



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

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Information on problems faced by persons who are wrongly accused of a crime in Bangladesh.

In a section titled “Arrest and Detention” the *US Department of State* country report on Bangladesh for the events of 2006 states:

“Authorities sometimes used Sections 54 and 86 to detain persons on false charges in order to suppress the expression of views critical of or different from those of the government. According to ASK police in Dhaka arrested large numbers of opposition party members prior to opposition rallies throughout the year. The law provides for the right to a prompt judicial determination; however, this was rarely enforced. According to Odhikar police detained 28,651 people in mass arrests throughout the year. On June 11, according to 14 local human rights organizations, the government began a program of mass arrests in Dhaka ahead of an opposition-organized rally. According to these groups, law enforcement officials used block raids and checkpoints to arrest over 700 people coming to Dhaka to participate in the rally. Human rights organizations reported that these persons were later released. In September according to local human rights organizations, in anticipation of opposition protests in Dhaka, the government indiscriminately arrested hundreds of persons, including opposition activists and NGO supporters, on old cases or false charges such as theft. Most detainees were released within a few days. Human rights organizations reported that the arrests were used to intimidate opposition activists from coming to Dhaka to participate in the protests.” (US Department of State (6 March 2007) *2006 Country Reports on Human Rights Practices – Bangladesh*)

In a section titled “Torture in Bangladesh” a *Human Rights Watch* report refers to the alleged use of torture to obtain confessions as follows:

“Torture has long been a familiar and widespread problem in Bangladesh. It is a routine feature of criminal investigations, used by the police to obtain confessions. And it is used for politically motivated purposes against alleged national security suspects, government critics, and perceived political opponents to obtain information, to intimidate, or to convey more broadly a message of fear. Torture has been perpetrated by law enforcement officials, paramilitary groups, and the army regardless of which government has been in power.” (Human Rights Watch (13 February 2008) *The Torture of Tasneem Khalil – How the Bangladesh Military Abuses Its Power under the State of Emergency*, p.2)

This section of the report also states:

“Arrests under the emergency powers encourage mistreatment in detention. The security forces frequently arrest people in the middle of the night without warrant. They are often in plainclothes and offer no identification, and cite the emergency laws to justify their actions. Instead of bringing those arrested immediately before a magistrate, the security forces routinely take them to army barracks and other unofficial places of detention where they are subject to mistreatment and torture.” (ibid, p.5)

This section of the report also refers to alleged torture methods, stating:

“In the past year alone, the DGFI has arbitrarily detained and tortured numerous politicians, journalists, businesspersons, academics, professionals, and activists. Among the cases reported to Human Rights Watch include those of businessmen Abdul Awwal Mintoo and Noor Ali; Dr. S Mollah, a physician; Anwar Hossain and Harun ur-Rashid, professors at Dhaka University; Manabendra Dev, a student leader at Dhaka University; and, Deen Islam Angel, a student at Dhaka University. The methods of torture used by the DGFI reported by victims to Human Rights Watch include general beating, electric shocks, beatings of hands and soles of the feet, and forcible water intake.” (ibid, p.6)

In a section titled “Assaults on Media Freedom” this report states:

“Outside Dhaka, regional correspondents of national news outlets are regularly physically intimidated and threatened with arrest, often on false charges, if they run afoul of the local administration or the military.” (ibid, p.8)

See also annual report on Bangladesh from the *Committee to Protect Journalists* which states:

“Journalists working outside the capital, Dhaka, were even more vulnerable to threats and harassment by members of the local administration and security forces. Daily Star reporter E. A. M. Asaduzzaman Tipu was arrested on March 21 in the northern district of Nilphamari after reporting on the local government’s handling of fertilizer distribution in the area. He was detained for nearly a week on false accusations of extortion. Jahangir Alam Akash, a reporter in the northwestern city of Rajshahi for the television news channel CSB, told CPJ in May that he received death threats from a major with the Rapid Action Battalion (RAB) for his reporting on a raid in which the suspect was shot and wounded. In October, Akash was arrested and beaten in custody, according to his wife, after a local political figure believed to be assisting the RAB accused him of extortion. Local journalists told CPJ that Akash was being targeted for his journalistic work and that he had committed no crime.” (Committee to Protect Journalists (4 February 2008) *Attacks on the Press 2007: Bangladesh*)

An article on the alleged treatment of the Jumma minority ethnic group published by *The Guardian* states:

“While the 1997 peace accord should have guaranteed the Jumma their rights, Corry says that this has been far from the case. ‘Since emergency rule was declared in January 2007, over 50 Jumma activists have been arrested, often on

false charges. Many have been tortured. Ranglai Mro, leader of the Mro people, was arrested on false arms charges in February last year. He has since been sentenced to 17 years' imprisonment and is now seriously ill, having been tortured in police custody. Survival believes he was targeted because he protested about the eviction of 750 of his people by the army in 2006.” (The Guardian (25 June 2008) *Pushed to the edge of existence*)

An *Amnesty International* alert on the detention of a human rights activist states:

“Jahangir Alam Akash was charged with extortion – it is widely believed to be a false, politically motivated charge. Since Akash’s release, RAB officers have tried to reverse his bail order by invoking emergency regulations that prevent bail. He has lost his job and is afraid of living in his hometown, Rajshahi, for fear of arrest. There is a pattern of silencing human rights defenders in Bangladesh by bringing contrived criminal charges against them. Dozens have such charges pending before the courts and remain at risk of re-arrest. A lawyer instrumental in securing Akash’s bail has complained of his own harassment through a criminal charge brought against him at the instigation of the RAB.” (Amnesty International (1 December 2008) *Bangladesh: Tortured Human Rights Defender Facing Imprisonment*)

