

## **AMNESTY INTERNATIONAL**

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#### **Bangladesh: Reject police proposal for immunity from prosecution for torture**

Following reports that the Bangladeshi police force is proposing immunity from prosecution for acts of torture by police officers, Amnesty International is urging the Government of Bangladesh to:

- Reject the proposal outright and publically declare that no one against whom sufficient and admissible evidence of involvement in torture exists will be shielded from prosecution; and
- Take decisive action to investigate all complaints and reports of torture without exception and bring those responsible to justice.

Bangladesh's Daily Star newspaper reported yesterday that police authorities are proposing the repeal of provisions in Bangladeshi law that criminalize and punish torture in custody in all circumstances.

In particular, they want a revision of the Torture and Custodial Death (Prevention) Act, 2013, which strengthens previous safeguards against torture in Bangladeshi law.

The police authorities have proposed to the Ministry of Home Affairs the repeal of Section 12 of the Act. They have also proposed that police units such as the Rapid Action Battalion, Criminal Investigation Department, Special Branch and Detective Branch should be excluded from prosecution under the Act.

Section 12 of the Act provides that no circumstance such as "war, threat of war, internal political instability or any public emergency, or an order from a superior or a public authority" shall be acceptable as an excuse for torture.<sup>1</sup> This provision underlines the absolute prohibition on torture and the rejection of any exceptions to this prohibition. It is in full accordance with Article 2 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Bangladesh ratified in 1998.

With this proposal, the police force appears to be admitting that its officers are using

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<sup>1</sup> "12. War or other contingencies unacceptable as excuse: (i) [If] Any act constituting an offence under this Act was committed - at a time when there was a state of war, threat of war, internal political instability or any public emergency; or on an order of a superior officer or a public authority; shall be unacceptable as an excuse."

torture to extract information from detainees, a practice that Bangladesh is legally bound to prevent, stop, punish and provide reparations for under the UN Convention against Torture and other international treaties.

Amnesty International and human rights organizations in Bangladesh have frequently documented cases of police torture as examples of the pervasive nature of this human rights violation in the country.

For decades, the Bangladeshi police have in practice remained immune from prosecution for torture, including in many cases where the evidence has been extremely strong. Even with the Torture and Custodial Death (Prevention) Act intact, prosecutions of police and other security personnel for the widespread occurrence of torture have been rare.

Victims of torture have told Amnesty International that officers in police stations are reluctant to accept complaints of torture under this Act. Only on occasions when there has been a public outcry, has a prosecution followed. And in more than 17 months since the Act was passed, not one police officer has yet been successfully prosecuted under it. The Government of Bangladesh must firmly reject the police's proposal to undermine legal safeguards against torture. The Bangladesh authorities must ensure that these safeguards truly act as a deterrent, by bringing to justice police officers involved in torture.

## **Background**

Torture and other ill-treatment have long been rampant in Bangladesh and continue to date. Torture methods have frequently included severe beating, suspension from the ceiling, electric shocks to the genitals and in some cases, shooting detainees in their legs.

Torture and other ill-treatment persist in Bangladesh despite safeguards in the Constitution (Article 35), the Penal Code (Section 330) and the Torture and Custodial Death (Prevention) Act 2013.

While torture is pervasive in the country, the exact number of those tortured is not known. Almost all former detainees with whom Amnesty International has spoken in recent years have testified to being tortured or otherwise ill-treated when held in police custody. This would suggest that thousands of detainees are at risk of torture or ill-treatment every year.

Among those at risk of torture or other ill-treatment now are hundreds of opposition supporters detained after 5 January this year when the opposition declared a transport blockade in the country. Thousands more were detained but released later.

Hundreds of buses and other vehicles have been attacked with petrol bombs for defying the blockade, resulting in the deaths of dozens of members of the public from burn injuries. Hundreds more individuals have sustained burn injuries of different degrees.

While it is the government's responsibility to bring those engaged in attacks on the public to justice, however extreme the circumstances, no derogation from the prohibition of torture and other ill-treatment is allowed under international human rights law which is binding on Bangladesh.

