

**Refugee Review Tribunal
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Questions

- 1. What is the current situation (May 2008) regarding the detention of BNP members given the continuing state of emergency in Bangladesh? Has there been any change?**
- 2. Are local party members still being targeted for detention and arrest?**
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RESPONSE

- 1. What is the current situation (May 2008) regarding the detention of BNP members given the continuing state of emergency in Bangladesh?**
- 2. Are local party members still being targeted for detention and arrest?**

By way of brief background regarding the treatment of members of the Bangladesh Nationalist Party (BNP) during the ongoing state of emergency, the most recent US Department of State report on human rights practices for Bangladesh indicates that, in 2007, “[i]t was difficult to estimate the total number of those detained for political reasons”. According to the report:

Many high-level officials detained during the state of emergency were widely suspected of corruption and had credible charges of corruption pending against them at year’s end. Several high profile figures, including some members of the leadership of the BNP and AL, however, were held for months without any charges filed against them. International and domestic human rights organizations accused the government of selective prosecution. For example, several high-profile figures believed to be corrupt were omitted from the lists of corruption suspects, allegedly because they agreed to ally themselves with the caretaker government and the military.

...The government detained approximately 200 high-ranking politicians, businessmen, and officials as part of its anticorruption campaign. The government held for several months many individuals under the Special Powers Act, without filing charges against them.

The government imposed unofficial house arrests on former prime ministers Sheikh Hasina and Khaleda Zia and made repeated efforts in the first six months of the year to force them into exile. Eventually, the government arrested both women on corruption charges, and at year's end they were awaiting trial.

By year's end the Anti-Corruption Commission and the public prosecutor had prosecuted several dozen cases against ranking political officials, ranging from extortion and money laundering to murder. While the government said that these were legitimate charges, some cases, such as the filing of charges against former Law Minister Moudud Ahmed and former Communications Minister Anwar Hossain Manju, were seen to be politically motivated. The authorities charged Ahmed and Manju with alcohol possession, normally a minor offense for which bail is granted during trial (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Bangladesh*, March – Attachment 2).

Recent reports indicate that at the end of May 2008 the caretaker government launched a drive resulting in mass arrests, variously described as an anti-crime drive or as a political crackdown.

On 31 May 2008, *Reuters* reported that leaders of both the BNP and the Awami League claimed that “the new wave of crackdowns was planned to stop parties from organising activists and supporters to launch a nationwide protest to press for the release of their leaders”. The police chief reportedly maintained, however, that the drive was in response to “the law and order situation [having] deteriorated in the country recently”. According to the *Reuters* report:

Nearly 50 people, mostly members of Bangladesh's two main parties, were detained late on Friday, police said, after the parties rejected talks with the army-backed interim government on elections due later this year.

Most of those detained belonged to the Awami League and the Bangladesh Nationalist Party (BNP).

“It was confirmed that the detainees were trying to instigate the people against the interim-government, a senior officer in the joint army, paramilitary and police forces said on Saturday without giving details.

The Awami League and BNP are seeking the release of their respective leaders, former Prime Minister Sheikh Hasina and Begum Khaleda Zia respectively. Both parties have threatened to launch countrywide protests if their leaders were not released.

Both Hasina and Khaleda are in detention on graft and corruption charges, which they deny.

The parties, along with three other smaller political groups, rejected the offer last week of talks with the interim government to discuss how to prepare for the parliamentary election, which is due in the third week of December. They said they would not take part until their leaders were released.

...Leaders of Awami League and the two factions of BNP said the new wave of crackdowns was planned to stop parties from organising activists and supporters to launch a nationwide protest to press for the release of their leaders.

“We have launched the drive as the law and order situation deteriorated in the country recently,” police chief Nur Mohammad told reporters.

Khaleda and Hasina are among more than 170 political figures detained as part of a crackdown on corruption that the government launched soon after taking over in January 2007 (Ahmed, N. 2008, ‘Bangladesh detains 50 party members – police’, *Reuters*, 31 May – Attachment 3).

