



COUNTRY OF ORIGIN INFORMATION REPORT

# BANGLADESH

---

25 SEPTEMBER 2008

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## Preface

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- i This Country of Origin Information Report (COI Report) has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 31 July 2008. The 'Latest News' section contains further brief information on events and reports accessed from 1 August to 25 September 2008. This COI Report was issued on 8 October 2008.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the UKBA as below.

#### **Country of Origin Information Service**

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**Website:** [http://www.homeoffice.gov.uk/rds/country\\_reports.html](http://www.homeoffice.gov.uk/rds/country_reports.html)

#### **ADVISORY PANEL ON COUNTRY INFORMATION**

- xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UK Border Agency's country of origin information material. The APCI welcomes all feedback on the UKBA's COI Reports, Key Documents and other country of origin information material. Information about the Panel's work can be found on its website at [www.apci.org.uk](http://www.apci.org.uk)
- xii In the course of its work, the APCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. The APCI may or may not have reviewed this particular document. At the following link is a list of the COI Reports and other documents which have, to date, been reviewed by the APCI: [www.apci.org.uk/reviewed-documents.html](http://www.apci.org.uk/reviewed-documents.html)
- xiii Please note: It is not the function of the APCI to endorse any UKBA material or procedures. Some of the material examined by the Panel relates to

countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

**Advisory Panel on Country Information:**

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## Latest News

### EVENTS IN BANGLADESH, FROM 1 AUGUST TO 25 SEPTEMBER 2008

- 20 September The Chief Advisor, Fakhruddin Ahmed, announced that the general election would be held on 18 December 2008. Certain of the rules of the state of emergency would be relaxed or suspended to facilitate party electioneering. Local elections to *upazilla parishads* (sub-district councils) would be held on two phases, on 24 and 28 December 2008, following demands from the major political parties that these be postponed until after the general election.  
*Daily Star*: JS polls on Dec 18: 21 September 2008  
<http://www.thedailystar.net/story.php?nid=55807>
- 11 September Former Prime Minister and BNP leader Khaleda Zia was released from her makeshift prison in the Parliament complex, having been granted bail by the High Court in four corruption-related cases. She had been detained since 3 September 2007.  
United News of Bangladesh: Detained ex-PM released: 11 September 2008 (Accessed via Thomson-Reuters DataStar)  
Khaleda Zia's elder son, Tarique Rahman – who had 13 cases pending against him involving extortion, tax evasion and other alleged offences – was released on bail on 3 September and granted permission to seek medical treatment abroad.  
United News of Bangladesh: Tarique Rahman arrives in London for treatment: 12 September 2008. (Accessed via Thomson-Reuters DataStar)
- Early-September It was reported on 4 September that more than two million people had been marooned by late monsoon floods in 15 of the country's 64 districts.  
IRIN News: Two million people marooned by floods: 4 September 2008  
<http://www.irinnews.org/Report.aspx?ReportId=80159>
- 12 August The Awami League-backed mayors and councillors elected to office on 4 August 2008 prepared to pursue a legal challenge against the electoral rule requiring them to resign their party positions before taking office.  
*Daily Star*: Elected city leaders won't quit party posts: 12 August 2008  
<http://www.thedailystar.net/story.php?nid=50044>
- 6 August The UN Special Rapporteur on Trafficking in Persons, Sigma Huda, was released from prison after being granted a two-month ad interim bail by the High Court.  
*Daily Star*: Sigma Huda freed on bail: 7 August 2008  
<http://www.thedailystar.net/story.php?nid=49345>  
[http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear\\_en\)/8427B9AB3CE48B35C1257348002A7D71?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/8427B9AB3CE48B35C1257348002A7D71?OpenDocument)
- 5 August Although the local elections of 4 August were conducted on a non-party basis, candidates backed by the Awami League won the mayoral contests in all four cities and eight of the nine other municipal areas. The polls, which were monitored by over 5,500 local and international observers, took place without any apparent violence.  
BBC News: Awami League wins B'desh election: 5 August 2008  
[http://news.bbc.co.uk/1/hi/world/south\\_asia/7542317.stm](http://news.bbc.co.uk/1/hi/world/south_asia/7542317.stm)  
*Daily Star*: AL candidates rule city polls: 5 August 2008

<http://www.thedailystar.net/story.php?nid=48979>

4 August

Local elections were held in the four city corporation areas of Rajshahi, Khulna, Barisal and Sylhet and in nine other municipalities.

*Daily Star*. Polls in 4 city corporations today under emergency: 4 August 2008

<http://www.thedailystar.net/story.php?nid=48842>

## REPORTS ON BANGLADESH PUBLISHED OR FIRST ACCESSED SINCE 1 AUGUST 2008

### **US Department of State**

2008 Report on International Religious Freedom  
<http://www.state.gov/g/drl/rls/irf/2008/108498.htm>  
Released 19 September 2008

### **Asian Centre for Human Rights**

Human Rights Index 2008  
<http://www.achrweb.org/reports/SAARC-2008.pdf>  
Published 1 August 2008

### **US Department of Labor**

2007 Findings on the Worst Forms of Child Labor - Bangladesh  
<http://www.unhcr.org/refworld/docid/48caa45d38.html>  
Published 1 August 2008

### **Asian Centre for Human Rights**

Human Rights Index 2008  
<http://www.achrweb.org/reports/SAARC-2008.pdf>  
Published 1 August 2008

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## Background information

### 1. GEOGRAPHY

- 1.01 The People's Republic of Bangladesh is located in south Asia and is bordered almost entirely by India, except for a small frontier in the southeast with Burma and a coastline along the Bay of Bengal in the south. The capital is Dhaka. The country covers an area of approximately 147,000 sq. km. (57,000 sq. miles). (Europa Regional Surveys of the World: South Asia 2005) [1b] (p88) (CIA World Factbook) [62]
- 1.02 The country is administratively divided into 6 Divisions, 64 Districts (*Zila*), 507 sub-districts (*Thana* or *Upazila*) and 4,484 *Wards/Unions*. There are over 87,000 villages in Bangladesh. (Ministry of Foreign Affairs website). [77a] A particular name might refer to more than one geographical entity; for example, the City of Chittagong is situated in the District of Chittagong, which is in Chittagong Division. The 'Chittagong Hill Tracts' (CHT) area, referred to later in this report, comprises three of the districts within Chittagong Division. [25]
- 1.03 The Preliminary Report of the 2001 Population Census, published in August 2001 by the Bangladesh Bureau of Statistics (BBS), gave the total population of Bangladesh as 129.2 million (statistically adjusted). [43a] (p4) The CIA World Fact Book, updated on 21 August 2008, estimated the population to have reached 153.5 million by July 2008. [62] The 2001 census showed that 77 per cent of the population resided in rural areas. [43a] (p6) The metropolitan area of Dhaka, in 2001, had a population of 9.7 million; the populations of the other principal cities (as 'statistical metropolitan areas') were as follows in 2001: Chittagong 3.3 million, Khulna 1.2 million, and Rajshahi 0.7 million. [43d] (Census by metropolitan area) Apart from territories comprising less than 1,200 sq. km in area, Bangladesh is the most densely populated country in the world. (Europa Regional Surveys of the World: South Asia 2005) [1b] (p88) The 2001 census, as summarised in 'Bangladesh Census Results at a Glance' by the Bangladesh Bureau of Statistics, classified 89.6 per cent of the population as Muslim, 9.3 per cent as Hindu, 0.6 per cent as Buddhist and 0.5 per cent as Christian or 'other'. [43b]
- 1.04 The state language is Bangla (Bengali) and is spoken by about 95 per cent of the population. (Europa World Year Book 2004) [1a] (p635) There are approximately three million indigenous (*Adivasi*) people in Bangladesh, many of whom have their own language or dialect. 11 out of the 45 ethnic groups are concentrated in the Chittagong Hill Tracts, where they are collectively known as the *Jumma* peoples. There are also about 300,000 Urdu-speakers in the country, collectively known as 'Biharis' (see Section 22). (FCO, 6 November 2007) [11k]

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### MAPS

- 1.05 On the following page is a map showing the main cities and towns, and the Divisions of Bangladesh. (United Nations Cartographic Section: Map no. 3711 ref.2, dated January 2004; edited to show Sylhet Division.)



Map No. 3711 Rev. 2 UNITED NATIONS  
January 2004

Department of Peacekeeping Operations  
Cartographic Section

### Other Maps of Bangladesh

The Bangladesh Government website has links to various national and regional maps of the country: <http://www.bangladesh.gov.bd/> (Click on 'Maps')

## 2. ECONOMY

- 2.01 The Economist Intelligence Unit, in its Bangladesh Country Profile of 2007 (EIU Country Profile 2007), estimated Gross Domestic Product (GDP) per head in 2006 to have been US\$429, compared with \$843 for India, \$807 for Pakistan and \$1,289 for Sri Lanka. [40j] (p25) The EIU Country Profile for 2006 quoted a household income and expenditure survey as showing that 44.3 per cent of the population lived below the poverty line in 2000 compared with 58.8 per cent in 1991. (The poverty line is here defined as being able to afford to buy food providing a daily intake of 2,122 calories.) [40a] (p24) During the 1990s, real GDP increased at an average annual rate of 4.9 per cent. [40a] Real GDP growth for the 2007/2008 fiscal year was estimated by the EIU to have been 6.2 per cent; this was driven mainly by strong manufacturing output, private consumption and workers' remittances. [40o]
- 2.02 Agriculture (including fishing) employed more than half of the labour force and contributed 22 per cent of GDP in 2005/2006. Bangladesh has virtually achieved food self-sufficiency; rice production, in particular, has risen by about 150 per cent since the mid-1970s. Bangladesh is the world's largest exporter of jute; other agricultural exports include fish, prawns, leather and hides, tea and frozen foods. The share of manufactured goods in the country's exports has increased since the 1980s as ready-made garments have emerged as the leading export commodity. (EIU Country Profiles for 2006 and 2007) [40a] (p23-36) [40j] (pp24,30,46) A BBC News article of 6 January 2005 had cautioned that the future volume of the country's garment exports had become more uncertain with the final phasing out at the end of 2004 of international export quotas under the Multi-fibre Arrangement (MFA). The article noted that garments accounted for three-quarters of Bangladesh's exports. About 1.8 million people, mainly women, worked in clothing factories and another 15 million jobs depended indirectly on garment manufacturing. [20ar] However, as indicated in the EIU Country Profile 2007, garment exports have continued to show strong growth: "In 2005/06, the value of readymade garment exports reached US\$7.9bn, according to data from Bangladesh Bank (the central bank). Knitwear exports shot up by 35% in that year, to US\$3.8bn, while woven garment exports grew by 13.5%, to US\$4.1bn." [40j] (p33)
- 2.03 In late-2006 and throughout 2007, there were substantial cost of living increases for Bangladeshi consumers. United News of Bangladesh (UNB) observed in a report of 17 May 2007:
- "Cost of living has really become quite impossible for not only the disadvantaged sections of the community (with family monthly incomes not exceeding Taka 5000) but also lower and middle class groups (with family monthly incomes up to Taka 10,000) and those surviving on pensions and minor savings after retirement ... The situation has become particularly worse for those who have to rent residences and have school going children or have elderly relatives requiring constant medical attention ... Prices continued to move upwards unabated. A report published in this regard in a local newspaper noted that, since the beginning of November [2006], prices have risen steadily, depending on items, from 4 up to 71 per cent ... the current interim government has taken several measures to try to redress the situation." [39s]

The EIU, in their Country Report of February 2008, recorded that the price of rice, the country's staple food, had nearly doubled since January 2007. Various administrative measures taken by the Government had apparently failed to address the trend of rising prices. The EIU predicted that food prices would continue to be driven upwards in 2008 by the rising cost of imports from India and (illegal) hoarding by local food merchants. Production losses, particularly as a result of the floods of July-August 2007 and the cyclone in November 2007, had led to a severe food shortage in the country. The Government confirmed that 1 million tonnes of rice would have to be imported in 2008. [40i] (p7,11,13)

2.04 Bangladesh is a world pioneer in micro-credit financing, having first implemented pilot lending projects in the late 1970s. Micro-credit lending has since expanded rapidly and has proved effective in helping to alleviate poverty and empower women. In June 2003, 17 institutions reported that they had disbursed over US\$8 million in micro-credit loans and had a total of 15.1 million outstanding borrowers. (Bangladesh Ministry of Foreign Affairs, 2005) [77b] Grameen Bank – one of the leading loan providers – reported in February 2006 that it had, to date, advanced micro-credit loans to 5.8 million borrowers, 96 per cent of whom were women. The Bank had 1,861 branches and its staff worked in 62,089 villages. Total loan disbursement since the Bank's founding in 1976 had reached US\$5.34 billion by February 2006, of which \$4.73 billion had been repaid. Although Grameen Bank did not require any collateral against its micro-credit loans or even require its borrowers to sign a legal instrument, the loan recovery rate was 98.45 per cent. [76a] Other major micro-credit providers included the Palli Karma-Sahayak Foundation (established by the Government), PDBF, Bangladesh Krishi Bank, Agrani Bank and Sonali Bank, as well as the NGOs BRAC, ASA and Proshika and the Bangladesh Rural Development Board (Bangladesh Ministry of Foreign Affairs, 2005). [77b]

2.05 The EIU Country Report of August 2008 stated:

“Strong inflows of workers' remittances have reduced the pressure on the balance of payments. Remittances, Bangladesh's second-biggest source of foreign income, surged by 51% year on year to US\$778m in June. In 2007/08 [fiscal year] some 5m Bangladeshi expatriate workers sent home US\$7.9bn, up by 33% on the previous year. BB officials have said that they expect inflows of remittances to grow by more than 60% over the next two years. Statistics released by the central bank show an extraordinary rise in recent years in the number of workers taking up employment overseas, mainly in the booming economies of the Middle East (and particularly the Gulf region). In the first half of the present decade about 250,000 people took up employment overseas every year, and in 2006/07 this figure rose to 583,000. In the first ten months of 2007/08 [fiscal year] some 800,000 workers left Bangladesh to start jobs overseas.” [40o]

The EIU Country Profile 2008 observed: “The importance of remittance inflows to the economy is likely to be far greater than reflected in official data, as large sums of money are thought to enter the country through unofficial channels.” [40n] (p23)

2.06 The unit of currency in Bangladesh is the 'Taka' (BDT), which is divided into 100 poisha/paisa, noted the Europa World Year Book 2004. [1a] (p644) The

approximate rate of exchange on 26 August 2008 was £1 sterling = 126 Bangladesh taka (xe.com). [22]

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### 3. HISTORY

#### PRE-INDEPENDENCE: 1947 – 1971

- 3.01 The Europa World Year Book 2004 (Europa 2004) recorded that present-day Bangladesh was originally one of the five provinces of Pakistan, created following the partition of the Indian sub-continent in August 1947. Known then as East Pakistan, the province comprised the former Indian province of East Bengal and the Sylhet district of Assam. [1a] (p635)
- 3.02 East Pakistan became dissatisfied with the distant central government in West Pakistan, in spite of concessions such as the approval of Bengali as a joint official language with Urdu and the division of the country into two parts (East and West) with equal parliamentary representation. A secessionist movement led by Sheikh Mujibur Rahman and the Awami League (AL) gained increasing support. (EIU Country Profile 2007) [40j] (p4)
- 3.03 A general election in December 1970 gave the Awami League an overwhelming victory in East Pakistan; the AL demanded a loose federation of the two parts of Pakistan. (EIU Country Profile 2007) [40j] (p4) On 26 March 1971, Sheikh Mujibur proclaimed the independence of the People's Republic of Bangladesh ('Bengal Nation') and a full-scale civil war broke out. (Europa 2004) [1a] (p635)
- 3.04 Resistance continued from the Liberation Army of East Bengal (the Mukti Bahini), a group of irregular fighters, who launched a major offensive in November 1971. An estimated 9.5 million refugees crossed into India. On 4 December 1971, Indian forces intervened on the side of the Mukti Bahini. Pakistan surrendered to the combined forces on 16 December 1971 and Bangladesh achieved its independence, quickly achieving international recognition. (Europa 2004) [1a] (p635)

#### 1972 – 1982

- 3.05 The Europa World Year Book 2004 recorded that Sheikh Mujibur became Bangladesh's first Prime Minister in January 1972. A general election for the country's first parliament ('Jatiya Sangsad') was held in March 1973; the AL won 292 of the 300 directly elective seats. Internal stability was, however, threatened by opposition groups resorting to terrorism. [1a] (p635) The economic and political situation deteriorated rapidly. (EIU Profile 2007) [40j] (p4)
- 3.06 Sheikh Mujibur declared a state of emergency in late 1974 and in early 1975 he became President, assuming dictatorial powers through one-party rule. (EIU Profile 2007) [40j] (p4) In August 1975 Mujibur and members of his family were assassinated in a coup (led by Islamist army officers). Martial law was then declared and political parties banned. A subsequent counter-coup on 3 November 1975 brought Khalid Musharaf, a pro-Indian commander of the Dhaka garrison, to power. This proved to be extremely short-lived, as a third coup on 7 November 1975 overthrew Musharaf and power was assumed under a neutral non-party government, with Major General Ziaur Rahman (General Zia) taking precedence. (Europa 2004) [1a] (p635)

- 3.07 Political parties were again legalised in July 1976. General Zia assumed the presidency in April 1977. In the parliamentary elections of February 1979, Zia's Bangladesh Nationalist Party (BNP) won 207 of the 300 directly elective seats in the Jatiya Sangsad. A new Prime Minister was appointed in April 1979 and martial law repealed. The state of emergency was revoked in November 1979. (Europa 2004) [1a] (p635)
- 3.08 Europa 2004 recorded that Zia was assassinated on 30 May 1981, during an attempted military coup. Political instability ensued and Vice President Abdus Sattar was nominated President. Sattar (finding it difficult to retain civilian control) formed a National Security Council in January 1982, led by Chief of the Army Staff, Lieutenant-General Hossain Mohammad Ershad. On 24 March 1982 Ershad seized power in a bloodless coup. Martial law was again declared, with Ershad as Chief Martial Law Administrator (in October 1982 Ershad changed his title to Prime Minister), aided by a military Council of Advisers. [1a] (p635-636)

### 1983 – 1990

- 3.09 The Europa World Year Book 2004 noted that, although the Government's economic policies achieved some success, there were increasing demands for a return to democracy during 1983. The two principal opposition groups that emerged were an eight-party alliance, headed by a faction of the Awami League under Sheikh Hasina (daughter of the late Sheikh Mujibur) and a seven-party group, led by a faction of the Bangladesh Nationalist Party (BNP) under former President Sattar and Begum Khaleda Zia (widow of General Zia). In September 1983 the two groups formed an alliance: the Movement for the Restoration of Democracy. In November 1983, permission was given for the resumption of political activity and a new political party, the Jana Dal (People's Party) was formed to support Ershad as a presidential candidate. Ershad declared himself President on 11 December 1983. [1a] (p636)
- 3.10 In January 1985 a new Council of Ministers was formed, composed almost entirely of military officers and excluding all members of the Jana Dal (in response to the opposition parties' demands for a neutral government during the pre-election). However, President Ershad refused to relinquish power to an interim government. In March 1985, the parliamentary elections planned to take place the following month were cancelled and political activity banned by Ershad. Local elections were held in May 1985, but without the participation of the opposition. The National Front (NF), a new five-party political alliance, comprising the Jana Dal, the United People's Party, the Gonotantrik Party, the Bangladesh Muslim League and a breakaway section of the BNP, was established in September 1985. (Europa 2004) [1a] (p636)
- 3.11 Europa 2004 related that the ten-month ban on political activity was lifted in January 1986, and the NF formally became a single pro-government entity, the Jatiya Party (National Party). Although smaller opposition parties participated in the parliamentary elections in May 1986 the elections were boycotted by the BNP. The Jatiya Party won 153 of the 300 directly elective seats in the Jatiya Sangsad. Mizanur Rahman Chowdhury, the former General-Secretary of the Jatiya Party, was appointed Prime Minister in July 1986. [1a] (p636)

- 3.12 Ershad joined the Jatiya Party in September 1986, being elected as Chairman of the party. In the presidential election of October 1986 (which was boycotted by both the BNP and AL) Ershad received 22 million votes. In November 1986, the Jatiya Sangsad approved indemnity legislation (legalising the military regime's actions since March 1982). Ershad then repealed martial law and formed a new Council of Ministers, which included four MPs from the AL. (Europa 2004) [1a] (p636)
- 3.13 Europa 2004 recorded that dissension from the opposition continued throughout 1987 and President Ershad declared a state of emergency on 27 November of that year. In December 1987, after 12 opposition members had resigned and the 73 AL members had agreed to do likewise, Ershad dissolved the Jatiya Sangsad. The Jatiya Party won a large majority of seats in the parliamentary elections of 3 March 1988. Ershad repealed the state of emergency in April 1988. [1a] (p636)
- 3.14 Violence, anti-government demonstrations and strikes occurred throughout the country during 1989 and 1990 in response to Ershad's autocratic rule. Ershad re-proclaimed a state of emergency on 27 November 1990 and proceeded to arrest opposition activists. In December 1990 Ershad relinquished power to a neutral caretaker government, which organised a general election to be held on 27 February 1991, thereby re-establishing democracy in Bangladesh. In the week following his resignation, Ershad was placed under house arrest. (Europa 2004) [1a] (p637) (EIU Profile) [40] (p5)

### 1991 – 1999

- 3.15 The Europa World Year Book 2004 recorded that the parliamentary election of February 1991 was won by the Bangladesh Nationalist Party (BNP); Begum Khaleda Zia assumed office as Prime Minister. Abdur Rahman Biswas was elected as the new President on 8 October 1991. [1a] (p637)
- 3.16 All opposition members of the Jatiya Sangsad resigned en masse in December 1994. Nonetheless, the Prime Minister, with her party's parliamentary majority, pledged to maintain constitutional government. On 24 November 1995, the Prime Minister requested that the Jatiya Sangsad be dissolved pending the outcome of the next general election. (Europa 2004) [1a] (p637)
- 3.17 Europa 2004 recorded that the general election, postponed until 15 February 1996, was boycotted by all of the main opposition parties; independent monitors estimated voter turnout at only about 10–15 per cent of the registered electorate. Consequently, the BNP won 205 of the 207 legislative seats declared. However, the opposition refused to recognise the legitimacy of the polls and announced the launch of a non co-operation movement against the Government. Finally, the Prime Minister agreed to hold fresh elections. [1a] (637)
- 3.18 Begum Khaleda Zia and her government resigned from their posts on 30 March 1996 after making the 13th amendment to the Constitution, which provides that a non-party caretaker government takes control during the period leading up to a general election. Notwithstanding an unsuccessful military coup on 20 May 1996, a general election was held on 12 June 1996: the Awami League (AL) won 146 of the 300 elective seats in the Jatiya

Sangsad. (Europa 2004) [1a] (p637). Sheikh Hasina formed a government with support from the Jatiya Party. (EIU Profile) [40j] (p5) The AL government repealed the Indemnity Ordinance, passed in 1975 to protect the assassins of Sheikh Mujibur, and the trial of 20 people accused of involvement in the assassination began in January 1997. In November 1998, 15 former soldiers were sentenced to death, most of them in absentia. (EIU Country Profile) [40j] (p5) BBC News reported on 18 June 2007 that Mohiuddin Ahmed, a former Bangladesh army officer who had been convicted in absentia in 1998 for his role in the 1975 military coup and assassination of President Sheikh Mujibur Rahman, had been deported from the US and arrested on arrival in Dhaka. Although 12 of the 15 men found guilty in the 1998 trials were sentenced to death, these sentences had not yet been carried out by June 2007 because their appeal procedures had not been completed. [20ci]

