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Bangladesh

Human rights defenders under attack

“A lot of death threats are issued. Journalists are forced to keep quiet. There is a lot of pressure on them from local persons with links to higher authorities who want journalists to keep quiet.”¹

1. Introduction

Abuses against human rights defenders in Bangladesh have occurred under successive governments. This report highlights cases which have occurred under the current and previous governments in order to demonstrate the systematic failure of the state to protect human rights defenders and to prevent abuses against them.

Amnesty International considers all governments to be responsible for ensuring the promotion and protection of human rights. In the same vein, Amnesty International urges the Government of Bangladesh to bring to an end a cycle of cumulative disregard for human rights in general and for abuses against human rights defenders in particular. A cycle of impunity for human rights violations, which has prevailed in the country over its decades-long existence, is the most crucial issue to be addressed.

Amnesty International is also calling upon all political parties in the country to provide active support towards the fulfilment of this goal.

Agents of the state including police, army and other law enforcement personnel, for whom successive governments in Bangladesh have been directly accountable, have perpetrated some of the violations against human rights defenders. These violations include arrest and torture. They also include continued harassment of human rights defenders through the filing, case after case, of apparently unsubstantiated criminal accusations against them. Non-governmental organizations seeking to maintain a position independent of the ruling government of the time in defence of human rights have also been frequently harassed.

Other perpetrators of abuses against human rights defenders are individuals or groups linked to armed criminal gangs, parties of the ruling coalition or the opposition, or mercenary gangs allegedly hired by local politicians to suppress revelations about their unlawful activity. Abuses committed by these “non-state actors” include death threats and physical attacks against human rights defenders.

Hundreds of human rights defenders have received death threats. Scores of them have been attacked. Many have been seriously injured and some continue to be in need of medical attention. Several journalists have had their fingers or hands deliberately damaged so as not to

¹ Views of a leading human rights activist in Bangladesh.

be able to hold a pen. Many have had to leave their homes and localities in the face of continued threats. At least eight human rights defenders have been assassinated since 2000 by assailants believed to be linked to armed criminal gangs or armed factions of political parties.

Human rights defenders include all those men and women who act on their own or collectively to promote or protect human rights. Human rights defenders work in various spheres and their work is inspired by international human rights standards. This work includes, but is not limited to, the search for truth and justice; the strengthening of the rule of law; increasing government accountability; the struggle for gender, sexual and racial equality; children's rights; the rights of refugees; the struggle against corruption, environmental degradation, hunger, disease and poverty.

<p>Leading human rights defender, Shahriar Kabir. ©Private</p>

In 1998, the United Nations general assembly recognized human rights defenders, their rights and responsibilities (See the Declaration on Human Rights Defenders – resolution 53/144 of 9 December 1998).

Human rights defenders in Bangladesh include journalists, writers, academics, staff of non-governmental organizations, lawyers, and members of professional bodies. They include women and men in rural or urban areas and from various social backgrounds.

This report provides information on abuses human rights defenders face, the patterns of activities that place them at risk of either harassment, arrest and torture, or death threats or attacks. It highlights the causes of these violations and provides recommendations to the Government of Bangladesh, which, if implemented, would protect human rights defenders.

The report is primarily based on interviews conducted by Amnesty International in Bangladesh in late 2003 with over 20 human rights defenders and leading human rights activists from different parts of the country, reports published in a number of Bangladeshi newspapers and other published material on the situation of journalists. In March 2005, Amnesty International shared the draft of this report with scores of human rights defenders from various parts of the country attending a seminar in Dhaka on the situation of human rights defenders in Bangladesh. The views and comments received from the participants of the seminar are, in so far as they concern the situation of human rights defenders, reflected in this report. For security reasons, individuals providing information for this report have not been named.

Amnesty International also sent a copy of the draft report to the Government of Bangladesh on 30 March 2005, seeking comments. As of late July 2005, the government had not sent any comments to Amnesty International.

Hiramon Mondol, a journalist in the Khulna Division reporting on the plight of local fishermen whose catches were being looted by soldiers, was detained by army personnel in August 2003 and severely beaten. The army captain told his soldiers to smash his fingers. He can no longer hold a pen in his right hand.

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The majority of cases referred to in this report belong to journalists. Bangladeshi journalists have frequently been engaged in reporting and raising their voices against abuses allegedly committed by government authorities or members of the ruling parties past and present. They are often the first point of contact when human rights violations occur, particularly in more remote rural areas. Local people see the local journalist as someone who will listen to their stories and will expose abuses of their human rights to a broader audience.

In areas to which NGO delegates cannot travel for reasons of security, they rely almost exclusively on reports filed by journalists. Even when NGOs are able to send their own investigative teams to gather the details of a case of human rights concern, they work closely with local journalists who usually have the most up-to-date information about the issue.

The report also provides an analysis of the dangerous pressure points which act to suppress the activities of human rights defenders. These include a climate of political polarization, a culture of gun violence, the tension between secularism and religious based politics, and a shrinking liberal space.

2. Political polarization

Human rights abuses have occurred in the context of a deep rooted political polarisation in the country which appears to have divided the entire society into camps primarily associated with one or the other of the two main political parties – the Bangladesh Nationalist Party and the Awami League – or with smaller political groupings.

This division has, to various extents, also affected the civil society at large, including human rights defenders. Nonetheless, whilst it is true that human rights defenders closer to the ruling parties of the time have been less vocal about the human rights record of the government of the time, it does not follow that they have remained quiet about human rights violations. Neither does it follow that the criticism of the human rights performance of the government by other human rights defenders has not been valid.

Yet, governments of the time have usually dismissed any criticism of their human rights record as an attempt by the opposition to “tarnish” their image. In this way, they have conveniently sought to absolve themselves of their responsibility to address human rights violations.

2.1 A culture of gun violence

The prevalence of armed criminal gangs and the failure of all governments and the main political parties to disband them has provided impetus to a culture of gun violence against which abuses against human rights defenders occur. These armed gangs are either “student” groups affiliated to major political parties or gangs identifying themselves as Maoist parties and allegedly linked to certain individual politicians.

Most “student” groups are remnants of the students’ movement of the late 1990s. At that time, students played a major role in Bangladeshi politics. Their involvement in street agitations played a crucial role in ousting the military president, General Ershad, in 1990 and the resumption of the democratic process in the country. However, these “student” groups began to build their own arsenal of weapons and ammunition, reportedly with the support of their affiliated parties. They used these weapons frequently in street battles against rival groups or armed student groups of other parties. In the past 10 years, university campuses have frequently been the scenes of such armed clashes. Each party uses them to spread or maintain its sphere of political control in the country.

