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BANGLADESH

Home Office Science and Research Group

COUNTRY OF ORIGIN INFORMATION SERVICE

Country of Origin Information Reports (COI Reports) are produced by the Science & Research Group of the Home Office to provide caseworkers and others involved in processing asylum applications with accurate, balanced and up-to-date information about conditions in asylum seekers' countries of origin.

They contain general background information about the issues most commonly raised in asylum/human rights claims made in the UK.

The reports are compiled from material produced by a wide range of recognised external information sources. They are not intended to be a detailed or comprehensive survey, nor do they contain Home Office opinion or policy.

Disclaimer: "This country of origin information report contains the most up-to-date publicly available information as at 1 September 2005. Older source material has been included where it contains relevant information not available in more recent documents."

Contents

1. Scope of document

1.01 This Country of Origin Information Report (COI Report) has been produced by Research Development and Statistics (RDS), Home Office, for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. It includes information available up to 31 August 2005.

1.02 The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

1.03 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

1.04 The structure and format of the COI Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

1.05 The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.

1.06 As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

1.07 The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent

documents. All sources contain information considered relevant at the time this Report was issued.

1.08 This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.

1.09 COI Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in COI Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country of Origin Information Bulletins, which are also published on the RDS website. They also have constant access to an information request service for specific enquiries.

1.10 In producing this COI Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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ADVISORY PANEL ON COUNTRY INFORMATION

1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk.

1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be

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taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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2. Geography

2.01 As noted in the 2005 edition of Europa Regional Surveys of the World: South Asia (Europa South Asia 2005), the People's Republic of Bangladesh is located in south Asia and is bordered almost entirely by India, except for a small frontier in the southeast with Burma and a coastline along the Bay of Bengal in the south. The capital is Dhaka. The country covers an area of almost 57,000 square miles. **[1b] (p88)**

2.02 The country is administratively divided into 6 Divisions, 64 Districts, 507 Upazila, or Thana, (sub-districts) and 4,484 Unions/Wards, notes the WHO website. There are over 87,000 villages in Bangladesh. **[14d]** Note that a particular name might refer to more than one geographical entity; for example, the city of Chittagong is situated in the district of Chittagong, which is in Chittagong Division. The 'Chittagong Hill Tracts' (CHT) area, referred to later in this report, comprises three of the districts within Chittagong Division. **[25]**

2.03 The Preliminary Report of the 2001 Population Census, published in August 2001 by the Bangladesh Bureau of Statistics, gave the total population of Bangladesh as 129.2 million (statistically adjusted). **[43a] (p4)** The CIA World Factbook, accessed on 1 August 2005, estimated the population to have reached 144.3 million by July 2005. **[62]** The 2001 census showed that 76 per cent of the population resided in rural areas. The metropolitan area of Dhaka, in 2001, had a population of 9.9 million; the populations of the other principal cities (as 'statistical metropolitan areas') were then as follows: Chittagong 6.2 million, Khulna 2.6 million, and Rajshahi 1.3 million. **[43a] (p6)** Europa South Asia 2005 notes that, apart from territories comprising less than 1,200 sq. km in area, Bangladesh is the most densely populated country in the world. **[1b] (p88)** The 1991 census, as summarised in 'Bangladesh: Census Result at a Glance' by the Bangladesh Bureau of Statistics, classified 93.9 million people (88.2 per cent of the total 1991 population) as Muslim, 11.2 million as Hindu, 0.6 million as Buddhist and the remainder as Christian or 'other'. **[43b]**

2.04 The Europa World Year Book 2004 (Europa 2004) notes that the state language is Bangla (Bengali) and is spoken by about 95 per cent of the population. **[1a] (p635)** A Canadian IRB report of June 1990 stated that Biharis generally speak Urdu, and the tribal populations (Jumma peoples) of the Chittagong Hill Tracts use a variety of dialects. English is also used in commerce and administration. **[3a]**

For further information on Geography, refer to Europa World Year Book 2004, Volume 1 (source 1a)

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3. Economy

3.01 The Economist Intelligence Unit, in their Bangladesh Country Profile of 2004 (EIU Country Profile 2004), estimated GDP per head in 2003 to have been US$354, compared with $549 for India, $455 for Pakistan and $956 for Sri Lanka. A household income and expenditure survey showed that 44.3 per cent of the population lived below the poverty line in 2000 compared with 58.8 per cent in 1991. During the 1990s, real GDP increased at an average annual rate of 4.9 per cent; GDP growth for the 2003/2004 fiscal year was 6.3 per cent, according to the EIU Country Report for July 2005. **[40a] (p25 - 27) [40c] (p18)**

3.02 Agriculture (including fisheries) employed about 65 per cent of the labour force and contributed around 21 per cent of GDP in 2003/2004, noted the EIU Country Profile 2004. Bangladesh is the world's largest exporter of jute; other agricultural exports include tea and frozen foods. The share of manufactured goods in the country's exports has risen since the 1980s as readymade garments have emerged as a leading export commodity. **[40a] (p26-37)** However, a BBC News article of 6 January 2005 cautioned that the future volume of the country's garment exports had become more uncertain with the final phasing out at the end of 2004 of international export quotas under the Multi-fibre Arrangement (MFA). The article noted that garments accounted for three-quarters of Bangladesh's exports. About 1.8 million people, mainly women, work in clothing factories and another 15 million jobs depend indirectly on garment manufacturing. **[20ar]**

3.03 A BBC News report of 3 August 2004 pointed out that the devastating floods of July-August 2004, which covered 60 per cent of the country, killed over 600 people and left at least 30 million displaced or stranded, had also damaged infrastructure and disrupted agricultural production and economic activity. **[20af]** Reuters, on 27 September 2004, quoted the World Bank as estimating that the floods had caused US $2.2 billion in damage. **[4f]**

3.04 The unit of currency in Bangladesh is the 'Taka' (BDT), which is divided into 100 poisha/paisa, informs Europa 2004. **[1a] (p644)** The approximate rate of exchange on 28 July 2005 was £1 sterling = 113 Bangladesh taka (xe.com Universal Currency Converter). **[22]**

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4. History

PRE-INDEPENDENCE: 1947 - 1971

4.01 Europa 2004 notes that present-day Bangladesh was originally one of the five provinces comprising Pakistan, created following the partition of the Indian sub-continent in August 1947. Known as East Pakistan, the province was formed from the former Indian province of East Bengal and the Sylhet district of Assam. **[1a] (p635)**

4.02 East Pakistan, records Europa 2004, became dissatisfied with the distant central government in West Pakistan, and the situation was exacerbated in 1952 when Urdu was declared Pakistan's official language. Discontent continued in the eastern wing, mainly due to under representation in the administration and armed forces. The leading political party of East Pakistan, the Awami League (AL), subsequently demanded autonomy from the West. **[1a] (p635)**

4.03 Europa 2004 relates that a general election in December 1970 gave the AL an overwhelming victory in the East and thus a majority in Pakistan's National Assembly. The AL decided that the province should unilaterally secede from Pakistani and on 26 March [1971] Sheikh Mujib proclaimed the independence of the People's Republic of Bangladesh ('Bengal Nation'). Civil war immediately broke out. **[1a] (p635)**

4.04 Resistance continued from the Liberation Army of East Bengal (the Mukti Bahini), a group of irregular fighters who launched a major offensive in November 1971, notes Europa 2004. As a result, an estimated 9.5 million refugees crossed into India. On 4 December 1971 India declared war on Pakistan, with Indian forces supporting the Mukti Bahini. Pakistan surrendered to the allied forces of Bangladesh and India on 16 December 1971 and Bangladesh achieved its independence, quickly achieving international recognition. **[1a]**

1972 - 1982

4.05 Europa 2004 states that Sheikh Mujibur became Bangladesh's first Prime Minister in January 1972. A general election for the country's first parliament ('Jatiya Sangsad') was held in March 1973: the AL won 292 of the 300 directly elective seats. Internal stability was however threatened by opposition groups resorting to terrorism. **[1a] (p635)**

4.06 Europa 2004 relates that, in January 1975, a presidential government and one-party rule replaced the parliamentary government; Sheikh Mujibur became President, assuming absolute power. **[1a]** However, Mujibur and members of his family were assassinated in a right wing coup (led by Islamist army officers) in August 1975. Martial law was then declared and political parties banned. A subsequent counter-coup on 3 November 1975 brought Khalid Musharaf, a pro-Indian commander of the Dhaka garrison, to power. This proved to be extremely short-lived, as a third coup on 7 November 1975 overthrew Musharaf and power was assumed under a neutral non-party government, with Major General Ziaur Rahman (General Zia) taking precedence. **[1a] (p635)**

4.07 Political parties were again legalised in July 1976, relates Europa 2004. General Zia assumed the presidency in April 1977. In the parliamentary elections of February 1979, Zia's Bangladesh Nationalist Party (BNP) won 207 of the 300 directly elective seats in the Jatiya Sangsad. A new Prime Minister was appointed in April 1979, and martial law repealed. The state of emergency was revoked in November 1979. **[1a] (p635)**

4.08 Europa 2004 records that Zia was assassinated on 30 May 1981, during an attempted military coup. Political instability ensued and Vice President Abdus Sattar was nominated President. Sattar (finding it difficult to retain civilian control) formed a National Security Council in January 1982, led by Chief of the Army Staff, Lieutenant-General Hossain Mohammad Ershad. On 24 March 1982 Ershad seized power in a bloodless coup. Martial law was again declared, with Ershad as Chief Martial Law Administrator (although in October 1982 Ershad changed his title to Prime Minister), aided by a military Council of Advisers. **[1a] (p635)**

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1983 - 1990

4.09 Europa 2004 notes that, although the government's economic policies achieved some success, increasing demands for a return to democracy ensued throughout 1983, comments Europa 2004. The two principal opposition groups that emerged were an eight-party alliance, headed by a faction of the AL under Sheikh Hasina (daughter of the late Sheikh Mujibur) and a seven-party group, led by a faction of the BNP under former President Sattar and Begum Khaleda Zia (widow of General Zia). In September 1983 the two groups formed an alliance: the Movement for the Restoration of Democracy. In November 1983, permission was given for the resumption of political activity and a new political party, the Jana Dal (People's Party) was formed to support Ershad as a presidential candidate. Ershad declared himself President on 11 December 1983. **[1a] (p636)**

4.10 In January 1985, records Europa 2004, a new Council of Ministers was formed, composed almost entirely of military officers and excluding all members of the Jana Dal (in response to the opposition parties' demands for a neutral government during the pre-election). However, President Ershad refused to relinquish power to an interim government. The National Front (NF), a new five-party political alliance, (comprising the Jana Dal, the United People's Party, the Gonotantrik Party, the Bangladesh Muslim League and a breakaway section of the BNP) was established in September 1985 to promote government policies. **[1a] (p636)**

4.11 Europa 2004 notes that the ten-month ban on political activity was lifted in January 1986, and the NF formally became a single pro-government entity: the Jatiya Party (National Party). Although smaller opposition parties participated in the parliamentary elections in May 1986 the elections were boycotted by the BNP. The Jatiya Party won 153 of the 300 directly elective seats in the Jatiya Sangsad. Mizanur Rahman Chowdhury, the former General-Secretary of the Jatiya Party, was appointed Prime Minister in July 1986. **[1a] (p636)**

4.12 Ershad joined the Jatiya Party in September 1986, being elected as chairman of the party, relates Europa 2004. In the presidential election of October 1986 (which was boycotted by both the BNP and AL) Ershad received 22 million votes. In November 1986, the Jatiya Sangsad approved indemnity legislation (legalising the military regime's actions since March 1982). Ershad then repealed martial law and formed a new Council of Ministers, including four MPs from the AL. **[1a] (p636)**

4.13 Europa 2004 records that dissension from the opposition continued throughout 1987 and President Ershad declared a nation-wide state of emergency on 27 November of that year. In December 1987, after twelve opposition members had resigned and the 73 AL members had agreed to do likewise, Ershad dissolved the Jatiya Sangsad. The Jatiya Party won a large majority of seats in the parliamentary elections of 3 March 1988. Later that month, Moudud Ahmed, an ally of Ershad, was appointed Prime Minister. Ershad repealed the state of emergency in April 1988. **[1a] (p636)**

4.14 Violence, anti-government demonstrations and strikes occurred throughout the country in 1990, Europa 2004 notes. Ershad re-proclaimed a state of emergency on 27 November 1990, and later resigned on 4 December 1990, simultaneously revoking the state of emergency (again), and dissolving the Jatiya Sangsad. The newly appointed Vice President, Shahabuddin Ahmed, assumed the responsibilities of acting President, and was placed at the head of a neutral caretaker government. In the week following his resignation, Ershad was placed under house arrest. **[1a] (p637)**

1991 - 1999

4.15 Europa 2004 records that, on 27 February 1991, the BNP alliance won an overall majority at the parliamentary elections. Later, following discussion with the Jamaat-e-Islami (JI), the BNP ensured a small working majority in the Jatiya Sangsad, and Begum Khaleda Zia assumed office as Prime Minister. Abdur Rahman Biswas was elected as the new President on 8 October 1991. **[1a] (p637)**

4.16 All opposition members of the Jatiya Sangsad resigned en masse in December 1994, relates Europa 2004. Nonetheless the Prime Minister, with her party's parliamentary majority, pledged to maintain constitutional government. On 24 November 1995, the Prime Minister requested that the Jatiya Sangsad be dissolved pending the outcome of the next general election. Although opposition persisted, Begum Khaleda Zia's administration continued in office in an acting capacity. **[1a] (p637)**

4.17 Europa 2004 notes that the general election, postponed until 15 February 1996, was boycotted by all of the main opposition parties. Consequently, the BNP won 205 of the 207 legislative seats declared. However, the opposition refused to recognise the legitimacy of the polls and announced the launch of a non co-operation movement against the government. Finally, the Prime Minister agreed to hold fresh elections under neutral auspices. **[1a] (637)**

4.18 Europa 2004 relates: Begum Khaleda Zia and her government resigned from their posts on 30 March 1996 after making the 13th amendment of the Constitution to ensure a non-party caretaker government would hold the

general election, and the Jatiya Sangsad was subsequently dissolved. President Biswas appointed Muhammad Habibur Rahman as acting Prime Minister. Notwithstanding an unsuccessful military coup on 20 May 1996, a further general election was held on 12 June 1996: the AL won 146 of the 300 elective seats in the Jatiya Sangsad. An understanding was rapidly reached between the AL and the Jatiya Party (whose major interest was the release of Ershad). **[1a] (p637)**

4.19 Sheikh Hasina was sworn in as the new Prime Minister on 23 June 1996. Her Council of Ministers incorporated one member from the Jatiya Party and included a number of retired officials and army officers. On 23 July 1996, Shahabuddin Ahmed was elected as Bangladesh's new Head of State, records Europa 2004. **[1a] (p637-638)**

4.20 Ex-President Ershad was released from prison on bail in January 1997. The trial of twenty people accused of direct involvement in Sheikh Mujibur's assassination began in March 1997, states Europa 2004. **[1a] (p638)**

4.21 In December 1997 the AL government signed an historic peace accord to end the insurgency in the Chittagong Hill Tracts, it was recorded in Europa 2004 and a Reuters article of 2 December 1997. **[1a] (p638)** **[4c]** Opposition to the treaty from the BNP swiftly ensued. **[1a] (p638)** However, on 10 February 1998 the Shanti Bahini guerrillas formally surrendered their arms to the government, marking an end to the 25-year insurgency, Reuters reported on 10 February 1998. **[4e]**

4.22 The ruling coalition split on 15 March 1998 when the minority Jatiya Party announced that it was leaving the 'national consensus' government, it was recorded in the Keesings Record of World Events of March 1998. **[5b] (p42133)**

4.23 Keesings, March 1998, also stated that the BNP returned to the Jatiya Sangsad on 9 March 1998, following the signing of a memorandum of understanding between it and the ruling AL. **[5b]** However, Keesings April 1998 records that the BNP walked out of the Jatiya Sangsad on 12 April 1998, in protest against four bills concerning the December 1997 Chittagong Hill Tracts Peace Accord. **[5c] (p42198)** Nonetheless, the Jatiya Sangsad passed the four bills at the beginning of May 1998 – Keesings May 1998. **[5d] (p42271)**

4.24 In December 1998 a new anti-government alliance was formed, comprising Begum Khaleda Zia's BNP and the leaders of the Jamaat-e-Islami and the Jatiya Party, as well as Ershad, notes Europa 2004. **[1a] (p698)**

4.25 Keesings March 1999 reports that two bombs exploded at a music and culture festival in the town of Jessore on 6 March 1999, killing at least eight people and injuring some 150 others. The president of the group organising the festival (the Udichi Shilpi Gosthi) blamed the bombing on Islamic fundamentalists. **[5h] (p42837)**

4.26 Europa South Asia 2005 records that political instability and unrest escalated through 1999; in mid-1999 the BNP and other opposition parties began a boycott of parliamentary proceedings. Opposition-led strikes took place in October and December 1999 and January 2000, leading to serious economic disruption. In July 2000 an attempt to assassinate Sheikh Hasina was foiled. **[1b] (p93)**

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2000 - AUGUST 2005

4.27 BBC News reported on 19 July 2000 that twenty-four people had been charged with the March 1999 Jessore bombing, including a former opposition MP. Police suspected a link between the bombing and the murder of prominent investigative journalist Shamsur Rahman the same month. Rahman had exposed the link between organised crime and politics, and police suspected that his murder was a bid to intimidate witnesses in the bombing case. **[20d]**

4.28 Europa South Asia 2005 relates that, in July 2001, Sheikh Hasina and her Government resigned. On 15 July 2001 a caretaker government was sworn in to organise new elections, following a violent two-day transition in which twelve people were killed. **[1b] (p93)**

4.29 BBC News reported on 26 September 2001 that a bomb blast in Dhaka had killed at least eight members of the Awami League as the hostile atmosphere in the run up to the general election heightened. In response to the escalating tension the caretaker government deployed more than 50,000 troops to quell the violence. **[20h]**

4.30 Europa 2004 records that the general election proceeded on 1 October 2001, although voting was suspended in several constituencies owing to violence. **[1a] (p639)** Notes Keesings, October 2001, the entire election campaign had been characterised by violence. At least 140 people were killed in feuding between the AL and BNP, while six died on the polling day. **[5f]** As noted in the U.S. Department of State report 2004 [USSD 2004], domestic and international observers deemed the eighth general election held in 2001 to be generally free and fair, although held in a climate of sporadic violence and isolated irregularities. **[2d] (introduction)**

4.31 The results of the general election of 1st October 2001, as recorded by the Bangladesh Election Commission, were as follows:

	Seats won	Total votes obtained
Bangladesh Nationalist Party (BNP)**	193	22,833,978
Bangladesh Awami League	62	22,365,516
Jamaat-e-Islami**	17	2,385,361
Islami Jatio Oikya Front (Jatiya Party - Ershad)	14	4,038,453
Bangladesh Jatiya Party (N-F/Naziur)**	4	621,772
Islamic Oikkya Jote**	2	376,343
Jatiya Party (Manju)	1	243,617
Others	7	2,871,585
	300	**55,736,625**

[16]

The governing coalition, with control of over two thirds of the seats in parliament, comprises the BNP, Jamaat-e-Islami (which propagates transition to the rule of Islamic law), the Bangladesh Jatiya Party N-F (not a religious party) and the Islamic Oikkya Jote (an alliance of seven Islamist groups). **[1a] [7k]

4.32 Europa 2004 relates that, on 10 October 2001, Begum Khaleda Zia was sworn in as Prime Minister. At the end of October 2001, the newly elected members of parliament representing the opposition AL took oath of office, but refused to join the opening session of the Jatiya Sangsad (the unicameral legislature) in continuing protest against what they considered a rigged election. [1a] (p639) Sheikh Hasina announced that the newly elected AL members would continue to boycott the Jatiya Sangsad until the new coalition government stopped its "repression" of AL members and minority communities – Keesings October 2001. **[5f] (p44399)**

4.33 Keesings, June 2002, records that on 21 June 2002, President Bardruddoza Chowdhury, who had been elected President on 14 November 2001, resigned under pressure from the ruling BNP after he had failed to visit the grave of Maj-Gen Ziaur Rahman on the anniversary of the latter's assassination in 1981. Rahman was the husband of the present BNP Prime Minister Khaleda Zia and the founder of the ruling BNP. The AL opposition and other observers regarded Chowdhury's resignation as unconstitutional. **[5a] (p44843)** BBC News reported on 5 September 2002 that Iajuddin Ahmed, a retired professor from Dhaka University, had been elected President. **[20s]**

4.34 The Government of Prime Minister Khaleda Zia, facing criticism for the rising wave of crime and deteriorating law and order in the country, launched "Operation Clean Heart" on 17 October 2002, relates an Amnesty International report, 'Accountability needed in Operation Clean Heart', dated 23 October 2002. **[7e]** It was reported in BBC News and International Herald Tribune articles of October 2002, January 2003 and March 2003 that Operation Clean Heart involved national deployment of nearly 40,000 soldiers, in all the major cities, to help the authorities restore law and order, arrest 'listed criminals' and recover illegal firearms. Several members of the ruling Bangladesh Nationalist Party and the opposition Awami League were detained for their alleged links with criminals. **[20w] [20x] [20y] [21c]**

4.35 On 11 January 2003, BBC News reported that Bangladeshi authorities had ordered a partial pull out of soldiers and ordered the troops to return to their barracks. However, soldiers remained in six towns and cities, including Dhaka and Chittagong, to assist the civilian administrations if required. **[20z]** On 19 February 2003, the Government again confirmed redeployment of the army in six divisional headquarters to assist law enforcement agencies in combating crime, reported The Statesman (India) on 19 February 2003. **[21a]** BBC News confirmed on 18 February 2003 that the operation, this time, was on a smaller scale and the army had been instructed not to arrest any suspects but to hand the criminals over to the police. **[20ab]**

4.36 BBC News articles published in January and February 2003 indicate that more than 11,000 people were arrested during Operation Clean Heart, including 2,500 listed criminals and members of Prime Minister Khaleda Zia's BNP and the opposition, hundreds of weapons were seized, and 40 people died after soldiers detained them. **[20z] [20y] [20ab]**

4.37 BBC News reported on 9 January 2003 that President Iajuddin Ahmed had signed an order granting the soldiers legal immunity with immediate effect. The President said the government regretted the deaths, but had no alternative to rewarding the soldiers who had helped the authorities restore law and order. **[20x] [20y]** Amid angry protests by the opposition, in February 2003, the

Bangladesh Parliament passed the controversial indemnity bill titled, "Joint Drive Force Indemnity Ordinance 2003" to give legal protection to the army-led anti-terrorism operation. The Law Minister Mr Ahmed announced that the indemnity would protect the members of the armed forces from facing the civil justice system. At the same time, they would remain under the purview of their own laws – Financial Times Information, 27 February 2003. **[21b]**

4.38 Agence France-Presse reported on 28 January 2003 that staggered polls for local elections to 4,267 local councils were taking place from late January to 16 March 2003. The elections were officially held on a non-party basis, but political parties indirectly nominated candidates to ensure a foothold at grass roots level. A total of 198,704 candidates contested the local council seats, including 42,250 women vying for 2,684 seats reserved for them. **[15]** The local elections were affected by violence and by 17 February 2003, at least 25 people had reportedly been killed, notes a BBC News report of that date. **[20aa]**

4.39 It was announced by BBC News on 12 March 2003 that police had detained almost 200 people after a bomb attack in the city of Khulna in which two policemen died. The same day BBC news also reported the arrest of five members of an extremist Islamist group, Jama'atul Mujahideen, on suspicion of being involved in recent bomb attacks. The police denied that there was any link between those arrests and the activities of international terrorist organisations. **[20u] [20v]**

4.40 BBC News reported a number of attacks on Awami League officials in August and September 2003: On 25 August 2003, the president of the AL in the city of Khulna was shot dead. The Janajuddha faction of the banned Purba Banglar Communist Party claimed responsibility. The killing sparked a riot by AL supporters who attacked offices of the ruling BNP. The BNP denied any responsibility and ministers condemned the killing. **[20n]** Also in late August 2003, unidentified assailants killed another AL leader, this time in Dhaka. Police said they considered the shooting to be a criminal act caused by what they called business rivalries. **[20l]** A bomb attack in Khulna on the offices of the AL in September 2003 killed another AL party leader and injured 10 other people. **[20k]**

4.41 A BBC News report on 13 January 2004 stated that Bangladesh police were holding 24 people for questioning following a bomb attack at the Hazrat Shahjalal shrine in the city of Sylhet the previous day, that killed three people and injured about 30. No one had admitted responsibility and authorities had launched an investigation. **[20e]**

4.42 It was reported in the *Daily Star* on 20, 23 and 27 April 2004 that the Awami League had organised a campaign of public demonstrations during April 2004 in an apparent attempt to force the government to resign by 30 April. Between 18 and 27 April the police arrested more than 15,000 people, mainly supporters of the Awami League and the NGO 'Proshika', in an attempt to contain the protests. On 27 April the government called on the police to stop mass arrests and 'not to harass the innocent'. **[38g] [38h] [38i]**

4.43 On 7 May 2004 a senior Awami League MP, Ahsan Ullah Master, was assassinated by an unknown gunman, reported BBC News. **[20ap]**

4.44 BBC News announced on 16 May 2004 that Parliament had approved a Constitutional amendment to increase the number of seats in the Jatiya Sangsad from 300 to 345 for a period of ten years, with the additional 45 seats being reserved for women. The additional women MPs would initially be selected in proportion to each party's support at the 2001 general election. **[20ae]** **See section 6,** Women**.**

4.45 Two people were killed and at least 25 injured in a second bomb attack at the Muslim Hazrat Shahjalal shrine in Sylhet, BBC News reported on 21 May 2004. No parties claimed responsibility. The British High Commissioner to Bangladesh was one of those hurt. **[20ah]** The *Daily Star*, on 24 May 2004, gave the number injured as 70 and reported that a team from Scotland Yard had arrived to investigate the incident. **[38e]**

4.46 In June 2004 Awami League Members of Parliament returned to their seats; almost a year earlier they had declared they would boycott parliamentary sessions, saying they had not been allowed to criticise the government, recorded BBC News on 15 June 2004. **[20ag]** The Economist Intelligence Unit's Bangladesh Country Report of January 2005 (EIU January 2005) noted that AL members did not resume their participation in parliamentary standing committees until mid-October 2004. **[40b] (p13)**

4.47 In July 2004 Bangladesh was hit by devastating floods. A BBC News report of 3 August 2004 stated that about 60 per cent of the country had been under water and that some 600 people had been killed and at least 30 million displaced or stranded. **[20af]** The BBC News 'Timeline: Bangladesh', accessed on 26 April 2005, put the final death toll at 'nearly 800' and observed that the floods had also left an estimated 20 million people in need of food aid. **[20o]**

4.48 On Saturday 21 August 2004, at least 19 people were killed in a grenade attack at an opposition Awami League party rally in Dhaka which was addressed by former Prime Minister and opposition leader Sheikh Hasina, reported BBC News on 21 and 22 August. There were about 20,000 people in the crowd and 200 were injured in the explosions and the chaos that ensued. **[20ai] [20aj] [20ak]** (The Economist Intelligence Unit, in its Bangladesh Country Report of January 2005, gave the final death toll as 23. **[40b] (p16)**) The *Asian Tribune* confirmed on 22 August 2004 that the casualties included a number of AL party leaders. **[44a]** BBC News reported subsequent rioting across the country, during which the police arrested more than 200 protesters. The Awami League called a general strike on 24 and 25 August 2004. A further strike took place on 30 August 2004. There had been a rising trend in bomb attacks in Bangladesh over the previous five years in which more than 140 people had died; the targets had been varied, including a cinema, a Muslim shrine and newspaper editors and journalists. **[20i] [20aj] [20ak] [20al]** An Agence France-Presse article of 31 August 2004 stated that agents from the United States FBI and from Interpol had, at the request of the Bangladesh Government, arrived in the country to assist with investigations. **[23g]**

4.49 The *Daily Star* reported on 30 September 2004 that the police had been carrying out 'blanket arrests' ahead of an Awami League mass rally planned for 3 October. The newspaper estimated that over 5000 people, mostly AL supporters, had been arrested between 22 and 30 September 2004, primarily under Section 86 of the Dhaka Metropolitan Police (DMP) Ordinance. The authorities claimed, however, that the arrests were part of a routine anti-crime

drive. On 29 September the High Court issued an injunction forbidding any arrests under Section 86 until 3 October 2004; the *Daily Star* observed, however, that the police could continue to make arrests under other sections of the DMP. **[38n]** The Daily News reported on 4 October 2004 that the previous day's rally, attended by 'tens of thousands', had proceeded largely peacefully. **[38o]** On 10 October 2004, noted the *Daily Star* of 11 October, the AL and other opposition parties called a 'hartal' (general strike) to mark the coalition government's three years in office; there were pitched battles between the police and demonstrators in Dhaka and certain other centres; hundreds of protesters were arrested for short periods. **[38p]**

4.50 Associated Press reported on 20 October 2004 that a Dhaka court had sentenced three former army officers to death *in absentia* for their roles in the murder of four Awami League leaders in Dhaka Central Jail on 3 November 1975. The killings had taken place soon after the assassination of Sheikh Mujibur Rahman and the overthrow of his government in a military coup in August 1975. Twelve other people were sentenced to life imprisonment and five were acquitted. EIU January 2005 noted that the case was originally filed in 1975, but could not be heard because of an indemnity ordinance issued by the military government that succeeded Sheikh Mujibur's government. **[61a] [40b] (p14)**