- 3.19 In December 1997 the AL government signed an historic peace accord with the PCJSS – the political wing of the Shanti Bahini – to end the 25-year insurgency in the Chittagong Hill Tracts (CHT). The treaty offered the Shanti Bahini a general amnesty in return for the surrender of their weapons, and promised the indigenous Jumma peoples greater powers of self-governance. The peace agreement was strongly criticized by the BNP-led opposition, who described it as a “sell-out” of the area to India and a threat to Bangladesh’s sovereignty. Violence during the insurgency had caused over 50,000 people to seek refuge in India. (Europa 2004) [1a] (p640)
- 3.20 The ruling coalition split on 15 March 1998 when the minority Jatiya Party announced that it was leaving the ‘national consensus’ Government. (Keesing’s, March 1998) [5b] (p42133) The BNP walked out of the Jatiya Sangsad on 12 April 1998, in protest against four bills concerning the December 1997 Chittagong Hill Tracts Peace Accord. (Keesing’s, April 1998) [5c] (p42198) In December 1998 a new anti-government alliance was formed, comprising Begum Khaleda Zia’s BNP, Jamaat-e-Islami and the Jatiya Party under Gen. Ershad. (Europa 2004) [1a] (p698)
- 3.21 Keesing’s, March 1999, related that two bombs had exploded at a music and culture festival in the town of Jessore on 6 March 1999, killing at least eight people and injuring some 150 others. The festival organisers blamed the bombing on Islamic fundamentalists. [5h] (p42837) BBC News reported on 19 July 2000 that 24 people had been charged with the bombing, including a former opposition MP. [20d]
- 3.22 The Europa South Asia 2005 Regional Survey recorded that political instability and unrest escalated through 1999; in mid-1999 the BNP and other opposition parties began a boycott of parliamentary proceedings. Opposition-led strikes took place in October and December 1999 and January 2000, leading to serious economic disruption. In July 2000 an attempt to assassinate Sheikh Hasina was foiled. [1b] (p93)

## 2000 – MARCH 2006

- 3.23 The Europa South Asia 2005 Regional Survey related that, in July 2001, Sheikh Hasina and her Government resigned. On 15 July 2001 a caretaker government was sworn in to organise new elections, following a violent two-day transition in which twelve people were killed. [1b] (p93) BBC News reported on 26 September 2001 that a bomb blast in Dhaka had killed at least eight

members of the Awami League (AL) as the hostile atmosphere in the run-up to the general election heightened. In response to the escalating tension the caretaker government deployed more than 50,000 troops to quell the violence. [20h]

- 3.24 The Europa 2004 World Year Book recorded that the general election went ahead on 1 October 2001, although voting was suspended in several constituencies owing to violence. [1a] (p639) According to Keesing's, October 2001, at least 140 people were killed in feuding between Awami League (AL) and Bangladesh Nationalist Party (BNP) supporters during the run-up to the election. [5f]
- 3.25 The US Department of State Report on Human Rights Practices for 2007 (USSD 2007) noted that domestic and international observers deemed the general election of October 2001 to be generally free and fair. [2a] (Introduction) The initial results of the general election, as recorded by the Bangladesh Election Commission, were as follows:

	Seats won	Total votes obtained
Bangladesh Nationalist Party (BNP)**	*193	22,833,978
Bangladesh Awami League	62	22,365,516
Jamaat-e-Islami**	17	2,385,361
Jatiya Party (Ershad) / Islami Jatio Oikya Front	14	4,038,453
Bangladesh Jatiya Party (N-F/Naziur)**	4	621,772
Islamic Oikya Jote (IOJ)**	2	376,343
Jatiya Party (Manju)	1	243,617
Krishak Sramik Janata League	1	261,344
Independents	6	2,262,073
Other	-	348,168
	<b>300</b>	<b>55,736,625</b>

[16a]

\* following by-elections to fill two undecided seats

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

- 3.26 A round of by-elections was held on 12 November 2001, mainly necessitated by the fact that certain candidates – including the main party leaders – had stood and won seats in more than one constituency on 1 October. (UNB, 11 October 2001) [39ab] The Bangladesh Election Commission recorded the number of seats held by each party, following these by-elections, as follows:

	Seats held
Governing coalition ('Four-party Alliance'):	
Bangladesh Nationalist Party (BNP)	195
Bangladesh Jatiya Party (N-F/Naziur)	4
Jamaat-e-Islami	17
Islamic Oikya Jote (IOJ)	3
Awami League	58
Jatiya Party (Ershad) / Islami Jatio Oikya Front	14
Jatiya Party (Manju)	1
Krishak Sramik Janata League	1
Independents	7
	<b>300</b>

[16b]

- 3.27 Begum Khaleda Zia was sworn in as Prime Minister on 10 October 2001. At the end of October 2001, the newly elected members of parliament representing the opposition Awami League took the oath of office, but refused to join the opening session of the Jatiya Sangsad (the unicameral legislature) in continuing protest against what they considered a rigged election. (Europa 2004) [1a] (p639)
- 3.28 Keesing's, June 2002, recorded that on 21 June 2002, President Bardruddoza Chowdhury, who had been elected President on 14 November 2001, resigned under pressure from the ruling BNP after he had failed to visit the grave of Maj-Gen Ziaur Rahman on the anniversary of the latter's assassination in 1981. [5a] (p44843) BBC News reported on 5 September 2002 that Iajuddin Ahmed, a retired professor from Dhaka University, had been elected President. [20s]
- 3.29 The Government of Prime Minister Khaleda Zia, facing criticism for the rising wave of crime and deteriorating law and order in the country, launched "Operation Clean Heart" on 17 October 2002, recorded an Amnesty International report, 'Accountability needed in Operation Clean Heart', dated 23 October 2002. [7e] It was reported in BBC News and *International Herald Tribune* articles of October 2002, January 2003 and March 2003 that Operation Clean Heart involved the deployment of nearly 40,000 soldiers, in all the major cities, to help the authorities restore law and order, arrest "listed criminals" and recover illegal firearms. Several members of the ruling Bangladesh Nationalist Party and the opposition Awami League were detained for their alleged links with criminals. [20w] [20x] [20y] [21c] On 11 January 2003, BBC News reported that Bangladeshi authorities had ordered a partial pull-out of soldiers and ordered the troops to return to their barracks. [20z] The army was redeployed in six divisional headquarters the following month, but BBC News reported on 18 February 2003 that the operation, this time, was on a smaller scale and the army had been instructed not to arrest any suspects but to hand the criminals over to the police. [20ab]
- 3.30 BBC News articles published in January and February 2003 indicate that more than 11,000 people were arrested during Operation Clean Heart, including

- 2,500 listed criminals and members of Prime Minister Khaleda Zia's BNP and the opposition, hundreds of weapons were seized, and 40 people died after soldiers detained them. [20z] [20y] [20ab] On 9 January 2003 it was reported that President Iajuddin Ahmed had signed an order granting the soldiers legal immunity with immediate effect. The President said the Government regretted the deaths, but had no alternative to rewarding the soldiers who had helped the authorities restore law and order. (BBC News, 9 January 2003) [20x] [20y] Amid angry protests by the opposition, in February 2003, the Bangladesh Parliament passed the controversial indemnity bill entitled "Joint Drive Force Indemnity Ordinance 2003" to give legal protection to the army-led anti-terrorism operation. The Law Minister, Mr Ahmed, announced that the indemnity would protect the members of the armed forces from facing the civil justice system. At the same time, they would remain under the purview of their own laws. (Financial Times Information, 27 February 2003) [21b]
- 3.31 Local elections in 4,267 councils took place from late January to 16 March 2003. The elections were officially held on a non-party basis, but political parties indirectly nominated candidates to ensure a foothold at grass roots level. A total of 198,704 candidates contested the local council seats, including 42,250 women vying for 2,684 seats reserved for them. [15]
- 3.32 BBC News reported a number of attacks on Awami League (AL) officials in August and September 2003. On 25 August 2003, the president of the AL in the city of Khulna was shot dead; the Janajuddha faction of the banned Purba Banglar Communist Party apparently claimed responsibility. [20n]
- 3.33 A BBC News report on 13 January 2004 stated that Bangladesh police were holding 24 people for questioning following a bomb attack at the Hazrat Shahjalal shrine in the city of Sylhet the previous day, that killed three people and injured about 30. No one had admitted responsibility for the bombing. [20e]
- 3.34 It was reported in the *Daily Star* on 20, 23 and 27 April 2004 that the Awami League had organised a campaign of public demonstrations during April 2004 in an apparent attempt to force the Government to resign by 30 April. Between 18 and 27 April the police arrested more than 15,000 people, mainly supporters of the Awami League and the NGO *Proshika*, in an attempt to contain the protests. On 27 April the Government called on the police to stop mass arrests and not to harass the innocent. [38g] [38h] [38i]
- 3.35 On 7 May 2004 a senior Awami League MP, Ahsan Ullah Master, was assassinated by unknown gunmen, reported BBC News. [20ap]
- 3.36 BBC News announced on 16 May 2004 that Parliament had approved a Constitutional amendment to increase the number of seats in the Jatiya Sangsad from 300 to 345 for a period of ten years, with the additional 45 seats being reserved for women. It was intended that the additional women MPs would initially be selected in proportion to each party's support at the 2001 general election, but the Awami League declined its initial allocation. [20ae] [43c] See Section 25: [Women](#).
- 3.37 On 21 May 2004, BBC News reported that at least two people had been killed and 25 injured in a second bomb attack at the Muslim Hazrat Shahjalal shrine in Sylhet. No one had so far claimed responsibility for the attack. The British High Commissioner to Bangladesh was one of those hurt. (BBC News, 21

- May 2004) [20ah] The *Daily Star*, on 24 May 2004, gave the total number of casualties as three killed and 70 injured. [38e]
- 3.38 In June 2004 Awami League (AL) Members of Parliament returned to their seats; almost a year earlier they had declared they would boycott parliamentary sessions on the grounds that they had not been allowed to criticise the Government, according to a BBC News article of 15 June 2004. [20ag] The Economist Intelligence Unit's Bangladesh Country Report of January 2005 (EIU January 2005) noted that AL members did not resume their participation in parliamentary standing committees until mid-October 2004. [40b] (p13)
- 3.39 In July 2004 Bangladesh was hit by devastating floods. A BBC News report of 3 August 2004 stated that about 60 per cent of the country had been under water at one stage and that some 600 people had been killed and at least 30 million displaced or stranded. [20af] The BBC News 'Timeline: Bangladesh', accessed on 26 April 2005, put the final death toll at "nearly 800" and observed that the floods had also left an estimated 20 million people in need of food aid. [20o]
- 3.40 On Saturday 21 August 2004, at least 19 people were killed in a grenade attack at an opposition Awami League party rally in Dhaka which was addressed by former Prime Minister and opposition leader Sheikh Hasina, reported BBC News on 21 and 22 August. There were about 20,000 people in the crowd and 200 were injured in the explosions and the chaos that ensued. [20ai] [20aj] [20ak] The Economist Intelligence Unit, in its Bangladesh Country Report of January 2005, gave the final death toll as 23. [40b] (p16) BBC News reported subsequent rioting across the country, during which the police arrested more than 200 protesters. The Awami League called a general strike on 24 and 25 August 2004 in protest. A further strike took place on 30 August 2004. There had been a rising trend in bomb attacks in Bangladesh over the previous five years in which more than 140 people had died; the targets had been varied, including a cinema, a Muslim shrine and newspaper editors and journalists. [20i] [20aj] [20ak] [20al] An Agence France-Presse article of 31 August 2004 stated that agents from the United States FBI and from Interpol had, at the request of the Bangladesh Government, arrived in the country to assist with investigations. [23g]
- 3.41 The *Daily Star* reported on 30 September 2004 that the police had been carrying out "blanket arrests" ahead of an Awami League (AL) mass rally planned for 3 October. The newspaper estimated that over 5,000 people, mostly AL supporters, had been arrested between 22 and 30 September 2004, primarily under Section 86 of the Dhaka Metropolitan Police (DMP) Ordinance. The authorities claimed, however, that the arrests were part of a routine anti-crime drive. On 29 September the High Court issued an injunction forbidding any arrests under Section 86 until 3 October 2004; the *Daily Star* observed, however, that the police were able to make arrests under other sections of the DMP. [38n] The *Daily Star* reported on 4 October 2004 that the previous day's rally, attended by "tens of thousands", had proceeded largely peacefully. [38d] On 10 October 2004, noted the *Daily Star* of 11 October, the AL and other opposition parties observed a *hartal* (general strike) to mark the coalition government's three years in office; there were pitched battles between the police and demonstrators in Dhaka and certain other centres. At

- least 62 opposition activists were arrested in Dhaka on the day of the strike. [38af]
- 3.42 Associated Press reported on 20 October 2004 that a Dhaka court had sentenced three former army officers to death in absentia for their roles in the murder of four Awami League leaders in Dhaka Central Jail on 3 November 1975. The killings had taken place soon after the assassination of Sheikh Mujibur Rahman and the overthrow of his government in a military coup in August 1975. Twelve other people were sentenced to life imprisonment and five were acquitted. [61a] The Economist Intelligence Unit's Country Report of January 2005 (EIU January 2005) noted that the case was originally filed in 1975, but could not be heard because of an indemnity ordinance issued by the military government that succeeded Sheikh Mujibur's Government. [40b]
- 3.43 In mid-November 2004, noted the EIU January 2005, the Awami League (AL) – together with 11 'left-leaning' opposition parties, Jatiya Samajtantrik Dal (JSD), National Awami Party (NAP) and the Jatiya Janata Party – launched a united movement with the aim of bringing to an end the rule of the BNP-led coalition Government. On 18 November 2004 this AL-led alliance released a list of nine demands, including calls for the immediate resignation of the Government and a general election under a reformed caretaker government. [40b] (p12)
- 3.44 The AL-led opposition alliance organised two successive nation-wide 'human chains' in December 2004 as an expression of no confidence in the BNP-led Government. On 11 December the alliance organised a one-hour 1000-km human chain connecting the country's southern tip (in Cox's Bazar) and northern tip (in Dinajpur) and running through 18 districts, including the cities of Chittagong and Dhaka. On 30 December another human chain was formed, stretching 800-km across Bangladesh from west to east. The demonstrations were largely peaceful. (EIU January 2005) [40b] (p12-13)
- 3.45 The *Daily Star* reported on 28 January 2005 that former Finance Minister Shah AMS Kibria and four other people had been killed in a grenade attack on an Awami League (AL) rally at Boiddar Bazar in Habiganj district the previous evening. About 70 others were injured. No party or group was reported at the time to have claimed responsibility. [38o] Protests immediately erupted in different parts of the country and the AL called a 60-hour *hartal* (general strike) commencing on 29 January 2005, maintaining that the BNP and Jamaat-e-Islami were responsible. [38o] [38q] The *Daily Star*, on 31 January 2005, recorded that there had been violent clashes between protesters and the police, as well as damage to property, in various parts of the country. At least 150 demonstrators, including a number of AL politicians, had been injured, many of them in baton charges. [38p] BBC News reported renewed anti-government demonstrations and a general strike on 3 February 2005 in protest at the Habiganj grenade attack. [20as] The *Daily Star* announced on 21 March 2005 that ten persons had been formally charged for their role in the murder of Shah AMS Kibria and others in the 27 January grenade attack. Eight of the accused were in custody, while the other two were charged in absentia. According to the *Daily Star*, all ten had connections with the ruling Bangladesh Nationalist Party (BNP); some of them were local BNP party leaders. [38y] A BBC News article of 21 March 2005, however, quoted police as saying that eight of the ten accused had links with the BNP. [20be]

- 3.46 The Bangladesh *Daily Star* of 25 January 2005 reported that at least 50 people, including eight policemen, had been injured in clashes between the security forces and Jagrata Muslim Janata Bangladesh (JMJB) militants in Bagmara on 24 January, where a large number of JMJB supporters had been protesting the lynching, a few days earlier, of three JMJB cadres by a mob of villagers. [38r] [20av] The *Daily Star*, on 4 February 2005, quoted a police spokesman as warning that JMJB planned to continue bombing cinemas, theatres and *jatra* folk theatres, having deemed these activities to be “un-Islamic”. NGOs were also to be targets. [38w]
- 3.47 Associated Press and Agence France-Presse announced on 23 February 2005 that the Government had officially banned Jama’ul Mujahedin Bangladesh (JMB or JM) and Jagrata Muslim Janata Bangladesh (JMJB) – both militant Islamic groups – blaming them for a recent spate of murders, bombings and related terrorist activities across the country. Police arrested a number of suspected JMB members and said they were intensifying their efforts to find and detain JMJB operations commander Siddiquil Islam, also known as ‘Bangla Bhai’. Jumatul Mujahedin had been accused of bomb attacks at musical concerts, religious shrines and the offices of certain NGOs. [61b] [23j] JMJB were believed to have been involved in several recent bombings and vigilante killings, including a bomb attack on a *jatra* folk theatre show in Shahjahanpur on 14 January 2005 in which two people were killed and about 70 wounded. [38t] Police, on 23 February 2005, also arrested Dr Muhammad Asadullah al-Galib (al-Ghalib) – Professor of Arabic at Rajshahi University and head of the Islamist organisation, Ahle Hadith Andolon Bangladesh (AHAB) – as well as three other AHAB officials. [61b] [23j]
- 3.48 On 28 February 2005 BBC News reported that 15 “suspected leaders of radical Islamic groups”, including Asadullah al-Galib, had been charged with sedition. Court officials stated that the persons charged were accused of carrying out bomb attacks on rallies and buildings in attempts to destabilise the country. The same BBC News article noted that more than 70 suspected militants had been arrested since the “crackdown” began the previous week (i.e. since 23 February). [20ba] United News of Bangladesh reported on 25 June 2005 that charges against Dr Galib for involvement in the bombings of two offices of BRAC, an NGO, had been dropped, but that he was still facing charges in at least nine other cases. [39t]
- 3.49 BBC News announced on 16 April 2005 that 22 people had been sentenced to death for the murder of an Awami League MP, Ahsan Ullah Master, and another man at a political function near Dhaka on 7 May 2004. This was the highest number ever sentenced to death in a single case in Bangladesh. Six others were given life sentences. The judge described the killing as an act of “political vengeance”. [20bg] In April 2005, police charged ten persons with the January 2005 murder of Awami League leader Shah A.M.S. Kibria. The case went to the Supreme Court on 7 November 2006. [2a] (Section 1a)
- 3.50 On 18 July 2005 the *Daily Star* reported that the law enforcement agencies – including the police, the Rapid Action Battalion, special police units ‘Cobra’ and ‘Cheetah’ and various joint forces – had killed 378 people in so-called “crossfire” incidents since June 2004. [38aa]

See Section 10: [Police – Extrajudicial killings](#)

- 3.51 United News of Bangladesh, in an article dated 22 July 2005, noted that the Awami League-led 14-party opposition alliance had prepared a number of proposals for reforming both the Election Commission and the leadership and functions of the Caretaker Government which would take office during the period immediately preceding a general election (see paragraph 5.11). This had followed several months of public debate in which the opposition parties argued that such reforms were necessary for these two institutions to be seen as neutral and effective in ensuring the credibility of general elections; in particular, a Government decision to extend the retirement age of judges from 65 to 67 was seen by opposition parties as a move by the Government to ensure that Chief Justice KM Hassan, a former BNP activist, would become the head (Chief Advisor) of the next Caretaker Government. [39v] The Economist Intelligence Unit's (EIU's) Country Report of July 2005 recorded that the Awami League had threatened to boycott the forthcoming general election unless the electoral system and Caretaker Government were reformed; Sheikh Hasina, the Awami League leader, had repeatedly accused the last Caretaker Government of siding with the BNP in the 2001 general election, in which her party was defeated. The EIU report further noted that, under the Constitution, the existing Government would have to hand over power to a Caretaker Government by October 2006. [40c] (p12-13) On 5 August 2005, United News of Bangladesh quoted the Minister of Law, Justice and Parliamentary Affairs as saying there was "no scope" for reforming the Caretaker Government. He indicated, however, that the Government was willing to discuss reforms to the Election Commission, provided that such a debate took place in Parliament. [39w]
- 3.52 BBC News reported on 13 August 2005 that one person had been killed and some 50 others injured in an attack on a Muslim shrine in eastern Bangladesh the previous night (12 August). Several homemade bombs had been thrown during a religious festival at the Hazrat Shah Syed Ahammad shrine at Akhaura, about 100 kilometres from Dhaka. [20bb] According to an Associated Press article of 14 August 2005, two suspects had been arrested in connection with the attack; however, no group had claimed responsibility and police said that the motive for the attack was still unclear. [61d]
- 3.53 BBC News announced on 17 August 2005 that more than 300 bomb explosions had occurred almost simultaneously in cities and towns across the country that day. Most of the bombs were small, rudimentary devices that were set to go off between 10.30 and 11.30 local time. Many of the bombs were set off in the vicinity of government offices, judicial buildings and journalists' clubs. Jamatul Mujahedin Bangladesh (JMB), one of two militant Islamic groups that were banned on 23 February 2005 (see above), were believed to have been responsible. Leaflets bearing JMB's name were found at some of the bombsites; the leaflets called for the implementation of Islamic Law and warned "Bush and Blair" to get out of Muslim countries. [20bc] An Agence France-Presse article of 26 August 2005 provided more specific information on the events of 17 August: 434 small bombs had exploded in 63 of the 64 districts of the country; two people had been killed and more than 100 injured. On 26 August 2005 a Bangladesh court charged (in absentia) the JMB leader, Abdur Rahman, with "criminal conspiracy" and "exploding a bomb". [23i]
- 3.54 In a judgment delivered on 29 August 2005, the High Court found that the country's military takeover in 1975 had been illegal. The Court apparently