On 1 June 2008, Bangladesh’s *The Daily Star* newspaper reported arrests which included “political leaders and activists” from the BNP and other parties. According to the article:

Over 200 people including 33 district and upazila [sub-district] level top leaders of Awami League, BNP and their front organisations, municipality and union parishad chairmen and transport leaders were arrested as of yesterday during a sudden crackdown by the joint forces starting Friday [30 May] midnight.

Of the arrestees, 140 were held in the capital alone as the joint drive coincided with a special drive by Dhaka Metropolitan Police (DMP) to recover illegal firearms and arrest professional killers, criminals, drug peddlers and robbers.

Forty-one persons including the 33 political leaders and activists were arrested outside Dhaka. The Rapid Action Battalion (Rab) also arrested 23 persons during the drive across the country.

The political leaders and workers were arrested under section 16(2) of the Emergency Power Rules (EPR), police said.

Inspector General of Police (IGP) Nur Mohammad said the drive is aimed at arresting only those against whom there are specific allegations of criminal activities, those who are on the police list of criminals and those against whom there are arrest warrants.

“None other than these people have been arrested and there is no question of arresting and harassing any political person,” the IGP said.

He said they have already ordered the authorities concerned to mount vigil at all land and airports so that no criminal can flee the country.

The crackdown began days after the Awami League (AL) threatened with disobeying the law and BNP Secretary General Khandaker Delwar Hossain with street movements if their chiefs are not released soon.

Sources close to the police high-ups gave hints that more arrests are in the offing to ward off any sort of violence.

The article named some of those detained, including many BNP office holders and activists. According to *The Daily Star*’s report:

The arrestees in Jessore ... [include] Jhikorgachha upazila BNP President Jalaluddin Ahmed, Chowgachha upazila BNP Secretary Jahurul Islam, Manirampur upazila BNP General Secretary Mashiur Rahman.

In Narail, the joint forces arrested district BNP General Secretary Abdul Kader Sikder, BNP leader Mostafa Kamal Mosto.

Our Chapainawabganj correspondent reports: The joint forces arrested seven political leaders, including a municipality chairman, from five upazilas during the crackdown.

They are former president of Bholahat upazila BNP Aziz Layek and BNP activist Mojidul Hoque and Shibganj upazila BNP activist Shakil Reza.

Sources in the political parties and families said the joint forces also raided the residences of Gomostapur upazila BNP General Secretary Md Tarek and BNP activist Ashraful Haque, district Krishak League President Abdul Wadud, former chairman of Shibganj municipality and municipality BNP unit General Secretary Shamim Kabir Halim and district BNP Organising Secretary Amir Hossain but could not arrest them as they were not at their houses.

Chapainawabganj Superintendent of Police (SP) SM Mahfuzul Hoque Nuruzzaman said the joint forces arrested the political leaders and activists under the EPR ('Sudden crackdown on political leaders, workers' 2008, *The Daily Star*, 1 June <http://www.thedailystar.net/story.php?nid=39174> – Accessed 23 June 2008 – Attachment 4).

An article dated 2 June 2008 in *The Daily Star* provided details of further arrests, reporting that some arrests had been made under the Emergency Power Rules while the arrests of some Awami League leaders allegedly related to cases “filed against them during the period of BNP-led coalition”. According to the report:

The joint forces and police arrested 1,637 persons, including grassroots level leaders of the Awami League (AL) and BNP, across the country during their 24-hour drives until yesterday morning.

The joint forces arrested 548 persons during their special drives while the police held 1,089 persons. Of those arrested by the police, 87 were arrested by the Dhaka Metropolitan Police (DMP).

According to DMP sources, of the 87 arrestees two are convicts in separate cases and 21 had arrest warrants against them while 46 were arrested in regular cases, six for mugging, two for murder, two in illegal arms cases and eight on other charges.

Meanwhile, different political parties have criticised arresting of their leaders and activists.

But the government in a handout yesterday said the joint forces arrested the 548 persons on specific charges and that there is no “political intention” behind the arrests.

Our correspondent in Kishoreganj reports: The joint forces arrested 44 persons including listed criminals. They also conducted raids on the residences of several AL and BNP leaders.