4.51 The government formally constituted the Anti-Corruption Commission (ACC) on 21 November 2004, records EIU January 2005. The ACC absorbed most of the 950 staff of the now-dissolved Bureau of Anti-Corruption and is headed by a retired High Court judge. As stated in EIU January 2005: "The commission will conduct independent enquiries into cases of corruption. It is endowed with the powers to issue warrants and summons, interrogate witnesses and collect depositions under oath, review the existing anti-corruption arrangements and make recommendations to the president of the country". **[40b] (p14)** The Awami League described the appointment of the Chairman of the ACC – by the country's President – as politically partisan and unconstitutional, reported United News of Bangladesh on 2 December 2004. **[39e]** The NGO, Transparency International, ranked Bangladesh and Haiti as the most 'corrupt' countries among 146 surveyed countries in its 2004 Corruption Perceptions Index. **[42b]**

4.52 In mid-November 2004, notes EIU January 2005, the Awami League – together with 11 'left-leaning' opposition parties, Jatiya Samajtantrik Dal (JSD), National Awami Party (NAP) and the Jatiya Janata Party – launched a united movement to bring an end to the rule of the BNP-led coalition government. On 18 November 2004 this AL-led alliance released a list of nine demands, including calls for the immediate resignation of the government and a general election under a reformed caretaker government. **[40b] (p12)**

4.53 The AL-led opposition alliance organised two successive nation-wide 'human chains' in December 2004 as an expression of no confidence in the BNP-led government, records EIU January 2005. On 11 December the alliance organised a one-hour 1000-km human chain connecting the country's southern tip (in Cox's Bazar) and northern tip (in Dinajpur), and running through 18 districts and the cities of Dhaka and Chittagong. On 30 December an 800-km human chain was formed, linking the eastern and western tips of Bangladesh. These demonstrations were largely peaceful. **[40b] (p12-13)**

4.54 The *Daily Star* reported on 28 January 2005 that former finance minister Shah AMS Kibria and four other people had been killed in a grenade attack on an Awami League rally at Boidder Bazar in Habiganj district the previous evening. About 70 others were injured. No party or group was reported at the time to have claimed responsibility. Protests immediately erupted in different parts of the country and the AL called a 60-hour general strike commencing 29 January 2005, maintaining that the BNP and Jamaat-e-Islami were responsible. **[38o]** The *Daily Star*, on 31 January 2005, recorded that there had been violent clashes between protesters and the police, as well as damage to property, in various parts of the country. At least 150 demonstrators, including a number of AL politicians, had been injured, many of them in baton charges. **[38p]** BBC News reported renewed anti-government demonstrations and a general strike on 3 February 2005 in protest at the Habiganj grenade attack. **[20as]** The *Daily Star* announced on 21 March 2005 that ten persons had been formally charged for their role in the murder of Shah AMS Kibria and others in the 27 January grenade attack. Eight of the accused were in custody, while the other two were charged *in absentia*. According to the *Daily Star*, all ten had connections with the ruling Bangladesh Nationalist Party (BNP); some of them were local BNP party leaders. **[38y]** A BBC News article of 21 March 2005, however, quoted police as saying that eight of the ten accused had links with the BNP. **[20be]**

4.55 The Bangladesh *Daily Star* of 25 January 2005 reported that at least 50 people, including eight policemen, had been injured in clashes between the security forces and Jagrata Muslim Janata Bangladesh (JMJB) militants on 24 January in Bagmara, when a large number of JMJB supporters had been protesting the lynching, a few days earlier, of three JMJB cadres by a mob of villagers. The lynching had apparently been in retaliation for the attempted murder of a local Awami League leader, and the subsequent killing of another AL official and injury to 30 villagers in a bomb attack. Police held 64 JMJB adherents for questioning. **[38r] [20av]** The *Daily Star*, on 4 February 2005, quoted a police spokesman as warning that JMJB planned to continue bombing cinemas, theatres and 'jatra', having deemed these activities to be 'un-Islamic'. NGOs were also to be targets. **[38w]** The *Daily Star* announced on 11 February 2005 that 40 JMJB activists had been remanded for three days in connection with various murders and for the attack on the police in Bagmara. **[38s]**

4.56 Associated Press and Agence France-Presse announced on 23 February 2005 that the Government had officially banned Jamatul Mujahedin Bangladesh (JMB or JM) and Jagrata Muslim Janata Bangladesh (JMJB) – both militant Islamic groups – blaming them for a recent spate of murders, bombings and related terrorist activities across the country. Police arrested a number of suspected JMB members and said they were intensifying their efforts to find and detain JMJB operations commander Siddiqul Islam, also known as 'Bangla Bhai'. Jumatul Mujahedin had been accused of bomb attacks at musical concerts, religious shrines and the offices of certain NGOs. **[61b] [23j]** JMJB were believed to have been involved in several recent bombings and vigilante killings, including a bomb attack on a 'jatra' folk theatre show in Shahjahanpur on 14 January 2005 in which two people were killed and about 70 wounded. [38t] Police, on 23 February 2005, also arrested Dr Muhammad Asadullah al-Galib (al-Ghalib) – Professor of Arabic at Rajshahi University and head of the Islamist organisation, Ahle Hadith Andolon Bangladesh (AHAB) – as well as three other AHAB officials. **[61b] [23j]** A BBC News article of 23 February 2005 quoted a police spokesman as saying that several detained members of JMB and JMJB had, in confessions, named Dr Asadullah al-Galib as their spiritual leader. **[20az]**

At a press conference on 17 February 2005 Dr Galib had denied being involved in terrorist activities, it was reported by United News of Bangladesh on 4 March 2005. **[39s]**

4.57 On 28 February 2005 BBC News reported that 15 'suspected leaders of radical Islamic groups', including Asadullah al-Galib, had been charged with sedition. Court officials stated that the persons charged were accused of carrying out bomb attacks on rallies and buildings in attempts to destabilise the country. The same BBC News article noted that more than 70 suspected militants had been arrested since the 'crackdown' began the previous week (i.e. since 23 February). **[20ba]** United News of Bangladesh reported on 25 June 2005 that charges against Dr Galib for involvement in the bombings of two offices of BRAC, an NGO, had been dropped, but that he was still facing charges in at least nine other cases. **[39t]** United News reported on 7 August 2005 that the High Court had rejected an application for bail made by Dr Galib. **[39u]**

4.58 BBC News announced on 16 April 2005 that 22 people had been sentenced to death for the murder of an Awami League MP, Ahsan Ullah Master, and another man at a political function near Dhaka on 7 May 2004. This was the highest number ever sentenced to death in a single case in Bangladesh. Six others were given life sentences. The judge described the killing as an act of 'political vengeance'. **[20bg]**

4.59 On 18 July 2005 the *Daily Star* reported that the law enforcement agencies – including the police, the Rapid Action Battalion, special police units 'Cobra' and 'Cheetah' and various joint forces – had killed 378 people in so-called 'crossfire' incidents since June 2004. **[38aa]** **[See Section 6:** Police and Army Accountability**]**

4.60 United News of Bangladesh, in an article dated 22 July 2005, noted that the Awami League-led 14-party opposition alliance had prepared a number of proposals for reforming both the Election Commission and the leadership and functions of the Caretaker Government which takes office during the period immediately preceding a general election **(see paragraph 5.11)** This had followed several months of public debate in which the opposition parties argued that such reforms were necessary for these two institutions to be seen as neutral and effective in ensuring the credibility of general elections; in particular, a Government decision to extend the retirement age of judges from 65 to 67 was seen by opposition parties as a move by the Government to ensure that Chief Justice KM Hassan, a former BNP activist, would become the head (Chief Advisor) of the next caretaker government. **[39v]** The Economist Intelligence Unit's (EIU's) Country Report of July 2005 recorded that the Awami League had threatened to boycott the 2006 general election unless the electoral system and caretaker government were reformed; Sheikh Hasina, the Awami League leader, had repeatedly accused the last caretaker government of siding with the BNP in the 2001 general election, in which her party was defeated. The EIU report further noted that, under the Constitution, the existing government would have to hand over power to a caretaker government in October 2006. **[40c] (p12-13)** On 5 August 2005, United News of Bangladesh quoted the Minister of Law, Justice and Parliamentary Affairs as saying there was 'no scope' for reforming the caretaker government. He indicated, however, that the Government was willing to discuss reforms to the Election Commission, provided that such a debate took place in Parliament. **[39w]**

4.61 BBC News reported on 13 August 2005 that one person had been killed and some 50 others injured in an attack on a Muslim shrine in eastern Bangladesh the previous night (12 August). Several homemade bombs had been thrown during a religious festival at the Hazrat Shah Syed Ahammad shrine at Akhaura, about 100 kilometres from Dhaka. **[20bb]** According to an Associated Press article of 14 August 2005, two suspects had been arrested in connection with the attack; however, no group had claimed responsibility and police said that the motive for the attack was still unclear. **[61d]**

4.62 BBC News announced on 17 August 2005 that more than 300 bomb explosions had occurred almost simultaneously in cities and towns across the country that day. Most of the bombs were small, rudimentary devices that were set to go off between 10.30 and 11.30 local time. Many of the bombs were set off in crowded places; according to officials, the targets included government offices, judicial buildings and journalists' clubs. Jamatul Mujahedin Bangladesh (JMB), one of two militant Islamic groups that were banned on 23 February 2005 (see above), reportedly claimed responsibility. Leaflets bearing JMB's name were found at some of the bombsites; the leaflets called for the implementation of Islamic Law and warned 'Bush and Blair' to get out of Muslim countries. **[20bc]** An Agence France Presse article of 26 August 2005 specified that 434 bombs had exploded in 63 cities and towns across Bangladesh on 17 August and that two people had been killed and more than 100 injured. On 26 August 2005 a Bangladesh court charged (*in absentia*) the JMB leader, Abdur Rahman, with 'criminal conspiracy' and 'exploding a bomb'. **[23l]** Agence France Presse announced on 29 August 2005 that 169 other suspects had been arrested since the 17 August bomb blasts – including a senior JMB operative, Mohammad Nasir. **[23m]** It was mentioned in the same article that the Bangladesh police had not yet succeeded in detaining Siddiqul Islam, alias 'Bangla Bhai', said to be the operations commander of Jagrata Muslim Janata Bangladesh (JMJB). **[23m]** The newspaper *Prothom Alo* reported on 21 July that JMJB had secretly continued with fund raising and recruitment since being banned in February 2005. **[21f]**

4.63 In a judgment delivered on 29 August 2005, the High Court found that the country's military takeover in 1975 had been illegal, recorded BBC News on 31 August 2005. The Court apparently struck down the fifth amendment to the Constitution which legitimised martial law under former President Ziaur Rahman. The Government – currently led by Ziaur Rahman's widow, Prime Minister Khaleda Zia – declared its intention to appeal the High Court's decision. **[20bd]**

For further details on History, please refer to Europa Regional Surveys of the World: South Asia 2005 (source 1b)

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5. State Structures

THE CONSTITUTION

5.01 The Europa World Year Book 2004 (Europa 2004) records that a new Constitution for the People's Republic of Bangladesh came into effect on 16 December 1972. Following the military coup of 24 March 1982 the Constitution was suspended and the country placed under martial law. On 10 November 1986, martial law was repealed and the Constitution reinstated. **[1a] (p647)** The EIU Country Profile 2004 notes that amendments to the Constitution require a two-thirds majority of parliament. **[40a] (p8)**

5.02 Europa 2004 notes that the 1972 Constitution based its fundamental principles on nationalism, socialism, democracy and secularism. The Constitution aimed to establish a society free from exploitation in which the rule of law, fundamental human rights and freedoms, justice and equality were to be secured by all citizens All citizens are equal before the law and have a right to its protection. Arbitrary arrest or detention, discrimination based on race, age, sex, birth, caste or religion, and also forced labour are all prohibited under the Constitution. Subject to the law, public order and morality, every citizen has a right to freedom of movement, of assembly and of association. The Constitution also aims to guarantee freedom of conscience, speech, press and religious worship. **[1a] (p647)** Europa 2004 relates that the Constitution was amended in 1977 to replace secularism with Islam. A further amendment in 1988 established Islam as the state religion. **[1a] (647)**

5.03 As noted in a report of September 2002 on behalf of the United Nations Development Programme, titled 'Human Security in Bangladesh' ('UNDP 2002'): "The Constitution states that all existing laws that are inconsistent with fundamental rights shall be declared void, and the State is forbidden to make any law inconsistent with fundamental rights … However, the enjoyment of any right is subject to 'reasonable' restrictions imposed by law in the interest of the State, public order, public health, morality or decency." The UNDP report points out that "reasonable" is a relative term, and what is reasonable in one given set of circumstances may unreasonable in another. **[8b] (p15)**

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CITIZENSHIP AND NATIONALITY

5.04 The Bangladesh Citizenship (Temporary Provisions) Order 1972 introduced the citizenship laws after the country's independence. Article 2 of the Order stipulates that anyone who was born in the territories now comprised in Bangladesh (or whose father or grandfather was born in these territories) and who was a permanent resident in these territories on 25 March 1971 and continues to be so resident, will be deemed to be a Bangladeshi citizen. **[18a]** Article 2A provides that a person to whom the above article would have applied, but who is resident in the United Kingdom, shall be deemed to have continued to have been permanently resident in Bangladesh. **[18a]** The Government may notify, in the official Gazette, any person or categories of persons to whom this Article shall not apply. In case of doubt as to whether a person is qualified to be deemed a citizen of Bangladesh under Article 2 of the Order, a decision of the Government will be final. **[18a]**

5.05 The Bangladesh Citizenship Order of 1972 further provides that any person who 'owes, affirms or acknowledges, expressly or by conduct, allegiance to a foreign state', or is notified under the provisions of Article 2A, does not qualify for Bangladeshi citizenship. **[18a]**

5.06 The 1978 Bangladesh Citizenship (Temporary Provisions) Rules allow for the Government to consider an application for citizenship from an applicant who is a foreign woman and married to a Bangladeshi citizen and has resided in Bangladesh for two years, or from any other applicant who has resided in Bangladesh for a period of five years. **[18b]**

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POLITICAL SYSTEM

GOVERNMENT

5.07 As recorded in the US State Department Report 2004 (USSD 2004), published on 28 February 2005: "The country is a multiparty, parliamentary democracy in which elections by secret ballot are held on the basis of universal suffrage." **[2d] (section 3)** Europa 2004 notes that the Jatiya Sangsad (Parliament) is a unicameral legislature; members are directly elected for a five-year term on the basis of universal adult franchise from single territorial constituencies i.e. a member of parliament for each constituency is elected by simple majority, on a 'first-past-the-post' basis. Persons aged eighteen and over are entitled to vote. **[1a] (p647)** BBC News reported on 16 May 2004 that a Constitutional amendment, approved by Parliament on that day, increased the number of seats in the Jatiya Sangsad from 300 to 345 for a period of ten years, with the additional 45 seats reserved for women. The amendment provides for the additional 45 woman members to be selected in proportion to each political party's support in the last election. **[20ae]**

5.08 Europa 2004 notes that the President is the constitutional Head of State and is elected by Parliament (Jatiya Sangsad) for a period of five years; Professor Iajuddin Ahmed was elected unopposed as President on 5 September 2002. Executive power is held by the Prime Minister, who heads the Council of Ministers. **[1a] (pp647 & 640)**

5.09 USSD 2004 states that Bangladesh is a parliamentary democracy, with broad powers exercised by the Prime Minister. Khaleda Zia, leader of the Bangladesh Nationalist Party (BNP), became Prime Minister following parliamentary elections in October 2001; these elections were deemed to be free and fair by international and domestic observers. The BNP formed a four-party alliance government with Jamaat-e-Islami (JI), Bangladesh Jatiya Party (BJP), and Islami Oikko Jote (IOJ). Two major parties dominate the political scene, the BNP and the Awami League (AL). **[2d] (section 3)**

5.10 The author of the Freedom House report of June 2005, 'Countries at the Crossroads 2005: A Survey of Democratic Governance', commented:

"Although Bangladesh has had a parliamentary system since 1991, in practice, parliament hardly functions as an effective accountability mechanism. Regardless of which party is in power, the main opposition party has boycotted

most parliamentary sessions, alleging government repression and impediments in parliament to voicing its views. The year 2004 saw no exception to this practice; the AL [Awami League] for the most part refrained from participating in parliament. The AL also boycotted parliamentary committees due to controversies over their composition." **[65a] (p69)**

5.11 The Economist Intelligence Unit's Bangladesh Country Profile 2004 (EIU Country Profile 2004) notes that, under the 13th amendment to the Constitution passed in March 1996, a caretaker government takes office for a period of up to three months preceding a general election. This administration assumes office within 15 days of the dissolution of parliament and must hold the general election within 90 days of the dissolution; it is led by a chief advisor – who holds the status of a prime minister – and who runs the government with not more than ten other advisors appointed by the President on the advice of the chief advisor. The caretaker government is responsible for giving the Election Commission "all possible aid and assistance that may be required for holding the general election of Members of Parliament peacefully, fairly and impartially". **[40a] (p9)** The chief advisor who heads the caretaker government is normally the most recently retired Chief Justice of the Supreme Court, states the EIU Country Report of July 2005. **[40c] (p12)**

(See also History**: paragraph 4.60)**

5.12 With regard to local government in Bangladesh, EIU Country Profile 2004 states as follows:

"Bangladesh is divided into 64 districts, each with its own district council. Beneath the districts are 460 subdistricts and 4,488 union councils [union *parishad*], which are currently the lowest tier of government in Bangladesh. In late 2003 the government formed 40,392 village governments (*gram sarkar*) as a fourth layer of government. *Gram sarkars* are non-elected bodies at the grassroots level, and were introduced by a former president, General Zia, in late 1970s. When he was president, General Ershad introduced *upazila* (local councils) in the mid-1980s, as an elected local government body. The village governments are aimed at local development by local people. Although the constitution provides for elected bodies at all tiers of local government, only the third tier – union councils and municipalities (mostly subdistrict and district administrative centres) – is elected; all others are administratively controlled. Bangladesh has six administrative divisions: Dhaka, Chittagong, Khulna, Barisal, Rajshahi and Sylhet' and four major municipal corporations 'Dhaka, Chittagong, Rajshahi and Khulna. The mayors of the municipal corporations are directly elected and wield considerable political power." **[40a] (p8]**

5.13 On 2 August 2005, United News of Bangladesh and BBC News reported that the High Court had declared *Gram Sarkar* – village governments composed of nominated members – illegal and unconstitutional, on the basis that they violated the basic principles of democracy based on elections, as provided for in the Constitution. The Court was responding to a petition filed by a local rights group, Bangladesh Legal Aids and Services Trust (BLAST), which challenged the legality of the Gram Sarkar Act 2003. The Government announced its intention to appeal the verdict. **[20bf] [39x]** United News announced on 7 August 2005 that the Supreme Court had stayed for six weeks the operation of the High Court verdict on Gram Sarkar, and had directed the Government to file a regular leave-to-appeal petition. **[39y]**

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SUPERVISION OF ELECTIONS

(see also paragraphs 4.60 and 5.11)

5.14 Europa 2004 notes that the Election Commission, a constitutional body, supervises parliamentary and presidential elections. The Commission also delimits constituencies and prepares electoral rolls. It consists of a Chief Election Commissioner and other commissioners, as appointed by the President. The Election Commission is independent in the exercise of its functions. **[1a] (647)** The Freedom House report of June 2005 noted, however: "The EC's autonomy is compromised by its dependence on the government for funding, recruitment and posting of officers, and control over the machinery of law enforcement during elections." **[65a] (p68)**

5.15 The United Nations Electoral Assistance Secretariat issued a statement on 2 October 2001 which concluded that the parliamentary elections on 1 October had been generally free, fair, peaceful and orderly, but it was also noted that irregularities during voting had been observed and that there had been sporadic, sometimes serious, incidents of violence on the day. The UN delegation also noted that violence and threats of violence had occurred during the period leading up to the election. **[41]**

5.16 BBC News reported on 9 October 2001 that, following the October 2001 general election, the defeated Awami League had boycotted the parliamentary swearing-in ceremony, claiming that the election was "rigged". **[20j]** It was noted in the EIU Country Profile 2004 that Awami League leader Sheikh Hasina has refused to recognise the 2001 general election as legitimate, claiming that the caretaker government which had administered the country in the run-up to the election had conspired with the Election Commission to 'oust' the AL. **[40a] (p6)** Freedom House commented in their report of June 2005:

"Since 1991, three national parliamentary elections have been held at regular five-year intervals; the elections were judged to be largely free and fair by national and international election monitors. The losing party in each election complained of vote rigging, but in all cases it finally accepted the election and agreed to serve as the opposition in parliament. The elections resulted in rotation of power between the two major political parties: The BNP won the 1991 and 2001 elections and the AL won in 1996. ... Each of the three elections was organized under a neutral non-party CG [Caretaker Government], and all political parties enjoyed equal campaigning opportunities. Voter turnout has sharply increased from 56 percent in 1991 to 75 percent in 1996 and 2001." **[65a] (p66-67]**

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JUDICIARY

5.17 USSD 2004 comments: "The Constitution provides for an independent judiciary; however, in practice, a longstanding temporary provision of the Constitution places the lower courts under the executive, and the courts were subject to the executive's influence. The higher levels of the judiciary displayed some degree

of independence and often ruled against the Government in criminal, civil, and politically controversial cases." **[2d] (section 1e)**

5.18 Notes USSD 2004:

"The court system has two levels: the lower courts and the Supreme Court. Both hear civil and criminal cases. The lower courts consist of magistrates, who are part of the executive branch of the Government, and session and district judges, who belong to the judicial branch. The Supreme Court is divided into two sections: the High Court and the Appellate Court. The High Court hears original cases and reviews cases from the lower courts. The Appellate Court has jurisdiction to hear appeals of judgments, decrees, orders, or sentences of the High Court. Rulings of the Appellate Court are binding on all other courts. …The law provides the accused with the right to be represented by counsel, to review accusatory material, to call witnesses, and to appeal verdicts. Trials were public, and defendants had the right to an attorney; however, state-funded attorneys were rarely provided. … Defendants were presumed innocent and had the right to appeal." **[2d] (section 1e)**

5.19 USSD 2003 stated: "In 2001, the Supreme Court reaffirmed a 1997 High Court order to separate the judiciary from the executive. The ruling declared which elements of the 1997 order could be implemented without constitutional amendment and ordered the Government to implement those elements within 8 weeks. On May 26 [2003], the Supreme Court granted the Government its 15th extension for implementation of its directives, and on November 18 [2003] extended the deadline by another 4 months." **[2b] (section 1e)** USSD 2004 adds: "On August 17 [2004], the Supreme Court criticized the Government for its failure to establish a timeframe in which to implement a 1997 High Court order to separate the judiciary from the executive. At year's end, the Government did not implement the order in full." **[2d] (section 1e)** USSD 2003 quoted Law Minister Moudud Ahmed as saying that the full process of separating the judiciary from the executive branch would take at least six to seven years. **[2b] (section 1e)**

5.20 States USSD 2004: "The court system was plagued by corruption and a substantial backlog of cases, and trials were typically marked by extended continuances while the accused remained in prison. These conditions effectively prevented many persons from obtaining a fair trial." **[2d] (section 1e)** Transparency International (TI), in a Household Survey in 2002, found that 7.6 per cent of respondents – representing 231 out of a total of 3030 households – claimed to have had dealings with the Judiciary (94 per cent of those respondents had been to the lower courts and 3.5 per cent to the high court). A majority (75%) said that they had encountered corruption; 66 per cent reported corruption by court officials/employees, 13 per cent claimed corruption by public prosecutors, 10 per cent by lawyers representing the opposition and 9 per cent reported corruption by magistrates. **[42a] (p59-63)** According to the 'Summary Findings' of the 2005 TI Household Survey, 66 per cent of plaintiffs and 65 per cent of accused persons claimed that they had to pay bribes in their dealings with the lower judiciary. (The full findings of this report were not yet available in English by August 2005.) **[42c]** In April 2004 it was reported in the press that a High Court judge, Syed Shahidur Rahman, had been removed from his post by the President on the recommendation of the Supreme Judicial Council; he had been accused of accepting money to fix bail for a former client. **[20ac] [39a]**

5.21 A September 2002 report on behalf of the United Nations Development Programme, 'Human Security in Bangladesh, In Search of Justice and Dignity' [UNDP 2002], gave the following reasons for the delayed processing of criminal cases and the subsequent backlog of cases in the courts: (a) the number of cases in which bail is not granted; (b) non-attendance of witnesses on the date of the hearing; (c) unnecessary adjournments; (d) delays in completing investigations; (e) acute shortage of judges and magistrates; (f) tendency of lawyers and parties to delay trials; and (g) lack of vigilance on the part of judges and magistrates. **[8b] (p82)**

5.22 UNDP 2002 provided details of the government legal aid fund which has been in operation since 1994. [8b] (p42-44) The report also stated that more than 300 NGOs in Bangladesh then listed 'human rights and legal aid' as one of their activities – though only a few of these NGOs provided legal aid on a large scale. Two organisations, the Bangladesh Legal Aid and Services Trust (BLAST) and the Madaripur Legal Aid Association (MLAA) had, by 2002, each provided legal aid for litigation in more than 2,000 court cases; BLAST has offices in all the Divisions of Bangladesh. Four other NGOs had each provided legal aid in over 500 court cases. [8b] (p44-47)

5.23 The Constitution provides that all citizens are equal before the law and have a right to its protection, states Europa 2004. **[1a]** It was pointed out in UNDP 2002 that the High Court Division of the Supreme Court is responsible for enforcing the fundamental rights guaranteed by the Constitution, including the right to equality before the law. Thus, it stated, for enforcement of rights pertaining to human security under the Constitution one has to go to the High Court. But because of the high costs involved, the poor and the vulnerable sections of society seldom access the legal process and ultimately the benefits of the fundamental rights conferred by the Constitution. **[8b] (p16)**

SPECIAL TRIBUNALS

5.24 USSD 2004 records that, under the provisions of the Public Safety Act, the Law and Order Disruption Crimes Speedy Trial Act (see below), and the Women and Children Repression Prevention Act **(see section 6,** Women**)**, special tribunals hear cases and issue verdicts. Cases under these laws must be investigated and tried within specific time limits. **[2d] (section 1e)**

THE LAW AND ORDER DISRUPTION CRIMES SPEEDY TRIAL ACT (STA)

5.25 As noted in USSD 2003:

> "In 2002, Parliament rescinded the Public Safety Act (PSA) enacted by the AL Government in 2000. A week after the repeal of PSA, Parliament passed the Law and Order Disruption Crimes Speedy Trial Act (STA) to remain in force for 2 years if not extended. It contains a provision for the trial in special courts of those accused of certain crimes from 30 to 60 days after arrest. Unlike the PSA, the STA has a bail provision with mandatory recording of the grounds for granting bail. As a safeguard against misuse of the law, it provided punishment for bringing false charges with jail terms from 2 to 5 years. In June 2002, in response to a writ filed by Lalmonirhat Bar Association President Matiur Rahman, charged under the STA, the High Court requested the Government to explain why the STA should not be declared unconstitutional. The case

remained pending in the High Court [in 2003]. In general, there were no allegations of widespread misuse of the STA." **[2b] (section 1d)**

5.26 *The Independent* (Bangladesh), on 16 October 2004, quoted the Law, Justice and Parliamentary Affairs Ministry as saying that a total of 5,143 cases had been filed with the courts under the Speedy Trial Act and that 3,890 of these cases had been disposed of between 10 April 2002 and 31 July 2004; altogether 4,940 people had been convicted in 2,065 of the cases filed under this Act. Speedy Trial Tribunals had sentenced 208 persons to death in the two years preceding the article. **[60a]**

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INFORMAL SYSTEMS OF JUSTICE, AND VILLAGE COURTS

5.27 UNDP 2002 noted that about two-thirds of all disputes do not enter the formal court process, instead they are either settled at a local level by local leaders or a village court, or they remain unsettled. *Shalish (Salish)* local mediation councils provide a traditional alternative to dispute resolution and comprise local community leaders who either individually or in groups provide a forum for arbitration and dispute resolution. A study of Shalish in two districts in 1996 indicated that the majority of disputes dealt with related to family law, maintenance, second marriage, dowry and land ownership. According to UNDP 2002, the option of conciliation through mediation is particularly favoured by women and the poor. Village courts deal with both civil and criminal matters; they have the power to summon witnesses and can impose a fine on contempt charges. The officials of village courts are usually chairmen and members of 'union parishads' (the local government authorities, of which there are 4,448 in Bangladesh) and are generally powerful members of the local community. Village courts can, however, be open to outside influences. The main sources of influence are said to be local political leaders, community leaders, wealthy people and other influential individuals in the village. Village courts generally function in co-operation with the local police. **[8b] (p91-100)**

