

£BANGLADESH

@Further reports of extrajudicial executions by security forces in 1993

Introduction

Between 30 and 40 people died during three incidents in 1993 when members of the security forces of Bangladesh opened fire on unarmed civilians. Amnesty International is concerned that they may have died as a result of extrajudicial executions, the deliberate and arbitrary killing by law enforcement personnel. In two of the incidents which took place in April and July 1993, the Bangladesh Rifles (BDR) were reportedly responsible for the killings while in the incident in November 1993 the army appears to have perpetrated the killings.

1. The incident in Kolar Haat village, Naogaon district

On 23 April 1993, between 30 and 40 BDR personnel of the 6th battalion stationed at Naogaon raided a cattle market at Kolar Haat village and attempted to confiscate cattle which they claimed had been smuggled from India. According to reports, people who had proof of ownership issued to them by the local administration objected to the raid. The chairman of the local administration then approached the BDR commander, Captain Rashid, to tell him that the BDR was not authorized to undertake a raid and urged him to stop the operation. The commander ignored the requests and ordered the BDR personnel to move away from the agitated villagers. Moments later the BDR reportedly opened fire on the villagers, killing four men, Anwar Hussain, aged 17, Wajad Ali (30), Shahidul Islam (40) and Hasiruddin Muddin. Following demonstrations protesting against the killings and attended by human rights activists and local politicians, the government ordered an inquiry into the incident but to Amnesty International's knowledge no one has been criminally charged in connection with the killings and the report of the inquiry commission has not been made public.

2. The incident in Zakiganj, Sylhet district

On 26 July 1993 more than 3,000 people from Barohal administrative union peacefully demonstrated near the Kushiara Flood Control Embankment at Telikhal village, under Zakiganj police station, Sylhet district, demanding that the dyke be opened so that water could flow into the uncultivated lands behind it. The local Member of Parliament, Ebadul Haq, who had leased adjoining fields for shrimp cultivation and who would have suffered

economically from the opening of the dyke, tried to resist the villagers. According to some reports he and his brother opened fire at the crowd, injuring a few men. He then requested assistance from the 36th battalion of the BDR stationed at Laxmibazar border outpost in Zakiganj, and seven BDR members arrived at the dyke. When the Chairman of the Barohal Union Council, Abdul Latif Choudhury, announced over the loudspeaker that the villagers would now open the dyke, and called on everyone present to leave the area, the BDR opened fire without prior warning, killing two men on the spot: Abdul Hashib, a 50-year old farmer and Mahbub Ahmed, a 20-year old mason. Around 50 other men were injured. Three of the injured men, Abdul Matin, aged 20, Alauddin, a 22-year old tailor and Shir Mistree, a 27-year old mason, later died in the MAG Osmany Hospital at Sylhet. Post-mortem reports confirmed that all the men had died of bullet injuries. Several of the injured, including Abdul Latif Choudhury, were detained for several hours at Zakiganj police station.

The local Deputy Commissioner, Mohammad A. Latif, reportedly told a local human rights group that the BDR had indeed opened fire without lawful authority. Disciplinary action was reportedly taken against the BDR personnel involved in the shooting and three complaints were filed in the Zakiganj police station. The First Information Reports (FIR) filed by Barohal Union Council Chairman Abdul Latif Choudhury and Barasree Union Council Chairman Yunus Ali held the BDR responsible for unlawful killing. The BDR filed a counter charge on 26 July claiming that the BDR had been called in by the local administration and had had to face a stone-throwing crowd of some 6,000 people, necessitating the use of firearms.

The government on 27 July 1993 set up a one-member inquiry commission under Mohammad Anwar Huq, the District and Sessions judge of Kishoreganj; it began interviewing eye-witnesses in mid-August. Amnesty International does not know if the inquiry commission has yet submitted a report based on its findings, nor whether the police are pursuing their investigation of the charges filed in Zakiganj.

3. The incident in Naniarchar, Rangamati district

On 17 November 1993, several people, variously estimated between 23 and over 30, were killed in Naniarchar on the bank of the Kaptai lake in Rangamati district of the Chittagong Hill Tracts. According to reports received by Amnesty International, the Hill Students' Council had organized a peaceful march to protest against the army converting a public passenger shelter at the Naniarchar ferry station into an army check-post. On 28 October the Naniarchar chapter of the Hill Students' Council had demonstrated in Naniarchar, calling for the passenger shelter to be returned to its original public use. They had submitted a memorandum addressed to the Deputy Commissioner of Rangamati district through the Nirbahi (Administrative) Officer at Naniarchar on 2 November and been told that the

authorities needed 15 days to consider their demands. As no measures appeared to have been taken within this period, the Hill Students' Council planned a mass rally on 19 November. The demonstration on 17 November during which the killings described here took place, was organized by the Hill Students' Council in preparation for the mass rally on 19 November. According to reports the Hill Students' Council had obtained permission for the rally on 17 November from the local police station.

