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Bangladesh: deaths in custody must be investigated

Exactly two months after the start of the anti-crime operation "Clean Heart", the government of Bangladesh has failed to end the rising incidents of violence and deaths in army custody which have marked the operation. At least 32 people have died so far due to alleged torture by the army and there are reports of about ten more deaths in suspicious circumstances.

"Neither justice nor the fight against crime will be served by ignoring fundamental human rights standards," Amnesty International said.

"The government must initiate an independent investigation and give a credible explanation for the deaths. There are strong and persistent allegations that they were caused by torture in army custody and not -- as the authorities claim -- 'mainly from heart failure or from injuries the victims caused themselves trying to escape'," Amnesty International said.

In at least one case, family members have reportedly filed a case before a Magistrate court in Dhaka challenging the army's account that one of the victims, Abul Hossain Litu, had died after he jumped from the top floor of his two-storied farm building during a failed attempt to escape. They say the farm building does not have two stories and that he died from torture after army personnel tied his hands and legs, blindfolded him, tied him to a tree and beat him severely. His body was then handed over to the police.

Despite repeated calls by Amnesty International for a thorough investigation of the reported deaths, no investigation has so far been carried out.

Amnesty International urges the government of Bangladesh to start immediately impartial, independent and competent investigations, ensuring that:

- investigators gather all relevant information including testimonies from eyewitnesses;
- witnesses are protected against any threats or acts of retaliation;
- the findings of the investigation are made public and all those found responsible for the deaths are brought to justice.

Reports in the Bangladeshi press on 31 October that committees headed by senior army officers have been formed to investigate the deaths were contradicted by reports on 13 November quoting Moudud Ahmed, the Minister of Law, Justice and Parliamentary Affairs. He told journalists there would be no separate investigation into any of these deaths but, as with any other deaths, a magistrate would probe the cases. However, no one has so far been brought to justice and no

determined action appears to have been taken to stop torture.

Amnesty International is also concerned about the arrest and continued detention of journalists, human rights defenders and opposition politicians accused of 'anti-state activity'. Among those currently in detention are prisoners of conscience Shahriar Kabir, a journalist and human rights activist, and Dr Mutasir Mamun, a university professor, detained on 8 December and accused reportedly of "anti-state activity" on grounds of giving interviews to foreign reporters.

Pricila Raj, an interpreter with two European journalists making a report in Bangladesh for the British television network, Channel 4, and Saleem Samad who worked with them as a local guide, continue to be detained as prisoners of conscience. They are accused of sedition on the grounds that they assisted the two European journalists.

"Detention of critics and political opponents under the Special Powers Act (SPA) must cease and all SPA detention orders must be withdrawn. Allegations of torture made by the detainees should be investigated by an independent, impartial and competent authority and perpetrators brought to justice," Amnesty International said.

Background

Operation 'Clean Heart' started on 17 October as a campaign against crime carried out by the army. It was the government's response to growing concern within Bangladesh and the international community about the continuing deterioration in law and order, including a rise in criminal activity, murder, rape and acid throwing. However, the legitimacy of the army's involvement in 'Operation Clean Heart' is not clear. While Amnesty International notes that the government's stated aim is to improve law and order, it urges the government to ensure that the army's activities are conducted within the rule of law and with respect for human rights.

Politically motivated arrests of opposition politicians which began in early 2002 with the detention of two senior Awami League leaders, Bahuddin Nasim and Dr Muhiuddin Khan Alamgir, continue unabated. Arrests since then have followed a clear pattern.

Opposition politicians are arrested under Section 54 of Code of Criminal Procedure which allows detention without a warrant for up to 24 hours. During this period they are interrogated, held incommunicado and often tortured. They are brought before a magistrate who often sends them back into police custody for further investigation, during which time they are often subjected to further torture. A series of "criminal" cases are subsequently filed against them on the basis of dubious evidence. They are then sent to jail custody as "under trial" prisoners. The only remedy they have is to seek release on bail through lengthy and complex court processes, but each time a court grants release on bail in one case, another "criminal" case is filed against them.

When there are no more cases to file against them, the government secures their detention under the Special Powers Act which overrides safeguards in Bangladesh law for protection against arbitrary arrest. The only remedy is through the lengthy process of appeal before the High Court Division. A detention order under the SPA cannot itself be challenged before a court. It is only on procedural grounds that SPA detention orders have been declared unlawful by courts in Bangladesh. When lawyers manage to obtain court orders for the release of prisoners on bail and courts rule the detention orders under the SPA illegal, prisoners are usually released but they continue to be harassed, and some have been rearrested on similar grounds.

The cases of several Awami League leaders currently in detention fall within this pattern. They include possible prisoners of conscience Saber Hossain Chowdhury, Sahfi Ahmed, Mukul Bose, Sheikh Bazlur Rahman and Tofael Ahmed.

Human rights activists which include academics, journalists and staff of non-governmental organizations seen as being critical of government policies are particularly at risk of prolonged

detention and ill-treatment in custody. The same tactic of bringing "criminal" charges and detention orders under the Special Powers Act is also used to keep them in custody. On 13 December, Enamul Haque Chowdhury, a reporter working with the Reuters news agency in Bangladesh, was arrested after the Home Minister refuted comments attributed to him in several Reuters reports.

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