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Bangladesh: Senior Awami League politician in danger of torture

Amnesty International is seriously concerned about the safety of a senior Awami League politician, Saber Hossain Chowdhury - a prisoner of conscience.

"He has been transferred from prison to police custody where he will be interrogated for seven days in yet another politically motivated allegation of criminal activity brought against him by the authorities," Amnesty International said.

"He is being held incommunicado, his place of detention is unknown and we fear that he may be tortured," the international human rights organization added.

"We urge the Government of Bangladesh to ensure Saber Hossain Chowdhury's safety and well being and to provide immediate access to his family and to his lawyer," Amnesty International continued.

Prisoners remanded in police custody for interrogation are often subjected to torture. The government of Bangladesh has failed to protect prisoners against torture, or to bring to justice those responsible for acts of torture.

Amnesty International believes the continued harassment of Saber Hossain Chowdhury is in violation of his right to freedom of expression. It further believes government defiance of court orders for his release is a denial of his fundamental right to be protected by law. The organization is therefore urging the government of Bangladesh to respect court orders and release the politician immediately.

Background

Saber Hossain Chowdhury was initially arrested on 20 October 2002 and a succession of criminal cases was filed against him. However, despite keeping him in detention for one month, the government failed to substantiate the allegations and was therefore unable to bring formal criminal charges against him.

Amnesty International considers him to be a prisoner of conscience detained solely for his identity as a vocal critic of the ruling party. He was released on 20 November after the High Court declared his continued detention illegal, however he was arrested again on 8 December 2002 together with over a dozen other Awami League politicians in what appeared to be a new, targeted move against the opposition. After four days in custody he appeared before a magistrate court, which refused to hear or record his statement even after his lawyers obtained a High Court order directing the magistrate to do so and then to present that statement to the High Court.

The government failed to bring any formal charges against him and the High Court ordered his

release on bail pending the investigation of the allegations levelled by the government against him. Before that order could come in to effect, the Government issued a detention order against him under the Special Powers Act which overrides safeguards in Bangladeshi law against arbitrary detention. The explanation given by the authorities for this detention order state: "it seems necessary to issue an order for your detention in order to prevent you from deteriorating law and order."

By continually violating Saber Hossain Chowdhury's fundamental rights, the Government has placed a heavy burden on the judicial system to issue rulings on the unlawfulness of the Government's actions. On 8 January the High Court stopped the current remand of him in police custody and directed that he should be released on bail because his detention was illegal. Far from respecting this, the government is trying to stop this order by appealing to the Highest Court.

Amnesty International is concerned about persistent allegations that the authorities in Bangladesh may have been seeking to ensure his ill-treatment while in custody. He was sent to Dhaka Central Jail where he was held in a room with no ventilation, having to sleep on the floor using only a prison blanket. Despite having high blood pressure, he was not given dietary food and the jail officials refused to accept food brought by the family. He was not allowed visits from the family.

It was only after the intervention of the High Court that the family was allowed to visit Saber Hossain Chowdhury for the first time on 16 December, but the presence of four security officials made it impossible for the family to get the details of his treatment in custody. The High Court had also ordered the jail authorities to accord Saber Hossain Chowdhury with privileged facilities, such as a bed, and dietary food consistent with his status as a former deputy minister. Jail officials refused to implement the court order for nine days, allegedly at the instigation of higher authorities. Soon after (27 December), he was transferred to Sylhet Jail in the far north east of the country, which has no privileged facilities and kept under poor detention conditions without any official explanation. This seemed to be yet another move by the government to subject him to poor and unhygienic prison conditions, and make it difficult for him to be visited by his family and lawyers.

On 6 January, the High Court declared his detention illegal and ordered his release but the government refused to do so. The same day Saber Hossain Chowdhury was transferred from Sylhet to Mymensingh Jail (also far from Dhaka), and the day after the government filed a criminal allegation that he was involved in a number of bomb blasts. Following this, police obtained his remand in custody for interrogation for seven days.

In the past, the government of Bangladesh has used various excuses to seriously harass opposition politicians and Saber Hossain Chowdhury's treatment falls within this pattern. There is concern within the country and in the international community that the opportunistic targeting of opposition politicians using allegations of criminal activity is not only against human rights standards, but also serves to divert the course of justice and, effectively, protects actual criminals.

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