

AMNESTY INTERNATIONAL

Public Statement

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Bangladesh: Impunity for the army unacceptable

Amnesty International is deeply concerned that the Bangladeshi Government's recent decision to issue an "indemnity ordinance" will lead to a climate of impunity in the country. The ordinance gives immunity from prosecution to armed forces for their involvement in "any casualty, damage to life and property, violation of rights, physical or mental damage" between 16 October 2002 and 9 January 2003.

"These are serious human rights violations which must not under any circumstances be condoned," Amnesty International said today.

"Between October and January at least 40 people died after their arrest and alleged torture in army custody. The ordinance means that no army personnel can be investigated or brought to justice for these deaths. This is unacceptable," the international human rights organization added.

"Torture goes against the best aspects of the country's culture. It tarnishes the country's image," Amnesty International said.

With this ordinance, the Government of Bangladesh has indicated that it is not willing to respect its obligations under the Convention against Torture and the International Covenant on Civil and Political Rights to respect and ensure the rights of the people in Bangladesh. This ordinance denies the victims of torture and unlawful killings, and their families, the right to a remedy, to truth and justice, to which they are entitled.

Amnesty International urges all Governments to repeal any legal provision that afford impunity to human rights violators. Torture is universally condemned and prohibited under international law in all circumstances.

The Government of Bangladesh should withdraw the ordinance and should not put it before Parliament for debate. If the ordinance is brought before Parliament for debate on 26 January, Amnesty International hopes that all Members of Parliament will rise to this human rights challenge and refrain from enacting it as law.

Amnesty International continues to call on the Bangladeshi Government to establish and independent, impartial and competent authority to investigate all deaths reportedly resulting from torture and other allegations of torture in custody and bring to justice all those responsible whatever their rank or position.

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, there were mounting allegations of torture in army custody during this operation. At least 40 men died after being arrested by the army. The government announced that the deaths were from heart failure but families said victims had been tortured to death. On 9 January, the President issued "The Joint Drive Indemnity Ordinance 2003" which provides impunity to "members of the joint forces and any person designated to carry out responsibilities in aid of civil administration during the period between 16 October 2002 and 9 January 2003". Under the ordinance, no civil or criminal procedures can be invoked against "disciplinary forces" or any government official for "arrests, raid, interrogation and [other] steps taken" during this period.

The Minister of Law, Justice and Parliamentary Affairs was cited on 9 January in media reports as telling journalists that "the government regretted the deaths, but they had no alternative to rewarding the soldiers who had helped the authorities to restore law and order."

The Government is apparently seeking to put the ordinance before Parliament on 26 January in the form of a bill.

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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