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BANGLADESH

# "Crossfire"

## Continued Human Rights Abuses by Bangladesh's Rapid Action Battalion

HUMAN RIGHTS WATCH

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# "Crossfire"

## Continued Human Rights Abuses by Bangladesh's Rapid Action Battalion

# Map of Bangladesh

## Summary

The brothers Lutfar and Khairul Khalashi were arrested by the Rapid Action Battalion (RAB), an elite government crime-fighting force in Bangladesh, on November 13, 2009. Because of RAB's long record of killing people in custody, the following day family members organized a press briefing in which they urged the authorities to ensure that the brothers would not be killed while in custody. But two days later, on November 16, 2009, RAB announced that both had been killed in a so-called shoot-out, or "crossfire," with a RAB patrol team early the same morning. RAB provided no credible explanation for the killings. When the High Court issued a ruling the next day directing the authorities to explain the deaths, the law officer at RAB headquarters denied that any shoot-out had occurred at all, contradicting its previous announcement.

In one recent case, on March 3, 2011, RAB personnel in plainclothes picked up Rasal Ahmed Bhutto while he was minding a friend's shop in the capital, Dhaka. According to Bhutto's brother-in-law, Gulam Mustafa, one of their relatives in the army was able to contact colleagues in RAB and extract a promise that Bhutto would not be killed in "crossfire." However, on March 10, Bhutto was brought tothe area where he lived, in a RAB vehicle. He was shot inside the park. RAB summoned journalists to show the body of an alleged criminal killed in crossfire. "They brought him and committed cold-blooded murder," Gulam Mustafa told Human Rights Watch.

This report examines cases of extrajudicial killings, "disappearances," and torture that have taken place in and around Dhaka, after the current Awami League government came to power in January 2009. It builds on the 2006 Human Rights Watch report, *Judge, Jury, and Executioner: Torture and Extrajudicial Killings by Bangladesh's Elite Security Force*. The number of victims is astonishing. In March 2010, the director general of RAB said that since it was started in 2004 RAB had killed 622 people. According to Odhikar, a Bangladesh human rights group, at least 732 people were killed by RAB between its inception and March 2011.

Although some within the government urge reform and accountability, the government has failed to make serious efforts to end the systematic use of extrajudicial killing and torture to fight crime. Its claims that incidents of "crossfire" deaths are the result of RAB officers acting in self-defense are as hollow now as they were under the previous military backed government and its predecessor, the Bangladesh Nationalist Party (BNP), which created RAB.

The Rapid Action Battalion was formed in March 2004. RAB was designed as a composite force comprising elite members from the military (army, air force, and navy), the police, and

members of Bangladesh's various law enforcement groups. RAB personnel are seconded from their parent organizations, to which they return after serving time with the force. It operates under the ministry of home affairs and is commanded by an officer not below the rank of deputy inspector general of the police or someone of the equivalent rank from the military. RAB is organized into twelve battalions of which five operate in capital Dhaka.[1] It is regarded as an elite counter-terrorism force and indeed RAB has targeted, apart from criminal suspects, alleged members of militant Islamist or left-wing groups. RAB's official website depicts itself as battling the 'war against terrorism.' When it was first created, critics, including the then opposition Awami League, had said that instead of setting up RAB, the government should undertake efforts to reform law enforcement and the courts. Creating RAB, they feared, would undermine the police, and some had expressed concern about using the military for civilian policing.[2]

Their concern was well-founded. In often standardized press statements, RAB claims that these victims were shot and killed in crossfire in self-defense or after they or their accomplices opened fire on the force. Investigations by Human Rights Watch and Bangladeshi human rights organizations have, however, for many years found that many victims were executed while in the custody of RAB. Bodies of those killed have often carried marks indicating that they had been tortured. Many persons who survived periods in RAB custody have repeatedly alleged torture.

RAB's penchant for killing people in custody is so infamous that many of those taken into custody expect to die. A man, who was held blindfolded in custody and beaten in August 2010, told Human Rights Watch that he heard his captors discuss his killing in a crossfire. "I performed my last rituals and was prepared," he said. "I know that people die like this every day in Bangladesh."

The impunity RAB has enjoyed since its establishment in 2004 continues under the Awami League government. In spite of commitments to end the killings and to punish perpetrators, no RAB officer or official has ever been prosecuted for a crossfire killing or other human rights abuse.

Nearly 200 people have been killed in RAB operations since January 6, 2009, when the Awami League government assumed office. Echoing their predecessors in the BNP-led

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[1] Rapid Action Battalion, http://www.rab.gov.bd/index.php#, (accessed April 22, 2011).

[2] Human Rights Watch, *Judge, Jury, Executioner: Torture and Extrajudicial Killings by Bangladesh's Elite Security Force*, December 2006, http://www.hrw.org/en/reports/2006/12/13/judge-jury-and-executioner.

government, the home minister and other government representatives deny any wrongdoing by RAB and other law enforcement agencies. Instead, they cling to the fiction that all of those killed were shot by authorities acting in self-defense. This is disappointing because, while in opposition, leading members of the Awami League expressed strong criticism of RAB and its actions.

As far back as March 2005, the Awami League criticized RAB in its official newsletter. Referring to RAB and two short-lived special police units named Cheetah and Cobra, it said that:

> These forces have been given so much power and authority that they have blatantly disregarded constitutional provisions, human rights laws, as well as court law. Almost every day they are catching people on different false charges and are brutally murdering them, covering it by calling it 'crossfire deaths.' The victims are not tried or given any opportunity for self-defense. So there is a widespread saying 'How can a man be certain that his death is imminent? The answer is 'When he is caught by RAB or other special forces of the ruling party.'[3]

The newsletter also acknowledged that the practices of RAB had spread to the police and other law enforcement agencies:

> Being encouraged by the actions of RAB and the impunities enjoyed by them, the police and other forces have now also indulged in extra-judicial killings calling it crossfire. While killing a handcuffed person in the so-called crossfire, the most astonishing thing is the stereotypical statements issued by those forces.[4]

The Awami League also reflected these concerns in their election manifesto issued before the December 2008 elections, stating that, "extrajudicial killings will be stopped."[5]

In the first few months after it was elected to power, the Awami League maintained its firm rhetoric. In February 2009, at the United Nations Human Rights Council's Universal Periodic Review, Foreign Minister Dipu Moni announced that Bangladesh had a policy of "zero

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[3] "Three and Half Years Misrule of the BNP-Jamat Alliance and The Rise of Islamic Militants and Terrorism," Awami League Newsletter, vol. 4, no. 3, March 28, 2005, http://www.albd.org/autoalbd/index.php?option=com_content&task=view&id=85&Itemid=37, (accessed November 9, 2010).

[4] Ibid.

[5] Bangladesh Awami League, "Election Manifesto of Bangladesh Awami League – 2008," http://www.albd.org/autoalbd/index.php?option=com_content&task=view&id=367&Itemid=1, (accessed November 9, 2010).

tolerance" for extrajudicial killings, torture, and deaths in custody, stating: "We do not condone any such incident and will bring the responsible officials to justice."[6] A few days later, Prime Minister Sheikh Hasina also promised that legal action would be taken against those responsible for extrajudicial killings.[7] Indeed, the first few months of 2009 saw a comparatively low number of extrajudicial killings carried out by RAB. Some observers have attributed this to a wait-and-watch approach from RAB to determine whether the new government would take strong action to hold it accountable for past abuses or implement root and branch institutional reform.

But the new government has since followed in the footsteps of previous governments by embracing RAB as a crime fighting and anti-terrorism force to respond to public concern about high crime rates and international concern about the activities of Islamic militants on Bangladeshi soil. RAB is seen by the public as more capable of addressing organized crime than the police. Many Bangladeshis are unconcerned about abusive practices, believing that criminals deserve to be dealt with aggressively. It appears that the government is afraid of a populist backlash in taking on RAB.

Indeed, in March 2009, Law Minister Shafique Ahmed told Human Rights Watch that the government had no intention of investigating allegations of past human rights abuses by security forces, even though the perpetrators remained in RAB's ranks and would be likely to continue their illegal methods. Ahmed said that even though he did not condone "crossfire" killings, it should be remembered that RAB had only killed criminals.[8] A year later, in May 2010, despite numerous reports by human rights groups, the law minister claimed that such incidents had stopped. "No more crossfire incidents are taking place in the country," he said.[9]

This was a shocking statement for a senior official and lawyer who is well aware of the legally required presumption of innocence. Even BNP officials have admitted that many innocent people have been killed by RAB. Ahmed and other Awami League officials have consistently argued that they did not need to root out abusers because they could exercise effective political control over RAB, a claim that is belied by the evidence after over two years in office.

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[6] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Bangladesh, A/HRC/11/18, October 5, 2009, para. 87, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/162/52/PDF/G0916252.pdf?OpenElement (accessed September 5, 2010).

[7] "Seat row in JS: Hasina turns down opposition demand," *New Age*, February 12, 2009, http://www.newagebd.com/2009/feb/12/front.html#2 (accessed November 9, 2010).

[8] Human Rights Watch meeting with Shafique Ahmed, law minister, Dhaka, March 19, 2009.

[9] "Shafique sees no "crossfire," bdnews24.com, May 28, 2010, http://www.bdnews24.com/details.php?id=162586&cid=2 (accessed April 15, 2011).

In response to allegations of rising extrajudicial executions, Home Minister Sahara Khatun said: "Many people are talking and will talk about this. But as the home minister, I am saying that the law enforcers' task is to bring the criminals to the book." When asked about allegations by Human Rights Watch on continuing extra-judicial killings, she said: "What will the law enforcers do—save themselves or die—when criminals open fire on them?"[10] Khatun has even denied that RAB has committed any extrajudicial killings since the current government came to power. On December 26, 2009, she said that "There is no crossfire in the country," but added that law enforcement agencies were compelled to shoot "miscreants" to defend themselves when the suspects opened fire on them.[11]

Port and Shipping Minister Shajahan Khan expressed even stronger support for the actions of RAB and other security forces. On October 3, 2009, during a dialogue organized by BBC's Bangla Service, he reportedly said that it was impossible to try criminals under existing laws and that it was crossfire that will one day bring criminality to an end.[12] A few days later, the press reported that during an inauguration in Narayanganj, Khan said that crossfire killings were not human rights violations and that such killings helped to bring extortion and other crimes under control.[13] Surprisingly, none of the other ministers in the government publicly denounced Khan's comments.

In an article published on May 5, 2010, the *New Nation* newspaper claimed that as many as 50 people had recently been abducted and killed by people claiming to be members of RAB. According to the director general of RAB, members of the force had no involvement in these cases, which he attributed to criminal elements disguising themselves as members of RAB and other law enforcement agencies.[14] After his appointment as the new director general of RAB on September 5, 2010, Mokhlesur Rahman declared, "RAB never supports

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[10] "No extrajudicial killing so far," *The Daily Star*, January 26, 2011, http://www.thedailystar.net/newDesign/latest_news.php?nid=28160, (accessed April 22, 2011).

[11] "No crossfire," *The Daily Star*, December 27, 2010, http://www.thedailystar.net/newDesign/news-details.php?nid=119471, (accessed November 9, 2010).

[12] Ain O Salish Kendra (ASK), "ASK's reaction to port and shipping minister Shajahan Khan comments hailing 'Crossfire' as a solution," http://www.askbd.org/web/?page_id=835&view=archive&bymonth=10&byyear=2009(accessed November 9, 2010); see also, "Crossfire to continue until terrorism uprooted: minister," *New Age*, October 4, 2009, http://www.newagebd.com/2009/oct/04/front.html (accessed November 9, 2010).

[13] "Killing in 'crossfire' not violation of human rights: Minister," *The Daily Star*, October 8, 2009, http://www.thedailystar.net/newDesign/latest_news.php?nid=19787 (accessed November 9, 2010).

[14] Mamunur Rashid, "Govt worried over rate of abductions in recent months: 50 people killed in RAB's cover," *New Nation*, May 5, 2010; http://www.ittefaq.com/issues/2010/05/05/news0195.htm, (accessed May 5, 2010).

extrajudicial killings. RAB is not involved with these incidents and RAB will operate its duty upholding human rights."[15]

While senior government officials insist that all those killed by RAB are criminals, in some cases RAB has killed individuals because of mistaken identity. Under pressure, the Ministry of Home Affairs ordered investigations into the killings of Mohiuddin Arif, killed by RAB on February 3, 2010, and Kaisar Mahmud Bappi, killed by RAB on September 10, 2009. The inquiries were conducted by home ministry officials. Both inquiries concluded that the men were victims of extrajudicial killings by RAB.[16] "Witnesses heard my brother tell the officers, 'Please don't kill me. You are mistaking me for someone else. I am from a good family,'" said Kaisar Mahmud Bappi's sister, Shamsunnahar Alam. "They still shot him."[17] Officials from RAB have admitted privately to family members that Bappi's killing may have been a mistake, but there is still no official acknowledgement.[18] The committees recommended the prosecution of the perpetrators, but no action has followed.[19]

On February 4, 2011, Prime Minister Sheikh Hasina admitted that extrajudicial killings remained a problem, something that government officials had for so long denied. On February 4, 2011, she said: "We have been trying our best to stop extrajudicial killings, which started in 2004…. I have always been against extra-judicial killing, which are continuing a long time. They cannot be stopped overnight."[20] Hasina's comments raise the question of whether the government has either the will or ability to control RAB.

