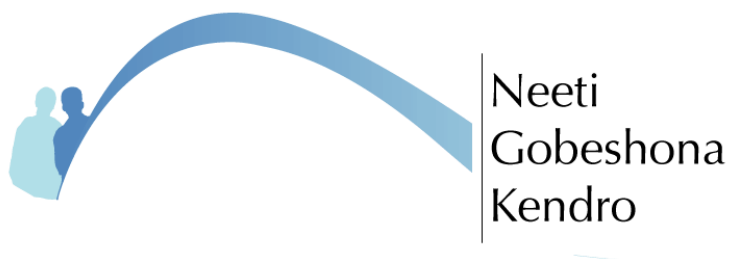


Human Rights Status in Bangladesh in 2009



Extra judicial killings: Breach of Commitment of the current Government

by Salim Sarwar

The Awami League government came to power early January 2009 with a string of commitments; stopping of extra judicial killing was a key commitment that still to-date has not been stopped. The strong statement by the leader of the government reaffirms the same commitment as seen below while the statement by a Deputy Minister creates confusion. ‘Those people who would carryout murder outside the judicial system will also be brought to justice’ – Prime Minister, Sheikh Hasina, 11 February 2009, National Parliament. ‘There is no such thing as crossfire. While running an ambush, for self-preservation of the law enforcers, the deaths occur – Deputy Home Minister, Shamsul Haque Tuku, 12 September 2009. Amidst these competing statements the old culture of extra judicial killing continues with no respite. In the common lexicon used by the media, this extra judicial killing is known as cross fire and other names have also been given to it. The anatomy of extra judicial killing needs to be explored to understand the violations of human rights in Bangladesh.

Crossfire: Grand Alliance committed to clamp down on crossfire. Crossfire is known as many names and shades like murder outside the judicial system, encounter, and heart attack. In short, by killing someone without giving that person the due representation in the court of law is known as crossfire. Whenever these types of information are covered in the press media, everyone tends to have a clear picture of what may have happened. These deaths have more or less the same storyline. Without the knowledge of family members, a person is confined some place and due to physical torture they succumb to death. Many a times, bullets are used for killing them while the statement to the press always comes out differently. The statement invariably mentions that the victim tried to escape and shot at the law enforcing authority personnel; for one’s own protection, the members of the law enforcing authority would shoot back and in the exchange of bullets the victim may have been killed.

The premise of continuing cross fire widely circulated is that due to cross fires the possibility of extortion, terrorism, murder will be under control. However, the reality is the level of extortion and terrorism has not receded but rather accelerated. The real question is how we can find a solution to stop the extra-judicial killings and also create a safer environment for our citizenry.

Awami League had committed in their election manifesto to eliminate crossfire. And Awami League led grand alliance partner Jasad, Workers’ Party, etc. had strongly opposed crossfire. However, the reality is during the non-elected caretaker government the number of cross fire (175) was less than during the elected regime (200 or more crossfire deaths). During the caretaker government regime, a news report in the Daily New Age on 13 February 2009 mentioned that 324 citizens died in cross fire. As per statistics, for every two days one person on average was tortured and then succumbed to death. ‘Cold blooded murder’ during the next regime also did not augur the protests of

the members of the Awami League or its left leaning aligned parties. After the initiation of the new party, the first incidence of the continuation of crossfire started on 16 and 17 January 2009 in South Keraniganj through the deaths of two persons. As per Ain O Shalish Kendra's report 112 persons died without trying them in the courts this year. Rapid Action Battalion's Director General on a press conference on 29 December 2009 claimed that 60 people have died in action with them. He also mentioned that in the same year more than 16,000 people had been captured, insinuating that the ratio of dead versus the number of captured persons is inconsequential.

The concern of the High Court

For the last 6 years many people have died without a trial due to crossfire. On November 17, 2009 the honorable judge A. F. M. Abdur Rahman and Justice Emdadul Haq Azad's Bench on their own accord issued a rule against the government on 'why this form of murder should not be called illegal?' Another ruling was passed in June 2009 similar to the above. However, none of the cases has been settled by judgment as yet. In all cases, it has been clearly stated that crossfire is against the spirit of a number of articles on fundamental rights and UN's human rights charter's number of clauses.