On Saturday night, the joint forces led by Major Salahuddin Al Murad launched a special drive to arrest 210 most wanted criminals, including activists and leaders of both the AL and BNP who are involved in different criminal acts.

...Our staff correspondent in Rajshahi reports: the joint forces yesterday held two Awami League leaders at Puthia upazila in the district.

They are former vice-president of Bangladesh Chhatra League Ahsanul Haque Masud and sports secretary of Puthia Jubo League Amirul Islam.

Sources said Ahsanul was accused in seven cases on different charges including murder and extortion while five cases were filed against Amirul on charges of extortion and other criminal offences.

However, the detainees were not shown arrested in the cases filed against them. They were held under the Emergency Power Rules.

Meanwhile, Puthia Awami League general secretary Golam Faruk strongly condemned the arrest of the party leaders.

“The cases were filed against them during the period of BNP-led coalition government to serve political interests. They were granted bail in all the cases,” he said.

Our Rangpur correspondent said: joint forces arrested district BNP joint secretary Masud Khan from his Jummapara residence on Saturday night.

Police said a case was filed against Masud under section 16(2) of the Emergency Power Rules and he was handed over to police after the arrest.

He had also been accused in a number of cases on different charges including extortion and possessing illegal arms (‘1,637 held as crackdown on political men goes on’ 2008, *The Daily Star*, 2 June – Attachment 5).

The *International Herald Tribune* reported on 4 June 2008 that the police had detained more than 10,000 people over the previous week. The report cites a BNP spokesman’s claim that the security forces were “filing fabricated charges against our activists”, but also refers to comments by the Police Chief that the targets of arrest were not political activists but “criminals who are disturbing law and order”. According to the report:

Bangladesh’s military-led security forces said Wednesday they have detained more than 10,000 people in a nationwide anti-crime drive over the past week, but political parties accused the government of targeting their members in a political crackdown.

Police Chief Nur Mohammad said the special drive was launched last Friday to improve law and order before national elections planned late this year.

He said more than 1,700 people were detained in the past day, taking the number of detainees to more than 10,000.

The detainees have been accused of crimes such as murder, muggings and violation of emergency rules, Mohammad said.

He denied accusations from political parties that the drive was politically motivated and that many of the detainees are party members.

“We are not targeting political activists. We are after criminals who are disturbing law and order,” Mohammad said.

Syed Ashraful Islam, spokesman for the Awami League, a key political party, said the government was “targeting political activists in the name of an anti-crime drive.”

...Another major political group, the Bangladesh Nationalist Party, also denounced the drive.

“The security forces have arrested thousands of our activists to prevent them from election-related activity,” BNP spokesman Khandaker Delwar Hossain said. “They are filing fabricated charges against our activists.” (‘Bangladesh police detain over 10,000 in crackdown ahead of elections’ 2008, *International Herald Tribune*, 4 June <http://www.ihf.com/articles/ap/2008/06/04/asia/AS-GEN-Bangladesh-Crime-Crackdown.php> – Accessed 23 June 2008 – Attachment 6).

An article dated 4 June 2008 in the Bangladeshi *New Age* newspaper reported comments on the arrests by the Secretary-General of the BNP. According to the report:

The BNP Secretary-General, Khandaker Delwar Hossain, in a statement on Tuesday [3 June] criticized the government for arresting political activists in the name of nabbing criminals.

“The government is staging a drama in the name of dialogues (with political parties and others) apparently to forge a consensus. On the other hand, it is taking repressive measures such as blanket arrest of political party leaders and activists. Such double standards will deepen the ongoing political crisis,” he said. He alleged that the government was unleashing the reign of terror and grossly violating human rights in conducting the drives.

“Thousands of innocent BNP leaders and activists have been arrested in the drives. A large number of party men are in hiding to avoid being harassed. False cases have been filed against many of them.”

He said the government was taking such repressive measures to frustrate the looming movement by the people against the government's failure and activities. “The repressive measures will produce no positive outcome.”

Terming the countrywide blanket arrest motivated and provocative, the acting Awami League General Secretary, Syed Ashraf Islam, on Tuesday asked the government to immediately stop arresting political activists.