One thing appears certain: RAB will continue to commit serious abuses as long as it is able to operate with impunity. Human Rights Watch has found no cases in which the current government has even initiated a serious criminal investigation of a RAB officer for a human rights violation, despite obvious cases such as the killing of the Khalashi brothers. The government and RAB have in a handful of cases claimed that disciplinary measures have been taken after internal inquiries. Human Rights Watch has repeatedly requested the Bangladeshi

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[15] Odhikar, "Human Rights Monitoring Report," January-September 2010, October 1, 2010.http://www.odhikar.org/documents/2010/English_Reports/Nine_months_Odhikar_Report_Eng_2010.pdf, (accessed April 1, 2011).

[16] Bangladesh First, "Govt Investigation Proves RAB Responsible for Extrajudicial Killings- Arif Dies From Torture, Bappi from Direct Firing," November 24, 2010, http://www.bangladeshfirst.com/newsdetails.php?cid=2&scid=0&nid=564, (accessed April 15, 2011).

[17] Human Rights Watch interview with Shamsunnahar Alam, Dhaka, March 8, 2011.

[18] Human Rights Watch interview with Manzurul Alam, Dhaka, March 8, 2011.

[19] Human Rights Watch interview with Odhikar, Dhaka, March 7, 2011 and with ASK, Dhaka, March 10, 2011.

[20] "Plan to Build Airport at Arial Beel scrapped," *Prothom Alo*, February 4, 2011, http://www.prothom-alo.com/detail/date/2011-02-04/news/128857, (accessed April 15, 2011). Human Rights Watch translation from Bengali.

government to provide details of such disciplinary action. However, despite pledges from the highest levels, including the Prime Minister's office, no information has been provided.

Lawyers, politicians, representatives of civil society organizations, the media, and even artists have repeatedly warned against the dangers of not addressing the "crossfire" problem. They have urged the government to hold those responsible to account and to stop protecting the perpetrators.

Worryingly, RAB has recently begun to engage in enforced disappearances, perhaps as a way of hiding its involvement in killings. Bangladeshi human rights groups say that there have been more disappearances in recent times and that RAB has started to kill people without acknowledging any role in their deaths.[21] A member of Ain o Salish Kendra, a Bangladeshi human rights group, told Human Rights Watch, "They are picking up people, often in plainclothes, and then there is no word. Any unit can operate anywhere. Sometimes bodies turn up in some other district. This is a new trend."[22] In July 2010, the National Human Rights Commission reported that it was dealing with a number of disappearances of people who had allegedly been picked up by RAB.[23]

The police appear to have increasingly adopted some of the extrajudicial working methods of RAB. According to Bangladeshi human rights groups, several hundred killings have in recent years been attributed to the regular police or other security forces, a sharp increase.[24]

The judiciary has expressed concern that RAB personnel are taking the law into their own hands, but it has had no better luck in holding abusers accountable. On November 17, 2009, the High Court issued an unprecedented *suo moto* ruling in the killing of the Khalashi brothers. The court directed the government and RAB to explain within 48 hours why appropriate action should not be taken against the RAB officers involved. The court also ordered a halt to extrajudicial killings. The hearing on the case was adjourned, however, and the bench that issued the notice was reconstituted before it could hear the case. As of March 2011, the case had not been transferred to a new bench and no new date for a hearing had been set.

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[21] Human Rights Watch interviews with human rights workers in Dhaka, February and April, 2010.

[22] Human Rights Watch interview, Dhaka, March 9, 2011.

[23] "HRC asks lawmen to stop extrajudicial killings," *New Age*, July 7, 2010, http://www.newagebd.com/2010/jul/07/front.html, (accessed November 9, 2010).

[24] US Department of State, 2010 Country Reports on Human Rights Practices, Bangladesh, http://paei.state.gov/documents/organization/160056.pdf, (accessed April 15, 2011).

Foreign governments, in particular the UK and the US, regard RAB as Bangladesh's most effective anti-terrorism force and have expressed strong interest in increasing cooperation with RAB. In the hope of improving RAB's human rights record and deflecting criticism at home about working with RAB, these governments have provided human rights training to some RAB officers. They also say they are working with RAB to establish a structure for internal accountability.[25]

The US, UK, and Australia, among other countries, want to work with RAB on counter-terror issues because they view RAB as the most professional and well equipped law enforcement agency in Bangladesh. However, diplomats and foreign officials agree that RAB engages in widespread abuses. They insist that they are working with RAB and the Bangladeshi government to implement reform. Leaked diplomatic cables make clear that the US government is constrained in its ability to assist RAB as a result of its reputation for extrajudicial killings. Under US law it can only provide human rights training after vetting participants, though it devotes few resources to the vetting procedure.[26]

At present RAB is drawn from personnel from the police and the military who return to their units once they have served their term with RAB. This practice has been widely criticized for giving soldiers civilian law enforcement tasks and expecting them to operate under a different framework and code of conduct without adequate training, leading to predictable abuses. It is also likely that the abusive practices of RAB are then introduced into other forces, such as the police. The constant shuffling between the different forces makes it difficult to keep track of those responsible for violations for vetting purposes.

Because they consider RAB as an important counter-terror partner, the US, UK, and other governments have proven extremely reluctant to criticize RAB publicly (though they have been more forthright in diplomatic cables back to Washington and London). These governments have worked to fend off accusations that they are supporting a "death squad," but have shown little appreciation that the trainings they have supported to improve RAB

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[25] Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report, 2011says, "Human rights are intrinsically linked to the training we provide and the capacity-building work we support. In Bangladesh, for instance, we continued a programme training Bangladesh's Rapid Action Battalion (RAB) in human rights and ethical policing. The training focused on developing the Battalion's skills in areas such as basic human rights and interview and investigation techniques and the promotion of ethical policing by training in operational judgments and procedures that comply with modern police standards."http://fcohrdreport.readandcomment.com/human-rights-in-safeguarding-britains-national-security/countering-terrorism/, (accessed April 1, 2011).

[26] "US embassy cables: UK police trained Bangladeshi paramilitaries condemned for human rights abuses," The Guardian, December 21, 2010, http://www.guardian.co.uk/world/us-embassy-cables-documents/206936, (Accessed April 1, 2011).

practices appear to have had little impact. This is not surprising, as human rights training without vigorous prosecution of rights violators is unlikely to lead to improvements.

One recommendation made by some diplomats to Human Rights Watch is to disband RAB and instead create a separate, smaller force to focus on counter-terrorism and security issues. Such a force would be composed of specially trained police officers without the participation of soldiers. If such a force required specialized training, international assistance could be provided.

## Key Recommendations:

- The Bangladeshi government should take all necessary measures to end RAB's involvement in extrajudicial killings, torture, and other human rights violations. It should ensure that all allegations of human rights violations by RAB are thoroughly investigated and prosecute all those responsible, regardless of rank or position.

- If RAB's human rights record does not improve dramatically within the next 6 months and abusers are not prosecuted, the Bangladeshi government should disband RAB and donors such as the US and UK should withdraw all aid and cooperation. In its place the government should create a new unit within the police or a new institution with a different operating culture that puts human rights at its core to lead the fight against crime and terrorism.

- RAB or its replacement should become an entirely civilian institution. Its officers and rank and file members should no longer be drawn from the military, which has a different culture, ethos, and training from the police.

- In the meantime, the Bangladeshi government should establish an independent commission to assess RAB's performance, identify those responsible for serious violations such as extrajudicial killings, including those at the highest level, and ensure that those personnel are excluded from a reformed RAB and prosecuted. The commission should also develop and supervise implementation of an action plan to transform RAB into an agency that operates within the law and with full respect for international human rights norms.

- The Bangladeshi government should ensure that anyone detained by RAB or police has prompt access to lawyers, medical personnel, and family members. It should also allow

nongovernmental human rights organizations unfettered access to all RAB stations and detention cells to ensure that the practice of torture ends.

- Foreign governments and international organizations should refuse to work with RAB in law enforcement or counter-terror operations until the force ceases its use of torture and extrajudicial executions, promotes transparency, and pursues accountability for violations of human rights.

## Methodology

Since early 2006, Human Rights Watch has closely followed RAB and monitored its record of continuous human rights violations. During this period, the organization has spoken with dozens of persons with insight into RAB operations, and interviewed many persons directly affected by them.

This report is primarily based on Human Rights Watch interviews with more than 80 victims, witnesses, human rights defenders, journalists, law enforcement officials, lawyers, and judges. Research was conducted from April 2010 to March 2011.The report also makes use of official statements, press articles, and fact-finding reports prepared by Bangladeshi nongovernmental human rights organizations.

The cases of human rights violations presented in Section III of this report were selected following a review of all RAB violations reported in the media from 2009 to 2011. Criteria for selecting the cases included that the incident took place after the new government led by the Awami League took power; the violation took place in or near Dhaka, indicating that these cases were well known to the government; and demands were being made by family or relatives for justice in the cases.

In April 2010, Human Rights Watch sought a meeting with Hasan Mahmud Khandaker, then the director general of RAB, to discuss the findings presented in this report. Human Rights Watch spoke to him on the phone two times in April 2010, but in both instances he indicated he was not available for a meeting at that point in time. On April 22, 2010, Human Rights Watch sent a letter to Home Affairs Minister Sahara Khatun, copying the RAB director general, seeking information about investigations, internal disciplinary measures, criminal prosecutions, convictions, sentences, and compensation to victims in relation to the cases raised in this report or any other cases in which RAB is alleged to have committed human rights abuses. The letter was resent to the minister and to the new RAB director general, Moklesur Rahman, on October 27, 2010.[27]

Human Rights Watch also met with Prime Minister Sheikh Hasina and senior officials from the Prime Minister's office to raise concerns and request responses to letters written by Human Rights Watch with allegations of human rights violations by RAB. Despite repeated

[27] This letter was also delivered in person by Human Rights Watch to Home Minister Sahara Khatun, in Dhaka, on December 14; and to Prime Minister Sheikh Hasina, in London, on January 30, 2011.

commitments, Human Rights Watch received no response from the government. Copies of these letters appear in the appendix.

# I. Killings and Other Cases of Abuse by RAB Since the Awami League Government Came to Power in 2009

Bangladesh is a state party to several of the central international human treaties, including the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Bangladesh is thus, among other things, obliged to ensure that no one is arbitrarily deprived of her or his life, that no one is subjected to torture, and that in the determination of a criminal charge, everyone is entitled to a fair and public hearing by a tribunal established by law, and to be presumed innocent until proven guilty.[28] Under international human rights law, Bangladesh is also obliged to thoroughly and promptly investigate serious violations of human rights, prosecute those implicated by the evidence and, if their guilt is established following a fair trial, impose proportionate penalties.[29] Implied in this is that all victims shall have the opportunity to assert their rights and receive a fair and effective remedy, that those responsible shall stand trial, and that the victims themselves can obtain reparations.

United Nations principles on the prevention and investigation of extrajudicial executions provide detailed guidelines for governments. They include the need for "thorough, prompt and impartial investigations" of all suspected unlawful killings to determine the cause of death and the person responsible. Independent and impartial physicians should perform autopsies in cases of possible unlawful killings, and bodies should be kept until an adequate autopsy is carried out and the family informed of the findings. Where the established investigative procedures are inadequate because of lack of expertise or impartiality, investigations of possible unlawful killings should be pursued through an independent commission of inquiry.[30]

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[28] International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art. 6, 7, and 14.

[29] See, for example, ICCPR, art. 2; UN Human Rights Committee, Bautista de Arellana v. Colombia, Communication No. 563/1993, 13 November 1993 (UN doc. CCPR/C/55/D/563/1993), reproduced at http://www1.umn.edu/humanrts/undocs/html/563-1993.html, (accessed November 9, 2010); and UN Human Rights Committee, Basilio Laureano Atachahua v. Peru, Communication No. 540/1993, 16 April 1996 (UN doc. CCPR/C/56/D/540/1993), reproduced at http://www1.umn.edu/humanrts/undocs/540-1993.html (accessed November 9, 2010).

[30] Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, E.S.C. res. 1989/65, annex, 1989 U.N. ESCOR Supp. (No. 1) at 52, U.N. Doc. E/1989/89 (1989), art. 11.

It should be noted that the UN special rapporteur on extrajudicial, summary, or arbitrary executions has repeatedly requested permission for a country visit to Bangladesh, but has yet to receive a positive response.[31]

Below are some illustrative cases of continuing abuses by RAB. Human Rights Watch could have documented dozens of others, but taken together with all the unresolved cases in "*Judge, Jury, and Executioner,*" Human Rights Watch press releases on other cases in the interim,[32] and documentation by Bangladeshi human rights groups and the media,[33] we believe that the cases below are sufficient to indicate the urgency of the problem.

## Killing of Rasal Ahmed Bhutto

Rasal Ahmed Bhutto, a 34-year old shopkeeper, was picked up in the street outside a friend's shop in Dhaka by men in plainclothes in a white microbus on March 3, 2011. Bhutto had been worried for many months that he was under RAB surveillance because of his alleged association with the murder of a BNP politician. He had started avoiding going to his shop for fear of arrest. His brother-in-law, Gulam Mustafa, said that Bhutto had a bad reputation in the neighborhood, and that he was often the scapegoat, blamed for any crime in the area.