- struck down the fifth amendment to the Constitution which legitimised martial law under former President Ziaur Rahman. The present Government – led by Ziaur Rahman’s widow, Prime Minister Khaleda Zia – declared its intention to appeal the High Court’s decision. (BBC News, 31 August 2005) [20bd]
- 3.55 BBC News reported on 17 October 2005 that the Government had banned the Islamic group Harkat-ul-Jihad-al-Islami (better known as ‘HuJI’), describing it as a terrorist organisation. [20bk]
- 3.56 On 4 October 2005, the *Daily Star* reported a number of bomb attacks inside law court buildings the previous day, in three different districts. In Laxmipur two people were killed and 30 injured, including the judge, in a bomb attack in the Joint District and Sessions court; in Chandpur a bomb went off in the courtroom of the Judge’s Court; in Chittagong a bomb was thrown into a Joint District courtroom, but failed to explode; another attack took place at a magistrate’s court in Chittagong, causing injuries. A number of suspects were arrested at the three locations, some of whom apparently identified themselves as activists of Jama’tul Mujahedin Bangladesh (JMB). Handwritten leaflets found after the Chandpur incident reportedly bore the words “Establish Islamic rule”, followed by “Jama’tul Mujahedin Bangladesh”. [38ae] On 18 October, a judge in Sylhet division escaped an assassination attempt unhurt, recorded the Asian Centre for Human Rights (ACHR) on 23 November 2005. [53c] (p4) On 24 October 2005 BBC News reported that a leading member of the BNP in Khulna, Mizanur Rahman, had been killed in a bomb attack; no one had claimed responsibility. [20br]
- 3.57 Two judges were killed in a bomb attack in the southern district of Jhalakathi, reported by BBC News on 14 November 2005. Four people were injured, including the suspected bomber. [20bi] According to the ACHR report of 23 November 2005, the police recovered hand-written leaflets of JMB at the site of the attack which read “Ban man-made laws and establish Qur’anic laws”. [53c] (p4) The ACHR report of 23 November gives details of death threats made against several other judges during October and November 2005, apparently by members of JMB and other Islamist groups. [53c] (p4-6)
- 3.58 On 29 November 2005, BBC News reported that at least nine people had been killed and over 40 injured in two separate attacks – a suicide bombing inside the law court building in Gazipur, a town 30 km north of Dhaka, and a bomb blast in the city of Chittagong. [20bm] The EIU report of January 2006 recorded that the death toll from the two bombings on 29 November had risen to at least 14; the report noted that suicide bombings marked a new phase in the campaign of terrorist violence and that these attacks were designed to kill as many people as possible; the police believed Jama’tul Mujahedin Bangladesh (JMB) to be responsible. [40d] (p12) Another bomb blast in Gazipur, on 1 December 2005, killed one person and injured at least 27, according to a BBC News article of that date. [20bn] On 8 December 2005 at least seven people were killed in a bombing in the northern town of Netrokona. (EIU Country Report of January 2006) [40d] (p12)
- 3.59 The 14-party opposition alliance, dominated by the Awami League, held a mass rally in Dhaka on 23 November 2005 and announced a 23-point common minimum national programme which, in effect, may constitute the opposition’s manifesto for the general election due to be held in late-2006 or at the beginning of 2007, related the EIU report of January 2006. [40d] The 14-

party opposition alliance held another mass rally in Dhaka on Sunday 5 February 2006; at least 40,000 opposition supporters converged at the Paltan Maidan after a three-day 'Long March' from different parts of the country, reported Agence France-Presse and ATN Television. [23o] [21g] A large number of opposition activists were arrested during the three-day protest march. National police chief Abdul Kaiyum said that the authorities had taken the "highest security steps to prevent any act of violence". He specified that 4,500 people had been arrested during the three-day period, but asserted that many of those arrests were for reasons not linked to the protest. Awami League leader Sheikh Hasina was quoted as saying that at least 10,000 activists and leaders had been rounded up since the previous Thursday. An opposition spokesman accused the Government of resorting to mass arrests and of preventing people from all over the country from joining the 'Long March'. [23o] Sheikh Hasina announced at the rally that her party would return to parliament after a boycott of over a year. [23o] [21g] BBC News quoted Hasina as saying that the party's return to parliament was only to table some key proposals to ensure free and fair elections, but that the opposition would continue with anti-government demonstrations. [20bs] She called for a dawn-to-dusk general strike on 15 February, according to ATN. [21g] It was announced on 20 February 2006 that a leader of the Awami League in the city of Khulna was in a critical condition after two bombs were thrown at him. No one had claimed responsibility for the attack, according to BBC News. [20bp]

- 3.60 According to the EIU report of January 2006, police arrested over 800 people between 30 November 2005 and early January 2006 on suspicion of being involved in terrorist activity. The police were said to be hunting a 2,000-strong 'suicide squad' drawn from members of Jama'tul Mujahedin Bangladesh (JMB) and other militant Islamist groups. On 5 December 2005 the cabinet approved a bill extending the Government's power to tap telephones. [40d] BBC News announced on 9 February 2006 that three men had been convicted in a Barisal court for the assassination of the two judges on 14 November 2005. Two of the men received 30-year prison sentences; the would-be suicide bomber, who was injured and arrested at the scene of the attack, is to serve a 40-year sentence. [20bo] On 20 February 2006 the special court in Barisal sentenced four other individuals, in absentia, to prison terms of 40 years each for their roles in the killing of the two judges on 14 November; they included JMB leaders Sheikh Abdur Rahman and Siddiqui Islam, alias 'Bangla Bhai'. The four fugitives were sentenced under the Explosive Substances Act, but were still liable to murder charges for the same incident. [20bt] On 28 February 2006, a court in Jhenidah district sentenced 21 men to death – three of them in absentia – for their part in the co-ordinated detonation of over 400 bombs throughout the country on 17 August 2005. All 21 were reported to be members of JMB. (Agence France-Presse) [23p]
- 3.61 On 2 March 2006 Shaikh Abdur Rahman, the leader of Jama'tul Mujahedin Bangladesh (JMB), surrendered to police in the district of Sylhet after a 30-hour siege (BBC News). [20bq] On 6 March 2006, United News of Bangladesh (UNB) reported that Siddiqui Islam, alias 'Bangla Bhai', had also been arrested following an encounter with the Rapid Action Battalion at his hideout in Mymensingh district. The UNB article described 'Bangla Bhai' as "chieftain of the vigilante group Jagrata Muslim Janata Bangladesh (JMJB) and Majlish-e-Shura member of Jama'tul Mujahedin Bangladesh (JMB)". [39ac]

- 3.62 Keesing's recorded that, on 29 May 2006, a court in the southern town of Jhalakathi convicted and sentenced to death Abdur Rahman and Siddiqui Islam (also known as 'Bangla Bhai'), the leader and second-in-command of Jama'tul Mujahedin Bangladesh (JMB), for the murder by bombing of two judges in November 2005. 'Bangla Bhai' has also been identified as a principle leader of Jagrata Muslim Janata Bangladesh (JMJB) (see paragraph 3.57). Five other JMB militants were also sentenced to death for the crime, including three members of the group's ruling council, the Majlish-e-Shura. Rahman and 'Bangla Bhai', who were captured in March 2006, had already been sentenced in absentia to life imprisonment under the Explosive Substances Act for abetting the bombing (see paragraphs 3.60 and 3.61). Keesing's noted that, in furtherance of its aim of establishing an Islamic state with a *Sharia* legal system, JMB had been conducting a bombing campaign targeting judges, court buildings, and government offices. A court in the northern district of Rajshahi, on 15 May 2006, sentenced ten JMB militants to life imprisonment for their role in organising part of the country-wide chain of bombings on 17 August 2005 (see paragraph 3.53). Three others were sentenced to 20-year prison terms for seven bombings in the town of Joypurhat. (Keesing's May 2006) [5j] Amnesty International (AI) noted in a statement of 28 September 2006 that the High Court, on 31 August 2006, had rejected the appeals of the JMB leaders sentenced to death on 29 May. According to Amnesty International, the Law Minister told journalists that the Government wished to carry out these death sentences before it handed over power to a Caretaker Government in late-October 2006; AI noted, however, that there is usually a period of four to five years before a condemned prisoner is executed and that there are rights of appeal to higher courts and then to the President. [7p] [See paragraph 4.19]
- 3.63 Labour unrest on an unprecedented scale took place in the garment sector in May and June 2006, recorded Keesing's. A dispute over dismissals in a single factory in Dhaka led to widespread strikes and riots by garment workers on 20-23 May, citing low pay and long hours. Some 250 factories were damaged, one demonstrator died and over 100 people were injured before police and troops intervened. The Government announced on 25 May that it would establish a commission to set a minimum wage in the garment industry. [5j] On 4 June, some 3,000 garment workers in and around Dhaka renewed protests against low wages, poor working conditions and lack of union rights. On 17 June, several thousand workers demonstrated following the indefinite closure of some factories. Police used tear gas and baton charges to disperse the workers. (Keesing's, June 2006) [5k]
- 3.64 The Economist Intelligence Unit (EIU) Country Report of July 2006 observed that the domestic political scene during the second quarter of 2006 had been dominated by a legal dispute over the voter list for the next general election, due to be held in January 2007 at the latest. The opposition parties, led by the Awami League (AL), accused the BNP-led government of manipulating the voter list to its own advantage, and threatened to boycott the general election unless the head of the Election Commission resigned. The dispute over the system for appointing the Caretaker Government also continued; the AL called for an impartial person, acceptable to all parties, to be appointed to head the interim government, contending that the current eligible candidate (former Chief Justice KM Hasan) has strong links with the BNP – see paragraph 3.51 [40e] (p12) BBC News reported that a 36-hour general strike (*hartal*), called by

- the Awami League to demand electoral reforms, commenced on 13 June 2006; there were violent clashes in Dhaka between the police and protesters. [20bx]
- 3.65 On 17 August 2006, a court acquitted General Ershad, the Jatiya Party leader and former President, of corruption charges dating back 14 years. (Keesing's August 2006) [51]
- 3.66 BBC News reported on 18 September 2006 that tens of thousands of opposition supporters were protesting in Dhaka to demand electoral reforms. The '*hartal*' had been called by the alliance of 14 opposition parties, who again threatened to boycott the general election if their demands were not met. [20bz] According to a BBC News report of 21 September, dozens of people were injured in Dhaka when police used batons to disperse stone-throwing protesters. [20ca]
- 3.67 Agence France-Presse reported on 10 October 2006 that thousands of garment workers had staged violent demonstrations, following the announcement of a new minimum wage for the industry on 9 October. Troops were deployed to contain the protests after at least seven factories were set on fire. [23q] The government had formed a Wage Commission in reaction to worker unrest in May 2006. On 9 October the Commission released its recommendation for a minimum wage of Tk1,662.50 for entry-level workers, up from the previous level of TK950; trade unions were demanding at least Tk3,000 (£25) per month. (Asia Pulse, 25 October 2006) [89a]
- 3.68 The Nobel Foundation announced on 13 October 2006 that Grameen Bank and its founder, Dr Muhammad Yunus, had been jointly awarded the Nobel Peace Prize for 2006. (See paragraph 2.03 under [Economy](#) for information on micro-credit financing in Bangladesh.) [90]

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## 4. RECENT DEVELOPMENTS

### CARETAKER GOVERNMENT

- 4.01 The five-year term of office of Khaleda Zia's BNP-led coalition government came to an end at midnight on 27 October 2006. An interim Caretaker Government was due to take office on 28 October, for the period leading up to a general election in January 2007. (See paragraphs 6.05 – 6.07 under Government) Thousands of opposition protesters took to the streets as the Government and the opposition Awami League failed to reach agreement on who should lead the Caretaker Government; the opposition did not regard the current eligible candidate, the immediate past Chief Justice KM Hasan, as being politically impartial. (BBC News, 27 October 2006) [20cf] Justice Hasan had allegedly been associated with the BNP before becoming a judge. (Odhikar) [46c]
- 4.02 BBC News reported on 28 October that Justice KM Hasan had withdrawn his candidature in the face of mounting pressure and that the swearing-in ceremony of the Chief Advisor had thus been postponed. [20cg] Following two days of violence which left more than two dozen people killed in clashes between supporters of the two main political parties, the President of Bangladesh, Iajuddin Ahmed, announced on 29 October that he was personally assuming the role of Chief Advisor, having failed to get party leaders to agree on a compromise candidate. (BBC News, 30 October 2006; EIU, January 2007) [20ch] [40h] This was also criticised by the 14-party alliance, which pointed out that the President was a BNP-nominated president. But Dr Ahmed claimed that he took over only after exhausting all other constitutional options. [46c] Previously Dr Ahmed had been only a titular head of state; he now took on direct control of the home, defence and foreign ministries and became commander-in-chief of the armed forces. Awami League leaders declined to attend Dr Ahmed's swearing-in ceremony and called on him to prove that he was truly neutral. (EIU, January 2007) [40h]
- 4.03 In November 2006 the 14-party alliance, led by the Awami League, had stepped up its campaign of strikes and transport blockades. One of its main demands was the appointment of a neutral and independent Election Commission; in particular, it insisted on the removal of M.A. Aziz, the Chief Election Commissioner, whom it regarded as having pro-BNP sympathies. Furthermore, Mr Aziz had consistently ignored a Supreme Court decision of April 2006, which ruled that the voter list, drawn up under his supervision, was invalid. The 14-party alliance also questioned the neutrality of at least one other commissioner. [40h] A study published in December 2006 by the US-based lobby group, the National Democratic Institute of International Affairs, apparently indicated that there were 12.2 million more names on the voter's list than would be eligible according to the country's population profile. [40h] In addition, there had been allegations that many eligible voters from minority religious communities had been left out of the voter registration process. (US Commission on International Religious Freedom). [92] [Under Article 118 of the Constitution, an Election Commissioner cannot be sacked prior to the expiry of his five-year term of office; he can, however, resign or take an extended period of leave from office. [4]] Eventually on 23 November Mr Aziz, and one other election commissioner, took the face-saving option of going away on

leave for ninety days. Mahfuzur Rahman, a former judge who was already serving as an election commissioner, declared himself Acting Chief Commissioner. However, Mr Rahman was also seen by the 14-party alliance as a controversial figure, with political bias. On 9 December President Ahmed ordered troops to be deployed across the country to maintain law and order and aid the civil administration in preparing for the general election. The BNP welcomed the deployment as a move which “saved the nation from catastrophe”, while the Awami League’s response was also positive, but somewhat more reserved. [40h] In early December the Election Commission did actually begin the process of correcting mistakes on the voters list, but it became obvious that this task could not properly be completed in time for a general election to be held the following month. [40h] According to a January 2007 report of the Economist Intelligence Unit, the Caretaker administration under Iajuddin Ahmed proved to be “weak” and the law-and-order situation “precarious”. The *Daily Star*, in an article of 13 January, accused President Ahmed of acting unilaterally and controversially on several occasions since assuming the role of Chief Advisor in October 2006, including appointing an Election Commissioner who was not seen as neutral, deploying troops on the streets and being adamant about holding the general election on 22 January, as planned – even without the participation of both major political parties. [38ai]

- 4.04 The Awami League-led 14-party opposition alliance announced formally on 3 January 2007 that it would boycott the general election planned for 22 January, on the basis that it would not be fair. [40h] By early January, over 40 people had been killed in violent clashes involving rival political groupings and the police; mass political demonstrations had, at times, brought the country to a virtual standstill. (BBC News, 12 January 2007) [20cd] On 10 January 2007, Sheikh Hasina announced to a rally of 100,000 of her supporters a renewed programme of general strikes and countrywide blockades intended to force the interim government to call off the election. (*Daily Star*, 11 January; *Financial Times*, 12 January) [38ai] [87a] On 11 January, the UN and the European Union announced the suspension of their election observer missions, on the grounds that the impending election would fall short of international standards. (Keesing’s) [5m]

#### STATE OF EMERGENCY PROCLAIMED; GENERAL ELECTION POSTPONED

- 4.05 In a televised address on the evening of 11 January 2007, President Iajuddin Ahmed proclaimed a State of Emergency in Bangladesh under Article 141 of the Constitution. The announcement was made amid the growing political crisis over the general election scheduled for 22 January. (*The Daily Star*, 12 January) [38ah] The President’s office stated that there was a “grave emergency in the country, threatening public security and [the] economy”. (*The Guardian*, 12 January 2007) [55b] The issuance of this proclamation effectively suspended the operation of Articles 36, 37, 38, 39, 40 and 42 of the Constitution, which provide for freedom of movement, freedom of association, freedom of thought, conscience and speech, freedom of profession or occupation and property rights. (*Daily Star*) [38ah] A curfew was imposed in Dhaka and more than 60 other cities and towns for the hours 11pm to 5am. (BBC News, 11 January) [20cb]
- 4.06 The President further announced the postponement of the general election for an unspecified period, to allow time for errors in the voter list to be rectified and to ensure that the elections would be “free, fair and credible”. This

announcement was welcomed by the Awami League and other 'opposition' parties, who had been staging mass demonstrations and had promised to boycott the election if it went ahead as planned. (BBC News, 12 January 2007) [20cc] President Ahmed also announced his resignation from the post of Chief Advisor to the interim Caretaker Government; nine of the ten other advisors resigned as well. [38aha] [20cb] Mr Justice Fazlul Haque was initially named to lead the Caretaker Government. However, following a consensus between the two major political alliances, Dr Fakhruddin Ahmed – a former Governor of the Bangladesh Bank – was appointed the new Chief Advisor and was sworn in on 12 January. (*Daily Star*, 13 January) [38ai] Five new advisors were appointed the following day. (Associated Press) [61f] The night-time curfew was withdrawn on 13 January. (UNB) [39ad]

- 4.07 The Emergency Power Ordinance 2007 was proclaimed on 12 January 2007, to remain in force for the period of the state of emergency. Under the ordinance, power is given to the relevant authorities to restrict any activities deemed to be “subversive to the state”, or “hampering the relations of Bangladesh with foreign countries”, or “disrupting peace in any part of the country or creating enmity, hatred, or confrontations among different sections of society”. The Government has the power to suspend the activities of all political parties, trade unions, clubs and associations and ban any industrial strike or lockout. Publication of any newspaper, book, document or paper, or broadcasting any news or information deemed detrimental to public safety, can be banned. The Ordinance empowers the government to arrest or detain any person or restrict the entry, living, stay or movement of any person, in order to prevent activity deemed to be “harmful to the relations with any foreign country or in the public interest”. The Government can also control or disrupt or block any message or news through the postal service, radio, telegram, telex, fax, internet or telephone. The legality of orders to be proclaimed under the authority of the Ordinance cannot be challenged in a court of law. (*Daily Star*, 14 January 2007) [38aj] Police and other security agencies, including the Rapid Action Battalion, continue to operate under the Interior Ministry, now under the control of the interim Caretaker Government. The Election Commission remains responsible to the Caretaker Government. (Associated Press, 14 January 2007) [61f]
- 4.08 According to an Associated Press article of 14 January, more than 4,000 people had been detained since the imposition of the state of emergency three days earlier. The Government was quoted as saying that ‘disruptive elements’ would continue to be arrested until a new election was held. Local news reports indicated that those detained were from both sides of the dispute over the elections. [61f]
- 4.09 Abdul Jalil, a spokesman for the political alliance led by the Awami League, called for new elections to be held as soon as possible, subject to the Election Commission being reconstituted, the voter list being updated and corrected, and the removal of disputed election officials. Former Prime Minister Khaleda Zia’s BNP-led coalition was also said to be in favour of an election at the earliest possible date. (Associated Press, 12 January 2007) [61f] However, according to a BBC News video report of 16 January 2007, the Caretaker Government said then that it could take “months” to prepare for new elections. [20ce] In a speech made on 22 January, Chief Advisor Dr Fakhruddin Ahmed expressed his intention to reconstitute the Election Commission, confirming

speculation that Chief Election Commissioner M.A. Aziz and certain other election commissioners would be asked to resign. (*Daily Star*) [38ao] [38ap]

- 4.10 The *Daily Star* reported on 27 January that the Caretaker Government had published a gazette notification under the Emergency Powers Ordinance 2007; this was to take effect, retrospectively, from 12 January 2007. According to the *Daily Star*:

“The government has banned political and trade union activities and restricted provocative news, including talk shows, in print and electronic media under the Emergency Powers Rules 2007...The government has restricted processions, demonstrations, *hartals*, strikes and lockouts across the country...The gazette notification, however, [exempts] rallies, processions and functions relating to religious, social and state affairs from the restrictions...[The] government can ban any meeting, procession, siege, demonstration, speech, statement, any harmful news or information, [if doing so is] in the interest of government, state or public security and peace...The government can also restrict any publication or transmission of any anti-government news, editorial, post editorial, article, feature, cartoon, talk show or discussion in print or electronic media and any mass media, including the internet...The government will be able to proscribe any newspaper, book, document, printing press or equipment of electronic media if any news or information is published or propagated violating the government order or restrictions...On post, radio, telegram, telex, fax and telephone services, the rules of emergency said the government can empower officers and authorities to halt [or] delay any disbursement of messages or news.”

The Ordinance provides for a maximum penalty of five years' imprisonment, or a minimum of two years' 'rigorous imprisonment', with fines, for violation of these restrictions. Anyone found guilty of a violation would have a right to appeal. [38an]

- 4.11 In the wake of a strong outcry against restrictions placed on the media under the Emergency Powers Rules 2007, the Caretaker Government issued a statement on 30 January claiming that no restrictions had been placed on the freedoms or functions of the media. Two days prior to that, editors of national newspapers and representatives of news agencies and television channels had told the Minister of Law and Information that they would not abide by the restrictions imposed by the emergency rules. The Government invited media representatives for discussions to resolve the issue. (*Daily Star*, 30 January 2007) [38ar]
- 4.12 On 30 January 2007, the *Daily Star* and BBC News reported a High Court ruling that elections in Bangladesh could not be held for a period of at least three months. Further, the High Court asked the Election Commission (EC) to show cause why the present voters list should not be declared inconsistent with the provisions of the Representation of the People Order (RPO) of 1972 and with directives passed by the Appellate Division in 2006, and a fresh electoral roll prepared. [38aq] [20c:]

## THE ROLE OF THE MILITARY

- 4.13 On 10 December 2006, President and then-Chief Advisor Iajuddin Ahmed had ordered a large-scale deployment of troops across the country, evidently

anticipating the resumption of a nationwide blockade by the Awami League-led 14 party political alliance the following day. He specified that the troops were being deployed in aid of the civil administration, for the purpose of maintaining law and order. (Odhikar) [46c]

- 4.14 Although Bangladesh had been under military rule for 15 years and had experienced at least 19 failed coup attempts since 1971 it had become widely assumed in recent years that the army's involvement in politics was over. [88a] Immediately after the proclamation of the state of emergency, however, the *Economist* was to declare in an article: "The army, not the politicians, now runs Bangladesh." The article expressed a widely-held view that the state of emergency had been implemented at the behest of the army. According to the *Economist*: "The army insisted the president step in before the Bangladesh National Party (BNP)...could rig the election and secure itself another term." [41a] The Financial Times (FT.com), in an article of 16 January 2007, also said that the state of emergency had been declared "at the insistence of the army". The article quoted diplomats as saying that the 'generals' had charged Chief Advisor Fakhruddin Ahmed with executing a five-point agenda; this reportedly consisted of a drive to clean up the country's biased electoral machinery; a pledge to improve governance in the civil service; an anti-corruption drive that would cleanse the nation's politics; the de-politicisation of the judiciary; and reform of the crippled power sector. [87b]
- 4.15 On 27 March 2007, Army chief Lt. General Moeen Ahmed launched a scathing attack against the country's politicians. Speaking at a gathering of veterans of the war of independence, he was reported as saying that politicians had 'given the country nothing good' in 36 years; they had offered nothing but corruption and division. They had divided the country by their feuding, he said, and indulged in corrupt practices. (BBC News, 27 March 2007) [20c] On 2 April Gen. Moeen declared that Bangladesh would have to build 'its own brand of democracy'. Terming the armed forces the 'silent partner' of the people, he also said that power should not be concentrated in the hands of any dynasty or party. (*Daily Star*, 3 April 2007) [38bx]
- 4.16 In an apparent response to some commentators who were saying that the army now wielded ultimate power in the country, Chief Advisor Fakhruddin Ahmed stated in an interview on 10 May 2007 that his administration, not the military, was controlling the country. He said the army was working "in aid" of his interim civil administration and had played an important role in maintaining law and order and combating crime since January. He stressed: "The military is certainly backing the government, but let me point out that this government was sworn in under a provision of the constitution of the country." (*Daily Star*, 10 May 2007) [38by]

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## ARRANGEMENTS FOR THE INDEPENDENCE OF THE LOWER JUDICIARY

- 4.17 On 17 January 2007, the *Daily Star* reported that the Caretaker Government had, the previous day, announced the publication of the gazette notifications of four rules relevant to separating the Judiciary from the executive branch of government. [38as] In May 2007 the Supreme Court directed the Government to complete the process for implementation of the separation of the Judiciary

from the executive. The SC accepted the four rules gazetted in January, with certain amendments, and the text of a proposed amendment to the Code of Criminal Procedure (CrPC). (Daily Star, 8 May 2007) [38ax].

