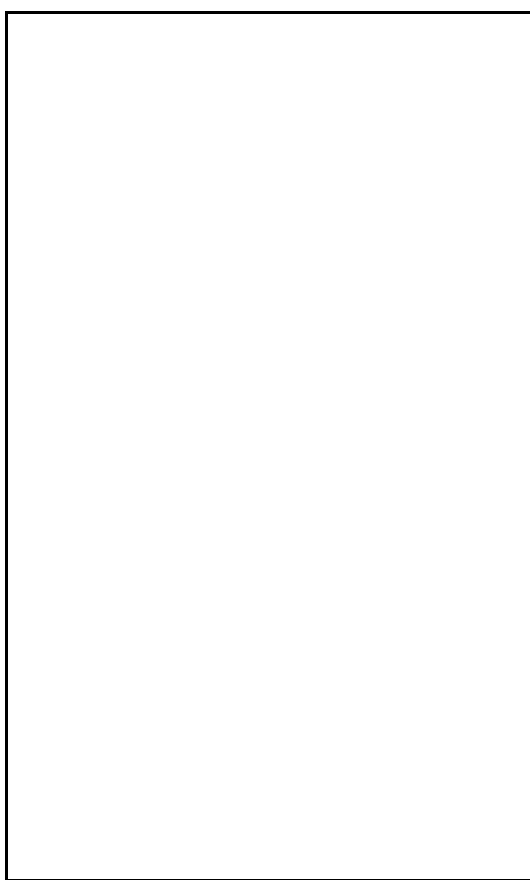
In July 1998, Shamim Reza Rubel - a student - was allegedly beaten to death in police custody five hours after being arrested at his home in Dhaka. According to the autopsy report he suffered a brain haemorrhage. Following an investigation by the Criminal Investigation Department, 13 policemen and a local Awami League leader were charged in connection with his death. A judicial inquiry into the case confirmed that Shamim Reza Rubel’s death was not accidental, although the full findings of the commission were not made public. Custodial violence against women continued to be reported. In the wider community, hundreds of women and girl children were scarred and maimed in acid attacks and scores of others were murdered in dowry-related incidents.

3. Some case-studies

Cases highlighted below are some typical examples of the torture of children, the elderly, political activists of both the ruling and the opposition parties, and others throughout the country. They all point to the failure of the government and the country’s institutions to protect people against torture.

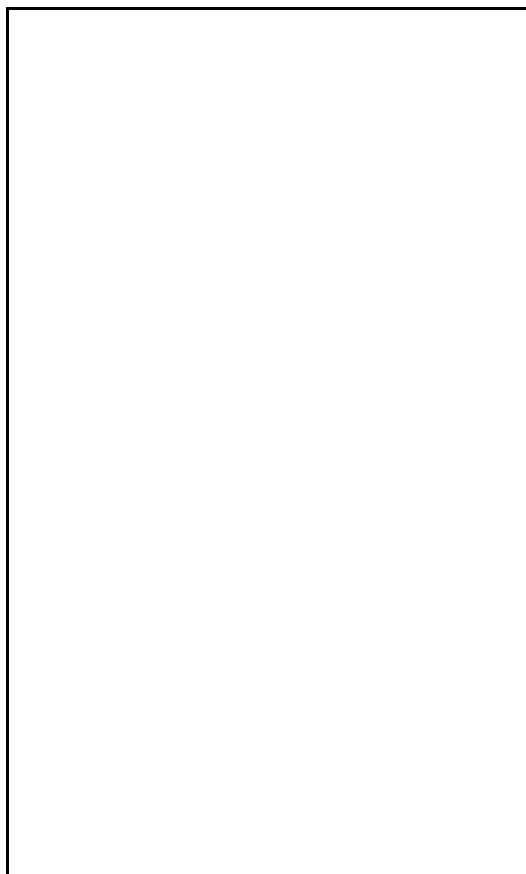
3.1 Abdus Salam, a former student and political activist affiliated to the Bangladesh Chatra League (BCL, the student wing

of the then opposition party Awami League), was beaten while attending a procession on 21 March 1996 in Kunda. The 300 strong procession of the BCL was reportedly surrounded by some 200 JCD (student wing of the then ruling party, the BNP) supporters who, according to Abdus Salam, were intent in stopping their demonstration.



Marks of torture on Abdus Salam's leg which then became paralysed. AI photo

was taken to hospital.”



He told Amnesty International: “The police did not take any action against the JCD people, but about 40 policemen came for us BCL activists. They began beating us. About 12 of us including myself were beaten severely. The others had managed to run away. The police then caught the 12 of us. One man named Qamrul Islam, who was standing next to me was hit by a bullet, after a police shooting and

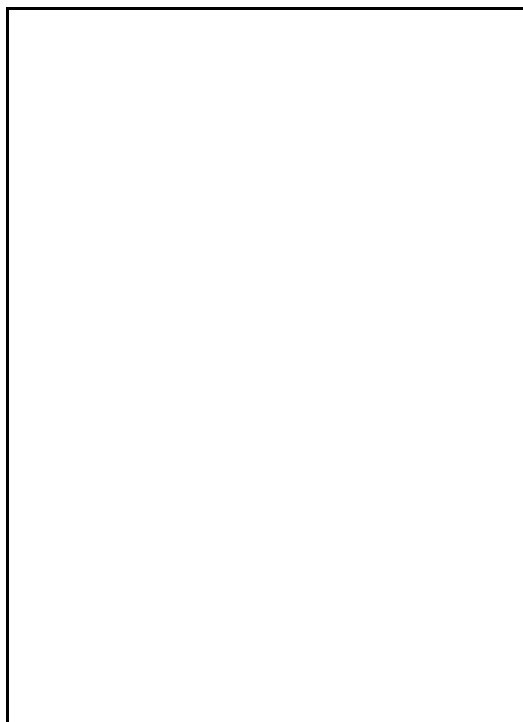
The police reportedly beat Salam with a stick. He was thrown on the floor and was beaten. He had injuries all over his legs and on his head. He was going to be taken to the police station but the BCL leaders rescued him and took him to hospital, in an unconscious state. His leg was badly swollen when he reached hospital, and was put in plaster, but it developed infection inside the plaster. He had to stay in hospital for two weeks at that time, and was registered as an outpatient for three months. Nonetheless, his leg never improved and he has not been able to use it since. As a result, he has to use crutches. He did not file a case then because he feared retaliation and attacks but now he is considering to do so.

3.2 Police kept **Firoz**, a nine-year-old boy from Gaibandha District, outside Dhaka, in detention, without access to his parents, and tortured him by binding him with rope, hanging him up from a high bar and crushing his thumb with pliers. They thought he had stolen a mobile telephone. Firoz, now 10, took months to recover from his physical injuries and is still receiving psychiatric treatment.

Firoz and his father, a rickshaw puller, were helping a family to move house in July 1999 when a mobile phone went missing. While

Firoz' father was away transporting household items, the family accused the boy of stealing the phone; he denied the accusations and one of the family members began beating him. "He kept slapping me on the face and punching me on the shoulder, and then he got hold of a stick and was just about to hit me on my head. I thought he was going to kill me so I began to scream. Then a neighbour, who knew my father, came to the house with his wife and told the man to stop beating me, so he let go of me".