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[31] Human Rights Council, "Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston," A/HRC/14/24, May 20, 2010, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/135/03/PDF/G1013503.pdf?OpenElement, (accessed April 15, 2011).

[32] See "Allow Photo Exhibit of Crossfire Killings," Human Rights Watch news release, March 24, 2010, http://www.hrw.org/en/news/2010/03/24/bangladesh-allow-photo-exhibit-crossfire-killings; "Bring Paramilitary Unit Torturers to Justice," Human Rights Watch news release, 23 October, 2009, http://www.hrw.org/en/news/2009/10/23/bangladesh-bring-paramilitary-unit-torturers-justice; "Executions, Torture by Security Forces Go Unpunished," Human Rights Watch news release, May 18, 2009, http://www.hrw.org/en/news/2009/05/18/bangladesh-executions-torture-security-forces-go-unpunished; "Investigate Killing by Anti-Crime Unit," Human Rights Watch news release, April 15, 2009, http://www.hrw.org/en/news/2009/04/15/bangladesh-investigate-killing-anti-crime-unit; "New Government Should Act on Rights," Human Rights Watch news release, 29 January, 2009, http://www.hrw.org/en/news/2009/01/29/bangladesh-new-government-should-act-rights; "Stop Denying Killings and Torture," Human Rights Watch news release, October 6, 2009, http://www.hrw.org/en/news/2008/10/06/bangladesh-stop-denying-killings-and-torture-0; "End Wave of Killings by Elite Forces," Human Rights Watch news release, August 11, 2008, http://www.hrw.org/en/news/2008/08/10/bangladesh-end-wave-killings-elite-forces; "Stop Killings by Security Forces," Human Rights Watch news release, January 25, 2007, http://www.hrw.org/en/news/2007/01/24/bangladesh-stop-killings-security-forces; and, "Elite Force Tortures, Kills Detainees," Human Rights Watch news release, December 14, 2006, http://www.hrw.org/en/news/2006/12/13/bangladesh-elite-force-tortures-kills-detainees.

[33] See for example, Ain O Salish Kendra, "Human Rights in Bangladesh 2009: A Summary Report," 2010, http://www.askbd.org/web/wp-content/uploads/2010/09/HR_summary_09.pdf (accessed November 9, 2010); Ain o Salish Kendra, "RAB: Eradicating Crime or Crimes of the State?," 2005., www.askbd.org/RAB/RAB.htm (accessed November 9, 2010); Odhikar, "Human Rights Report 2009," January 1, 2010, http://www.odhikar.org/documents/2009/English_report/HRR_2009.pdf (accessed November 9, 2010); and, Odhikar, "Human Rights Report 2008," January 15, 2009, http://www.odhikar.org/report/pdf/Odhikar_Annual_Human_rights_Report_%202008.pdf (accessed November 9, 2010).

After his arrest, Bhutto's family and friends started calling journalists to find out where he had been taken. They were told by a journalist with close ties to RAB that he had initially been in the custody of RAB-10, one of RAB's Dhaka units, and was then transferred to RAB-3, also in Dhaka.[34] This was later confirmed to Gulam Mustafa by a close relative, a member of the armed forces with ties to RAB headquarters.

One week later, men in several vehicles, some of them belonging to RAB and some civilian, brought Bhutto to his family's neighborhood in Naya Bazaar at around 10 p.m. and killed him there. They claimed he was killed in a shoot-out. Eyewitnesses to the killing described seeing Bhutto in an unmarked microbus on the night of his death escorted by two marked RAB vehicles. They heard a volley of gunshots about an hour later. By the time Gulam Mustafa arrived there, Bhutto had been shot and was slumped against a wall in a sitting position. Mustafa described the scene:

> There were RAB officers and police all over the place, about 50 in total. The media was already there and RAB kept saying that Bhutto had been caught in a special operation. I started shouting at them, saying maybe Bhutto had done some bad things but where is the rule of law, how dare RAB kill Bhutto. The RAB officers just stared at me and said nothing, which frightened me. And then although some people supported me, a local Awami League leader came out and started raising slogans saying that Bhutto was a criminal anyway… RAB then took the body away for the autopsy. When I went to collect the body, I saw that there was only one bullet inside his ear. The police made me sign a blank sheet of paper, I didn't want to do it but then I just gave in.[35]

When asked why the family had not filed a notice with the police after Bhutto's arrest, Mustafa said: "We know what happens when people go missing. We decided not to file a case because it is better to have a body to mourn over than hoping forever that your missing one is still alive."

## The Disappearance of Mohammad Rafiqul Islam

According to witnesses, uniformed RAB personnel arrived at around 4:30 p.m. on February 15, 2011, to pick up 41-year-old Mohammad Rafiqul Islam, a salesman at a grocery store in Dhaka. He has since disappeared. RAB has denied taking him into custody.

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[34] Rapid Action Battalion, http://www.rab.gov.bd/#, (accessed April 2, 2011).

[35] Human Rights Watch interview with Gulam Mustafa, Dhaka, March 13, 2011.

After the family was informed by other shopkeepers in the neighborhood who saw Rafiqul being taken into custody, they tried to contact various government authorities and even went to the RAB camp. No one was able to provide any information. On February 22, 2011, Shada Mia, Rafiqul's son-in-law, filed a missing person report with the local police.

Family members said that Rafiqul was a member of an Islamist group called "Allah-r Dol," (Allah's party). A case had been filed against him by the police in April 2004 for his alleged involvement of a militant organization. Mohammad Shada Mia, Rafiqul's son-in-law, said that his father-in-law used to attend court hearings regularly.

> My father-in-law was working at the shop for three years and everyone in the neighborhood knew him. He had studied Arabic and used to sometimes give the call to prayers at the mosque…. That afternoon, it seems that a Coca Cola van had come to deliver new supplies to the store. When he stepped out of the shop, five or six men in plainclothes took him away. Other shopkeepers said that there were more men in RAB uniform waiting at the top of the lane with vehicles….I went to the RAB-3 camp, but the guard said no one had been taken into custody. I went to the police, but they refused to register a complaint and asked us to wait because sometimes RAB releases people…. I finally filed a complaint when he did not return after a week.[36]

Odhikar interviewed two eyewitnesses who saw Rafiqul handcuffed by plainclothes officials outside his shop and then taken to the main street where there were some armed men wearing RAB uniforms and others in civilian clothes. RAB authorities have denied arresting Mohmmad Rafiqul Islam.[37] At the time of writing his whereabouts are unknown, but his family is concerned that he may have been killed by RAB.

## The Killing of Azad Hussein Pappu and Abdus Sattar

According to witnesses, Azad Hussein Pappu, and Abdus Sattar were arrested by RAB officers in the Mirpur area of Dhaka on February 27, 2010.[38]

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[36] Human Rights Watch interview with Mohammad Shada Mia, Dhaka, March 7, 2011.

[37] Odhikar fact-finding report, March 21, 2011.

[38] Human Rights Watch interviews with Shaina Begum, Pappu's mother; Md. Amin Hossain, Pappu's neighbor; Md. Azahar, Pappu's uncle; and Sima Begum, Pappu's aunt, Dhaka, April 9, 2010.

The next day, on February 28, RAB issued a statement saying that the two men had been killed that morning, around 3 a.m., during a raid in the capital's South Keraniganj area, which is located at the opposite end of the city from the point where they were arrested. RAB claimed to be following a tip-off that two criminal groups were confronting each other. RAB claimed that after RAB arrived on the scene, Pappu and Sattar came into the line during a shoot-out as the force retaliated when the criminals opened fire.[39]

According to Pappu's family members and other witnesses interviewed by Human Rights Watch, five to seven men in civilian clothes arrested the two men at gunpoint around 11 a.m., as they were leaving the Mirpur home where Pappu's mother and several of his relatives live. The armed men took the two men to a microbus parked at a street corner a few meters from the entrance to the house, and at that time the men in plainclothes put on vests with "RAB" written on the back.[40]

A large crowd of people witnessed the arrest. Pappu's aunt, Shima Begum, was present at the time and told Human Rights Watch, "RAB was telling people to move away as Pappu had a bomb in his bag that could explode at any moment."[41] She and Pappu's uncle also said they heard a RAB officer accusing the two men of having stolen 1.4 million taka.[42] Pappu and Sattar were then forced into the microbus and taken away.

Pappu's relatives started looking for him and Sattar at different RAB and police stations in the area, but officials told them that nothing was known about the arrests.[43] They also made repeated attempts to call Pappu on his mobile phone. He answered on four different occasions that afternoon during which he talked to his aunt, mother and his wife, who was seven months pregnant. He told them that he was blindfolded, did not know where he was being held and that he would be released as soon as the interrogation was over.[44]

At around 7 p.m., Sattar's family was informed of the arrest by a relative living in South Keraniganj. They made several attempts to call Abdus Sattar, but found that his phone was

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[39] "Two die in crossfire," *The Daily Star*, March 1, 2010, http://www.thedailystar.net/newDesign/news-details.php?nid=128235, (accessed November 9, 2010).

[40] Human Rights Watch interviews with Shaina Begum, Md. Amin Hossain, Md. Azahar, Sima Begum, and Priayanka Begum, Pappu's wife, Dhaka, April 9, 2010.

[41] Human Rights Watch interview with Shima Begum, April 9, 2010.

[42] Human Rights Watch interviews with Shima Begum and Md. Azahar, April 9, 2010.

[43] Human Rights Watch interviews with Shima Begum and Md. Azahar, April 9, 2010.

[44] Human Rights Watch interviews with Shaina Begum, Shima Begum, and Priayanka Begum, April 9, 2010.

switched off.[45] Late in the evening they arrived at the RAB-10 office in South Keraniganj but officers told them Sattar was not there.

Early the next morning, on February 28, friends and relatives informed both families that the two men had been killed and that their bodies were lying in an open field in the South Keraniganj area.[46] When Pappu's mother and other relatives arrived there, approximately 10 to 12 RAB officers and many bystanders were present. The mother told Human Rights Watch that she started screaming at the RAB officers:

> I asked them how much money they got to kill my son and told them that they could kill me in crossfire as well. One RAB officer then grabbed my neck and said, 'Get out of here, bitch. If you don't shut up, people here will kill you.' I asked him what he was doing there and if it was not his job to protect me. He then calmed down, asked me to leave and said that I could collect Pappu's body at Mitford hospital.[47]

When the two families arrived at Mitford hospital around 3 p.m., hospital staff informed them that the bodies could not be handed over as their condition did not correspond to what was stated in the police report. However, they were allowed to see the bodies. Family members said Pappu's thighs were severely bruised and there were burn marks on his back and the right cheek of his face which to the family looked as if they had been caused by a hot iron. They added Pappu had been shot in the right ear and the bullet had exited on the left side of his head. Despite repeated requests, the family has not been able to obtain a copy of the post-mortem report from the police.[48]

Sattar's family members took a number of photos at the morgue, which they showed to Human Rights Watch. The photographs show wounds on Abdul Sattar's forehead and chin, as well as bruises on his thighs and hands. He also had a burn mark on his chest.

Sattar's sisters told Human Rights Watch that Sattar and another brother, Mustaq, had been accused of killing a man named Kamal in the South Keraniganj area. Mustaq had been arrested three months earlier, but Sattar had gone into hiding. One of the sisters, Mukta, said that during a visit to South Keraniganj police station after Mustaq's arrest, she heard

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[45] Human Rights Watch interview with Mukta and Noyontara Begum, Dhaka, April 9, 2010.

[46] Human Rights Watch interviews with Shaina Begum, and Mukta, and Noyontara Begum, April 9, 2010.

[47] Human Rights Watch interview with Shaina Begum, April 9, 2010.

[48] Ibid.

him screaming as he was being beaten and that a police inspector told her, "now you know how it feels to hear your brother's screams." Afterwards, when she was allowed to see him, Mustaq was unable to stand up and said that the police had beaten him severely.[49] Mustaq was later released on bail in June 2010. The same day that she was informed of the death of her son, Pappu's mother went to file a complaint with the South Keraniganj police station. She told Human Rights Watch that the police refused to accept the complaint and said to her, "why should we accept a complaint when a criminal has been killed?"[50]

Sattar's family also tried to file a complaint with the South Keraniganj police station. According to his sister Mukta, the police told her, "You cannot file a complaint when criminals kill criminals." When she asked him if he meant that RAB are criminals, he just told her to shut up and leave.[51] A few days later, the family filed a complaint with the Dhaka Chief Metropolitan Magistrate's Court. On July 15, 2010, the Officer-in-Charge of the South Keraniganj Police Station submitted a report to the court regarding the unnatural deaths of Sattar and Pappu. The report stated that both were killed in crossfire. The family's lawyer, Advocate Moshiur Rahman, informed Human Rights Watch that he planned to submit a petition disagreeing with the police report in time for the next hearing on September 15, 2010 but at the time of this writing there was no additional information available on whether that appeal went forward.[52]

## The Death of Mohiuddin Arif

On February 3, 2010, Mohiuddin Arif, a 32-year-old surgery technician at the Apollo hospital in Dhaka, died from injuries that he apparently sustained after he was arrested and detained by RAB ten days earlier.