<p>Tipu Sultan. ©Private</p>

Major “student” groups in Bangladesh are: Bangladesh Chattra Dhal (BCD), affiliated to the Bangladesh Nationalist Party; Bangladesh Chattra League (BCL) affiliated to the Awami League; and Chattra Shibir, affiliated to Jamaat-e-Islami. They appear to function in connivance with their affiliated parties. When their parties are in government, armed “student” groups become unchallenged perpetrators of human rights abuses, reportedly under the patronage of their party’s politicians. The involvement of these armed groups in the political process is believed to be one of the major causes of political violence in Bangladesh. It has resulted in severe injuries and deaths. Political parties have pledged, but failed, to disarm them. According to reports, powerful mercenary gangs with a structure largely independent of political parties are also operating within and outside the student groups. They change allegiance and reportedly aid the political party, which offers them impunity. Their service, in return, may range from suppressing revelations of unlawful deeds of politicians, to helping politicians – through intimidating and coercing the voters – to retain their parliamentary seats.

Other groups contributing to this culture of gun violence stem mainly from former Maoist groups, which had been formed decades earlier under the banner of ultra communist or Maoist parties, but in the past decade have reportedly degenerated into armed criminal gangs. They are reportedly involved in organized crime such as smuggling, human trafficking and international arms transfers. Some of these parties are now outlawed in Bangladesh but their members operate in various parts of the country especially in the southwest regions. They have their own independent structure but reportedly work symbiotically with the local

police and politicians, which enables them to carry out their unlawful activities with impunity, while the police and politicians involved allegedly receive a share of the takings.

Political commentators on Bangladesh maintain that through a nexus between politicians and armed criminal gangs, the institutions of the state including the police, the army and the lower judiciary have been used to facilitate human rights violations. Those seeking to reveal this nexus or challenging it, become the targets of arbitrary detention, torture, death threats and assassinations. Victims frequently include human rights defenders.

2.2 Tension between secularism and religious based politics

Professor Humayun Azad, never recovered fully from the stab wounds he received during an attempted assassination. He passed away months later reportedly of “natural causes”.
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Human rights abuses have also occurred in the context of a long-standing tension between two cultural and political orientations within Bangladeshi civil society. One is associated with the perceptions of a Bengali culture of secularism in public life with religion (Islam, Hinduism, Christianity, Buddhism and others) playing an important role in personal life.² The other is associated with a strict interpretation of Islam as a system of government regulating both public and personal conduct.³

Secularism in Bangladeshi political parlance is associated with the belief in the separation of religion from politics. Most political parties in Bangladesh consider themselves to be secularist, but governments have in one form or another also sought to appease religious parties, usually to obtain a stronger majority in parliament – a move that could allow religious based politics to inform government policies. For example, since the last general elections in October 2001, religious parties in the ruling coalition, including Jamaat-e-Islami, have been putting pressure on the government to introduce more stringent Islamic law in the country – demanding, for example, the enactment of a blasphemy law and heavy punishment for offenders. So far, the government has not yielded to such pressure. However, the government appears to have yielded to pressure not to prosecute members of Islamic parties involved in human rights abuses. It has not brought to justice members of Islamic groups involved in

² See for example Jeremy Seabrook, *Freedom Unfinished: Fundamentalism and Popular Resistance in Bangladesh Today*, Zed Books London & New York, 2001.

³ See the following excerpt from the website of Jamaat-e-Islami Bangladesh: “Overwhelming majority of the population of Bangladesh are Muslims. They are intensely religious. But sometimes they are misled by nationalist, secularist and socialist leaders. Constitutionally Bangladesh is neither Islamic nor socialist. It is secular in the sense that the Quran and the Sunnah have not been declared principal sources of law of the country... If Allah, the Lord of the universe, grants opportunity, the Jamaat-e-Islami Bangladesh, backed by the people's support, shall form government and mould the whole society and the state in accordance with the dictates of the Quran and the Sunnah...” <http://www.jamaat-e-islami.org/about/anintroduction.html> (visited 17 May 2004, 16:00 GMT).

violent attacks against members of the Ahmadiyya community.⁴ And, it has not brought to justice those involved in an attack on Dr Humayun Azad, leading Bangladeshi writer and Dhaka University professor, on 27 February 2004.⁵

2.3 The liberal space under attack

Bangladeshi human rights defenders believe the liberal space for the expression of opinion has been progressively shrinking under successive governments in the country. Human rights defenders have been particularly concerned that:

- Fundamental rights to freedom of expression and to equality before the law have been curtailed by individuals or groups connected to the ruling parties or to influential politicians from the opposition parties;
- The involvement of politicians in business pursuits which often involve smuggling and other criminal activity has allowed local gangs, the police and other human rights abusers to circumvent accountability for abuses perpetrated by themselves or people associated with them;
- The prevalence of corruption in the police force has prevented victims or people at risk from receiving protection from human rights abuses, or access to justice;
- Abuse of institutions of the state by successive government authorities either for personal or party-political gains, has further strengthened a cycle of impunity for human rights abusers.
- Bangladeshi journalists who have resisted pressure – either from politicians or from armed gangs linked to politicians – to refrain from reporting on human rights abuses have been increasingly exposed to death threats and attacks.

All governments in Bangladesh have reacted strongly against people seeking to reveal the involvement of senior officials in human rights abuses.⁶ The present BNP-led Government of Prime Minister Begum Khaleda Zia, which assumed office in October 2001, has been no exception. For instance, it reacted particularly strongly against human rights defenders highlighting attacks by supporters of the BNP-led ruling coalition against members of the Hindu minority. Leading human rights defender, Shahriar Kabir, was held in detention and

⁴ For more information on the abuses of the rights of the “Ahmadiyya Muslim Jamaat”, a religious community which considers itself a sect of Islam, see: Amnesty International, *Bangladesh: The Ahmadiyya Community – their rights must be protected* (AI Index: ASA 13/005/2004), April 2004.

⁵ The assailants were believed to have been members of Islamic groups who had been reportedly sending death threats to him after the publication of his book “Pak Sar Zamin Saad Baad” (the first line of the Pakistani national anthem), a story based on religious groups in Bangladesh who collaborated with the Pakistani army during the 1971 independence war.