FATWAS

5.28 As was stated in USSD 2003: "In 2001, the High Court ruled illegal all fatwas, or expert opinions on Islamic law. While the Court's intention was to end the extrajudicial enforcement of penalties by religious leaders, the 2001 ruling, which generated violent protests, declared all fatwas illegal. Several weeks later, the Appellate Court stayed the High Court's ruling. No date was set for rehearing the issue." Only those Muftis (religious scholars) who have expertise in Islamic law can legitimately issue a fatwa. In practice, however, village religious leaders sometimes make rulings in individual cases and call the ruling a 'fatwa'. Fatwas commonly deal with marriage and divorce, or mete out punishments for perceived moral transgressions. **[2b] (section 2c)** A BBC News article of 13 February 2001 noted that punishments could vary from public naming and shaming to physical mutilation. **[20g]** USSD 2004 recorded: "Human rights groups and press reports indicated that vigilantism against women for perceived moral transgressions occurred in rural areas, often under a fatwa, and included punishments such as whipping. The press monitoring unit of [the NGO] ASK recorded 35 incidents of fatwa during the year." **[2d] (section 1c)**

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ALTERNATIVE DISPUTE RESOLUTION (ADR) IN CIVIL CASES

5.29 USSD 2003 noted: "Due to the judicial system's million-case backlog, the Ministry of Law in 2001 initiated a pilot program offering Alternative Dispute Resolution (ADR) in some civil cases. Citizens have the opportunity for their cases to be mediated by persons with a background in law before filing their cases. According to government sources, wider use of mediation in civil cases has quickened the administration of justice." **[2b] (section 1e)** USSD 2004 confirmed that Parliament had codified the use of ADR and extended its use to Sylhet and Chittagong. **[2d] (section 1e)**

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LEGAL RIGHTS/DETENTION

(see also Section 6 Politically-motivated detentions**)**

5.30 USSD 2004 stated: "The Constitution prohibits arbitrary arrest and detention; however, authorities frequently violated these provisions, even in nonpreventive detention cases. The Constitution specifically allows preventive detention, with specified safeguards, and provides for the detention of individuals on suspicion of criminal activity without an order from a magistrate or a warrant." **[2d] (section 1d)**

PREVENTIVE DETENTION AND ITS LEGISLATIVE FRAMEWORK

5.31 As noted in USSD 2004 "The Government arrested and detained persons arbitrarily and used national security legislation such as the Special Powers Act (SPA) of 1974 to detain citizens without filing formal charges or specific complaints." The report continues:

"The law does not provide for the use of warrants in all cases. Section 54 of the Criminal Procedure Code and Section 86 of the Dhaka Metropolitan Police (DMP) Ordinance provide for the detention of persons on the suspicion of criminal activity without an order from a magistrate or a warrant, and the Government regularly arrested persons without formal charges or specific complaints. Both ordinances were misused during the year. Mass arrests, often politically motivated, continued to occur. According to Odhikar, in the Dhaka Metropolitan Area, a total of 4,126 persons were arrested from January through August of the year under Section 54 and another 58,722 under Sections 86 and 100 of the DMP Ordinance." **[2d] (section 1d)**

"Authorities used Sections 54 and 86 to detain persons on false charges as punishment for the expression of views critical of or different from the Government. On September 24 [2004], in Dhaka, police arrested large numbers of opposition party members prior to the opposition's planned public rallies on October 3. The High Court, following the filing of a petition from human rights NGOs, barred police from arresting any citizen under Section 86 until October 3; however, police continued to arrest persons under section 54." **[2d] (section 1d)**

"In April 2003, the High Court issued a directive that allowed legal representatives to visit those arrested under Section 54." **[2d] (section 1d)**

5.32 A Canadian IRB report of September 1998, 'Bangladesh: State Protection', informed that Section 107 of Code of Criminal Procedure (CrPC) permits preventive detention when the authorities deem there is strong likelihood of public disorder. Section 54 of CrPC authorizes any police officer to arrest "without an order from a magistrate or without a warrant…. any person ….concerned in any cognisable offence, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned". Section 54 of the CrPC lays down certain procedures to be observed once an arrest has been made. This includes that the accused must be produced before a magistrate within 24 hours, and that a magistrate must give prior permission if police want to hold a prisoner for longer. However, it is reported that despite these safeguards, Section 54 effectively allows the police to arrest anyone at any time for almost any reason, and is one of the most easily abused provisions in the Bangladesh legal system. **[3f] (p4)**

THE SPECIAL POWERS ACT (SPA)

5.33 The Special Powers Act (SPA) of 1974, as described in the September 1998 Canadian IRB report, gives the government powers to detain any person for an initial period of up to 30 days without a formal charge or specific complaint, to prevent him or her performing a 'prejudicial act'. A prejudicial act is broadly defined as "any act… likely to prejudice… the sovereignty and defence of the country, national security, public order or the economic or financial interests of the state". **[3f] (p5)** UNDP 2002 notes that the definition of 'prejudicial act', as provided in the Act, is vague and open to wide interpretation. Detention under SPA precludes the possibility of bail. **[8b] (p17)**

5.34 An Amnesty International Report entitled "Urgent need for legal and other reforms to protect human rights" dated May 2003 states: "Each year, thousands of people are arbitrarily detained under administrative detention laws which deny them access to judicial remedies. The most commonly used of these laws is the Special Powers Act, 1974 (SPA). The SPA overrides safeguards against arbitrary detention in excess of 24 hours in Bangladeshi laws. It allows the government not only to detain anyone without having to justify the detention before a court, but also to keep the detainee in prison initially for up to four months or, in certain cases, indefinitely, without charge." **[7a] (p2)**

5.35 USSD 2003 had noted:

"The magistrate must inform the detainee of the grounds for detention within 15 days, and the Ministry of Home Affairs must agree with the grounds presented for detention within 30 days or release the detainee. The Government does not have to charge the detainee with a statutory crime. In practice, detainees sometimes were held for longer periods. Detainees may appeal their detention, and the Government may grant early release… Detainees are allowed to consult with lawyers, although usually not until a charge is filed; however, they are not entitled to be represented by a lawyer before an advisory board. Detainees may receive visitors. In the past, the Government has held incommunicado prominent prisoners for extended periods of time. There were no such reports during the year [2003]. Historically, the vast majority of SPA detainees were released on orders from the High Court because the SPA cases

were so weak and vague that the court had no alternative but to grant bail." **[2b] (section 1d)**

USSD 2004 adds: "Under the SPA, the Government or a district magistrate may order a person detained for 30 days to prevent the commission of an act that could threaten national security; however, detainees were sometimes held for longer periods. In SPA cases, the magistrate must, by the 15th day, inform the detainee of the grounds of his detention, and an advisory board is supposed to examine the cases of SPA detainees after 4 months. Detainees had the right to appeal." **[2d] (section 1d)**

5.36 UNDP 2002 records that 90 per cent of preventative detention cases that came before the High Court between 1974 and 1995 were determined to have been made either 'illegally' or 'without lawful authority'; these detentions were challenged on the basis of *habeas corpus* petitions moved before the High Court under Article 102 of the Constitution and under Section 491 of CrPC. **[8b] (pp1 and 18)**

PRE-TRIAL DETENTION

5.37 USSD 2004 records: "A large judicial case backlog existed, and lengthy pre-trial detention was a problem" **[2d] (introduction)** USSD 2004 quotes a human rights organisation as stating that, of the total prison population of 76,148 in 2004, 52,137 were awaiting trial, 23,536 had been convicted and 36 had been detained without any charges. **[2d] (section 1c)**

5.38 BBC News reported on 5 January 2004 that the High Court had ordered the Government to reveal how many persons had been in prison for more than a year, awaiting trial. **[20aq]** USSD 2004 states: "During the year [2004], the Government submitted to the [High Court] a list that included 16 persons who had been in prison without trial for more than 11 years, 10 [for] over 10 years, 29 more than 9 years, 51 more than 8 years, 111 for more than 7 years, 238 for more than 6 years, 502 more than 5 years, 917 more than 4 years, 1,592 more than 3 years and 3,673 more than 2 years." On 3 August 2004, a High Court panel ordered the government to free on bail over 7,400 detainees who had been in prison, awaiting trial, for more than 360 days. **[2d] (section 1d)**

BAIL

5.39 USSD 2004 confirmed that there was a functioning bail system in the regular courts; under certain security and crime law, a non-bailable period of detention exists. **[2d] (section 1d)**

'SAFE CUSTODY'

5.40 UNDP 2002 noted: "Women and girls who are victims of, or witnesses to, violent offences are imprisoned in many cases on the grounds that they will be in 'safe custody' for their own protection. However, orders to place women in 'safe custody' are issued by magistrates solely exercising their judicial discretion, and do not have a basis in law. …Thus, the practice of placing women and girls in 'safe custody', against their will, is illegal, having no basis in any law, including the provisions of the Code of Criminal Procedure of 1898". **[8b] (p25)**

DEATH PENALTY

5.41 The Amnesty International (AI) Annual Report of 2005 (events of 2004) noted that Bangladesh retains the death penalty. **[7n]** The 2002 AI Annual Report recorded that after more than three years, the Government had resumed executions by hanging two men in February 2001. **[7g]** The 2003 AI Annual Report indicated that at least 87 people were sentenced to death in 2002, although no executions were reported to have been carried out. **[7i]** The 2004 AI Annual Report recorded that more than 130 men and women were sentenced to death in 2003 and that two men were hanged on 10 July 2003. **[7j]** As stated in the 2005 AI Annual Report, over 120 people were sentenced to death in 2004; seven people, including three policemen, were actually executed. **[7n]**

5.42 The *Daily Star* reported on 11 March 2004 that an execution by hanging was carried out on an offender who had raped and killed a seven-year old girl in 1995. **[38c]** In May 2004 it was reported in the press that Ershad Sikder, a man described as 'one of the most notorious serial killers in Bangladeshi history' was executed. **[20ad]** Agence France-Presse (AFP) reported on 2 September 2004 that two policemen had been hanged for the rape and murder of a teenage girl in 1995. **[23h]** A third policemen involved in the same incident was executed on 30 September 2004, notes an AFP report of that date. **[23i]** BBC News announced on 16 April 2005 that 22 people had been sentenced to death for the murder of an Awami League MP, Ahsan Ullah Master, and another man at a political function in May 2004. This was the highest number ever sentenced to death in a single case. Six others were given life sentences. **[20bg]**

5.43 *The Independent* (Bangladesh), on 16 October 2004, quoted sources at the Law, Justice and Parliamentary Affairs Ministry as saying that 14 convicts had been executed between 8 November 2001 and 8 August 2004. A total of 554 convicts who had been given the death penalty in various cases still remained in prison in 2004. In the 32 years since the country became independent, a total of 376 executions had actually been carried out – 247 of these in 1977. **[60a]**

INTERNAL SECURITY

5.44 A report of the Canadian Immigration & Refugee Board (IRB) published in September 1998 noted that the internal security establishment in Bangladesh consisted of the Police and four auxiliary forces: the paramilitary Bangladesh Rifles (BDR), the Armed Police, the Ansars and the Village Defence Party. The police and the two paramilitary forces, the BDR and Ansars, were primarily responsible for maintaining law and order. **[3f]** USSD 2004 noted that a new police unit, the Rapid Action Battalion (RAB), was created in 2004 to deal with violent criminal gangs. It is composed of personnel from different law enforcement and security agencies, including the military. **[2d] (introduction & section 1d)** USSD 2004 stated also: "The civilian authorities maintained effective control of the security forces … The Home Affairs Ministry controls the police and paramilitary forces, which have primary responsibility for internal security … The army is responsible for external security but also occasionally has been given domestic security responsibilities." **[2d] (introduction)**

5.45 The following information on the various auxiliary forces was obtained from the websites of the Rapid Action Battalion **[70]**, the Bangladesh Rifles **[72]** and the non-governmental website, 'Bangladesh Military Forces' **[71]** (all accessed in

September/October 2005), and the US State Department's 'Background Note: Bangladesh', as updated August 2005 **[2e]**:

Bangladesh Ansar: Originally formed in 1948, the Ansars are a lightly armed force under the direction of the Ministry of Home Affairs renders assistance to the police in maintaining law and order, participates in civic action projects in rural areas and acts in conjunction with the armed forces in the event of war. There are about 23,000 Ansars in battalions around the country. **[71]**

Bangladesh Rifles (BDR): The primary role of this paramilitary force is border control, including anti-smuggling and anti-trafficking activities. **[71]** The BDR has also been called upon to assist the police in various 'internal' operations, such as recovering illegal firearms and guarding election polling stations. **[72]** The BDR has 40,000 personnel, is under the authority of the Home Ministry and is mainly commanded by officers seconded from the army. **[2e] [72]**

Village Defence Parties (VDP): Established in 1976, the VDP is intended to consist of one platoon of male and one platoon of female members in each village of Bangladesh (32 members in each platoon). An urban version of the VDP, called 'Town Defence Party' (TDP), consists of a platoon in each urban 'ward'. The roles of a VDP include assisting the police and auxiliary units in maintaining law and order, co-operating with government agencies in social and economic reconstruction, and supporting the civil administration in the event of a natural disaster. **[71]**

Rapid Action Battalion (RAB): The Rapid Action Battalion was established in March 2004 as a special anti-crime strike force. It functions under the Ministry of Home Affairs and consists of personnel drawn mainly from the police and the armed forces. By August 2005 there were 10 RAB battalions, each with a planned strength of 688, stationed in the main urban centres of the country; each battalion included various specialist investigative units. RAB troops have reportedly received intensive commando training. **[70] [71]** A Freedom House report of June 2005 stated that RAB has, since its inception, pursued an aggressive strategy against criminal gang members that has led to a large number of killings in so-called 'crossfire' incidents **[65a] (p78)** – **see Section 6: Police and Army Accountability.**

(Note: 'Cobra' and 'Cheetah', sometimes referred to as 'Kobra' and 'Chita', are units within the Bangladesh Police. **[38aa]**

5.46 The Bangladesh Police is made up of 116,000 personnel serving under police divisions across the country and responsible to the Ministry of Home Affairs, according to the 'Bangladesh Military Forces' website (accessed 22 September 2005). **[71]** The 1998 Canadian IRB report, referred to above, noted that the police force is divided into gazetted and subordinate ranks, roughly analogous to commissioned and non-commissioned officers in the military. While the gazetted officers were said to be relatively well trained, well-paid and occupying important positions within the bureaucracy, the lower ranks were relatively poorly trained, poorly equipped, poorly paid and overworked. **[3f]** According to the website of the Rapid Action Battalion (accessed 21 September 2005), Bangladesh has one police officer per 1,200 population, compared to ratios of 1:728 for India and 1:625 for Pakistan. **[70]**

[See Section 6: Police and Army Accountability]

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PRISONS AND PRISON CONDITIONS

5.47 According to USSD 2004:

> "Prison conditions were extremely poor and were a contributing factor to some custodial deaths. During the year, 103 persons died in prison while 240 others died in the custody of police and other security forces, either in an encounter or in security forces' or police custody. All prisons were overcrowded and lacked adequate facilities. Government figures indicated that the existing prison population of 76,148 was nearly 300 percent of the official prison capacity of 25,823…In most cases, cells were so crowded that prisoners slept in shifts." **[2d] (section 1c)**

> "Juveniles were required by law to be detained separately from adults; however, in practice, due to a lack of facilities, many were incarcerated with adult prisoners. In April 2003, the High Court directed the Government to house accused juveniles apart from other prisoners and to transfer them to correctional homes expeditiously. The Court also directed the Government to include child rights' organization representatives on the list of nonofficial jail visitors. Pre-trial detainees were not held separately from convicted prisoners." **[2d] (section 1c)**

5.48 UNDP 2002 specified that there were then 80 prisons in the country, of which 16 were not currently functioning. The Ministry of Home Affairs, through the directorate of prisons, is responsible for their management. Overcrowding had already worsened significantly by 2002, due mainly to the large number of prisoners awaiting trial. Prisoners/detainees were accommodated either in separate cells or in 'association wards', which are dormitories accommodating about 100 to 150 individuals. Under dormitory rules, each prisoner is entitled to 36 sq. ft of floor space; however, overcrowding had reduced the space available per prisoner. In certain wards prisoners had to sleep in shifts owing to lack of space. Ordinary prisoners received 2,800 to 3,000 calories of food per day, considered satisfactory by the Institute of Public Health Nutrition; so-called "classified prisoners" received more. However, prisoners were often required to eat their meals sitting on the ground under the open sky, in all weathers. The striped, coarse uniform worn by ordinary prisoners was considered demoralising. Bedding, consisting only of two blankets, was inadequate, degrading and detrimental to physical and mental health. Prison authorities still followed statutes framed by the British colonial authorities in the 19th Century, the main objective of which was the confinement and safe custody of prisoners through suppressive and punitive measures. There was an absence of programmes for the reform and rehabilitation of offenders and vocational training programmes did not cater for all classes of prisoners. The recruitment and training procedures of prison officers was inadequate to facilitate the reform of prisoners. The number of medical doctors was disproportionate to the size of the prison population, and women prisoners were attended to by male doctors. There were no paid nurses in prison hospitals; literate convicts worked as hospital attendants. There were no trained social welfare officers or psychologists. Handcuffing and the use of fetters were used as punishment for breaches of prison rules. **[8b] (p79-89)**

5.49 USSD 2004 commented that women were detained separately from men but faced the same extremely poor conditions. **[2d] (section 1c)** United News of Bangladesh reported on 10 February 2004 that a new women's prison was being constructed at Kashimpur, near Dhaka. It will eventually accommodate 2,550 inmates. **[39f]** A United News article of 29 September 2004 noted also that a new prison was due to be opened in the district of Habiganj on 12 October 2004 – it has a separate accommodation building and separate hospital for women, as well as separate facilities for juveniles. **[39g]**

5.50 It is stated in USSD 2004: "In general, the Government did not permit prison visits by independent human rights monitors, including the International Committee of the Red Cross (ICRC). Government-appointed committees of prominent private citizens in each prison locality monitored prisons monthly but did not release their findings. District judges occasionally also visited prisons but rarely disclosed their findings." **[2d] (section 1c)**

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MILITARY SERVICE

5.51 War Resisters' International, published in 1998, notes that conscription has never existed in Bangladesh, although the 1952 Bangladesh Army Act does provide for the possible introduction of compulsory military service. **[13]** A State Party report, dated 14 July 2005, to the United Nations Convention on the Rights of the Child (UN CRC) states: "There is no provision for compulsory recruitment into the armed forces of Bangladesh." **[52b]** According to the website of the Coalition to Stop the Use of Child Soldiers (accessed 13 September 2004) the minimum age for voluntary recruitment in the army is 16 and there are indications that three per cent of government armed forces are under 18. **[35]** However, the UN CRC report of July 2005 indicates that the minimum age for voluntary recruitment in the Army and the Navy is 17 years, and 16 years for the Air Force. Because recruits initially undergo a period of basic training, there is no scope for any person to be employed for actual service or combat duty before attaining the age of 18. The minimum age for recruitment in the Bangladesh Rifles or the Ansar paramilitary force is 18 years. **[52b]**

MEDICAL SERVICES

5.52 The EIU Country Profile 2004 notes that the public sector provides more than 90 per cent of health services; in 2000 there were 31,872 hospital beds, 30,868 registered doctors, 17,446 registered nurses and 15,235 midwives in the public sector. Taking into account private-sector facilities, there was one hospital bed per 3,009 persons and one doctor per 4,205 persons. NGOs such as the Bangladesh Rural Advancement Committee also provide health services. The EIU Country Profile notes that access to medical services is more limited in Bangladesh than in neighbouring countries, that government health services are poor and that only about 12 per cent of serious cases are referred to public health services. **[40a] (p17)** The World Health Organisation's World Health Report 2004 estimates that per-capita expenditure on health services was US $12 in 2001. **[14c]**

5.53 The Government of Bangladesh has been operating a National Integrated Population and Health Programme (NIPHP), or Health and Population Sector

Programme (HPSP) informs WHO **[14a]** The health policy is directed at improving equity and accessibility to the Essential Services Package (ESP). **[14a]** Since 1997, USAID has funded the NIPHP employing a network of technical assistance organisations and local NGOs to deliver the Government's ESP. The USAID website, accessed on 12 September 2004, states: "The NGO Service Delivery Program (NSDP) supports 41 local NGOs to deliver an essential package of health services (ESP) including child health, maternal health care, reproductive health care, clinical and non-clinical family planning services, communicable disease control, tuberculosis, safe delivery including first aid emergency obstetric care, post-abortion care, and limited curative care. This network of NGOs works through 346 urban and rural clinics, nearly 8000 satellite clinics and almost 7000 female depot holders nationwide, serving approximately 17 per cent of the national population. Over 1.5 million customers are served each month." **[17]**

5.54 Prior to 1957 there were no psychiatric services in Bangladesh, comments the WHO Project Atlas report of 2005. The first mental hospital opened in 1957. At present, mental health care is provided at the primary level by primary care physicians and health workers, at the secondary level by district hospitals, though only one hospital is equipped to provide the services, and at tertiary level by teaching hospitals. Of the 14 drugs for psychiatric treatment listed in the WHO Project Atlas survey, only three were not available in Bangladesh. **[14b]** The British High Commission in Dhaka commented in November 2003: "As requested we have made enquiries into the provision of psychiatric care in Bangladesh. We have been advised by doctors working here that there are practising psychiatrists here who trained in the UK. While that standard of care provided in government hospitals is not necessarily fully up to UK standards, most doctors also run high quality private practices where fees are minimal compared with the UK." **[11f]**

5.55 A State Party report of 3 January 2003 to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) notes that life expectancy at birth increased from 56 during 1990-1995 to 58 during 1995-2000 for both males and females. The Infant Mortality rate declined from 92 per-thousand in 1991 to 62 per-thousand in 2000. **[47b] (p4)**

5.56 According to the UNAIDS website, when accessed on 19 September 2004, Bangladesh is a country with low HIV prevalence but high 'vulnerability'. Bangladesh has documented the lowest condom use, very high numbers of clients of sex workers, low knowledge of HIV/AIDS, and extensive needle/syringe sharing by drug users in the region. In spite of this, national commitment to HIV/AIDS prevention and care is high. UNAIDS comments that Bangladesh has the key ingredients for a successful response, a nationwide network of NGOs implementing effective interventions, effective examples of government organisation/NGO collaboration, a sector-wide approach to health with mechanisms for donor collaboration, an enabling multi-sectoral policy, and a strong commitment from the government as well as civil society. **[36a]** The UNAIDS website, on 19 September 2005, noted that a National Strategic Plan for the period 2004-2010 had been developed in 2004 to coordinate and fund a national response to HIV. It had been estimated that, by end-2003, between 2,500 and 15,000 people in Bangladesh were living with HIV. **[36b]**

5.57 In October 2003 it was announced by Espicom Business Intelligence that Beximco Pharmaceuticals Limited, one of Bangladesh's leading pharmaceutical

manufacturers, had formally launched five high specification anti-retroviral drugs. This was the first time a local company had manufactured such drugs using its own resources. The drugs in question were Diavix (zidvudine + lamivudine), Avifanz (efavirenz), Avifix (nelfinavir), Triovix (lamivudine + zidovudine + nevirapine) and Avilam (lamivudine), all available in tablet form. **[28]**

PERSONS WITH DISABILITIES

5.58 USSD 2003 had stated:

"The law provides for equal treatment and freedom from discrimination for persons with disabilities; however, in practice, persons with disabilities faced social and economic discrimination. The Bangladesh Persons with Disability Welfare Act provides for equal rights for disabled persons. The act focuses on prevention of disability, treatment, education, rehabilitation and employment, transport accessibility and advocacy. For the first time, the Government appointed a few disabled persons to official positions during the year [2003]. The National Forum of Organizations Working With the Disabled, an umbrella organization consisting of more than 80 NGOs working in various fields of disability, estimates that approximately 14 percent of the country's population had some form of disability. The economic condition of most families limited their ability to assist with the special needs of a person with disabilities, and superstition and fear of persons with disabilities sometimes resulted in their isolation." **[2b] (section 5)**

USSD 2004 added:

"The Ministry of Social Welfare set up a task force, composed of government officials and members of NGOs, who adopted an action plan at year's end to improve the overall welfare of the disabled…Government facilities for treating persons with mental handicaps were inadequate. Several private initiatives existed in the areas of medical and vocational rehabilitation, as well as employment of persons with disabilities. During the year, at least four visually impaired persons were hired for government jobs." **[2d] (section 5)**

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EDUCATION SYSTEM

5.59 After independence in 1971, the Bangladesh Constitution recognised the need for basic education as a fundamental human right. Provision of such education was thought to be a state responsibility and the state nationalised 36,000 private schools, according to a paper prepared for the European Network of Bangladesh Studies Workshop (ENBSW) in May 2000. **[33]**

5.60 The Bangla2000 website informs that education is divided into four levels: Primary (from grades 1 to 5), Secondary (from grades 6 to 10), Higher Secondary (grades 11 to 12) and Tertiary. In 1998 there were about 52,000 primary schools and 11,000 secondary institutions. The language of tuition in state schools is Bangla. A number of private schools provide an English medium education and offer 'O' and 'A' level courses. **[26a]** There is also a Madrassa system which emphasises an Islamic religious education. A report published by APCSS in 2004 noted that there were, in 2000/1, some 13,400

madrassas in Bangladesh, of which about 6,900 were state-funded. Approximately 3,340,000 pupils attended madrassas. **[27a] (p105 and 107)** A BBC News article of 25 February 2005 commented that there were then nearly 8,000 madrassas registered with the government and perhaps 'tens of thousands' of others set up unofficially and outside government control. **[20aw]** United News of Bangladesh, in a report of 4 March 2005, stated: "There are 2.5 lakh (250,000) teachers in around 27,000 Ebtedayi, Dakhil, Alim and Kamil madrassas, with 40 lakh (4,000,000) students across the country." **[39z]**

5.61 The government provides free schooling for children of both sexes for eight years, states Europa South Asia 2005. Primary education is compulsory and begins at six years of age and lasts for five years. Secondary education begins at the age of eleven and lasts for seven years. **[1b] (p119)**

5.62 The EIU Country Profile 2004 notes that the level of enrolment in primary schools increased substantially in the 1990s; the number of primary school children increased from 12.0 million in 1990 to 17.7 million in 2001, and the proportion of female students rose from 44.7 per cent to 49.1 per cent over the same period. Secondary education is provided largely by the private sector; in 2001 there were 16,095 secondary schools with 7.7 million students, of whom 53 per cent were female. **[40a] (p17)**

5.63 There are 13 state universities and 138 technical colleges, states Europa South Asia 2005. There is also an Islamic university. **[1b] (p119)**

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6. Human Rights

6.A HUMAN RIGHTS ISSUES

OVERVIEW

6.01 Bangladesh is party to most of the principal United Nations international human rights treaties. The United Nations High Commissioner for Human Rights website (as updated 9 June 2004) notes that these include: the International Covenant on Economic, Social and Cultural Rights (CESCR), date of accession 5 January 1999; the International Covenant on Civil and Political Rights (CCPR), date of accession 6 December 2000; the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), date of accession 11 July 1979; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), date of accession 6 December 1984; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP), date of ratification 22 December 2000; the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), date of accession 4 November 1998; the Convention on the Rights of the Child (CRC), date of ratification 2 September 1990; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC), date of ratification 12 February 2002; the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OP-SC), date of ratification 18 January 2002; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC), signatory only 7 October 1998. **[8a]**

6.02 According to the US State Department Report 2004 (USSD 2004), published 28 February 2005:

"The Government's poor human rights record worsened, and the Government continued to commit numerous abuses. Security forces committed a number of extrajudicial killings. The police; the paramilitary organization, Bangladesh Rifles (BDR); the auxiliary organization, Ansar; and the military deputed to the RAB used unwarranted lethal force. Police often employed excessive, sometimes lethal, force in dealing with opposition demonstrators, and police and RAB personnel routinely employed physical and psychological torture during arrests and interrogations. Prison conditions were extremely poor and were a contributing factor in some deaths in custody. Police corruption remained a problem. Nearly all abuses went unpunished, and the climate of impunity, reinforced by 2003 legislation shielding security forces from legal challenge of their actions, remained a serious obstacle to ending abuse and killings. Violence, often resulting in deaths, was a pervasive element in the country's politics. Supporters of different political parties, and often supporters of different factions within one party, frequently clashed with each other and with police during rallies and demonstrations. Press reports of vigilante killings were common. A large judicial case backlog existed, and lengthy pretrial detention was a problem. Police searched homes without warrants, and the Government forcibly relocated illegal squatter settlements. Virtually all journalists practiced some self-censorship. Attacks on journalists and efforts to intimidate them by government officials, political party activists, and others

increased. The Government limited freedom of assembly, particularly for political opponents, and on occasion, limited freedom of movement. Violence and discrimination against women remained serious problems, as did trafficking in women and children for the purpose of prostitution and at times for forced labor. Abuse of children and child prostitution were problems. Religious freedom was restricted, and societal discrimination against religious minorities, persons with disabilities, and indigenous persons, was a problem. The Government limited worker rights, especially in the Export Processing Zones (EPZs), and child labor and abuse of child workers remained widespread." **[2d] (introduction)**

6.03 The Kyodo News Service reported on 31 December 2003 that:

"A total of 436 people were killed and 6,281 others injured this past year [2003] in political violence and incidents of human rights violations across Bangladesh, according to a report released [the same day] by the human rights group Odhikar. The report showed that 90 people died in jails and police custody while 81 others were killed at the hands of law-enforcing agencies. It said that a total of 477 children were killed, 339 injured, 494 raped, 308 abducted and 46 arrested across the country during the outgoing year [2003]. In addition, some 61 children fell victims to acid attacks and 130 others to trafficking while 101 committed suicide. A total of 1,336 children and women were raped, of whom 142 were killed after being raped and 17 committed suicide. The report revealed that a total of 337 people fell victims [sic] to acid throwing and 384 to dowry. Of the total, 261 were killed and 85 others were tortured. Apart from these figures, 65 journalists were injured, 19 arrested, 41 assaulted and two abducted, the group said. In the Chittagong Hill Tracts, a total of 43 people were killed, 99 injured, 77 arrested, 154 kidnapped and 21 raped in the past year [2003], the report said. The group said it compiled the report by picking up articles in national dailies." **[6]**