- 4.18 On 1 November 2007, the Code of Criminal Procedure (Amendment) Ordinance came into effect, separating the lower Judiciary from Executive control and placing it under the jurisdiction of the Supreme Court. See Section 13: Judiciary - [Independence](#)

#### MILITANT ISLAMIST LEADERS EXECUTED FOR MURDER; OTHERS CONVICTED

- 4.19 Sheikh Abdur Rahman, Siddiqui Islam (alias 'Bangla Bhai') and four other leaders of the banned organisations Jamatul Mujahedin Bangladesh (JMB) and Jagrata Muslim Janata Bangladesh (JMJB) were hanged on 29 March 2007. They had been convicted in a Jhalakathi court in May 2006 and sentenced to death for the November 2005 murder of two judges, but were also said to have been complicit in numerous other serious crimes, including terrorist bombings. (Daily Star, 31 March 2007) [38au] Their appeals were rejected by the High Court on 31 August 2006. [7p] (See paragraph 3.62) Law Advisor Mainul Hossein warned on 1 April that the "patrons", or "godfathers", who had been supporting the JMB militants in recent years would soon be identified and could end up facing the same fate. (Daily Star, 1 April 2007) [38av]
- 4.20 According to the USSD 2006 report, a total of 698 individuals had, by the end of 2006, been arrested in connection with the August 2005 co-ordinated bombings in 63 of the country's 64 districts and for other bombings attributed to Jamatul Mujahedin Bangladesh (JMB). The courts had, by the end of the year, issued 32 death sentences (including the above six), 62 life imprisonment sentences and 59 other sentences of varying durations. [2a] (section 1a) It was announced on 29 October 2007 that 12 suspects had been arrested in connection with the grenade attack at the Awami League rally on 21 August 2004 in which 23 people were killed and over 200 injured. [20dr]
- 4.21 BBC News reported on 12 April 2007 that unidentified gunmen had shot dead Haider Hossein, special public prosecutor in the May 2006 court case at which the top JMB leaders were sentenced to death. [20ck]

#### RENEWED ISLAMIST MILITANT ACTIVITY

- 4.22 The US State Department's 'Country Reports on Terrorism', published 30 April 2007, noted that there had been no JMB-linked violence during 2006. [2j]
- 4.23 On 1 May 2007, bomb explosions took place simultaneously at railway stations in the cities of Dhaka, Sylhet and Chittagong, injuring one man and causing panic among commuters. Messages left at two of the sites said the attacks had been carried out by Jadid (new) al-Qaeda Bangladesh, a previously unknown group. The messages, etched into metal plates, also contained warnings against non-governmental organisations (NGOs) and against the Ahmadiyya community. (See Section 21: Ahmadiyya) Police said they were investigating whether 'Jadid al-Qaeda' was a new group, or a new name for a terrorist group that already existed. (BBC News, 1 May 2007) [20cn]

- 4.24 The daily newspaper *New Age*, on 4 May 2007, quoted Bangladeshi intelligence officials as saying that the explosions on 1 May had been carried out ‘under the direct supervision’ of Jamatul Mujahedin Bangladesh (JMB) and that Jadid al-Qaeda Bangladesh, which claimed the responsibility for the bombings, was one of the factions spun off from JMB after the execution of six JMB leaders. According to the newspaper, the intelligence agencies had learned that JMB and seven other militant organisations discussed a regrouping plan at a meeting at Sariakandi, in Bogra, on 5 March. The seven groups were named as Jamaatul Muslemin, Majlish-e-Tamuddin, Hizbul Zihad, Hizbut Tahrik, Jamaatil Muslemin, 'Dawatul Jihad and Jadid al-Qaeda. [96a] *New Age* reported on 16 June 2007 that Maulana Abdul Makit Salafi, from the Indian State of West Bengal, had been appointed the new leader of JMB at a meeting of the seven-member *Majlish-e-shura* (the organisation’s highest policy-making body) on 30 March 2007. [96b] Hundreds of activists of the different Islamist militant groups, particularly operatives of JMB who went into hiding following the arrest, trial and execution of its six leaders, were trying to regroup under the new leadership, reported *New Age* on 20 June 2007. [96c] On 22 May 2007 police recovered a home made bomb near the main gate of the Rajshahi University of Engineering and Technology (RUET); two more such bombs were recovered from the same location on 24 May, and a fourth one on 14 June. One was wrapped in an aluminium sheet which bore the name ‘Jadid al Qaeda’. (*Daily Star*) [38cg] [39af] In late-May the RAB captured two claimed Jadid al-Qaeda Bangladesh members who had threatened to blow up the Jatiya Press Club. [38ch] The *Daily Star* announced on 27 July 2007 that Aminul Haque, a former Minister of Posts and Telecommunications in Khaleda Zia’s government, and others had been found guilty of “patronising” Islamist militants and were sentenced to 31 years’ imprisonment, with a fine. Specifically, it was found that they aided and abetted militants of JMB in extortion and torture in Bagmara in 2004. [38cj]
- 4.25 No bombings or other attacks attributed to Islamist militants were reported in Bangladesh during the period July 2007 – July 2008.

See also Section 8: [Security Situation](#)

### ANTI-CORRUPTION COMMISSION (ACC) STRENGTHENED; RIGHT TO BAIL CURBED

- 4.26 On 7 February 2007 the Chairman and two commissioners of the Anti-Corruption Commission (ACC) announced their resignations, following a discussion with the President. (*Daily Star*) [38bd] The USSD 2006 report noted: “The three-member anticorruption commission, established in 2004, had little effect on combating corruption and focused in the past two years largely on organizational challenges.” [2a] (section 3)
- 4.27 The Caretaker Government, on 22 February, appointed former army chief Lieutenant-General Hasan Mashud Chowdhury as the new Chairman of the Anti-Corruption Commission. A former customs commissioner and a High Court justice were named as his deputies. (Aljazeera, 22 February 2007) [91a] In March the ACC sought a number of additional facilities from the Government: It asked for its staff to be increased from 700 to about 1,200; a panel of high-profile lawyers would be appointed to handle cases in trial courts, and full professional rates would have to be paid to those lawyers; the ACC also requested the legal power to attach the properties of graft suspects. (*Daily Star*, 22 March 2007) [38bh] The ACC was already being assisted in its

investigations by the National Co-ordination Committee on Combating Corruption and Crime under Maj. Gen. Masud Uddin Chowdhury, though there were initially co-ordination problems between the two bodies. (*Daily Star*, 19 April 2007) [38bi] By March 2007 the Government had formed eight central and 64 district-based task forces, under the National Co-ordination Committee, to probe allegations of corruption. The task forces comprised members of the army, the Rapid Action Battalion and the intelligence agencies. (BBC News, 12 March 2007) [20cr]

See also Section 20: [Corruption](#)

- 4.28 On 21 March 2007 the Government promulgated an amendment to the rules under the Emergency Powers Ordinance 2007, suspending the right to petition for bail or to lodge an appeal with a higher court, until a final verdict has been delivered in the trial court. In other words, an accused would not be able to file a bail petition during the investigation or trial of a case. This provision applied only to cases brought under the Emergency Powers Ordinance, and to crimes relating to corruption, illegal weapons or explosives, money laundering and certain other specific categories. The amendment also gave sweeping powers to the Anti-Corruption Commission (ACC) to investigate, arrest and seize property without the permission of the Government or an official appointed by it. The amendment was given retrospective effect from 13 February. The initial trial court or tribunal would have to dispose of a case filed under the Emergency Powers Rules within 45 days, but could request an additional 15 days if specific reasons were cited. (*Daily Star*, 22 March 2007) [38cd] It was subsequently reported that a further amendment to the Emergency Powers Ordinance extended the suspension of the right to apply for bail to offences under all sections of the Penal Code. As a result, court hearings on at least 500 bail petitions were being held back every day from late-March onwards, causing a massive backlog of cases. (*Daily Star*, 6 April 2007) [38b] Following severe criticism from different quarters, the Caretaker Government announced a further amendment to the Emergency Powers Ordinance on 9 April, to provide for bail in certain cases under the Penal Code. Further, the Government undertook to decide, by 18 April, which cases filed under the Emergency Rules would be made subject to bail. (*Daily Star*, 10 April 2007) [38bz]

- 4.29 According to the Human Rights Watch (HRW) World report 2007:

“The Anti-Corruption Ordinance...also empowers Anti-Corruption Commission officials, with retroactive effect, to arrest suspects without warrants, confiscate property without court orders, and detain suspects for thirty days without a warrant. Many suspects have been held for 30 days while evidence of their alleged offenses is collected. The special tribunals set up for these cases often fail to meet international fair trial standards because of limits on access to counsel, flawed evidentiary requirements, and lack of judicial independence.” [10i]

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## HIGH-PROFILE ARRESTS ON CORRUPTION AND OTHER CHARGES

- 4.30 The Chief Advisor of the Caretaker Government stated in a speech on 21 January 2007 that “tough action would soon be taken in a methodical way” to curb corruption, which he said had “pushed the economy, society and politics

into a disastrous state". On 4, 5 and 6 February 2007, joint security forces detained several high-profile politicians and businessmen, including nine former government ministers, for questioning in connection with allegations of corruption (graft). Those arrested subsequently had their bail petitions turned down and were remanded in custody. They included members of both main political parties. (BBC News, *Daily Star*) [38bc] [20cp] [20cq] The Home Ministry issued a press note on 5 February to the effect that the men had been detained for 30 days under the Special Powers Act 1974 'to prevent certain crimes that threatened state security and economic life'. (Keesing's) [5n]

- 4.31 On 18 February the Anti-Corruption Commission (ACC) published a list of 50 persons, which included another three former government ministers and senior members of all of the main political parties; of the 50, 22 had already been detained earlier in the month. Those named were required to submit statements of their wealth to the ACC within 72 hours, or risk the temporary attachment of their movable and immovable properties. (*Daily Star*) [38bg] Several more prominent figures from both parties were arrested on 25 February 2007. [5n]
- 4.32 On 7 March 2007, joint forces arrested Tarique Rahman, joint general secretary of the Bangladesh National Party (BNP) and son of the former Prime Minister Khaleda Zia, on suspicion of corruption. Several other senior politicians, including the mayor of Chittagong, a senior Awami League member, were arrested the same day in connection with corruption. [5o] Tarique Rahman was brought to appear in a Dhaka court (demeaningly clad in an RAB bullet-proof jacket and helmet) on 9 March and charged with the extortion of Tk.10 million from a construction firm. He was remanded in custody. (*Daily Star*) [38bm] [During a remand hearing in early-January 2008, Tarique Rahman alleged that he had been tortured while in detention. [40i] (p10)] The *Daily Star* reported on 12 April 2007 that police had charged Sheikh Hasina (the leader of the Awami League), Matiur Rahman Nizami (the leader of Jamaat-e-Islami) and more than 50 of their co-leaders and party workers with murder and other serious offences committed during street demonstrations on 28 October 2006, when seven people were killed in a clash between supporters of the two parties. [38bo]
- 4.33 On 1 October 2007 the ACC published a further list of 80 high-profile corruption suspects, including senior politicians, businessmen and senior civil servants (UNB News Agency, 1 October 2007) [39aw] An article in the *Gulf Times* of 19 October 2007 noted:
- "The army-backed interim government is considering forming a Truth Commission to declare a general amnesty for the corrupt. Meanwhile at least 219 people, mostly politicians, have so far been jailed for varying terms in the ongoing drive against high-profile corruption and serious crimes. The convicts include seven former ministers and 12 former lawmakers [MPs] ... The convicts include six businessmen, two business house employees, three policemen, two engineers and 208 political party leaders and activists. Of the convicted politicians, eight are from the Awami League (AL), one from the Jatiya Party and the remaining 198 are Bangladesh Nationalist Party (BNP) members." [109a]
- 4.34 Four of the five special courts established to try suspects on charges of corruption began their hearings on 7 May 2007. [38bk] The daily newspaper

*New Age* reported on 24 February 2008 that 61 ‘high-profile’ cases had so far been heard by the special courts. At least 240 people had been found guilty (some in absentia) in those 61 cases and sentenced to prison terms of various lengths; 21 people had been acquitted. [96e] *New Age* noted that, by February 2008, the ACC had so far ordered 256 people to submit wealth statements and had prosecuted 148 of them, mostly politicians, either for amassing wealth beyond their known sources of income, or failing to declare assets, or failing to submit a wealth statement. [96e]

- 4.35 The United Nations Special Rapporteur on the independence of judges and lawyers, Leandro Desprouy, issued a statement on 30 August 2007 regarding the trial of UN Special Rapporteur Sigma Huda who, on 27 August 2007, had been sentenced to three years imprisonment by the Special Anti-Corruption Court for aiding and abetting extortion found to have been committed by her husband. The statement read, inter alia:

“The Special Rapporteur received information indicating that the right to legal representation and the independence of the court were severely affected during her trial. According to these reports, defense lawyers felt pressured. They had no opportunity to visit her in prison and could only meet with her at the end of the hearings. They also had difficulties accessing the case files and other relevant information, thus compromising their ability to ensure an adequate defence. The atmosphere during the trial was reportedly intimidating, with military and police presence both outside and inside the courtroom, and access of the public and the media to the courtroom was considerably restricted.” [8h]

#### OTHER ARRESTS

- 4.36 The NGO Odhikar said in a press release of 12 March 2007 that, based on information from newspaper articles, a total of 95,825 people had been arrested in the two months since the state of emergency was proclaimed in 11 January 2007. [46f] However, Odhikar subsequently clarified that this figure included arrests for any type of criminal offence and did not refer only to measures enforcing the state of emergency, or suspected corruption or to preventative detention under Section 54 of the Criminal Procedure Code. [46h] Odhikar were not able to provide a comparative figure for the previous year, covering all regions of the country, but did release the following comparative data relating to the Dhaka metropolitan area specifically [46g]:

	<u>July 2006</u>	<u>December 2006</u>	<u>February 2007</u>
Total arrests	6,352	6,291	7,902
Section 54	27	42	52

- 4.37 Odhikar stated in their report Human Rights Concerns 2007, published 1 January 2008: “In ten months since the state of emergency was declared and the present government took over, a total of 440,684 people have been arrested on various grounds. This was disclosed at a cabinet committee meeting on law and order. It is further learnt that of those arrested 239,480 had warrants of arrest against them and 778 were criminals wanted by the police. [46i] (p18) [Again, these figures were based on a scan of newspaper articles and include arrests for any type of criminal offence.]

- 4.38 According to a Human Rights Watch (HRW) report published in January 2008: “Tens of thousands of people were reportedly arrested in the weeks following the declaration of a state of emergency in January 2007. The government has not published accurate statistics on detainees, access to official places of detention has been restricted, and the security forces have used unofficial sites, such as the headquarters of the Directorate General of Forces Intelligence (DGFI, or military intelligence) in Dhaka, making it impossible to know exactly how many people were arrested or how many are still being held.” The HRW report stated that most arrests under the state of emergency had taken place without warrants. [10h] (p3)
- 4.39 An intensive wave of arrests took place between 28 May and 12 June 2008, when between 18,000 and 25,000 people (based on media estimates) were arrested by police and ‘joint forces’ in what the government described as a drive against ‘miscreants, criminals and those wanted by the law’. Those arrested included political leaders and activists (of both major political parties) at district, sub-district and municipal level. It is not known how many were subsequently released. Some human rights organisations, political parties and media characterised the arrests as a tactic of political repression, perhaps arising from the refusal of the major parties to engage in a dialogue with the Caretaker Government until their leaders were released. (New Age, 9 June 2008) [96f] (Odhikar, 12 June 2008) [46q]

#### CHARGES AGAINST, AND RESTRICTIONS ON, THE MAIN PARTY LEADERS

- 4.40 In an article for BBC News, dated 26 April 2007, John Sudworth observed:
- “The Awami League President Sheikh Hasina and the Bangladesh Nationalist Party (BNP) Chairperson Khaleda Zia are bitter political rivals who have alternated in power for the best part of two decades. Their mutual loathing and mistrust are carried through into their parties’ politics. The cancellation of January’s general election and the declaration of the state of emergency were precipitated by Bangladesh’s unique brand of violent street protest, gerrymandering and winner-takes-all politics that have characterised their years in power ... Elements of the current military-backed emergency government have clearly been intent on removing the two women from the scene. ‘I have no doubt, nor would anyone you ask in the street, that this government was trying to persuade them to leave Bangladesh,’ says Dr Nazrul, Professor of Law at Dhaka University. But nor can there be, he believes, much doubt that this government, although bolstered with strong military backing, is intent on genuine democratic reform ... So with Sheikh Hasina out of the country on a personal visit, the government saw its chance...” [20cv]
- 4.41 On 9 April 2007, while Sheikh Hasina was away on a personal trip to America, the chairman of the Westmont Power Company filed an extortion case against her under a non-bailable section of the Penal Code, alleging that he was forced to pay her Tk.30 million when she was Prime Minister (prior to October 2001). (*Daily Star*, 10 April 2007) [38ca] Ms Hasina was also one of 50 people who had been charged with murder and other serious offences on 11 April, in connection with violence during street demonstrations in October 2006. (*Daily Star*, 12 April 2007) [38bo] A Dhaka court issued an arrest warrant for her on 22 April, on the charge of murder. Nevertheless, she expressed her

- determination to return to Bangladesh to clear her name. (BBC News, 22 April 2007) [20cw] On 22 April the Caretaker Government sought to prevent her from boarding a flight home from London, apparently notifying certain airlines that a flight would not be allowed to land and disembark in Dhaka if Sheikh Hasina was aboard. (BBC News) [20cx] [20cy] In a reversal, the Government announced on 25 April that the ban on Sheikh Hasina's return had been lifted. (*Daily Star*, 26 April 2007) [38cb] She arrived in Dhaka on 7 May 2007. (Al Jazeera, 7 May 2007) [91c]
- 4.42 In March-April 2007, the Caretaker Government reportedly also put pressure on Khaleda Zia to leave the country. Her eldest son and heir apparent in the BNP, Tarique Rahman, had been arrested on 7-8 March and charged with extortion. On 16 April police detained a second son, Arafat Rahman, apparently on suspicion of graft. (BBC News) [20cz] BBC News reported on 17 April that Arafat had been released, amid mounting speculation in the Bangladeshi media that it was part of a 'deal' with the Caretaker Government under which Ms Zia's family would go into exile in Saudi Arabia. [20da] However, it was reported that the Saudi authorities had delayed issuing Ms Zia a visa, being concerned that she would not be leaving Bangladesh of her own free will. (BBC News, 24 April 2007) [20db] The Government then issued a press statement on 26 April, stating inter alia: "The government has never pressured and is not pressuring Khaleda Zia regarding overseas trips or leaving the country ... The government also did not impose any restriction on her movement." (*Daily Star*, 26 April 2007) [38cb] By early May, Mrs Zia's telephone line had been disconnected and she was apparently facing curbs on her movements, despite the government assurance to the contrary. (*Daily Star*, 8 May 2007) [38cc] (BBC News, 8 May 2007) [20dc]
- 4.43 A Bangladesh court, on 5 June 2007, ordered police to investigate the alleged involvement of former Prime Minister Khaleda Zia and 27 other people in the grenade attack at an Awami League rally on 21 August 2004, in which 23 people were killed and about 200 were wounded. (See paragraph 3.40) The case had been brought by an Awami League supporter who was injured in the attack. [20de] [91e]
- 4.44 On 14 June 2007, officers investigating corruption cases filed against Sheikh Hasina applied to a magistrate's court for an order preventing her from leaving the country; the order was granted. Hasina had planned to fly to the US the following day. [38cl] It was reported on 16 July 2007 that Sheikh Hasina had been arrested and remanded in custody. (BBC News) [20dh] BBC News confirmed on 24 July that Hasina had been formally charged with extortion, in connection with a payment she allegedly received from a private company for a power plant contract issued during her term in office. (Two separate cases of extortion had also recently been filed against her by executives of private companies.) [20di] [39ah]
- 4.45 On 2 September 2007 the Anti-Corruption Commission filed charges against Sheikh Hasina, accusing her of taking illegal payments from a private electricity company totalling US \$435,000. The following day (3 September) Khaleda Zia was detained on charges relating to extortion and corruption. Zia was accused of misusing her power in the course of awarding two container terminal handling contracts to a local company, Global Agro Trade, while she was in office in 2003. Her youngest son, Arafat Rahman Koko was detained (again) for questioning on suspicion of being involved in the same deal. The

former Prime Minister was refused bail by a Dhaka court and was remanded to a makeshift prison in the parliament complex, close to where Sheikh Hasina was being held. (Associated Press, 4 September 2007) [61c] (BBC News, 3 September 2007) [20dw] (Keesing's , September 2007) [5q] The High Court granted bail to Khaleda Zia on 30 September, but the Government lodged an appeal against the bail ruling. (Associated Press, 30 September 2007) [61e] It was reported on 4 October that the Supreme Court had allowed the Government's appeal and ordered that Zia be held in detention while the case against her proceeded. (Associated Press, 4 October 2007) [61g] (Keesing's October 2007) [5r] On 21 November the High Court declared unlawful an Anti-Corruption Commission notice directing Sheikh Hasina to submit a statement of her wealth (assets) (UNB, 21 November 2007) [39as]

- 4.46 Sheikh Hasina's trial on charges of extortion opened in Dhaka on 3 December 2007 in a special courtroom in the parliament complex. It was then adjourned after defence lawyers requested time to examine new evidence. (Associated Press, 3 December 2007) [61h] On 13 January 2008 the court rejected pleas to drop the charges against her, despite her claim that her cases were politically motivated. (Associated Press, 13 January 2008) [61i] On 24 January the Supreme Court struck down a High Court order that had stalled proceedings in Hasina's trial; on 17 January, the High Court had stayed proceedings until disposal of a rule that called on the government to explain why the placing of the extortion case under Emergency Power Rules should not be declared 'without lawful authority', on the grounds that only a crime committed during the state of emergency could be tried under Emergency Power Rules. The Supreme Court granted the Government leave to appeal against the High Court's order. (UNB, 24 January 2008) [39at] (BBC News, 1 February 2008) [20dy] It was announced on 29 January 2008 that the cases against Sheikh Hasina and her co-accused were to be transferred to a special court to ensure 'fast disposal'. The hearing in the special court would commence on 3 February 2008. (BBC News) [20dx] BBC News reported on 30 May that several pages of an important tender document could not be presented as evidence in the special court trial because they had been "eaten by termites". [20dz]
- 4.47 On 28 May 2008 both the Awami League and the BNP declared that they would not take part in discussions with the Caretaker Government, ahead of the next general election, until their leaders had been released from detention. (BBC News, 28 May 2008) [20dv] It was reported on 9 June 2008 that the special court had ruled that Sheikh Hasina would not have to remain present in court while her lawyers defended her four cases; she could thus be released from detention while her trial was still in progress. The court would return her passports, enabling her to travel abroad to obtain medical treatment. (BBC News) [20ea] (UNB) [39av] Hasina flew to the US on 12 June 2008. (BBC News, 12 June 2008) [20eb]
- 4.48 BBC News reported on 9 June 2008 that the Government had responded to Sheikh Hasina's release by immediately offering Khaleda Zia, who was still in custody, the opportunity to travel abroad to seek treatment for her arthritis and knee problems. [20ec] Ms Zia spurned the conditional offer and instead pleaded for the release from remand of her two sons, Tarique Rahman and Arafat Rahman Koko, whom she said were both in poor health and in need of treatment. (BBC News, 9 June 2008) [20ec] (UNB, 20 June 2008) [39au] Koko was released on two months' parole on July 17 2008 to facilitate his treatment abroad. [38dg]

### CONTINUED EXTRAJUDICIAL KILLINGS BY THE SECURITY FORCES

- 4.49 Odhikar, a Dhaka-based NGO, noted in a report of 1 July 2008 that, according to newspaper reports, 68 persons were killed by law enforcement agencies during the period 1 January to 30 June 2008, 60 of them in "crossfire/encounters/gunfights/shootouts". In addition, the deaths of 15 people are reported to have occurred due to torture in custody. [46m]
- 4.50 Odhikar had reported on 1 January 2008 that the law enforcement agencies had allegedly been responsible for 184 extra-judicial killings during 2007. This represented a decrease on the number in the previous year. [46n]

