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Bangladesh: Time for action to protect human rights

Section 54 of the Code of Criminal Procedure and the Special Powers Act have allowed the authorities in Bangladesh under successive governments to violate human rights with impunity, Amnesty International said today launching its new report "*Bangladesh: Urgent need for legal and other reform to protect human rights*".

"As a result of these two laws, thousands of people are arbitrarily detained every year and many are tortured in the process. It is high time for the current government to take action."

The Special Powers Act allows arbitrary detention for long periods of time without charge. It circumvents the rules of evidence and usual standard of proof in the criminal justice system, leaving individuals, who should be presumed innocent unless found guilty by a court, at risk of being punished without trial. Section 54 facilitates torture in police or army custody.

"The Government of Bangladesh must not detain people whom it does not intend to prosecute for recognizable criminal offences. It must repeal the Special Powers Act immediately," Amnesty International emphasized.

In a speech on 19 October 2001 - shortly after the election victory of the coalition led by the Bangladesh Nationalist Party - Prime Minister Begum Khaleda Zia pledged that her government would repeal the Special Powers Act. To date, however, the Act continues to be used widely by the authorities to detain people arbitrarily.

"The government must also take decisive action to stop the widespread practice of torture. It should review the Code of Criminal Procedure in order to establish clear and enforceable safeguards against abuse of Section 54 resulting in torture, and bring perpetrators of torture to justice," the organization said.

Amnesty International is seriously concerned about the legal immunity from prosecution given to army personnel for human rights violations committed between 16 October 2002 and 9 January 2003, under the "Joint Drive Indemnity Act, 2003".

"This is yet another piece of legislation which allows the government to block judicial proceedings against perpetrators of human rights violations", Amnesty International continued. "It only perpetuates the climate of impunity which prevails in Bangladesh, giving another signal to army and police personnel that they can continue to torture people without being punished."

The report describes a range of factors which contribute to human rights violations, including impunity and corrupt practices in law enforcement. It urges the government to establish an independent, impartial and competent body, such as a national human rights commission, to investigate human rights violations.

It also makes recommendations about the steps the government should take to ensure proper training of law enforcement personnel and proper monitoring of their conduct so that they do not violate human rights.

"The implementation of our recommendations would be a decisive and positive step towards the fulfilment of Bangladesh's obligations under international human rights treaties to which Bangladesh is a state party," the international human rights organization concluded.

Background

For decades, successive governments in Bangladesh have failed to curb serious human rights violations arising from the use of legislation and widespread practices in the law-enforcement and justice system which violate international human rights standards.

These violations include torture, deaths in custody, arbitrary detention of government opponents and others, excessive use of force leading at times to extrajudicial executions, the death penalty, attacks against members of minority groups and acts of violence against women. Over the years, Amnesty International has on numerous occasions reported on all these human rights violations.

The current report entitled: "*Bangladesh: Urgent need for legal and other reforms to protect human rights*" (ASA 13/012/2003), highlights in particular the human rights violations arising from the use of the Special Powers Act and Section 54 of Code of Criminal Procedure.

Amnesty International has raised its concerns about the abuse of these two laws with successive governments in Bangladesh, but no action has been taken to reform them.

Bangladesh is a state party to the following treaties:

International Covenant on Civil and Political Rights,
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
Convention on the Rights of the Child,
Convention on the Elimination of All Forms of Discrimination against Women.

To download the full text of the report, please go to:
<http://web.amnesty.org/library/index/engasa130122003>

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