USSD 2004 quoted the following comparative figures for 2004, from Odhikar:

"Odhikar's press monitoring report found that a total of 526 persons were killed, approximately 6,235 persons were injured, and 2,918 were arrested for political reasons during the year [2004]… The Odhikar figure for arrests for political reasons did not include the mass arrests from April [2004]." **[2d] (section 1d)**

6.04 As noted in USSD 2004:

"A wide variety of domestic and international human rights groups generally operated independently and without government restriction, investigating and publishing their findings on human rights cases. While human rights groups were often sharply critical of the Government, they also practiced self-censorship, particularly on politically sensitive cases and subjects. The Government pressured some individual human rights advocates by filing false allegations against them or by delaying re-entry visas for international human rights activists. Missionaries who advocated on behalf of human rights faced similar problems. A few human rights activists reported harassment by the intelligence agencies…" **[2d] (section 4)**

"During the year, the Government drafted legislation to impose stricter control on NGOs and prevent them from engaging in political activities. The

Government, however, withdrew a draft bill from Parliament following protests by some NGOs and objections from some development partners." **[2d] (section 4)**

(See also Section 6C – Treatment of Human Rights NGOs**)**

6.05 An Amnesty International Report entitled "Urgent need for legal and other reforms to protect human rights" dated May 2003 comments: "The failure of successive governments to address human rights violations in a consistent and effective manner points to the desperate need for an independent, impartial and competent human rights watchdog in the country – such as a National Human Rights Commission (NHRC). Human rights defenders and the international community have been urging Bangladeshi governments to set up a NHRC. Both the previous Awami League government and the present BNP government have acknowledged the necessity for its formation, but neither have taken the appropriate action to establish it." **[7a] (p11)** An article of 26 July 2004, from United News of Bangladesh, quoted the Minister of Law, Justice and Parliamentary Affairs as saying that a bill to facilitate the establishment of an independent Human Rights Commission was currently with the relevant cabinet committee for vetting. **[39c]**

USSD 2004 confirmed: "Despite its election pledge and repeated public announcements, the Government did not enact legislation [in 2004] establishing an independent National Human Rights Commission." **[2d] (section 4)**

6.06 An article dated 28 February 2005 on the website of Time (Asia) noted that the Bangladesh Government was 'finally starting to crack down on Islamic extremism'. The article observed:

"For three years, a wave of bombings, assassinations and religious violence has swept Bangladesh. Members of the militant Jagrata Muslim Janata Bangladesh (J.M.J.B.) in the north have claimed responsibility for the bombings of cinemas and cultural shows, and for the killing of scores of Hindus and Buddhists as well as Muslims they considered too lax. A campaign of assassinations by bombs saw failed attempts last year on British High Commissioner Anwar Choudhury and opposition leader Sheikh Hasina, and a successful bid on Jan. 27 [2005] to kill senior opposition figure Shah Abu Mohammed Shamsul Kibria." **[54b]**

"Yet until very recently, Bangladeshi officials flatly denied that the country was a hotbed of militancy and violence. 'We have no official knowledge of the existence of J.M.J.B.', State Minister for Home Affairs Lutfozzaman Babar told reporters on Jan. 26 [2005]." **[54b]**

"Last week [circa 23 February 2005], however, the government dramatically changed its strategy. Police announced the arrest of scores of suspected militants in two days; they allegedly included several in possession of explosives and bomb-making equipment, as well as a professor of Arabic named Mohammed Asadullah Al Galib whom Bangladeshi authorities have accused of having ties to militants in the Middle East and Asia. Officials also banned Jama'atul Mujahideen Bangladesh (J.M.B.) and the suddenly acknowledged J.M.J.B., accusing these two organizations of 'a series of murders, robberies, bomb attacks, threats and various kinds of terrorist acts,' and of 'trying to create social unrest by misleading a group of youths and abusing their religious sentiments.' Police are still looking for Azizur Rahman

[a.k.a. Siddiqul Islam, alias 'Bangla Bhai'], the man they claim is the J.M.J.B.'s [operational] leader." **[54b]**

(See also Section 4 History **and Annex B** Political Organisations**)**

The Time article further commented that radical Islam may already have become entrenched in Bangladesh as a result of the government's delay in taking action. Time noted that critics of the government remained unconvinced of the government's commitment to curbing militancy and prosecuting radicals. **[54b]**

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TORTURE

6.07 USSD 2004 states:

"The Constitution prohibits torture and cruel, inhuman, or degrading punishment; however, police and the RAB routinely employed physical and psychological torture as well as cruel, inhuman, and degrading treatment during arrests and interrogations. Torture consisted of threats and beatings, and the use of electric shock. According to the Bangladesh Rehabilitation Center for Trauma Victims, there were 1,959 victims of torture and 42 deaths due to torture by security forces during the year … Another human rights organization, Ain-O-Shalish Kendro (ASK), reported 26 deaths due to torture during the year. The Government rarely charged, convicted, or punished those responsible, and a climate of impunity allowed such police abuses to continue." **[2d] (section 1c)**

According to an Amnesty International Report entitled "Torture and impunity", dated November 2000:

"Torture has been widespread under successive governments. Neither governments nor the opposition parties past and present have shown serious determination to confront the practice and prevent it." **[7c] (introduction)**

"There is a shared consensus amongst human rights defenders in Bangladesh that torture is a product of political corruption, illiteracy, underdevelopment and poverty…Political parties are hardly interested in the violation of the human rights of the people who are not their members." **[7c] (section 9)**

"Governments in Bangladesh have been keen to maintain old legislation that facilitate torture or to enact new laws which effectively serve the same function. One such legislation is Section 54 of Bangladesh Code of Criminal Procedure (BCCP) 1898, which allows the police to arrest anyone without a warrant of arrest and keep them in detention for 24 hours." **[7c] (section 7.2)**

Amnesty International's 2004 Annual Report (covering events of 2003) commented: "Torture remained widespread…The government failed to implement safeguards against torture. Victims included suspected criminals, children and people detained on politically motivated grounds. At least 13 people died in police custody. The police reportedly denied allegations that their deaths were the result of torture." **[7j] (p1)**

6.08 The Bangladesh Rehabilitation Centre for Trauma Victims (BRCT), in their report 'Human Rights Situation of Bangladesh 2003', reported that law enforcement agencies (including the police, paramilitaries and the Army) in Bangladesh tortured 1,296 people, in 419 'occurrences', during 2003. Police personnel were responsible for most of these incidents. The report specified: "As method of torture they used sticks, rifle butts, bullet, tear shell, verbal abuses, slapping and kicking"(sic). **[63]**

6.09 The Redress Trust, a UK-based NGO, produced a report in August 2004 titled 'Torture in Bangladesh 1971-2004'. The report observed, *inter alia*, that:

Bangladesh has ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Covenant on Civil and Political Rights (CCPR), but numerous reports suggest that the practice of torture continues unabated and that there is near complete impunity for perpetrators. **[34] (Introduction)**

The main perpetrators of torture and other forms of ill-treatment appear to be the law-enforcement agencies, and the police in particular. The Army and paramilitaries, notably the Bangladesh Rifles (BDR), have also reportedly employed torture in the course of operations. Armed groups associated with political parties, as well as dissident groups from the Chittagong Hill Tract, have used torture in some instances. It appears that the practice of torture has perpetuated since 1971, regardless of which government was in power. **[34] (section II C)**

Ill-treatment, which may amount to torture, is frequently used by the police in the course of criminal investigations, and also as a tool to extract money from detained suspects and their families. Political opponents have reportedly been subjected to ill-treatment and torture under various governments; during times of unrest there has been a marked increase in institutional violence against journalists, demonstrators, opposition members, etc. Members of religious minorities have been subjected to ill-treatment and have been targeted by extremist groups. There is a high incidence of violence against women. **[34] (section II C)**

Reasons for the prevalence of torture include high levels of corruption, a long practice of using violence for political ends, poor training of police, and inadequate legal safeguards. **[34] (section II C)**

Torture is expressly prohibited in Article 35(5) of the Constitution. Public officials (including police officers) who commit certain acts amounting to torture can be prosecuted – and imprisoned – under various sections of the Penal Code or, where applicable, under the Dhaka Metropolitan Police Ordinance or the Police Act. (Offences of rape or sexual harassment are tried by the Suppression of Violence against Woman and Children Tribunals.) **[34] (section III B ii)**

There are no comprehensive official statistics on the number of torture-related complaints filed with magistrates (or the police) and subsequent action taken. A large number of cases remain unreported. Some complaints are withdrawn due to police pressure, including offers of money to victims to drop their claims. Only a few prosecutions of perpetrators have been successful; inadequate investigations and difficulty in finding witnesses and obtaining medical evidence

are cited as problems. There have, apparently, been several instances of out-of-court settlements in torture cases. **[34] (section IV B)**

The High Court is competent to award compensation or reparation to citizens whose Constitutional rights have been violated – including victims of torture – and to initiate criminal proceedings against the perpetrators. **[34] (section III B ii)**

Bangladeshi laws provide that certain groups of public officials are immune from prosecution for certain offences committed in discharge of their duties. There is also specific legislation [the Joint Drive Indemnity Act] that provides immunity to members of the security forces for human rights violations committed in the course of 'Operation Clean Heart' (16 October 2002 to 9 January 2003). **[34] (section IV B i)**

Specialist treatment is available to torture victims through non-governmental rehabilitation centres – the Bangladesh Rehabilitation Centre for Trauma Victims (BRCT) and the Centre for Rehabilitation of Torture Survivors, Bangladesh (CRTS.B). **[34] (section III B ii)**

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POLITICALLY-MOTIVATED DETENTIONS

(See also Section 5 Legal rights/detention**)**

6.10 USSD 2004 notes: "The Government stated that it held no political prisoners; however, opposition parties and human rights monitors claimed that many political activists were arrested and convicted for unfounded criminal charges." **[2d] (section 1e]** USSD 2004 adds: "It was difficult to estimate the total number of detentions for political reasons. Many activists were charged with crimes, and many criminals claimed to be political activists. Most such detentions appeared to last for several days or weeks, and defendants in most cases received bail; however, dismissal of wrongful charges or acquittal took years." **[2d] (section 1d]**

6.11 USSD 2004 adds:

"Arbitrary arrests were rampant during the year. The Government sometimes used serial detentions to prevent the release of political activists. **[2d] (section 1d]**

"The Government frequently used Sections 54 and 86 to harass and intimidate members of the political opposition and their families. Police sometimes detained opposition activists prior to and during demonstrations without citing any legal authority, holding them until the event was over. On April 18 [2004], police conducted a mass arrest drive to undermine the AL's efforts to unseat the Government. Police arrested over 10,000 persons in reaction to the AL's campaign to unseat the Government. According to media reports, courts handed down some short prison sentences without giving the detainees the opportunity to defend themselves, but most were eventually released." **[2d] (section 1d]**

6.12 USSD 2003 noted that "In March 2002, Home Minister Altaf Hossain Chowdhury said the Government had released 11,706 persons in politically motivated cases since the BNP came to power in 2001. In April 2002, the PSA Repeal Law came into effect and gave the Government authority to determine

which cases filed under the SPA law would be withdrawn and which ones would be pursued." **[2b] (section 1e)**

6.13 The *Daily Star* of Bangladesh reported on 20 April 2004: "Police and paramilitary Bangladesh Rifles (BDR) yesterday cracked down on the activists of Awami league (AL) and workers of Proshika, a non-government organisation, arresting at least 1,363 of them to foil the AL's programme to lay siege to Hawa Bhaban tomorrow." The arrests took place during a concerted Awami League programme of public demonstrations to attempt to unseat the government; 'Hawa Bhaban' is where the offices of the Bangladesh National Party (BNP) are situated. The Commissioner of the Dhaka Metropolitan Police was quoted as saying: 'It is nothing new. We are conducting routine raids to keep law and order under control'. **[38g]** On 23 April, the *Daily Star* informed: "Blanket arrests continued to smother Dhaka yesterday ahead of the Awami League's April 30 deadline for unseating the government, while anxious relatives thronged jail gates with bail documents for the release of the 'victims of mindless political manoeuvring'." Hundreds more people had been arrested since 20 April; police were said to have 'picked up' at least 5000 people arriving at bus, train and launch terminals and sent 2,910 of them to the already overcrowded Dhaka Central Jail. At the same time, 815 people had been released from the prison by the evening of 22 April. **[38h]** The *Daily Star* then reported on 27 April 2004: "The government yesterday apparently stopped mass arrests and asked the police not to harass the innocent, after more than 15,000 people were arrested in an eight-day dragnet." **[38i]**

6.14 The Amnesty International 2004 Annual Report (events of 2003) stated: "Following repeated High Court orders and international appeals, some prominent political detainees were released in January [2003]. They included human rights defenders Shahriar Kabir, Professor Muntasir Mamun and Saleem Samad, as well as Awami League leaders Bahauddin Nasim, Saber Hossain Chowdhury and Tofael Ahmed. However, they continued to suffer harassment and threats of detention. …In June [2003], warrants of arrest were issued against Mahfuz Anam, editor and publisher of the *Daily Star* newspaper; Matiur Rahman, editor of the *Prothom Alo* daily newspaper; and Abdul Jalil, Secretary General of the Awami League. A senior government official had brought a criminal defamation case against them after publication of a letter in which Abdul Jalil criticized the nomination of the official to an executive post in an international organization. They were not detained but the arrest warrants remained pending." **[7j]**

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POLICE AND ARMY ACCOUNTABILITY

(See also Section 6 Torture**)**

6.15 USSD 2004 states:

"The RAB [Rapid Action Battalion] and security forces committed human rights abuses and were rarely disciplined, even for egregious actions. Police were often reluctant to pursue investigations against persons affiliated with the ruling party, and the Government frequently used the police for political purposes. Members of the security forces committed numerous serious human rights abuses." **[2d] (introduction]**

As cited in the same report: "During the year [2004], there were an increased number of killings by security personnel ... Nearly all abuses went uninvestigated and unpunished. The resulting climate of impunity remained a serious obstacle to ending abuse and killings. In the few instances where charges were levied, punishment of those found guilty was predominantly administrative. According to press reports, the RAB killed 79 persons during the year in an ongoing anticrime operation. There were also reports of crossfire deaths at the hands of police. The deaths, all under unusual circumstances, occurred while the accused were in custody and during police operations; however, the Government described the deaths of some identified criminals as occurring in crossfire between the RAB and crime gangs." **[2d] (section 1a]**

6.16 Notes the Freedom House report of June 2005, titled 'Countries at the Crossroads 2005: A Survey of Democratic Governance':

"A recent and disturbing manifestation of law enforcement without accountability has been the creation of the RAB [Rapid Action Battalion]. The RAB's main task is to track down and apprehend criminal elements who have created an atmosphere of insecurity throughout the country. The RAB since its inception has pursued an aggressive strategy against criminal gang members that has led to a large number of killings in so-called crossfire after people have been arrested.

These crossfire custodial deaths are viewed by human rights groups as a form of extrajudicial execution arising from lack of civilian oversight of the RAB. These extrajudicial executions have generated serious disquiet within the political opposition as well as among civil society and have now drawn the attention of the international community as well. However, arbitrary action by law enforcement agencies can still be subject to the rule of law through reference to the higher judiciary, who have frequently intervened to curb arbitrary behavior." **[65a] (p78)**

EIU January 2005 relates that, in the second half of 2004, an estimated 147 people were killed by the Rapid Action Battalion in 'cross-fire' during operations to recover illegal firearms. According to the report, it was widely believed (by the public) that most of those killed were notorious or wanted criminals. EIU notes: "These extra-judicial killings routinely made headlines, drawing widespread criticism from civil society organisations, as well as the opposition Awami League. However, the government remained indifferent to the criticism as the law-and-order situation seemed to improve as a result of force of arms." **[40b] (p15)**

6.17 On 18 July 2005 the *Daily Star* reported that the law enforcement agencies had killed 378 people in so-called 'crossfire' (or 'encounter' or 'shootout') incidents since June 2004. Of these, 245 people had died in police actions, 116 were killed by the Rapid Action Battalion (RAB), 12 by 'Cobra' and 'Cheetah' (special police units) and five by joint forces. While the authorities had referred to those killed as known criminals (who had fired first or were attempting to flee), the *Daily Star* asserted that the victims of 'crossfire' also included several people who had no police record. The article stated: "The law enforcers…have been relentless in their attempts to show the innocent victims of crossfire as criminals by coming up with false criminal records against them. But investigations by newspapers have nullified the claims by the law enforcers while corroborated

those of the victims' families." **[38aa]** Amnesty International, in their Annual Report 2005 (covering events of 2004) stated:

"At least 147 people reportedly died during the year [2004] in what the government portrayed as deaths in crossfire between the special security force known as the Rapid Action Battalion (RAB) and suspected criminals. There were concerns that the deaths, which usually occurred in desolate locations after the arrest of suspects, were deliberate killings by the RAB. Opposition parties alleged their members were most frequently targeted, but the government denied this." **[7n]**

United News of Bangladesh and BBC News, on 11 May 2005, quoted the Minister for Home Affairs as saying that there would be an 'executive inquiry' into every 'encounter' incident involving the Rapid Action Battalion or the police and that legal action would be taken if there was found to have been any wrongdoing. The BBC News article noted that US and European Union officials had expressed serious concern over what they feared may be extra-judicial killings. **[20bi][39aa]** In comments submitted to the Advisory Panel on Country Information on 8 September 2005, UNHCR referred to an article in the *Prothom Alo* newspaper on 17 July 2005, which stated that the executive authority had so far investigated 65 incidents involving deaths in 'crossfire' and had found justification for such action by the Rapid Action Battalion. This 'so-called investigation' had been severely criticised by human rights groups. **[67b]** The Asian Human Rights Commission, an independent NGO, commented in a statement issued on 19 July 2005 that impartiality in the official enquiry remained at issue if the law enforcement agencies who were involved in many of the incidents were now designated to investigate those incidents. **[66a]**

6.18 A study published in 2002 by Transparency International (TI), titled 'Corruption in Bangladesh: A Household Survey', found that 84 per cent of those respondents who had dealings with the police claimed to have encountered corruption; in most cases this pertained to bribery. **[42a] (pp52-58)** According to the 'Summary Findings' of the 2005 TI Household Survey: In relation to the Police department, 92 per cent of respondent households who had lodged an FIR (First Information Report) at a police station had to pay an average of 2430 taka in bribes; 91 per cent of households who registered a GD (General Diary) complaint at a police station had to pay 939 taka on average as bribes; 80 per cent of households who needed clearance certificate from police had to pay an average amount of 881 taka as a bribe; 71 per cent of the 'accused' had to pay bribes at the rate of 5718 taka. (The full findings of this report were not yet available in English by August 2005.) **[42c]**

6.19 The British High Commission in Dhaka, in a letter dated 1 October 2004, described how citizens can proceed if the police refuse/decline to investigate a particular complaint or to file a criminal case: "Lawyers working for the respected Human Rights NGO, Odhikar, have advised that in such a case an individual can petition a magistrate. If the magistrate agrees with his [or her] claim, the magistrate can then direct the police to accept the case. [The British High Commission has also] heard the same from another Human Rights NGO, the 'Human Rights Congress for Bangladeshi Minorities'." **[11h]**

6.20 An article in The Hindu newspaper of 27 February 2003 noted that the Bangladesh Parliament had passed a controversial indemnity bill titled, 'Joint Drive Force Indemnity Ordinance 2003'. The law gives members of the joint

security forces immunity from legal proceedings in civil courts for their actions during the countrywide 'Operation Clean Heart' anti-crime drive between 16 October 2002 and 9 January 2003. **[21b]**

6.21 The *Daily Star* of Bangladesh reported in November 2003: "After 25 years in service, 302 police officers from inspectors down were forced into retirement on October 7 in the latest in a spate of massive layoffs and transfers in the department since the government changeover in October 2001 … Home Ministry sources said some 12,000 policemen will be recruited – 5,000 to fill the vacancies and rest for the 7,000 new posts to be created … According to police records, 19,622 policemen were punished for corruption and other crimes last year, up from 16,913 in 2001 ... By contrast 14,069 policemen were rewarded for good performance last year." **[38a]** The human rights NGO, 'Odhikar', in their 2003 report 'Police Reform in Bangladesh – An Agenda for Action', confirmed that 19,620 police officers had been subject to disciplinary action in 2002 – of those, 1,776 cases were listed under 'major punishment' and 17,844 under 'minor punishment'. **[46a]**

6.22 Agence France-Presse reported that three policemen were hanged in September 2004 for the rape and murder of a 14-year-old girl in 1995. **[23h] [23i]** In October 2004 a Dhaka court sentenced three former army officers to death for their roles in the murder of four senior Awami League politicians in Dhaka Central Jail on 3 November 1975, recorded EIU January 2005. **[40b] (p14)** An article in the *Daily Star* of 10 March 2005 indicated that 107 officers of the Rapid Action Battalion had faced criminal or disciplinary action for various offences, such as bribe-taking, since June 2004. **[38ab]**

6.23 BBC News reported on 14 December 2004 that the Inspector General of Police [head of police in Bangladesh] had left his job after he had been found guilty on a charge of contempt of court. Home Ministry officials said that he had 'lost the right to function as police chief after the court verdict' – under Bangladeshi law, a public servant automatically loses their job if found to have committed certain criminal offences. **[20au]**

6.24 An article dated 12 January 2005, on the website of the Bangladesh National Women Lawyers Association (BNWLA), quoted United News of Bangladesh as follows:

"A far-reaching police reform project titled 'Strengthening Bangladesh Police' has been launched to improve the law and order situation. The Ministry of Home Affairs launched the project yesterday in co-operation with the United Nations Development Programme (UNDP) and the UK Department for International Development (DFID). The three-year project, involving [US]$13 million, aims at improving performance and professionalism at all levels of the police force. It will focus on crime prevention through better engagement with the community, investigation, operation and prosecution, human resource management, training and strategy and oversight, including clear performance target. Of the 115,500 police in Bangladesh, only 12 percent are women, said a UNDP press release." **[39p]**

6.25 According to the June 2005 Freedom House report:

"The military, by and large, tend to be free of the influence of nonstate actors and have in the post-1991 situation attempted to avoid being drawn into the

political disputes of the major political parties. The internal security services also tend to be immune from outside political influence. The police, on the other hand, are known to build alliances with both commercial and criminal interests." **[65a] (p80)**

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FREEDOM OF SPEECH AND THE MEDIA

6.26 USSD 2004 notes: "The Constitution provides for freedom of speech and press, subject to what it deemed reasonable restrictions in the interest of security, friendly relations with foreign states, public order, decency and morality, or to prohibit defamation or incitement to an offense; however, in practice, the Government limited these rights." **[2d] (section 2a)**

6.27 The BBC News 'Country Profile: Bangladesh' (updated 8 June 2005) notes that "The main broadcast media in Bangladesh – Radio Bangladesh and Bangladesh Television – are state-owned and favourable to the government. Little coverage is given to the political opposition, except in the run-up to general elections when a caretaker government takes control. …Although Bangladesh Television remains the country's sole terrestrial TV channel, private satellite-delivered TV stations [such as 'ATN Bangla' and 'Channel i'] have established a presence." [20am] The website of Population Concern informs that there were, in 1995, only seven television sets-per-thousand people in Bangladesh (compared with 612 per-thousand in the UK). **[49]** According to Country-Data com, statistics from the early 1980s indicated that about 29 per cent of the country's urban households had radios at that time. **[48]**

6.28 USSD 2004 notes:

"There were hundreds of both daily and weekly publications. Most newspapers reported critically on government policies and activities, including those of the Prime Minister. In addition to an official government-owned news service, there was one private news service affiliated with a major international company." **[2d] (section 2a)**

"Newspaper ownership and content were not subject to direct government restriction; however, the Government was able to influence journalists because it sponsored advertising and allocated cheap newsprint, central to the viability of many newspapers. Unlike in previous years, commercial firms were not as reluctant to advertise in newspapers critical of the Government. The Government owned and controlled most radio and television stations, and most of these stations focused the bulk of their coverage on the Government. Opposition party news often received little coverage in the government-owned media." The Ministry of Information authorized one private radio station and three private television stations. Cable operators generally functioned without government interference; however, all private stations were required to broadcast, without charge, some government news programs and speeches by the Prime Minister and the President as a condition of operation." **[2d] (section 2a)**

"Foreign publications and films were subject to review and censorship." **[2d] (section 2a)**

"The Government did not directly restrict citizens' access to the Internet." **[2d] (section 2a)**

"The Government used censorship most often in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, and for objectionable comments regarding national leaders." **[2d] (section 2a)**

"The Government did not limit academic freedom; however, research on sensitive religious and political topics was not encouraged." **[2d] (section 2a)**

6.29 The International Federation for Human Rights (FIDH), in a report on their fact-finding mission of December 2004, detailed a number of means by which the Bangladeshi authorities indirectly limit freedom of expression in the media:

Legislative: The FIDH report states: "Although the Constitution enshrines the right to freedom of expression, Bangladesh presents the worrying peculiarity of multiplying seemingly overlapping pieces of legislation which all converge to impose serious restrictions on freedom of expression, as well as to access to information. Furthermore, an unfortunate practice has developed, whereby defamation cases are filed immediately, allowing for the immediate detention of the journalist concerned, irrespective of the veracity of his/her report. This creates tremendous pressure on both media outlets and individual journalists." The FIDH report examines the various pieces of legislation relevant to the media.

Commercial: For example, the authorities can limit the volume of public sector advertising placed in certain newspapers.