“The caretaker government is responsible for creating a congenial atmosphere for credible elections. But the drive will hamper such efforts,” he said as he addressed an extended committee meeting of the central Awami Juba League, the youth front of the party, in its central office on Bangabandhu Avenue in Dhaka.

He urged the government to release the party leaders and workers arrested in the current drive.

The inspector general of police, Noor Mohammad, on Tuesday said the drive should not be termed blanket arrest.

“The number of the people arrested during the special operation against miscreants and crime suspects is not much higher than the usual figure of such routine drives. It may vary by 100 to 150,” the police chief said as he talked with newsmen at the secretariat after a meeting with the home affairs adviser, M.A. Matin (‘Bangladesh paper reports 12,000 arrests in government “crackdown” drive’ 2008, *BBC Monitoring service*, source: *New Age* Newspaper, 4 June – Attachment 7).

Also on 4 June 2008, *The Daily Star* cited comments by the Inspector General of Police and the Dhaka Metropolitan Police Commissioner regarding the law and order situation and media reports of blanket arrests, the Commissioner claiming that “only 100 to 150 extra people are being nabbed daily at present”:

Inspector General of Police (IGP) Nur Mohammad yesterday denied any slide in the law and order and claimed that no ‘wholesale arrest’ is being made.

“The law and order situation is under control. There has been some murders and robberies in the recent weeks which gave the impression that the situation has deteriorated,” the IGP told reporters after a meeting with Home Adviser Maj-Gen (retd) MA Matin at the home ministry.

The police chief’s comment contradicted with that of the home adviser, who on Monday defended the ongoing countrywide arrests as an operation to check deterioration of law and order ahead of the elections.

“The crackdown has been ordered to control the operations of the criminals as the situation was worsening,” he had said while briefing the newsmen at his ministry. The home adviser had also observed that the incidents of murder and other criminal activities had increased in number and frequency.

IGP Nur Mohammad yesterday, however, termed the current drive across the country a regular one and said that it was launched with a view to further improve the situation.

The police chief had a long meeting with Matin that started at 11 in the morning.

Dhaka Metropolitan Police (DMP) Commissioner Naim Ahmed and Director General of Rapid Action Battalion (Rab) Hasan Mahmud Khandaker were also present at the meeting.

More than 10,000 people were arrested in just six days, including 1,750 yesterday, since the countrywide crackdown has been launched.

Talking to *The Daily Star* yesterday, DMP Commissioner Naim Ahmed also echoed the IGP saying that some random murders have taken place in the city recently, but that does not mean a slide in overall law and order.

The meeting discussed other issues, including the media reports on the ongoing drives and blanket arrest, he added.

“Police in their regular drives usually arrest 1,300 to 1,500 people across the country daily. From that perspective, only 100 to 150 extra people are being nabbed daily at present,” the DMP commissioner explained (‘Bangladesh police chief denies “wholesale” arrests’ 2008, *BBC Monitoring Service*, source: *The Daily Star*, 4 June – Attachment 8).

On 5 June 2008, an article in *The Wall Street Journal Asia* referred to the arrest of “about 10,000 political activists and other opponents” of the military-backed government and observed that “the new arrests further consolidated military control”. According to the article:

BANGLADESH’S military-backed government launched a major crackdown on its foes, arresting about 10,000 political activists and other opponents in the past week as the country prepares to hold national elections.

Some Bangladeshi officials described the roundup as aimed at preventing violence during the

coming campaign, while others said it was a routine measure against common crime. In any case, the new arrests further consolidated military control over this predominantly Muslim country of 150 million people that straddles a strategic crossroads between India and China.

The crackdown also raises questions about how fair elections, scheduled for December, can be when the leadership of the country's two main political parties remains behind bars and most political activity is banned under draconian emergency rules.

"Legitimate political movements cannot be stifled by repression," Bangladeshi human-rights group Odhikar said in response to the arrests. "Those arrested without a valid reason should be released forthwith, and the government should create an enabling environment so that a free, fair, participatory and acceptable general election could be held to hand over governance to duly elected people's representatives" (Trofimov, Y. 2008, 'Bangladesh rounds up political opponents – Crackdown fortifies military's control ahead of election', *The Wall Street Journal Asia*, 5 June – Attachment 9).