At 7:30 a.m. on January 24, 2010, three men in plain clothes claiming to be officers from RAB-4 arrived at Arif's house in Dhaka's Pallabi area, where he lived with his wife, two young children, parents, and other relatives. As Arif had just left for work, his father Abdul Majid phoned him and told him that RAB was waiting for him at the house. Arif returned home about 15 minutes later and RAB members immediately took him away.[53]

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[49] Human Rights Watch interview with Mukta and Noyontara Begum, April 9, 2010

[50] Human Rights Watch interview with Shaina Begum, April 9, 2010.

[51] Human Rights Watch interview with Mukta and Noyontara Begum, April 9, 2010

[52] Human Rights Watch interview with Moshiur Rahman, lawyer, Dhaka, August 17, 2010.

[53] Human Rights Watch interview with Abdul Majid, Dhaka, April 5, 2010.

Majid told Human Rights Watch that he phoned RAB-4 around noon to clarify the whereabouts of his son. He was told that there was no senior officer present at the station and so therefore no information could be provided. At 8 p.m., however, seven or eight RAB officers arrived at the house, bringing Arif with them. In the presence of several family members, they started searching the house and pushing a handcuffed Arif from room to room. When they apparently did not find what they were looking for, they yelled at Arif, asking why he had told them that he had a pistol hidden in the house. He responded that he had done so to get them to stop beating him. As he was being dragged back to the vehicle in which he and the RAB officers had arrived, Arif shouted out to Majid, "Father please kill me now; do not let them take me away again."[54]

Around 7 p.m. on January 25, the RAB transferred Arif to the Pallabi police station. Family members arrived at the station around 9 p.m. that evening, but they were not allowed to talk to Arif. They claim, however, that they paid the police a 16,000 taka (about US$ 230) bribe in exchange for a promise that he would not be tortured.[55]

On January 26, Arif was accused of robbery and taken to the Dhaka Chief Metropolitan Magistrate's Court. The family paid a court clerk a bribe of 16,000 taka to facilitate his release on bail. They were told, however, that bail could not be granted, but that the court could ensure that he was not returned to the police station for further interrogation. Arif was instead sent to the Dhaka Central Jail, where he was admitted to the jail hospital.[56]

On January 31, Arif was taken from the prison hospital to the Dhaka Medical College Hospital, but due to a lack of available beds he could not be admitted. Majid was permitted to talk to his son at the Dhaka Medical College Hospital, and told Human Rights Watch that Arif was in a very bad physical condition at the time, vomiting and unable to walk. Arif also told his father that he had severe pain in his chest because several RAB officers had stomped on him during interrogation.[57]

On February 4, Majid returned to the Dhaka Medical College Hospital in the hope that his son had then been admitted. He was told, however, that he had already been treated and

[54] Human Rights Watch interview with Abdul Majid, April 5, 2010.

[55] Human Rights Watch interview with a relative of Mohiuddin Arif (name and details withheld).

[56] Human Rights Watch interview with a relative of Mohiuddin Arif (name and details withheld).

[57] Human Rights Watch interviews with Abdul Majid and Mahabub Alam Khokon, Dhaka, April 5, 2010.

returned to the jail. A few hours later he was informed by the jail authorities that his son had died the previous day and that the body had been transferred to the hospital morgue.[58]

At the morgue, Majid noticed that Arif's legs were, "smashed and did not retain their usual shape; they were flattened."[59] Arif's brother, Mahabub Alam Khokon, who collected the body from the morgue, said that the repeated beatings had turned the legs green, that skin had been scraped off on several parts of the body, and that the feet were swollen and looked as if they were falling apart.[60]

In line with standard procedures when there is a death in custody, a report describing the cause of the death was drawn up. According to the *The Daily Star* newspaper, executive magistrate Mokbul Hossain's investigation report confirmed that torture marks were found on different parts of the body.[61]

The officer in charge at Pallabi police station, however, informed human rights workers from Odhikar that when Arif was detained at the station, the officer did not notice any injuries on Arif's body.[62] The second officer in charge, Afsahl Hossain, told Human Rights Watch that Arif had fallen ill in prison. He added that he did not have any further details of the case and recommended that Human Rights Watch talk to sub inspector Feroze Hossain, the first investigating officer, or to the second investigating officer sub-inspector Mainul Kabir.[63] When contacted by Human Rights Watch, sub inspector Hossain first denied that he was the investigating officer on the case and then said that he could not remember any details about it.[64] Kabir simply said that he had nothing to do with the case.[65]

Odhikar was told by the officer in charge of Pallabi police station that Arif had been fired from Apollo Hospital long before his arrest due to allegations of corruption. However, the senior manager of the human resource division at the hospital said that this information was incorrect. In fact, Arif's time punch card from the hospital appeared to show that he was on

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[58] Human Rights Watch interview with Abdul Majid, April 5, 2010.

[59] Human Rights Watch interview with Abdul Majid, April 5, 2010.

[60] Human Rights Watch interview with Mahabub Alam Khokon, April 5, 2010.

[61] "Man dies in custody," *The Daily Star*, February 5, 2010, http://www.thedailystar.net/story.php?nid=124943 (accessed November 9, 2010).

[62] Odhikar, "Apollo Hospital technician Md. Mohiuddin Arif died after alleged torture by RAB," fact-finding report.

[63] Human Rights Watch interview with Assail Hossain, second officer in charge, Pallabi police station, Dhaka, April 6, 2010.

[64] Human Rights Watch interview with Feroze Hossain, police officer, Pallabi police station, April 6, 2010.

[65] Human Rights Watch interview with Mainul Kabir, sub inspector, Pallabi police station, April 6, 2010.

duty at the hospital at the time the alleged robbery took place that he was later accused of taking part in.[66]

Arif's family did not attempt to file a crime case with the police or the courts. Majid said to Human Rights Watch, "What would be the outcome? At the very most a RAB officer will be transferred. I will not get my son back."[67] However, Constable Zakir Hossain, a guard at Dhaka Central Jail, has reportedly filed a case of unnatural death with Shahbagh police station.[68] When Human Rights Watch contacted the police station, assistant sub inspector Sharif said he was unable to provide any details relating to the case and that it would take him some time to find out about its current status.[69]

However, after the intervention of the NHRC, this case was investigated by the Home Ministry. Although the report was not officially made public, it was leaked. The committee concluded that "Arif's death was caused by the physical tortures he endured while he was under the custody of RAB and police."[70] Yet no criminal charged have been filed against any of the perpetrators.

## The Killing of Lutfar and Khairul Khalashi

Two brothers, Lutfar Rahman Khalashi, who owned a pharmacy, and Khairul Huq Khalashi, a local garment trader, were arrested by RAB in Narayanganj district around 1 a.m. on November 13, 2009.[71] The following day, family members organized a press briefing at Madaripur press club in which they urged the authorities to ensure that the two men would not be killed in crossfire.[72] When relatives and friends heard that the two brothers might be taken to the RAB-8 office in Madaripur city, approximately 150 kilometers south of Narayanganj, they organized a demonstration in front of the RAB station there on November 15. The following morning, they were informed that the two men had been shot and killed near South Shirkhara Sewage gate.[73]

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[66] Odhikar, "Apollo Hospital technician Md. Mohiuddin Arif died after alleged torture by RAB," fact-finding report.

[67] Human Rights Watch interview with Abdul Majid, April 5, 2010.

[68] Odhikar, "Apollo Hospital technician Md. Mohiuddin Arif died after alleged torture by RAB."

[69] Human Rights Watch interview with Sharif, assistant sub-inspector, Shahbagh police station, May 16, 2010.

[70] Ministry of Home Affairs, Government of Bangladesh, "Home Ministry Probe Report Of Md. Mohiuddin Arif's Death In RAB-Police Custody," http://bangladeshfirst.com/docdetails.php?cid=&scid=0&docid=9, (accessed March 26, 2011).

[71] "Govt seeks time to answer HC rule over killing of 2 brothers," *New Age*, November 23, 2009, http://www.newagebd.com/2009/nov/23/nat.html, (accessed November 9, 2010).

[72] "Two brothers killed during a gunfight with RAB in Madaripur," *Prothom Alo*, November 16, 2009, http://www.prothom-alo.com/detail/date/2009-11-16/news/19832, (accessed November 9, 2010).

[73] Human Rights Watch interview with a relative of the Khalashi brothers (name and details withheld), April 6, 2010.

On November 16, RAB issued a statement saying that the two brothers had been killed in an exchange of gunfire after a group of criminals opened fire on a RAB patrol team early the same morning in the Jolkor area of Madaripur district.[74]

According to a family member who saw the brothers' dead bodies, both of them were shot with a single bullet to the chest. The family has not been able to obtain a copy of the magistrate's inquest report or of the autopsy report.[75]

Media accounts reported that the two men were local leaders of an outlawed left-wing political group, the Purba Banglar Communist Party.[76] Bablu Khalashi, the son of Lutfar Khalashi, said at the press briefing on November 14 that his father had twice contested local government elections and that his father's political rivals had spread the false rumor that he was involved with the outlawed group.[77] He also claimed that less than two years ago, in July 2008, Obaidul Khalashi, a sibling of Lutfar and Khairul Khalashi, was killed by RAB.[78]

A family member told Human Rights Watch that the RAB killing could be linked to a previous murder case, in which the Khalashi brothers had been accused in the killing of man who was the brother of the local government chairperson. The relative further claimed that the Khalashi brothers were charged with the murder, but they were out of jail, having been released on bail, when they were killed by RAB.[79]

After the death of the two brothers, family members alleged they received repeated anonymous threats by phone and were warned by the caller not to proceed with a criminal case.[80] Several journalists who attended the press briefing in Madaripur told human rights workers that RAB later requested them to sign a statement saying that they had not been present at the briefing.[81]

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[74] Rapid Action Battalion, press release, November 16, 2009.

[75] Human Rights Watch interview with relative of the Khalashi brothers (name and details withheld), April 6, 2010.

[76] "2 brothers killed in 'shootout,'" *The Daily Star*, November 17, 2009, http://www.thedailystar.net/story.php?nid=114426 (accessed November 9, 2010).

[77] "Govt seeks time to answer HC rule over killing of 2 brothers," *New Age*, http://www.newagebd.com/2009/nov/23/nat.html.

[78] Ibid.

[79] Human Rights Watch interview with a relative of the Khalashi brothers, April 6, 2010.

[80] Ibid.

[81] Confidential NGO-report (details withheld).

The killing of the Khalashi brothers echoes the case of Mizanur Rahman Tutul, a physician and alleged leader of the outlawed Purbo Banglar Communist Party (Red Flag faction), who according to the authorities was killed in a shootout between his group and police on July 27, 2008.The evening before his death, at a press conference at Jhenidah Press Club, his 80-year-old mother, Novera Khatun, urged the government to save her son from "crossfire" and prosecute him instead if he had committed any crimes. According to her, the RAB arrested Tutul in Dhaka on 25 July, and the arrest was reported by a daily newspaper.[82]

## The Torture of F. M. Masum

Around 10 a.m. on October 22, 2009, F. M. Masum, a journalist with the *New Age* newspaper, heard loud noises outside the Dhaka apartment building where he lives. When he went downstairs he found on the street outside a group of men in civilian clothes beating Baby Akhtar, the wife of his landlord. The men requested that he unlock the front gate of the building. As he did not know who they were, he was initially reluctant to do so and asked them to identify themselves. The men shouted that they were members of RAB.

When Masum, after some hesitation, opened the gate, RAB commanding officer Anisur Rahman and other RAB members, in front of several witnesses, punched Masum in the face, beat him with wooden batons, and kicked him. Masum and the witnesses have described to Human Rights Watch how the RAB members demanded that Masum explain why he dared to defy their orders, and accused that his reluctance to open the gate showed that he was assisting the landlord Akhtar in peddling drugs. Masum denied any involvement in drug dealing and repeatedly shouted that he was a newspaper journalist.[83]

According to Masum, the RAB officers then tied his hands and took him inside the building where he was blindfolded and beaten again. His left ear started to bleed. Masum says that he was also forced to sit down on the floor and repeatedly beaten on the soles of his feet with something that felt like the blunt side of a machete. "At one point I asked the officers for water, but I was told that I was going to get a bullet instead of water," he told Human Rights Watch.[84]

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[82] "End Wave of Killing by Elite Force," Human Rights Watch news release, August 11, 2008, http://www.hrw.org/en/news/2008/08/10/bangladesh-end-wave-killings-elite-forces; "Top outlaw Dr. Tutul killed in 'crossfire,'" *The Daily Star*, July 28, 2008, http://www.thedailystar.net/story.php?nid=47800, (accessed November 9, 2010).

[83] Human Rights Watch interviews with F. M. Masum, Dhaka, April 3; and Baby Akhtar and Nusrat Jahan Srity, Baby Akhtar's daughter, Dhaka, April 4, 2010.

[84] Human Rights Watch interview with F. M. Masum, April 3, 2010.

Eventually Masum fell unconscious. When he woke up he was taken to his own apartment on the second floor of the building. RAB had placed seven or eight bottles of Phensedyl, a cough syrup that in Bangladesh is regarded to be an illegal drug, on his bed. When Masum tried to protest, someone punched him again and he was forcibly photographed with the bottles.

