

Public Statement

19 April 2002

AI Index ASA 13/004/2002 - News Service Nr. 70

Bangladesh: Government seeks to stop disclosure of information on torture to the court

Amnesty International is concerned about steps taken by the Government of Bangladesh to prevent the implementation of a High Court order seeking information from the police to disclose where, and under what legal authority, they had held a political prisoner for seven days in early March 2002. According to reports, Bahauddin Nasim, a private secretary to leader of the opposition Awami League Sheikh Hasina, was held in army custody at that time and was severely tortured.

Bahauddin Nasim's lawyers argued before the court that in addition to being tortured, his detention in army custody was unlawful. The police have given no information about where he was held. The High Court ordered on 3 April 2002 that:

"To ascertain whether the accused was subjected to any torture as alleged, it is necessary to obtain a statement from the I.O.

[Investigating Officer] who took the accused on remand and kept him in his custody for the purpose of interrogation for more than five days, for about seven days. So, he must explain in which places the accused was kept during this period of about seven days.

Whether the accused was taken to the cantonment and if so, under whose order or authority".

This order of the High Court was stopped on 8 April 2002 through a "stay order" issued by the Appellate Division of the Supreme Court on an appeal by the Attorney General on behalf of the government. Under the "stay order", the authorities will not carry out the High Court directive

until 22 April at the earliest when the case is to be reconsidered by the court.

The High Court also ordered on 3 April 2002 that a new medical board should be set up to examine Bahauddin Nasim as there were grounds to believe that a previous medical board may not have recorded or disclosed the details of the alleged torture to the court.

“[The authorities are] directed to constitute another Medical Board within five days for thorough and proper examination of accused A.F.M. Bahauddin and to submit that report before this Court within seven days.”

This order has also been stopped by the “stay order” issued by the Appellate Division.

Amnesty International has serious concerns in relation to these developments. It is the obligation of the government to promptly investigate all allegations of torture, and to bring perpetrators to justice. Stopping that process reinforces a climate of impunity, defying not only fundamental rights enshrined in the Bangladesh Constitution but also international human rights instruments. For example, Article 12 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Bangladesh is a party states:

“Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.”

The action taken by the government of Bangladesh appears contrary to the provisions of the Torture Convention. Instead of ensuring that Bangladesh’s competent authorities proceed to a prompt and impartial

investigation of the allegation that Bahauddin Nasim was tortured, it appears to be blocking, or at a minimum delaying, the investigation.

Amnesty International is urging the government of Bangladesh to ensure that the High Court is able to investigate whether the prisoner has been tortured, and that the prisoner - who is reported to be suffering from ill-health as a result of torture - is examined by a competent medical board.

Amnesty International is further urging the government of Bangladesh to ensure that all information regarding the allegation of torture is provided to the court without further delay, and to ensure that alleged perpetrators of acts of torture are not afforded immunity from prosecution.

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