A Human Rights Watch report released on 5 June 2008 refers to the "recent wave of mass, arbitrary arrests under the Emergency Power Rules" and cites the opinion of the Asia director of Human Rights Watch that "[t]he timing and targets of the arrests are a dead giveaway they are politically motivated". According to Human Rights Watch:

The government should immediately end the recent wave of mass, arbitrary arrests under the Emergency Power Rules, Human Rights Watch said today. The thousands detained should be either charged on the basis of credible evidence of criminal activities or immediately released.

Using emergency rules put in place in 2007, Bangladesh's military-backed interim government has arrested at least 12,000 persons since May 28, 2008. The arrests follow the breakdown of prospects for negotiations between the government and the two main political parties, the Awami League and the Bangladesh Nationalist Party, over planned national elections in December. Many of those arrested are local-level political party leaders and activists. Human Rights Watch expressed concern about the health and safety of the detainees, given massive prison overcrowding and well-documented patterns of torture and mistreatment of detainees.

"The timing and targets of the arrests are a dead giveaway they are politically motivated," said Brad Adams, Asia director at Human Rights Watch. "It's obvious that they are paying the price for the political parties' refusal to accept the government's conditions to participate in the elections."

The government has rejected suggestions that the arrests are politically motivated, claiming that it was a planned sweep against criminality. Political parties and human rights groups have alleged that arrests are being carried out to pave the way for pro-government candidates to be elected in upcoming local and national elections.

...Through the Emergency Powers Rules, adopted shortly after a state of emergency was declared on January 11, 2007, soldiers and members of paramilitary forces, such as the Rapid Action Battalion and Bangladesh Rifles, have been granted the same arrest powers as the police. The rules allow for arrests without a court warrant on the mere grounds of a reasonable suspicion that a person is related to an offense and allow for lengthy periods of preventative detention.

"Emergency rule is once again being used to carry out arbitrary arrests and to harass political opponents," Adams said. "The government's stated commitment to reform is undermined by its continuing disregard for basic due process rights."

Since the state of emergency was introduced, the authorities have reportedly arrested well over 500,000 people. Even though the majority were released within days of their arrests, the prison population has nevertheless increased significantly. As the right to seek release on bail is restricted under the Emergency Power Rules, there are fears that the ongoing wave of mass arrests may result in a total breakdown of the prison system. With approximately 90,000 detainees and convicted prisoners in a prison that has an official capacity for just over 27,000, overcrowding is already severe, leading to inhumane and unsafe sanitary and other conditions (Human Rights Watch 2008, *Bangladesh: End Mass Arrests, Release Detainees* – Attachment 10).

An article dated 7 June 2008 in *The Economist* referred to the arrest of “nearly 12,000 local strongmen and politicians” as “a pre-emptive strike to break the organisational backbone of the parties ahead of local-government elections due in July”. According to *The Economist*:

THE two big political parties in Bangladesh are loth to accept what lawyers say is now only months away: the conviction on corruption charges of the jailed former prime ministers, Khaleda Zia of the Bangladesh Nationalist Party (BNP) and Sheikh Hasina of the Awami League. This would bar the two rivals, who have dominated Bangladeshi politics since 1991, from the election the army-backed government promises for December.

The parties, both personality cults centred on the jailed leaders, are acting tough. Late last month the Awami League said it would not join election talks with the government unless Sheikh Hasina was released unconditionally. The BNP followed suit – and also reunited, as a dissident faction miraculously rediscovered its love for Mrs Zia. Both parties threatened popular movements to free their leaders.

The army’s response was swift. Since May 30th it has arrested nearly 12,000 local strongmen and politicians – a pre-emptive strike to break the organisational backbone of the parties ahead of local-government elections due in July. The latest arrests followed the detention of more leading politicians last month. They included Motiur Rahman Nizami, the head of the third-largest party, Jamaat-e-Islami. Some 100 members of the last parliament are now either in jail or on the run.