### ELECTORAL REFORM AND THE ELECTION 'ROADMAP'

- 4.51 The Acting Chief Election Commissioner and four other commissioners announced their resignations on 1 February 2007, clearing the way for the reconstitution of the Election Commission. (*Daily Star*) [38bb] See paragraphs 4.05 and 4.11 above.
- 4.52 In February 2007, the President appointed a new Chief Election Commissioner, Dr A.T.M. Shamsul Huda, and two commissioners. (Keesing's) [5n] The Election Commission directed on 16 March 2007 that 320 local election officers, appointed in 2005 through the Public Service Commission, would have to re-take their examinations to prove they could do the job. (*Daily Star*, 16 March 2007) [38bp]
- 4.53 The Election Commission (EC) announced on 22 March 2007 its decision to simultaneously prepare national identity cards and a new Voter List (electoral role), with photographs, for the ninth parliamentary election. Implementation of this massive project would begin after July 2007 and it was anticipated that it would take at least a year to complete, suggesting that the general election could not be held before late-2008. (*Daily Star*, 22 March 2007) [38bq] On 27 March 2007 the High Court declared null and void the exiting electoral role which had been prepared ahead of the stalled 22 January elections. The Court also directed the EC to explain why it should not be ordered to introduce new voter identification cards and arrange transparent ballot boxes for the general election. (*Daily Star*, 28 March 2007) [38br] On 5 April the EC formally unveiled a set of proposals for electoral reforms, which included mandatory registration of political parties with provisions ensuring financial transparency and internal democracy; the authority to cancel candidature on grounds of gross irregularities; a limit on the number of constituencies an individual could contest; certain restrictions on independent candidates, newly-retired civil servants or military personnel and other specific categories; measures to dispose of election disputes within six months; threshold requirements for new political parties; and a requirement for all candidates to submit certain documents with their nomination forms. The Chief Election commissioner said these proposals would only be finalised after consultations with political parties and civil society representatives and an inter-ministerial meeting. (*Daily Star*, 6 April 2007) [38bs]
- 4.54 Chief Advisor Fakhruddin Ahmed, in an address to the nation on 12 April 2007, stated the Caretaker Government's intention to hold the ninth general election before the end of 2008. (*Daily Star*, 13 April 2007) [38bt] On 8 May the

Electoral Commission (EC) announced further proposed reforms: political parties would have to cut links with professional and student bodies; financial transparency and democracy within parties would be monitored; the Awami League, BNP and Jatiya Party (Ershad) would have to amend their constitutions to 'de-link' from smaller parties and organisations currently affiliated to them. (*Daily Star*, 8 May 2007) [38bu] On 14 May 2007 the EC advised that 12,000 teams, each comprising four officials, would be moving throughout the country from August onwards, registering individuals for the new Voter List and national identity cards. However, the teams would set up temporary camps in each area to interview voters, rather than visiting door to door. A large-scale campaign, through the media and NGOs, would hopefully encourage voters to register. The army would assist at all levels in preparing the Voter List. A pilot project to test the process would begin in late-May or June. (*Daily Star*, 15 May 2007) [38bv] The EC told reporters on 15 May that it now intended to complete the process of registering voters in eight months, rather than 12 months, by engaging 12,000 teams instead of 8,000 teams as originally planned. It was estimated that the total number of voters should not exceed 75 million, about 20 million less than the number on the last electoral role. (*Daily Star*, 16 May 2007) [38bw]

- 4.55 The Chief Election Commissioner, on 15 July 2007, announced a 'Roadmap' leading to the next general election, which he said would definitely be held before the end of 2008. The EC-designed electoral roadmap envisaged four phases: reconstitution of the Election Commission with internal reorganisation (started in January 2007); electoral reforms (started in February); preparation of the electoral voters role; and delimitation of constituencies. The CEC said political parties must complete their registration with the Electoral Commission by June 2008. Voter registration would begin in August 2007, as previously announced, and the voter list was due to be finalised by October 2008. Local elections, to city corporations, municipalities, *union parishads* and *upazila parishads*, would take place prior to the general election; these would begin in January 2008 in those areas where the voter list had been finalised. The CEC would be holding a dialogue with political parties on draft electoral reform proposals, following which amendments would be made to the relevant legislation. (UNB, 15 July 2007) [39ag] On 26 July 2007, the CEC said he intended to commence discussions with the political parties in September, and that he hoped the Government's ban on indoor political activity would be lifted by then. (*Daily Star*, 27 July 2007) [38cm] On 10 September 2007 the Home Ministry gazetted a partial lifting of the ban on indoor political activity. The offices of political parties, which had been locked since the ban was implemented on 8 March 2007, could now be re-opened. The parties could hold meetings, but permission would have to be sought from the Home Ministry if the number of attendees exceeded 50. The police also had to be informed in advance of any meeting. The partial lifting of the ban applied only in the Dhaka metropolitan area; it remained in force throughout the rest of the country. (*Daily Star*, 10 September 2007) [38d]
- 4.56 The Bangladesh Election Commission's website showed that, by 22 June 2008, voter registration had been completed in 481 out of 522 areas. A total of 79,717,345 voters had been registered; it had been estimated at the outset of the registration campaign that there would 80 million names on final Voter's List. [16c]

- 4.57 The Economist Intelligence Unit recorded in their country report of August 2008:

“On July 14<sup>th</sup> [2008] the government introduced sweeping new electoral rules that make it compulsory for political parties to register in order to take part in elections and which give voters the chance to reject all candidates if they believe that none are suitable to hold office. Electorates will be given the opportunity to register a ‘no’ vote on ballot papers. Should the number of ‘no’ votes exceed 50% of the total, the poll for that constituency will be held again. Under the reformed system, a parliamentary candidate will be allowed to contest only three seats simultaneously, instead of five as before, but campaign spending limits have been tripled to Tk1.5m (US\$22,000) per candidate. The new rules are expected to curtail widespread bribery, vote rigging and the practice of fielding numerous candidates to dilute the vote of a rival. In addition, political parties have to set aside 33% of positions for women, while older government officials seeking re-election may do so only if they can serve more than three years before their retirement date. The new rules also require political parties to abolish their student and labour fronts, as well as to disband the overseas units of their parties. In the past such fronts have been at the heart of election campaigns, with parties using them to drum up support and also to settle scores with their rivals.” [40o]

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## LOCAL ELECTIONS

- 4.58 On 2 January 2008, the Election Commission announced plans to hold elections for five city ‘corporations’, over 4,000 *union parishads* and 140 municipalities between January and December 2008. (EIU, 2 January 2008) [40p]
- 4.59 The Election Commission confirmed on 20 June 2008 that elections to four city corporations (Rajshahi, Barisal, Sylhet and Khulna) and nine other municipalities would be held on 4 August 2008. The announcement was criticised by the main political parties, who opposed holding local elections before the general election. (BBC News, 20 June 2008) [20ed]

## POLICE REFORM

- 4.60 A Police Reform Programme (PRP), designed to assist the Bangladesh Police to improve performance and professionalism, to ensure equitable access to justice and to be more responsive to the needs of poor and vulnerable people, commenced in 2005 and then progressed more rapidly under the Caretaker Government. A comprehensive public attitude baseline survey was carried out in 2006 and submitted in January 2007. (See Section 10) [11i] [97c] [97a] By April 2008, 11 model *thanas* (police stations), designed under the Programme, had so far opened in different regions of the country; officers were receiving training on human rights, on gender awareness and on accountability. [11i] [97c] [97a] The Programme has a budget of US\$13.4 million, of which \$5.0 million is provided by the United Nations Development Programme (UNDP), \$8.3 million by the UK Department for International Development (DfID) and the balance by the Bangladesh Government. [97c]

- 4.61 Also under the Police Reform Programme, a draft ordinance (Bangladesh Police Ordinance 2007) has been prepared to replace the Police Act of 1861; it aims to redefine the roles and responsibilities of police. It also recommends pay increases and improved allowances for police personnel, and provides for specialised training of officers. (*New Age*, 10 June 2007) [96d] (PTI, 10 May 2007) [56b] The draft ordinance proposes the establishment of a Police Complaints Commission, as well as a Summary Court for quick adjudication of cases against police personnel accused of abuse of power or other irregularities. (*Daily Star*, 20 June 2007) [38cw] An article in the *Daily Star* of 26 August 2008 noted that Police Ordinance 2007 had not yet been implemented. [38cx]
- 4.62 In June 2008 a “Strategic Plan for 2008-2010” was announced. The Inspector General of Police described it as a “defining document that will outline our vision, mission, core values and priorities.” The plan identified five key areas for development: organisational reform, community policing, training, women policing and information technology. [97c]

(See Section 10: [Security forces: Accountability](#) and Section 9: [Crime](#))

### STUDENT PROTESTS; PROMINENT ACADEMICS DETAINED

- 4.63 On 20-21 August 2007, large scale violent unrest broke out on Dhaka University (DU) campus and subsequently spread to several other educational institutions. Clashes between police and students reportedly started in Dhaka on 20 August after army personnel ‘manhandled’ students in a dispute at a football match; a large group of students protested the incident and demanded the immediate dismantling of a temporary army camp located on the DU campus. The following day the protests escalated and became violent and spread to other campuses around the country. Slum dwellers, street vendors and others joined students in clashes with the police, who baton charged them and fired tear gas. The demonstrators’ demands included an end to the state of emergency and a return to democracy. The Government imposed a curfew in Dhaka and five other cities, closed universities and suspended cell phone services during curfew hours. [20i] [20j] BBC News reported on 24 August that one person had been killed and “several hundred” hurt in the riots since 20 August, but that the violence had subsided. The security forces carried out several raids on the Dhaka University campus and elsewhere; they detained several students and five senior staff members. [20k] [10h] The curfew was lifted on 27 August. [38cy]
- 4.64 The *Daily Star* confirmed on 26 August that the five University of Dhaka professors had been remanded in custody on charges of breaching the Emergency Powers rules; two of them had allegedly been subjected to physical and mental torture since being arrested on 24 August. [38cy] BBC News announced on 4 December 2007 that four professors from Rajshahi University had been found guilty by a special court of breaching emergency power rules and imprisoned, having been accused of inciting students to engage in demonstrations against emergency rule in August. Two others were released. [20do] On 10 December 2007 the convicted academics from Rajshahi received a Presidential pardon and were released from prison. (BBC News, 11 December 2007) [20 dp] On 12 December 2007, four of the five Dhaka University (DU) professors were formally charged with breaching the emergency power rules; their trial date was set for 17 December. (*Daily Star*,

12 December 2007) [38cz] On the morning of 22 January 2008, it was reported that three of the DU professors had been found guilty and sentenced to two years imprisonment; the fourth staff member and 15 students had been acquitted. Later the same day, however, the three convicted academics were granted clemency by the government and released from prison. (BBC News, 22 January 2008; *Daily Star*, 23 January 2008) [20dq] [38 da]

## NATIONAL HUMAN RIGHTS COMMISSION TO BE ESTABLISHED

- 4.65 On 9 December 2007 the Council of Advisors approved an ordinance for the establishment of the National Human Rights Commission (NHRC), ‘for the protection, development and institutionalization of human rights in the country’. (UNB, 9 December 2007) [39ak] As noted in the *Daily Star* of 13 December, various previous governments had described the setting up of a national human rights ‘watchdog’ as a priority, but the approval of this ordinance represented the first definite action towards establishing such an institution. [38cq] The Secretary-General of Amnesty International was quoted as welcoming the decision to create an NHRC provided that the body was made to be effective and strong, and the selection of its members and its funding were done in an accountable, transparent way. (EIU, February 2008) [40l] (p11) (UNB, 9 January 2008) [39al]
- 4.66 The ‘National Human Rights Commission Ordinance 2007’ makes provision for a three-member body, one of whom will be a serving or retired judge of the Appellate Division. Members will be appointed for three-year tenures by a selection committee which includes an Appellate Division justice (as chair), the cabinet secretary, attorney general, comptroller and auditor general, chairman of the public service commission, and law secretary. [39ak] [38cq] According to the *Daily Star*:
- “The functions of the commission will include investigating any allegation of human rights violation received from any individual or quarter, or the commission itself can initiate investigation into any incident of rights violation. The commission would be empowered to investigate particular human rights violation allegations brought forward by citizens or discovered through their own monitoring. If a human rights violation has been proved, the NHRC can either settle the matter or pass it on to the court or relevant authorities.” [38cq]
- 4.67 At a meeting on 26 February 2008, representatives of various human rights NGOs expressed concern that the Ordinance would not ensure the independence, transparency, accountability and effectiveness of the Human Rights Commission. At a press conference after the meeting they said that human rights organisations were not consulted prior to the publication of the Ordinance and they called for changes to be made to its text. Critics argued that the Ordinance was flawed in the way it defined human rights. It was also asserted, inter alia, that the Commission itself should be composed of five – rather than three – members so as not to be dominated by its chair, that the Commission should publish an annual report, and that its terms of reference should be broadened. (*Daily Star*, 27 February 2008) [38cr]

## NATIONAL SECURITY COUNCIL (NSC)

- 4.68 The idea of a National Security Council, to oversee the co-ordination of internal security policies and report to the Prime Minister, had been mooted in the Bangladeshi press and in 'official circles' during 2007 and early-2008. Critics argued, inter alia, that the formation of an NSC would 'institutionalise' the army's role in politics and that only an elected parliament should be given the authority to create such a body. [40n] (p10) [89b]
- 4.69 The *Daily Star* reported on 25 May 2008 that the Home Ministry had proposed forming a Cabinet Committee on National Security, a National Security Council (NSC) and a Joint Intelligence Unit to counter terrorist threats in a co-ordinated way. This proposal on 'Counter Terrorism Strategy in Bangladesh' had been submitted to various other ministries for consideration. [38db] By 15 August 2008, no further action had been reported on the establishment of these institutions.

### ANTI-TERRORISM ORDINANCE 2008

- 4.70 On 18 May 2008, the Council of Advisers approved the Anti-Terrorism Ordinance 2008. The ordinance provides for the death sentence as the maximum penalty for acts of terrorism, and life imprisonment for anyone found guilty of 'sponsoring' terrorism. Membership of a proscribed party would carry a maximum sentence of six months, plus a fine; the penalty provided for sheltering terrorists is five-years imprisonment. Special Tribunals will be set up to hear cases; these comprise one session judge or additional session judge appointed by the government in consultation with the Supreme Court. It is intended that trials will be completed within six months. Appeals can be made to the High Court against the verdict of the Special Tribunal. (*Daily Star*, 19 May 2006) [38dc] By August 2008, the Ordinance had not yet been promulgated. As detailed in Section 7, Human Rights Watch, Odhikar and other organisations have condemned the Ordinance on various grounds.

### BIHARIS DECLARED CITIZENS

- 4.71 On 18 May 2008, the High Court declared valid the claim of the Urdu-speakers known as Biharis (or 'Stranded Pakistanis') to become voters as citizens of Bangladesh. The Court passed the order upon a writ filed by 11 members of the Stranded Pakistani's Youth Rehabilitation Movement on 26 November 2007, following which the High Court ordered the Government and the Election Commission to show cause within two weeks as to why the Urdu-speaking people should not be enrolled as voters. The High Court's judgement on 18 May made its 26 November ruling absolute. (UNB, 18 May 2008) [39ar] (*Daily Star*, 19 May 2008) [20de] BBC News has noted that the ruling applies to those who were minors when Bangladesh became independent in 1971, or were born thereafter. [20du]
- 4.72 The *Daily Star* noted on 27 May 2008 that not all Biharis residing in camps were in favour of accepting Bangladeshi citizenship. Some of those interviewed still wanted to return to Pakistan, having been deprived of citizenship rights in Bangladesh for 37 years. They called on the Bangladesh Government and the international community to negotiate repatriation arrangements with Pakistan. [38dd]

See Section 22: [Biharis](#)

## OTHER DEVELOPMENTS

- 4.73 BBC News reported on 12 March 2007 that, according to aid organisations, more than 50,000 people had been evicted from their homes in slum areas in Dhaka within the previous two months; their homes were demolished as part of the Caretaker Government's drive against unauthorised settlements. Many illegally constructed roadside stalls and shops were also demolished. Similar action had reportedly been taken in other cities across the country. [20cr] Amnesty International stated in their 2008 annual report that over 60,000 people had been evicted, and that they had not been given alternative accommodation or compensation. [7s] In September 2007 Chief Advisor Fakhruddin Ahmed apologised for excesses in the eviction drive. (USSD 2007 report) [2a] (section 1e)
- 4.74 Cholesh Richil – an outspoken leader of the Garo indigenous community, who live in the Modhupur area north of Dhaka – died in custody on 18 March 2007, reportedly following torture carried out by Joint Forces personnel. In May 2007, a one-member judicial commission was formed to investigate Richil's death. Amnesty International has pointed out that, in recent times, neither the terms of reference nor the findings of such commissions have been made public. (AI, 10 May 2007) [7q]
- 4.75 Nobel laureate Dr Muhammad Yunus announced on 3 May 2007 that he had decided not to proceed with the formation of a new political party. (Daily Star, 4 May 2007) [38ba] On 19 February he had expressed his intention to form a new party to be known as Nagorik Shakti, or 'Citizens Power'. (BBC News, 19 February 2007. [20cm]
- 4.76 BBC News reported on 11 May 2007 that journalist and human rights activist Tasneem Khalil had been arrested in the early hours of that morning by plainclothes personnel, who took his passport, computer equipment and papers. Khalil wrote for the *Daily Star*, CNN and for his own blog and had done work for Human Rights Watch (HRW). He had detailed human rights abuses committed by the security forces, including the RAB. [20cu] [10f] In a report published by HRW in February 2008, Khalil stated that he had been detained and interrogated on 11 May by officers of the Directorate General of Forces Intelligence (DGFI), who accused him of "anti-state" activity in reporting on human rights violations by the security forces, as well as sedition and smuggling sensitive national security information to a foreign state. He was severely beaten while blindfolded, was threatened and forced to write a false confession. Khalil was released on the night of 11 May and subsequently made his way to Sweden, where he was granted asylum. (HRW) [10f]
- 4.77 At least 130 people were killed, and 'scores' were injured, in mudslides following monsoon rain in and around the city of Chittagong in June 2007. (BBC News, 11 June 2007) [20dj] (Al Jazeera, 13 June 2007) [91g]
- 4.78 Al Jazeera announced on 9 June 2007 that four men had been charged with murder in connection with the bomb attack at the Muslim Hazrat Shahjalal shrine in Sylhet on 21 May 2004, in which two people were killed and 70 were injured. It was speculated that the attack was an attempt to assassinate the British High Commissioner, who was one of those hurt. (See paragraph 3.37) [91f] [23i]

- 4.79 On 30 June 2007 HM Ershad resigned as Jatiya Party chairman, a post he had held since 1986, and appointed Anisul Islam Mahmud to deputise for him until the party council elected a new leader. (*Daily Star*, 1 July 2007) [38ck]
- 4.80 Severe monsoon flooding affected South Asia in late-July and early-August 2007. BBC News reported on 4 August 2007 that, after 20 days of heavy rain, about 64 people were known to have been killed in Bangladesh; an estimated seven million people were displaced, stranded, or otherwise impacted by the floods, in 41 of the country's 64 districts. [20dg] By 13 August 2007, the known death toll in Bangladesh stood at 441. (Keesing's, August 2007) [5p]
- 4.81 Cyclone *Sidr* struck southern Bangladesh on 15 November 2007 with devastating results. Keesing's noted:
- "The 240 kph storm winds drove heavy rains and a tidal surge that engulfed the low-lying delta region, sweeping away houses and destroying crops. The official death toll as of Nov. 26 was 3,243, but with many areas still isolated by the floods the Bangladesh Red Crescent Society estimated that the final death toll could be as high as 10,000 ... The UN said that thousands of lives had been saved by an early warning system organised by the government and the UN World Meteorological Organisation (WMO)" [5s] (p48248)
- The army, navy, air force and civil authorities, as well as local NGOs, launched a full scale emergency relief operation; by 21 November most parts of the southern coast had been reached. (BBC News, 21 November 2007) [20dk] The US and Pakistani navies assisted in operations; helicopters were deployed from the *USS Tarawa* to drop supplies. [20dl] [5s] Millions of people were reported to be at risk from food shortages and water-related diseases. [20dk] The Government appealed to the international community for food aid, following widespread crop damage caused both by the cyclone and by the earlier floods. (Agence-France Presse, 28 November 2007) [23s]
- 4.82 In January 2008 the secretary general of Amnesty International called on the Government to establish a 'truth commission' to probe war crimes which took place during the 1971 struggle for independence from Pakistan. An unknown number of people died in the bloody nine-month Liberation War; some Bangladeshis have been accused of collaborating with the Pakistan army to carry out atrocities, including mass killings and rapes. [23t] In April 2008 a research organisation called the War Crimes Fact Finding Committee published a list of 1,597 people alleged to be war criminals from the Liberation War; 369 of those on the list were members of the Pakistan military, 78 were Biharis and 1,150 were local collaborators. (*Daily Star*, 4 April 2008) [38df]

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## 5. CONSTITUTION

- 5.01 The Europa World Year Book 2004 (Europa 2004) recorded that a new Constitution for the People's Republic of Bangladesh came into effect on 16 December 1972. Following the military coup of 24 March 1982, the Constitution was suspended and the country placed under martial law. On 10 November 1986, martial law was repealed and the Constitution reinstated. [1a] (p647) The Economist Intelligence Unit (EIU) Country Profile 2007 noted that amendments to the Constitution require a two-thirds majority of parliament. [40j] (p8)
- 5.02 Europa 2004 noted that the 1972 Constitution based its fundamental principles on nationalism, socialism, democracy and secularism. The Constitution aimed to establish a society free from exploitation in which the rule of law, fundamental human rights and freedoms, justice and equality were to be secured by all citizens. All citizens are equal before the law and have a right to its protection. Arbitrary arrest or detention, discrimination based on race, age, sex, birth, caste or religion, and also forced labour are all prohibited under the Constitution. Subject to the law, public order and morality, every citizen has a right to freedom of movement, of assembly and of association. The Constitution also aims to guarantee freedom of conscience, speech, press and religious worship. [1a] (p647) Europa 2004 recorded that the Constitution was amended in 1977 to increase the influence of Islam in its text; the word 'secularism' was also deleted from the preamble. A further amendment in 1988 established Islam as the state religion. [1a] (p647)
- 5.03 A United Nations Development Programme report of September 2002, entitled 'Human Security in Bangladesh', commented: "The Constitution states that all existing laws that are inconsistent with fundamental rights shall be declared void, and the State is forbidden to make any law inconsistent with fundamental rights ... However, the enjoyment of any right is subject to 'reasonable' restrictions imposed by law in the interest of the State, public order, public health, morality or decency." The UNDP report pointed out that "reasonable" is a relative term, and what is reasonable in one given set of circumstances may be unreasonable in another. [8b] (p15)