Firoz's father returned and took the boy home with him. That night, at around 3am, police came to the house and arrested Firoz: "They first slapped me on the face, and then pulled my arms down to my sides and tied a rope very tightly over my arms and stomach. It hurt and I could not breathe properly. They kept asking me where the mobile was and when I told them I had not seen it, they slapped and beat me."



Firoz. Many children like him have been tortured in Bangladesh. AI photo

Firoz was then taken to Mohammadpur Thana Police Station. He said that he was told to squat on the floor. The policeman brought over his chair and sat down facing him: “He lifted his foot and placed his boot on my left knee and began to press it down as hard as he could. My knee was so badly injured that I could not move it. They left me in the cell until the morning. They then came and hung me from a bar. They pulled me up and held my shoulders against the bar and rolled my arms over the bar and left me in that hung position for many hours.”

The next day the policeman returned to the cell. “He had a pair of pliers in his hand. He kept asking where the mobile was. I told him I had not seen it. He then told me to bring my thumb forward. He got hold of my thumb and placed it between the pliers. He pressed it hard and crushed my thumb. I do not remember what happened next.”

Firoz’s family were not given access to him while he was detained. His father managed to get a letter from a local politician requesting the officer-in-charge of the police station to release the boy. At the station, his father was made to sign a blank piece of paper – with his thumb print because he cannot read or write. The family decided not to file a case against the police for fear of retribution. Although the case has been highlighted by both the Bangladesh Rehabilitation Centre for Trauma Victims and the local press, the government has failed to bring the perpetrators to justice.

3.3 Sheikh Mohammed Haroon, 25, from Faridpur District, was beaten by about five policemen after they stopped the scooter in which he was a passenger. Haroon shares a small business with his brothers. He was arrested in Dhaka city in Mohammadpur area on 24 April 1998 as he was returning from a business meeting with his cousin in Chingoori village in Chitalmari areas in Bagerhat District. He had a boil on his face and had put dressings on it. Police accused him of being a criminal trying to hide his face. They searched his pockets and found some 10,000 Taka which they never returned to him. The beating began in the street. Police threw him on the ground forcing him to stretch out one arm. One policeman stood on his wrist and began to pound his fingers with the end of the stick which he was holding upright. This torture continued for about 10 minutes, with the police telling him to confess to his “crime” and show them where he was keeping his “guns”.

“ Then, at [Mohammadpur] police station, they grabbed me by the hair and threw me on the ground telling me to confess to having weapons. I told them I had no weapons. They left me in the cell, but about half an hour later, several of them came back.”

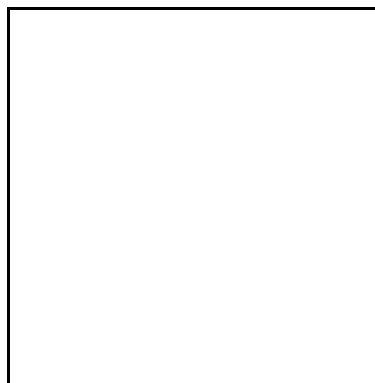
Haroon was unable to speak because of the beating he had received. The policemen first pushed needles under all the nails of his right hand with pliers, and he became unconscious. Each time he came to, they beat him again. They placed the middle finger of his right hand and a finger from the left hand between a pair of pliers and crushed them. He became unconscious again and

was left in that state for about three hours. When he regained consciousness, he was subjected to electric shocks, by connecting wires directly from the main to the soles of his feet.

“They then switched on the electricity on and this gave me a violent shock. The shocks continued for about 30 minutes.” He became unconscious again. When he came to, they lifted him upright, tied his hand with a rope and hung him by his hands from the ceiling in a corner specially allocated for this form of torture. Then they began to beat him with a stick called “roller” all over his body especially on the joints of his legs. This took some 30 minutes.

All of this torture happened on the day of arrest. Then the police phoned his brother telling him to go to the police station. When family members got there, the police told them Haroon would only be released if the family gave the police 100,000 Taka (about £1,400). His brother said they had no such money and police refused to hand over Haroon, warning that unless the money was provided by the evening, Haroon would suffer further. In the end the family agreed to provide some money but Haroon was not shown to them. During the negotiations for money, he had been transferred to Sohrawardi hospital at Shere Bangla Nagar area of Dhaka - at about 4-5pm. The doctor there who gave him a cursory examination reportedly said he was fine and the police took him back to the station but his conditions deteriorated. Hours later, he was taken to the hospital a second time and this time the doctor diagnosed his injuries as “complicated” and referred him to Dhaka Medical College Hospital which specialises in heart ailment. He was immediately admitted and remained in the hospital for about two months, first at the intensive care unit for 11 days and then at the trauma unit. He was taken to court from the hospital, but was locked up in the police custody room at the court and was not physically produced before the Chief Metropolitan Magistrate dealing with his case. His lawyer was in the court and sought his release on bail but the court did not grant this. The lawyer told the magistrate that Haroon had been a hospital patient as a result of his torture but the magistrate took no notice of this and ordered his transfer to Dhaka Central Jail directing that he obtains medical treatment there.

Haroon was not tortured in the jail, but he was denied medical attention about 10 weeks. He was only released on bail after his case had gone to the Sessions Court in late summer 1998. The case against him was that he was carrying a knife with him and two home made fire bombs. His brother filed a complaint against the police for torture and illegal imprisonment, one month after his release, but no investigation or trial of the police has taken place.

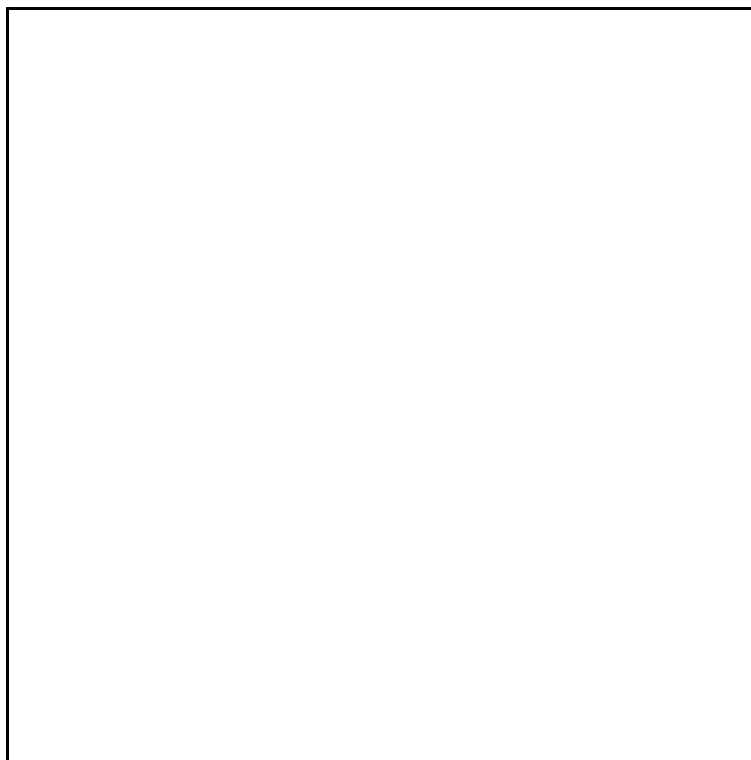


Sheikh Mohammed Haroon.