In spite of having a legal bar, crossfire continues unabated and the current regime is supporting crossfire through different approaches. The previous Home Minister under BNP government used to say 'the wrongdoers cannot have any human rights.' The tragedy is that those leaders that thought crossfire to be a gross violation of justice and human rights are now stating that for saving one's own life, the law enforcement authority personnel have no option but to fire.

On 7th July 2009, the human rights bill was placed in the parliament and approved after discussion. As per the rule of the commission, if a law enforcing agent is found guilty of violation of human rights then members of the commission can take action against this person. As per article 11 of the constitution, if anyone is accused of a crime, he/she will have to be given the opportunity to defend himself/herself and until and unless he/she is proven guilty in the court of law, he/she will have the right to be considered not guilty of the crime for which he/she is being tried. The fact is crossfire is nothing but an abuse of power by the government. The dimension is different when a person is killed by another person; however, when the state engages in the killing then how a citizen will receive justice. It becomes virtually impossible to run a case against the State and the reality is, in 2009, no one was seen to be lodging a case against the government. The Human Rights Commission also had not taken steps to investigate these cross fires.

Extra Judicial killing: The commitment of the Government

Although the intensity of extra judicial killing rose in recent years, this form of killing has a long past in Bangladesh. Right after the independence, we find many members of Jasad and Sharbohara Party had been killed in the hands of the Rakkhi Bahini. In 2001, 'operation clean heart' and through installing Rapid Action Battalion in 2004, the culture of extra judicial killing took a dangerous shape. In February of 2009, as per the information of Human Rights workers, it was shared that since 2002 more than 1,500

people have been killed in crossfires. In addition to crossfire, the country has also experienced killings by abduction and sometimes the bodies are never to be found.

A recent brutal killing of a young person tells the story of abuse of power taking its toll on innocent lives. On 9 September 2009, Kaiser Mahmud Bappi was killed in place of Kamrul Islam Bappi who is alleged to be a key member of the notorious 'Zeshan group,' responsible for various crimes in Dhaka city. Unfortunately, due to the wrong signal of the source, the innocent life was taken. The bereaving family said that RAB has not only taken the life of their son but has also taken away their reputation as RAB had promoted the incident in the national media and thus many have thought that innocent Bappi is from a terrorist family. The RAB's comment after the incidence was 'this was not supposed to be' and the Home Minister said this case will be thoroughly investigated. The reality remains that a precious life has been taken and slander cast on the family while no proper investigation is done to punish the wrongdoers within RAB.

International support to Extra judicial killing

Local citizens had a common understanding that the EU and the USA were against all forms of extrajudicial killings but this perception was challenged. On 7 February 2009, Richard Boucher, an important representative of State Department of the US expressed a strong desire to support the activities of RAB. It may be noted that in the last three years a large number of leaders of the left leaning parties had been killed by RAB. In September 2009, only in Kustia 16 members of different communist parties were killed.

Another date from Asian Legal Resource Center, having a consultative status in the UN, announced the information that 315 in 2006, 184 in 2007 and 149 in 2008 were killed in Bangladesh as a result of cross fire.

In a much talked about case between two faction groups in Dhaka Polytechnic Institute, it was mentioned that the then Deputy Home Minister Sohel Taj resigned due to not agreeing to the approach taken in the killing of these students, especially when the killings were allegedly coordinated by a certain organ of the state machinery under the directive of an influential government minister. This implies that state machinery could have been involved in the deaths of the students.

728 members of RAB received punishment

As per news featured on 28 September 2009 in the Daily New Age, it was noted that 728 RAB personnel had been given punishment for different kinds of misdemeanor including committing cross fire. The points to be taken into consideration are perhaps some of these RAB personnel will receive punishment but there is no recourse to bring back to life the people who had been brutally crossfired. Who would take the responsibility of these victims, if they are found to be innocent of any crime for which they were accused of and crossfired? In this list of 728, it may be noted that first class officers of different law enforcing agencies are also present. The trials of these RAB personnel have been conducted under the RAB Ordinance and RAB Code of Conduct and Departmental Proceeding Regulation of 2005. While the personnel have been tried and found guilty,

there is no evidence of paying compensation to the victim's family for these extra judicial killings.

Extra judicial killing has no legal ground as per the constitution of Bangladesh and often can be used as a lethal instrument of oppression by the government. The government must address social maladies through the effective, transparent and unbiased workings of the independent judiciary; therefore, all forms of extra judicial killings must be stamped out and condemned at all levels of the state machinery.