Shortly afterwards, the RAB took Masum together with Akhtar to the RAB-10 office in Dholpur, and they arrived there around 11 a.m. As he was too weak to walk, he had to be assisted to the 3rd floor where he was interrogated and asked if it was true that he was a journalist. He showed the officers the business and identity cards he had in his wallet. According to Masum, one officer said, "You should be punished. You are working for Nurul Kabir [the editor of the *New Age* newspaper]. Lots of army officers had to suffer during the Caretaker Government because of him."

Masum says he was then beaten with bamboo sticks around his knees and with an iron rod on the soles of his feet. "Every time they hit the soles of my feet it felt as if they were beating straight on to my brain," he told Human Rights Watch. He fell unconscious again. When he woke up he found himself locked up in a cell.

Later on he was taken outside. A sign saying "drug peddler" was attached to his t-shirt and he was placed behind a table with Phensedyl bottles and photographed and filmed with a video camera. When he was taken back to the cell, one RAB officer told him that he would be killed in "crossfire."

When Masum's journalist colleagues learned about the arrest, they immediately contacted RAB, and the minister and the secretary of the Ministry of Home Affairs, and requested Masum's release. According to Odhikar, various RAB officers provided them with different explanations for the arrest, stating that he had been discovered with Pethedine, a pain reliever and anti-spasmodic drug that is widely abused in Bangladesh, or that he was in possession of Phensedyl syrup, or that he was found in the company of sex workers.[85]

Eventually the authorities decided to release Masum. At 10 p.m. on October 22, a group of journalists from the *New Age* arrived at the RAB office. RAB Office Director S. M. Kamal Hossain requested the journalists sign a document saying that Masum was in good health,

[85] Odhikar, "Journalist F M Masum Tortured by Members of RAB-10," fact-finding report, http://www.odhikar.org/FF/ff09/RAB09/English/FM_Masum_Jatrabari_Dhaka_RAB.pdf, (accessed April 15, 2011).

even though they could see that he had bruises on his face and other parts of his body, and that he was unable to walk unassisted.[86]

Following his release, Masum was immediately taken to Dhaka Medical College Hospital, where doctors gave him first aid and took an x-ray. He also had a CT-scan performed at another hospital. The following day he was admitted to a private hospital, the Dhaka Community Hospital.

On October 23, RAB released a statement saying that, "RAB sincerely expresses regret for the unwarranted incident that has taken place between RAB personnel and journalist F.M. Masum of the largely-circulated [sic] daily *New Age*. RAB is looking into the matter with importance. The RAB headquarters has formed an inquiry team and the matter is being investigated. Punitive action will be taken against anyone of RAB found guilty."[87]

The same day, Arif Newaz Farazi, one of Masum's colleagues at the *New Age* tried to file a complaint with the Jatrabari police station. The police officer in charge informed him that because the incident included a public authority, the police could not initiate any action without authorization from the higher authorities. When he returned the following day, the police told him that they would investigate the matter and that a sub-inspector had been assigned the task.[88]

The sub-inspector went to see Masum in hospital and talked with him several times on the phone, as did an investigation team from RAB.[89] On October 25, Home Minister Sahara Khatun and State Minister Shamsul HaqueTuku also came to the hospital. The home minister told the press, "It is very sad if the law enforcers did anything unlawfully…nobody will be spared of his or her misdeed."[90]

In April 2010, Enamul Kabir, operations officer in RAB-10, told Human Rights Watch that RAB officer Anisur Rahman was found guilty by a RAB court of inquiry for the torture of Masum. As a result, his deputation to RAB was ended and he was sent back to the Bangladesh Air Force,

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[86] Human Rights Watch interview with Nazrul Islam, senior reporter, *New Age*, Dhaka, April 4, 2010.

[87] "The headlines 'Journalist Masum tortured by RAB and arrested,' 'RAB detains, beats up *New Age* correspondent' and other similar headlines published on October 23, 2009 have drawn the attention of the RAB Headquarters. RAB's response to the above news published is as follows," Rapid Action Battalion press release, October 24, 2009.

[88] Human Rights Watch interview with Arif Newaz Farazi, Reporter, *New Age*, Dhaka, April 4, 2010.

[89] Human Rights Watch interview with F M Masum, Dhaka, April 4, 2010.

[90] "Tortured journo Masum denied filing case," *The Daily Star*, October 26, 2009, http://www.thedailystar.net/story.php?nid=111370, (accessed November 9, 2010).

where he previously served. No further disciplinary sanction or criminal action had been taken against anyone involved.[91]

Masum spent 12 days in hospital and another two months resting at home before returning to work. As of early April, he still suffered reduced hearing in his left ear and pain in his legs.

Baby Akhtar, who was arrested at the same time as Masum, alleged the RAB also beat her and staged photographs of her with bottles of Phensedyl.[92] She told Human Rights Watch that:

> I was blindfolded and my hands were tied. I was forced to sit down. Four men in civilian clothes beat my legs with sugar cane stalks, while a man in RAB uniform sat on a chair watching. My legs were swollen like pillows.[93]

During interrogation at the RAB-10 office, she says the RAB beat her again. She added that when she was asked to stand up to sign and thumbprint the interrogation documents, she had so much pain in her legs two officers had to assist her.

## Killing of Kaiser Mahmud Bappi

According to RAB, just before midnight on September 9, 2009, a team of officers led by Flight Lieutenant Raihan Asgar Khan, the operations officer of RAB-1 (one of the five battalions that operate in Dhaka), conducted a raid at the construction site of an apartment block called Aftab Tower in Dhaka. According to Major Mohammad Sakhawat Hossain, deputy director of the Legal and Media wing at RAB headquarters, RAB-1 had received specific information that a wanted criminal called Kamrul Islam, a name similar to, but not the same as that of the victim, except that they both shared the nickname "Bappi," was plotting a major crime at Aftab Tower. According to Maj. Hossain, the criminals opened fire when the RAB team entered the building. RAB personnel responded in self-defense. The exchange of fire lasted almost 20 minutes. Police and RAB reinforcements arrived and surrounded the building. After the shooting ended, RAB searched the area, recovering arms and ammunition. They also discovered a body, which they identified as Kamrul Islam. RAB also claimed to have arrested his two accomplices, Chashma Masud and Abid Hossain Shoikat.[94]

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[91] Human Rights Watch interview with Anaemul Kabir, operations officer, RAB-10, Dhaka, April 7, 2010.

[92] Human Rights Watch interview with Baby Akhtar and Nusrat Jahan Srity, April, 4, 2010.

[93] Human Rights Watch interview with Baby Akhtar, April 4, 2010.

[94] Odhikar fact-finding report, September 10, 2009.

The deceased's family disputed the RAB claim. They said that the victim's name was Kaiser Mahmud, and not Kamrul Islam as claimed by RAB. Kaiser Mahmud, 24, also had the common Bengali nickname of "Bappi."Kaiser Mahmud was raised by his older sister, Shamsunnahar Alam, and her husband, Manzurul Alam. According Manzurul Alam, he spoke with Bappi at around 11:30 p.m. on September 9. When Manzurul Alam came home from work after midnight, he was told that Bappi had not returned. The family kept trying his mobile phone, but it was switched off. According to his sister, Bappi always came home when he said he would. "I was very strict with him," she told Human Rights Watch. "He would not stay out late without permission."[95] Manzurul Alam says they waited all night for news.

> Everyone wakes early for Sehri [the meal before the day-long Ramadan fast begins], so we started calling his friends at that time… Finally, Habib, a friend of Bappi's, called and asked to speak with me. He said that there was some problem during the night. "Go check the hospitals," he said. "It might be serious. He might be in the morgue."[96]

Manzurul asked a relative to check at the Dhaka Medical College. Meanwhile, another relative said that the television networks were reporting that a criminal had been killed and that the person looked rather like Bappi. Manzurul and other relatives went to the morgue and identified Bappi's body. However, an autopsy conducted on September 11, 2009 identified the deceased as Kamruzzaman Bappi instead of Kaiser Mahmud, the actual name of the victim, or even Kamrul Islam, as RAB had claimed.

Kaiser Mahmud's family believes that Bappi was killed because RAB was looking to find and kill the other Bappi, Kamrul Islam, and did not take the time to properly identify their target. According to Shamsunnahar Alam:

> We talked with the watchmen at Aftab Tower. They say that Bappi was standing near the gate when he saw some strangers outside. He asked them who they were. One of the men, we later learned his name is Faruk, was wearing shorts and shirt. He asked Bappi, "What is your name?" When he heard Bappi, he opened fire. Witnesses heard my brother tell the officers,

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[95] Human Rights Watch interview with Shamsunnahar Alam, Dhaka, March 8, 2011.

[96] Human Rights Watch interview with Manzurul Alam, Dhaka, March 8, 2011.

> "Please don't kill me. You are mistaking me for someone else. I am from a good family." They still shot him.[97]

According to family members, Bappi worked as a model and was planning on a management degree. They said that a group of watchmen at the Aftab tower said that there was no shoot-out that day and that Bappi had been killed without provocation.[98]

After human rights groups began to question the incident, the Home Ministry ordered an investigation. The inquiry was led by the deputy secretary, Law Section of the Ministry of Home Affairs, and included a member from Odhikar. The investigation found that Bappi did not die in crossfire, as reported to the media by RAB. Instead, when they questioned the two men arrested during the operation, the committee discovered that Masud, Saikat, and Bappi had gathered at Aftab Tower to consume Phensedyl, a cough syrup often used as a recreational drug. They interviewed an eyewitness who worked as a laborer at the construction site who said that he had often seen the three men gather there to drink Phensedyl and that he had never seen them carry any weapons. He also said that RAB had placed the weapons they later claimed to have recovered beside Bappi's body. The committee also found that, contrary to RAB claims, there were no police cases lodged against Kaiser Mahmud to show that he was a criminal suspect. The committee found that, "RAB has not been able to prove and as per RAB's statement that armed criminals were present at the crime spot." It concluded that:

> [I]t is evident that that it was a mistake on the part of RAB to have conducted the raid without verifying the truth of the information provided by the source regarding the presence of top terrorist Kamaruzzaman Bappi alias Mian Bhai alias Bappi and his associates with arms at the crime spot. In this case, the officer who gave the leadership in the raid has failed to prove his efficiency and wisdom. Kaiser Mahmud Bappi became the victim of wrong information provided by RAB source and criminal Kamaruzzaman Bappi alias Mian Bhai alias Bappi of RAB's records and the dead Kaiser Mahmud Bappi who was killed at 00:30 hours on 10/9/2009 by RAB - 1 at No 323 East Rampura on the ground floor of an under-construction building of Mr. Bacchu Mian in a RAB-conducted raid are not the same person. The dead Bappi is a drug addict but in the investigation of the Committee, Bappi has not been identified as a

[97] Human Rights Watch interview with Shamsunnahar Alam, Dhaka, March 8, 2011.

[98] Ibid.

> criminal. The secret-information providing source and the officer who led the operation should be brought under the law.[99]

Despite these findings by the committee that Kaiser Mahmud was wrongfully killed in a case of mistaken identity the government has not acted on the report, which recommended that the perpetrators be prosecuted.

## Killing of Moshin Sheikh and Ali Jinnah

On May 28, 2009, 23-year-old Moshin Sheikh, and 22-year-old Ali Jinnah, both students at Dhaka Polytechnic Institute, were killed by RAB.

According to fellow students interviewed by Human Rights Watch, Sheikh and Jinnah went to have tea at a stall located just outside the dormitories of the Dhaka Polytechnic Institute around 10 p.m. on May 27. When they failed to return at midnight, the time by which regulations require all students to be back at the dormitories, their friends made several failed attempts to reach them by phone.[100]

The media reported that several students witnessed the two men being arrested by plainclothes RAB officers as they were going to have tea.[101] One of Sheikh's classmates also reportedly said that someone identifying himself by name as a member of RAB-2 answered the phone when their friends tried to call the two missing students around midnight on May 27.[102]

Around 1 a.m. on May 28, one of the students saw a television headline stating that the RAB killed two men in Dhaka. Suspecting that the two men might be Sheikh and Jinnah, early in the morning a group of students went to the Dhaka Medical College Hospital, where they found Sheikh's and Jinnah's bodies in the morgue.[103]

Assistant superintendent of RAB-2 Talebur Rahman told the press that the killing took place around 12:30 a.m., when RAB conducted a search of vehicles near the National Parliament.

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[99] Home Ministry Probe of Kaiser Mahmud Bappi's death." http://bangladeshfirst.com/docdetails.php?cid=&scid=0&docid=10, (accessed March 26, 2011).

[100] Human Rights Watch interview with Ashaduzzaman and Habibur Rahman, students, Polytechnic Institute, Dhaka, April 5, 2010.

[101] "Family of slain polytech student to file murder case," *New Age*, May 30, 2009, http://www.newagebd.com/2009/may/30/front.html (accessed November 9, 2010).

[102] Ibid.

[103] Human Rights Watch interview with Ashaduzzaman Khokon and Habibur Rahman, Dhaka, April 5, 2010, and Shojib Hossain, student, Polytechnic Institute, Chittagong, April 7, 2010.