Tribal representatives state that the Hill Students' Council's procession started just after noon on 17 November and that the protest meeting in the market area of Naniarchar began at 1pm. Bengali counter-demonstrators of the People's Hill Council arrived in large numbers on foot and by boat around 4pm, but the army and police reportedly did not take any measures to keep the two opposed groups separate. At around 4.15pm, the army reportedly opened fire on the tribal people in the market place without giving any warning. Several tribal people were allegedly injured and possibly killed by gun shots; they included unarmed women and children attending the market besides tribal students and their sympathizers participating in the demonstration. When many of the frightened tribal people jumped into the Kaptai lake which surrounds the market place on three sides, the Bengali settlers reportedly attacked them, injuring and killing some of them with their knives, sticks and iron rods. Some tribal people were reportedly pursued into the houses next to the market where they tried to seek shelter; some of these houses were set on fire. It appears that in this second phase of the incident, police and army personnel did not take any measures to protect tribal people from the attacks of the Bengali settlers.

The Government of Bangladesh on 18 November said that 13 people, including one Bengali, had been killed on 17 November; but on 20 November the government acknowledged the death of 20 people, including one Bengali. Local newspapers extensively covered the incident; reports in the media put the death toll at around 23 dead. Local human rights groups investigating the incident said in early January 1994 that around 30 people had been killed, among them one Bengali. The identity of the Bengali appears to be in dispute. Nearly 100 people were reportedly injured and several houses burned down. Amnesty International has obtained a list of 29 dead tribal persons, including a 70-year old woman, a Buddhist monk and two teenagers. In addition, several people, numbering between 10 and twenty, appeared to be still missing at the beginning of January 1994. It is unclear if they had been killed and secretly cremated or if they had gone into hiding or had fled the area altogether.

The Naniarchar Health Complex Hospital reportedly treated some 62 injured people and performed 20 post mortem examinations; the post mortem reports were not made available to human rights groups investigating the incident. Several of the injured were transferred to Chittagong Medical Hospital. Local residents reported that their dead were not returned to them but were cremated by the army; relatives could therefore not ascertain the nature of the injuries of which the victims had died. It has not been possible for Amnesty

International to ascertain if any of the victims died of bullet injuries. Local human rights groups investigating the incident reported that they had obtained a medical report which showed that one of the victims suffered from bullet injuries. Several eye-witnesses moreover reported that the army had indeed opened fire on tribal demonstrators.

On 18 November Home Minister Abdul Matin Choudhury along with the Home Secretary and the Inspector General of Police and the Member of Parliament from Rangamati, Dipankar Talukdar, visited Naniarchar. The Home Minister announced that a one-person inquiry commission under retired Supreme Court judge Habibur Rahman would be set up to investigate the incident and that compensation would be paid to families of victims. It is not known if the inquiry commission has completed its investigation; so far no compensation appears to have been paid to the injured or to the relatives of those killed in the incident. It is not known if anyone has been arrested in connection with the killings.

Amnesty International was informed by the Government of Bangladesh in mid-December that according to preliminary reports, "at least 15 people were killed and scores injured when two rival student groups, namely the Pahari Chhatra Parishad (Hill Students' Council) and Parbattya Gana Parishad [People's Hill Council] clashed with lethal weapons. At one stage the local police also had no alternative but to open fire in self-defence when the Pahari Chhatra Parishad attacked the police with lethal weapons. Police took recourse to fire only when measures to quell the rioting such as tear gas and baton charge failed. The dead included at least four tribals and many non-tribals. The clashes resulted when the Pahari Chhatra Parishad brought out a procession to mobilize support for its programme to laying siege of Government offices which was vehemently opposed by the Parbattya Gana Parishad, the rival party. Earlier the Pahari Chhatra Parishad had called for withdrawal of the security camp from the area - a demand that was turned down by the Government. According to the police officer in charge at Rangamati deaths were not due to police firing but were caused by lethal weapons used by the rival groups of students. Many died when they jumped into the nearby lake out of mortal fear. Three such bodies, who were drowned, have since been recovered. At least 14 of the killed did not bear any bullet injury marks under autopsy."