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## 6. POLITICAL SYSTEM

### GOVERNMENT

- 6.01 As recorded in the US State Department Country Report on Human Rights Practices for 2005 (USSD 2005): “The country is a multiparty, parliamentary democracy in which elections by secret ballot are held on the basis of universal suffrage.” [2d] (section 3) USSD 2006 adds: “The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage, albeit with significant instances of violence.” [2a] (section 3) Europa 2004 noted that the Jatiya Sangsad (Parliament) is a unicameral legislature; members are directly elected for a five-year term on the basis of universal adult franchise from single territorial constituencies i.e. a member of parliament for each constituency is elected by simple majority, on a ‘first-past-the-post’ basis. Persons aged eighteen and over are entitled to vote. [1a] (p647) BBC News reported on 16 May 2004 that a Constitutional amendment, approved by Parliament on that day, increased the number of seats in the Jatiya Sangsad from 300 to 345 for a period of ten years, with the additional 45 seats reserved for women. [20ae]
- 6.02 Europa 2004 noted that the President is the constitutional Head of State and is elected by Parliament (Jatiya Sangsad) for a period of five years. Executive power is held by the Prime Minister, who heads the Council of Ministers. [1a] (pp647 & 640)
- 6.03 The USSD 2006 report noted that Prime Minister Khaleda Zia, head of the Bangladesh Nationalist Party (BNP), assumed power in October 2001 following multiparty parliamentary elections deemed to be free and fair by international and domestic observers. The 2001 elections, supervised by a non-party Caretaker Government, took place in a climate of sporadic violence and isolated irregularities. The BNP formed a four-party alliance Government with Jamaat-e-Islami (JI), Bangladesh Jatiya Party – Naziur faction (BJP N-F), and Islami Oikkya Jote (IOJ). Two major parties dominate the political scene, the BNP and the Awami League (AL). [2I] (section 3)
- 6.04 The author of the Freedom House report of June 2005, ‘Countries at the Crossroads 2005: A Survey of Democratic Governance’, commented on the state of democracy at that time:
- “Although Bangladesh has had a parliamentary system since 1991, in practice, parliament hardly functions as an effective accountability mechanism. Regardless of which party is in power, the main opposition party has boycotted most parliamentary sessions, alleging Government repression and impediments in parliament to voicing its views. The year 2004 saw no exception to this practice; the AL [Awami League] for the most part refrained from participating in parliament. The AL also boycotted parliamentary committees due to controversies over their composition.” [65a] (p68-69)

### CARETAKER GOVERNMENT

- 6.05 The Economist Intelligence Unit’s Bangladesh Country Profile 2007 (EIU Country Profile 2007) noted that, under the 13th amendment to the

Constitution passed in March 1996, a non-party Caretaker Government takes office for a period of up to three months preceding a general election. This administration assumes office within 15 days of the dissolution of parliament and must hold the general election within 90 days of the dissolution; it is led by a Chief Advisor – who holds the status of a prime minister – and who runs the Government with not more than ten other Advisors appointed by the President on the advice of the Chief Advisor. [40j] (p9-10) Article 58c(7) of the Constitution provides that the Advisors must not be members of any political party or of any organisation affiliated to a political party. [4] The Caretaker Government is responsible for giving the Election Commission “all possible aid and assistance that may be required for holding the general election of Members of Parliament peacefully, fairly and impartially”. (EIU Country Profile 2006) [40a] (p9)

6.06 Clause 58c(3) of the Constitution states that “The President shall appoint as Chief Advisor the person who among the retired Chief Justices of Bangladesh retired last and who is qualified to be appointed as an Advisor under this article...” The Constitution goes on to detail, in 58c(4) and (5), a sequence by which other senior retired judges would become eligible, should the most recently retired Chief Justice be unavailable for the post. Article 58c(6) also says: “Notwithstanding anything contained in this Chapter, if the provisions of clauses (3), (4) and (5) cannot be given effect to, the President shall assume the functions of the Chief Adviser of the Non-Party Caretaker Government in addition to his own functions under this Constitution.” [4] As described in paragraph 4.02 above, the immediate past Chief Justice, KM Hasan, withdrew his candidature on 28 October after mass protests by the Awami League-led alliance, who disputed his impartiality. President Iajuddin Ahmed announced on 29 October 2006 that he had failed to get the major party leaders to agree on an alternative candidate and was therefore taking on the role of Chief Advisor (CA) himself. [It is not clear, from available sources, whether the President had given serious consideration to the availability of eligible retired judges other than KM Hasan – as provided for in the Constitution – before announcing his own appointment.] [20ch] [40h] The President then resigned his position as Chief Advisor in proclaiming the state of emergency on 11 January 2007. Dr Fakhruddin Ahmed, a former Governor of the Bangladesh Bank, was appointed CA on 12 January, following a consensus between the two major political alliances. (*Daily Star*, 13 January 2007) [38ai]

6.07 The Economist Intelligence Unit’s Country Report for April 2007 observed:

“The current administration differs greatly from previous caretaker governments. It has embarked on sweeping reforms and policy initiatives that go far beyond its constitutional mandate of preparing for the next parliamentary election. In addition to launching an anti-corruption drive, which has resulted in the arrest of politicians and prominent businessmen, it has also promised to address a looming electrical power crisis and overhaul the country’s main seaport, Chittagong... While work on voter identity cards continues, the administration is likely to pursue other measures aimed at putting the economy on a more secure footing.” [40i] (p7)

Maneeza Hossain, of the Hudson Institute, wrote in June 2007: “Although similar governments have appeared elsewhere, for Bangladesh it is a new model. I describe it as ‘semi-constitutional’ because it stretches the notion of a caretaker cabinet into a time-frame for which the Constitution is silent.” [95] (p2)

## LOCAL GOVERNMENT

6.08 The EIU Country Profile 2007 states:

“Bangladesh is divided into 64 districts, each with its own district council. Beneath the districts are 460 sub-districts and 4,488 union councils [*union parishad*], which are currently the lowest tier of government in Bangladesh. In late 2003 the Government formed 40,392 village governments (*gram sarkar*) as a fourth layer of government. *Gram sarkars* are non-elected bodies at the grassroots level, and were introduced by a former president, General Zia, in late 1970s. When he was president, General Ershad introduced *upazila* (local councils) in the mid-1980s, as an elected local government body. The village governments are aimed at local development by local people. Although the constitution provides for elected bodies at all tiers of local government, only the third tier – union councils and municipalities (mostly sub-district and district administrative centres) – is elected; all others are administratively controlled. Bangladesh has six administrative divisions – Dhaka, Chittagong, Khulna, Barisal, Rajshahi and Sylhet – and four major municipal corporations – Dhaka, Chittagong, Rajshahi and Khulna. The mayors of the municipal corporations are directly elected and wield considerable political power.” [40j] (p9)

6.09 On 2 August 2005, United News of Bangladesh and BBC News reported that the High Court had declared *Gram Sarkar* – village governments composed of nominated members – illegal and unconstitutional, on the basis that they violated the basic principles of democracy based on elections, as provided for in the Constitution. The Court was responding to a petition filed by a local rights group, Bangladesh Legal Aids and Services Trust (BLAST), which challenged the legality of the Gram Sarkar Act 2003. The Government announced its intention to appeal the verdict. [20bf] [39x] United News announced on 7 August 2005 that the Supreme Court had stayed the operation of the High Court verdict on Gram Sarkar. [39y] The *Daily Star* reported on 21 April 2008 that the Government had approved the Gram Sarkar (Rescission) Ordinance 2008, abolishing Gran Sarkar village governments. [38di]

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## SUPERVISION OF ELECTIONS

6.10 Europa 2004 noted that the Election Commission (EC), a constitutional body, supervises parliamentary and presidential elections. The Commission also delimits constituencies and prepares electoral rolls. It consists of a Chief Election Commissioner and other commissioners, as appointed by the President. The Election Commission is independent in the exercise of its functions. [1a] (647)

6.11 Freedom House commented in their report of June 2005:

“Since 1991, three national parliamentary elections have been held at regular five-year intervals; the elections were judged to be largely free and fair by national and international election monitors. [This apparently would exclude reference to an election held in February 1996, which clearly was not free and fair; a fresh election was, however, held on 12 June 1996 – see paragraphs

3.17 and 3.18.] The losing party in each election complained of vote rigging, but in all cases it finally accepted the election and agreed to serve as the opposition in parliament. The elections resulted in rotation of power between the two major political parties: The BNP won the 1991 and 2001 elections and the AL won in [June] 1996...Each of the three elections was organized under a neutral non-party CG [Caretaker Government], and all political parties enjoyed equal campaigning opportunities. Voter turnout has sharply increased from 56 percent in 1991 to 75 percent in 1996 and 2001.” [65a] (p66-67)

- 6.12 As detailed in Section 4 (Recent Developments), a re-constituted Election Commission has proposed far-reaching changes to the rules governing elections and the eligibility of political parties and candidates. The EC announced on 22 March 2007 its decision to simultaneously prepare national identity cards and a new Voter List (electoral role), with photographs, for the ninth parliamentary election to be held in late-2008. (*Daily Star*, 22 March 2007) [38bq] On 15 July 2007, the Chief Election Commissioner (CEC) announced a four-phase roadmap leading to the general election, which he said would definitely be held before the end of 2008. The CEC said he intended to hold a dialogue with political parties on draft electoral reform proposals, following which amendments would be made to the relevant legislation. It was also intended that local elections would take place during the course of 2008, prior to the general election. (UNB, 22 March 2007) [39ag] (BBC News, 16 July 2007) [20dh]

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## Human Rights

### 7. INTRODUCTION

7.01 Bangladesh is party to most of the principal United Nations international human rights treaties. The Office of the UN High Commissioner for Human Rights website (accessed in September 2008) noted that these included: the International Covenant on Economic, Social and Cultural Rights (CESCR), date of accession 5 January 1999; the International Covenant on Civil and Political Rights (CCPR), date of accession 6 December 2000; the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), date of accession 11 July 1979; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), date of accession 6 December 1984; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP), date of ratification 22 December 2000; the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), date of accession 4 November 1998; the Convention on the Rights of the Child (CRC), date of ratification 2 September 1990; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC), date of ratification 12 February 2002; the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OP-SC), date of ratification 18 January 2002; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC), signatory only 7 October 1998. [8a]

7.02 The proclamation of a state of emergency, on 11 January 2007, effectively suspended the operation of Articles 36, 37, 38, 39, 40 and 42 of the Constitution, which provide for freedom of movement, freedom of association, freedom of thought, conscience and speech, freedom of profession or occupation and property rights. [38ah]

See Section 4: [Recent Developments](#)

7.03 According to the US State Department Country Report on Human Rights Practices for 2007 (USSD 2007), published on 11 March 2008:

“The government’s human rights record worsened, in part due to the state of emergency and postponement of elections. The Emergency Powers Rules of 2007 (EPR), imposed by the government in January and effective through year’s end, suspended many fundamental rights, including freedom of press, freedom of association, and the right to bail. The anticorruption drive initiated by the government, while greeted with popular support, gave rise to concerns about due process. For most of the year the government banned political activities, although this policy was enforced unevenly. While there was a significant drop in the number of extrajudicial killings by security forces, they were accused of serious abuses, including custodial deaths, arbitrary arrest and detention, and harassment of journalists. Some members of security forces acted with impunity and committed acts of physical and psychological torture. Violence against women and children remained a major problem, as was trafficking in persons.” [2a] (introduction)

- 7.04 According to Odhikar, a Dhaka-based human rights NGO, a total of 184 persons died at the hands of law enforcement agencies in 2007; 130 of them were killed in so-called ‘crossfire’. [46n] [46l] During the period January – June 2008, 68 people were reportedly killed by officers of the law enforcement agencies; a further 15 deaths occurred due to torture in custody. [46m] [Note: The above data are based on scans of newspaper articles by Odhikar. There are often very large differences in figures reported by different NGOs; for example, Odhikar reported 526 deaths due to political violence in 2004, whereas the NGO Ain O Shalish Kendro (ASK) reported 62 such deaths for the same year, also based on newspaper reports. [93]]

See Section 10: [Police – Extra-judicial killings](#)

- 7.05 On 9 December 2007 the Council of Advisors approved an ordinance for the establishment of the National Human Rights Commission (NHRC). (UNB, 9 December 2007) [39ak] As was stated in an Amnesty International report back in 2003:

“The failure of successive governments to address human rights violations in a consistent and effective manner points to the desperate need for an independent, impartial and competent human rights watchdog in the country – such as a National Human Rights Commission (NHRC). Human rights defenders and the international community have been urging Bangladeshi governments to set up a NHRC. Both the previous Awami League government and the present BNP government have acknowledged the necessity for its formation, but neither have taken the appropriate action to establish it.” [7a] (p11)

- 7.06 As stated in Section 4, the ‘National Human Rights Commission Ordinance 2007’ makes provision for a three-member body, one of whom will be a serving or retired judge of the Appellate Division. Members will be appointed for three-year tenures by a selection committee which includes an Appellate Division justice (as chair), the cabinet secretary, attorney general, comptroller and auditor general, chairman of the public service commission, and law secretary. [39ak] [38cq] The *Daily Star* reported:

“The functions of the commission will include investigating any allegation of human rights violation received from any individual or quarter, or the commission itself can initiate investigation into any incident of rights violation. The commission would be empowered to investigate particular human rights violation allegations brought forward by citizens or discovered through their own monitoring. If a human rights violation has been proved, the NHRC can either settle the matter or pass it on to the court or relevant authorities.” [38cq]

At a meeting on 26 February 2008, representatives of various human rights NGOs expressed concern that the NHRC Ordinance would not ensure the independence, transparency, accountability and effectiveness of the Human Rights Commission. (*Daily Star*, 27 February 2008) [38cr]

- 7.07 In January 2006 the government adopted the Telecommunication Amendment Law, which extended the Government’s power to tap telephones. (Odhikar, March 2007). [46c] The USSD 2007 report noted: “The law allows intelligence and law enforcement agencies to monitor communications with the permission of the chief executive of the MOHA [Ministry of Home Affairs]. The ordinance

also gives the government, in the interest of national security, the authority to prevent telephone operators from delivering messages. The EPR [Emergency Power Regulations] strengthened the ability of the government to monitor communications, including telephone, cell phone, text messages and e-mail.” [2a] (section 1f)

7.08 On 18 May 2008, the Council of Advisers approved the Anti-Terrorism Ordinance 2008. [The Ordinance had, by August 2008, not yet been promulgated.] The ordinance provides for the death sentence as the maximum penalty for acts of terrorism, and life imprisonment for anyone found guilty of ‘sponsoring’ terrorism. Membership of a proscribed party carries a maximum sentence of six months and a fine; the penalty for sheltering terrorists is five years imprisonment. Special Tribunals will be set up to hear cases; these comprise one session judge, or additional session judge, appointed by the government in consultation with the Supreme Court. It is intended that trials will be completed within six months. Appeal can be made to the High Court against the verdict of the Special Tribunal. (*Daily Star*, 19 May 2006) [38dc] Odhikar, a human rights NGO, commented that the proposed ordinance could be used as a ‘tool for the persecution of political opposition’ and argued that the criminal activities identified in the ordinance could be prosecuted under existing penal laws. [46o] In a report of 30 June 2008, Human Rights Watch (HRW) stated: “The ordinance sweeps far too broadly, disregards normal standards of proof, and establishes harsh penalties for anyone who publicly expresses support for a banned organization.” [10j] Specifically, HRW expressed the following concerns:

- “The law’s definition of terrorist acts is overly broad. Besides violent acts and kidnapping, acts that cause “damage to any property of any person” may be deemed terrorist under the law if they are carried out for a specified purpose. As the UN Special Rapporteur on Counterterrorism and Human Rights has explained, the concept of terrorism should be limited to acts committed with the intention of causing death or serious bodily injury, or the taking of hostages, and not property crimes.”
- “The law provides that a person may be held criminally liable for financing terrorism if that person is involved in financial transactions for which there is merely a ‘reasonable suspicion’ that the money will be used to fund a terrorist act.”
- “The law allows an organization to be banned as terrorist because it has ‘cooperated’ with another organization deemed terrorist. Moreover, the government may ban an organization as terrorist based simply on ‘reasonable allegations’ of involvement in terrorist activities.”
- “The law criminalizes speech meant to support or ‘bolster the activities of’ a banned organization, without any showing that such statements constitute incitement of criminal conduct. To comply with international protections on freedom of expression, laws should only allow for the criminal prosecution of direct incitement to terrorism – that is, speech that directly encourages the commission of a crime, is intended to result in criminal action, and is likely to result in criminal action.”

- “The law allows the imposition of the death penalty for certain offenses that cannot be considered among the ‘most serious crimes,’ as required by international law. Human Rights Watch opposes the death penalty in all circumstances because it is inherently cruel and irrevocable.” [10j]

See Section 19: [Treatment of Human Rights NGOs](#)

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## 8. SECURITY SITUATION

8.01 Jane's Terrorism and Security Monitor, in a report of April 2006, had cautioned that, despite the high-profile arrests of Sheikh Abdur Rahman and Siddiqui Islam (alias 'Bangla Bhai') and other leading Islamist militants, security officials feared that the militant group Jama'tul Mujahedin Bangladesh (JMB) could prove numerous and resilient enough to pose an ongoing threat. The report explained:

"Bangladeshi intelligence officials believe that the arrests are unlikely to undermine the militant groups entirely, as even without suspected key leaders their structures are sufficiently well developed and their numbers large enough to continue operations ... During previous interviews, both Rahman and Bangla Bhai have claimed that the organisation has well over 10,000 members trained in various types of covert activities and the use of weapons, and that the organisation has more than a million supporters. Even if these figures are greatly exaggerated, the co-ordinated bomb attacks in August 2005 would suggest a geographically-dispersed network capable of highly co-ordinated operations." [83d]

8.02 An article dated 28 February 2005, on the website of Time (Asia edition), noted the Government's long delay in taking effective action against militant Islamic groups who, for three years, had perpetrated a wave of bombings, assassinations and religious violence across the country. The article observed, "Until very recently, Bangladeshi officials flatly denied that the country was a hotbed of militancy and violence. 'We have no official knowledge of the existence of JMJB', State Minister for Home Affairs Lutfozzaman Babar told reporters on Jan. 26 [2005]." In February 2005, however, the Government dramatically changed its strategy. Police announced the arrest of scores of suspected militants and took possession of explosives and bomb-making equipment. The militant organisations, Jamatul Mujahedin Bangladesh (JMB) and Jagrata Muslim Janata of Bangladesh (JMJB) were banned the same month. [54b]

8.03 The Country Reports on Terrorism, published by the US Department of State on 30 April 2007, noted that there was no JMB-linked violence during 2006. [2j] But, as detailed in Sections 4 and 12, there was some renewed activity by militant Islamist groups in the first half of 2007.

8.04 The Institute for Conflict Management's South Asia Terrorism Portal reported in their Bangladesh Assessment 2008 (covering events of 2007):

"[Chief Advisor Fakhruddin Ahmed's] regime has successfully targeted the vast network of the Jama'atul Mujahideen Bangladesh (JMB) and its affiliate, the Jagrata Muslim Janata Bangladesh (JMJB), a task that appeared to have been deliberately left unfinished by the previous Bangladesh Nationalist Party (BNP)-led regime ... Since the execution of the JMB leaders, over a hundred JMB cadres, mostly lower-rung activists have been arrested from various parts of the country. The group's backbone has been broken as a result of this neutralisation process. Intelligence reports did suggest a possible mutation of the JMB into gangs such as the Allahr Dal (Allah's Group), Jamal-al-Jadid (New Glory) and the Jadid al Qaeda (The New Base) ... Activities of the new Islamist groups [after June 2007] remained limited to issuing press statements

threatening to carry out attacks. None of these threats was, however, translated into action.” [59e]

No bombings or other attacks attributed to Islamist militants were reported in Bangladesh during the period July 2007 – July 2008

(See also Section 4: [Recent Developments](#) and Section 12: [Abuses by Proscribed Militant Groups](#))

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## 9. CRIME

- 9.01 As reported in a Jane's Sentinel Security Assessment, posted on 7 June 2006, a deterioration in law and order had been evident for many years, accompanied by a lack of popular faith in the police force and judicial system. Violent crime was high, with 73 murders and 73 reported cases of muggings in Dhaka between January and April 2006 (although an estimated 90 per cent of mugging victims do not file a police report). Kidnapping for ransom had become more common, spreading from Dhaka and Chittagong to the Chittagong Hill Tracts. The incidence of crime had been fuelled by widespread illegal arms ownership in the country; an estimated 400,000 illegal firearms had been used in criminal activities. Small arms trafficking took place on a large scale, particularly in the southeast of the country. [83e]
- 9.03 However, public perception does not always correlate with statistics on reported crime. In a public attitude baseline survey conducted on behalf of the United Nations Development Programme (UNDP) in 2006, over 70 per cent of respondents perceived that the overall incidence of crime was declining. [97a] (p16) Respondents identified nine different crimes as 'crimes occurring frequently': drug related crimes, other types of violent crimes, theft, hijacking, violence at domestic situations, car jacking/lifting, crimes against domestic aids, social crimes like dowry, child marriage, marriage without registration and running organised prostitution. Theft and 'crimes against property' were cited as recently being the most frequently committed crimes against women; other 'crimes occurring frequently' against women were said to be sex related crimes, other types of violent crimes involving physical torture, hijacking, drug related crimes and domestic violence. [97a] (pii) About one third of all household respondents mentioned that they had personally been victims of crime, an average of two times in their life. [97a] (p101)
- 9.04 Statistics on the website of the Bangladesh Police (accessed in September 2008) showed that the total number of registered criminal cases in 2007 was 20.4 per cent higher than in 2006 and 25.1 per cent higher than in 2003. The number of murder cases had increased by 11 per cent from 2003 to 2007, while the number of registered cases involving 'cruelty to women' had declined by 30 per cent over the same period. [98a]
- 9.05 The Bangladesh Ministry of Home Affairs, in a press release of 9 August 2007, advised that the Bangladesh Police – with the support of the Police Reform Programme – would begin establishing victim support centres, staffed by trained officers, to provide services to victims of crime. [97b] In the 2006 public attitude baseline survey described above, only a minimal percentage of respondents were aware of the availability of victim support services in their locality; such services were mainly provided by NGOs. [97a] (piii)

See also Section 10: [Security Forces: Avenues of complaint](#)

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## 10. SECURITY FORCES

- 10.01 The internal security establishment in Bangladesh consists primarily of the Police and four auxiliary forces: the Bangladesh Rifles (BDR), the Rapid Action Battalion (RAB), the Ansars and the Village Defence Party. [33] As noted in the USSD 2007 Report, "Police are organized nationally under the Ministry of Home Affairs (MOHA) and have a mandate to maintain internal security and law and order. Under recent governments police were generally ineffective and reluctant to investigate persons affiliated with the ruling party. After the January 2007 declaration of a state of emergency, the government formed the [Joint Task Force], composed of police, RAB, military, and other security agencies, and gave the special new teams responsibility for enforcing the state of emergency." [2a] (introduction)

### POLICE AND PARAMILITARY FORCES

- 10.02 The Bangladesh Police is made up of 116,000 personnel serving under police divisions across the country and responsible to the Ministry of Home Affairs, according to the 'Bangladesh Military Forces' website (accessed 7 October 2006). [71] According to the website of the Rapid Action Battalion (accessed 28 August 2007), Bangladesh has one police officer per 1,200 population, compared with ratios of 1:728 for India and 1:625 for Pakistan. [70]
- 10.03 The following information on the various auxiliary paramilitary forces was obtained from the websites of the Rapid Action Battalion [70], the Bangladesh Rifles [72] and the non-governmental website, Bangladesh Military Forces [71] Jane's Information Group [83] the US State Department's 'Background Note: Bangladesh', as updated in August 2008 [2e] and the British High Commission:

**Rapid Action Battalion (RAB):** The Rapid Action Battalion was established in March 2004 as a special anti-crime strike force capable of dealing with armed criminal organisations. It functions under the Ministry of Home Affairs and consists of personnel drawn mainly from the police and the armed forces. [70] [71] [83a] A Human Rights Watch (HRW) report of December 2006 noted that there were then 12 RAB battalions, stationed in the main urban centres of the country, with a total strength of 8,500 personnel. RAB troops have received training from the special forces and are equipped with modern equipment. [10c] (section 1) The Freedom House report, Countries at the Crossroads 2007, commented, "Although the battalion has enjoyed widespread public support, partly because of its apparent success in cracking down on hitherto untouchable gangsters, thugs, and criminals, it has been accused of torturing innocent people and killing alleged criminals in what it calls crossfire." [65a] The NGO Odhikar estimated in March 2007 that a total of 409 persons had been killed by the RAB since June 2004, 386 of these in so-called 'crossfire'. [46e] Odhikar reported that, during 2007, 90 people were killed by the RAB in 'crossfire/encounter/gunfight/shootout'; two persons were tortured to death and two others, arrested by the RAB, later died in hospital. [46n] It was noted in the USSD 2007 report: "The RAB...received human rights training through the United Nations Development Program. While the RAB continued to commit serious human rights violations, the total number of incidents involving the RAB dropped significantly from the previous year." [2a] (section 1d)

(Refer to [Torture](#), [Extrajudicial Killings](#) and [Accountability](#), below.)