⁶ For example, journalists Tipu Sultan and Probir Shikder were attacked and seriously injured at the time of the Awami League government (1996-2001) after publishing articles critical of the Awami League politicians, but no action was taken to bring the perpetrators to justice.

subjected to torture between late November 2001 and late January 2002 after he had visited India to interview Bangladeshi Hindu families who had fled persecution in Bangladesh after the general elections of October 2001.

Similarly, the government has also shown strong opposition to journalists investigating an alleged link between violent bomb explosions and some Islamic groups in the country. Enamul Haque Chowdhury, a senior staff reporter with the Bangladesh *Sangbad Shangstha* (Bangladesh News Agency) and a Reuters stringer in Bangladesh, was detained (from 13 December 2002 until 5 January 2003) and subjected to torture for the publication of comments attributed to the Home Minister in several Reuters reports. The reports said the police suspected that certain terrorist groups may have been behind bomb blasts on 7 December 2002 in four cinema halls in the northern city of Mymensingh.

Other serious threats to the liberal space are gangs acting under the banner of Maoist groups in south-western Bangladesh, which, as the reports in various sections indicate, have frequently attacked journalists revealing the link between them and organized crime, and have publicly taken responsibility for it. A number of Islamic groups have also reacted strongly against human rights defenders seeking to promote secularism.

2.4 NGOs targeted

All governments have sought to impose restrictions on the activities of the NGOs. However, since the assumption of office by the present government, a number of NGOs, especially those seeking the empowerment of women or minorities, have been targeted. Prime Minister Begum Khaleda Zia said in her “Speech for the Nation” on 19 October 2001:

“During the last 30 years, the NGOs worked hand in hand with the government in poverty alleviation, removal of disparity, and social development. We want to maintain this course.

“But, there has been widespread reaction in society regarding a handful of NGOs as they have involved themselves in party politics and views. Adverse and hostile attitude have been created among the common people.

“Using foreign aid for party activities is a serious crime. Proper investigations into the misdeeds of such NGOs will be made and action under the law of the land will be taken. No one should be allowed to do whatever they like whilst violating the laws of the Republic.”⁷

This speech seems to have been regarded as a blueprint for a pattern of harassment. Targeted NGOs have been charged with mismanagement of their funds and placed under investigation by a succession of security agencies. Their funds have been frozen, which has effectively blocked their development and relief programmes benefiting communities in need. Pleas from donors – whose own independent audit has not confirmed allegations of financial

⁷ See: http://www.bangladeshgov.org/pmo/pmspeechbnp/spch_e191001.htm (visited 14 June 2004, 12:20 GMT)

mismismanagement levelled against the NGOs by the government – to unblock their assets have been ignored by the government.

Some prominent NGOs which fell victim to this harassment included PROSHIKA ("A Centre for Human Development"), and PRIP Trust.

- PROSHIKA: Soon after the elections, the authorities blocked donor funds to PROSHIKA (one of the largest non-governmental organization in Bangladesh, which promotes sustainable development) and placed the organization under investigation for alleged financial irregularities. However, there were serious concerns about the investigations' lack of transparency. The donors expressed concern to the government that they saw no grounds for blocking the NGO's entire programme while this investigation was underway, as that would cut off thousands of people from assistance funded by donors, but the NGO's funds remained blocked.

In early May 2004, the government accused PROSHIKA of taking an anti-government political line during an opposition campaign of general strikes to unseat the government. PROSHIKA denied involvement in any political activity, but the police raided their offices in Dhaka.

On 22 May 2004, Amnesty International raised its concern about the arrest and fear of torture of Dr Qazi Faruque Ahmed and David William Biswas, president and vice-president respectively of PROSHIKA. There were strong indications that their arrest was politically motivated. It came after a long period of harassment of PROSHIKA by the present government, which alleged that it had engaged in political campaigning against the current ruling alliance during the last general elections. About a month before the arrest of PROSHIKA leaders, on 20 April 2004, a PROSHIKA manager, Abdur Rob, was arrested. The police brought him before a court three days later, claiming that he had "confessed" that PROSHIKA was involved in political activities. In court, he reportedly retracted the confession, saying the police had tortured him to make him sign it. However no effective investigation was conducted into the allegations of torture and he was subsequently charged with treason. By early June 2004, both Abdur Rob and David William Biswas had been released on bail but the charges against them were pending. As of late June 2004, the PROSHIKA leader, Dr Qazi Faruque Ahmed, was implicated in 18 criminal cases including a "sedition" case filed against him and six of his colleagues on 20 June 2004. He was released on 25 July 2004 but charges against him continue to be pending. Amnesty International recognizes the government's responsibility to investigate allegations of financial irregularity, but such investigations must conform to standards of fairness, transparency and rule of law. The government's action against PROSHIKA leaders appears to have been disproportionate to the accusations levelled against them.⁸

⁸ For instance, in an application for bail on behalf of Dr Faruque, his lawyers have argued: "... that the allegations made in the instant [criminal conspiracy] case are vague, baseless and unsubstantiated and do not by any stretch of the imagination constitute the ingredients of an offence under sections 120A/124B/34 of the Penal Code, and even if true, would not amount to any more than the free expression of views by a citizen which is his fundamental right within a democratic society."

Aroma Dutta, executive director of PRIP Trust.

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● PRIP Trust, an NGO working to “facilitate the growth of human and institutional potential of development actors in civil society, government and the business sectors”, has been the target of harassment by the present government. It too, has been accused of involvement in political activity outside its remit as an NGO. Its funds have been frozen and it has been subjected to a series of investigations by one agency after another, which, each time, has gone through their entire files and records anew.

The government has not apparently been able to substantiate its allegation of PRIP Trust’s involvement in political activity, and the allegations of mismanagement of funds had not been corroborated through independent audits of its records by a number of donor agencies.

It appears that the high profile stance that the executive director of PRIP Trust, Aroma Dutta, had taken in opposing the attacks against members of the Hindu minority in Bangladesh at the time of the general elections of October 2001, may have instigated action being taken by the parties (once in power) against Aroma Dutta and PRIP Trust.

In her letter to the then President, Justice Shahabuddin Ahmed, on 25 September 2001 (just before the last general elections), Aroma Dutta wrote:

“It is my conscious (sic), and duty as a human rights activist, and a member of the minority community to bring to your kind attention about (sic) the continuous attack on the marginalized community, “HINDU MINORITIES” of Bangladesh at the time of National Election 2001 .. to prevent them from casting their votes, which is their fundamental right.”