Administrative: For example, the Act which regulates the licensing of printers, publishers and editors bars the publication of material 'which is objectionable for, or offensive against, the interests of the People's Republic of Bangladesh or its government'. **[68a] (pp7-11 and 15)**

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TREATMENT OF JOURNALISTS

6.30 The New York-based Committee to Protect Journalists, in their report 'Attacks on the Press 2004' [CPJ 2004], stated:

"The Bangladeshi press endured another volatile and violent year in 2004, with three journalists murdered in retaliation for their work, scores of death threats from extremist groups, and routine harassment and physical attacks. A CPJ delegation that conducted a fact-finding and advocacy mission to the country in March [2004] concluded that Bangladesh was the most dangerous country for journalists in the region. Rising religious fundamentalism, increased political tensions, and regional lawlessness contributed to 2004's ominous press freedom landscape, while the pervasive culture of impunity continued to embolden those who would silence critical voices." **[51d]**

CPJ 2004 noted that Islamic extremist groups had threatened journalists throughout the country for reporting on their activities, branding them 'enemies of Islam'. In May 2004, for example, members of an Islamic vigilante organisation, Jagrata Muslim Janata Bangladesh (JMJB), held a rally in the

northwestern city of Rajshahi and called for local journalists who report on their activities to be killed. Journalists were also said to be at risk covering the frequent political clashes that erupted between supporters of the ruling Bangladesh Nationalist Party (BNP) and the opposition Awami League. Journalists reporting on nationwide strikes, protests and riots were often caught in the crossfire and, according to CPJ 2004, even targeted by police and political activists. **[51d]**

6.31 Reporters Without Borders (Reporters sans frontières – RSF) 2004 Annual Report noted: "Once again [in 2003], more journalists were physically attacked or threatened with death in Bangladesh than in any other country in the world. More than 200 journalists were the target of violence from political activists, criminal gangs or religious extremists." The report specified that 210 journalists had been physically attacked or threatened with death, 15 news organisations and press clubs attacked and 15 journalists arrested in 2003. The government reportedly exploited patriotism to make the public believe that certain Bangladeshi and foreign journalists were trying to destabilise the country by investigating the rise of Islamist movements." **[9d]**

6.32 USSD 2004 comments:

"Attacks on journalists and newspapers, and efforts to intimidate them by the Government, political party activists, and others, occurred frequently during the year [2004]. Attacks against journalists by political activists were common during times of political violence, and some journalists were injured in police actions. According to Odhikar [a human rights NGO], 111 journalists were injured, 5 killed, 9 arrested, 2 kidnapped, 32 assaulted, and 293 threatened during the year. Additionally, 6 newspaper offices came under attack during the year [2004]. Also, editors and senior journalists allegedly received anonymous phone calls regarding published articles unfavorable to the Government; however, threats of explicit violence were rare in such calls." **[2d] (section 2a)**

6.33 BBC News and the Committee to Protect Journalists announced on 28 June 2004 that Humayun Kabir, editor of the Bengali newspaper *Dainik Janmabhumi* and president of the Khulna Press Club, had been killed in a bomb attack in Khulna the previous day. An underground group known as Janajuddha (Peoples' War), a faction of the Purba Banglar Communist Party, claimed responsibility. Kabir was the sixth journalist to be murdered in the division of Khulna since 2000. [20an][51b] Associated Press reported on 27 April 2005 that the police had charged eight persons, all believed to be members of the Purba Banglar Communist Party, with Humayun Kabir's murder. [61e]

6.34 Reporters Without Borders (RSF) had stated on 27 January 2004:

"An underground Maoist organisation has admitted responsibility for the murder of a BBC stringer and in a letter, apparently from its leader, threatened to kill nine more named journalists in the region. Manik Saha [who was also a correspondent for 'New Age'] died instantly when a bomb was thrown at his head in a street in Khulna in the country's south-west on 15 January [2004]. Reporters Without Borders (Reporters sans frontières) called on the authorities, in particular the interior minister, to continue to explore every avenue to track down and punish Saha's killers…The journalist's murder prompted a two-day general strike in Khulna on 16 and 17 January [2004]. Information minister

Tariqul Islam, who went to the town, promised to leave no stone unturned to find and punish those responsible". **[9c]**

CPJ 2004 records that, in June 2004, police charged 12 people with Saha's murder; their trial was scheduled to begin in early-2005. **[51d]**

6.35 On 13 July 2004 the Committee to Protect Journalists (CPJ) announced (via the website of the South Asia Human Development Forum) that at least 24 journalists in Bangladesh had recently received death threats, all apparently from Islamic groups who accused them of being 'enemies of Islam' or 'acting against Islam'. **[51c]** The websites of the CPJ and 'Reporters Without Borders' contain details of several other instances of violence and threats of violence against journalists during 2003 and 2004. **[51] [9]**

6.36 In August 2004 Kamal Hossain, a journalist doing investigative reporting on criminal gangs for the daily paper 'Ajker Kagoj', was abducted and brutally murdered in Chittagong District, noted CPJ 2004. **[51d]** The Committee to Protect Journalists then reported on 4 October 2004 that a veteran journalist, Diponkar Chakrabarty, had been brutally murdered in Rajshahi Division; he was executive editor of the Bangla daily, Durjoy Bangla, and vice-president of the Federal Union of Journalists. **[51e]**

6.37 Reporters Without Borders (RSF), in a news release of 11 February 2005, gave details of the fatal wounding of a journalist – Sheikh Belaluddin Ahmed – in a bomb attack outside the Khulna Press Club on 5 February 2005; three other journalists were injured. **[9e]** On 15 February 2005, RSF announced that the Maoist group, the Purba Bangla Communist Party, had claimed responsibility for the murder and threatened that 'it had many more journalists in its sights'. **[9f]** An RSF news release of 26 May 2005 noted that Syed Monjur Morshed, editor and publisher of an English language bi-monthly, 'The Horizon', had been attacked and stabbed by four men on 17 May; he had received threats in the days leading up to the assault after he wrote an article in which he exposed fraud by a real estate entrepreneur. The same news release detailed another serious attack, by unknown assailants, on another journalist, GM Shahid, on 21 May; no motive was mentioned in the news release. **[9g]** RSF reported on 8 July 2005 that nine press photographers had been beaten up by members of Bangladesh's National Security Intelligence (NSI) the previous day; all had been injured, three of them seriously. Police at the scene failed to intervene. The photographers were assailed when one of them tried to take photos of graffiti on the outside of the NSI building. **[9h]**

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FREEDOM OF RELIGION

INTRODUCTION

6.38 The U.S. State Department International Religious Freedom Report published in September 2004 [2004 Religious Freedom Report] records:

"Sunni Muslims constitute 88 percent of the population. Approximately 10 percent of the population is Hindu. The remainder of the population is mainly Christian (mostly Catholic) and Buddhist. Members of these faiths are found predominantly in the tribal (non-Bengali) populations of the Chittagong Hill

Tracts, although many other indigenous groups in various parts of the country are Christian. There also are small populations of Shi'a Muslims, Sikhs, Baha'is, animists, and Ahmadis. Estimates of their populations vary from a few hundred to 100,000 adherents for each faith. Religion is an important part of community identity for citizens, including those who do not participate actively in religious prayers or services… A national survey in late 2003 confirmed that religion is the first choice by a citizen for self-identification; atheism is extremely rare." **[2c] (section 1)**

The 1991 Census reported that there were then over 11 million Hindus, 623,000 Buddhists and 346,000 Christians in the country. **[43b]**

6.39 The 2004 Religious Freedom Report states: "The Constitution establishes Islam as the state religion but provides for the right to practice – subject to law, public order, and morality – the religion of one's choice. The Government generally respects this provision in practice; however, some members of the Hindu, Christian, Buddhist, and Ahmadiya communities experience discrimination." **[2c] (section II)**

6.40 USSD 2003 noted: "The Government allowed various religions to establish places of worship, to train clergy, to travel for religious purposes, and to maintain links with co-religionists abroad." The law permits citizens to proselytise. However there is strong social resistance to conversion from Islam. **[2b] (section 2c)** The 2004 Religious Freedom Report comments: "Family laws concerning marriage, divorce, and adoption differ slightly depending on the religion of the person involved. There are no legal restrictions on marriage between members of different faiths." The report further notes that "Religion is taught in government schools, and parents have the right to have their children taught in their own religion; however, some claim that many government-employed religious teachers of minority religions are neither members of the religion they are teaching nor qualified to teach it." **[2c] (section II)** At the same time, as a BBC News article of 25 February 2005 noted, thousands of 'madrassas' – or Islamic schools – have opened across the country. "In 1970 there were 1,500 madrassas registered with the government. Today there are nearly 8,000. Tens of thousands more have been set up unofficially and are outside official control." Critics of madrassas claim that some could be exploiting the zeal of students to recruit them to extremist groups. **[20aw]** **(See Section 5** Education System**)**

6.41 The 2004 Religious Freedom Report comments: "Religion exerts a powerful influence on politics, and the Government is sensitive to the Muslim consciousness of its political allies, [Jamaat-e-Islami] and the Islami Okiyya Jote, as well as the majority of its citizens." The report adds:"The Government has taken some steps to promote interfaith understanding. For example, Government leaders issued statements on the eve of religious holidays calling for peace and warning that action would be taken against those attempting to disrupt the celebrations." **[2c] (section II)** On 6 November 2004 the daily newspaper *Prothom Alo* quoted Matiur Rahman Nizami, the leader of Jamaat-e-Islami and a government minister, as saying that his party does not believe in the principle of using force against any religious communities. He said the government would take strict measures against those who did so. He indicated that he saw nothing wrong with 'movements' against the Ahmadiyya community, provided they were non-violent. **[21e]**

6.42 An article in the *Guardian* (UK) of 21 July 2003 stated, *inter alia*:

"Evidence is emerging that the oppression of minorities is becoming systematic. Bangladesh, which is 85 per cent Muslim but has a long tradition of tolerance to religious minorities, is, say local organisations, being pushed towards fundamentalism by the Jamaat-e-Islami, which is growing rapidly in rural areas with the deepest poverty and runs two key ministries." **[55a]**

"'This is like a silent revolution. We are returning to the dark ages', a leading lawyer said, asking not to be named …'I think the backdrop is being created for the introduction of strict sharia laws. You see extremist rightwing fundamentalists infiltrating every professional area, in the appointment of the judiciary, the law, medicine and in education. They are capturing key positions in government, the universities and institutions'." **[55a]**

"Thousands of Bangladeshis are thought to have crossed the border to India in the past two years. It is impossible to verify numbers because New Delhi will not release records, but Dhaka's statistics show the Muslim majority increasing dramatically and the Hindu, Buddhist, Christian and other minorities declining." **[55a]**

"Leading Islamic scholars are appalled by the repression and the rise of fundamentalism. 'What we are seeing is the Talibanisation of Bangladesh,' Maolama Abdul Awal, former director of the Bangladesh Islamic Foundation, said. 'If we allow them to continue ... [minorities] will be eliminated. Bangladesh will become a fascist country'." **[55a]**

6.43 A *Time Magazine* (Asia edition) article, in the 12 April 2004 issue, described the extent of corruption and criminal violence in the country and commented: "Making the violence more toxic is the spread of a brand of intolerant Islamic fundamentalism in a country with a history of religious tolerance. Bangladesh's Hindus, who constitute about 10 per cent of the population of the predominantly Muslim nation, say they are increasingly being intimidated by gangs of Islamic fundamentalists, who attack them in their homes, warn them to pack up and leave for India and, for good measure, extort ransom from them." **[54a]**

6.44 The 2004 Religious Freedom Report observed:

"Since the 2001 elections, religious minorities reportedly have continued to be targeted for attacks. An NGO claimed that in the first 4 months of the period covered by this report [July – October 2003], there were approximately 200 incidences of discrimination or violence against religious minorities. Reportedly, incidents include killings, rape, torture, attacks on places of worship, destruction of homes, forced evictions, and desecration of items of worship. However, many such reports have not been verified independently. The Government sometimes has failed to investigate the crimes and prosecute the perpetrators, who are often local gang leaders." **[2c] (section II)**

6.45 The UK Bangladesh Hindu Baudha Christian Unity Council (BHBCUC), an independent human rights organisation, has provided a report listing 424 incidents of violent and other crime or acts of intimidation which occurred in Bangladesh during the period January to November 2004 – in which the victims were members of minority religious communities, or in which sacred images or property belonging to religious minorities was destroyed or damaged. It is not

clear from the report how many of the criminal incidents listed were religiously motivated. **[57a]** BHBCUC has also provided a record of 179 similar incidents which took place during the period April to July 2005. **[57b]** (Copies of the BHBCUC reports **[57a&b]** are enclosed with the source material.)

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HINDUS

6.46 The Global IDP report, 'Profile of Internal Displacement: Bangladesh' updated February 2005, quotes various primary sources as follows:

"In the weeks following the 1 October [2001] general elections, Bangladesh witnessed an outburst of systematic attacks on the minority Hindu community across the country, in addition to attacks on activists of the freshly ousted Awami League… By 8 October 2001, at least 30 people had been killed and more than 1,000 others injured. Their houses were torched, ransacked and in many cases seized, women were raped, and temples were desecrated… The Hindu-dominated areas in Barisal, Bhola, Pirojpur, Satkhira, Jessore, Khulna, Kushtia, Jhenidah, Bagerhat, Feni, Tangail, Noakhali, Natore, Bogra, Sirajganj, Munshiganj, Narayanganj, Narsingdi, Brahmanbaria, Gazipur and Chittagong were the worst hit… Many Hindu families have reportedly fled their homes and sought refuge in areas considered 'safe'. The Bangladesh Observer reported that at least 10,000 people of the minority community from Barisal district ran away from their homes following attacks by activists of the fundamentalist Jamaat-e-Islami party and took shelter in neighbouring Gopalganj district, the electorate of the former Prime Minister Sheikh Hasina. Many others fled to the Indian State of Tripura and West Bengal. (HRF March 2002)…Post election violence and oppression against minority (sic) has displaced more than 15 thousand minority families in Barishal and Bagerhat districts."…"Islamic fundamentalists have initiated a rain (sic) of terror forcing minorities to endure living in a nightmare condition in those areas. (HRCBM)"…"Women are particularly targeted – in many cases rape of female family members made it impossible for families to stay in their villages."… "The Human Rights Congress for Bangladeshi Minorities estimated that dozens of people were killed, more than 1,000 women from minority groups were raped and several thousand people lost their land in the three months around the [2001] election. (Guardian Unlimited, 21 July 2003, 'Britain ignores Bangladeshi persecution')" **[45] (p16-17)**

6.47 The 2004 Religious Freedom Report states:

"Reports of harassment by BNP supporters of Hindus, who traditionally vote for the AL, preceded and followed the 2001 election. Reported incidents included killings, rape, looting, and torture. The BNP acknowledged reports of atrocities committed between Muslims and Hindus; however, the BNP claimed that they were exaggerated. The Home Minister was unable to confirm reports that Hindus had fled the country and insisted that there was no link between religion and the violence. He also dismissed allegations that the BNP was linked to the perpetrators. In 2001, the High Court ordered the Government to investigate and report on attacks on religious minorities and to demonstrate that it was taking adequate steps to protect minorities. The Government submitted its report to the High Court in 2002. The report claimed that some of the incidents of post-election violence were not connected to communal relations. It also alleged that some of the reports of violence were fabricated or exaggerated.

Since the submission of the report, neither the High Court nor the Government has taken further action." **[2c] (section II)**

6.48 As outlined in the 2003 Religious Freedom Report: "Inter-communal violence caused many Hindus to emigrate to India between 1947 and 1971 and continued on a smaller scale throughout the 1980s. Since the 1991 return to democracy, emigration of Hindus has decreased significantly, which generally can be attributed to the significant reduction in the Hindu population over the last 30 years. In recent years, emigration has been primarily motivated by economic and family reasons. Nevertheless, incidents of communal violence continue to occur." **[2b] (p4)**

6.49 According to the 2004 Religious Freedom Report:

"Many Hindus have been unable to recover landholdings lost because of discrimination in the application of the law, especially under the now-defunct Vested Property Act. The act was a Pakistan-era law that allowed "enemy" (in practice Hindu) lands to be expropriated by the Government. Approximately 2.5 million acres of land were seized from Hindus, and almost all of the 10 million Hindus in the country were affected. Property ownership, particularly among Hindus, has been a contentious issue since partition in 1947. However, in April 2001, Parliament passed the Vested Property Return Act. This law stipulated that land remaining under government control that was seized under the Vested Property Act be returned to its original owners, provided that the original owners or their heirs remain resident citizens. Hindus who fled to India and resettled there are not eligible to have their land returned, and the act does not provide for compensation for or return of properties that the Government has sold … In 2002, the Parliament passed an amendment to the Vested Property Return Act, allowing the Government unlimited time to return the vested properties. The properties are to remain under the control of deputy commissioners until a tribunal settles ownership. The amendment also gives the deputy commissioners the right to lease such properties until they are returned to their owners. The Government claimed that this provision would prevent the properties from being stolen." **[2b] (p2-3)**

6.50 A particularly serious attack took place in November 2003: USSD 2003 noted: "On November 19 [2003], 11 members of a Hindu family burned to death after arsonists set ablaze their home [situated in Banskhali upazila] near the port city of Chittagong. The local human rights NGO Odhikar reported that the attack was not robbery, as police had initially claimed, but a planned assault on the family because of its Hindu faith. According to Odhikar [an NGO], police took 3 hours to respond." **[2b] (section 2c)** The Amnesty International 2004 Annual Report (events of 2003) commented: "The government called it an act of banditry, but evidence suggested it was a motivated attack against the family because of their identity as Hindus. Police filed a case but despite repeated demands from civil society groups, no independent inquiry was set up." **[7j] (p2)** The 2004 Religious Freedom Report indicated that police had arrested five persons in connection with the incident, three of whom confessed to the magistrate and claimed that 14 people were involved in what they said was an attempted robbery. By June 2004 police were said to have completed their investigation and to have prepared a criminal complaint for submission to the court. **[2c] (section II)**

6.51 The Press Trust of India, on 2 January 2004, relayed a report in the newspaper 'The Daily Janakantha' that 30 Hindu people had been injured and 20 houses burnt down in an attack on a village in Natore district. The attackers, numbering about 50, were said to have been led by Moslemuddin, a local BNP leader. Victims said the attack had been centred around the possession of a pond and some land. **[56a]** The same article recorded that the Government had given Taka 4 *lakhs* (Tk 400,000) to relatives of the victims of the 19 November 2003 attack near Chittagong, towards their rehabilitation. **[56a]**

6.52 The 2004 Religious Freedom Report noted: "In January [2004] a Hindu temple and three houses belonging to Hindus in Chittagong were burned. According to a prominent human rights NGO, the temple was on disputed ground, and the temple priest sought to expand temple lands. Subsequently, there was conflict between the police, the local fire brigade, and Hindu devotees, who accused the police of destroying the temple. They attacked the police and fire brigade personnel with stones and incendiary devices. There has been no subsequent legal action." **[2c] (section II)**

6.53 The *Daily Star* reported on 25 August 2004 that 22 houses belonging to Hindus had been set ablaze in a remote village in Pirgachha upazila, apparently by 30 to 40 armed 'mobsters' with alleged links to the ruling BNP. The perpetrators left with a 'booty' of 18 cows and about Tk 60,000 in cash. **[38k]** As indicated in paragraph 6.45 above, the UK Bangladesh Hindu Baudha Christian Unity Council (BHBCUC), an independent human rights organisation, has provided a report listing numerous incidents of violent and other crime and acts of intimidation which occurred in Bangladesh during the period January to November 2004 – in which the victims were members of the Hindu (or another religious minority) community, or in which Hindu sacred images or property were destroyed or damaged. **[57a]** BHBCUC has also provided a record of similar incidents which took place during the period April to July 2005. **[57b]** (Copies of the BHBCUC reports [57a&b] are enclosed with the source material.)

6.54 Freedom House, in a report of June 2005, noted:

"As with the Ahmadiyya mosques, the government also took steps to provide police protection for the religious festivals of other minorities, most notably the Hindus. No major incident of Hindu–Muslim communal violence was reported in the media in 2004. However, over the past few decades, Hindus have faced continual discrimination. For example, immediately following the 2001 elections, the Hindus were subjected to various forms of violence including killing, assault, rape, ransom-seeking, and loss of property." **[65a] (p73)**

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AHMADIS (ALTERNATIVELY AHMADIYYAS OR KADIYANIS OR QADIANIS)

6.55 The Ahmadiyya community was founded in the 1880s by Mirza Ghulam Ahmad, who was born in the Punjab town of Qadiyan, according to a report of the Canadian IRB dated June 1991. It later split into two groups, of which Qadiani is the larger; the other is the Lahore branch. While they identify as a Muslim community, Ahmadiyyas are considered heretics by mainstream Islam. **[3m] [20ay]** The Human Rights Watch report of June 2005, 'Breach of Faith: Persecution of the Ahmadiyya Community in Bangladesh' (HRW 2005 Ahmadiyya report), relates that Mirza Ghulam Ahmad declared himself to be the

expected *mahdi*, or messiah of the latter days. According to this HRW report: "Virtually all mainstream Muslim sects believe that Ahmad proclaimed himself as a prophet, thereby rejecting a fundamental tenet of Islam: *Khatme Nabuwat* (literally, the belief in the 'finality of prophethood' – that the Prophet Mohammed was the last of the line of prophets leading back through Jesus, Moses, and Abraham)." **[10a] (p7)** In an Amnesty International (AI) report of 23 April 2004, titled 'The Ahmadiyya Community – their rights must be protected', it was estimated that there are about 100,000 Ahmadiyyas in Bangladesh. **[7k]** The HRW 2005 Ahmadiyya report notes that the Ahmadiyya community is also derogatorily referred to by some as the 'Qadiani' (or 'Kadiyani') community, a term derived from Ahmad's birthplace. **[10a] (p7)**

6.56 According to the 2004 Religious Freedom Report: "In the latter part of 2003, [Ahmadis] were the targets of attacks and harassment prompted by clerics and the rhetoric of leaders of the Islami Okkiya Jote, an Islamic party and coalition partner of the ruling BNP. Many mainstream Muslims view Ahmadis as heretics." **[2c] (section III)** The report states: "Following demands for the ban of Ahmadiyya publications and that Ahmadis be declared non-Muslims, the Government announced such a ban [on publications] on January 8 [2004]. However, several days later…the Prime Minister announced that the Government would not declare Ahmadis to be non-Muslims." **[2c] (section IV)** USSD 2004 relates: "Discrimination against Ahmadiyyas continued during the year [2004]." **[2d] (section 2c]**

6.57 The Amnesty International report of 23 April 2004 observed:

"Members of the 'Ahmadiyya Muslim Jamaat', a religious community which considers itself a sect of Islam, has been the target of a campaign of hate speech organized by a number of Islamist groups in the country in recent months.

These groups have mobilised crowds to chant anti-Ahmadiyya slogans, have sought confiscation of Ahmadi mosques, and have demanded that the government declare the sect non-Muslim. Members of the Ahmadiyya community in Bangladesh, about 100,000 in number, have been living in fear of attack, looting and killing since around October 2003 when the Anti-Ahmadi agitations began…The agitators have been involved in "excommunication" and illegal house arrest of Ahmadis, the killing of an Ahmadi Imam (preacher), beating of Ahmadis, and marches to occupy Ahmadi mosques… While the Government of Bangladesh has acted to prevent the crowds from entering Ahmadi mosques, it has taken no action against the perpetrators of the hate campaign. Fundamental rights of the Ahmadis have been further violated by a government ban on their publications." **[7k] (p1)**

The same AI report records that on 31 October 2003, the Imam of an Ahmadi mosque in Jessore district was beaten to death after he refused to recant his faith; no charges had been brought against his attackers by the time the AI report was published. **[7k] (p1)** USSD 2004 reported that, by the end of 2004, no arrests had yet been made in connection with the murder, but the case had been transferred from the local police to the Criminal Investigations Department. **[2d] (section 2c]**

6.58 USSD 2003 had recorded:

"In a separate incident of communal violence on November 22 [2003], police stopped a mob of about 5,000 attempting to destroy an Ahmadi mosque in Dhaka. After the attack, police filed two cases for destruction of police property against several activists associated with a nearby mosque, and a senior police official condemned the attack and said that destruction of Ahmadi property was against the law. In December [2003], Anti-Ahmadi activists killed a prominent Ahmadi leader in Jessore and announced a January 23, 2004 deadline for the Government to declare Ahmadis non-Muslims or face serious agitation." **[2b] (section 2c)**

6.59 On 9 January 2004 Agence France Presse announced: "Bangladesh banned publications of the Ahmadiyyas, a minority Muslim movement, from Friday after pressure from rival Islamic hardliners, officials said. The Home Ministry banned the sale, distribution and possession of publications by the Ahmadiyyas, estimated to number 100,000 in Bangladesh …'The ban was imposed in view of objectionable materials in such publications that hurt or might hurt the sentiments of the majority Muslim population', a Home Ministry statement said late Thursday [8 January]." **[23f]** The AI report of 23 April 2004 detailed that the ban on Ahmadiyya publications included any translations, with interpretations, of the Koran. The report commented: "The ban highlighted the possibility that the government had yielded to pressure from anti-Ahmadi Islamist groups. According to reports in Bangladeshi newspapers, it had been imposed at the instigation of Islami Oikya Jote, a political party and junior partner in the coalition government." **[7k] (p2)** BBC News then announced on 21 December 2004 that the High Court had temporarily suspended the Government's ban on Ahmadiyya publications. **[20ay]** The HRW 2005 Ahmadiyya report provides the following detail:

"On December 21, 2004, while not in session, Bangladesh's High Court temporarily suspended the order of January 8, 2004 banning the Ahmadiyya publications in response to a legal challenge launched by human rights groups in the country. The court issued an interim stay order suspending the ban pending the reopening of the High Court. It also directed that the ban not be notified in the official Bangladesh gazette. In January 2005, the High Court extended the stay order and it remained in effect at this writing [mid-2005]." **[10a] (p31-32]**

The HRW report noted that any order banning Ahmadiyya publications would have to be published in the Bangladesh government gazette in order to have legal effect. **[10a] (p30]**

6.60 The HRW 2005 Ahmadiyya report states:

"Throughout 2004 and into 2005, the Khatme Nabuwat (K.N.), an umbrella organization of Islamist groups dedicated to the preservation of "the finality of the prophethood" of Mohammad, has threatened the Ahmadiyya community with attacks on their mosques and campaigned for Ahmadis to be declared non-Muslim. The K.N. enjoys links to the governing Bangladesh National Party (BNP) through the BNP's coalition partners, the Jama'at-e-Islami (J.I.) and the Islami Okye Jote (IOJ)." **[10a] (p2)**

The report adds: "Since the government ban on Ahmadiyya publications was introduced [see 6.59 above], anti-Ahmadi activities have continued and intensified across Bangladesh. These incidents have included massive anti-

Ahmadi rallies, threats against members of the group, attacks on mosques, the refusal to allow Ahmadi children to go to school, and the confiscation of Ahmadiyya publications." **[10a] (p3)**

The HRW report comments: "In the overheated, sectarian atmosphere of contemporary Bangladesh, with the ruling government more religiously intolerant than any government since the country's founding, Ahmadis fear that even a tiny spark could unleash a serious and perhaps uncontrollable wave of violence against members of their community." **[10a] (p4)**

6.61 USSD 2004 relates: "In April [2004], police failed to prevent Muslim demonstrators from destroying 12 houses belonging to Ahmadiyas and harassing 15 converted Ahmadiya men and women in a village in Rangpur. The converts were held against their will for several hours and pressured to renounce their new faith by some local Muslims." **[2d] (section 2c)** The 2004 Religious Freedom Report records that no legal action was taken against their assailants. **[2c] (section III)**

6.62 The *Daily Star* of 29 August 2004 reported that the police had 'foiled' plans by religious extremists to lay siege to the Ahmadiyya central complex in Dhaka on Friday 27 August. **[38j]** (An Amnesty International release of 25 August 2004 had stated that Islamist leaders had threatened to attack the Ahmadiyya complex on 27 August unless the government declared the sect to be 'non-Muslim'. **[7l]** A Financial Times Information report of 28 August 2004 noted that fourteen platoons of police had been deployed to protect the Ahmadiyya complex. **[21d]** USSD 2004 indicated that the threats against the Ahmadiyya community were coming primarily from members of the groups 'Khatme Nabuwat Movement/Committee' and 'Aamra Dhakabashi'. On August 27 [2004] the police had arrested four leaders of Aamra Dhakabashi prior to the planned siege of the Ahmadiyya complex in Dhaka. **[2d] (section 2c)**

6.63 The *Daily Star* announced on 9 October 2004 that, on 7 October, hundreds of Islamist 'zealots' under the banner of the Khatme Nabuwat Committee had attempted to 'capture' an Ahmadiyya mosque in Narayanganj, but that they had been prevented from doing so by the security forces and by eleven cultural and religious bodies who staged a counter-demonstration. **[38u]** However, the *Daily Star* reported on 30 October 2004 that 'orthodox Muslim fanatics' had razed an Ahmadiyya mosque at Bhadughar in Brahmanbaria on 29 October, minutes before the start of Juma (Friday) prayers. The mob forced their way into the mosque and went on a rampage inside it; they then broke away the bamboo walls, while hundreds chanted anti-Ahmadiyya slogans outside. At least 11 people were injured; the Imam of the mosque was in a critical condition after being hit with an axe. [The Imam reportedly died from his injuries en route to hospital.] The mob then vandalised the homes of 12 Ahmadi families. Police arrived at the scene an hour after the incident but did not make any arrests; they apparently only cautioned the leaders of the anti-Ahmadiyya groups and influential local people against any further attacks. **[38v]**

6.64 HRW 2005 Ahmadiyya report records that, on 11 March 2005 at Seuzgari in the northern district of Bogra, around ten thousand supporters of the Khatme Nabuwat (K.N.) movement gathered and, with the active participation of the local police, hung a signboard on the local Ahmadiyya mosque which read: "A

place of worship of the Qadianis in Bogra Town; no Muslim should be deceived into considering it a mosque." **[10a] (p38)**

6.65 The HRW 2005 Ahmadiyya report also details an attack on the Ahmadiyya community on 17 April 2005 in Joytidrianagar, a remote village in the southwestern Satkhira district. A mob led by Khatme Nabuwat sought to place on the Ahmadi mosque a signboard reading: "This is a place of worship for Kadianis; no Muslim should mistake it for a mosque". When the mob met with resistance from members of the local Ahmadiyya community they retaliated, injuring at least twenty-five people. The police, instead of preventing the incident from occurring, sought to contain the situation by taking possession of the signboard and hanging it themselves on the Ahmadi mosque. Afterwards, K.N. activists went on the rampage, looting nearby Ahmadiyya homes and injuring many Ahmadis in the process, some of them seriously. **[10a] (p2)**

6.66 The *Daily Star* reported on 19 July 2005: "Local zealots yesterday vandalised an under-construction Ahmadiyya mosque in the presence of police at Dakshin Khan in city's Uttara [in Dhaka district], causing panic among the sect members. The Ahmadiyyas alleged that the religious bigots have been obstructing the construction work since it began in February this year." A local BNP leader was quoted as saying: "We have never asked them [Ahmadiyyas] not to build any mosque on their land … They have a mosque on their land for years." **[38z]**

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CHRISTIANS

6.67 A report from the Canadian IRB, dated 5 August 2003, states as follows:

"An Associated Press article estimates that there are approximately 300,000 to 350,000 Christians in Bangladesh (1 Mar. 2002)."…" According to Open Doors International (ODI), an evangelical Christian organization that provides religious materials, training, and support to Christians around the world, Christian practice in Bangladesh is ethnically divided into the Underground Church, which consists of those who converted from Islam, and the Visible Church, which consists of those who converted from Hinduism (n.d.). Moreover, the Underground Church can be divided into those who worship in secret and those who worship openly, such as when an entire village converts to Christianity (ODI n.d.). Article 41 of the constitution of Bangladesh states that all citizens have the right "'to profess, practice or propagate any religion'" (ICC 6 June 2003). However, Open Doors International maintains that the predominantly lower income Christian population relies on foreign aid and 'as a result, many people in Bangladesh, including the government, consider the Christians as foreign...[which] makes it easier for the regime to impose restrictions' (n.d.). International Christian Concern (ICC) reports [certain] limitations for members of the Christian community in Bangladesh: All Christian organizations need to be registered as a Non-Government Organization (NGO), whose charter and board need to be presented to the government for approval; the board may be dismissed at any time and be replaced by another board appointed by the government. [Secondly], the NGO Affairs Bureau has imposed restrictions on Bible printing and importation. Distribution of Bibles must be limited to Christians."

