

PUBLIC

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EXTRA 06/03

Impunity / Legal Concern

BANGLADESH

Impunity for army personnel

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The Bangladeshi Government has issued an "indemnity ordinance" for army personnel involved in a recent crackdown on crime in the country. If the ordinance is approved by Parliament on 26 January 2003, no soldiers can be investigated or brought to justice for the deaths of at least 40 people arrested and allegedly tortured as part of the crackdown.

The "Joint Drive Indemnity Ordinance 2003", issued on 9 January 2003, gives immunity from prosecution to armed forces and government officials 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. A cabinet minister was quoted as saying 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."

An ordinance can only be issued while Parliament is not in session and its provisions are binding from the date of issue. It has to be placed before Parliament when Parliament resumes, and the government has said that it will place the "Joint Drive Indemnity Ordinance 2003" in the form of a bill before Parliament on 26 January. If Parliament approves the ordinance within 30 days from the date it is placed before them, the ordinance becomes law. If Parliament does not pass the bill within the 30 days, the ordinance is automatically repealed.

Amnesty International has urged the government to withdraw the ordinance, and is targeting all parliamentarians and concerned authorities to ensure that it is not enacted as law.

#### **BACKGROUND INFORMATION**

The crackdown on crime, known as 'Operation Clean Heart', started on 17 October 2002. It was the government's response to growing domestic and international concern about increasing lawlessness in Bangladesh. Although there was initial widespread support for the drive, there were soon mounting allegations of torture in army custody during the operation. At least 40 people died after arrest between 17 October and 9 January – the period covered by the ordinance. The government claimed that the deaths were from heart failure but the victims' families have claimed their deaths resulted from torture.

#### **RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:**

- expressing concern that the "Joint Drive Indemnity Ordinance 2003" would prevent the investigation of at least 40 deaths reportedly due to torture in Bangladesh, and calling for its immediate withdrawal;
- in the event that the ordinance is not withdrawn before it goes before Parliament on 26 January, urging members of parliament to rise to the human rights challenge and refrain from enacting it as law;
- recognizing that the Bangladeshi authorities urgently need to take steps to improve the law and order situation, but urging that this must be done without resorting to torture and unlawful killings;
- expressing dismay that the Government of Bangladesh, through this ordinance, is denying victims of torture and unlawful killings, and their families, the right to a remedy, to truth and justice, to which they are entitled;
- expressing concern that by issuing this ordinance the Government of Bangladesh has shown that it will not respect its obligations under the Convention against Torture and the International Covenant on Civil and Political Rights to protect and ensure the rights of the people in Bangladesh;

-calling on the Government of Bangladesh to establish an 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.

**APPEALS TO:**

Speaker of Parliament  
Muhammad Jamiruddin Sircar  
Bangladesh Parliament Secretariat  
Parliament House  
Shere-e-Bangla Nagar  
DHAKA 1207, Bangladesh

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**Fax:** + 880 2 811 2267  
**E-mail:** [sangshod@citechco.net](mailto:sangshod@citechco.net)  
**Salutation:** Dear Speaker

President Iajuddin Ahmed  
Presidential Secretariat  
Old Sangsad Bhaban  
Tejgaon  
Dhaka, Bangladesh  
**Telegrams:** President Iajuddin Ahmed, Dhaka, Bangladesh  
**Fax:** + 880 2 956 6242  
**Salutation:** Dear President

Prime Minister Begum Khaleda Zia  
Office of the Prime Minister  
Gona Bhaban  
Sher-e Bangla Nagar  
Dhaka, Bangladesh  
**Telegrams:** Prime Minister Zia, Dhaka, Bangladesh  
**Fax:** + 880 2 811 3244 / 1015 / 1490  
**Email:** pm@pmobd.org or psecretary@pmobd.org  
**Salutation:** Dear Prime Minister

Mr Moudud Ahmed  
Minister of Law, Justice and Parliamentary Affairs  
Ministry of Law, Justice and Parliamentary Affairs  
Bangladesh Secretariat  
Dhaka, Bangladesh  
**Telegrams:** Minister of Law, Justice and Parliamentary Affairs, Dhaka, Bangladesh  
**Fax:** + 880 2 861 8557  
**Salutation:** Dear Law Minister

Mr Morshed Khan  
Minister of Foreign Affairs  
Ministry of Foreign Affairs  
Segun Bagicha  
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**Salutation:** Dear Foreign Minister

**COPIES TO:** Diplomatic representatives of Bangladesh accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**