He said, "[a]s the RAB men asked them to halt, they fired on them forcing the RAB men to retaliate triggering the shootout. Soon after the exchange of fire, the RAB personnel found two dead bodies lying on the roadside. After searching the bodies, they found two revolvers and bullets."[104] The director general of RAB said that the two students were killed in a "shootout" as they were engaged in "snatching."[105]

The autopsy report reportedly stated that a total of seven bullets pierced the bodies of Sheikh and Jinnah. Jinnah was hit in the middle and on the right side of the chest. Injury marks were also found on his legs. Sheikh was hit in the neck and abdomen.[106]

Farhad Sheikh, the older brother of Sheikh, told Human Rights Watch that his brother was involved in student politics and served as an organizing secretary of one of three rival factions of the Chhatra League, the Awami League's student wing. In the weeks prior to the death of Sheikh and Jinnah, there had been several violent clashes between the different student factions, including one on the day that the two men were last seen alive.[107]

On June 7, 2009, Sohel Taj, then state minister for home affairs, said that, "If a case is filed in connection with the killings, actions will be taken against the people responsible through proper investigation."[108]

On June 15, 2009, Jashimuddin, brother-in-law of Jinnah, filed a case with the Dhaka Chief Metropolitan Magistrate's Court, accusing ten members of RAB-2 and one student of murder. Metropolitan Magistrate AKM Emdadul Haque asked the officer-in-charge of Tejgaon police station to investigate and submit a report to the court.[109] According to Jashimuddin, the report eventually issued by the Tejgaon police simply repeated what RAB had stated in its press release. Jinnah's family then filed a new petition with the Dhaka Chief Metropolitan Magistrate's Court challenging the report submitted by the police. The court issued an instruction to the

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[104] "Two students killed in RAB "shootout," *New Age*, May 29, 2009, http://www.newagebd.com/2009/may/29/front.html (accessed November 9, 2010).

[105] "Family of slain polytech student to file murder case," *New Age*.

[106] "RAB sued for murder, 'shootout' questioned," *Dhaka Mirror*, June 17, 2009, http://dhakamirror.com/?p=5745 (accessed November 9, 2010). The newspaper article appears to quote the police report by stating "According to the autopsy report prepared by a forensic doctor of the DMCH in presence of an executive magistrate, a total of seven bullets pierced the bodies of the Jinnah and Mohsin. Injury marks were also found on the legs of the Jinnah," the case details said.

[107] Human Rights Watch interview with Farhad Sheikh, Dhaka, April 7, 2010.

[108] "RAB sued for murder, 'shootout' questioned," *Dhaka Mirror*, and "Crossfire: Departmental probe on into 2 students' death," *The Daily Star*, June 8, 2009, http://www.thedailystar.net/pf_story.php?nid=91658 (accessed November 9, 2010)

[109] "10 RAB men sued for 'killing' Dhaka polytech student," *The Daily Star*, June 17, 2009, http://www.thedailystar.net/newDesign/news-details.php?nid=92943 (accessed November 9, 2010).

Criminal Investigation Department of Police to conduct a new investigation. As of September 2010, the family had not received any information about the investigation.[110]

Sheikh's family has not filed a case with the authorities. Farhad Sheikh told Human Rights Watch: "We do not have the money to file a complaint with the police, and nothing happens without money."[111]

The principal of Dhaka Polytechnic Institute, Shamsul Alam has said about the victims that, "both of them were meritorious students and well behaved."[112]

[110] Human Rights Watch interview with Md. Jashim Uddin, brother-in-law of Ali Jinnah, Bhola, April 7 and September 13, 2010.

[111] Human Rights Watch interview with Farhad Sheikh, Dhaka, April 7, 2010.

[112] "RAB sued for murder, 'shootout' questioned," *Dhaka Mirror*.

## II. RAB Impunity: The Failure to Punish Human Rights Abuses

Government and RAB officials often stress that RAB-members who commit wrongdoing face internal administrative sanctions and are occasionally prosecuted. In 2009, RAB said, 164 officers were punished by the force and criminal cases were filed against five members.[113]

However, RAB's willingness to take action against members for alleged involvement in extortion, drug trafficking and other crimes apparently does not extend to bringing actions against those RAB members who commit grave human rights violations. As far as Human Rights Watch has been able to establish, no RAB officer has ever been prosecuted for any of the killings carried out by the force. The torture of journalist F.M. Masum is a case in point, where the RAB officer judged by the RAB to have committed the acts was simply sent back to his military unit without any further punishment.

In two cases, the Ministry of Home Affairs, after its own investigations, found RAB officials responsible for extrajudicial killings. In the case of Mohiuddin Arif, who was killed on February 3, 2010 in Mirpur, the investigation found that Arif had died in RAB custody due to torture.[114]

The other case was that of Kaisar Mahmud, also known as Bappi (both cases discussed in detail in the previous chapter). A member of Odhikar was part of the inquiry committee. The committee found that Bappi had not died in crossfire as claimed by RAB, but had been shot.[115] Although, in both cases, it was recommended that the perpetrators be prosecuted and punished, the government has not taken any action.[116]

The High Court Division of the Supreme Court has raised concerns on several occasions about the "crossfire" phenomenon. On June 29, 2009 the High Court issued a notice in response to a public interest litigation filed by the human rights organizations Ain o Salish Kendra, Bangladesh Legal Aid and Services Trust, and Karmajibi Nari, asking the government to explain why killing by law enforcement personnel in the name of "crossfire" or

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[113] "60 killed in 'crossfire,'" *The Daily Star*, December 30, 2009, http://www.thedailystar.net/story.php?nid=119703 (accessed November 9, 2010).

[114] See text of Home Ministry findings, "Home Ministry Probe of Md. Mohiuddin Arif's Death in RAB-police custody," http://bangladeshfirst.com/docdetails.php?cid=&scid=0&docid=9, (accessed March 26, 2011).

[115] "Home Ministry Probe of Kaiser Mahmud Bappi's death," http://bangladeshfirst.com/docdetails.php?cid=&scid=0&docid=10, (accessed April 22, 2011).

[116] Odhikar, Human Rights Report 2010.

"encounters" should not be declared illegal.[117] At this writing, the government had not responded. On November 17, 2009, the High Court issued an unprecedented *suo moto* ruling in relation to the above mentioned killing of Lutfar Khalashi and Khairul Khalashi.[118] Relying on newspaper reports stating that the two brothers were killed by RAB personnel, Justice AFM Abdur Rahman and Justice Mohammed Emdadul Hoque Azad, directed Major Kazi Wahiduzzaman of RAB-3, Lt. Hasan of RAB-8, the director general of RAB and the secretary of the Ministry of Home Affairs to show cause within 48 hours as to why appropriate actions should not be taken against concerned RAB officers.[119]

In December 2009, in a reply to the *suo moto* ruling, Mohammed Ashraf Hossain, law officer at the RAB headquarters, stated that the newspaper reports were, "not at all true and the reportings are baseless, false and motivated." He further stated that, "no occurrence as claimed in the report has taken place within the territorial jurisdiction of RAB-3 and RAB-8 and no operation whatsoever was conducted by the RAB-3 and RAB-8 at the alleged place of occurrence as well as against the alleged victims and furthermore no officer is working by the name of Kazi Wahiduzzaman in RAB-3 and RAB-8."[120]

Hossain's statement provided no explanation as to why RAB had previously said that the two men were killed in a shootout between RAB and a group of criminals.[121]

On December 14, the High Court heard the arguments of the State and the nongovernmental organizations Ain O Salish Kendra and Bangladesh Legal Aid and Services Trust, acting as interveners in the case. However, on the request of the attorney general, the matter was adjourned until January 9, 2010. Expressing concern that 11 crossfire killings had been reported in the 26 days since the *suo moto* ruling was issued, the court asked the attorney general to ensure that there would be no new "crossfire" killings before the next hearing. The attorney general promised to communicate the request to the director general of RAB.[122]

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[117] "Govt seeks time to answer HC rule over killing of 2 brothers," *New Age*, http://www.newagebd.com/2009/nov/23/nat.html.

[118] *Suo moto* is a Latin term that means "upon one's own initiative." It here refers to the fact that the court on its own initiative proceeded against the RAB officers.

[119] The State v. Major Kazi Waheduzzaman and others, Supreme Court of Bangladesh, High Court Division, Criminal Miscellaneous Case No. 24727 of 2009, Suo Moto Rule, November 17, 2009.

[120] The State v. Major Kazi Wahiduzzaman and others, Supreme Court of Bangladesh, High Court Division, Criminal Miscellaneous Case No. 24727 of 2009, Suo Moto Rule, Reply on behalf of the opposite party nos. 2 to 4 to the suo moto rule, December 2009.

[121] "2 brothers killed in 'shootout,'" *The Daily Star*, November 17, 2009.

[122] Bangladesh Legal Aid and Services Trust, Court Update: High court's *Suo Moto* Case on Alleged 'Extra-Judicial Killings," (State V Major Kazi Waheduzzaman and Others), December 15, 2009.

On January 7, 2010, the Chief Justice reconstituted the High Court benches and the judges that had issued the *suo moto* ruling were assigned to deal with civil instead of criminal cases. At this writing, the case has not yet been assigned to a new bench.

## III. Concerns about RAB Expressed by Civil Society Actors and Others

Human rights workers, lawyers, judges, journalists, and other concerned citizens in Bangladesh have repeatedly expressed apprehension about the "crossfire" killings, and urged the government to investigate deaths in the custody of RAB and the police.[123]

There was outrage after RAB shot and injured a student, Limon Hossain, in Jhalakathi on March 23, 2011, as he was grazing cattle. His left leg was amputated on March 27. Limon said that RAB members shot at him within minutes of arriving at the field where he was working, even as he told them that he was a student and urged them check with villagers and his college principal. RAB insisted the boy was injured during a shoot-out with criminals, and started a criminal case against him accusing him of possessing illegal weapons.[124]

This case may well have ended up as another statistic in RAB's record of killings, torture and indiscriminate firing, except that the Bangladeshi media highlighted Limon's suffering. The National Human Rights Commission wrote to the Home Ministry demanding an immediate investigation. "I will go to the president if the Home Ministry does not form a probe committee and submit its report to the NHRC within the stipulated time," NHRC chairman Mizanur Rahman told journalists. "The Rapid Action Battalion has no authority to shoot a person even if that person is guilty. The RAB personnel responsible for the incident have violated human rights and the law. The offenders must be detected and punished to stop such practice."[125]

Earlier, after a leaked cable citing international concerns about RAB violations, the *Daily Star*, in an editorial had said:

> Regrettably crossfire, or encounter deaths, has become an accepted norm of operation of RAB, which, we assume, has the blessings of the government too. Had that not been so, such an abhorrent practice would have stopped long ago when the media started spotlighting the extrajudicial killings…. A damning indictment has been made, both of the battalion and the

[123] See for example, Shahiduzzaman, "Minister Excoriated for crossfire comments," *New Age*, October 5, 2009, http://www.newagebd.com/2009/oct/05/front.html (accessed November 9, 2009); Mahbubul Islam, "The danger of denying fundamental rights," *New Nation*, January 14, 2010, http://www.ittefaq.com/issues/2010/01/14/news0130.htm (accessed November 9, 2010).

[124] Shaheen Mollah, "RAB Firing Questioned," *The Daily Star,* April 7, 2011, http://www.thedailystar.net/newDesign/news-details.php?nid=180810, (accessed April 15, 2011).

[125] "NHRC chief pushes for govt probe," *The Daily Star*, April 9, 2011, http://www.thedailystar.net/newDesign/news-details.php?nid=181085, (accessed April 15, 2011).

> government of Bangladesh, by the international human right organisations who have termed the unit as "government death squad."…. It is time for the government to react decisively. We cannot have a situation where methods used to combat criminals and criminality replicate exactly the behaviour of the criminals. That bodes very badly for a society that claims to be civilized. If the government is really serious about human rights and the rule of law it must stop the extrajudicial killings must stop forthwith.[126]

Earlier, in May 2009, at a time when many government representatives still paid lip-service to the promise of putting an end to extrajudicial killings, the *New Age* newspaper, in an editorial, called upon the government to take decisive action to hold those responsible to account:

> The government needs to realize that the impunity with which the Rapid Action Battalion has carried out extrajudicial killings since its inception in 2004 may have become well-entrenched after more than half a decade of virtual non-accountability…If it is truly committed to bringing an end to extrajudicial killings by the law enforcement agencies, it needs to translate its tough talk into decisive and demonstrable actions.[127]

Many within the justice system have also warned that law enforcement officers' lack of respect for rule of law undermines the whole legal system. Dr. Shahdeen Malik, Supreme Court advocate and director of the law school at BRAC University, points out that extrajudicial killings mean that the government does not have faith in its legal and judicial system:

> Though often imaginary excuses and stories are introduced to justify the murders, for us to continue as a viable nation and state, these killings must stop. Otherwise, like any other society that had used extrajudicial killing, Bangladesh will degenerate into a lawless and violent society.[128]

Senior judges have publicly expressed the same views. In January 2010, Supreme Court Justice Nazrul Islam Chowdhury said in a seminar that "extrajudicial killing must be stopped" and

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[126] "RAB under Fire," *The Daily Star*, December 27, 2010, http://www.thedailystar.net/newDesign/news-details.php?nid=167523 (accessed April 15, 2011).