The Canadian IRB report notes that proselytising is permitted under the law, but strong social resistance to conversion from Islam means most proselytising tends to be aimed at Hindus and tribal groups. **[3n]**

6.68 The 2004 Religious Freedom Report relates: "In June 2001, in Baniarchar, Gopalganj District, a bomb exploded inside a Catholic church during Sunday Mass, killing 10 persons and injuring 20 others. The army arrived to investigate approximately 10 hours after the blast. Police detained various persons for questioning, but [by June 2004], the police had reported no progress on the case." A judicial commission was formed in December 2001 to investigate the bombing, but its findings have subsequently been discredited. The Government has taken no action on the commission's report and the police are reportedly not pursuing the case actively." **[2c] (section II)**

6.69 According to an article in the *Guardian* (UK) of 21 July 2003: "In the village of Fhainjana, a mob of 200 fundamentalists recently looted 10 Christian houses, allegedly assaulting many women and children. Christians were seriously beaten and others molested after refusing to give money to thugs in the village of Kamalapur, near Dhaka. **[55a]**

6.70 USSD 2004 notes that, on 18 September 2004, unidentified assailants killed Dr. Joseph Gomes, a Christian convert, near his home in Jamalpur district. Police arrested a local madrassah teacher, Maulana Abdus Sobhan Munshi, alias Michha Munshi, for the killing, held him for two weeks, and released him. By the end of 2004 no one else had been charged in connection with the crime. **[2d] (section 2c)** The Washington-based Religion News Service reported on 9 August 2005 that two men engaged in Christian evangelistic work in Bangladesh had been stabbed to death on 29 July 2005 by intruders who had broken into their home. The men had reportedly received death threats in connection with their work. Police arrested two suspects.

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FREEDOM OF ASSEMBLY AND ASSOCIATION

6.71 As noted in USSD 2004:

"The Constitution provides for freedom of assembly, subject to restrictions in the interest of public order and public health; however, the Government frequently limited this right. The law allows the Government to ban assemblies of more than 4 persons, and, according to one human rights organization, the Government imposed 57 such bans during the year. The Government sometimes used bans to prohibit rallies for security reasons." **[2d] (section 2b)**

USSD 2004 recorded further: "Police rarely interfered with ruling party processions on any occasion, but police often used force to disrupt and discourage opposition processions." **[2d] (section 2b)**

USSD 2004 states: "The Constitution provides for the right of every citizen to form associations, subject to 'reasonable restrictions' in the interest of morality or public order, and the Government generally respected this right. Individuals were free to join private groups." **[2d] (section 2b)**

6.72 According to a Freedom House report of June 2005:

"The Bangladesh constitution guarantees freedom of association and assembly, yet these rights were repeatedly violated by the state in 2004. Partisan supporters of the ruling coalition disrupted the meetings of the newly formed political party, BDB [Bikalpa Dhara Bangladesh], and rallies and protest marches of the AL [Awami League]. In addition, law enforcement agencies tended to apply excessive force in dealing with peaceful demonstrations and public protests." **[65a] (p73)**

Amnesty International, in a statement dated 18 August 2005, reported attacks on Awami League gatherings by BNP supporters on 15 August 2005. Hundreds of Awami League (AL) supporters were reportedly injured, including an MP and a local AL leader. According to reports received by Amnesty International, police who were present failed to stop the attackers and AL members reacted angrily, getting involved in physical clashes with the attackers. The Awami League had held gatherings and processions throughout the country on 15 August to observe the 30th anniversary of the assassination of Sheikh Mujibur Rahman, Bangladesh's first president. Amnesty International expressed concern about comments attributed to the Communications Minister which may have encouraged the attackers. **[7o]** The *Daily Star* reported on 17 August 2005 that the Communications Minister had categorically denied reports of his involvement in an attack on an Awami League rally in Dohar on 15 August. **[38ad]**

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EMPLOYMENT RIGHTS

6.73 As noted in the USSD 2004:

"The Constitution provides for the right to join unions and, with Government approval, the right to form a union; however, the Government did not always respect this right in practice. The total work force was approximately 58 million persons, of whom 1.8 million belonged to unions, most of which were affiliated with political parties…According to the law, a workplace must have 30 percent union participation for union registration. Would-be unionists technically are forbidden to engage in many activities prior to registration, and legally are not protected from employer retaliation during this period. Labor activists protested that this requirement severely restricted workers' rights to organize, particularly in small enterprises and the private sector, and the International Labor Organization (ILO) requested the Government to amend the 30 percent provision…Civil Service and security force employees were forbidden to join unions because of their highly political character. Teachers in both the public and the private sector were not allowed to form trade unions." **[2d] (section 6a)**

6.74 Freedom House, in a report of June 2005, noted:

"The organized trade union movement in Bangladesh remains weak, politically fragmented, and in many cases subject to control by individual leaders or employers. As a result, rates of trade union membership in Bangladesh remain among the lowest in the world. In the principal export industry – ready-made garments – most owners severely discourage unionization of their workers and prefer to treat them as casual labor with few legally enforceable rights. Formation of trade unions in the export processing zones is illegal, and unions

affiliated with the political opposition tend to face repression. In the past decade, many professional and business organizations have also become politically factionalized." **[65a] (p73)**

6.75 USSD 2004 comments as follows: "The right to strike is not recognized specifically in the law, but strikes were a common form of workers' protest and are recognized as a legitimate avenue for addressing unresolved grievances in the Industrial Relations Ordinance of 1969. In addition, opposition political parties used general strikes to pressure the Government to meet political demands…Wildcat strikes were illegal but occurred, and wildcat strikes in the transportation sector were particularly common." **[2d] (section 6b)** USSD 2004 adds: "Collective bargaining by workers is legal on the condition that unions legally registered as collective bargaining agents by the Registrar of Trade Unions represent workers…The Essential Services Ordinance permits the Government to bar strikes for 3 months in any sector it declares essential…The Government is empowered to prohibit a strike or lockout at any time before or after the strike or lockout begins and to refer the dispute to the Labor Court." **[2d] (section 6b)**

6.76 The 2004 Annual Report of Amnesty International (events of 2003) states: "Police continued to use excessive force during opposition or trade union demonstrations. Hundreds of protesters were injured, some critically." On 10 October 2003 police officers attacked and beat unemployed and student nurses when the demonstrators – who were from 38 government nursing institutions – attempted to enter the Directorate of Nursing Services. Over 50 nurses were reportedly injured, with three of them in a critical condition. The nurses had been protesting against changes in the terms and conditions of their employment. **[7j] (p1)**

6.77 USSD 2004 notes: "The law sets a standard 48-hour workweek with 1 day off mandated. A 60-hour workweek, inclusive of a maximum 12 hours of overtime, was allowed. The law was enforced poorly." **[2d] (section 6e)** Following a trip to Bangladesh, the entrepreneur Dame Anita Roddick was quoted by BBC News on 15 April 2004 as saying that she was angered by the low pay, long hours and denial of basic rights for the estimated two million women making up the vast majority of workers in Bangladesh's textile industry. She blamed the Western corporations who use textile factories in the developing world for putting pressure on local owners, who in turn impose 'slave labour' conditions on staff in order to keep costs down. She also commented: "In Bangladesh, the garment workers have the legal right to three months' maternity leave with full pay. Yet, in over 90 per cent of the factories, where women were sewing some of the best-known labels in Europe and America, this right to maternity leave with benefits is routinely violated." **[20ao]**

6.78 According to the International Labour Organization website: "In the field of labour legislation, the various minimum ages, fixed by different labour laws regarding children's admission to work makes it difficult to implement and enforce the labour laws. The Factories Act of 1965, for instance, set the minimum age at 14 years for admission to work in any factory. The Employment of Children Act of 1938 set the minimum age at 15 years while the Shops and Establishment Act of 1965 set the minimum age at 12 years for admission to work. Thus, to bring uniformity in the laws, the Government has prepared a new Labour Code, which currently awaits approval by the Parliament. The draft Labour Code has prescribed a uniform minimum age of 14 years for admission

to work which is in conformity with ILO Minimum Age Convention, 1973 (No.138)." **[32]**

6.79 As noted in USSD 2004: "The Constitution prohibits forced or bonded labour, including by children; however the Government did not enforce this prohibition effectively." **[2d] (section 6c)**

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PEOPLE TRAFFICKING

6.80 As recorded in USSD 2004:

"The law prohibits trafficking in persons; however, trafficking was a serious problem. Trafficking in children for immoral or illegal purposes carries the death penalty or life imprisonment, and the Government took measures for the expeditious prosecution of traffickers. During the year, 43 cases were disposed of by the Special Courts dealing with incidents of repression against women and children. Accused persons in 33 of those cases were convicted and given punishment ranging from death to 10 years in prison. Besides police, the Coast Guard, Bangladesh Rifles (border guards), and the RAB, a number of NGOs recovered victims and assisted victims of trafficking. According to government sources, law enforcement personnel recovered 147 victims of trafficking during the year. In 17 different incidents during the year, victims managed to escape from traffickers and reported to police. The Government returned 85 of the victims to their families, sent 9 to government homes, and transferred 19 to NGO-run shelters. There was extensive trafficking in both women and children, primarily to India, Pakistan, Bahrain, the United Arab Emirates (UAE), Kuwait, and destinations within the country, mainly for prostitution and in some instances for labor servitude. Some boys were trafficked to the Middle East to be used as camel jockeys." **[2d] (section 5)**

USSD 2004 quotes some human rights monitors as estimating that more than 20,000 women and children are trafficked annually from the country for prostitution, but comments that the government does not support this figure. **[2b] (section 6f)**

6.81 USSD 2004 records:

"In previous years, there were reports that police corruption facilitated trafficking of women and children; however, there were no reports of this occurring during the year [2004]." **[2d] (section 5)**

USSD 2004 continues:

"The Government developed a set of policies and plans regarding the trafficking issue and initiated a program across a number of ministries to address the problem. Arrests and prosecutions increased significantly, and the Government launched a major national anti-trafficking prevention campaign to increase awareness of the problem among vulnerable groups. Nevertheless, the Government's capacity to address this issue remained limited. Government projects included conducting awareness campaigns, research, lobbying, and rescue and rehabilitation programs. While the Government provided support for returning trafficking victims, government-run shelters were generally inadequate

and poorly run." … "Despite constraints such as lack of birth and marriage records at the village level, some trafficking cases were prosecuted. There was also some success in increasing shelter capacity and developing rehabilitation programs." **[2d] (section 5)**

6.82 USSD 2004 further notes that, besides law enforcement agencies, a number of NGOs recover and assist victims of trafficking and are also engaged in research, advocacy and legislative reform. The Bangladesh National Women Lawyers' Association (BNWLA) rescued 314 trafficking victims from within the country and repatriated 32 others from the UAE and India during 2004. Over a three-year period, NGOs and the government had co-operated to establish a common, unified umbrella programme to address the trafficking problem. **[2d] (section 5)**

6.83 According to a Freedom House report of June 2005, there was a blacklisting of Bangladesh by the U.S. Department of State on 15 June 2004, on the grounds that the government had failed to take adequate steps to curb the high rate of trafficking in women and children. The Freedom House report provided the following details:

"The State Department report maintained that an estimated 10,000 to 20,000 women and young girls are trafficked annually from Bangladesh. The Bangladesh government contradicted this figure, claiming that only 708 women and children had been trafficked in 2004. The U.S. government warned Bangladesh of economic sanctions if it failed to take measures to improve the situation within 60 days. After the U.S. threat, the Bangladesh government moved quickly to introduce several concrete measures to constrain trafficking: revival of the police anti-trafficking unit, appointment of a special prosecutor for dealing with trafficking cases in expedited courts, institution of a referral mechanism for the victims to avail themselves of services offered by NGOs, speedy disposal of 17 pending cases relating to trafficking, and a listing of traffickers. Once the government of Bangladesh made public announcement of these specific steps, the U.S. government withdrew the threat of economic sanctions." **[65a] (p74-75)**

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FREEDOM OF MOVEMENT

6.84 USSD 2004 notes that the Constitution provides for the rights of free movement within the country, foreign travel, emigration, and repatriation and the Government generally respected these rights in practice; however, there were instances in which the Government restricted these rights. For example, on 6 February 2004 immigration officials at Zia International Airport in Dhaka initially barred Jatiya Party chairman and former president Hossain Muhammad Ershad from travelling to the Maldives – he was subsequently allowed to proceed. In May 2004, the Government refused permission for Shantu Larma, chairman of the CHT Regional Council, to leave the country to attend the third session of the U.N. Permanent Forum on Indigenous issues. **[2d] (section 2d)**

6.85 USSD 2004 records:

"The Constitution does not provide for the granting of asylum or refugee status in accordance with the 1951 U.S. Convention Relating to the Status of

Refugees or its 1967 Protocol, and the Government has not established a system for providing protection to refugees. In practice, the Government provided some protection against *refoulement*, the return of persons to a country where they feared persecution. Working with the UNHCR, the Government provided temporary protection to individual asylum seekers whom the UNHCR interviewed and recognized as refugees on a case-by-case basis." **[2c] (p14)**

The US Committee for Refugees 'World Refugee Survey 2004' noted:

"At the end of 2003, Bangladesh hosted nearly 119,900 refugees and asylum seekers. These included nearly 19,800 Myanmarese Rohingya, most recognized as prima facie refugees by Bangladesh and the UN High Commissioner for Refugees (UNHCR); over 100,000 other Rohingya who have fled to Bangladesh since 1993, and who are considered illegal immigrants by the Bangladeshi government not assisted by UNHCR; 49 persons of other nationalities recognized as refugees by UNHCR; and 8 other Myanmarese with claims pending before UNHCR." **[37b] (p1)**

The US Committee for Refugees 'World Refugee Survey 2005' stated that there had been no reported cases of *refoulement* in 2004; however, Bangladesh increased pressur on ethnic Rohingya refugees from Burma to sign voluntary repatriation forms **[37e]** **(See section 'Rohingya' below.)**

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6.B HUMAN RIGHTS - SPECIFIC GROUPS

ETHNIC GROUPS

BIHARIS

6.86 The US State Department Report 2004 (USSD 2004), published on 28 February 2005, records:

"Approximately 300,000 non-Bengali Bihari Muslims who emigrated to the former East Pakistan during the 1947 partition of British India and who supported Pakistan during the 1971 War of Independence continued to live in camps throughout the country. According to Refugees International, they lived in camps in the country with little access to education, medical attention, and in unsanitary conditions. Some Biharis declined citizenship in 1972 and were awaiting repatriation to Pakistan, where the Government was reluctant to accept them. In May 2003, 10 Bangladesh-born Bihari residents of the Geneva Camp were granted voting rights when the High Court declared them citizens. Many of the stranded Biharis born after 1971 have assimilated into the mainstream Bengali-speaking environment and likely would accept citizenship if it was offered." **[2d] (section 2d)**

(See also paragraph 6.92 below.)

6.87 As stated in the 1998 article 'Fifty Years in Exile: The Biharis Remain in India', on the U.S. Committee for Refugees (USCR) website: "The Biharis are Muslims

who originated in what is now India's state of Bihar. In 1947, at the time of partition, they, along with millions of other Muslims, moved to East Pakistan (today's Bangladesh). Unlike the majority of those other Muslims, however, the Biharis were not Bengali-speakers, but Urdu-speakers with closer links to Muslims who moved to West Pakistan (today's Pakistan). Between 1947 and 1971, as citizens of greater Pakistan, the Biharis enjoyed the same rights as other residents of East Pakistan and lived amicably alongside the Bengali speaking majority." **[37d]**

6.88 The U.S. Committee for Refugees and Immigrants World Refugee Survey 2005 (USCR 2005) noted that Pakistan had accepted some 170,000 Biharis for resettlement by 1973. An article in the Dhaka Courier of 5 May 2000 stated: "During an official visit of Begum Zia to Pakistan in August 1992, an agreement was signed between the two governments to take back [a further] 3,000 stranded Pakistani families from Bangladesh to Pakistan. The repatriation process began in early 1993. But after the repatriation of only 325 families, Pakistan on the plea of fund constraint suspended the process." **[12c]**

6.89 An undated report entitled "A Forsaken Minority: The Camp Based Bihari Community in Bangladesh" issued by the Refugee and Migratory Movements Research Unit, Dhaka, relates:

"The legal status of the Biharis has been the subject of a major controversy. Although there is a general perception that Biharis are Pakistanis, Biharis appear to be eligible under the laws of citizenship of Bangladesh. Article 3(d) of the Bangladesh Citizenship Act, 1951 provides citizenship eligibility criterion. It states that 'who before the commencement of this Act migrated to the territories now included in Bangladesh from any territory in the Indo-Pakistan sub-continent outside those territories with the intention of residing permanently in those territories'. Article 2 of the Bangladesh Citizenship (Temporary Provisions) Order, 1972 stipulates: 'who or whose father or grandfather was born in the territories now comprised in Bangladesh and who was a permanent resident of the territories now comprised in Bangladesh on the 25th March 1971, and continues to be so resident;' or 'who was a permanent resident of the territories now comprised in Bangladesh on the 25th day of March 1971, and continues to be so resident and is not otherwise disqualified for being a citizen by or under any law, for the time being in force.' Under such broad sweep of these laws everyone residing permanently before 25 March 1971, including the Biharis, is entitled to Bangladesh citizenship. Article 2B of the Bangladesh Citizenship (Temporary Provisions) Amendment Ordinance 1978, however, contains a disqualification clause which states that a person shall not be qualified to be a citizen of Bangladesh if he 'owes, affirms or acknowledges, expressly or by conduct, allegiance to a foreign state, or…'. Perhaps the most noteworthy judgements pertaining to citizenship of Bangladesh were passed with respect to [the] Bangladesh vs. Professor Golam Azam Case. The Appellate Division judgement made some important observations 'There is no power under Article 3 denuding a person of his citizenship for the offence of collaboration with the Pakistan Occupation Army…Article conferred citizenship on a body of persons by legal fiction, not by the Government or any other executive authority, but by the legislature…it is not a power in the hands of the Government to cancel a person's citizenship or to review one's citizenship under Article 2.'. The above judgements establish the fact that under Bangladesh citizenship law Biharis are entitled to Bangladeshi citizenship. Their 'option' to go [to] Pakistan, collaboration with the Pakistan occupation army and

their persistent demand for repatriation to Pakistan are not sufficient grounds for denying their right to Bangladeshi citizenship." **[31] (p12-14)**

6.90 According to a Canadian IRB report of 9 April 2003, between 240,000 and 300,000 Biharis were estimated to be living in Bangladesh in 2001/2002. **[3l]** USCR 2005 estimated that, by 2004/5, around half of the Biharis in Bangladesh – some 126,000 to 159,000 people – were still living in 66 camps situated throughout the country; the remainder were living outside of the camps. These camps had been established after the country's independence by the International Committee of the Red Cross to accommodate Biharis pending their return to Pakistan. **[37e]** Sources quoted in the April 2003 Canadian IRB report described living conditions in the Bihari camps as follows:

"Although the Bangladesh government provides the camps with free electricity, water and provides a ration of wheat (*New York Times* 13 May 2000), conditions are poor (IJRL 2000, 64; USCR 1998; *Asia Times* 21 Mar. 2000). Most Biharis live either in one-room dwellings built by the Bangladeshi government in 1971 or in apartment buildings taken over by the government (USCR 1998). Despite the fact that the population has more than doubled in many of the camps, housing has not similarly increased (ibid.). Water is scarce and sanitation inadequate (*Asia Times* 21 Mar. 2000). In Geneva Camp in Mohammadpur, Dhaka, for example, ten to twelve people per family live in shacks measuring some eight by ten feet (IPS 25 July 2002). Additionally, the camp only has 240 toilets and 36 bathing facilities to service a population of 18,000 to 20,000 people (ibid.). Many Bihari children do not attend school (USCR 1998). Schools outside the camps tend to be beyond the financial means of many Biharis and those schools available in some of the camps require students' families to pay the teachers' salaries and buy all the school materials (USCR 1998)." **[3l]**

The Canadian IRB report observes further: "Although Biharis are not mandated to live in the camps, a lack of resources means many cannot afford to live anywhere else (New York Times 13 May 2000; USCR 1998). Some also remain in the camps because they 'feel more secure living among other Biharis' (ibid)." **[3l]**

6.91 A Canadian IRB report of 1 April 2005 quotes further information on conditions within the camps:

"In fact, according to the Washington-based NGO Refugees International, '[i]n 2004 the already desperate living conditions of the stateless Biharis in Bangladesh have continued to worsen. This year alone, they have lost their government-subsidized food aid, and many families have lost their homes to tornado, fire, and eviction' (13 Dec. 2004). This information appears to be corroborated by the Bangladeshi daily *The New Nation* in a 3 March 2005 article stating that the plight of the Biharis 'worsens each day'. Although stateless, the Biharis are not recognized as refugees by the United Nations, the International Red Cross or Crescent Society (*The New Nation* 3 Mar. 2005). In January 2005, a Pakistani daily reported on the arrest by India of 45 Biharis who had crossed to India from Bangladesh attempting to reach Pakistan (*Pakistan Observer* 27 Jan. 2005). The article added that, according to Pakistani sources, these Biharis were risking their lives to cross over to Pakistan because they were 'ruthlessly denied food and shelter in the ill-maintained camps' in Bangladesh (ibid)." **[3o]**

6.92 The USCR World Refugee Survey 2004 stated:

"The Bangladeshi High Court [in 2003] recognized 10 Biharis as citizens of Bangladesh, after they sued to vote in the 2001 elections arguing that all Biharis born in the camps and residing in Bangladesh since 1947 were citizens, and that their citizenship could not be taken away simply because they lived in a camps or wished to go to Pakistan. The Bangladeshi Minister for Law, Justice, and Parliamentary Affairs said that the government would comply with the court judgment on Bangladesh-born Bihari. Legal experts said the landmark judgment would help other Bihari gain citizenship. However, the government appealed the case and it was pending at the end of the year [2003]." **[37b] (p2)**

The Canadian IRB document of 1 April 2005 confirmed that there was still no news on the outcome of any appeal. **[3o]**

6.93 Agence France-Press reported on 21 December 2004 that 300 Biharis had held a symbolic six-hour hunger strike in Dhaka. Shoukat Ali, general secretary of the Stranded Pakistani General Repatriation Committee, was quoted as saying: "We want to discuss the issue of repatriation with the Pakistani prime minister during the SAARC [South Asian Association for Regional Cooperation] summit as we are being deprived of all [kinds] of facilities here." **[23k]**

6.94 The U.S. Committee for Refugees and Immigrants World Refugee Survey 2005 noted: "By 2004…half of the Biharis lived outside of camps, were integrated into the local community, were eligible to receive passports, to vote, and to attend college, and were able to exercise most of the rights of citizens." **[37e]**

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THE INDIGENOUS JUMMA PEOPLES OF THE CHITTAGONG HILL TRACTS

6.95 Amnesty International (AI), in a report of 1 March 2004, stated:

"The Chittagong Hill Tracts (CHT) is a hilly, forested area in southeastern Bangladesh which for many hundreds of years has been home to people from 13 indigenous tribes [collectively known as the Jumma people]. These tribal people differ significantly from the rest of the population of Bangladesh in terms of their appearance, language, religion and social organisation." **[7m]**

"Pressure for land to cultivate and encouragement from successive governments have led to the migration of large numbers of non-tribal Bengali people to the CHT. Tribal people have viewed the movement of Bengali settlers to the CHT as a threat to their way of life and their customs and traditions." **[7m]**

"Armed rebellion in the Chittagong Hill Tracts began in mid-1970s. A peace accord signed in 1997 ended the armed conflict, but human rights violations against the tribal people which began during the armed conflict have continued on a smaller scale." **[7m]**

(Specifically, the Chittagong Hill Tracts (CHT) covers about 10 per cent of the total land area of Bangladesh; it includes the districts of Khagrachhari, Rangamati and Bandarban within the Division of Chittagong.) **[25]**

6.96 The Global IDP report 'Profile of Internal Displacement: Bangladesh', updated February 2005, quotes from various primary sources as follows: "Prior to the creation of Bangladesh in 1971, the population of the area consisted almost entirely of people from 13 different indigenous tribes. The tribal people who differ significantly from the majority population of Bangladesh are of Sino-Tibetan descent, have a distinctive appearance with Mongoloid features and are predominantly Buddhists, with small numbers of Hindus. They differ linguistically and in their social organization, marriage customs, birth and death rites, food, agriculture techniques and other social and cultural customs from the people of the rest of the country. (AI February 2000, section 2)"…"The three largest groups are the Chakma, the Marma and the Tripura. The total population of the CHT, in the 1991 census, was 974,445 of which 51.43 per cent were indigenous Jumma people and 48.57 per cent were non-indigenous Bengalis. At the time of the independence of India in 1947, only 9 per cent of the population of the CHT was non-indigenous. (UNPO 1997, web page)". **[45] (p20)**

6.97 The Europa World Year Book 2002, Volume 1, records:

"In December 1997 the Bangladesh Government signed a peace agreement with the political wing of the Shanti Bahini ending the insurgency in the Chittagong Hill Tracts. The treaty offered the rebels a general amnesty in return for the surrender of their weapons and gave the tribal people greater powers of self-governance through the establishment of three new elected district councils (to control the area's land management and policing) and a regional council (the chairman of which was to enjoy the rank of state minister). The peace agreement, which was strongly criticized by the opposition for representing a 'sell-out' of the area to India and a threat to Bangladesh's sovereignty, was expected to accelerate the process of repatriating the remaining refugees from Tripura (who totalled about 31,000 at the end of December 1997). According to official Indian sources, only about 5,500 refugees remained in Tripura by early February 1998. By the end of 2000 most of the Chakma refugees had been repatriated, the district and regional councils were in operation, and a land commission had been established…In June [2001] it was reported that rioting in the Chittagong area had caused a new flow of refugees to Tripura. Following the accession to power of the BNP-led alliance in October [2001], there were reports of thousands of members of Buddhist, Christian and Hindu minorities fleeing to Tripura." **[1a] (p640)**

6.98 As stated in USSD 2004:

"Tribal people have had a marginal ability to influence decisions concerning the use of their lands. Despite the 1997 CHT Peace Accord, which ended 25 years of insurgency in the CHT, law and order problems and alleged human rights violations continued, as did dissatisfaction with the implementation of the Peace Accord. The Land Commission dealing with land disputes between tribal individuals and Bengali settlers did not function effectively in addressing critical land disputes. Tribal leaders remained disappointed with the lack of assistance provided to those who [had] left the area during the insurgency." **[2d] (section 5)**

6.99 The Global IDP report, as updated February 2005, observes that the ownership of tribal land has remained at the core of the conflict in the CHT:

"In the mid-1980s, Muslim settlers' appropriation of land belonging to ethnic minorities in Bangladesh's Chittagong Hill Tracts (CHT) region caused some 64,000 members of those groups, the vast majority of them Chakma, to flee to India and more than 60,000 others to become internally displaced… Subsequently, the entire refugee population returned from India. However, the situation of more than 60,000 internally displaced Chakma remained unresolved at the end of 2002, despite provisions in the 'accord' for the 'rehabilitation' of both the refugees and the internally displaced. (USCR 2003)… The settlers confiscated their land and in many instances obtained official certificates of ownership. (AI February 2000)... Most of the 64,000 tribal refugees who returned home from India on the heels of the peace pact are yet to get back their lands (*Daily Star* 21 May 2003)." **[45] (p33-34)**

"A major problem is to determine the ownership of tribal land. Among the tribal population many did not possess any documentation of land ownership [tribal communities owned land on a communal basis and little documentation was deemed necessary], while Bengali settlers taking over their land obtained official certificates …The Land Commission, which was supposed to resolve land disputes, has not been functioning for two years, but a new chairperson has recently been appointed." **[45] (p47)**

6.100 The AI report of 1 March 2004 records as follows:

"More than six years after the signing of the Chittagong Hill Tracts Peace Accord, the tribal inhabitants of the area continue to live in fear of attacks from Bengali settlers often carried out with the apparent connivance of army personnel. [One of these attacks] took place in August 2003 in the Mahalchari area of the Khagrachari District. According to testimonies given to Amnesty International by eyewitnesses, nine women were sexually assaulted, one of whom was subjected to gang rape; a man was killed in front of his family, a nine month old baby was strangled to death and several people sustained serious injuries; hundreds of houses were burnt down and dozens were looted."…" According to witnesses, police initially refused to accept complaints from the tribal people but filed complaints on behalf of the Bengali settlers against thousands of tribal inhabitants of the area, highlighting long standing discriminatory practices in the administration of justice." **[7m]**

A report of 25 August 2004 from the Asian Centre for Human Rights (ACHR) states that ten Jumma villages were destroyed in this attack. Hundreds of Jumma people fled and became displaced. Two parliamentary teams – one from the ruling BNP and one from the Awami League – visited the area… "Yet, both justice and effective rehabilitation eluded the victims." **[53a]**

6.101 The Asian Centre for Human Rights report of August 2004 also details an incident on 3 August 2004 in which about 50 Bengali settlers attacked and killed a Jumma man and his wife in the Rangamati hill district. The report comments: "In the post Chittagong Hill Tracts Peace Accord period since December 1997, such attacks on indigenous Jumma peoples have replaced the organised massacres that characterised the repression on the Jummas between 1976 and 1992. The attacks are aimed to terrorise indigenous Jummas to grab their land. …The root of the CHT's crisis lies in the policies of the government of Bangladesh which seek to establish homogeneous Bengali Muslim society by destroying the district identity of the indigenous Jumma peoples. About 500,000 illegal plain settlers were implanted into the CHTs during 1979-1983 by

providing inducements. The CHT Accord not only failed to address the [problem] of the implanted illegal settlers, but settlement of illegal settlers intensified." **[53a]**