In her letter, she predicted that members of the Hindu minority would face attacks and pleaded for measures to be taken by the then government to protect them after the general elections. She wrote a similar letter to the then Chief Adviser of the caretaker government, Justice Latifur Rahman, on the same day and another to the then Chief Election Commissioner on 26 September 2001. Turn of events during and immediately after the general elections of October 2001 confirmed Aroma Dutta’s fears. Following the elections, hundreds of Hindu families were reportedly subjected to violent attacks, including rape, beatings and the burning of their property. They were reportedly attacked by BNP supporters because of their perceived support for the Awami League.⁹

The NGO Affairs Bureau has made two other allegations against PRIP Trust:

“Providing Assistance to Women-led NGOs: The organization [PRIP Trust] has provided financial assistance to some women-led NGOs without any specific provision in the project. Expenditure statements and bill-vouchers

⁹ See Amnesty International, *Bangladesh: Attacks on members of the Hindu minority* (AI Index: ASA 13/006/2001), published on 1 December 2001.

for such expenses are not maintained by the organization. The partner NGOs spend the money for purposes which are quite irrelevant of para 5(d) and 6.3 (b) of the aforesaid circular have been violated by the organizations.”

“Providing Assistance to Civil Society: The organization has provided assistance to the civil society beyond project provisions. Under this, study tours in foreign countries have been organised without any budget provisions. Grants were given to some organizations for political activities also without permission of the NGOAB. Thus the provisions of para 5 (d), 6.3 (b) and 8.2 (c) of the aforesaid circular were not complied with.”

PRIP Trust has refuted these allegations, and donors have raised concern that the organization has not been able to receive the funds it needs to carry out its activities.

As with accusations levelled against PROSHIKA, those against PRIP Trust appear to be general in nature, lacking specific details. These allegations – as referred to in a letter to PRIP Trust from the NGO Affairs Bureau – are listed as: organizational management not “suitable for its responsible funding”; its accounting system has “violated” the law; has maintained unapproved funds; has funded projects sent to it by “different other organizations”; irregular payment of “consultancy fees”; irregular payment of vehicles; “Branch NGO creation and illegal transfer of funds”.¹⁰

Other NGOs facing similar harassment include Bangladesh Nari Progati Sangha (BNPS), a rights based organization working with the women’s movement against violence, and promoting socio-economic and political empowerment of women.

3. Violations and their causes

Poor governance, corruption, nepotism, severe political tension in the country and lack of accountability remain the main facilitators of human rights abuses. Human rights defenders in Bangladesh have faced severe retaliatory measures over a decade of struggle against abuse of authority, breach of the rule of law, corruption and impunity. They have been active in highlighting human rights violations including torture, arbitrary detention, as well as repression of women and minorities.

Information received by Amnesty International indicates that most at risk of abuses in Bangladesh are human rights defenders who:

- Persistently criticize the authorities or parties of the ruling alliance for human rights violations;
- Reveal links between politicians of any parties, police and armed gangs that abuse human rights;

¹⁰ Letter sent to PRIP Trust by NGO Affairs Bureau, Prime Minister’s Office, Dhaka, dated 12 January 2003, Index: D.O.No.:NGOAB/A-4/PT/85-14/2002/2030.

- Reveal corruption in the ruling administration and the law enforcement personnel;
- Reveal abuses against minorities;
- Criticize human rights abuses by Islamic parties;

Human rights defenders have been subjected to:

- Arrest, torture, and politically motivated criminal charges when they have spoken against abuse of power by government authorities, the local administration or politicians of the opposition parties.
- Physical attacks from members or supporters of Islamic groups or ruling party activists when they have sought to reveal their violent activities or their involvement in abuses against minorities;
- Physical attacks by armed gangs when they have sought to protest against human rights abuses in the context of smuggling and corruption and organized crime, they have been the targets of attacks by gangs affiliated to, or hired by, those subsequently identified as perpetrators of these abuses;

<p>Saleem Samad. ©Private</p>

Governments in Bangladesh have persistently failed to respond adequately to the need to protect individuals at risk, investigate the violations committed against them, bring to justice perpetrators of human rights violations, and ensure the protection of witnesses, the victims and their family members or to provide reparation to the victims.

3.1 Arbitrary arrest and torture

Human rights activists have been arbitrarily arrested and detained in apparent retaliation for their non-violent criticism of the authorities. Such detainees have usually been tortured or ill-treated while in custody. The arrest of four human rights defenders, Shahriar Kabir, Professor Muntassir Mamoon, Saleem Samad and Pricilla Raj in late 2002 on allegation that they had divulged information about the human rights situation in the country to foreign journalists were all reportedly at the instigation of the authorities.

The detention of persons solely as a consequence of the peaceful exercise of their fundamental rights to freedom of expression and association constitutes arbitrary detention and violates international law including in particular Articles 9 and 19 of the International Covenant on Civil and Political Rights and also Article 12 of the Declaration on Human Rights Defenders.

Arrests are usually made under Section 54 of the Code of Criminal Procedure (Section 54), which allows the police to arrest anyone without a warrant of arrest and keep them in detention for 24 hours.¹¹

Those arrested under Section 54 have to be either released or produced before a magistrate within 24 hours – either to be formally charged with a criminal offence or to be remanded in police custody. There appears to be a severe lack of due diligence by magistrates in exercising their powers. They reportedly often fail to scrutinize the case to ensure that there are objective and legitimate grounds for remand thereby, effectively, subjecting people to arbitrary detention. There are also persistent reports that magistrates do not take allegations of torture seriously.

In recent years, Section 86 of the Dhaka Metropolitan Police Ordinance 1986 has been used to detain people, including human rights defenders, arbitrarily. This section empowers the police to detain anyone “found under suspicious circumstance between sunset and sunrise”.

In some cases, the authorities have demonstrated an intention to ensure the continued detention of a human rights defender. To achieve this goal, they have implicated a human rights defender in one case after another on what have eventually turned out to be unsubstantiated criminal charges. Abu Sayed, a development worker seeking to urge the police to file a complaint by a Hindu family who had been reportedly attacked by members of Jamaat-e-Islami, was himself the target of harassment as police filed a total of seven cases against him on apparently fabricated criminal offences in late 2002.

Abu Sayed was the subject of police harassment.
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The only option for the prisoner to obtain release is to file a petition before the High Court. This court has, so far, maintained a remarkably high degree of independence from the executive authorities and is able to provide judicial redress. However, the process inevitably adds to a huge caseload before the courts. It is also costly for the families of the detainees, as they have to provide the bond and, at times, sureties to obtain their relative’s release on bail.