The local non-party elections are seen as a test for the parliamentary polls. The army, still the country’s most popular institution, appears determined to bulldoze both through at any cost (‘Looking for an exit’ 2008, *The Economist*, 7 June – Attachment 11).

A report on 9 June 2008 in the *New Age* provided an updated tally of those arrested since 30 May in what it refers to as “the countrywide crackdown that landed scores of grassroots political and local government leaders in jail along with those accused of crimes”. According to the article, the major parties “claimed that most of the arrested leaders and workers are ‘innocent’” :

About 20,600 people were detained so far since the countrywide crackdown launched 30 May midnight, and nearly 2,400 of them were jailed till Saturday [7 June], prison sources said.

“Usually all the arrestees do not come to jail as many of them are released on bail from courts,” Inspector-General [IG] of Prisons Brig-Gen Zakir Hassan told reporters Sunday.

Jail sources said total inmates in 67 jails across the country were 84,200 on 30 May, which grew to 86,600 till 7 June evening, a week after the clampdown was launched.

Most of the arrestees have been granted bails from courts and some others are remanded into police custody for interrogation, the IG (Prisons) explained.

...Law enforcers detained 1,548 people in 24 hours since Saturday morning as part of the countrywide crackdown that landed scores of grassroots political and local government leaders in jail along with those accused of crimes.

A police headquarters news release said of 1,548 people detained in 24 hours till Sunday morning, 10 were held for possession of illegal arms, three were listed criminals, 1,059 people under warrants of arrest, while the rest 476 on different charges. However, the police did not say how many of the detained persons were political leaders or activists. The lawmen seized 17 firearms, eight bombs, 12 cocktails [petrol bombs] and 56 rounds of ammunition during the drive. Among the seized firearms, three were revolvers, five pipe guns, four guns, two pistols, one shutter gun, one self-loading rifle (SLR) and one light gun.

Major parties including Awami League and BNP [Bangladesh Nationalist Party] are alleging that the drive is targeted at their leaders and workers at the district and upazila [sub-district] levels to thwart any anti-government agitation. They claimed that most of the arrested leaders and workers are “innocent” and were being rounded up on charges of violating Emergency Power Rules (‘Bangladesh arrests rise to 20,600 – daily’ 2008, *BBC Monitoring Service*, source: New Age Newspaper, 9 June – Attachment 12).

An article dated 16 June 2008 in *The Daily Star* reported comments by the Home Secretary and the Home Adviser regarding prison terms, the recent release of the Awami League leader, Sheikh Hasina, and the continued detention of the BNP leader, Khaleda Zia. *The Daily Star* reported that:

“Sheikh Hasina applied for her release, so she was released. Khaleda Zia is still in detention as she has not yet applied for her release,” the adviser said.

Asked whether Hasina would be allowed to address any political meetings, Matin [the Home Adviser] said, “The advisers in charge of the political dialogue can answer clearly in this regard.”

However, the home adviser said he believed that under such special conditions of release there was no scope for holding or addressing political meetings.

Asked whether repeated amendments to Emergency Power Rules during the longest state of emergency in Bangladesh were a sign of the government backing down, he said, “It cannot be said that Emergency Power Rules have failed.”

“An amendment to the rules is not a sign of the government backing down. The government can make such amendments for the sake of the country,” he said.

About the ongoing arrest drives, he reiterated that the government has no political motive whatsoever behind the arrests.

“The current drive is not being conducted to undermine, harass or arrest anybody with any political motive,” he said, adding, “Those who are being arrested have specific allegations against them.”

Around 24,062 people were arrested between May 29 and June 12 against 19,362 arrested during the same period last year, said the adviser denying allegations of mass arrests.

He said 16,997 of them were arrested with outstanding warrants against them, 153 under Arms Act and Explosive Substances Act and 7,521 in connection with other cases including murder and rape.

The home adviser said only 191 people were arrested under the Emergency Power Rules.

Matin said special operations have been launched to improve law and order situation and remove fear from people's mind ('Convicts who served half their terms may be freed' 2008, *The Daily Star*, 16 June <http://www.thedailystar.net/story.php?nid=41369> – Accessed 23 June 2008 – Attachment 13).

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