AI photo

3.4 Debu Prasad Das, a photo journalist with the Bangladesh Observer and a photo-correspondent with the Agence France-Presse (AFP) has been tortured by police on several occasions during assignment in connection with his work as a journalist. One incident occurred on 9 August 1999 when truck transport labourers had gone on strike at Bari Building near the city of Chittagong demanding a wage increase and better working conditions. He told Amnesty International: “Truck owners were determined to break this strike, and the police colluded with them by beating and intimidating the strikers both inside and outside the building. I began to take photographs but did this from the outside as I was afraid I could get caught. Police noticed me anyway, and got angry. This was at about 11 am. They ran after me and caught me. There were five to seven of them, out of a total police presence of about 60. They began to beat me with sticks and rifle butts, and kicked me in the lower parts of my body with their heavy boots.”

He held out his left hand to stop being beaten but they hit his arm hard with their rifle butts. This continued for about 10 minutes. He was badly injured and fell on the ground. They left him there. He could not move his left hand and leg so he could not escape while the police had gone inside the building. Local people came to his rescue and took him first to a local chemist for first aid attention before taking him to the Chittagong Medical Hospital (at about 2pm). A doctor examined him at the hospital and diagnosed injuries as from beating resulting in bone



Debu Prasad Das was beaten by the police for taking photographs of police attacks on striking workers or demonstrators. AI photo

fractures. He was kept at the hospital until about midnight, but was afraid that the police might go there and take him to the police station where he feared he would be beaten and killed. He was taken home by relatives, and his case was highlighted in the press.

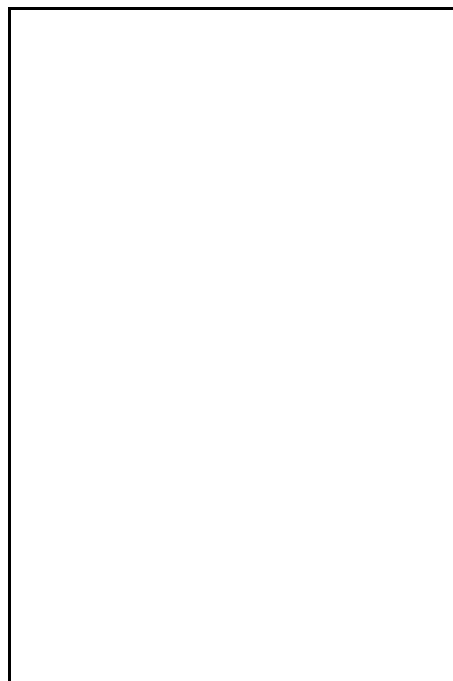
Debu Prasad Das knows by name the seven policemen who beat him and filed a complaint (1691/99, Chittagong Port Police Station) against them before the Chittagong Magistrate Court on 30 August 1999 as a 'petition case'. He did not name the police in the complaint for fear of retaliation. So far, there has been no investigation of his complaint by police. Debu Prasad Das's lawyer advised him not to file a First Information Report (FIR) directly with the police due to the requirement under Section 197 of Bangladesh Code of Criminal Procedures which requires sanction by the government before the court can take cognizance of an alleged offence by a government employee. If a complaint is filed with the police, it is the police who would be seeking the sanction of that department, and if it is with the court, it will be the court that would be seeking that sanction. The lawyer hoped that the magistrate might at least seek this sanction.

Debu says the Minister for Labour visited him at his home on 22 August 1999 to offer his support, but no other action has been taken by the government to bring to justice the policemen responsible for beating.

The treatment in hospital cost him some 40,000 Taka (about £600). The police has harassed Debu to withdraw his case and has offered to repay the 40,000 Taka medical treatment expenses if he does so. Debu is afraid that if he does not do that, the police might target him further.

3.5 Sheikh Shahabuddin Ahmed, 81 years old, was tortured at his home, in the street and later in the police station on the day of his arrest on 7 July 1998. He is the Vice President of the Savapouro Section of Awami League. He formed a local association campaigning against drugs and criminal activity in his locality, and was elected by the local people as the president of this association. According to reports, his arrest may have been connected to these activities. "The criminal gangs were working directly with the police who came to arrest me saying that I was stopping business activity in the area. In fact we were only trying to stop criminal activity and drug abuse."

The policemen arrested Sheikh Ahmed in front of his house and the torture began straight away: "They began to beat me just in front of my house and in front of all neighbours. They do not fear anyone. Even my seniority of age did not stop them from beating me. They used an iron rod about one metre long, and as



Sheikh Shahabuddin Ahmed. AI photo

thick as a finger. They beat me like this for about ten minutes.”

As he was beaten, he lost his balance and fell down. One of the policemen shoved the barrel of his gun into his mouth and broke four of his natural teeth. “I was injured and felt these loose teeth in my mouth and spat them with blood but they did not stop beating me. Despite my age, I had very good teeth but all them were damaged. When I later went to the dentist, I was told that all my teeth had been damaged and had to be pulled out.”

Then, the policemen grabbed him by his clothes and forced him to stand up. They did not allow the neighbours to come to his help. They kept telling them that they had received reports that Sheikh Ahmed was holding weapons and the police was there to recover the weapons. The neighbours who knew him as a respectable man in the locality protested the allegation, but the policemen did not take heed. They took him to Savar Police Station. Meanwhile, his family went to the Superintendent of Police (SP) and protested his detention and treatment by the police. In a rare gesture, apparently triggered by the fact that Sheikh Shahabuddin Ahmed was a senior Awami League (ruling party) local politician, the SP went to the police station and met Sheikh Ahmed who told him about the beating. Sheikh Ahmed demanded that the SP should go with him to the spot in front of the house where he was arrested and beaten by the police and gather first hand evidence. The SP eventually agreed and went there with Sheikh Ahmed and his family members. Local people testified to Sheikh Ahmed’s ordeal at the hands of the police, but no action was taken. Even though testimonies given by the local people confirmed the torture and his active opposition to criminal activity in the area, he was not released until early next day at 4am when he was taken home. The SP asked the same Officer-in-Charge (OC) of Savar police station who had reportedly sanctioned the beating to take him back home apparently as a “good will” gesture.

Sheikh Ahmed sent appeals to the Home Minister, the Prime Minister and to the Inspector General of Police seeking punishment for those who tortured him, but there was no response. He was eventually informed that sub-Inspector Aminul Islam who had personally beaten him had been dismissed on 20 September 1998. The government indicated that it considered this to be sufficient punishment, and that he could expect no more action to follow. OC Chowdhury Tariqul Alam was reportedly transferred to another police station. Another sub-inspector, Qamaruzaman was transferred to Tongi police station but returned to Savar police station after three months.

Sheikh Shahabuddin Ahmed received medical treatment at the police health centre, but no compensation was given to him. His teen-aged daughter, Sheikh Hasina was so traumatized by the incident that she has had to receive continued psychological treatment. She told Amnesty International: “I always believed that those who do wrong would be punished, but my father who has not done harm to anyone was beaten and no one has been punished.

3.6 Mohammed Sakhawatullah Khan (Anu), 40, an advocate of the Supreme Court and an office bearer of the Bangladesh Nationalist Party (BNP), also the joint secretary of the Bangladesh Nationalist Lawyers Forum affiliated to the BNP, Dhaka unit, was arrested on 18 April 1999 in Rangpur Bazar High Street, Dhaka while taking part in a BNP procession. According to reports, a sudden bomb blast brought panic to the crowd. The police surrounded the procession and targeted Anu who was leading the procession.