Lawyers representing prisoners held under Section 54 or the Dhaka Metropolitan Police Ordinance 1986, or those remanded in police custody, have confirmed to Amnesty International that their clients have routinely been unable to have family visits, access to adequate medical treatment, or to meet their lawyer. The detainees are therefore particularly at risk of being tortured or ill-treated. Torture is routinely used to obtain a “confession”.¹²

¹¹ For more details, see Amnesty International, *Bangladesh: Urgent need for legal and other reforms to protect human rights* (AI Index: ASA 13/012/2003), published May 2003.

¹² See, Amnesty International, *Bangladesh: Torture and Impunity* (AI Index: ASA 13/07/2000), published November 2000.

Even when arrests are made with a warrant, the detainees are held incommunicado, and often subjected to torture or ill-treatment.

Human rights defenders interviewed by Amnesty International after their release have testified to being tortured or ill-treated during their initial period of detention. In the case of human rights defenders, magistrates are reportedly even less inclined to scrutinize the grounds for detention and allegations of torture. The authorities have considerable influence on the magistrates and, reportedly, use this influence to obtain a legal basis for the detention of a human rights defender. Several human rights defenders have been told by the police that their arrest and interrogation – which often involves torture – had been ordered by senior government officials.

Torture and other forms of cruel, inhuman and degrading treatment or punishment are absolutely prohibited under international law, including the ICCPR (Article 7) and the Convention against Torture. Furthermore, under international law and in particular Article 15 of the Convention against Torture, no statement that has been made as a result of torture may be produced as evidence in any proceedings. The right to be free from torture and ill-treatment is a fundamental principle of international law and can never be derogated from, even in times of emergency. It is also guaranteed in the Constitution of Bangladesh. Bangladesh is obligated under international law and its Constitution to prevent torture and ill-treatment. An appropriate investigation must be undertaken when an allegation of a confession abstracted through torture is made.

Not only do states have an obligation to ensure that torture and ill-treatment are prohibited but they must also take a range of measures to prevent their occurrence. These are to include legislative, administrative, and judicial measures. They must also include other measures such as training of law enforcement personnel and the systematic review of interrogation techniques.

Abul Khair was accused of carrying out “organized terror” when insisting that the police should file the complaints of Hindu families who had suffered human rights abuses.

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The process of seeking release on bail may take weeks or months. When the petition goes before the court for a hearing, the court usually orders the release of the detainee on bail. However, in the case of human rights defenders, the Home Ministry has on frequent occasions failed to respect the High Court order. In apparent moves to block this judicial redress, the police on many occasions have simply informed the court that they could not execute the court order for release because the prisoner has been implicated in another case. It is once again left to the family of the prisoner to seek judicial redress – through an appeal in the new case – during which time the prisoner continues to be held in custody.

In some cases, human rights defenders have been detained under sedition charges, which provide penalties of between three years and life imprisonment. Although the charges in cases of human rights defenders known to Amnesty International have not been substantiated, they have remained pending after the accused’s release on bail. Amnesty International is

concerned that the offence of sedition under Section 124A of the Penal Code is too broadly worded and is used to detain those peacefully exercising their freedom of expression and association.¹³

In cases when the government has refused to withdraw the apparently politically motivated charges against human rights defenders after their release on bail, the defenders have to appear regularly before a magistrate (usually once a month) to prove they have not left the country – it takes almost a day of their time to do this and over a period of time can interfere with the person's movement, profession and livelihood.

Until about two years ago¹⁴, the government usually sought the continued detention of a human rights defender by imposing a detention order under the Special Powers Act, 1974 (SPA) which overrides safeguards in Bangladesh law against arbitrary detention, and allows the government to hold a detainee for up to four months without charge or trial.¹⁵ Although the detainees were sent to jail custody where the police would not be empowered to interrogate them and subject them to torture, they were nonetheless held in detention without charge. However, the High Court in almost all cases before it, found the specific SPA orders to lack lawful grounds and ordered the release of the detainees. In the past few years, the government has rarely used SPA detention orders against human rights defenders. It has instead used the tactic of bringing a succession of new criminal accusations against those already detained on an alleged criminal offence. However, since the accusations have had no substance, the courts in almost all cases have either dismissed them, or released the detainee on bail.

3.2 Violations of the right to life and security of person

In the majority of cases, attacks against human rights defenders are usually perpetrated by unidentified assailants. Information gathered by Amnesty International indicates that there has

¹³ Section 124A of the Penal Code (as modified up to 30 September 1991) states: "Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government established by law shall be punished with imprisonment for life to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine."

¹⁴ The government used the SPA to keep Shahriar Kabir in detention for over two months in late 2001 and early 2002.

¹⁵ The SPA provides for detention on the grounds of "preventing [a person] from doing any prejudicial act" for example by causing "fear or alarm to the public or any section of the public" or "to prejudice" matters relating to defence, foreign relations, security, community relations, administration of law, essential supplies and services, and economic or financial interests. Its broadly formulated provisions allow for the detention of people in contravention of their right to freedom of expression. It has been frequently used by Bangladeshi governments to detain political opponents. The extent of its abuse is such that the BNP declared in its manifesto its intention to repeal the law, although once in power, it has kept the SPA and has used it frequently. For a thorough analysis of Amnesty International's concerns with regard to the use of the SPA, see: Amnesty International, *Bangladesh: Urgent need for legal and other reforms to protect human rights*, (AI Index: ASA 13/012/2003), May 2003.

been a pattern to these attacks. Those most at risk are journalists who have reported on criminal acts by armed groups carried out with the complicity of the law enforcement agencies. The journalists have usually received repeated death threats before being physically attacked.

Human rights defenders have told Amnesty International that instigators of attacks are not only gang leaders whose criminal activities human rights defenders have revealed, but also some local politicians who are themselves believed to be benefiting from organized crime including smuggling and human trafficking. A journalist and human rights defender told Amnesty International:

Nazmul Imam, a journalist and human rights defender in Khushtia has been the target of several attacks
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“Journalists who write articles critical of the ruling party of the time know they cannot stay at home as some of their members will come for them; some journalists have no option but to pay “protection” money to the armed gangs who threaten to attack them for what they have written. There have been cases of journalists who have been beaten and prevented from being taken to hospital by armed gangs hired by local politicians or affiliated to their party.”

Journalists interviewed by Amnesty International have testified to receiving death threats with the clear message that they should stop probing into the affairs of people named in the articles, or face death. In several instances, the attackers have deliberately maimed the journalists so that they are no longer able to hold a pen.

