



## **BANGLADESH**

### **AMNESTY INTERNATIONAL SUBMISSION TO THE UN UNIVERSAL PERIODIC REVIEW 16<sup>TH</sup> SESSION OF THE UPR WORKING GROUP, APRIL-MAY 2013**

#### **Torture and other ill-treatment**

Torture and other ill-treatment are widespread in Bangladesh and committed with virtual impunity by all security agencies - the police, the Rapid Action Battalion (RAB), and the army - acting alone or together. Only in cases where the victim dies in custody are any allegations of torture or ill-treatment investigated within the criminal justice system. Even then, if the alleged perpetrators are RAB or army personnel, no credible investigation ever takes place. Many hundreds, possibly thousands of surviving torture victims under successive governments have little hope of ever receiving justice.

Former detainees have told Amnesty International that police and RAB officers routinely torture and ill-treat the detainees. Methods include beating, kicking, suspension from the ceiling, food and sleep deprivation, and electric shocks to the genitals. There are reports that detainees have been tortured until they "confess" to being criminals. More than a dozen such victims have told Amnesty International that they were threatened with being killed in "crossfire" if they did not confess.<sup>1</sup>

After the "confession", RAB and other security forces hand over the detainee to the police, who then file criminal cases against them, based on the security forces' claims. The date of arrest in cases submitted by the RAB is recorded as the day the victim was handed over to the police and not the day the RAB made the arrest. Even in cases where detainees were initially arrested by police officers, the date of arrest is still recorded as being several days later than the actual arrest date. In this way, the police and RAB distort the records to cover up the human rights violations they have committed against a detainee during the initial days following arrest.

Over the past three years, at least three people have died each year after they had allegedly been tortured or otherwise ill-treated in the custody of police and other security forces. Human rights activists believe thousands more have been tortured or otherwise ill-treated in custody.

While criminal proceedings have begun against some police personnel on charges of committing torture or ill-treatment, other perpetrators, especially RAB, army or intelligence officers have never faced criminal proceedings for their alleged involvement in torture or other human rights violations.

\* Rabiul Islam was arrested by plain-clothes officers at a hotel in the western city of Khulna on 24 October 2009. Blindfolded and handcuffed, he was taken to a RAB office in the Khalishpur area of the city. There, officers interrogated him while beating him, suspending him from the ceiling and applying electric shocks to his penis. He told Amnesty International in June 2010 that he was made to sit in a wheelchair with his hands and feet tied. He said: "First the wheelchair was swirled to make me dizzy and then I was beaten. Three men were beating me: the Captain gave orders, another beat me, and the third person helped in the beating. I was blindfolded and tortured for about half an hour. Then I was left on the floor, handcuffed and blindfolded. The next morning they took me to another place. They kept saying 'we know you have arms so just admit it'. I was kept in that place for about 16 days. My hands were tied above my head and attached to the roof. I was told that if I didn't agree with what they were saying they would kill me. I was interrogated two or three times and hung from the roof for about one and a half hours at a stretch. At some point they attached wires to my penis and gave me electric shocks. I felt like I was dying. My whole body became rigid, followed by extreme shaking.

After many days, I was taken to Mohammadpur Police Station on 9 November 2009. Police filed a criminal case against me saying that the RAB had told them to do so. I was then taken to court. My file showed 9 November 2009 as the date of my arrest, even though I had actually been arrested on 24 October 2009 and held in RAB custody from that date. I objected but no one listened. Several days later, I was taken to court again and then sent to Dhaka Central Jail. Although I was arrested in Khulna, police documents showed Mohammadpur Police Station in Dhaka as the place where I was arrested. I was held in Dhaka Central Jail for about six and a half months. Then the court gave me bail. Every month I have to travel from Khulna to the Dhaka court. This is a huge financial burden on me.”

Rape in custody, which Amnesty International considers to be a form of torture, is common in Bangladesh. Victims usually decline to report the crime for fear they will not be taken seriously or of angering their attacker or having to face further harassment by the police, as the following case illustrates.

\* Aleya Begum and her daughter were arrested on 9 September 2012 without a warrant and allegedly tortured and ill-treated at Khoksa police station in Kushtia district, including with electric shocks. After two days they were transferred to Kushtia city police station and kept in a dark room. The daughter, a college student, was separated from her mother during the night and sexually abused by police officers. After being taken to court, they were released on 18 September. Police reportedly falsified the records by giving the date of their arrest as 15 September. An eyewitness, another women detainee, saw them in detention on 10 September. After Aleya Begum and her daughter shared their story with the media, they were arrested again on 26 September and taken to jail.

**Recommendation:**

- The government of Bangladesh must ensure that all allegations of torture and ill-treatment are impartially investigated, and those found responsible brought to justice. No police or security personnel must be allowed to commit torture or ill-treatment with impunity.

### **Indigenous Peoples in the Chittagong Hill Tracts**

Bengali settlers continue to confiscate Indigenous Peoples’ land in the Chittagong Hill Tracts, while the army or other law enforcement agencies look on. The authorities have failed to settle Indigenous Peoples’ claims to land that was taken from them during the years of internal armed conflict (1975-1997), or more recently occupied by the ever increasing number of Bengali settlers. Tension between the settlers and the Indigenous communities and the failure of the security forces to protect the Indigenous People against attacks by the Bengali settlers have led to frequent clashes between the two communities and injuries on both sides. The authorities continue to fail to adequately prevent gender-based violence against Indigenous women and to effectively investigate and prosecute perpetrators.