Two policemen grabbed him. One began to beat him on his head with bamboo sticks so hard that the stick broke on his face. One of the broken pieces of the stick poked into the skin in between his eyes. His forehead was cut and bleeding. He fell down on his chest. Several other policemen joined in the beating using sticks and rifle butts on his back, kidneys, lower abdomen, the right arm, feet, waist, and hands. He became unconscious. When he gained consciousness he found himself in the detention cell of the police station in handcuffs. He saw some 25 other prisoners in the cell with him all of whom had been picked up from the procession, four of them BNP party activists. They had all been beaten severely. One had lost several teeth.

Anu was held in the cell for one night but was not tortured again. Around 1am, a doctor from the police hospital who examined him at the police station confirmed his head injuries and the need to move him to a hospital. Police refused to send him to hospital saying he had to be produced in court. The doctor then gave him a prescription and his family brought the medicine. The next day he was taken to the Special Branch offices of the police and was held there for a short while. He says the police told him they had received a phone call with instructions to take him back to the police station. At the police station, still in handcuffs, his photograph was taken. The four BNP activists were photographed together and then were told to sit in a police van. One of the police officers had a piece of paper in his hand and told Anu that two criminal cases had in the past been filed against him and that a third case was being filed against him now on charges of throwing a bomb during the procession. He was then produced in court and through a petition already filed by his lawyer, he was released on bail, but no action is known to have been taken by the authorities to investigate the allegation of torture.

3.7 Habibun Nabi Sohel, 32, a student of Dhaka University, and President of Jatiyatabadi Chatra Dal (JCD - student faction of the BNP) was tortured on 17 December 1999 as he was leading a political procession in Noya Paltan in Dhaka organized by women supporters of the JCD. A large contingent of police reportedly surrounded the procession even though it had started peacefully. The police reportedly charged at the protesters apparently for no obvious reasons, beating some of the women.

Habibun Nabi Sohel told Amnesty International: "Around 20 policemen surrounded me. They began to beat me with their rifle butts. They came for me specially, because they knew I was leading the procession. They beat me on my legs, back, hands, chest, and kicked me with their boots. They were very abusive. I had cuts and bruises all over my body. They then forced me

to walk to the police station in handcuffs. They beat me for about 25 minutes during the procession, and then on the way to the police station.”

At the Mutijheel Police Station, his name was entered in a book. Then about 10 policemen began to beat him reportedly using sticks or kicking him. He collapsed on the floor but the beating did not stop.

“One policeman shouted: ‘kill him!’ I was afraid that I would be beaten to death so I pulled myself up by holding onto the nearby chair. The beating eventually stopped and they sent me to the lock-up, a small room where about 70 detainees were crammed, five of them from the procession. There was no access to the toilets and the prisoners had to urinate in the cell causing the floor to be wet with urine, with no dry place to sit down, even though the prisoners were badly injured from the beatings and some were bleeding. Some were crying, asking for medicine, but the police payed no attention.” Nabi was kept in that cell for about 10 hours. Hours later 54 of the detainees were sent to the Cantonment Police Station where they were not given food or water for hours and were not allowed to see a doctor or receive family visitors. The next day 24 of the accused were sent to the court to be produced before the Metropolitan Magistrate. However, at the court, only two of the prisoners, Nabi and Pintu [see below] were physically shown to the Magistrate following complaints by their lawyers that they needed medical attention. Others were kept in the court lock-up while the police took a piece of paper to the Magistrate asking for remand.

The court lock-up, a small room, had a small toilet not sufficient for all the detainees so urine was flowing over the floor. They were kept in that condition for about three hours.

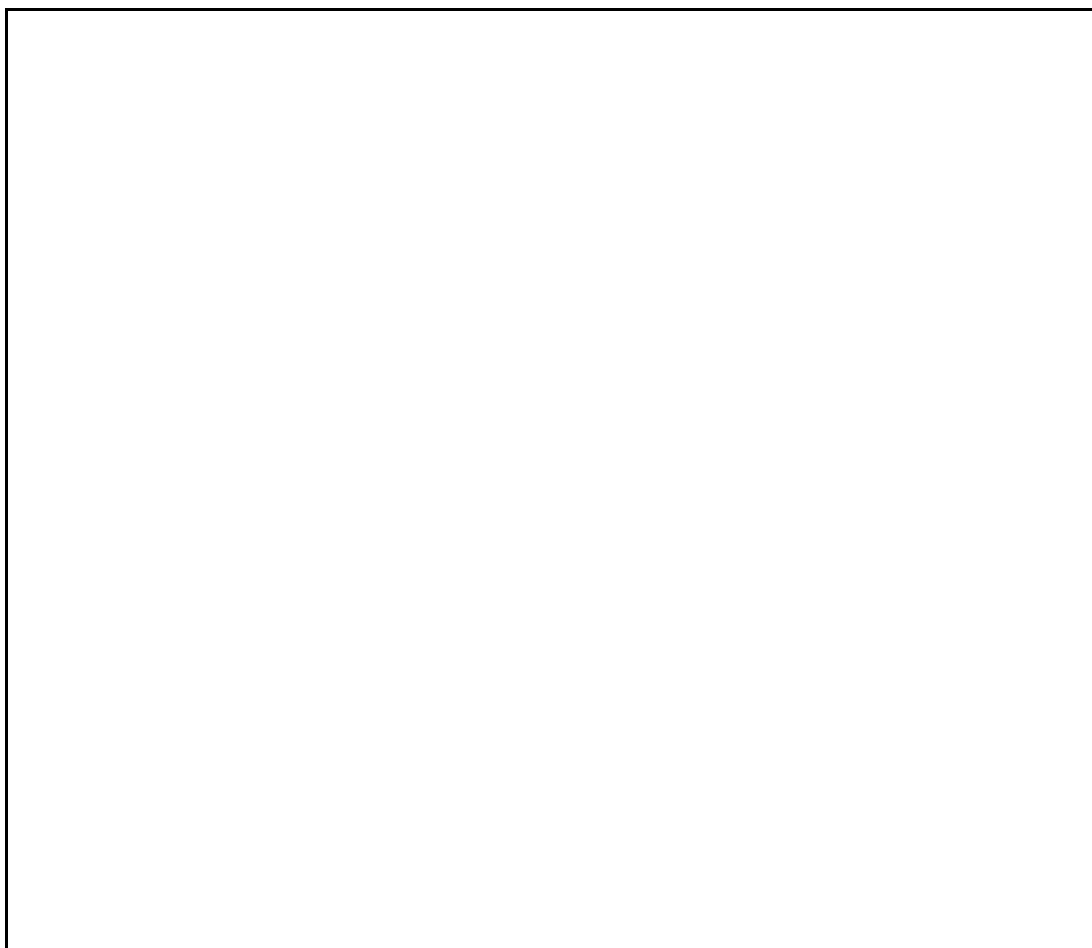
The police asked for police remand for seven of the accused including Nabi and Pintu for seven days. The defence lawyer objected saying they should be released on bail but the magistrate declined bail. It was not until the defence lawyer sought an order for their medical treatment that the magistrate noted the two prisoners’ injuries. Finally, he ordered two days remand for the seven accused including Nabi and Pintu. However, acknowledging their severe injuries, the court ordered that Nabi and Pintu be sent initially to jail rather than police custody, ordering jail authorities to provide them with medical treatment before they were taken into police remand. Accordingly, five of the accused were taken into police custody and Nabi and Pintu were sent to Dhaka Central Jail.