Hundreds of human rights defenders have received death threats which have at times been followed by assaults causing life threatening injuries.¹⁶ Since 2000 at least eight human rights defenders have been assassinated.

Despite the obligation of the state to investigate fully crimes against the right to life and security of the person, the police have usually failed to carry out such investigations.¹⁷

¹⁶ According to Reporters Without Borders, in 2003 alone, more than 200 journalists were the targets of violence from political activists, criminal gangs or religious extremists. See Reporters Without Borders, 3 May 2004, ‘Bangladesh – 2004 Annual Report,

http://www.rsf.fr/article.php3?id_article=10150&Valider=OK (visited 2 June 2004, 15:30 GMT)

¹⁷ For example, article 6.1 of the ICCPR which states: “No one shall be arbitrarily deprived of his life”, adding that the Human Rights Committee, the body set up under the ICCPR to oversee implementation of the Charter, has commented that “States parties should take measures ... to prevent and punish deprivation of life by criminal acts. {Reference: General Comment No. 6 on Article 6 (Right to life) (Sixteenth session (1982), paragraph 3.) }

4. Impunity, weak institutions and their manipulation by influential groups and individuals

All governments in Bangladesh have failed to introduce credible mechanisms for accountability and performance at all levels of the administration. There is a general consensus within the human rights community in Bangladesh that poor governance, corruption and nepotism have severely undermined the rule of law including safeguards in the Constitution to protect fundamental rights.

The present government has usually sought to justify its moves, particularly in the first couple of years after it came to power, to arrest human rights defenders under the pretext that by publicizing attacks against members of minority groups or the alleged presence of extremist groups in the country, they had “tarnished” the country’s image abroad. A Bangladeshi human rights defender told Amnesty International:

“This is ironical when our image has been of a country with the highest level of corruption in the world and when the donor countries have been continuously saying Bangladesh has a poor record in governance.”

To Amnesty International’s knowledge, successive governments have routinely ignored human rights abuses by their own supporters or supporters of parties in alliance with them, allowing them impunity for such acts. At the same time, a poorly trained and apparently corrupt police force and a severely overloaded judicial system deprives victims of human rights violations, or those defending them, of access to justice. Furthermore, an endemic failure on the part of the government and the opposition to engage in a constructive dialogue to reduce political tension in the country and strengthen the democratic process has further undermined safeguards against human rights violations.

Tipu Sultan shows wounds sustained during torture.

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While the failure to bring perpetrators of human rights violations to justice represents a passive lack of interest to end impunity, in certain cases, for example when reacting to criticism of the government’s shortcomings by human rights defenders, the government has in fact taken an active role in initiating human rights violations with impunity. Consequently, a climate of impunity for acts of human rights violations in the country has prevailed.¹⁸

¹⁸ The arrest of human rights defenders Saleem Samad in late 2002 and Shahriar Kabir once in late 2001 and another time in late 2002 were acts of human rights violations deliberately perpetrated at the instigation of the authorities.

5. Due diligence

Under international human rights standards and the national law in Bangladesh, the government is accountable for acts committed by agents of the state. Some of the violations cited in this report have been perpetrated by the police, other law enforcement personnel and at times, reportedly at the instigation of government officials.

Other human rights abuses have been committed by “non-state actors” for which, under international law, the government is accountable when it is shown to have failed in its obligation to exercise due diligence, or has been negligent in its efforts to prevent, investigate or redress the abuse.

Amnesty International uses the term “non-state actors” to encompass people and organizations acting outside the state, its organs and its agents. State responsibility for acts committed by non-state actors is triggered when the government has failed to fulfil its legal obligation to exercise due diligence to respect, protect, promote and fulfil rights. A state can be deemed responsible for acts committed by non-state actors because of a specific kind of connection with them, or for its failures to take reasonable steps to prevent or respond to an abuse. This can include failing to take action to eradicate or prevent abuse, failing to investigate abuse, absence of legal measures against a human rights abuse, or failing to provide a remedy or compensation to the victim or their families. In all cases of human rights defenders being targeted by “non-state actors”, the Government of Bangladesh appears to have shown little determination to bring the attackers to justice. Victims of threats and assaults have been left with no protection. Suspected perpetrators have rarely been investigated. Many of them have reportedly bribed the police not to implicate them in the attacks. In some cases, perpetrators reportedly rely on support from politicians who are able to protect them.

<p>Sumi Khan ©Private</p>

In Bangladesh, several journalists have told Amnesty International of a general attitude of inaction by the government. They have maintained that the Home Ministry’s responses to attacks have usually followed a pattern: in cases where there had been a public outcry, a senior authority from the Home Ministry would make a brief visit to the scene of the attack, or the hospital where the victim was being treated, or the victims’ homes, promising stern action against the culprits and compensation to the victims, but frequently failing to honour the promise.

In many cases, it has been left to the victims or their families – aided by moral support from other human rights defenders – to keep demanding a credible investigation of

the attacks, a prompt trial of the accused, and protection against renewed death threats. Under international law, in particular the International Covenant on Civil and Political Rights and the Convention against Torture to both of which Bangladesh is a party, states have an obligation to promptly, effectively and impartially investigate human rights violations and provide an effective remedy for the victims. In Bangladesh, failure to respond to this obligation has led to a lack of confidence in the judicial procedures, with many victims choosing not to seek a judicial redress.

In some instances, attacks against human rights defenders have been investigated and in rare cases a judicial process to bring the culprits to justice has begun. However, these rare instances have followed months or years of campaigning by journalist associations and human rights groups, and persistent demands by lawyers and others for justice. Even when investigations have started, they have been very slow in process, giving credence to the suspicion that the authorities may have deliberately sought to prevent the course of justice.

Shamsur Rahman, a writer, journalist with the *Dainik Janakantha* and broadcaster with the Bengali Service of the BBC, was shot and killed on 16 July 2000 in the western town of Jessore. The case has not yet gone before a court for a trial, reportedly due to the fact that the initial police inquiry which was sent to the judicial authorities and which had identified 16 individuals as suspects was cancelled in July 2001 during the time of the interim government. When the present government came to power, the case was re-opened, despite objection from family and other human rights defenders who believed the initial investigation had identified the culprits.