Amnesty International's work on extrajudicial executions in Bangladesh

Amnesty International has repeatedly expressed its concern about the apparent impunity with which members of the police, the army and the paramilitary Bangladesh Rifles have over the years injured and killed unarmed civilians in Bangladesh.

In March 1992 Amnesty International issued a report, Bangladesh: Reports of torture and possible extrajudicial executions (AI Index: ASA 13/02/92), which described three separate incidents in 1991 in which at least 10 people had died and more than 100 had been

injured, reportedly as a result of unlawful or unnecessary use of lethal force by Bangladesh security personnel. In a report published in April 1993, Bangladesh: A summary of human rights concerns (AI Index: ASA 13/01/93), Amnesty International described several instances in which the BDR, a paramilitary force under the supervision of the army and entrusted with ensuring the security of the border areas of Bangladesh, reportedly raided villages in remote areas of Bangladesh on the pretext of recovering smuggled goods from India, including cattle. They frequently confiscated the villagers' own cattle which they would then under threat of force sell back to the original owners or at a low price elsewhere. When villagers protested against this cattle theft, BDR personnel in a number of instances reportedly opened fire on the protesters, resulting in numerous injuries and several deaths. In March 1992, a 14-year old boy was shot at and critically injured when BDR opened fire on a groups of villagers in Chapai Nawabganj district. The villagers had protested against attempts of the BDR to confiscate cattle which they claimed had been smuggled from India. Again in June 1992, two young men were shot dead and five were injured by BDR in Mohasthan Ghar, Bogra district, when villagers resisted the BDR's attempt to seize their cattle. In July a 16-year old boy was killed and some 150 injured in a similar incident in Ramchandrapur Hat, Chapai Nawabganj district, when the BDR shot at villagers protested against the BDR removing their cattle. Amnesty International urged the Government of Bangladesh to initiate full, independent and impartial inquiries into all reports of extrajudicial executions such as those documented in its report, but it has not so far received any reply.

In the same report Amnesty International expressed its concern that several people were reportedly killed on 2 and 3 January 1993 by naval staff of the Essa Khan Naval Base in Chittagong following a quarrel between naval ratings and local people. Several hundred people were reportedly injured during several waves of attacks and thousands lost their homes due to arson allegedly committed by naval personnel. While police stated later that 10 people had been killed by the naval staff, human rights groups and local observers reported that between 17 and 30 people had been killed. Following the setting up of a one-man inquiry commission by the government on 7 January, Amnesty International wrote to the Government of Bangladesh requesting to be informed about its terms of reference. It said that the inquiry should establish the conditions in which the killings took place and whether any of the killings were the result of unlawful and unnecessary use of lethal force by the naval staff. To Amnesty International's knowledge the report of the inquiry commission has not so far been made public. According to a Defence Ministry press release in mid-January 1993, the navy dismissed four naval officers and 15 ratings from service for participating in the attacks and arrested five other officers and eight ratings for their direct participation in the incident. Those arrested were to be tried by court-martial in trials which are not open to the public. Amnesty International requested the Government of Bangladesh to inform it of the precise charges brought against these persons. The organization has not received any reply to any of its requests to the Government of Bangladesh in respect of the incident in Chittagong.

Amnesty International has over the years repeatedly expressed its concern about human rights violations committed in the Chittagong Hill Tracts of Bangladesh in the context of an ongoing conflict between the government and an armed tribal organization, the Shanti Bahini (Peace Force) which seeks local autonomy and the eviction of Bengali settlers on tribal land. In its reports Bangladesh: Human rights in the Chittagong Hill Tracts, 1989 - 1990 (AI Index: ASA 13/04/91) and Bangladesh: Human rights violations in the Chittagong Hill Tracts: an update (AI Index: ASA 13/09/91), published in August and December 1991 respectively, Amnesty International described instances of torture and extrajudicial executions of non-combatant tribal inhabitants of the Chittagong Hill Tracts by security forces between 1989 and 1991.

After the government of Prime Minister Begum Khaleda Zia assumed office in March 1991, both sides to the continuing conflict took steps towards a political solution. In October 1991 the government announced an amnesty, together with awards of money, land and food grain to any Shanti Bahini members who would surrender and renounce violence, but in November 1993 government officials said that only 10 people had surrendered by then. In July 1992 the government appointed a nine-member committee under Communications Minister Oli Ahmed to negotiate with tribal representatives. In August 1992 the Shanti Bahini declared a unilateral cease-fire which was periodically extended and is currently in force.