In a section titled “Updated Information” an *Asian Human Rights Commission* appeal refers to Jahangir Alam Akash as follows:

“Mr. Akash, coordinator of the Task Force against Torture (TFT)-Rajshahi city, the regional coordinator of the Bangladesh Institute of Human Rights (BIHR) in the region and a journalist working as the bureau chief of a private news television channel CSB News and Daily Sangbad, a Dhaka based national newspaper, has been facing at least three extortion charges which he alleges are fabricated. In his work he has on numerous occasions disclosed the atrocities of the RAB in cases involving human rights violations. The cases that Akash has been implicated in are No. 2 of the Boalia police station, dated 2 October 2007 lodged by Mr. Mahfuzul Alam Loton, No. 13 of the Puthia police station, dated 23 October 2007 lodged by Mr. Abdul Jalil and No. 28 of Puthia police station, dated 25 November 2007 lodged by Mr. Abdul Latif Biswas. All cases are extortion charges, which Akash strongly denies.” (Asian Human Rights Commission (9 January 2008) *Update (Bangladesh): Mr. Akash faces three alleged false charges; Judge issued warrant against him*)

This section of the appeal also states:

“Akash and his family are living in separate places due to security problems as they continuously receive threats and intimidation from the complainants of the alleged fabricated cases as well as the officers of the RAB-5 based in Rajshahi district.” (ibid)

In a section titled “Background Comments” this appeal states:

“This case illustrates how the law enforcement agencies in Bangladesh simply ignored the decision or order of the courts. It also illustrates there are

dysfunctions in the judiciary system in Bangladesh. Even though the vacation bench of the High Court granted Akash Bail on October 16, the RAB arbitrarily arrested him on October 24 and the Rajshahi CMM Court issued an order to detain him in prison where he had to remain for 28 days until he was bailed by the Court of Session Judge of Rajshahi.” (ibid)

An *International society for Human Rights* report on the alleged treatment of journalist Shoaib Choudhury states:

“Shoaib Choudhury was detained for 17 month, tortured and denied medical treatment. His family was attacked, his newspaper suspended, his home and office ransacked, and the government conducted a smear campaign against him. Mobs have been allowed to attack him and bomb his newspaper with impunity.” (International Society for Human Rights (undated) *Bangladesh: Drop False Charges against the Journalist and Peace Activist, Salah Uddin Shoaib Choudhury!*)

An *Asian Tribune* article states:

“Previously, the government has equivocated about its intentions regarding Choudhury, at times assuring US lawmakers and others that they would arrange for the charges to be dropped. Babarâ’s call was the first time they admitted their intention to proceed with the sedition trial. On several occasions, Babar, Bangladesh Ambassador to Washington Shamsher M. Chowdhury, and other Bangladesh officials have admitted that there is no basis for the charges against Choudhury.” (Asian Tribune (19 May 2006) *Bangladesh to Frame Sedition Charge against Salah Uddin Shoaib Choudhury*)

This article also states:

“During his detention, Choudhury was tortured, denied medical care, and intentionally housed in a wing for the criminally insane.” (ibid)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

Amnesty International (1 December 2008) *Bangladesh: Tortured Human Rights Defender Facing Imprisonment*

<http://www.amnesty.org/en/library/asset/ASA13/007/2008/en/e472539b-a1d0-11dd-aa42-d973b735d92e/asa130072008en.pdf>

(Accessed 20 October 2009)

Asian Human Rights Commission (9 January 2008) *Update (Bangladesh): Mr. Akash faces three alleged false charges; Judge issued warrant against him*

<http://www.ahrchk.net/ua/mainfile.php/2008/2713/?print=yes>

(Accessed 19 October 2009)

Asian Tribune (19 May 2006) *Bangladesh to Frame Sedition Charge against Salah Uddin Shoaib Choudhury*

<http://www.asiantribune.com/index.php?q=node/157>

(Accessed 20 October 2009)

Committee to Protect Journalists (4 February 2008) *Attacks on the Press 2007: Bangladesh*

<http://cpj.org/2008/02/attacks-on-the-press-2007-bangladesh.php>

(Accessed 20 October 2009)

The Guardian (25 June 2008) *Pushed to the edge of existence*

<http://www.guardian.co.uk/environment/2008/jun/25/endangered.habitats.bangladesh/print>

(Accessed 20 October 2009)

Human Rights Watch (13 February 2008) *The Torture of Tasneem Khalil – How the Bangladesh Military Abuses Its Power under the State of Emergency*

http://www.hrw.org/sites/default/files/reports/bangladesh0208_1.pdf

(Accessed 19 October 2009)

International Society for Human Rights (undated) *Bangladesh: Drop False Charges against the Journalist and Peace Activist, Salah Uddin Shoaib Choudhury!*

<http://www.ishr.org/?id=1077>

(Accessed 20 October 2009)

UN Human Rights Council (28 May 2008) *Written statement submitted by the Asian Legal Resource Centre (ALRC)*

http://www.ecoi.net/file_upload/1229_1216287430_bangladesh-ngo-2.pdf

(Accessed 20 October 2009)

US Department of State (6 March 2007) *2006 Country Reports on Human Rights Practices – Bangladesh*

<http://www.state.gov/g/drl/rls/hrrpt/2006/78869.htm>

(Accessed 20 October 2009)

Sources Consulted:

Amnesty International

BBC News

European Country of Origin Information Network

Google

Human Rights Watch

Immigration and Refugee Board of Canada
Lexis Nexis
Refugee Documentation Centre Query Database
UK Home Office
UNHCR Refworld
US Department of State