The progress of Tipu Sultan's case came to a near standstill after the general elections of 2001 which brought the present BNP-led government to power. Generally, new governments in Bangladesh have been keen to follow up criminal cases in which politicians from the former government have been implicated. In Tipu Sultan's case, the current government's initial reluctance was believed to be due to a change of political allegiance by some of the men accused of carrying out the attack against Tipu Sultan. Nonetheless, an investigation began in late 2001 and subsequently a charge sheet was sent to the court accusing 13 people of being responsible for the attack. Soon after, it became obvious that the investigation had lacked the rigour to stand scrutiny in a court of law. Consequently, the High Court stayed the proceedings in the case following a petition by the accused that the prosecution had not substantiated the charges against them. Significantly, the office of the Attorney General has not challenged the stay order, effectively allowing the case to be left idle and the perpetrators to continue to enjoy impunity. According to Amnesty International's information, no one has so far been convicted of attacks against human rights defenders mentioned in this report.

At times, vital information which is already available to the police is not disclosed to the court. Probir Shikder, a journalist who was severely injured in an attack in April 2001, invoked a law which allows the complainants to challenge defects and omissions by the police in the charge sheet presented to the court. He told Amnesty International that his family had filed three successive petitions before the court to request that the names of the suspects he had given to the police be included in the charge sheet, but without success.

Fear of retaliation and a lack of confidence in the governments to bring those responsible for attacks against journalists to justice is frequently cited by the survivors as the reason for their reluctance to file a complaint with the police. It is not difficult to understand their fear and despair. Manik Chandra Saha, a veteran journalist based in Khulna working as the bureau chief of the English daily, *New Age*, a correspondent of the Bangla Daily, *Dainik Sangbad* and a stringer with the BBC Bengali Service, was killed on 15 January 2004 on his way home from the Khulna press club. Unknown assailants stopped the three-wheel rickshaw in which he was travelling and hurled a homemade bomb at his head. His murder triggered a wave of protest in Bangladesh and internationally. Fellow journalists believe he was attacked because of his investigative reports about the illegal activities of armed Maoist groups and local criminal gangs in the *Dainik Sangbad* and his BBC broadcasts. He had received several death threats prior to the attack. On 22 January 2004, the leader of the outlawed group, Purba Banglar Communist Party (Janajuddha), reportedly declared in a letter sent to the president of Satkhira Press Club, that he had been responsible for the killing of Manik Saha. In that letter, he threatened to kill nine other local journalists unless they stopped writing about the murder of Manik Saha. He reportedly signed the letter as: "Gaffar alias Tushar, Satkhira commander of Janajuddha" and the letter contained the following threat: "'I am Gaffar (and) my party nickname is Tushar (and) I have killed Manik Saha. Now guerrillas of my party will kill you (by) throwing bomb in broad daylight".¹⁹ Police announced that they have been investigating the murder and as of early July, a charge sheet was sent to the court. It named 12 members of the outlawed group as perpetrators of the attack. However, fellow journalists in Khulna continue to claim that the charge sheet does not identify the real masterminds of the killing acting behind the scene.

Lack of resolve on the part of the government to conduct a credible and effective investigation of attacks against journalists leading to prosecution has been the main reason for the continued vulnerability of human rights defenders in Bangladesh. Humayun Kabir Balu, the editor of the Bangla language newspaper, *Dainik Janmabumi*, was killed in a bomb attack on 27 June 2004. He was a renowned journalist and the president of Khulna Press Club. The Janajuddha faction of an outlawed political party, Purbo Banglar Communist Party operating in the southwest region of the country, reportedly claimed responsibility for the attack. Witnesses told journalists that a young man posing as a peanut vendor approached Balu's car as it was pulling over in front of the house, got at least two bombs out of his peanut basket and hurled them at Balu, killing him and injuring his eldest son who, together with his brother and sister, were also in the car. Balu had reportedly received several death threats from the outlawed groups whose atrocities in the area had been frequently reported in the mass-circulation local daily for which he worked as a correspondent.

The killing of Balu once again highlighted mounting concerns in the country about the lack of a determined action by the government to ensure the safety of the journalists and to bring those responsible for attacks against them to justice. The journalist community and

¹⁹ The Daily Star, 'Outlaws threaten to kill 9 Satkhira newsmen', 23 January 2004. See also CPJ, 22 January 2004, http://www.cpj.org/cases04/asia_cases04/bangla.html, (visited 26 May 2004); and RSF, http://www.rsf.fr/article.php3?id_article=9079 (visited 26 May 2004).

human rights defenders intensified their continued efforts to press the government to protect journalists against such attacks and prosecute the perpetrators. The memory of the killing of Manik Saha (see above), and the failure of the government to bring those involved in his assassination to justice through a full and transparent investigation, was only too fresh in everyone's mind. Indeed, Humayun Kabir Balu had been one of the most determined campaigners for a full investigation of the killing of Manik Saha.

As happens with all high profile cases, in the days after the killing of Balu, various government officials spoke about it and condemned it. However, human rights defenders continued to voice their lack of trust in promises by the authorities that a credible investigation of the killing would take place. An opinion piece in the Daily Star highlighted the extent of the problem.

Shawkat Milton, a journalist and target of death threats.
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“Far from inspiring confidence in the administration, these measures and assurances that seem to be mostly hollow, have increased the sense of insecurity among the people. Shockingly, the administration's blatant failure to book the perpetrators of journalists' killing one after another have thrown the journalist community into utter despair and many of them are under pressure from their families to leave this hazardous profession. Unless the government takes some drastic measures to provide security to the members of this vital community, democratic values would be put to severe test.”²⁰

A most revealing admission of this failure came from the Inspector General of Police on 2 April 2005 during a rare visit to Khulna. He told journalists:

“The purpose of my visit to Khulna is to monitor and oversee progress of investigation (sic) of murder of journalists Humayun Kabir Balu and Belaluddin... because, monitoring cell (sic) of the Home Ministry is not satisfied with investigation of these two murder cases”.²¹

It appeared that the sense of urgency to assure the public that a more credible investigation of the killings was underway had been prompted by the attack on yet another journalist in Khulna – Sheikh Balaluddin Ahmed, the Khulna bureau chief of the daily, *Dainik Sangram*. He died on 11 February 2005 in the intensive care unit of the Combined Military Hospital in Dhaka. He was attacked on 5 February 2005 when a bomb left on a motorbike in front of the Khulna Press Club exploded as he approached the motorbike. The explosion left Belaluddin seriously injured and in a critical condition. Three other journalists accompanying

²⁰ Daily Star, ‘Point-Counterpoint’, 13 July 2004

²¹ Daily Star, ‘Top priority to journalist murder cases, says IGP’, 3 April 2005.