Political Violence in 2009: Continuation of the Past

by Asfak Hossain

In the politics of Bangladesh a strong element of violence has always been associated and this culture continued even during and post elections of 2008. The forms of violence have run a full circle and have taken various shapes since our independence 39 years back. We have also noticed some additional dimensions after the elections in 2008 as shared below:

- Inter party and Intra party violence has increased significantly in intensity
- In matters of resolving intra party feuds and disputes especially within the student wing of the present government, the Prime Minister and other important ministers, even after trying, had been unable to quell their feuds and violence
- The culture of violence (both for the constituency of the Member of the Parliament and the Upzilla) that had been on-going for the last 10 years could be reduced. No active strategy had been taken to improve situations with regards to political feuds and violence.
- The culture of destroying or looting the assets of the losing party members have continued and the administration could not take proper measures to safeguard and deter clashes with the members of the losing party.
- Similar to prior belief, the role of the police in stopping these forms of violence and initiating the trials have given rise to a sense of extended distrust amongst the public.

Some statistics show the specter of violence in 2009. In total 16,451 acts of violence has been committed.

Statistics of Political Violence during the year 2009

Table 1: Political Violence: 2009

Month(s)	Killed	Injured	Arrested	Other	Total
January	36	2140	0	24	2200
February	12	998	2	1	1013
March	14	1125	38	4	1181
April	28	1145	30	2	1205
May	28	1219	64	12	1323
June	28	1136	2	22	1188
July	34	1026	30	38	1128
August	22	1035	13	18	1088
September	18	1692	35	53	1798
October	11	1356	1	40	1408
November	9	1421	33	151	1614
December	11	1266	2	26	1305
Total	251	15559	250	391	16451

Table 2: Intra-party clash: 2009

Month	Injuries: Intra-party clash			Total Incidents of Intra-party Clash			Killed: Intra-party Clash		
	AL	BNP	Total	AL	BNP	Total	AL	BNP	Total
January	572	5	577	63	1	64	3	0	3
February	499	7	506	42	3	45	8	0	8
March	586	2	588	56	3	59	2	1	3
April	643	0	643	69	0	69	6	0	6
May	449	8	457	43	2	45	1	0	1
June	472	36	508	71	3	74	3	0	3
July	430	30	460	48	5	53	3	0	3
August	299	280	579	47	11	58	2	0	2
September	785	67	852	79	8	87	8	1	9
October	577	68	645	62	10	72	1	0	1
November	329	319	648	38	20	58	0	0	0
December	471	43	514	45	9	54	1	0	1
Total	6092	865	6957	663	75	738	38	2	40

Year in Snapshot

Only in January, 17 persons were reportedly killed and over 500 persons were injured in post-election violence in different places across the country this year, which is a continuation of the violence that commenced after the 9th Parliamentary Elections on 29 December 2008. In most cases, activists and supporters of the Awami League (AL) led Grand Alliance, and the Bangladesh Nationalist Party (BNP) led Four-Party Alliance were found to be involved in such clashes. In many districts, AL activists attacked the

houses and shops of the BNP and Jamaat-e-Islami supporters and vandalised their property. This section of the report reflects the incidents of post-election violence that took place during the reporting period. Similar violence took place throughout the year and in many instances the local administration had to declare section 144 of the Code of Criminal Procedure and banned any sort of gathering.

Type of violence

a. Killed-Injured: 17 persons (9 from BNP and 8 from AL) were reportedly killed and over 500 persons were injured due to retaliatory attacks by the supporters of the Four Party Alliance and Grand Alliance and, in particular, Awami League and BNP.

b. Role of the Police force: The security forces or police were very rarely recorded as being perpetrators or victims of the violence during this reporting period. While on the one hand this suggests that the security forces were not acting as agents fostering election-related violence, on the other hand this also suggests that they may not be playing an effective role in trying to counter the violence. This seems to suggest that the security forces should be more active in countering incidents of violence, particularly in the case of the reaction-counter-reaction type of violence observed between supporters of the two major political blocs.