**Recommendations:**

- The Bangladesh government must ensure that there is an effective mechanism in place to address land disputes between Indigenous Peoples and Bengali settlers;
- The government must conduct prompt and impartial investigations into all reported instances of violence against Indigenous women and girls ensuring victim and witness protection.

### **The death penalty**

Over 1,000 people are reported to be on death row in Bangladesh. However, very few are likely to be pardoned or have their death sentence commuted unless they are loyal supporters of the ruling Awami League. There have been some executions in recent years but no execution reported in 2012.

**Recommendations:**

- The government of Bangladesh must build on the positive development of no executions in 2012 and immediately establish a moratorium on executions with a view to abolishing the death penalty;
- The government must ensure that all death sentences are commuted to terms of imprisonment and that all death penalty cases comply with international standards for fair trials.

## **Enforced disappearances**

At least 10 people have gone missing in 2012. In most cases the victims have not been traced although there are reports of state involvement. In a few cases, the bodies of those missing have been found, some bearing marks of beatings.

\* Ilias Ali, the Sylhet division secretary of the opposition Bangladesh Nationalist Party, disappeared together with his driver Ansar Ali on 17 April 2012. The government has promised to establish what had happened to them, but has so far revealed no information.

\* Aminul Islam, a trade union leader, went missing on 4 April 2012. He was found dead a day later in Ghatail, north of Dhaka. His family saw evidence of torture on his body and believe he had been abducted by the security forces. He had previously been arrested and beaten by members of the National Security Intelligence for his trade union activities.

### **Recommendations:**

- The Bangladesh authorities must carry out an impartial and independent investigation into the reports of abductions and enforced disappearances and ensure that police and other security agencies fully co-operate with the investigation;
- The government must ensure that the truth about the disappearances is established and made public, and that anyone suspected of being responsible for enforced disappearances be brought to justice.

## **War crimes trials**

Amnesty International views the setting up in 2010 of the Bangladeshi court, the International Crimes Tribunal, as a historic opportunity in Bangladesh with the potential to end more than 40 years of impunity for the mass-scale human rights violations that occurred during the country's 1971 war of independence.

Bangladesh has a responsibility to ensure justice for more than one million civilians who were reportedly killed by the Pakistani forces and their allied groups, tens of thousands of women who were allegedly subjected to rape and other sexual crimes, and more than eight million people who fled the country into India in search of safety.

There are a number of shortcomings in the conduct of these trials that might limit the Tribunal's ability to bring perpetrators of these crimes to justice in a fair trial. If convictions imposed by the Tribunal do not comply with internationally accepted fair trial standards, the alleged perpetrators will themselves become victims of human rights violations. This will not be in the interest of justice.

Amnesty International has noted that all those detained so far have been members of two opposition parties – the Jamaat-e-Islami and the Bangladesh Nationalist Party. This has created the impression that the Tribunal is choosing to deal only with suspected perpetrators who are members of the current opposition parties. Even if there is no bias in the Tribunal's proceedings, the Tribunal has to avoid the appearance of bias. It cannot be automatically assumed that other parties have been closed to membership of persons suspected of such crimes. A more rigorous search must be conducted to ensure that no suspects are able to shield themselves from prosecution simply by being members of the ruling party or its allies.

Furthermore, there are credible reports that elements within the Bangladeshi forces extrajudicially executed or attacked people labelled as collaborators after Bangladesh gained independence. In Amnesty International's view, no perpetrators of human rights violations during the 1971 war of independence should be immune from prosecution regardless of what party they supported or what political affiliation they had during the independence war. Otherwise the Tribunal will be seen as a vehicle for the ruling party to repress its opponents.

Amnesty International is also concerned that there are legal barriers that weaken the possibility of a fair trial. These include a constitutional ban on the right of defence to challenge the jurisdiction of the Tribunal to try the crimes it is set up to try.

### **Recommendations:**

- The government must ensure that all perpetrators of human rights violations and crimes under international law during the 1971 war of independence are brought to justice regardless of what party they supported or what political affiliation they had at that time;
- The government must ensure that the constitutional bar against challenging the jurisdiction of the Bangladeshi court, International Crimes Tribunal, is removed.

### **Harassment of journalists**

Journalists who write about corruption, judicial irregularities, and human rights violations, including extrajudicial executions, rape in custody, and other gender-based violence, are particularly at risk of being harassed by police or security agencies, detained on politically motivated charges and tortured or otherwise ill-treated.

\* Mahmudur Rahman, editor of the Bangladeshi newspaper, *Amar Desh*, is facing sedition charges after he published details of a Skype conversation between the former chairman of the Bangladeshi court, the International Crimes Tribunal, and a Bangladeshi legal expert based abroad. *Amar Desh* is known to be highly critical of the authorities. The editor has been warned that he could be arrested anytime. He has informed Amnesty International that security personnel have been keeping a close eye on the building.

There are a number of irregularities in the preparation of the charge against Mahmudur Rahman that support the suspicion that it might be politically motivated in order to harass him. A full report on the Skype conversation had already been published by the UK magazine, *The Economist* and had also been posted on the *You Tube* website. Mahmudur Rahman has been detained and tortured in the past, and has more than 50 cases pending against him. He is on bail on these charges, all of which appear to be politically motivated.

### **Recommendation:**

- The government of Bangladesh must ensure that all journalists and editors are free to express their views and opinion peacefully without being harassed, intimidated, detained or tortured.

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<sup>1</sup> Death in "crossfire" is a phrase used by the authorities to describe the death of people whose relatives say they had been detained by RAB and later found dead from gun shot wounds.