Belaluddin received various degrees of injuries. Sheikh Belaluddin, a renowned journalist, was also a prominent member of the Islamic party, Jamaat-e-Islami, which is the second largest party in the ruling coalition. It is believed within the human rights community in Bangladesh that pressure from Jamaat-e-Islami for a full investigation of his killing may have prompted the authorities to voice assurances to that effect.

Charge sheets in these two cases (Balu and Belal) were presented to the court subsequent to statements by the Inspector General of Police. The trial in Balu's case was to begin at the beginning of June 2005. However, journalists in Khulna once again objected to the content of the charge sheets, saying they were flawed. In a joint statement, members of the Khulna Union of Journalists and the Khulna Press Club claimed the police had failed to identify those who sponsored the attacks.

“We demand fresh (sic) reinvestigation into both the murder cases to identify the killers as well as the masterminds. The motive behind the killing must also be correctly mentioned in the charge sheets after reinvestigation.”²²

6. The legal framework

The legal framework for the protection of the rights of human rights defenders – as well as any individuals or groups – includes international human rights standards to which Bangladesh is a state party. The International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), the Optional Protocol to the CRC on the involvement of children in armed conflict, the International Convention on the Elimination of All forms of Racial Discrimination, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In addition, the Declaration on Human Rights Defenders reiterates safeguards to be implemented to protect the rights of human rights defenders. The following articles of the Declaration are particularly relevant to the defenders of human rights in Bangladesh.

Article 1 of the Declaration states:

“Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.”

Article 9.1 of the Declaration states:

“In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with

²² Daily Star, ‘Khulna journos reject both chargesheets’, 28 April 2005.

others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.”

Article 12 of the Declaration states:

“1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to states that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.”

Rana Dasgupta, lawyer and human rights defender in Chittagong.
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Part 3 of the Constitution of Bangladesh provides for safeguards against the type of human rights violations that human rights defenders face. Their inclusion in Part 3 is significant because the Constitution specifies that any laws inconsistent with fundamental rights as specified in Part 3 would be void.²³

In Part 3, the Constitution provides guarantees of equality before the law, prohibition of discrimination on grounds of religion, race, caste, sex or place of birth, equality of opportunity in public employment, right to protection of the law, to life and personal liberty, to safeguards with regard to arrest and detention, safeguards against unfair trials, the right to freedom of movement, assembly, association, thought, conscience, and speech, freedom of the press, freedom of profession or occupation, freedom of religion, right to property, and to protection of home and correspondence.

²³ Article 26.1 of the Constitution of the People’s Republic of Bangladesh

Furthermore, Article 44 of the Constitution states that the right to “move the High Court Division in accordance with Clause 1 of Article 102, for the enforcement of the rights conferred by this Part [3] is guaranteed”.²⁴

7. AMNESTY INTERNATIONAL RECOMMENDATIONS

Amnesty International calls upon the Government of Bangladesh to ensure full protection for human rights defenders by taking the following steps.

7.1 With regard to human rights violations including arbitrary arrest, arbitrary detention and torture by law enforcement officials:

- Make a public commitment to ensuring protection for human rights defenders. Inform all law enforcement personnel, at all levels, of their obligations to respect and protect human rights, and make it clear that they will be held accountable for human rights violations perpetrated by them;
- Set up an independent and impartial commission of inquiry to examine the cases mentioned in this report with a view to: ensuring that the victims receive justice and redress; identifying failings in the criminal justice system which have led to human rights violations; and making recommendations for changes in legislation, procedures, discipline and training to ensure that law enforcement officials abide strictly by the law and international standards governing their behaviour;
- Ensure that the magistrates rigorously uphold safeguards against unlawful detention when ordering a prisoner’s remand into police custody; and to that effect, ensure that the prisoners are physically produced before the magistrates and ensure that magistrates do not ignore signs or allegations of torture when police request a prisoner’s remand into custody;
- Ensure prompt and thorough investigations by an independent and competent authority into all reports of: arbitrary arrest, arbitrary detention and any allegation of torture or cruel, inhuman or degrading treatment or punishment;

²⁴ Article 102 of the Constitution is frequently used by lawyers before the High Court to obtain judicial redress when a violation of the fundamental rights has occurred. It provides safeguards against unlawful acts (including torture) committed by “a person performing any functions in connection with the affairs of the Republic or of a local authority”; for a detained person to be presented before court to ensure “that he is not being held in custody without lawful authority or in an unlawful manner”: and obliging officials to show under what legal authority they are holding a person in detention.

- Ensure that those suspected of perpetrating human rights violations are brought to justice through procedures that confirm with International Fair Trial Standards;
- Provide restitution to victims of human rights violations, including adequate compensation.

7.2 With regard to the death threats, assaults and assassination of human rights defenders by non-state actors

- Ensure that all reports of death threats, assaults and assassination of human rights defenders are promptly and thoroughly investigated by the appropriate authorities and that suspected perpetrators are brought to justice;
- Ensure that those subjected to threats and attacks, their families, and witnesses to such abuses, receive full protection in their efforts to seek justice through the criminal justice system;
- Ensure that law enforcement personnel receive any necessary support to enable them to disclose evidence against perpetrators of abuses to the court without fear of reprisal;
- Ensure that any officials within the criminal justice system who are suspected of connivance with the perpetrators through bribery or negligence are brought to justice and fairly tried;
- Provide restitution to victims of human rights abuses by non-state actors, including adequate compensation.

7.3 With regard to the strengthening of safeguards for the protection of human rights

- Establish the long awaited National Human Rights Commission;
- Establish the Office of the Ombudsman;
- Implement the Supreme Court directive to separate the judiciary from the executive;

7.4 With regard to abuses committed by members of the ruling alliance

- Ensure that all allegations of human rights abuses by members of the ruling party, or its allied parties, are investigated promptly by an independent and competent authority, and those found responsible are brought to justice regardless of their position in these parties or their links to the government.

7.5 Recommendations to all political parties

- Lend support to any government initiative to promote and protect human rights;

- Ensure that no support is given by your party to protect any of your members against whom there exists credible reports of involvement in human rights violations.

7.6 Recommendations to the international community

- Raise Amnesty International's concern about the situation of human rights defenders in your bilateral or multilateral meetings with the Government of Bangladesh;
- Urge the government to bring perpetrators of violations against human rights defenders to justice.

7.7 Recommendations to the Bangladeshi communities abroad

- Raise concerns among the Bangladeshi communities abroad about the situation of human rights defenders in Bangladesh;
- Urge the Government of Bangladesh to provide protection to human rights defenders and bring to justice perpetrators of human rights violations against human rights defenders.