While Inspector General of Police Nur Mohammad claimed that there were only 13 incidents of violence in the whole country, hundreds of incidents of post-election violence were reported in the media throughout the country.

c. Minorities faced problems: A BNP activist, Nityalal, was injured over post-election violence on 30 December 2008 and on 04 January 2009, his mother Shuvashini Das, who could not take the strain, died of shock over what happened to her son. Similar forms of violence had happened in different parts of the year.

d. Vandalizing property: A number of incidents of vandalizing property were recorded during this reporting period. This included damaging cars, homes and shops and a warehouse for storing jute.

e. Capturing residential halls in the public university and colleges: Ignoring the instructions of the newly elected Prime Minister Sheikh Hasina and concerns made by the university teachers, the situation of unrest among the students and political activists continued throughout the month. In most cases, the violence involved students of mainly activists and supporters of the Awami League (AL). This violence brewed across different educational institutes across the country.

f. Upazila Election Violence: Pre-election: As a continuation of the post-election violence after the national Parliamentary Elections, the Upazila Parishad election campaigning faced incidents of violence. Before the upazila elections of 22 January 2009, a total of 4 persons were reportedly killed and more than 800 persons were reported wounded.

During and After: Because of the clashes and anomalies by political activists as well as government officials, in many places the polling processes were stopped. In the violence, 14 persons (10 from BNP and 4 from AL) were reportedly killed and about two thousand persons were injured due to retaliatory attacks by the supporters of the Four Party Alliance and Grand Alliance and, in particular, supporters of Awami League and BNP.

g. Violation of Political rights and freedom under the constitution: Neeti Gobeshona Kendro believes that any citizen or group of citizens can make a comment and publish an opinion on any topic under the fundamental rights guaranteed by the Constitution of Bangladesh. This is, indeed, a constitutional right of every citizen. According to Article 39 of the Constitution, the right of every citizen to freedom of thought and conscience, speech and expression are guaranteed.

Any political organization should have the right to an opinion. Neeti Gobeshona Kendro believes that every citizen should have the right to assemble and participate in public meetings and processions peacefully and without arms under Article 37 of the Constitution.

Neeti Gobeshona Kendro is alarmed at the imposing of the Special Powers Act of 1974 to restrain Opposition leaders and activists. This repressive Act has been used frequently to oppress political activists and for violating human rights. Neeti Gobeshona Kendro demands that this repressive law be revoked.

Under the international, regional and domestic sphere of politics, if the State and the Government bar expressing ones thoughts and opinions, it will lead to instability and intolerance in the society which may be difficult for a weak State and Government like Bangladesh to handle.

Neeti Gobeshona Kendro believes in the freedom of expression and the giving of opinions and ideas by every single citizen and political party, especially, those political parties which have been peacefully conveying their views through their statements and activities. The banning of a political party without showing any evidence goes against the traditional norms of normal and peaceful political activities and unmasks the undemocratic attitude of the Government and proves that the Government has taken a stand against the fundamental rights of the citizens, as guaranteed under Articles 37, 38 and 39 of the Constitution. Article 37 of the Constitution guarantees freedom of assembly, while Article 38 guarantees freedom of Association. Article 39 guarantees freedom of thought and conscience and speech. The act of banning an organization that has no proven link to any violence or any anti-state activity, contravenes the Constitution.

Conclusion

Neeti Gobeshona Kendra believes that as per article 37 of the constitution every citizen of this country has the right to congregate for peaceful meetings and participate in rallies. In order to stop violence and participate for peaceful rallies and meetings, the stipulations in our constitution pertaining to these areas must be respected and properly enforced. However, it is regrettable that the incumbent government's role has been similar to our past records of indifference in respecting the laws of the land. Thus the people of Bangladesh after giving the mandate to the ruling government through casting overwhelming votes in their favor in the elections of 2008 had made the general public feel dissatisfied and dejected. The government so far has not felt the need to come out of this vicious cycle of political violence and architect a new and clean approach to political discourse without the concomitant violence, an unnecessary evil that had thwarted Bangladesh repeatedly. It may be recalled that the military backed caretaker government took the reigns of power on 1/11/2006 due to a stalemate between the political rivals who fought tooth and nail to gain political center stage while disregarding the aspirations of the nation of peaceful coexistence. The irony is that history has not been an able teacher for the political parties of Bangladesh; the vital tools of moving Bangladesh forward rests in the instruments of peace, negotiation and must be driven by a fair political culture to see our country reach the shores of respectable global standing with adequate social and political rights under the constitution of Bangladesh.