Nabi and Pintu were kept in Dhaka Central Jail for one month where they received medical treatment for their injuries. Then, they were taken into the two-day police remand as per the earlier court order. At the same time they were served a notice of detention under the Special Powers Act on 19 December 1999 and were denied visits by their relatives or a doctor or a lawyer while in detention. During this remand, they were detained in a store room full of tomatoes, potatoes and onions, broken glass and wood splits. They were unable to lie down or

go to sleep for two nights there. They were threatened, were given poor unhygienic food and became ill. During this remand they were subjected to even more gruesome methods of torture including what the police named “water treatment” in which hose pipes were fixed into each nostril as the prisoners were blindfolded and forced to lie down on their backs. The policemen then opened the taps on full making water to gush into the prisoners lungs for about two minutes each time.

Nabi told Amnesty International: “First, I tried to swallow the water to stop it from going into my lungs, but this gave me a lot of pain in the abdomen and I had no chance to breathe. Then it gushed into my lungs. I thought I was going to die.”

After a while, the “water treatment” stopped and the police began to beat the two prisoners with sticks. Throughout the remand, they were not allowed to see a doctor or have family visits.



Habibun Nabi Shoel. His torture began from the time of his arrest.

Police then registered cases against them on various grounds. Amnesty International has not been able to establish the exact reasons for their arrest but the two former prisoners insist that their detention and torture had been on orders from the Awami League authorities as a means of suppressing opposition activity.

3.8 Mohammed Nasiruddin Ahmed (Pintu), 34, second year student of Dhaka Law College and General Secretary of JCD, the Student wing of the Bangladesh Nationalist Party was arrested with Habibun Nabi Sohel [see above] was also severely tortured by police. The details of his torture are the same as the ones given in Nabi's case including the so-called "water treatment". Pintu told Amnesty International that after each round of this particular torture the prisoners lost consciousness for several minutes. He said when they came to, they were told by the police to undertake to stay out of politics or else they would be arrested again and receive the same treatment.

Additional information provided by Pintu indicates that Pintu and Nabi were produced before the court for a third time with a police request for further remand and the magistrate again agreed to a two-day remand in police custody. In this third remand period, they were both beaten by the police with sticks with their hands tied behind their back. They were beaten on different parts of their bodies. They were produced before the court for a fourth time when police sought a further 5-day remand but the magistrate gave a one-day remand to the Joint [police and army]



Mohammed Nasiruddin Ahmed (Pintu) and Habibun Nabi Sohel [left] say their arrest and torture was politically motivated. AI photo

Interrogation Cell. Pintu was taken first to Mutijheel Police Station from Dhaka Central Jail at 5pm on 2 March 2000. There he was blindfolded with his hands tied behind his back, and at about 7pm, he was taken to Army custody. The blindfold was not removed until about 5pm the next day. Then a new form of torture began at the JIC: "they played a tape with cries of people in pain, and told me they were cries of people who had been tortured by them."

Pintu told Amnesty International that he was then forced to sit on an electric chair to get, what the police said was “electric shock treatment”. This torture continued for about 2 to 3 minutes during which time several rounds of electric shocks were given. Pintu says he was then sent to a room with very low temperature. The next day he was produced before the court - this was the fifth time - with the police asking for another five-day remand.

The court stayed the hearing concerning further remand until 10 March 2000. In the meantime, Pintu’s lawyer filed a petition before the High Court Division (HCD) challenging the request for further remand by the Joint Interrogation Cell. The HCD ruled that Pintu should not be remanded to JIC custody questioning why such remand was necessary under a civilian government.

Both prisoners were later released by HCD on bail. They filed cases against the police before the court for the torture they were subjected to, but so far no action has been taken.

4. Deaths in custody

As the summary in section 2 above indicates, scores of people have died in the custody of law enforcement agencies as a result of torture in Bangladesh. However, Bangladesh Governments - past and present - have rarely acted to bring to justice the perpetrators. The normal practice has been to wait until there is an outcry in the country before ordering an official inquiry. Rarer still have been the occasions in which criminal charges have been brought against law enforcement personnel.

Amnesty International has continually raised its concern about reports of the death of prisoners in custody with Bangladesh governments including the Governments of General Ershad, Begum Khaleda Zia, and Sheikh Hasina. In one such representation in April 1991, the organization raised its concern with the BNP government about at least seven deaths in Dhaka Central Jail as a result of prisoners being beaten and burned with hot water by security forces and called for an inquiry into these reported killings. The government reportedly set up an inquiry into the killing of prisoners in Bangladeshi prisons, Amnesty International has not received any reports of its findings and to date, the organization is not aware of anyone having been brought to justice for these jail killings.

With the welcome development of an increasingly free press and the increased capacity of local human rights groups in recent years, a community of human rights defenders is now able to provide support to victims of human rights violations or their families by researching and highlighting cases including deaths in custody. According to the Bangladesh Rehabilitation Centre for Trauma victims (BRCT) at least 18 people were killed in the custody of police in 1999, while another Bangladeshi human rights organization, Odhikar, puts the number of deaths in police or army custody or in prisons from January to September 2000 at 49. In most cases,

the prisoners have reportedly died under or as a result of torture while in custody. In at least one case, police is reported to have deliberately caused the death of a man by preventing him to seek rescue after falling into a deep pond during a police action.

One such case is that of **Shah Mohammed Tiku**, a young man and resident of Mirbagh area of Dhaka who was drowned on 3 July 1999. Tiku was reportedly talking to friends in Masjid Morh area of Mirbagh when he saw some policemen passing by. He got in a panic because he was on bail in a criminal case pending before the court which police had reportedly brought against him on a false basis, so he ran away and hid in a toilet near a pond. Police found him and began to kick him severely. He lost his balance and fell in the pond. He was unable to swim but the police waited there until he drowned completely. Eyewitnesses told Bangladeshi human rights activists that the police prevented people from helping Tiku. Police authorities have reportedly said in private conversation with concerned individuals that an investigation would take place, but as of May 2000, there has been no news about the details of such an investigation or its outcome. According to another report, Tiku's father filed a case before the court on 7 July 2000 against 6 persons, three sub-inspectors of police and three police informers, testifying in his statement that the police informers were engaged in trading heroin and other drugs in the locality with the connivance of the police. It is suspected that the appearance of the police on that day might have been planned as a punitive action against Tiku who, together with his friends, had reportedly voiced their concern about drug trading in the locality.

5. Rape and other violence against women

Custodial rape has been a serious problem in Bangladesh and every year cases of victims are highlighted in the Bangladesh media. Sadly, it has been mainly in cases where the victim of rape has been murdered that Bangladeshi governments have taken any action, and only in cases where there has been a public outcry (such as the cases of Yasmin Akhter and Shima Chowdhury - see section 2 above) that there have been prosecutions. As the following case indicates, victims of rape have to rely on the support and resilience of their own family to seek justice.