[127] "Rhetoric will not stop extrajudicial killings, decisive action will," *New Age*, May 8, 2009, http://www.newagebd.com/2009/may/08/edit.html (accessed November 9, 2010).

[128] "Postmortem of 'crossfire': IGP, RAB DG say their members act in self-defence," *News from Bangladesh*, May 30, 2009, (accessed April 20, 2011).

argued that "it will be suicidal for the nation, the society and the country to leave with the law enforcement agencies to decide who should be killed on criminal charges."[129]

The National Human Rights Commission had earlier recommended the government to ensure independent investigations into all alleged extrajudicial killings. In December 2009, Justice Amirul Kabir Chowdhury, the commission's chairperson, recommended that:

> Each of the incidents should be investigated by an independent inquiry committee of minimum three members comprising a government official not below the rank of deputy secretary, a police officer not below the rank of superintendent of police and a civil society personality of the choice of the family of the victim.[130]

Shahidul Alam, the renowned photographer and managing director of Drik Picture Gallery in Dhaka, said in April 2010 that, "Criminals have survived because of patronage of the powerful. The removal of criminals, through 'crossfire,' does not affect the system of control, but merely substitutes existing criminals for new ones. This is why crimes continue unabated under RAB. All it does is to undermine the legal system."[131]

On March 22, 2010, the police closed down Drik Picture Library shortly before the opening of an exhibition featuring photographs by Shahidul Alam and installations relating to the theme of "crossfire" and the RAB. The reason given by the authorities was that the exhibition "lacked official permission" and would "create anarchy."[132] Shahidul Alam, told the news media, however, that Drik had organized thousands of exhibitions in the past, including some at which the present and former prime ministers attended the opening, without any requirement from the authorities for explicit permission to hold an exhibition.[133] On March 31,

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[129] '"Extra-judicial killing, remand, disturbing for judiciary,'" *The Daily Star*, December 19, 2009, http://www.thedailystar.net/newDesign/latest_news.php?nid=21176, (accessed November 9, 2010).

[130] Save Our Bangladesh, "Outgoing NHRC chief recommends independent probe of the extrajudicial killings, June 21, 2010, http://www.savebd.com/news/outgoing-nhrc-chief-recommends-independent-probe-of-the-extrajudicial-killings/, (accessed April 26, 2011).

[131] Rahnuma Ahmed, "Representing 'Crossfire'; politics, art and photography," *New Age,* April 8, 2010 http://www.newagebd.com/2010/apr/08/oped.html#1, (accessed November 9, 2010).

[132] Launch of Pathshala, South Asian Media Academy and "Crossfire" exhibition goes on despite police," Drik Picture Library Ltd press release, March 23, 2010.

[133] "Allow Photo Exhibit of Crossfire Killings," Human Rights Watch news release, March 24, 2010, http://www.hrw.org/en/news/2010/03/24/bangladesh-allow-photo-exhibit-crossfire-killings.

after Shahidul Alam filed a writ petition with the High Court, the police officers placed outside the gallery were removed and the exhibition was opened to the public.[134]

[134]"HC returns Drik's writ petition after police withdrawal," *New Age*, April 1, 2010, http://www.newagebd.com/2010/apr/01/front.html#12, (accessed November 9, 2010).

# IV. International Cooperation

Foreign governments and inter-governmental organizations have repeatedly expressed concern about RAB's poor human rights record and the government's reluctance to hold accountable those responsible. At the UN Human Rights Council's Universal Periodic Review of Bangladesh in 2009, it was recommended that Bangladesh, "address the problems of extrajudicial killings and torture by security forces" and "take steps to address the culture of impunity for human rights violations by law enforcement agencies."[135]

Dhaka-based diplomats have repeatedly made similar recommendations. In early 2009, EU ambassador Stefan Frowein stated:

> Internally, it falls to the judiciary and the new National Human Rights Commission to ensure that human rights are fully enforced, not least with respect to allegations of torture and extrajudicial killings by security forces. If there is no punishment for such crimes, there is no deterrent emanating from the State and such violence becomes sanctioned, officially or unofficially.[136]

At the same time, many foreign governments have come to regard RAB as an essential partner in the fight against terrorism. Talking to the *New Age* newspaper in December 2009, M. Sohail, director of RAB's legal and media wing, said that RAB exchanged experience, knowledge, training and facilities with defense teams in the US, UK, and Australia.[137] In January 2010, in an interview with the same newspaper, the director general of RAB said that the three countries had helped the force by conducting training on human rights, investigations, and counterterrorism.[138]

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[135] UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Bangladesh, A/HRC/11/18, October 5, 2009, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/162/52/PDF/G0916252.pdf?OpenElement, (accessed May 13, 2010).

[136] Speech by Dr Stefan Frowein, Head of Delegation of the European Commission, EU Human Rights Roadshow, Sylhet, 12th February 2009.

[137] Mosfequr Rahman, "Targeting the reds," *New Age Xtra*, December 18-24, 2009, http://www.newagebd.com/2009/dec/18/dec18/xtra_cover.html, (accessed November 9,2010).

[138] Saad Hammadi, "'We are not supposed to do anything extrajudicial,'" *New Age Xtra*, January 22-28, 2010, http://www.newagebd.com/2010/jan/22/jan22/xtra_inner4.html, (accessed November 9, 2010).

In 2008, the UK and the US started separate human rights-focused training programs for RAB.[139] The US Department of Justice has reported that its International Criminal Investigative Training Assistance Program works with the US Marshals Service to assist RAB in implementing internal disciplinary procedures and internationally accepted standards for use-of-force.[140] In February 2009, at the inauguration of a US sponsored human rights training workshop for RAB, Ambassador James Moriarty stated:

> The training we are providing is aimed at helping RAB develop a capacity to transparently report and investigate allegations of human rights violations and, when necessary, hold accountable those individual RAB officers who may have acted improperly.[141]

According to the US embassy, the training strives to "contribute to increasing transparency of investigations; improving forensic capabilities, especially evidence collection and management; establishing an internal affairs unit; and improving risk assessment and mitigation. Future training will also include basic forensics, interview skills (for internal investigations), public affairs training and investigating human rights complaints."[142]

The US embassy reports that it, since 2008, has completed two rounds of training for a total of approximately 50 RAB members.[143] While indicating to Human Rights Watch that their approach was to first focus on human rights and then expand to more general anti-terrorism and anti-crime training, the US State Department stated in a report to the US Congress as far back as fiscal year 2004 that the Anti-Terrorism Assistance Program had contributed to ensure that RAB officers had received "expert anti-terrorism instructor training."[144] In November 2009, a Bangladeshi newspaper reported a US Admiral as saying the US had promised RAB to work together on counter-intelligence and curbing terrorism.[145]

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[139] The non-governmental organization Bangladesh Society for Enforcement of Human Rights has provided human rights training for RAB since 2006 and claims to have trained about 5000 officers. UNDP has also been involved in human rights training for RAB.

[140] United States Department of Justice, International Criminal Investigative Training Assistance Program (ICITAP), Asia and Pacific, http://www.justice.gov/criminal/icitap/programs/asia-pacific.html, (accessed April 25, 2011).

[141] Remarks by US Ambassador James F. Moriarty at RAB Human Rights Training Workshop, RAB Headquarters, February 9, 2009, http://dhaka.usembassy.gov/9_feb_09_moriarty_remarks_rab_hr_training_workshop.html (accessed November 9, 2010).

[142] Email communication from Jon Danilowicz, US embassy political counselor, to Human Rights Watch, August 22, 2010.

[143] Ibid.

[144] United States Department of State, The Antiterrorism Assistance Program: Report to Congress for Fiscal Year 2004, February 2005, http://www.au.af.mil/au/awc/awcgate/state/44890.pdf, (accessed November 9, 2010).

[145] "US to work with RAB to curb terrorism," *The Daily Star*, November 26, 2009, http://www.thedailystar.net/newDesign/news-details.php?nid=115641, (accessed November 9, 2010).

The UK has also worked on "introducing and providing RAB with the skill sets to conduct their law enforcement duties in a more ethical manner."[146] Areas covered in the UK's cooperation with RAB include human rights training, interview, investigation and crime scene skills, and the inclusion of RAB members in a range of other human rights and law focused events. The training is delivered to selected candidates with the idea that these candidates should provide training to other RAB members, thereby ensuring the skills and knowledge are spread through all RAB battalions.[147]

In March 2008, for example, the British High Commission organized a 12-day training in which 54 members of RAB were trained by British police on human rights.[148] In October 2009, the British National Policing Improvements Agency gave a five-day-long training session to 21 RAB members on forensics.[149] In November 2009, a nine-day-long training on major crime investigations was organized for 20 RAB members.[150] The UK has publicly justified its human rights training program for RAB[151]

To date, from a human rights perspective, the UK's and US's training and capacity building efforts appear to have had little practical impact. Since the training, there have not been significant reductions in RAB's involvement in human rights abuses, and accountability for such violations has not increased. The training approach appears to have overlooked the fact that the RAB's poor human rights record is not a consequence of isolated actions by a few "bad apples," but rather results from an operating strategy that sanctions impunity for those who commit human rights abuses.

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[146] Email communication from Stephen Evans, UK High Commissioner to Bangladesh, to Human Rights Watch, August 26, 2010.

[147] Email communication from Stephen Evans.

[148] "Quest for a better outlook on human rights," *The Daily Star*, 17 March, 2008, http://www.thedailystar.net/story.php?nid=28031, (accessed November 9, 2008).

[149] "Special training for RAB," *The Daily Star*, October 30, 2009, http://www.thedailystar.net/newDesign/news-details.php?nid=111904, (accessed November 9, 2010).

[150] "RAB to be deployed across country during Eid," *The New Nation*, November 25, 2009, http://www.ittefaq.com/issues/2009/11/25/all0530.htm, (accessed November 9, 2010).

[151] United Kingdom Foreign & Commonwealth Office, Annual Report on Human Rights 2010, p. 50, http://s3-eu-west-1.amazonaws.com/htcdn/Human-Rights-and-Democracy-The-2010-Foreign-Commonwealth-Report.pdf, (accessed April 26, 2011); United Kingdom Foreign & Commonwealth Office, Annual Report on Human Rights 2009, March 2010, http://www.humansecuritygateway.com/documents/GOVT_UK_AnnualHumanRightsReport2009.pdf, (accessed November 9, 2010).

# Recommendations

## To the Bangladesh Government

*Protection*

- Make strong and repeated public statements, at the highest institutional level, against unlawful killings and custodial abuse by the RAB, and make public commitments that all those responsible for abuses will be prosecuted.
- Ensure that the RAB and other law enforcement agencies promptly communicate information on all persons taken into custody to relatives and legal counsel, and make sure that all persons detained are brought before a court within 24 hours of arrest, as required by Bangladesh law.
- Ensure that the RAB and other law enforcement agencies grant detainees prompt access to legal counsel, medical personnel, and family members.
- Allow nongovernmental human rights organizations unfettered access to all RAB stations and detention cells to ensure that the practice of torture ends.
- Make it mandatory for the RAB to regularly provide the government and the National Human Rights Commission (NHRC) with detailed information about all arrests carried out by the force, all persons held in its custody, and any killings in which its members are involved, and to also make that information public.
- Develop a policy, with input from victims of abuse (and their families) by the security forces, to provide financial compensation to the victims of abuse, and ensure the policy is fully implemented.
- Immediately adopt the rules of procedure of the National Human Rights Commission and ensure the NHRC has adequate and independent budget and personnel resources to conduct effective operations to investigate allegations of abuses by the RAB and other security forces.

*Investigations and Prosecutions*

- Ensure there are prompt and impartial and independent investigations into all allegations of torture and deaths in the custody of RAB. Implement the National Human Rights Commission's proposal that all such incidents be investigated by an independent inquiry committee comprising a government official not below the rank of deputy

secretary, a police officer not below the rank of superintendent of police and a civil society personality selected by the family of the victim.

- Prosecute to the fullest extent of the law all former and current members of RAB, of whatever rank, who are found to be responsible for unlawful killings, torture, and other human rights abuses, including those who gave orders. Similarly punish commanding officers and others in a position of authority that knew of these abuses and failed to prevent or punish those who committed them.
- Immediately suspend, pending a full investigation, and remove from RAB facilities any individual for whom there exists credible evidence that he or she has committed torture or participated in the extrajudicial execution of a detainee, pending investigation.
- Establish an independent civilian authority charged with receiving complaints and investigating allegations of crimes committed by members of RAB and other law enforcement agencies and armed forces, or ensure that the National Human Rights Commission is sufficiently resourced and fully mandated to do so. Require by law that all state officials, including members of the RAB, shall cooperate with such investigations.
- Make public all past reports of inquiry commissions tasked with investigating alleged violations of human rights concerning RAB, and ensure all future reports are also made public.
- Publicly release detailed information on all arrests, prosecutions, and convictions against members of RAB for human rights violations.
- Ensure that administrative and judicial proceedings against RAB members regarding alleged violations of human rights are open to public scrutiny and the participation of victims and their family members.
- Investigate all allegations that RAB members and other public officials have intentionally acted to obstruct efforts by victims, their family members, and others to seek justice for violations of human rights, and prosecute or discipline those responsible for such obstructions and any attempt obstruct justice, including tampering with evidence. Re-open and re-investigate formal complaints made to police about abuses by RAB officials.
- Establish a comprehensive witness protection program to guarantee that anyone who files a complaint or is prepared to testify against an alleged human rights abuser is able to do so without fear of being subjected to retaliatory harassment or violence.