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

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

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

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

**Joint Task Force:** The Joint Task Force was set up by the Caretaker Government to pursue cases that had been filed by the Anti-Corruption commission. It comprises personnel from the police, Rapid Action Battalion and the military and has been under the command of the head of the National Coordination Committee on Combating Corruption and Crime. (The BHC have, however, noted that the term ‘joint task forces’ is also sometimes mistakenly used interchangeably with ‘joint forces’ - a “catch-all term for a group of law-enforcement personnel, often used for convenience when it is not clear to which unit they belong”). (British High Commission, Dhaka) [11n]

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## Arbitrary Arrest and Detention

See also Section 14: [Arrest and Detention – Legal Rights](#) and Section 17: [Opposition Groups and Political Activists](#)

10.04 According to the USSD 2007 report:

“Arbitrary arrests were common, and the government held persons in detention without specific charges, often in order to collect information about other suspects. It was difficult to estimate the total number of those detained for political reasons. 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.” [2a] (section 1d)

## Torture

- 10.05 The USSD 2007 report stated: “While the law prohibits torture and cruel, inhuman, or degrading punishment, security forces, including the RAB, military, and police, frequently employed severe treatment as well as psychological abuse during arrests and interrogations. According to human rights organizations, the use of such techniques increased after the interim government declared the state of emergency on January 11. Abuse consisted of threats, beatings, and the use of electric shock. According to human rights organizations, security forces tortured 30 people to death. The government rarely charged, convicted, or punished those responsible, and a climate of impunity allowed such abuses by the RAB, police, and military to continue.” [2a] (section 1c)

The human rights NGO, Odhikar, recorded 44 incidents of torture by the law enforcement agencies in 2007. [46f]

- 10.06 According to a Human Rights Watch (HRW) report of February 2008:
- “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 ... Domestic and international prohibitions on torture and other ill-treatment are simply disregarded in Bangladesh.” [10f] (p2)
- 10.07 The Redress Trust, a UK-based NGO, produced a report in August 2004 entitled “Torture in Bangladesh 1971-2004”. The report stated, *inter alia*, that:
- (a) Bangladesh had ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Covenant on Civil and Political Rights (CCPR), but numerous reports suggested that the practice of torture continued unabated and that there was nearly complete impunity for perpetrators. [34] (Introduction)
- (b) The main perpetrators of torture and other forms of ill-treatment appeared to be the law-enforcement agencies, and the police in particular. The Army and paramilitaries, notably the Bangladesh Rifles (BDR), have also reportedly employed torture in the course of operations. Armed groups associated with political parties, as well as dissident groups from the Chittagong Hill Tract, have used torture in some instances. It appeared that the practice of torture

had perpetuated since 1971, regardless of which government was in power. [34] (section II C)

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

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

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

(f) There were no comprehensive official statistics on the number of torture-related complaints filed with magistrates (or the police) and subsequent action taken. A large number of cases remained unreported. Some complaints were withdrawn due to police pressure, including offers of money to victims to drop their claims. Only a few prosecutions of perpetrators had been successful; inadequate investigations and difficulty in finding witnesses and obtaining medical evidence were cited as problems. There had, apparently, been several instances of out-of-court settlements in torture cases. [34] (section IV B)

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

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

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

## Extrajudicial Killings

10.08 According to the USSD 2007 report:

“Security forces committed numerous extrajudicial killings. The police, Bangladesh Rifles (BDR), the military, and the Rapid Action Battalion (RAB) frequently used unwarranted lethal force. While there was a significant decrease in the number of killings by security personnel, the government and military did not take any public measures to investigate these cases ... According to reports published by the media, local human rights organizations, and the government, the RAB...killed 94 persons throughout the year [2007]. The average number of such deaths dropped from 15 per month in 2006 to approximately eight per month during the year. The deaths, many under unusual circumstances, occurred during police operations or while the accused were in custody. The government, however, often described these deaths as ‘crossfire’ killings, occurring in exchanges of gunfire between the RAB or police and criminal gangs. According to reports in the media, from local human rights organizations and the government, law enforcement officials were responsible for 184 deaths, 129 of which were attributed to crossfire. According to reported figures, this total represented nearly a 50 percent drop from the previous year. The RAB accounted for 90 crossfire killings; members of the police were responsible for 35; and combined security units committed four crossfire deaths. Since 2004 when the Minister for Law, Justice, and Parliamentary Affairs stated that crossfire deaths under RAB or police custody could not be considered custodial death, the government has not disclosed publicly any prosecution of a RAB officer in a killing.” [2a] (section 1a]

- 10.9 Odhikar, a Dhaka-based human rights NGO, noted in a report of 1 July 2008 that, according to newspaper reports, 68 persons were killed by law enforcement agencies during the period 1 January to 30 June 2008, 60 of them in “crossfire/encounters/gunfights/shootouts”. In addition, the deaths of 15 people are reported to have occurred due to torture in custody. Of the 68 deaths, 34 were attributed to the Rapid Action Battalion (RAB), 22 to the Police and the others to joint forces or other units. Eighteen of those killed were said to belong to factions of the Purbo Banglar Communist Party or other Maoist groups. [46m]
- 10.10 Human Rights Watch stated, in their report of December 2006, that they had compiled a database of reported killings by the Rapid Action Battalion between June 2004 and September 2006, based on press reports, information from human rights groups and their own research. [10c] (section I) During this period, 77 per cent of the 367 killings attributed to the RAB were reported by the media, human rights groups, or RAB as “crossfire” killings (in which the victim was allegedly a bystander in a shootout between the police and an armed group), and 11 per cent were described as “killings during shootouts” (in which the victim allegedly took part in a shootout with the police). [10c] (section V) The report commented “The human rights and press reports on which the database was primarily built strongly suggest that most of the deaths resulted from torture or extrajudicial execution, and Human Rights Watch’s own research confirms this trend. But some of the killings may have resulted from a legitimate use of police force.” [10c] (section I) HRW stated:

“The government in power until October 27, 2006, defended the killings by saying the victims – people it called ‘wanted criminals’ or ‘top terrorists’ – died when they resisted arrest or when they were caught in the crossfire during an armed clash between RAB and a criminal group (‘crossfire’ killings). But

witnesses, family members, and journalists frequently reported that the victims died in RAB custody, either in the station or outside where an extrajudicial execution took place.” [10c] (section I)

## Accountability

10.11 According to the USSD 2007 report:

“Police are organized nationally under the Ministry of Home Affairs (MOHA) and have a mandate to maintain internal security and law and order. Under recent governments police were generally ineffective and reluctant to investigate persons affiliated with the ruling party ... The government took steps to address widespread police corruption and a severe lack of training and discipline. The Inspector General of Police began implementation of a new strategy, partially funded by international donors, for training police and addressing corruption. Abuse of authority by law enforcement and the military was common. Law enforcement and security forces used unwarranted force to suppress demonstrations, although this occurred less frequently than in the previous year ... Plaintiffs rarely accused police in criminal cases due to lengthy trial procedures and the fear of retribution. Such reluctance to confront police created a climate of impunity.” [2a] (section 1d)

10.12 Odhikar, in their report covering the period January-July 2008, commented: “Agencies responsible for upholding laws and only lawful orders carry out such killings with absolute impunity. In the period under review, there was no report of any person involved in such crime being brought to account.” [46m] Referring to extrajudicial killings by the security forces, the USSD 2007 report stated, “While there was a significant decrease in the number of killings by security personnel [from 2006 to 2007], the government and military did not take any public measures to investigate these cases. According to local human rights organizations, no case resulted in criminal punishment, and, in the few instances in which the government levied charges, punishment of those found guilty was predominantly administrative.” [2a] (section 1a)

10.13 In February 2003 the Bangladesh Parliament passed a controversial bill called the Joint Drive Force Indemnity Ordinance 2003. The law gave members of the joint security forces immunity from legal proceedings in civil courts for their actions during the countrywide ‘Operation Clean Heart’ anti-crime drive, which had taken place between 16 October 2002 and 9 January 2003. (*The Hindu*, 27 February 2003) [21b]

10.14 On 18 June 2008, Transparency International (TI) published their ‘National Household Survey 2007’, fieldwork for which was conducted between July 2006 and June 2007. Of the 5,000 households interviewed, 10.7 per cent claimed to have had dealings with the law enforcement agencies in the ‘past year’; these included the Police, Rapid Action Battalion, Ansar, Village Defence Party, *Chaudikar*, *Dafadar* and – after the declaration of the state of emergency in January 2007 – also members of joint forces. Of those who dealt with the law enforcement agencies, 64.5 per cent of respondents claimed to have paid a bribe; in most instances, this was to the local police. Most bribes to the police were for police verifications and clearance certificates, charge sheets, general diary entries and ‘other’; 10 per cent of bribes paid were said to be to ‘avoid arrest’. The survey identified 78 households in which individuals had been arrested by law enforcement

agencies in the past year; of these, 22 per cent reported to have been tortured while in custody. A further number claimed to have been threatened with torture, or threatened with arrest without a warrant. [42g] (pp34-36) TI advised under 'Methodology' that data pertaining to sectoral estimates of corruption should be viewed with caution due to limited sample sizes. [42g] (p7)

- 10.15 A public attitude baseline survey, conducted on behalf of the United Nations Development Programme (UNDP) in 2006 (report submitted on 10 January 2007), also pointed to widespread corruption in the police. Over 70 per cent of household respondents (i.e. members of the public) claimed to have bribed the police at least once (and many of those said they still did not receive the help they were expecting). Over a third of the police officers interviewed acknowledged that they had accepted bribes. [97a] (p68-69)
- 10.16 As detailed in Section 4, the Government is implementing a Police Reform Programme designed to assist the Bangladesh Police to improve efficiency and professionalism. [97c] A draft ordinance (Bangladesh Police Ordinance 2007) has been prepared to replace the Police Act of 1861. The ordinance redefines the roles and responsibilities of police, with the ultimate goal of protecting human rights. (*New Age*, 10 June 2007) [96d] (PTI, 10 May 2007) [56b] The draft ordinance proposes the establishment of a Police Complaints Commission, as well as a Summary Court for quick adjudication of cases against police personnel accused of abuse of power or other irregularities. (*Daily Star*, 20 June 2007) [38cw] By 1 August 2008 the Police Ordinance 2007 had not yet been implemented. (*Daily Star*, 1 August 2008) [38cx]
- 10.17 A major reshuffle in the senior ranks of the police force took place in late-January 2007, when the Caretaker Government replaced the Inspector General (chief) of the Bangladesh Police, as well as the Commissioner of the Dhaka Metropolitan Police and 20 other high-ranking officers. (*Daily Star*, 30 January 2007) [38bf] On 11 February 2007, the police authorities gave notice that the recent recruitment of 757 sub-inspectors and sergeants would be annulled; it had become apparent that their selection, in 2006, had been subject to gross irregularities including bribery, political influence and nepotism. (*Daily Star*, 11 February 2007) [38be]
- 10.18 According to an August 2006 report from the Asian Human Rights Commission, a Hong Kong-based NGO:

"In Bangladesh today, the prospects of punishing the perpetrators of 'crossfire' killings, torture and other grave abuses is remote, to say the least. Sometimes internal inquiries may lead to transfers or dismissals, and very occasionally, limited action in the courts. But legal redress cannot go far, and nor can it be expected to do so for some years to come. Torture, for instance, has not yet been made a crime in Bangladesh. There are also no independent mechanisms for investigations of complaints against police or other state agents: not even a national human rights commission. At present to get the most rudimentary investigation opened often requires a huge effort through the media, demonstrations and lobbying. After that, the entire legal process is so slow that it is almost unendurable for the average litigant. There is no witness protection scheme to shield victims from the inevitable pressure and harassment by the accused. Nor has the state acknowledged its responsibility

to rehabilitate victims. Compensation is undermined by the lack of a specific fund for that purpose. And the slowness and inefficiency of all levels of bureaucracy makes the pursuit of complaints very difficult.” [66b] (p5)

This report noted that, under the Armed Police Battalion Ordinance, RAB members are indemnified from prosecution for any action done “in good faith” under the law. [66b] (p38)

10.19 The Human Rights Watch (HRW) report of December 2006 observed:

“To date, not a single RAB member is known to have been criminally convicted for having tortured or killed a detainee. The most serious reported punishment for a ‘crossfire’ death is dishonorable discharge, an administrative sanction ... Instead of prosecuting abusive members, RAB flaunts its violent behavior as a way to intimidate and scare.” [10c] (section I)

The HRW report continued:

“According to some media reports, RAB members involved in unlawful deaths have been held accountable, but the government and RAB provide few details and no members are known to have suffered a punishment worse than release from the force. According to a press article from May 2006, RAB has punished 133 of its personnel for involvement in ‘crossfire’ deaths; 41 per cent of them were returned to their parent organizations, 22 per cent were suspended, and the rest received a dishonorable discharge. No one was criminally punished ... A fundamental problem is that abuses by RAB members are reviewed by a special RAB court, like a court martial, and its operating procedures are unknown. In some cases the court has punished RAB members for extortion or dereliction of duty but it is not known to have punished any RAB member for the use of excessive force, torture, or an unlawful killing.” [10c] (section II)

The BNP Government defended the RAB by saying that the people it killed were criminals who threatened law and order. [10c] (section III)

See also Avenues of Complaint (Below); Section 9: [Crime](#) ; Section 4: [Police reform](#) and Section 20: [Corruption](#)

### Avenues of Complaint

10.20 According to the Human Rights Watch (HRW) report of December 2006:

“Citizens who wish to file a complaint with the police face many hurdles. First is the fear of reprisal, sometimes based on direct threats not to file a complaint. When families of victims are brave enough to come forward, the police frequently refuse to accept the case. Under Bangladeshi law, the government must provide sanction for courts to consider any offence by a public servant on official duty, including members of the police and other security forces.” [10c] (section II)

10.21 The public attitude baseline survey conducted on behalf of the UNDP in 2006 found:

“Only a meager percent of the respondents at household (4-7%) mentioned that they reported any incidence of crime to the police during the last 12 months and of them about three fourths (71-74%) were dissatisfied with the response received from the police... About half (49-55%) of the respondents were dissatisfied with the ease of reporting and accuracy of reporting crimes to the police. The following were identified as problems in reporting crimes to the police (placed in order of priorities): police seeks incentives/bribes (money); they remain busy and do not give time or listen; non availability of forms (printed) and papers (carbon paper); concerned police staff not available; police influence or discourage complainant from lodging complaints; forms are complex, not understandable; and police create unnecessary complications and delays ... The overwhelming majority of the respondents (82-83%) mentioned that people [most frequently] report to police when the crime committed is a life-threatening one. [Other] crimes which [frequently] induce people to report to police...are physical torture (63%); property related crimes (57-63%); and [honour-related] issues/defamation (29-53%). Crimes [which victims usually do not report to police] include violence against women. Sex related crimes have also been identified by three fourths of the female respondents (77%)...as crimes inhibiting reporting to police. Other crimes which discourage victims from reporting to police are crimes committed by [influential people] or police themselves and unnecessary harassments.” [‘Common or minor crimes’ were also usually not reported]. [97a] (p11)(p51)

The report added:

“The [female respondents] hardly or never reported crimes to the police unless police was incidentally present at the place of occurrence. Males...most frequently, or frequently, reported crimes by visiting the police station personally or sending somebody to police station or through telephone or sending letters or bringing the police to the place of occurrence. Most frequently, or frequently, cited reasons for not reporting crimes to the police... include: worried or afraid to face police; problems or fear of expenditure; fear of harassment by the police; fear of harassment by the criminals; fear of losing honor; no confidence in police/ police not effective; community people/ward commissioner solved the problem; neutral investigation and equal protection of law not expected; and directly filed case in the court.” [97a] (p11)

Police officers interviewed for this survey estimated that, on average, it required 23 to 26 hours to reach the scene of a crime after receiving information. [97a] (p52)

Most household respondents said that the police were over-worked and did not have sufficient time off. However, a majority also perceived that police officers spent time doing errands for higher officials, or on protocol functions or VIP protection or collecting incentives/bribes, or could not perform their duties properly. [97a] (p64-65)

- 10.22 The British High Commission in Dhaka, in a letter dated 1 October 2004, described how citizens could proceed if the police refused/declined to investigate a particular complaint or file a criminal case: “Lawyers working for the respected Human Rights NGO, Odhikar, have advised that in such a case an individual can petition a magistrate. If the magistrate agrees with his [or her] claim, the magistrate can then direct the police to accept the case. [The

British High Commission has also] heard the same from another Human Rights NGO, the 'Human Rights Congress for Bangladeshi Minorities'." [11h]

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## ARMED FORCES

- 10.23 The US Department of State's Background Note on Bangladesh as updated in August 2008 noted that the army, with 110,000 troops, and the air force and navy, with about 7,000 members each, are composed of regular (professional) personnel. There are no conscripted forces at present. [2e]
- 10.24 A Chatham House report of January 2007 noted that Bangladesh was providing the second largest (after Pakistan) contingent to United Nations peacekeeping forces around the world, for which it received around US \$200 million a year. [88a]
- 10.25 The Economist Intelligence Unit's Bangladesh Country Profile 2007 observed:
- "The army has long played a prominent role in Bangladeshi politics, starting with the war of liberation in 1971 but being particularly notable following the military coup in mid-1975. After the fall of General Ershad in 1990, the army temporarily withdrew from politics. In the run-up to the general election in June 1996, the armed forces chief of staff, Abu Saleh Mohammad, led a failed military revolt against the caretaker government. In the decade that followed the army refrained from becoming directly involved in politics, and the government steered it towards playing a role in UN peacekeeping operations. But in January 2007 the army took centre-stage yet again, when it put an end to violent street protests and the political impasse between the two main political parties." [40j] (p12)
- The EIU Report commented: "Given that the two main parties are in disarray as a result of the caretaker government's anti-corruption campaign, it is not clear how democracy can be reinstated without leaving an important role for the army. There has been speculation that the army might form its own party." [40j] (p12)
- 10.26 As noted in Section 4 (Recent Developments: Role of the Military), various commentators have held the view that the state of emergency was proclaimed on 11 January 2007 at the insistence of the military and that the military leadership has since wielded ultimate power in the country. For example, Maneeza Hossain of the Hudson Institute commented in a paper of June 2007: "Events on January 11, 2007 changed the course of the country and saved it from civil war: The Bangladeshi military, an institution professionalized and depoliticized over a decade and a half, stepped out of the cantonment and into the political arena and effectively dictated the agenda to politicians and bureaucrats ... The army leadership held a meeting with President Iajuddin Ahmed [prior to the proclamation of the state of emergency] in the course of which their vision for the way forward was spelled out, and the President was asked to follow course." [95] (p2)

See also Section 4: [The role of the Military](#)

## 11. MILITARY SERVICE

- 11.01 A War Resisters' International report, published in 1998, noted that conscription has never existed in Bangladesh, although the 1952 Bangladesh Army Act does provide for a possible introduction of compulsory military service. [13] A State Party report, dated 14 July 2005, to the United Nations Convention on the Rights of the Child (UN CRC) stated: "There is no provision for compulsory recruitment into the armed forces of Bangladesh." [52b] According to the website of the Coalition to Stop the Use of Child Soldiers (accessed 18 September 2008) the minimum age for voluntary recruitment in the army is 16, and 17 years for the navy and air force. The minimum age for recruitment into the armed paramilitary and auxiliary forces, including the Bangladesh Rifles and the Ansar, is 18 years. [35] The UN CRC report of July 2005 clarified that, because recruits into the armed forces initially underwent a period of basic training, there was no scope for any person to be employed for actual service or combat duty before attaining the age of 18. [52b]

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## 12. ABUSES BY PROSCRIBED MILITANT GROUPS

See [Annex B](#) for further information on each of these organisations.

### MILITANT ISLAMIST ORGANISATIONS

**Jamatul Mujahedin Bangladesh (JMB or JM)** (alternatively Jama'atul Mujahideen)

- 12.01 JMB is reported to have been founded in 1994, in the northern district of Jamalpur. In 2006 it was said to be led by a troika consisting of Sheikh Abdur Rahman, Siddiqui Islam (alias 'Bangla Bhai') and Muhammad Asadullah al-Ghalib. [83f] Abdur Rahman and Siddiqui Islam were among six JMB leaders executed on 29 March 2007 for their roles in the murder of two judges in 2005. It is not known who may have replaced them in the hierarchy. [5o] JMB and its 'sister' organisation, Jagrata Muslim Janata of Bangladesh (JMJB) were banned by the Government on 23 February 2005. According to an internal JMB document dating from 2004 and made available to Jane's, JMB then had 6,739 active members and a further 4,250 'sympathisers'. [83c] A Jane's Terrorism and Security Monitor report of January 2006 stated, "The group calls for the imposition of Islamic Sharia law in Bangladesh and has been targeting organisations and individuals that it accuses of advancing a secular, anti-Islamic agenda. The judiciary and media have been the primary targets, although threatening letters have also been sent to schools, universities and government offices." [83b]
- 12.02 According to the Jane's report, JMB's terrorist activity began in 2002 and was then mainly limited to the northern districts of the country. Incidents included bombings at cinemas in Mymensingh on 7 December 2002 that killed 21 people and wounded over 200, as well as bomb blasts at a Muslim shrine in Tangail in January 2003 that killed eight people. [83c] However, JMB had, by 2005, developed a national organisational structure. On 17 August 2005, JMB activists detonated 434 small explosive devices virtually simultaneously across 63 of the country's 64 districts. Fifty-one other devices failed to explode. Government offices, courts, press clubs and other public places were targeted in the attacks. Two people were killed and 104 were injured. [83c] On 3 October 2005 a number of bomb attacks inside law court buildings in three different districts killed two and injured over 30. Suspects arrested at the three locations apparently identified themselves as activists of JMB. (*Daily Star*) [38ae] BBC News reported on 14 November 2005 that two judges had been assassinated in a bomb attack in the southern district of Jhalakathi. [20b1] According to an ACHR report, the police recovered hand-written leaflets of JMB at the site of the attack which read "Ban man-made laws and establish Qur'anic laws". Death threats were made against several other judges during October and November 2005, apparently by members of JMB and other Islamist groups. [53c] (p4-6) On 29 November 2005, at least 14 people were killed and over 40 injured in two attacks – a suicide bombing inside the law court building in Gazipur, a town 30 km north of Dhaka, and a bomb blast in the city of Chittagong. [20bm] [83c] An EIU report of January 2006 noted that suicide bombings marked a new phase in the campaign of terrorist violence and that these attacks were designed to kill as many people as possible; the police believed JMB to be responsible. [40d]

- 12.03 On 28 February 2006, a court in Jhenidah district sentenced 21 men to death – three of them in absentia – for their part in the co-ordinated detonation of over 400 bombs across the country on 17 August 2005. All 21 were reported to be members of JMB. (Agence France-Presse) [23p] Sheikh Abdur Rahman and Siddiqui Islam ('Bangla Bhai') were captured and arrested on 2 March and 6 March 2006, respectively. [39ac] [20bq] On 29 May 2006, a court in the southern town of Jhalakathi convicted and sentenced to death Abdur Rahman and Siddiqui Islam ('Bangla Bhai') for the murder of the two judges in November 2005. Five other JMB militants were also sentenced to death for the same crime; they included three members of JMB's ruling council, the Majlish-e-Shura. (Keesing's May 2006) [5j] Abdur Rahman, Siddiqui Islam and four other JMB leaders were executed on 29 March 2007. [5o]
- 12.04 The US State Department's 'Country Reports on Terrorism', published 30 April 2007, noted that there was no JMB-linked violence during 2006. [2j]
- 12.05 BBC News reported on 12 April 2007 that unidentified gunmen in Jhalakathi had shot dead Haider Hossein, the special public prosecutor at the trial in May 2006 at which the JMB leaders had been sentenced to death. [20ck]