5.1 Momta Khatun Rekha, a 17-year-old girl from Singuira village in Gatail area of Tangail District was raped by a police constable working at Bhuapur Police Station on 14 September 1999 in a house adjacent to Bhuapur Thana Hospital. She was going to the hospital to visit a family member. The Police Constable reportedly enticed a hospital sweeper to help him take Momta Khatun to a nearby house. There the man helped the constable tie Momta Khatun to a bed so that she could not move. The police constable then pushed a handkerchief in her mouth and raped her. The family filed a complaint on 15 September 1999 against the constable and his accomplice at Bhuapur Police Station on the allegation of kidnapping and raping Momta Khatun. Subsequently, a magistrate took a statement from her while the constable was reportedly suspended and taken into custody. Amnesty International learned that several months later,

Momta Khatun withdrew the case reportedly under severe pressure and persuasion from the police.

Many cases of violence against women take place at the hands of private individuals but it is common for police on receipt of a bribe to aid the perpetrators to evade arrest and prosecution. Such victims of violence particularly in rural areas where society and often families view rape victims as outcasts cannot rely even on their own family to support them. Not only is legal protection not readily available to them but in cases where the victims are brave enough to seek justice - such as the following case - the police invariably connive with perpetrators to use every means including threats and intimidation to prevent prosecution.

5.2 Rowshan Ara Begum, an elected member of the Union Parishad (local council), was raped in her home in the Kishorgonj District of Dhaka by two men and three accomplices on 1 May 1999. The men came to her house and demanded that she sign a blank piece of paper. When she refused they beat her in front of her 13-year-old daughter, Shara, who was then locked out of the house while two of the men raped her mother.

Before she was raped, Rowshan Ara faced continuous discrimination from within the Union Parishad because of her gender and poor background. Her determined efforts to stop the misappropriation of funds by council officials and to ensure money was used to alleviate poverty in the constituency were repeatedly blocked by male members of the council. The accused were reportedly involved – with the knowledge of the council chairman – in selling healthcare supplies and wheat intended for the community to private dealers.

Rowshan Ara is one of a significant number of women who, following the adoption of new laws in Bangladesh providing greater opportunities for women to stand as candidates in local elections, took over 13,000 seats in the Union Parishad, the lowest in the hierarchy of elected bodies in the country in 1997. Their election created a backlash from conservative elements within the council. Dozens of elected women have taken a critical stand against the corrupt practices of council chairmen



Rowshan Ara Begum and her Daughter Shara. AI photo

and the misappropriation of funds, food and healthcare supplies intended for the community. Several women, particularly those from poor backgrounds, have been raped but have not taken the case to court for fear of reprisal. Rowshan Ara is the only woman councillor who is known to have filed a complaint against her rapists.

The five accused were subsequently arrested, but three (charged with being accomplices) were released on bail. After their release, the three men began to threaten Rowshan Ara Begum, her children and her lawyers causing prosecution witnesses to fear recrimination if they appeared in the trial. The three men brought a lot of pressure on, and offered financial enticement to, Rowshan Ara Begum's husband to divorce her. All of this pressure was designed to force Rowshan Ara Begum to withdraw the case.

In June 2000, Amnesty International called on the Government of Bangladesh to ensure the safety of Rowshan Ara Begum, her family, lawyers and prosecution witnesses. It raised concern that the police have not responded to complaints registered with them requesting that they act to ensure Rowshan Ara Begum's personal safety. The government responded saying it has taken steps to protect Rowshan Ara Begum including the provision of a safe flat, and instruction from the Prime Minister's Office to the local administration to ensure her safety.

6. Beatings, injuries and deaths from political violence

Each year, scores of political activists have been beaten or sustained long term injuries or have died as a result of attacks by members of a rival party or by rival factions of the same party as political rallies and street demonstrations often become violent. In some cases, the police appear to have been directly involved. In others, the police are suspected of connivance in favour of one or another of the political parties. At times educational campuses are the scene of such clashes.

According to the Bangladesh Rehabilitation Centre for Trauma Victims, more than 200 political activists were killed in Bangladesh during 1999 of whom some 120 were affiliated to the Awami League, 58 to the Bangladesh Nationalist Party, 12 to Jamaat-e-Islami, and the rest to other political parties. Most killings are believed to be carried out by armed gangs affiliated to political parties as so-called students groups. These groups are reportedly used by politicians of all major political parties to intimidate, beat or kill their political opponents or to disrupt rival political rallies.

None of the main political leaders in Bangladesh have shown serious concern about the activities of the armed groups affiliated to their own parties, but they have criticised other parties for harbouring armed groups.

Other reports indicate that people defying *hartals* (general strikes) called by opposition groups are at times subjected to beatings. Amnesty International condemns the beating of people in the context of *hartals* by anyone regardless of the reasons why these strikes are called.

7. Torture and law in Bangladesh

Torture is illegal in Bangladesh but that has not stopped torturers, because other legislation allowing arbitrary arrest together with the lack of government determination to safeguard the human rights of the detainees, give the police a free hand to arrest and torture people.

7.1 Torture is forbidden

The Constitution of Bangladesh forbids torture under Article 35 (5) which states: “(5) *No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment.*”

Torture is a criminal act under the Penal Code. For example, Section 330 states: “330. *Whoever voluntarily causes hurt, for the purpose of extorting from the sufferer or any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.*”

“Illustrations. (a) A, a police-officer tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this section.”

Governments in Bangladesh have shown no determination to enforce the law which is there to protect the population. Charges of torture are rarely brought against police officers even in cases where allegation of torture has been substantiated. One such case is that of Shamim Reza Rubel, a student arrested by the detective branch of the police on 23 July 1998 and killed reportedly under torture. Even though an enquiry commission reportedly established the facts of his killing under torture, the accused appear to have been charged under Section 302 of the Penal Code for murder, and not additionally under legislation - such as Section 330 - dealing with torture.

Prohibition of torture is further strengthened in Bangladesh by the country’s ratification in 1998 of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Torture Convention). As a state party to the Torture Convention, Bangladesh is obliged to ensure that domestic legislation complies with the terms of the convention.

7.2 Legislation facilitating torture

Governments in Bangladesh have been keen to maintain old legislation that facilitate torture or to enact new laws which effectively serve the same function. One such legislation is Section 54 of Bangladesh Code of Criminal Procedure(BCCP), 1898 which allows the police to arrest anyone without a warrant of arrest and keep them in detention for 24 hours, as shown below:

“54.-(1) Any police-officer may, without an order from a Magistrate and without a warrant, arrest-

first, any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned;

secondly, any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking;

thirdly, any person who has been proclaimed as an offender either under this Code or by order of the [Government];

fourthly, any person in whose possession anything is found which may reasonably be suspected to be stolen property [and] who may reasonably be suspected of having committed an offence with reference to such thing;

fifthly, any person who obstructs a police-officer while in the execution his duty, or who has escaped, or attempts to escape, from lawful custody;

sixthly, any person reasonably suspected of being a deserter from [the armed forces of [Bangladesh;]]

seventhly, any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed at any place out of Bangladesh, which, if committed in Bangladesh, would have been punishable as an offence, and for which he is, under any law relating to extradition or under the Fugitive Offenders Act, 1881, or otherwise, liable to be apprehended or detained in custody in Bangladesh;



eightly, any released convict committing a breach of any rule made under section 565, sub-section (3)

[ninthly, any person for whose arrest a requisition has been received from another police-officer, provided that the requisition specified the person to be arrested and the offence or other cause for which the arrest is to be made and it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition.”]