6.102 The Global IDP report, updated February 2005, quotes an article in the Bangladesh *Daily Star* of 4 September 2003:

"According to The *Daily Star*…, over 1,500 indigenous people have been displaced by recent ethnic violence in the southeastern district of Khagrachhari. The IDPs (internally displaced persons) have been living in the open and in forests 7 days after Bengali settlers burned and looted 8 villages in revenge for the recent kidnapping of a Bengali businessman in the area. Army and police personnel have been reportedly deployed to the raided villages, however, the IDPs have not yet returned due to security fears. In addition, 5 villages were reportedly completely burnt down. The indigenous people claim that both Hindu and Muslim Bengali settlers torched and looted about 350 houses, killing two and raping at least 10 women. In addition, they allege that police stood by during the attacks. Police claim they could not control the attacking mobs." **[45] (p27)**

A press release of 12 September 2003, from the International Federation of the Red Cross, was also quoted from in the above Global IDP report:

"On 26 August 2003, in the remote Upazila1 of Mahalchhari of Khagrachori District in the Chittagong Hill Tracts, violent clashes occurred between two groups involving indigenous tribal people and Bengali settlers over the abduction of a local businessman. As a direct consequence of this incident, one person was killed and more than 10 people wounded. More than 1,500 people (575 families) have been affected. Some 274 houses and three Buddhist temples were ransacked and one burned to the ground." (IFRC 12 September 2003) **[45] (p27)**

6.103 USSD 2004 quotes a human rights organisation as saying that 41 persons died and 199 were injured in violence in the CHT during 2004. During the same period, 127 persons were abducted, three were missing, and 106 were arrested. USSD 2004 notes that the Parbatiya Chattagram Jana Sanghati Samity (PCJSS), which had spearheaded the insurgency and later signed the Chittagong Hill Tracts Peace Accord, blocked roads and observed general strikes during 2004, demanding early implementation of all the provisions of the Peace Accord. Extortion and kidnapping for ransom were said to be rampant in the CHT during 2004. USSD 2004 states that PCJSS and the anti-accord tribal group, United People's Democratic Forum (UPDF), blamed each other for most of the abductions in Khagrachhari and Rangamati. **[2d] (section 5)** The Global IDP Report of February 2005 adds that, during 2004, both UPDF and PCJSS supporters attacked villages and forced several hundred to flee. For example, the Global IDP Report quotes the Centre of Excellence in Disaster Management & Humanitarian Assistance as follows:

"[In September 2004] at least 300 indigenous people were reportedly displaced in the CHT … after armed members of the United People's Democratic Front (UPDF), another tribal group that opposes the treaty, attacked their villages in Rangamati district. About 300 people are currently taking refuge in a community centre, while 500 others are reportedly hiding in the jungle. More than 200

people have reportedly died in violence in CHT since 1997. (COE-DMHA, 21 September 2004)." **[45] (p33)**

USSD 2004 notes that there were also reports in 2004 of violence in Rangamati involving Bengalis and tribal people and in other areas there were reports of tribal people losing land to Bengali Muslims. **[2d] (section 5)**

6.104 USSD 2004 records that the army withdrew an estimated two dozen camps from the CHT in 2004, in partial fulfilment of the PCJSS demand for withdrawal of all army camps as required in the Peace Accord. Police have replaced the army in some of the camps. **[2d] (section 5)** However, the Asian Centre for Human Rights (ACHR), in a report of May 2005, quoted the PCJSS party as saying that only 35 out of 500 security forces camps had by then been withdrawn, while some new camps had been established. The army had also apparently sought to establish two new camps near Bandarban, which could lead to the displacement of some 25,000 indigenous people. **[53b]**

6.105 United News of Bangladesh reported on 29 August 2004 that six persons had been sentenced to death for the April 2002 murder of a Buddhist monk, Gyan Jyoti Mohasthobir, in Raojan upazila. **[39d]**

6.106 The Asian Centre for Human Rights (ACHR) report of May 2005 claimed that members of the United People's Democratic Forum (UPDF) had been facing repression from the state; hundreds of its activists had reportedly been arrested on false charges to 'weaken their protests against the policies of the government of Bangladesh'. On 23 May 2005 police reportedly raided a UPDF office at Swanirbhar Bazar and arrested 16 of its members, ahead of a UPDF demonstration planned to take place on 7 June. Meanwhile, the ongoing 'internecine' conflict between the UPDF and PCJSS continued to be evident. **[53b]**

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ROHINGYA

6.107 The US Committee for Refugees (USCR) Country Report for 2002 noted:

"Some 250,000 Rohingya fled to Bangladesh from Burma in late 1991 and early 1992. The Rohingya, who are Muslim, claim religious and other forms of persecution in Burma. Although the refugees were initially welcomed by Bangladeshis who share ethnic and cultural links with the Rohingya, relations between the refugees and the local residents quickly turned sour. Between mid-1992 and 1999, more than 230,000 Rohingya repatriated to Burma. Although some returned voluntarily, Bangladesh coerced most into returning. At the end of 2001, only 22,061 of the Rohingya who entered Bangladesh in 1991 to 1992 remained, mostly living in UNHCR-run camps." **[37c]**

The USCR World Refugee Survey 2004 estimated that by the end of 2003, Bangladesh was hosting nearly 19,800 Burmese Rohingya, most recognised as prima facie refugees by the UN High Commissioner for Refugees (UNHCR) and over 100,000 other Rohingya who had fled to Bangladesh since 1993 and who are considered illegal immigrants by the Bangladeshi government and are not assisted by UNHCR. **[37b]**

6.108 The USCR World Refugee Survey 2004 stated:

"During the year [2003], 3,200 Rohingya repatriated to Myanmar [Burma]. Médecins Sans Frontières (MSF), who received over 550 complaints, and other non-governmental organizations (NGOs) reported that the government imprisoned, evicted from homes, seized ration books for food and medicine, and threatened to physically attack or imprison Rohingya to force return. UNHCR acknowledged some coercion but disputed its severity, and the government denied it. MSF also reported that many repatriated refugees from Myanmar had returned to Bangladesh and were seeking shelter outside of the camps. Other NGOs reported that thousands of Myanmarese came to Bangladesh during the year, fleeing arbitrary taxation, extortion, restricted movement, and lack of citizenship…UNHCR announced that as of December [2003] it would no longer participate in the repatriation of refugees to Myanmar. Since the government refused to grant refugees permanent status, UNHCR planned to encourage and assist self-sufficiency until the refugees could repatriate. A local Bangladeshi official reportedly told the South Asia Forum that this decision had caused officials to try to speed up repatriations of the Myanmarese…In October [2003] the government sealed the border fearing an influx of refugees following clashes in Myanmar between Muslims and Buddhists. In November, an estimated 6,000 fled to the border. After initially denying them entry, the local Bangladeshi authorities let them in." **[37b]**

According to the USCR World Refugee Survey 2005:

"Bangladesh increased pressure on ethnic Rohingya refugees from Myanmar to sign voluntary repatriation forms by threatening to resume repatriation practices that, in the past, included false criminal accusations and arrests, physical abuse, withholding of rations and medical care, and arbitrary relocation within the camp. Authorities also tightened border controls, slowing the influx of new arrivals. In October [2004], refugees stopped entering the country altogether after leaders removed General Khin Nyunt in Myanmar and conditions improved, but this was reversed in February 2005 when the army reasserted control." **[37e]**

6.109 USSD 2003 had observed: "Since 1992, approximately 236,000 Rohingya (Muslims from the northern Burmese state of Arakan) have been repatriated voluntarily to Burma. An additional 22,700 have left the camps and are living among the local citizens." **[2b] (section 2d)**

Notes USSD 2004:

"During the year [2004] 20,291 Rohingya refugees remained in 2 camps [Nayapara and Kutupalong, which are in the Cox's Bazar district in Chittagong], administered by the Government in co-operation with the U.N. High Commissioner for Refugees (UNHCR). The Government continued to ignore UNHCR requests to allow Rohingya refugees unable to return to Burma to work, benefit from local medical programs, or participate in the education system, insisting that all Rohingya refugees remain in camps until their return to Burma. The Government repatriated 210 refugees during the year. The Government denied asylum to the Rohingya by categorising them as illegal economic migrants and turned back as many persons as possible at the border. According to the UNHCR, some refugees returned by the Government were fleeing persecution and were entitled to refugee status. Some unregistered

persons in the UNHCR camps returned illegally after their official repatriation to Burma, sharing food and lodging with relatives who received rations based on the number of registered members of the camps. On a number of occasions, camp officials handed some of the unregistered persons over to police, who sent them to prison under the Foreigners' Act. There were 109 Rohingya refugees in local prisons in the Cox's Bazar area at year's end. UNHCR officials visited the detained refugees once a month." **[2d] (section 2d)**

USSD 2004 records that, in September 2004, the Government rejected a UNHCR proposal to grant the refugees rights for temporary stay and freedom of movement under a self-reliance programme. **[2d] (section 2d)**

6.110 A Médecins Sans Frontières (MSF) Report of March 2002, entitled '10 Years for the Rohingya Refugees in Bangladesh', observed: "For 10 years running, the majority of the Rohingya refugees have been malnourished. In a closed-camp setting, the refugees still do not have enough food. Today, 58 percent of the refugee children and 53 percent of the adults are chronically malnourished." **[29] (p12)**

6.111 The Economist Intelligence Unit's Country Report of January 2005 recorded that, in mid-November 2004, Bangladeshi paramilitary forces conducted a joint operation in the Rohingya refugee camps. The report states: "The government claimed that the operation was launched [because] the Rohingya Refugee Repatriation Commission of Cox's Bazar reported violence in the camps in recent months. The refugees were also said to have given shelter to illegal outsiders and brought in illegal arms through the hilly border areas." **[40b] (p16)**

6.112 A UNHCR briefing paper of 19 July 2005 outlined the plight of between 6,000 and 10,000 Rohingya living, outside of the refugee camps, on the tidal river flats of the Teknaf River – which forms the border with Burma. The paper described conditions there as 'extremely risky and deplorably squalid'. The river flats are very vulnerable to seasonal high tides, flooding and cyclones during the monsoon season. There is, according to the briefing paper, no water or sanitation at the site. Noted UNHCR:

"The Teknaf group originally formed two and a half years ago after the Bangladesh government moved some 3,600 Rohingyas from villages in the surrounding areas where they had been living for up to 10 years, to a spot along the Teknaf River. Six months later, they were again moved 2 km to the current site. The group has been growing as more Rohingyas facing problems with local communities have moved to the area. A small number of new arrivals from Myanmar, and some 'double-backers' – the term used for refugees who repatriated to Myanmar, then fled again – are also part of the group."

The UNHCR paper commented:

"The group are unregistered people of concern to UNHCR. The only difference from Rohingya refugees in the two government-run camps is that they were either not in the camps during the 1991-92 influx, or they had arrived after the 1994 cut-off date for prima facie refugee status. Even though Rohingyas in the group have been living unregistered outside the camps, their reasons for coming to Bangladesh are the same as the refugees in the camps."

The Government had not responded to international requests to re-locate the group; the Bangladeshi authorities regarded the group as illegal immigrants who should return to Burma. **[67a]**

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WOMEN

6.113 The State party report to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), dated 3 January 2003, comments: "Bangladesh is a gradually changing society where the position, status and roles of men and women have primarily been shaped by the stereotype of male predominance and authority over women." **[47a] (p16)** The report notes: "Traditional socio-cultural values and practices work against raising the status of women. Women still have limited opportunities for education, technical and vocational training, employment and activities." **(p5-6)** …"According to the Constitution, women enjoy the same status and rights as men in terms of education, health, political process, employment, development processes and social welfare. However, in practice, they do not enjoy the fundamental rights and freedom to the extent as men do. The unequal status of women in society and in public life is largely due to the fact of having unequal status in the family life. Women's lower socio-economic status, lower literacy, lesser mobility are some of the practical obstacles to the establishment of their fundamental rights." **(p10)** The same report details recent initiatives both by the government and by NGOs to reduce discrimination and gender-based oppression. **[47a] (pp7, 10-18)** CEDAW, in its 'Concluding Comments' dated 26 July 2004, urged the Bangladesh Government to implement comprehensive awareness-raising programmes to change stereotypical attitudes and norms about the roles of women; CEDAW also expressed concern over the unequal status of Bangladeshi women within the family and the fact that personal laws, derived from religious precepts which are discriminatory to women, continued to exist in the country. **[47b] (p5)**

6.114 USSD 2004 relates:

"Laws specifically prohibit certain forms of discrimination against women, provide for special procedures for persons accused of violence against women and children, call for harsher penalties, provide compensation to victims, and require action against investigating officers for negligence or wilful failure of duty; however, enforcement of these laws was weak. In July 2003, an amendment to the current law was passed, weakening provisions for dowry crimes and addressing the issue of suicide committed by female victims of acts of 'dishonor'." **[2d] (section5)**

6.115 USSD 2003 had stated:

"In recent years, female school enrolment has improved. Approximately 50 percent of primary and secondary school students were female. Women often were ignorant of their rights because of continued high illiteracy rates and unequal educational opportunities. Strong social stigmas and lack of means to obtain legal assistance frequently kept women from seeking redress in the courts. Many NGOs operated programs to raise women's awareness of their rights, and to encourage and assist them in exercising those rights. The Government also expanded incentives for female education by making

education free for girls up to grade 12 (approximately age 18) and using a stipend system from grades 6 to 12. By comparison, boys received free education up to grade five." **[2b] (section 5)** A Freedom House report of June 2005 adds: "The state continued [in 2004] to take some proactive measures, such as an employment quota and free education for girls up to the secondary level, to promote gender equity." **[65a] (p74)**

6.116 As noted in USSD 2004:

"Domestic violence was widespread. Although violence against women was difficult to quantify because of unreliable statistics and societal inhibitions about reporting such violence, much of the reported violence against women was related to disputes over dowries. During the year, according to BNWLA, husbands killed 155 women and tortured 35 women. Odhikar found 166 reported dowry-related killings, and 78 reported dowry-related incidents of torture during the year. The law prohibits rape and physical spousal abuse but makes no specific provision for spousal rape as a crime." **[2d] (section 5)**

The *Daily Star* of 14 August 2003 reported that the results of a study conducted by the United Nations Population Fund (UNFPA), titled 'Assessing male psycho-socio attitudes towards violence against women', were presented at a workshop in Dhaka on 13 August 2003; the former deputy representative of UNFPA was quoted as saying: "Sixty-five per cent of Bangladeshi males think it is justifiable to beat up their wives, 38 per cent have no clear idea what constitutes physical violence and 40 per cent support keeping women socially dormant." **[38f]** A report of the Canadian Immigration and Refugee Board, dated 12 January 2004, referred to a study quoted by UNFPA's 'The State of the World Population' for 2000 – which found that 47 per cent of women surveyed in Bangladeshi villages had, at some time, experienced physical abuse by male partners. **[3i]**

6.117 A State Party report to the UN Convention on the Rights of the Child (CRC), published 14 March 2003, notes that under the Suppression of Violence against Women and Children Act 2000 violence against a wife by, or on behalf of a husband, carries a penalty of five to 14 years' imprisonment if injury is caused, and a maximum penalty of life imprisonment for causing or attempting to cause the wife's death. **[52a] (p31)** An article dated 26 January 2004 from United News of Bangladesh revealed that there were then 2,200 cases pending in the Women and Children Repression Prevention Tribunal, with at least 50 new cases added monthly. **[39h]**

6.118 Comments USSD 2004: "Incidents of vigilantism against women – sometimes led by religious leaders (by means of fatwas) – at times occurred, particularly in rural areas. These included punishments such as the whipping of women accused of moral offenses... ASK [an NGO] reported 35 such cases during the year [2004]." **[2d] (section 5)**

(See also Section 5 Fatwas**)**

6.119 USSD 2004 records that the Women Affairs Department runs six shelters, one each in the six divisional headquarters, for abused women and children. The report continues:

"In 2002, the Department opened a Safe Custody Center in Dhaka. The BNWLA also had two shelters in Dhaka, and other NGOs ran smaller facilities to provide shelter to destitute persons and distressed women and children; however, this was insufficient to meet victims' shelter needs. As a result, the Government often held women who filed rape complaints in safe custody, usually in prison. Safe custody frequently resulted in further abuses against victims, discouraged the filing of complaints by other women, and often continued for extended periods during which women were unable to gain release…In September [2004], there were 184 women in safe custody with 320 children accompanying them." **[2d] (section 5)**

6.120 BBC News reported on 16 May 2004 that Parliament had approved a Constitutional amendment to increase the number of seats in the Jatiya Sangsad from 300 to 345 for a period of ten years, with the additional 45 seats being reserved for women. **[20ae]** The Economist Intelligence Unit's Bangladesh Country Report of January 2005 (EIU January 2005) noted that the enabling Reserved Women Seats Election Bill was passed in November 2004, but had drawn sharp criticism from women's rights activists and others who argued that the provision of reserved seats violated women's fundamental rights because no woman can contest such a seat unless nominated by a political party or alliance represented in parliament. Opposition parties criticised the measure as being 'very complex and impractical'. **[40b] (p14)**

6.121 The State party report to CEDAW dated 3 January 2003 notes that six women were elected to general seats in Parliament in 2001 and that the current Prime Minister and the former Prime Minister are women. At the local government level, three seats on each of the 4,479 Union Parishad councils and three seats on each Zila (district) council are reserved for women. **[47a] (pp5, 23)**

6.122 USSD 2004 notes: "Employment opportunities were greater for women than for men in the last decade, largely due to the growth of the export garment industry, 80 percent staffed by women. Programs run by the Government and NGOs extending microcredit to rural women improved their economic power. Pay was generally comparable for men and women performing similar work." In the public sector, however, the government policy to include women in government jobs has only had limited effect; in recent years, approximately 15 per cent of all recruits into government service have been women. **[2d] (section 5)**

RAPE

6.123 USSD 2004 observes: "The law prohibits rape and physical spousal abuse but makes no specific provision for spousal rape as a crime. During the year [2004], 896 rapes were reported; 117 victims were killed and 13 committed suicide after being raped. Human rights monitors insisted that the actual number of rapes was higher, as many rape victims did not report the incidents in order to avoid social disgrace. Prosecution of rapists was uneven. In September [2004], four persons were sentenced to life imprisonment for gang-raping a girl in April 2003." **[2d] (section 5)** As noted in the State Party report dated 14 March 2003 to the UN CRC, the Suppression of Violence against Women and Children Act 2000 carries the death penalty or life imprisonment for rape if death or injury results or is intended. Attempted rape is subject to a penalty of five to 10 years' imprisonment. **[52a] (p31)** Amnesty International's 2004 Annual Report (covering events of 2003) stated: "Women's rights groups blamed the low rate of convictions for violence against women on a lack of government institutions to

support the victims and a lack of trained police officers to investigate the cases." **[7j] (p2)**

6.124 USSD 2004 relates:

"According to BSEHR [Bangladesh Society for the Enforcement of Human Rights], there were 11 incidents of rape by law enforcement personnel or other officials during the year [2004]. On December 18 [2004], in Chuadanga, police took Dolly Khatun to a police camp for questioning, where 14 police officers subsequently raped her. Responding to public outcry, the Government withdrew all 14 policemen from duty and arrested 5 of them. On December 21, Khatun filed criminal charges against the policemen. The case remained open at year's end. In most cases, law enforcement personnel accused of rape and torture were not investigated; however, in some instances the Government took action. In September, three policemen convicted of raping and killing a teenage girl in Dinajpur in 1995 were hanged inside Rangpur prison. In some cases, women were often detained in 'safe custody' after reporting a rape (in reality, confined in jail cells), where they endured poor conditions and were sometimes abused and raped again." **[2d] (section 1c)**

The Suppression of Violence against Women and Children Act 2000 specifies a prison term of five to 10 years for the rape of a woman by a police officer who is responsible for her safe custody. **[52a] (p31)**

ACID ATTACKS

6.125 USSD 2004 states: "Rejected suitors, angry husbands, or those seeking revenge sometimes threw acid on a woman's face." **[2d] (section 1c)** "Acid attacks remained a serious problem. Assailants threw acid in the faces of women and a growing number of men, leaving victims disfigured and often blind. According to Odhikar, more than 300 persons fell victim to acid attacks during the year [2004]." **[2d] (section 5)**

6.126 The State party report to CEDAW dated 3 January 2003 confirms that two new laws were introduced in 2002 – the Acid Crime Prevention Act 2002 and the Acid Control Act 2002 – to restrict the import and sale of acid in open markets, allow for trials in acid-throwing cases by a special tribunal (with a right of appeal to a higher court) to make the maximum punishment for acid-throwing offences the death penalty and to provide for the treatment and rehabilitation of victims. **[47a] (p20)** The Canadian Immigration and Refugee Board, in a report of 12 January 2004, quoted NGO representatives to a 2003 meeting on violence against women as alleging that police, in return for money, had been charging perpetrators under the Women and Children Repression Prevention Act instead of the more severe Acid Control Act. **[3i]** In a statement by the Asian Legal Resource Centre to the UN Economic and Social Council, dated 10 March 2003, it was stated that the Bangladesh National Women Lawyers Association and the Bangladesh Acid Survivor's Foundation estimated that only ten per cent of attackers were ever brought to trial. Further, that the total number of acid attacks against women was difficult to document because many cases went unreported for fear of reprisals. **[8c]**

6.127 A BBC News article of 29 April 2005 confirmed a continued decrease in the incidence of acid-related attacks in Bangladesh. [20bh] Statistics provided by the Acid Survivors Foundation (ASF) – as updated June 2005 – show that 266

acid attack incidents were recorded in 2004, with a total of 322 victims; in 2003, 335 incidents were recorded, with 410 victims; in 2002 there had been 366 recorded incidents, with 484 victims. Of the 322 victims in 2004, there were 183 women, 63 men and 76 children under 18 years. Case conviction rates increased after the introduction of the two new acid-related laws in 2002; there was then a lower number of convictions in 2004. In 2003, 86 cases led to a conviction, compared with 52 in 2002 and 17 in 2001. During 2004, 36 cases resulted in a conviction. The motives for acid attacks are not always gender-related. For example, 42 per cent of recorded acid attacks in 2004 were, according to ASF, in connection with land or property or money disputes; 15 per cent of attacks related to marital or dowry disputes and 16 per cent of attacks were categorised as 'refusal of romance/marriage/ sex'. **[64]**

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CHILDREN

6.128 According to USSD 2004: "The Government was generally responsive to children's rights and welfare. Many of these efforts were supplemented by local and foreign NGOs, and these joint efforts allowed the country to make significant progress in improving health, nutrition, and education; however, slightly more than one-half of all children were chronically malnourished… According to human rights groups, 341 children were abducted, nearly 1,401 suffered unnatural deaths, and more than 660 children fell victim to serious abuses such as rape, sexual harassment, torture, and acid attack during the year. According to child rights activists, during the year [2004], violence against children declined to some extent due to growing awareness regarding child rights." **[2d] (section 5)**

6.129 UNICEF (website accessed 28 March 2005) has observed: "The level of malnutrition in children is very high and micro-nutrient deficiency is common. Prevalence of wasting and anaemia in children is estimated to be high." The under-five mortality rate is still considered very high and about 325,000 children die each year due to various diseases, malnutrition, accidents and, in particular, drowning. **[58a]** However, the UNICEF Bangladesh website, accessed on 19 September 2005, noted also:

"The country receives development assistance of approximately US$1.6 to US$1.8 billion per year and this support has enabled Bangladesh to make great progress, especially in child survival and development through providing safe drinking water, immunization, primary education and sanitation, and in promoting and defending children's rights." **[58b]**

6.130 As noted in USSD 2004: "Because of widespread poverty, many children began to work at a very young age. According to the Government's National Child Labor Survey published in November 2003, the Government estimated that approximately 3.2 million children between the ages of 5 and 14 years worked." USSD 2004 observes that this has frequently resulted in abuse of children, mainly through mistreatment by employers during domestic service and occasionally included servitude and prostitution. There has been a significant reduction in child labour in the garment industry. In 2004 about 4,000 garment factories were inspected and those found to be employing children were fined. Outside of the garment sector, however, there was virtually no enforcement of child labour laws during 2004. The Government sometimes brought criminal

charges against employers who abused domestic servants. USSD 2004 reports also: "The Government has been a member of ILO-IPEC [the ILO's International Programme for the Elimination of Child Labour] since 1994. ILO-IPEC programs include a $6 million project to eliminate the worst forms of child labor in five targeted industries: beedi [cigarette] production, matchmaking, tanneries, construction, and child domestic workers. As of December 2003, 19,874 children had been removed from hazardous work, 19,508 were attending non-formal education training, 7,623 had been admitted to formal schooling, and 3,060 were receiving pre-vocational training." **[2d] (section 6d]**

6.131 USSD 2004 quotes a 2002 report published by the Government news agency BSS in saying that there were then approximately 400,000 homeless children, of which as many as 150,000 had no knowledge of their parents. **[2d] (section 5)**

6.132 The State Party report to the UN Convention on the Rights of the Child (CRC), published 14 March 2003, states:

"In 1995-1996, the Bangladesh Bureau of Statistics carried out the first ever comprehensive national household survey on child labour, covering children aged 5 to 14 years. According to the survey, there are 6.6 million child workers in Bangladesh (including those looking for work but excluding students). Of these, 14 per cent work as child domestics. A higher proportion of boys (22 per cent) than girls (16 per cent) work, and the proportion of child workers in rural areas (20 per cent) is higher than in urban areas (15 per cent). More than 90 per cent of working children operate in the informal sector. Two thirds of children work in agriculture, the other main occupations being domestic service, selling, collecting waste, construction work and work in small workshops and factories."