The first direct high level talks between the government and tribal representatives took place in November 1992; these and subsequent talks do not appear to have brought the two sides closer to a political solution. The sixth round of talks took place on 24 November 1993, a week after the incident in Naniarchar (see above). Communications Minister Oli Ahmed said that the killings in Naniarchar had been discussed and the two sides had agreed to try and prevent a recurrence of such violence.

In spite of the search for a political solution, tribal people continued to be subjected to human rights violations, including extrajudicial executions, by security personnel. On 10 April 1992 over 100 people were killed in Logang, Khagrachari district, some of whom may have been the victims of extrajudicial executions by law enforcement personnel (see Bangladesh: Reprisal killings in Logang, Chittagong Hill Tracts, in April 1992, (AI Index ASA 13/04/92)). A brief report of the inquiry commission set up by the Government of Bangladesh to investigate the incident was made public in October 1992. Amnesty International in its publication Bangladesh: A summary of human rights concerns, (AI Index ASA 13/01/93) analyzed this report on the Logang incident and said that it did not fully explain the killings reported in Logang and reiterated its request to the Government of Bangladesh to publish a detailed and comprehensive report on the events in Logang in April 1992. It also repeated its concern about the manner in which the inquiry had been conducted. Amnesty International had received reports that some people who wished to appear before the commission of inquiry had been harassed by law enforcement personnel

stationed outside the commission's office. This treatment had reportedly deterred some potential witnesses from testifying. Amnesty International has not so far received a reply from the government to its request and expression of concern.

Amnesty International's concerns and recommendations

Amnesty International is deeply concerned about continuing reports during 1993 of extrajudicial executions by military and paramilitary forces in Bangladesh. Extrajudicial executions violate Article 32 of the Constitution of Bangladesh which lays down: "No person shall be deprived of life or liberty save in accordance with law." Extrajudicial executions are strictly prohibited by Article 6(1) of the International Covenant on Civil and Political Rights which states: "Every human being has the inherent right to life. This shall be protected by law. No one shall be arbitrarily deprived of his life." Principle 1 of the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the United Nations Economic and Social Council on 24 May 1989 and endorsed by the UN General Assembly in December 1989, lays down: "Governments shall prohibit by law all extra-judicial, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws, and are punishable by appropriate penalties which take into account the seriousness of the offences. Exceptional circumstances including a state of war, internal political instability or any other public emergency may not be invoked as a justification of such executions. Such executions shall not be carried out under any circumstances ...".

Amnesty International has repeatedly urged the Government of Bangladesh to initiate full, independent and impartial inquiries into every reported case of possible extrajudicial execution in order to establish the circumstances in which the deaths took place and if any of the injuries or deaths were the result of unlawful or unnecessary use of lethal force by members of the law enforcement agencies.

In a letter to the Bangladesh Government on 23 November 1993, Amnesty International welcomed the setting up of a commission to inquire into the Naniarchar incident and requested to be informed about its exact terms of reference. Amnesty International believes that the aims and methods of such inquiries should fulfil the standards set out in the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.

With regard to the Naniarchar incident the inquiry should establish the exact circumstances in which the killings took place and whether any of the killings were the result of unlawful and unnecessary use of lethal force by the security forces. The fact that all but one of the victims of the killing were tribal people appears to contradict the government's statement quoted above that two rival groups armed with lethal weapons clashed.

Eye-witnesses reported, moreover, that the army opened fire on the tribal people present in the market place where most people died. The apparent failure of the security forces to take action during the later phase of the incident when Bengali settlers injured and killed defenceless tribal people, should also be investigated.

The findings of such inquiries should be made public at the earliest opportunity and any members of the security forces found to have been responsible for extrajudicial killings or attempted killings should be promptly charged and tried.

Amnesty International further called upon the Government of Bangladesh to ensure that all law enforcement personnel are clearly instructed that lethal force may never be used except in genuine life-threatening circumstances and only as a last resort, in accordance with the Code of Conduct for Law Enforcement Officials, adopted by the General Assembly on 17 December 1979, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders in September 1990. All law enforcement personnel should be instructed that extrajudicial executions are crimes and that they are not only obliged to refuse any orders to commit such crimes but also to report any such crimes to the authorities.