Torture in all cases described in section 3 of this report has taken place after the prisoners have been arrested under Section 54 of BCCP. Amnesty International believes that any prisoner arrested under Section 54 of the BCCP is most likely to be subjected to torture. Indeed, abuse of Section 54 of the BCCP by the police has been so blatant that a number of human rights groups and private individuals have sought to enforce safeguards for the protection of the detainees through a Supreme Court ruling, as described below.

Other legislation which in practice facilitate torture include the Special Powers Act of 1974 which provides for detention without charge of a prisoner for an indefinite period, and the Public Safety (Special Provisions) Act 2000 which denies certain categories of prisoners the right to appeal for release on bail.

Amnesty International representatives visiting Bangladesh in 1999 were struck by comments from a magistrate along the lines that Section 54 has been given as a “gift” to the police for personal gains and the Special Powers Act as a “gift” to the deputy commissioner (an executive authority with a dual judicial function as the district magistrate), explaining that even the magistrate issuing a Special Powers Act detention order cannot withdraw it and this has to be done by the government.

7.3 Writ petition before the High Court Division of the Supreme Court

In November 1998, three Bangladeshi human rights organizations and five concerned individuals filed a writ petition in public interest before the High Court Division of the Supreme Court seeking mandatory guidelines to check the powers the police may use under Section 54 of the BCCP to arrest, and the powers the magistrate may use under Section 167 of the BCCP to remand to police custody, as detention



Marks of injury on the hands of a prisoner who was severely tortured after his arrest under Section 54 of the Bangladesh Code of Criminal Procedure. Governments in Bangladesh have failed to implement safeguards against torture.

under these provisions has invariably led to torture and death in custody. There have been several hearings of the petition but the court has not yet come to a verdict.

Section 167 of the BCCP allows the Magistrate to extend remand in custody beyond 24 hours for a total period of 15 days on request from the police after s/he is satisfied that “there are grounds for believing that the accusation or information is well-founded” [167.1], and that the magistrate has recorded the reasons for ordering remand into police custody [167.3]. It requires the Magistrate to order the release of the detainee and an end to the investigation if it has not been completed “within sixty days from the date of the receipt of information relating to the commission of the offence or order of the Magistrate for such investigation .. unless the officer making the investigation satisfied the Magistrate that for special reasons and in the interest of justice” further investigation is necessary “in which case the magistrate may extend the period up to thirty days” [167.5].

The three human rights organizations are: Bangladesh Legal Aid and Services Trust (BLAST) represented by Dr Shahdeen Malik; Ain-O-Salish Kendra represented by Salma Sobhan; and Shammilita Shamajik Andolon represented by Tarique Ali. The other petitioners are: Sabita Rani Chakraborty, whose husband, Arun Chakraborty, was arrested by the police on 21 January 1998 from their home and died in police custody the day after; Alhaj Syed Anwarul Haque; Sultan-uz Zaman Khan, Ummun Naser alias Ratna Rahmatullah, and Muniruzzaman Hayet Mahmud, all of whom are individuals concerned about torture and death in custody. The basis of the petition is the death in police custody of a 24-year-old student, Shamim Reza Rubel, in July 1998.

Rubel was arrested from his home in Dhaka by five plainclothes police officers of the Detective Branch of Police on the afternoon of 23 July 1998. He was taken by the police officers to Detective Branch headquarters for questioning. Approximately five hours after the arrest, police transported Rubel to Dhaka Medical College Hospital, where he was pronounced dead on arrival.

The case raised an outcry in Bangladesh and within several weeks the government constituted a judicial inquiry by Justice Habibur Rahman Khan to probe the incident and identify those responsible. He submitted a report to the government but this was never made public. However, a case in Ramna Police Station (Case No 113(7)98 under Section 302 of the Penal Code) was filed and the charge of murder was brought against an Assistant Commissioner of police, an Inspector, four Sub-Inspectors a Head Constable, and three Constables. Some 65 prosecution witnesses have been named, but as of early 2000, only 13 of them had given evidence.

It became known that Sections 54 of BCCP had been used by the police to arrest Rubel. In other cases Section 167 of BCCP had been used to obtain remand from the magistrate at the expiry of the 24-hour period of detention without an arrest warrant under Section 54, and this was the main thrust of the petition before the Supreme Court as pointed out by the petitioners.

The petitioners point to the misuse of the power of arrest without warrant by the police so as to inflict torture on the detainees in order to extract money from them or their families. If such money is not available within the 24-hour period, police seek from the magistrate the remand of the detainees into police custody under the pretext of further investigation. Such remand invariably results in further torture.

The petitioners have also pointed to the human rights defenders' lack of confidence in the commissions of inquiry as these appear to serve only as a means of distracting public outrage against human rights violations by the law enforcement personnel. In almost all cases of torture or deaths in custody, the findings of inquiry commissions have not been made public.

In Amnesty International's experience, there has been a severe lack of determination by Bangladeshi governments - as the petitioners argue - to protect the rights of people against torture. Police can arrest any one they wish under Section 54 of BCCP, and the victims are usually from the most underprivileged sections of society. Testimonies from torture victims show that torture starts from the moment of arrest at home or in the street.

According to the petition, before the 24-hour-period is over the police usually apply to a magistrate for the prisoner's remand under Section 167 of the BCCP and such remand is given routinely with a result that the prisoner is further subjected to torture. To ensure that the prisoner is not released on bail, the police often seek detention under the Special Powers Act which appears to be authorized almost routinely.

The petition further points to a situation which is generally recognized amongst the human rights community in Bangladesh as the lack of due diligence by magistrates in exercising their powers. They do not scrutinize the case to ensure that there are objective and legitimate grounds for remand, and do not bother to record the reasons for remand, and grant such remand routinely. Effectively, they do not address allegations of torture.

The petitioners have moved the court to direct the authorities to: refrain from abuse of power under Sections 54 and 167 of the BCCP; exercise powers of arrest within the limits established by law and the Constitution; comply with the guidelines; compile a register of deaths in police and jail custody since 1972; compensate the families of victims of custodial death, torture and custodial rape; make public the reports of the Jail Reform Commission, as well as judicial inquiries into the death of Shamim Reza Rubel and other relevant judicial reports. Amnesty International supports these demands.

9. Views of a number of Bangladeshi NGOs on causes of torture

There is a shared consensus amongst human rights defenders in Bangladesh that torture is a product of political corruption, illiteracy, underdevelopment and poverty. At a joint meeting

between Amnesty International representatives and a number of Bangladeshi human rights NGOs in Dhaka in May 2000, human rights activists shared their experience of the cases they had been dealing with and their views on causes of torture in Bangladesh, as follows:

! Torture results from abuse of power by government authorities, administrative officials, and influential persons from the ruling and opposition parties while corruption and a burdensome bureaucracy facilitate abuse of power rather than accountability at all levels.

! Political parties are hardly interested in the violation of the human rights of the people who are not their members. The poor have always been the least protected against torture in Bangladesh and people with political connection to successive ruling parties the most protected.

! Administrative detention laws have so far enabled the police to abuse power with impunity, and any new law to combat the so-called law-and-order problems simply creates new torture victims. Some police officers most often arrest and torture people for money or connive in the torture of poorer people by landlords and local leaders in return for a bribe.