*Institutional Reform*

- If RAB's human rights record does not improve dramatically within the next 6 months and abusers are not prosecuted, the Bangladeshi government should disband RAB and donors such as the US and UK should withdraw all aid and cooperation. In its place the government should create a new unit within the police or a new institution with a different operating culture that puts human rights at its core to lead the fight against crime and terrorism.
- RAB or its replacement should become an entirely civilian institution. Its officers and rank and file members should no longer be drawn from the military, which has a different culture, ethos, and training from the police.
- In the event RAB is retained, establish an independent commission to assess RAB's performance, to identify all those plausibly deemed to be involved in serious violations such as extrajudicial killings who should be excluded from a reformed RAB and prosecuted, and to develop an action plan to transform RAB into an agency that operates within the law and with full respect for international human rights norms. The commission should:
    - Be composed of respected members of law enforcement, independent judges and lawyers, and members of Bangladesh's human rights community;
    - Include the active participation of independent international experts on law enforcement and human rights;
    - Have full access to all relevant government documents;
    - Have the power to subpoena documents and compel witnesses to appear and give testimony;
    - Provide victim and witness protection as necessary;
    - Have a time limit of no more than six months to complete its inquiry and present its report, with concrete recommendations on RAB reform;
    - Have the power to make public statements during and after its inquiry, including to answer the government's response(s) to the commission's recommendations; and
    - Have the power at any time during its mandate to publicly recommend the immediate suspension, pending investigation, of any current or former RAB member implicated in serious human rights violations.
- Duly consider and promptly implement the recommendations issued by the commissions on RAB reform.

*Law Reform*

- End the practice of seconding members of the armed forces to RAB, and make necessary legislative amendments to prohibit the future use of serving soldiers for law enforcement duties.
- Adopt legislation that makes torture a specific criminal offense in accordance with article 1 of the UN Convention against Torture, with punishment that is commensurate with the crime, in line with Bangladesh's international commitments as state that has ratified the UN CAT.

*International Cooperation*

- Invite relevant United Nations special mechanisms, such as the special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the special rapporteur on extrajudicial, summary or arbitrary executions to visit Bangladesh to conduct investigations and make recommendations.
- Make the required declarations under articles 21 and 22 of the Convention against Torture so that the Committee against Torture can receive individual communications.
- Accede to the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and immediately establish the National Preventative Mechanism required by that treaty, with the power to visit any place of detention. Accede to the Optional Protocol and Second Optional Protocol to the International Covenant on Civil and Political Rights.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.
- Thoroughly vet all Bangladeshi military and police who apply for UN peacekeeping missions to ensure that they have not committed violations of human rights.
- Ban from participation in UN peacekeeping operations any individual from RAB, the police, or military whom the government identifies as having responsibility for serious human rights violations, pending investigation.

## To the National Human Rights Commission

- Continue to strenuously press the government to accept the proposal of the NHRC for independent investigations into all alleged extrajudicial killings.
- After the rules for the operation of the NHRC are adopted by the government, establish a special desk with dedicated staff to receive complaints of extrajudicial killings by the RAB

and other security forces, effectively document cases of such killings, and use its powers to compel RAB and other security officials to testify about such abuses in public hearings.

## To the Chief Justice

- Immediately assign the *suo moto* case to a court, and instruct that court to promptly set a date for a hearing on the case.

## To Bangladesh's Bilateral and Multilateral Donors

- Press the government, through public and private diplomacy, to implement all the recommendations made in this report.
- Refuse to work with RAB on law enforcement or counter-terror operations until the RAB ceases its use of torture and extrajudicial executions, promotes transparency in its operations by revealing timely information about detainees it is holding, and agrees to measures (both internal as well as an external monitoring scheme) to ensure accountability for all RAB personnel found to be involved in violations of human rights.
- Refuse to provide material and financial assistance to RAB until serious measures are taken to end extrajudicial executions and torture, and to actively prosecute those implicated in such abuses.
- Refuse to support training programs for RAB—unless specifically focused on human rights education—until the force ends the pattern and practice of torture and extrajudicial executions. Ensure trainers providing human rights education to RAB personnel have thorough knowledge of RAB's human rights record, and have received first-hand information and testimonies from victims and family members of victims whose rights have been violated by RAB.
- Set clear benchmarks to measure progress for any RAB pledges to respect human rights, and undertake internal reform processes which must be met before cooperation or assistance is resumed.
- Ensure proper vetting of all participants in training and exchange programs in order to guarantee that RAB officers against whom there are credible allegations of involvement in human rights violations are barred from taking part.
- Publicly call on the government to disband the RAB. In the event that the government refuses and decides to retain the RAB, publicly insist on that a commission on RAB reform be created, with a terms of reference developed in consultation with victims, their families, and human rights NGOs, and support the commission's work.

- Publicly raise in donor and UN forums, and the UN Human Rights Council, the government's continuing failure to keep its promise (made during the Bangladesh universal periodic review at the Human Rights Council) to implement a "zero tolerance" policy for extrajudicial executions, and insist on accountability
- Raise strong concerns with the prime minister about ministerial-level statements that reject outright the involvement of RAB in extrajudicial executions, despite evidence to the contrary, and insist that ministers be disciplined or dismissed if they continue to issue blanket denials in response to credible allegations of violations of human rights by RAB personnel.
- Ensure the United Nations Department of Peacekeeping Operations (DPKO) vets all Bangladesh military and law enforcement officials, including commanders, applying for UN peacekeeping missions, reviews the participation of Bangladesh officials already serving in peacekeeping operations, and bars all those credibly found or suspected to have committed, ordered, or tolerated serious human rights violations. Ensure the DPKO publicly informs the government of Bangladesh of the reason for the exclusion of any Bangladesh solider or law enforcement official on human rights grounds.
- Support civil society initiatives to bring pressure on RAB personnel to cease violating human rights, seek government action to prosecute members of RAB responsible for violations, and convince the government and political parties to take legislative and other policy measures to address RAB's violations of human rights.
- Provide funding and technical assistance to support a broad-based coalition of civil society organizations working against impunity, and to NGOs and civil society groups who are members supporting or participating in that coalition.

## To the US Government

- Vigorously enforce the Leahy Law, denying US assistance and training to all RAB units and members, until serious and systematic abuses by RAB end and the Bangladeshi government holds RAB officials and officers responsible for human rights abuses accountable. Publish details of the content and dates of all training provided by US officials, civilian and military, to RAB.

## To the UK and Australian Governments

- End UK and Australian assistance and training to RAB until serious and systematic abuses by RAB end and the Bangladeshi government holds RAB officials and officers responsible for human rights abuses accountable. Adopt legislation similar to the Leahy

Law prohibiting UK assistance to units and individuals responsible for gross human rights abuses. Publish details of the content and dates of all training provided by UK officials, civilian and military, to RAB.

## To the United Nations

- The UN Country Team in Bangladesh should publicly issue a joint agency statement opposing arbitrary detention, torture, and extrajudicial executions by the RAB, and raise these concerns in meetings with the prime minister, cabinet members, and representatives of the military forces and police.
- The UN Human Rights Council should communicate its serious concerns to the Bangladesh government that issues raised at the UPR session on Bangladesh remain largely unaddressed, and especially draw attention to continued extrajudicial executions, torture, and arbitrary detention being practiced by the RAB.
- The Department of Peacekeeping Operations (DPKO) should thoroughly review the participation in peacekeeping operations of all Bangladeshi soldiers and law enforcement officials, including commanders, to ensure that they have not committed, ordered, or tolerated serious human rights violations.

# Appendix I: Letter to Home Minister Sahara Khatun, April 22, 2010

**HUMAN RIGHTS WATCH**

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HUMAN RIGHTS WATCH

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April 22, 2010

Minister Sahara Khatun
Ministry of Home Affairs
Dhaka
Bangladesh

**Re: RAB**

Dear Home Minister,

Based in New York, Human Rights Watch is one of the world's largest and most well known human rights organizations. We research human rights abuses around the world, publish reports, and advocate for redress for victims, holding perpetrators accountable, and policy changes that promote and protect human rights.

Human Rights Watch is currently producing a report on the Rapid Action Battalion (RAB). The report will address recent allegations of human rights abuses and discuss steps the government has taken to ensure accountability for such abuses.

To ensure that we present the most accurate picture possible, we would appreciate any information that you can provide to us about any investigations, internal disciplinary measures, criminal prosecutions, convictions, sentences, and compensation to victims that have taken place in relation to the cases listed below or any other cases in which RAB was alleged to have committed human rights abuses.

We would also appreciate any information you can provide about measures taken by the government to prevent abuses such as those below.

Among the cases that we are interested in are:

1. The killing of Moshin Sheikh and Ali Jinnah, students at the Polytechnic Institute in Dhaka, on May 27, 2009.

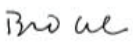
2. The alleged torture of F M Masum, a journalist with the New Age newspaper, in Dhaka on October 22, 2009.

3. The killing of Lutfar Khalashi and Khairul Khalashi in Madaripur on November 16, 2009.

As we are planning to release our report soon, we would appreciate a response at your earliest convenience and within 30 days at the latest.

Thank you for your assistance.

Sincerely,



Brad Adams
Asia Director
Human Rights Watch

cc: Director General Hasan Mahmud Khandaker, Rapid Action Battalion

# Appendix II: Letter to Home Minister Sahara Khatun, copying RAB Director General, Mukhlesur Rahman, October 27, 2010

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October 27, 2010

Minister Sahara Khatun
Ministry of Home Affairs

Md. Mukhlesur Rahman
Director General, RAB

*Via facsimile and email*

**Re: Response to Human Rights Watch letter regarding RAB**

Dear Home Minister and Director General,

I am writing to follow up regarding a letter faxed to your offices on April 22, 2010. Please see attached.

Human Rights Watch is currently producing a report on the Rapid Action Battalion (RAB). The report will address recent allegations of human rights abuses and discuss steps the government has taken to ensure accountability for such abuses. To ensure that we present the most accurate picture possible, we would appreciate any information that you can provide to us.

**As we are planning to release our report soon, please do let us know immediately if you intend to respond**. I can be reached at brad.adams@hrw.org or by fax at +44 20 7713 1800.

Thank you for your attention to this matter.

Sincerely,

Brad Adams
Asia Director

Encl: Letter from Human Rights Watch regarding RAB, April 22, 2010

# Acknowledgments

This report was researched and written by Henrik Alffram, consultant to the Asia Division of Human Rights Watch, Meenakshi Ganguly, South Asia director, and Tejshree Thapa, South Asia researcher. M. Sanjeeb Hossain provided valuable research and translation support. The report was edited by Brad Adams, Asia director; Clive Baldwin, senior legal advisor, and Cassandra Cavanaugh, program office consultant, reviewed the report.

Production assistance was provided by Pema Abrahams, coordinator in the Asia division. Kathy Mills, prepared the report for publication, Anna Lopriore, assisted with the cover photograph, and Fitzroy Hepkins provided publication and production assistance.

Human Rights Watch wishes to sincerely thank the many victims, family members of victims, and witnesses who bravely shared their accounts with us. We also express our heartfelt appreciation to the Bangladeshi human rights activists, lawyers, and journalists who greatly assisted our work. We especially want to extend a special word of appreciation and thanks to the human rights groups Odhikar and Ain O Salish Kendra.

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HUMAN RIGHTS WATCH

# "Crossfire"

## Continued Human Rights Abuses by Bangladesh's Rapid Action Battalion

Set up as an elite crime fighting force drawn from the military and police, Bangladesh's Rapid Action Battalion (RAB) has routinely engaged in extrajudicial killings and torture of people in custody and claiming falsely that they died during an exchange of fire. According to RAB's own figures, the force has gunned down well over 600 alleged criminals since 2004.

*"Crossfire:" Continued Human Rights Abuses by Bangladesh's Rapid Action Battalion* documents the ongoing human rights violations perpetrated by RAB officers in and around Dhaka after the current Awami League-led government came to power. It builds on the 2006 Human Rights Watch report, *Judge, Jury, and Executioner: Torture and Extrajudicial Killings by Bangladesh's Elite Security Force*.

Created by the Bangladesh National Party (BNP), RAB was heavily criticized by the Awami League while in opposition. However, after the Awami League took office in January 2009 the killings have continued and no RAB officer has been prosecuted. Government officials have even justified or denied RAB's abuses. Though there may be some within the system urging reform and accountability, RAB continues to operate with impunity.

The Bangladesh government should follow through on its commitments and ensure that there are prompt, impartial, and independent investigations into torture and deaths in the custody of RAB. The government should prosecute all former and current members of RAB, of whatever rank, who are found to be responsible for human rights violations. Human Rights Watch calls upon foreign governments and international organizations to refuse to work with RAB in law enforcement or counter-terror operations until the force ceases its use of torture and extrajudicial executions, promotes transparency, and pursues accountability for violations of human rights.

*Members from Bangladesh's elite security force, Rapid Action Battalion (RAB) preparing to conduct search operations in Dhaka. RAB has killed over 700 people since its inception and claim the killings happen in incidents of "crossfire."*