The report details various statutes which stipulate the minimum ages at which children can legally work in certain sectors: Mines, 15 years (with medical certificate); shops and other commercial establishments 12 years; factories, 14 years (with medical certificate); workshops where hazardous work is performed 12 years; tea plantations 15 years. **[52a] (p73-76)**

6.133 The State Party report to CRC dated 14 March 2003 notes that the Suppression of Violence against Women and Children Act 2000 lays down severe penalties for various kinds of offences against children (up to 14 years) including rape, sexual harassment, kidnapping and detention for ransom. The same report mentions that it is an offence under the Children Act for a person who has custody, care or charge of a child to assault, ill-treat, neglect, abandon or expose the child or to cause such things to happen to him or her in a way likely to cause the child unnecessary suffering or injury to their health. **[52a] (p30)**

6.134 United News of Bangladesh reported on 16 February 2004 that the Muslim Marriages and Divorces (Registration)(Amendment) Bill 2005 had been introduced in parliament. It provides for the registration of all marriages to be made compulsory and introduces stiffer penalties for under-age marriages; the legal minimum age for marriage is 18 years for a woman and 21 for a man. **[39q]** Agence France Presse confirmed on 8 March 2005 that the Act had been passed and received presidential consent. **[23n]**

6.135 USSD 2003 records: "UNICEF estimated that there were 10,000 child prostitutes working in the country, but other estimates placed the figure as high

as 29,000. The minimum age requirement of 18 for legal prostitution commonly was ignored by authorities and circumvented by false statements of age. Procurers of minors rarely were prosecuted, and large numbers of child prostitutes worked in brothels." **[2b] (section 5)**

CHILD CARE ARRANGEMENTS

6.136 The Child Rights Information Network (CRIN) website has noted that Bangladesh is a signatory to the UN Convention on the Rights of the Child and the state is thus obliged to ensure proper care, protection, mental and physical treatment of children and regular review of treatment for the child victims of armed conflict, torture, neglect, maltreatment or exploitation. **[30]**

6.137 According to research carried out by the Bangladeshi human rights group Odhikar in 2001 "The Department of Social Services, under the Ministry of Social Welfare has a major programme named Child Welfare and Child Development in order to provide access to food, shelter, basic education, health services and other basic opportunities for hapless children. There are 73 state orphanages for approximately 9,500 orphan children, three Baby Homes for Abandoned Children with the capacity for 250 babies, one Destitute Children's Rehabilitation Centre for 400 children, one Vocational Training Centre for Orphans and Destitute Children for 100 children, sixty-five Welfare and Rehabilitation Programmes for children with disability for about 1400 children…In many Government run orphanages children are deprived of government grant allocation." **[46b]**

6.138 The State Party report of 14 March 2003 to the UN Convention on the Rights of the Child (CRC) confirmed that there were, in 2001, 73 state-run orphanages and also three 'baby homes' for abandoned children aged one to 5 years. The report added that there were another 950 orphanages run by NGOs, some with government funding. These included institutions linked to various religions: over 300 Muslim orphanages attached to madrassah schools, nine Hindu, five Buddhist and four Christian orphanages. **[52a] (p29)**

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HOMOSEXUALS

6.139 According to the International Lesbian and Gay Association (ILGA) website, accessed 24 September 2004, same-sex male and same-sex female relationships are both deemed to be illegal. Section 377 of the Penal Code provides: 'Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may be extended to ten years, and shall also be liable to fine'. A Bangladeshi lawyer, in a statement to the Swedish Embassy in Dhaka, stated: "You will notice that the word 'homosexual' or 'homosexuality' have not been used in the statute. The instances of prosecution under this section is extremely rare. In my twenty years of law practise, I have not known or heard of a case where a person has been prosecuted for or convicted of homosexuality under the aforesaid section. Such a prosecution in fact would be extremely difficult, if not impossible, for lack of witness or evidence." **[24]**

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6.C HUMAN RIGHTS - OTHER ISSUES

TREATMENT OF HUMAN RIGHTS NGOS

6.140 USSD 2004 states as follows:

> "A wide variety of domestic and international human rights groups generally operated independently and without government restriction, investigating and publishing their findings on human rights cases. While human rights groups were often sharply critical of the Government, they also practiced self-censorship, particularly on politically sensitive cases and subjects. The Government pressured some individual human rights advocates by filing false allegations against them or by delaying re-entry visas for international human rights activists. Missionaries who advocated on behalf of human rights faced similar problems. A few human rights activists reported harassment by the intelligence agencies. For example, the Government blocked foreign funding to the PRIP Trust because the organization's executive director, Aroma Dutta, championed minority rights during the 2001 general election. During the year, the Government drafted legislation to impose stricter control on NGOs and prevent them from engaging in political activities. The Government, however, withdrew a draft bill from Parliament following protests by some NGOs and objections from some development partners. On June 20 [2004], after arresting him on 15 separate occasions during the year, police filed a sedition case against Kazi [alt. Qazi] Faruque Ahmed, president of the NGO Proshika, and six of his colleagues, implicating them in a plot to overthrow the Government in April. Police raided the Proshika headquarters several times and seized some documents. On July 26 [2004], Ahmed was released on bail. The Government targeted Proshika because the group allegedly helped the AL campaign in the last general election." **[2d] (section 4)**

> The report continues:

> "On August 21, a RAB team arrested Rafiq Al Islam, president of the country's chapter of Non-Violence International, under Section 54. His name was later included on the list of accused in a case filed under the Arms Act. Islam, an anti-mine campaigner, remained free on bail after September 19, and his case was pending. The Government cooperated with international organizations such as the UNHRC and the ICRC; however, the ICRC did not visit the country during the year. In December, the Asia Pacific director of the UNHCR visited the country to investigate the status of the Rohingyas. Despite its election pledge and repeated public announcements, the Government did not enact legislation establishing an independent National Human Rights Commission." **[2d] (section 4)**

6.141 The Amnesty International (AI) Annual Report 2005 (covering 2004) stated: "Human rights defenders continued to receive death threats and to be at risk of attacks [in 2004]. Perpetrators were believed to be linked to Islamist groups or armed criminal gangs whose conduct the defenders had criticized." AI cited a serious attack on Dr Humayun Azad of Dhaka University by unknown assailants in February 2004, following the publication of his novel about Islamist groups. AI also noted the stabbing of a correspondent for the magazine *Weekly 2000* who

had been investigating the involvement of politicians and Islamist groups in attacks on Hindus. **[7n]** The AI Annual Report 2005 added: "Non-governmental organizations (NGOs) perceived to oppose government policies were at risk of harassment." The report mentioned the arrest in May 2004 of the president and vice-president of the NGO Proshika, which was alleged to have been politically motivated. **[7o]**

6.142 An article in the *Daily Star* of 29 June 2004 noted that the president of the NGO Proshika, Qazi Faruque Ahmed, had been released on bail by the High Court in connection with several cases of graft. **[38b]** Dr Ahmed and six other Proshika officials had, according to a BBC News article of 21 June 2004, also been charged with 'sedition' (see above). His lawyers argued that none of the charges against him were concrete and that he was being harassed by the authorities. BBC News described Proshika as one of the largest NGOs in the world, employing thousands of people in poverty alleviation, education and development projects. **[20ax]**

6.143 Commented the International Federation for Human Rights (FIDH) report on their fact finding mission of December 2004:

"The harassment against PROSHIKA began almost as soon as the elections of 2001 were completed and the BNP coalition government came into power. Directing its powerful political wand directly at the organization and its leadership, the last year has seen their offices raided, their leaders arrested with charges of unlawful activities, mismanagement of funds etc, foreign funding to most of their programs blocked and even to the extent of threatening its registration to be cancelled." **[68a] (p19)**

The same report contains details of alleged government harassment of certain other NGOs, including the Private Rural Initiatives Project (PRIP) Trust and the International Voluntary Service (IVS), and the umbrella organisation ADAB (Association of Development Agencies of Bangladesh). **[68a] (p19-23)**

6.144 BBC News, on 17 February 2005, reported bomb attacks on the offices of two development aid organisations, the Bangladesh Rural Advancement Committee (BRAC) and Grameen Bank. At least eight of their workers were injured. The Executive Director of BRAC blamed the attack on Islamic extremists, noting BRAC's work for the empowerment of women. **[20at]** A BBC News article of 25 February 2005 quoted the Bangladeshi authorities as saying that at least 20 suspects who were arrested after the BRAC and Grameen bombings had confessed to links with the militant Islamic groups Jamatul Mujahideen Bangladesh (JMB) and Jagrata Muslim Janata Bangladesh (JMJB). **[20aw]**

AUTHENTICATION OF DOCUMENTS

6.145 Information received from the British High Commission in Dhaka in December 2003 was as follows:

"Forged and fraudulently obtained documents are readily available in Bangladesh and are frequently submitted in support of entry clearance applications. Such documents include forged passports, birth, death and marriage certificates, bank statements (local and British), business plus employment related documents and educational certificates. Maintenance of

official records in Bangladesh tends to be haphazard. Most records are kept in hand written logs, with very little in the way of computerised records. There is no local equivalent of the UK Police National Computer system. Instead, records are kept at local police stations with no national link. With regard to birth and death certificates, and marriage and divorce certificates, local municipal corporations or union councils, and local registrars issue these respectively. As with police records, there is no national link up between any of these records. Most banks have similar poor maintenance of accounts, and most rural branches lack computers or even telephones." **[11g]**

6.146 The Country Information Service of the Australian Department of Immigration and Multicultural Affairs noted in a 1998 document entitled 'Bangladesh: Profile of Asylum Claims and Country Conditions:

"Asylum applicants from all [Bangladeshi political] parties submit voluminous documentation to support their claims, including in particular outstanding warrants for their arrest if they return to Bangladesh and other alleged court and police documents. Arrest warrants are not generally available to the public, and all such documents should be scrutinized carefully. Many 'documented' claims of outstanding arrest warrants have proved to be fraudulent. As of December 1997, the Embassy had examined several hundred documents submitted by asylum applicants; none proved to be genuine." **[50a]**

6.147 In a response to a query, the Canadian Immigration and Refugee Board advised in January 2004:

"Specific information on whether civilians bribe newspapers to publish fraudulent articles, or the frequency of this practice in Bangladesh, could not be found among the sources consulted by the Research Directorate. However, a research report commissioned by the Florida-based Institute for Public Relations and the United Kingdom-based International Public Relations Association, that was sponsored by the Turkish newspaper, *Hurriyet*, found that, among the 66 nations surveyed, there was a high likelihood in Bangladesh of print journalists seeking or accepting money for news coverage from a variety of sources (IPR 21 July 2003, Table 1; ibid. n.d.)." **[3j]**

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Annex A: Chronology of Events

1947 British colonial rule over India ended. A largely Muslim state comprising East and West Pakistan was established, either side of India. The two provinces were separated from each other by more than 1,500 km of Indian territory.

1949 The Awami League was established to campaign for East Pakistan's autonomy from West Pakistan.

1970 The Awami League, under Sheikh Mujibur Rahman, won an overwhelming election victory in East Pakistan. The government in West Pakistan refused to recognise the results, leading to rioting.

INDEPENDENCE

1971 Independence of the province of East Pakistan as the People's Republic of Bangladesh was proclaimed on 26 March following Army crackdown by the Pakistan Government. Awami League formed the government-in-exile on 17 April with Sheikh Mujibur Rahman, imprisoned in Pakistan, as the President.

1972 Sheikh Mujibur became Prime Minister. He began a programme of nationalising key industries in an attempt to improve living standards, but with little success.

1974 Severe floods devastated much of the grain crop, leading to an estimated 28,000 deaths. A national state of emergency was declared as political unrest grows.

1975 Sheikh Mujibur became president of Bangladesh. The political situation worsened. Sheikh Mujibur was assassinated in a military coup in August. Martial law was imposed.

1976 The military banned trade unions.

1977 General Ziaur Rahman assumed the presidency. Islam was adopted in the Constitution.

1979 Martial law was lifted following elections, which Zia's Bangladesh Nationalist Party (BNP) won.

1981 Zia was assassinated during abortive military coup. He was succeeded by Abdus Sattar.

THE ERSHAD ERA

1982 General Ershad assumed power in army coup. He suspended the Constitution and political parties.

1983 Ershad's proposal that all schools should teach Arabic and the Koran led to demonstrations. Limited political activity was permitted. Ershad became president.

1986 Parliamentary and presidential elections. Ershad elected to a five-year term. He lifted martial law and reinstated the Constitution.

1987 State of emergency declared after opposition demonstrations and strikes.

1988 Islam became state religion. Floods covered up to three-quarters of the country. Tens of millions were displaced.

1990 Ershad stepped down following mass protests.

1991 Ershad convicted and jailed for corruption and illegal possession of weapons. Begum Khaleda Zia, widow of President Ziaur Rahman, became prime minister. Constitution was changed to render the position of president ceremonial. The prime minister now had primary executive power. Cyclonic tidal wave killed up to 138,000.

AWAMI LEAGUE RETURNS TO POWER

1996 Two sets of elections saw the Awami League win power, with Sheikh Hasina, the daughter of Sheikh Mujibur Rahman, becoming prime minister.

1997 Ershad released from prison. The opposition BNP began campaign of strikes against the government.

1998 Two thirds of the country affected by the worst floods ever. Fifteen former army officers sentenced to death for involvement in assassination of President Mujibur in 1975.

2000 **September:** Sheikh Hasina criticised military regimes in a UN speech, prompting Pakistani leader General Musharraf to cancel talks with her. Relations strained further by row over leaked Pakistani report on 1971 War of Independence.
December: Bangladesh expelled Pakistani diplomat for comments on the 1971 war. The diplomat had put the number of dead at 26,000, whereas Bangladesh insist nearly three million were killed. Bangladesh wanted Pakistan to apologise for alleged genocide that it said Pakistani forces were guilty of during the War of Independence.

2001 July: Sheikh Hasina stepped down and handed power to caretaker government. She was the first prime minister in the country's history to complete a five-year term.

BNP-LED COALITION GOVERNMENT

2001 **October:** A BNP-led coalition won an overwhelming victory in the general election. Khaleda Zia once again became Prime Minister. [20i] 300 international monitors declared the poll to have been free and fair. [1a] [5f]

2002 **March:** Government introduced a law making acid attacks punishable by death.
April: Government approved a temporary law to speed up the legal process for dealing with violent crime.
June: President Chowdhury resigned after the Bangladesh Nationalist Party accused him of taking an anti-party line.

The opposition Awami League ended its boycott of parliament and attended for the first time since losing the general election of October 2001.
September: Iajuddin Ahmed, a retired professor from Dhaka University, was announced as the new President. [20s]
October: "Operation Clean Heart" was launched by the Government in response to criticism over rising crime and deteriorating law and order. This involved the deployment of nearly 40,000 soldiers in all major cities to help restore law and order, arrest "listed criminals" and recover illegal firearms. More than 11,000 people were arrested during the Operation, and between 31 and 40 people died after soldiers detained them.

2003 **January to March:** Local elections to 4,267 local councils were held. By February 2003, 25 people had reportedly been killed in election-related violence.
February: The Joint Force Indemnity Ordinance 2003 was passed by Parliament to give legal protection to members of the army and security forces who took part in Operation Clean Heart.

2004 **January:** Bomb attack on a shrine in Sylhet.
January: Three local politicians killed in as many days in Khulna.
May: A Constitutional amendment increased the number of seats in Parliament from 300 to 345, the additional 45 being reserved for nominated women members.
May: A bomb attack at a Muslim shrine in Sylhet killed two and injured 25, including the British High Commissioner.
July-August: Devastating floods hit Bangladesh: more than 600 people killed and an estimated 30 million people displaced or stranded; 60 per cent of the country, including half of Dhaka, was under water at one stage.
August: On 21 August a grenade attack at an Awami League rally in Dhaka, addressed by Sheikh Hasina, killed 23 people and injured about 200. Rioting by Awami League supporters subsequently erupted across the country; the Awami League called general strikes.
September-October: Police carried out 'blanket arrests' ahead of an Awami League mass rally on 3 October.
November: Anti-Corruption Commission was established.
December: An Awami League-led opposition alliance staged two 'human chain' demonstrations stretching right across the country.

2005 **January:** Former finance minister Shah AMS Kibria and four other Awami League activists were killed in a grenade attack in Habiganj.
February: The government banned two militant Islamic groups, Jumatul Mujahedin Bangladesh (JMB) and Jagrata Muslim Janata Bangladesh (JMJB).
August: Some 400 small home-made bombs exploded almost simultaneously in 63 cities and towns across Bangladesh, killing two people and injuring over 100. Jumatul Mujahedin Bangladesh (JMB) reportedly claimed responsibility.

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Annex B: Political Organisations

MAIN POLITICAL PARTIES

Awami League (AL)
Founded 1949. The Awami League spearheaded the war of independence under Sheikh Mujibur Rahman and is currently headed by his daughter, former prime minister Sheikh Hasina. Advocates socialist economy, but with a private sector, and a secular state. Has about 1,025,000 members, according to Europa. The AL last governed Bangladesh between June 1996 and July 2001, after 21 years in opposition. **[1b] [40a]** Despite obtaining the votes of 22,365,516 people in the 2001 general election (40 per cent of all votes cast), the AL secured only 62 seats in the 300-seat parliament due to the 'first-past-the-post' electoral system. **[16]**

Bangladesh Nationalist Party (BNP) ('Bangladesh Jatiyatabadi Dal')
Founded in 1978 by a former president, General Zia, and is now led by his widow, current Prime Minister, Khaleda Zia. **[40a]** The BNP won 193 of the 300 parliamentary seats in the 2001 general election and formed a government in coalition with Jamaat-e-Islami, the Jatiya Party and the Islamic Oikkkya Jote. **[16]** According to the Economist Intelligence Unit Country Profile 2003: The BNP espouses Bangladesh nationalism with anti-Indian and pro-Islamic nuances; however, these nuances have not been evident in its policymaking since coming to power in October 2001. The BNP, with close links to business, is committed to fostering a market economy and liberal democracy, and encourages private sector-led economic growth. **[40a]**

Islami Oikya Jote (IOJ) (alternatively Islami Oikkya Jote)
Won two seats in 2001 election and is currently a member of the BNP-led coalition government. Seeks to implement Islamic doctrine and draws support from traditional religious groups. Mufti Fazlul Haque Amini is secretary-general of IOJ. **[40a] (p11) [2b]**

Jamaat-e-Islami
Founded 1941. A fundamentalist party that espouses an Islamic state. Opposed to Bangladesh's independence in the 1971 civil war with Pakistan. **[1b] [40a]** Leader is Matiur Rahman Nizami. **[40a]** The party was banned after independence but got its rights back after General Zia allowed them and other fundamentalist parties to enter politics after the first AL-led government had banned them from politics. **[4b]** Won 17 seats in the October 2001 election to form part of the ruling BNP-led coalition. **[20m]**

Jatiya Party (National Party)
Founded 1983 as Jana Dal; reorganised 1986 when the National Front (founded 1985) formally converted itself into a single pro-Ershad grouping. **[5g]** The JP's main faction is led by the deposed former president, General Ershad. Stood in the 2001 general election as '**Islami Jatio Oikya Front**' and won 14 seats. **[40a] [16]**

Bangladesh Jatiya Party (N-F), or Jatiya Party (Naziur)**:** This faction, led by Naziur Rahman Manzur, secured four seats in the 2001 election and is currently part of the BNP-led governing coalition. The party is secular.

Jatiya Party (Manju) is a separate party/faction which broke away from the Jatiya party in 1999 and won one seat in 2001. **[1b]**

A full list of the 95 political parties allocated symbols for the 2001 general election is on the website of the Bangladesh Election Commission:
http://www.bangla2000.com/Election_2001/150_symbols.shtm

Another extended list of political parties can be found at:
http://elive.matamat.com/ppb.php

STUDENT/YOUTH ORGANISATIONS

Bangladesh Chhatra League (BCL)
Affiliated to Awami League. **[11c]**

Jatiyatabadi Chhatra Dal (JCD)
Affiliated to Bangladesh Nationalist Party (BNP). **[11c]**

Islami Chhatra Shibir (ICS)
Affiliated to Jamaat-e-Islami (Jamaat). **[11c]**

Jatiya Chhatra Samaj
Affiliated to Jatiya Party. **[11c]**

Gonotantrik Chhatra League
Affiliated to the Democratic League. **[11c]**

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PROSCRIBED AND/OR EXTREMIST ORGANISATIONS

Jagrata Muslim Janata of Bangladesh (JMJB)
JMJB is a fundamentalist 'vigilante' group whose aim is Islamic revolution through jihad. It is claimed that the group was first founded in 1998; the present name (JMJB) first became apparent in April 2004. According to the *South Asia Intelligence Review* of 31 May 2004, its highest decision-making body is the seven-member 'Majlis-e-Shura' (also referred to as the 'Sura Board'); the first tier of the organisation has activists called 'Ehsar' who are recruited on a full-time basis and act at the directive of top echelons. The second tier, 'Gayeri Ehsar', has over 100,000 part-time activists. The third tier involves those who indirectly co-operate with the JMJB. The organisation operates mainly in the northern districts of the country, but also has bases in some southern districts. Shaikh Abdur Rahman is said to be *amir* ('spiritual leader') of JMJB – as well as being the leader of Jamatul Mujahedin Bangladesh (JMB), with which JMJB has close links – *see below*. Siddiqul Islam, also known as 'Bangla Bhai', is a senior member who has assumed command of JMJB operations. The *Daily Star* has quoted Bangla Bhai as claiming that JMJB has 300,000 activists, about 10,000 of whom are full-time activists. There have been violent clashes between the JMJB and the maoist Purba Bangla Communist Party (PBCP) since April 2004; for example, in May 2004 JMJB operatives killed six members of the PBCP; the PBCP retaliated by killing two JMJB men and injuring six others. On 22 May 2004 several thousand JMJB activists armed with bamboo and hockey sticks staged a rally in Rajshahi city, under police escort, threatening journalists with death for reporting against them. In May 2004 the government issued a warrant for Bangla Bhai's arrest. **[38l] [19a] [59b] [38ac]** JMJB are believed to have been involved in a number of recent bombings and vigilante killings, including a bomb attack on a 'jatra' folk theatre show in Shahjahanpur on 14 January 2005 in which two people were killed and 70 wounded. **[38t]** The *Daily Star* of 25 January 2005 reported that at least 50 people, including eight policemen, were injured in clashes between the security forces and JMJB militants in Bagmara the

previous day. A large number of JMJB supporters had been protesting the lynching, a few days earlier, of three JMJB cadres by a mob of villagers. Police held 64 JMJB activists for questioning, and also arrested JMJB's Bagmara leader. JMJB had also distributed leaflets in Bagmara and in Bogra calling for Muslims to prepare for a Jihad. **[38r] [20av]** A police spokesman, on 4 February 2005, warned that JMJB planned to continue with bomb attacks on cinemas, theatres and 'jatra', which they have deemed to be 'un-Islamic'. NGOs were also to be targets. **[38w]** It was announced on 23 February 2005 that the Government had officially banned Jagrata Muslim Janata Bangladesh (JMJB) – as well as its associated militant Islamic group, Jumatul Mujahedin – and called for a renewed effort to arrest Bangla Bhai. (By August 2005 Bangla Bhai had not yet been detained.) **[61b] [23j] [38ac]** Police arrested 11 alleged JMJB activists on 25 February 2005 after raiding homes and mosques. **[61c]** The newspaper *Prothom Alo* reported on 21 July that JMJB had secretly continued with fund raising and recruitment since being banned in February 2005. **[21f]**

Other JMJB activities are detailed at http://www.satp.org/satporgtp/countries/bangladesh/terroristoutfits/JMJB.htm and http://www.thedailystar.net/2005/08/28/d5082801022.htm

Jamatul Mujahedin Bangladesh (JMB or **JM)** (alternatively Jama'atul Mujahideen) A militant Islamist group founded in the 1990s, JMB is said to be an offshoot of Hizb ul-Mujahedin. JMB has strong links with Jagrata Muslim Janata of Bangladesh (JMJB) – *see above*. Agence France-Presse, Associated Press and BBC News reported on 23 February 2005 that the Home Ministry had banned two militant Islamic groups, Jamatul Mujahedin and JMJB (above). Police arrested 19 JM suspects whom they reportedly blamed for involvement in a string of bomb attacks at musical concerts, religious shrines and the offices of voluntary organisations (NGOs). **[23j] [61b] [20az]** A *Daily Star* report of 28 August 2005 states: "Activists of [JMB] believe in capturing power through armed revolution and running the country by establishing Islamic rule by a Majlish-e-Shura." **[38ac]** JMB is believed to have been responsible for the 400+ simultaneous bomb blasts across the country on 17 August 2005, according to Agence France Presse and United News of Bangladesh; leaflets bearing JMB's name and calling for the implementation of Islamic law were reportedly found at some of the bomb sites. Shaikh Abdur Rahman, referred to as the leader of JMB by both of these news sources, was charged *in absentia* on 26 August 2005 for his alleged role in the 17 August bombings. **[23l] [23m] [39r] [38ac]** The police have reportedly named Dr. Muhammad Asadullah al-Galib as the *amir* or 'spiritual leader' of JMB; according to the *Daily Star* report of 28 August 2005, however, Galib is just one of JMB's 'policy makers' and Shaikh Abdur Rahman is the 'spiritual leader' of both JMB and JMJB. **[20az] [38ac]**

Harkat-ul-Jihad-al-Islami (alternatively known as **HUJI** or **Huji** or **Harkatul Jihad)** According to a *Daily Star* report of 28 August 2005, Harkatul Jihad was established in the early-1990s apparently with assistance from Osama bin Laden; its ideals were also inspired by the Taliban in Afghanistan. Many of its founders fought with the Mujahideen in Afghanistan in the 1980s. Current leader is Shawkat Osman alias Shaikh Farid; Imtiaz Quddus is general secretary. Huji mainly operates in the southern coastal belt, apparently with several training camps in Chittagong division. Is said to have around 15,000 members in Bangladesh. Huji was accused of twice plotting to assassinate Sheikh Hasina in 2000. **[38ac]**

Other Islamist extremist/militant organisations in Bangladesh include **Shahadat Al Hiqma**, **Hizbut Towhid (HT)**, **Hizb-ut Tahrir** and **Islami Biplobi Parishad (IBP).** Further information on each of these appears in a *Daily Star* report of 28 August 2005 (source **[38ac]**) at http://www.thedailystar.net/2005/08/28/d5082801022.htm

Purba Bangla(r) Communist Party (PBCP)
A proscribed radical Maoist movement. Seeks communist revolution by violent means. Responsible for the murder of police, officials, merchants and others; also engaged in robbery and extortion. According to the South Asia Terrorism portal of the Institute for Conflict Management (accessed 30 March 2005), current leader is Mofakkar Chowdhury. The PBCP was founded in 1968 following a split in the Bangladesh Communist Party. **[11a] [59a]**

As stated above, there were violent clashes between the PBCP and Jagrata Muslim Janata of Bangladesh (JMJB) during 2004. Various articles from United News of Bangladesh have also recorded that several gun battles took place between the security forces and PBCP in the latter half of 2004 and early 2005; some of these involved the PBCP faction '**Janajuddha**'. Also during this period a number of PBCP members were apparently lynched by civilian mobs. For example, a PBCP member was beaten to death by villagers in Chitolmari upazila on 4 October 2004 when he went to collect tolls **[39i]**; a regional leader of Janajuddha was killed in a shootout with police in Akamdanga upazila on 8 October – he had been wanted for seven murders **[39j]**; five Janajuddha operatives were killed in gunfights with police in Alamdabga upazila in late-November **[39k]**; on 2 December 2004 a PBCP (Janajuddha) cadre was beaten to death by a mob in Rupsa when he went to collect his takings **[39l]**; Mohidul Islam Shamim , said to be second in command of PBCP (Janajuddha), was killed in a gunfight between police and PBCP cadres in Daulatour upazila on 12 February 2005. **[39n]** Abdul Malek, a regional leader of PBCP, had been killed in a gunfight between PBCP and New Biplobi Communist Party members on 2 February 2005. **[39m]**

The Janajuddha faction claimed responsibility for the assassination of the Khulna president of the Awami League in August 2003. **[20n]** PBCP has also reportedly claimed responsibility for a number of attacks on journalists, including the bombing outside the Khulna Press Club on 5 February 2005 in which a journalist was killed and others injured. PBCP has threatened that it has 'many more journalists in its sights'. **[9f]**

Further details at
http://www.satp.org/satporgtp/countries/bangladesh/terroristoutfits/PBCP.htm

Biplobi Communist Party (before 1971 was known as the Communist Party of East Pakistan)
Maoist movement. Fought against both Pakistan army and Awami League during independence struggle. By mid-1970s largely suppressed by State; revived 1980s. **[11a]**

New Biplobi Communist Party (NBCP)
Formed in 1999 after the Biplobi Communist Party split. Police estimate about 5,000 'cadres'. Leader was Monoranjon Goshal, alias 'Mrinal'. Has mainly been active in Khulna, Jessore, Bagerhat and Satkhira districts. Financed through racketeering. **[38x]**

The Bangladesh *Daily Star* reported on 22 September 2004 that 'Mrinal' had been shot dead the previous day by unidentified assailants. He had been wanted by the police in connection with 103 cases of murder, 43 abductions for ransom and various other crimes. **[38x]**

According to a United News of Bangladesh article of 20 December 2004, Habibur Rahman, alias Ekdil, had styled himself as 'commander in chief' of NBCP. Three of his bodyguards were killed in an encounter with police on this date. **[39o]**

Swadhin Bangabhumi Movement ('Free Land of Bengal')
Hindu separatist movement. Founded in Calcutta by former Awami League MP, who fled to India in August 1975. Seeks separate state in southwest Bangladesh (where there is a large Hindu minority). Responsible for attempted take-over of Bangladesh High Commission in Calcutta in 1984. **[11a]**

Shanti Bahini ('Peace Force')
Armed wing of the Parbattya Chattagram Jana Sanghati Samity (PCJSS), a tribal insurgency which operated in the Chittagong Hill Tracts. Founded in 1972 by two brothers, Shantu and Manobendra Larma. Stood for political independence for the Chittagong Hills Tracts, and drew support from Chakma tribes. **[11a]** However, following the Peace Accord of 2 December 1997, **[4c]** Shantu Larma reportedly declared an end to the Shanti Bahini. **[4e]** On 10 February 1998 the Shanti Bahini formally surrendered their arms to the government, marking an end to the 25-year insurgency. **[4e]** The group is now considered to have disbanded, having surrendered their arms and had criminal cases against them dropped as part of the Peace Accord. **[7b]**

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Annex C: Prominent People

AHMED Prof. Iajuddin
President of Bangladesh since 6 September 2002. **[20s]**

ERSHAD General Hossain Mohammed
Leader of the main faction of the Jatiya Party. Came to power following a military coup in March 1982 and ruled as an autocrat until December 1990. **[1a] [40a]**

HASINA Sheikh
The leader of the opposition Awami League. Prime Minister in 1996-2001. A daughter of Bangladesh's founder, Sheikh Mujibur Rahman, Sheikh Hasina Wajed became leader of the AL in 1981. Sheikh Hasina and the current Prime Minister, Khaleda Zia, have a legendary antipathy toward one another. **[40a] [1a]**

NIZAMI Motiur Rahman
Leader of Jamaat-e-Islami, Bangladesh's largest Islamist party and a member of the BNP-led coalition government. **[40a]**

RAHMAN Sheikh Mujibur (Mujib)
Bangladesh's first Prime Minister; assassinated August 1975. **[1a]**

RAHMAN Ziaur (General Zia)
Assumed presidency April 1977; assassinated in May 1981. **[1a]**

ZIA Begum Khaleda
Leader of the Bangladesh Nationalist Party (BNP) and Prime Minister since October 2001. She was previously Prime Minister from 1991 to 1996. The wife of former President Ziaur Rahman, she became leader of the BNP in 1981. **[20i] [40a]**

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Annex D: References to Source Material

(Missing numbers relate to sources no longer referred to in the main body of the text.)

[1] Europa Publications:

a Europa World Year Book 2004, Volume I (pp.635 - 656)
b Europa Regional Surveys of the World: South Asia 2005 (pp. 88-121)

[2] US State Department

http://www.state.gov/g/drl/rls/hrrpt/ (Human Rights reports)
http://www.state.gov/g/drl/irf/rpt/ (Religious Freedom reports)

a Bangladesh Country Report on Human Rights Practices 2002, published 31 March 2003
b Bangladesh Country Report on Human Rights Practices 2003, published 25 February 2004
c Bangladesh, International Religious Freedom Report 2004, published 15 September 2004
d Bangladesh Country Report on Human Rights Practices 2004, published 28 February 2005
e Background Note: Bangladesh; updated August 2005.

[3] Canadian Immigration and Refugee Board

http://www.irb.gc.ca/default.htm

a Bangladesh: Country Profile: June 1990
f Bangladesh: State Protection: September 1998
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