! When government authorities say they do not allow torture to happen, they must be told to explain why there are torture cell at police stations and why police personnel are said to be trained to use torture.

! Torture victims or their families are afraid of filing complaints against the police. When they do, police puts heavy pressure on them to withdraw their complaint.

! Among the professional classes, journalists are specially at risk as they are attacked both by the police and by the armed gangs of the political parties.

! Action against torture at the local level must engage networks - the public, parties, groups, NGOs, professionals - through contacts, lobbying, seminars and publicity involving government institutions. National human rights NGOs must pay more attention to torture. At international level, the donor agencies should be made aware of the problem and lobbied to exercise pressure for improvement. International human rights groups should increase their fact finding presence in the country.

10. Training for law enforcement agencies

There has been no systematic program of human rights training in Bangladesh for the police. Sporadic efforts have been made by various institutions including several training workshops mainly with the help of the UN Development Program (UNDP), and the printing by an institution of copies of the Universal Declaration of Human Rights in Bangla which has been distributed

to police personnel. Generally, any police training is carried out through the Police Academy whose own training package does not so far include human rights.

There has been a more systematic development in human rights training for prison officials. Bangladesh Legal Aid and Services Trust (BLAST, an NGO) with the help of Penal Reform International has obtained clearance from the Home Ministry to organize a series of workshops with superintendents of prisons on prison management and human rights of prisoners. The first of such workshops took place on 10 September 2000. Other workshops are to follow. In all, during the current phase of the program, 20 superintendents of police (out of a total of 32 covering all prisons in Bangladesh) are involved in these workshops. The remaining 12 will be involved at a later phase.

11. Conclusions

In private conversations, police officials in Bangladesh admit that torture takes place but invariably they take a lenient approach blaming it primarily on the low income of the police officers. One typical example of this given to Amnesty International representatives visiting Bangladesh in 1999 was that of Officers-in-Charge (OCs) of police stations in remote areas of the country, who in the course of their service are transferred there from Dhaka. Unable to take their families with them - because they are concerned their children would not get proper education in a rural area - they often choose to keep them in Dhaka knowing that they will be able to afford this by coercing local people to give them money. While there are conscientious OCs who would oppose such practices - and Amnesty International has come across such OCs - many are reportedly too ready to abuse their authority for personal gains.

In other cases, officers in a police station may be involved in trading in drugs and smuggled goods, and their abuse of power is to stop people from taking action against them. Local people are the most frequent targets.

Torture of political opponents by the police is believed to be at the instigation of politicians. Victims could be members of the same party as the instigator, or members of an opposing party. Local political leaders are the most frequent victims.

In other instances, law enforcement agencies appear to subject victims to torture for personal satisfaction. Women and children are the most frequent targets in this category.

In a majority of cases, torture victims are likely to be innocent people subjected as scapegoats to extremes of brutality to "confess" to a crime they have not committed. Police may then bring an unsubstantiated charge against such a detainee either to portray themselves as being capable

of containing crime or, in some cases, to aid the culprits who may have bribed the police to evade arrest.

Another reason given for resort to torture by the police is lack of resources. Lack of training in interrogation of suspects and lack of facilities for examining evidence are particularly cited as a main problem here.

However, the most obvious cause of the continuation of torture in Bangladesh is the widespread impunity which successive governments have effectively provided to law enforcement officials. This has had a disempowering effect on the most disadvantaged sections of the society who put up with the brutality of the law enforcement agencies knowing too well that they will be further “punished” if they raise their voice.

12. Amnesty International's recommendations to the Government of Bangladesh

A. Establish clear and enforceable safeguards against abuse of administrative detention procedures resulting in torture, such as Sections 54 of the Bangladesh Code of Criminal Procedures and the Special Powers Act.

B. Ensure that the magistrates do not ignore safeguards against unlawful detention when ordering a prisoner's remand into police custody; to that effect, ensure that the prisoners are physically produced before the magistrates, that the magistrates do not ignore signs or allegations of torture when police request a prisoner's remand into custody.

C. Investigate every allegation of torture through an impartial and independent inquiry to identify perpetrators of torture such as law enforcement personnel, and those in the judiciary and other institutions whose negligence has facilitated torture.

D. Make public all reports of previous commissions of inquiry into allegations of torture and any such future reports.

E. Ensure that all perpetrators of torture and those whose negligence has facilitated torture are brought to justice without delay.

F. Train police personnel in torture-free methods of investigation making it clear to them that torture is a criminal act punishable by law.

G. Provide compensation to the torture victims or their families.

Appendix

Amnesty International's 12-Point Program for the Prevention of Torture.

Amnesty International calls on all governments to implement the organization's 12-Point Program for the Prevention of Torture. It invites concerned individuals and organizations to join in promoting the program. Amnesty International believes that the implementation of these measures is a positive indication of a government's commitment to abolish torture and to work for its abolition worldwide.

Official condemnation of torture : The highest authorities of every country should demonstrate their total opposition to torture. They should make clear to all law enforcement personnel that torture will not be tolerated under any circumstances.

Limits on incommunicado detention: Torture often takes place while the victims are held incommunicado - unable to contact people outside who could help them or find out what is happening to them. Governments should adopt safeguards to ensure that incommunicado detention does not become an opportunity for torture. It is vital that all prisoners be brought before a judicial authority promptly after being taken into custody and that relatives, lawyers and doctors have prompt and regular access to them.

No secret detention: In some countries torture takes place in secret centres, often after the victims are made to "disappear". Governments should ensure that prisoners are held in publicly recognized places, and that accurate information about their whereabouts is made available to relatives and lawyers.

Safeguards during interrogation and custody: Governments should keep procedures for detention and interrogation under regular review. All prisoners should be promptly told of their rights, including the right to lodge complaints about their treatment. There should be regular independent visits of inspection to places of detention. An important safeguard against torture would be the separation of authorities responsible for detention from those in charge of interrogation.

Independent investigation of reports of torture: Governments should ensure that all complaints and reports of torture are impartially and effectively investigated . The methods and findings of such investigations should be made public. Complainants and witnesses should be protected from intimidation.

No use of statements extracted under torture : Governments should ensure that confessions or other evidence obtained under torture may never be invoked in legal proceedings.

Prohibition of torture in law: Governments should ensure that acts of torture are punishable offences under the criminal law. In accordance with international law, the prohibition of torture must not be suspended under any circumstances, including states of war or other public emergency.

Prosecution of alleged torturers : Those responsible for torture should be brought to justice. The principle should apply wherever they happen to be, wherever the crime was committed and whatever the nationality of the perpetrators or victims. There should be no "safe haven" for torturers.

Training procedures: It should be made clear during the training of all officials involved in the custody, interrogation or treatment of prisoners that torture is a criminal act. They should be instructed that they are obliged to disobey any order to torture.

Compensation and rehabilitation: Victims of torture and their dependants should be entitled to obtain financial compensation. Victims should be provided with appropriate medical care and rehabilitation.

International response: Governments should use all available channels to intercede with governments accused of torture. Intergovernmental mechanisms should be established and used to investigate reports of torture urgently and to take effective action against it. Governments should ensure that military, security or police transfers or training do not facilitate the practice of torture.

Ratification of international instruments