See below: New groupings: Developments after 1 May 2007

#### Jagrata Muslim Janata of Bangladesh (JMJB)

- 12.06 In a special report of 28 August 2005, the *Daily Star* described JMJB as a fundamentalist 'vigilante' group whose aim is Islamic revolution through jihad. It is claimed that the group was first founded in 1998; the present name (JMJB) first became apparent in April 2004. Sheikh Abdur Rahman was said to be *amir* ('spiritual leader') of JMJB – as well as being the leader of Jamatul Mujahedin Bangladesh (JMB), with which JMJB has close links – see above. Siddiqui Islam, also known as 'Bangla Bhai', was a senior member who had assumed command of JMJB 'operations'. [38ac] [59b] As noted in paragraph 12.03 above, Abdur Rahman and Siddiqui Islam were executed on 29 March 2007 following their conviction for the murder of two judges. [5o]
- 12.07 JMJB activists are reported to have carried out over 100 operations, including murders and attacks on people they believe to be "un-Islamic" or "criminal". (Daily Star) [38ac] [38w] There have been violent clashes between JMJB and the (Maoist) Purba Bangla Communist Party (PBCP) since April 2004; for example, in May 2004 JMJB operatives killed six members of the PBCP; the PBCP retaliated by killing two JMJB men and injuring six others. On 22 May 2004 several thousand JMJB activists armed with bamboo and hockey sticks staged a rally in Rajshahi city, under police escort, threatening journalists with death for reporting against them. In May 2004 the Government issued a warrant for the arrest of 'Bangla Bhai'. [59b] [38ac] JMJB is believed to have been involved in a number of bombings and vigilante killings, including a bomb attack on a *jatra* folk theatre show in Shahjahanpur on 14 January 2005 in which two people were killed and 70 wounded. [38t] The *Daily Star* of 25 January 2005 reported that at least 50 people, including eight policemen, were injured in clashes between the security forces and JMJB militants in Bagmara the previous day. [38r] A police spokesman, on 4 February 2005, warned that JMJB planned to continue with bomb attacks on cinemas, theatres and *jatra*, which they have deemed to be "un-Islamic". NGOs were also to be targets. [38w]

- 12.08 It was announced on 23 February 2005 that the Government had officially banned Jagrata Muslim Janata Bangladesh (JMJB) – as well as its associated group, Jumatul Mujahedin. [61b] [23j] However, the newspaper *Prothom Alo* reported on 21 July 2005 that JMJB had secretly continued with fund raising and recruitment since being banned. [21f]

#### **Harkat-ul-Jihad-al-Islami** (alternatively known as **HuJI** or **Harkatul Jihad**)

- 12.09 According to a *Daily Star* report of 28 August 2005, Harkatul Jihad was established in the early-1990s apparently with assistance from Osama bin Laden. Many of its founders fought with the Mujahideen in Afghanistan in the 1980s. [38ac] The current leader is Shawkat Osman, alias 'Sheikh Farid'. HuJI apparently has training camps in Chittagong division. (South Asia Terrorism Portal – SATP). [59c] HuJI has been accused of plotting to assassinate Sheikh Hasina when she was Prime Minister. [38ac] On 28 April 2006 a HuJI leader was charged with involvement in this assassination plot. [59c] Police interrogations of arrested HuJI cadres in 2000 reportedly revealed plans to kill 28 prominent intellectuals. [38ac] On 17 October 2005 the Government banned Harkat-ul-Jihad-al-Islami, describing it as a “self-confessed terrorist group”. (SATP) [59c]

#### **New groupings: Developments after 1 May 2007**

- 12.10 The existence of a new militant group, **Jadid al-Qaeda Bangladesh**, first became apparent on 1 May 2007, when bomb explosions took place simultaneously at railway stations in the cities of Dhaka, Sylhet and Chittagong, leaving one person injured. (See Section 4: Recent Developments) Messages etched into metal plates left at two of the sites said the attacks had been carried out by Jadid al-Qaeda Bangladesh. Police said at the time that they were investigating whether this was a new group, or a new name for a terrorist group that already existed. (BBC News, 1 May 2007) [20cn]
- 12.11 The daily newspaper *New Age* reported on 4 May 2007 that, according to Bangladeshi intelligence officials, the explosions on 1 May had been carried out ‘under the direct supervision’ of Jamatul Mujahedin Bangladesh (JMB) and that Jadid al-Qaeda Bangladesh, which claimed the responsibility for the bombings, was one of the factions spun off from JMB after the execution of six JMB leaders. [96a] However the *Daily Star*, on 19 March, quoted the Inspector General of Police as saying that the police were yet to find hard evidence of the existence of Jadid al-Qaeda Bangladesh. [39u]
- 12.12 According to *New Age*, the intelligence agencies had learned that JMB and seven other militant organisations discussed a regrouping plan at a meeting at Sariakandi, in Bogra, on 5 March. The seven groups were named as **Jamaatul Muslemin**, **Majlish-e-Tamuddin**, **Hizbul Zihad**, **Hizbut Tahrik**, **Jamaatil Muslemin**, **'Dawatul Jihad** and **Jadid al-Qaeda**. *New Age* reported: “Jamaatul Muslemin was given the charge of organising the militants in Bogra and its adjoining areas while Hizbul Zihad was assigned for Dhaka’s Uttara, Ashulia and Tongi, Hazbut Tahrik for Rajshahi, Chapainawabganj and Naogaon, Majlish-e-Tamuddin and Jadid al-Qaeda for the central Dhaka and its adjoining areas. The meeting also decided that Jamaatul Muslemin and Dawatul Jihad would work under the direct supervision of Jamaatul

Mujahideen as the organisations lacked required strength and network. The intelligence people spotted a training camp of the militants at Kendua in Tangail, two each in Sariakandi and Dhunat in Bogra, one each at Islampur and Melandah in Jamalpur and three in Gazipur.” [96a]

- 12.13 *New Age*, in an article dated 16 June 2007, named the new leader of JMB as Maulana Abdul Makit Salafi; he had reportedly been appointed at a meeting of the seven-member *Majlish-e-Shura* (the organisation’s highest policy-making body) on 30 March 2007. The other members of the *Majlish-e-shura* were said to be Asadur Rahman Arif, a fugitive convict of Jhalakati judges killing case, Hasibur Rahman, Iqbal Hanif, Saiful Islam, Faisal Alam and Nurul Huda. *New Age* was advised by intelligence officials that “The four tiers of the organisational structure of the JMB are called [from the lowest tier] *sathi* or *sudhi*, *ghayer ehsar*, *ehsar* or *amir* and *majlish-e-shura*. *Sathis* or *sudhis* are recruited from comparatively young and dedicated people. Those who are in charge of districts are called *ghayer ehsar* and the divisional level leaders are called *ehsar*. The *majlish-e-shura* is the top tier of the outfit comprising seven leaders ... Led by its district chiefs re-named as ‘*nayak*’, or hero, the JMB is now working across the country through 21 sub-centres by dividing the country into 40 regions. Operatives of the JMB are working under the supervision of some five kingpins and 12 regional and district ‘*nayaks*’, a highly-placed source quoted the recently arrested JMB leader Matin Mehdi as telling the interrogators. Police arrested the outfit’s suicide squad chief Matin Mehdi along with his three accomplices from Kurigram on March 19. Intelligence agencies earlier identified 39 commanders of the suicide squad who are still at large. Some 25 district commanders out of 64 also remain in hiding.” [96b] Hundreds of activists of the different Islamist militant groups, particularly operatives of JMB who went into hiding following the arrest, trial and execution of its six leaders, were trying to regroup under the new leadership, reported *New Age* on 20 June 2007. [96c]
- 12.14 On 22 May 2007 police recovered a home made bomb near the main gate of the Rajshahi University of Engineering and Technology (RUET); two more such bombs were recovered from the same location on 24 May. The bombs were powerful enough to cause a large number of casualties. One was wrapped in an aluminium sheet which bore the name ‘*Jadid al Qaeda*’. (*Daily Star*, 25 May 2007) [38cg] Another similar bomb was found at RUET’s main gate on 14 June. [39af] The *Daily Star* had reported on 25 May 2007 that the Rapid Action Battalion had captured two claimed *Jadid al-Qaeda* Bangladesh members who had threatened to blow up the Jatiya Press Club. [38ch]
- 12.15 It was reported on 12 July 2007 that two top leaders of JMB and three other JMB members had been arrested in a series of raids by the RAB. One was Asadul Islam, a member of JMB’s reconstituted *Majlish-e-Shura*; the other the regional commander in Mymensingh. (*Daily Star*, 12 July 2007) [38ci]
- 12.16 The *Daily Star* announced on 27 July 2007 that Aminul Haque, a former Minister of Posts and Telecommunications in Khaleda Zia’s government, and others had been found guilty of ‘patronising’ Islamist militants and sentenced to 31 years and 6 months’ imprisonment, with a fine. It was found that they aided and abetted militants of JMB in extortion and torture in Bagmara in 2004. [38cj]
- 12.17 Freedom House, in a report published on 2 July 2008, noted that

“Islamist militant groups were severely weakened by the 2006 crackdown that followed a spate of attacks in late 2005, although a group that made statements against Ahmadis and NGOs carried out a series of nonfatal bombings at railway stations in May 2007. The primary aim of most Islamist groups – though their tactics vary – is the imposition of Islamic law (Sharia). Many also support religious schooling, the veiling of women, and an end to ‘un-Islamic’ practices such as celebrating traditional festivals and watching movies. The government also struggles to contain a Maoist movement in the north that is connected to the banned Purbo Bangla Communist Party. Casualties from clashes involving leftist militants declined in 2007, according to the South Asia Terrorism Portal, with several dozen militants and fewer than 10 civilians killed.” [65b]

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## MAOIST GROUPS

- 12.18 The Institute for Conflict Management, in their Bangladesh Assessment 2008, commented: “The... left-wing insurgency in Bangladesh is a highly dispersed, low-scale and criminalised movement consisting of a multiplicity of minor groups. Nevertheless, this feeble and degenerate movement continued to be the principal focus of security forces ‘counter-terrorist’ responses [in 2006 and 2007], especially of operations by the elite Rapid Action Battalion (RAB), a specialised ‘anti-crime’ para-military force under the Home Ministry.” [59e] The following are the principle left-wing armed groups:

### **Purba Banglar Communist Party (PBCP; Communist Party of East Bengal; Purba Bangla Sarbojha Party)**

- 12.19 The PBCP is a proscribed radical Maoist movement, founded in 1968 following a split in the Bangladesh Communist Party. It seeks communist revolution by violent means. PBCP cadres have reportedly been involved in acts of murder, robbery, extortion, land grabbing and abduction for ransom. According to the South Asia Terrorism Portal (accessed on 9 October 2006), the current leader is Mofakkar Chowdhury. [59a] [11a]
- 12.20 As stated in paragraph 12.05, there have been violent clashes between the PBCP and Jagrata Muslim Janata of Bangladesh (JMJB) since 2004. There have also been several gun battles between the security forces and PBCP. The Janajuddha faction of the PBCP claimed responsibility for the assassination of the Khulna president of the Awami League in August 2003. [20n] PBCP has also reportedly claimed responsibility for a number of attacks on journalists, including a bombing outside the Khulna Press Club on 5 February 2005 in which a journalist was killed and others injured. PBCP then threatened that it had “many more journalists in its sights”. [9f] On 26 and 27 October 2005, Janajuddha cadres killed five workers of the ruling BNP in four different districts. Two persons were killed and four others injured on 12 April 2006 when suspected Janajuddha members lobbed bombs into a gathering at Paka village in the Chuadanga district. On 13 May 2006, police arrested two suspected PBCP activists following the discovery of bomb-making materials in Jhenidah district. Several PBCP cadres have been killed in encounters with the police and the Rapid Action Battalion during 2005 and 2006. (SATP) [59a]

### **New Biplobi Communist Party (NBCP)**

- 12.21 Formed in 1999 after the Biplobi Communist Party split, NBCP has mainly been active in the Khulna, Jessore, Bagerhat and Satkhira districts. The group is financed through racketeering. [38x] The Bangladesh *Daily Star* reported on 22 September 2004 that the leader of the NBCP, known as 'Mrinal', had been shot dead the previous day by unidentified assailants. He had been wanted by the police in connection with 103 cases of murder, 43 abductions for ransom and various other crimes. [38x]

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### 13. JUDICIARY

- 13.01 Article 35(3) of the Constitution states “Every person accused of a criminal offence shall have the right to a speedy and public trial by an independent and impartial court or tribunal established by law.” Article 27 provides: “All citizens are equal before the law and are entitled to equal protection of law.” [4]
- 13.02 According to the USSD 2007 report “Corruption, judicial inefficiency, lack of resources, and a large case backlog remained serious problems.” [2a] (section 1e) The USSD report noted that, in 2007, the backlog of cases in Dhaka alone was believed to be more than 50,000. [2a] (section 1d)
- 13.03 A September 2002 report on behalf of the United Nations Development Programme, ‘Human Security in Bangladesh, In Search of Justice and Dignity’ (UNDP 2002), gave the following reasons for the delayed processing of criminal cases and the subsequent backlog of cases in the courts: (a) the number of cases in which bail is not granted; (b) non-attendance of witnesses on the date of the hearing; (c) unnecessary adjournments; (d) delays in completing investigations; (e) acute shortage of judges and magistrates; (f) tendency of lawyers and parties to delay trials; and (g) lack of vigilance on the part of judges and magistrates. [8b] (p82)
- 13.04 As detailed in Section 3 (History) there were, during October and November 2005, serious attacks on the Judiciary by Islamist militants. On 4 October, bomb attacks inside court buildings in Laxmipur, Chandpur and Chittagong killed three people and injured several others. Jama’tul Mujahedin Bangladesh (JMB) claimed responsibility. (*Daily Star*, 4 October 2005) [38ae] Two judges were assassinated by JMB militants in November 2005. (ACHR, 23 November 2005) [53c] On 29 November at least 14 people were killed and over 40 injured in bombings in court buildings. (BBC News, 29 November 2005) [20bm] (EIU, January 2006) [40d] A BBC article of 29 November 2005 commented that the courts may have been targeted because they represented the secular laws of the country. (BBC News, 29 November 2005) [20bm] No other attacks of this nature have been reported since 2005.

### ORGANISATION

- 13.05 As noted in the USSD 2007 report:

The court system has two levels: the lower courts and the Supreme Court. Both hear civil and criminal cases. After the separation of the judiciary from the executive, the government appointed judicial magistrates to replace the executive magistrates who used to preside over the lower courts. The Supreme Court is divided into two divisions, the High Court and the Appellate Division. The High Court Division hears original cases mostly dealing with constitutional issues and reviews cases from the lower courts. The Appellate Division hears appeals of judgments, decrees, orders, or sentences of the High Court. Rulings of the Appellate Division are binding on all other courts. The EPR [Emergency Power Regulations] authorized the government to create special, speedy, anticorruption courts to adjudicate cases prosecuted by the Anti-corruption Commission. Sentences from these tribunals could also be appealed to the High Court.” [2a] (section 1e)

- 13.06 Decisions of the Appellate Court are binding on all other courts, including the High Court. The judges of both divisions of the Supreme Court are appointed by the President, according to the terms of the Constitution. [4]
- 13.07 It was pointed out in the UNDP 2002 report that the High Court Division of the Supreme Court is responsible for enforcing the fundamental rights guaranteed by the Constitution, including the right to equality before the law. Thus, it stated, for enforcement of rights pertaining to human security under the Constitution one has to go to the High Court. [8b] (p16)
- 13.08 The Civil Justice system in Bangladesh is based on the British model (USSD) [2e] and continues to operate under the 1908 Civil Procedure Code. Certain amendments have been incorporated to try to speed up the process and avoid long and unnecessary delays. (*Daily Star*, 16 July 2005) [38ag]
- 13.09 The Law Commission was formed in 1976; its functions include recommending the repeal or amendment of existing laws which are obsolete or inconsistent with fundamental rights; recommending the enactment of new laws; and recommending reforms to modernise the judicial system. The Commission is headed by a retired Chief Justice of Supreme Court. [84]

### Special Tribunals

- 13.10 The USSD 2006 report recorded that, under the provisions of the Public Safety Act, the Law and Order Disruption Crimes Speedy Trial Act (see below), and the Women and Children Repression Prevention Act (see section 25: Women), special tribunals hear cases and issue verdicts. Cases under these laws must be investigated and tried within specific time limits, although the law is unclear regarding the disposition of a case if it is not finished within an allotted time period. [21] (section 1e)

### The Speedy Trial Act (STA)

- 13.11 It was noted in the USSD 2003 report that:

“In 2002, Parliament rescinded the Public Safety Act (PSA) enacted by the AL Government in 2000. A week after the repeal of PSA, Parliament passed the Law and Order Disruption Crimes Speedy Trial Act (STA) to remain in force for 2 years if not extended. It contains a provision for the trial in special courts of those accused of certain crimes from 30 to 60 days after arrest. Unlike the PSA, the STA has a bail provision with mandatory recording of the grounds for granting bail. As a safeguard against misuse of the law, it provided punishment for bringing false charges with jail terms from 2 to 5 years.” [2b] (section 1d) On 16 March 2004 Parliament passed the Disruption of Law and Order Offences (Speedy Trial) Act 2004 to extend the term of the 2002 Act for another two years following its expiry on 9 April 2004, recorded the NGO ‘Hands Off Cain’ in a report of January 2006. [73a]

### Family Law

- 13.12 As noted in the USSD 2007 report, the Muslim Family Ordinance codifies traditional Islamic law concerning inheritance, marriage and divorce for registered marriages of members of the Muslim community. There are similar

sets of laws in place for the Hindu and Christian communities. [2a] (section 1e)  
 The US State Department's International Religious Freedom Report 2007 confirmed that *Sharia* law was not implemented formally and was not imposed on non-Muslims during the period covered by the report. Marriage proceedings are governed by the family law of the religion of the parties concerned and marriages are also registered with the state. There are separate family laws in Bangladesh for Muslims, Hindus and Christians, based on their respective traditions. [2m] (section II)

### Informal Systems of Justice: Village Courts and *Shalish*

- 13.13 The UNDP 2002 report noted that about two-thirds of all disputes do not enter the formal court process; instead they are either settled at a local level by local leaders or a village court, or they remain unsettled. *Shalish* (or *Grameen Shalish*) local mediation councils provide a traditional alternative to dispute resolution and comprise local community leaders who either individually or in groups provide a forum for arbitration and dispute resolution. A study of *Shalish* in two districts in 1996 indicated that the majority of disputes dealt with related to family law, maintenance, second marriage, dowry and land ownership. According to the UNDP 2002 report, the option of conciliation through mediation is particularly favoured by women and the poor. Village courts deal with both civil and criminal matters; they have the power to summon witnesses and can impose a fine on contempt charges. The officials of village courts are usually chairmen and members of 'union parishads' (the local government authorities, of which there are 4,448 in Bangladesh) and are generally powerful members of the local community. Village courts can, however, be open to outside influences. The main sources of influence are said to be local political leaders, community leaders, wealthy people and other influential individuals in the village. Village courts generally function in co-operation with the local police. [8b] (p91-100)
- 13.14 In the 'Base Line' survey conducted for Transparency International in 2005, about 60 per cent of rural respondents felt that *grameen shalish* were 'fair'. The minority who doubted the fairness of *shalish* thought that they favoured the rich, or favoured males, or were influenced by religious fundamentalism or terrorism. [42e] (p52)

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### INDEPENDENCE

- 13.15 Article 94(4) of the Constitution states "Subject to the provisions of this Constitution the Chief Justice and the other Judges shall be independent in the exercise of their judicial functions." Article 96 provides that a judge cannot be removed from office for reasons other than those set out in the Constitution. [4]
- 13.16 On 1 November 2007, the Code of Criminal Procedure (Amendment) Ordinance came into effect, separating the lower Judiciary from Executive control and placing it under the jurisdiction of the Supreme Court (in accordance with a Supreme Court ruling of December 1999 on the Constitutional separation of powers). Effectively, two magistracies were created: (a) Judicial magistrates would be selected and appointed by the Supreme Court; (b) Executive magistrates, previously selected by the Executive from the administrative cadre, would be stripped of nearly all their

judicial powers and would only retain temporary magistracy powers in certain situations, such as dispersing unlawful assemblies and issuing search warrants. By 1 November 2007, 218 judicial magistrates had so far been appointed by the Supreme Court (for a total of 655 magistracies), 202 of them from sessions judge's courts. The separation of the Judiciary was generally welcomed by the Chief Justice, judges, lawyers and political parties; previously, for example, Deputy Commissioners within the government had controlled the recruitment, promotion, tenure and salary of judges and magistrates. (FCO, 4 November 2007) [11i] (BBC News, 1 November 2007) [20dn] (*Daily Star*, 1 November 2007) [38cv]

- 13.17 The Asian Human Rights Commission, in a report of August 2006, stated that public prosecutors had been replaced with each change of government. According to this report: "Their appointment and job security is not determined by their ability or professionalism but by the extent to which they have served the financial and political interests of the appointing party, its leaders and followers." [66b] (p27)

## FAIR TRIAL

- 13.18 USSD 2006 stated: "The law provides accused persons with the right to be represented by counsel, to review accusatory material, to call witnesses, and to appeal verdicts. There is no jury trial and all cases are tried by judges. Trials are public, and defendants have the right to an attorney; however, state-funded attorneys are rarely provided ... Defendants were presumed innocent, have the right to appeal, and have the right to see the government's evidence against them." [2a] (section 1e)
- 13.19 The UNDP 2002 report provided details of the Government legal aid fund which has been in operation since 1994. [8b] (p42-44) The report also stated that more than 300 NGOs in Bangladesh then listed "human rights and legal aid" as one of their activities – though only a few of these NGOs provided legal aid on a large scale. Two organisations, the Bangladesh Legal Aid and Services Trust (BLAST) and the Madaripur Legal Aid Association (MLAA) had, by 2002, each provided legal aid for litigation in more than 2,000 court cases; BLAST has offices in all the Divisions of Bangladesh. Four other NGOs had each provided legal aid in over 500 court cases. [8b] (p44-47) As noted on the website of the Bangladesh Embassy in Washington DC (accessed on 8 October 2006), "The Government has constituted Legal Aid Committees, headed by District Judges in 61 districts, to provide legal assistance to the poor and destitute litigants. These district level committees have been working under the National Legal Aid Committee." [85]

## CORRUPTION IN THE JUDICIARY

- 13.20 Reports from Transparency International (TI) have suggested a high level of corruption in the lower judiciary, particularly amongst court officials (clerks and administrators). [42a] [42g] In a National Household Survey on Corruption in Bangladesh, conducted by TI during the period July 2006 – June 2007 and published in 2008, 10.7 per cent of the 5,000 surveyed households claimed to have had dealings with the judiciary during the 'past year'. Of these, 46.0 per cent were as plaintiffs, 51.9 per cent as defendants/accused and 2.1 per cent as witnesses; over half of all cases related to land disputes. The overwhelming majority of households had dealt with the lower judiciary; only 4.6 per cent of

respondents had been to the High Court or Supreme Court during this period. Of households who had interacted with the judiciary in the reference year, 41.7 per cent claimed to have paid a bribe. The amount of bribe money paid averaged Tk. 4,825. Asked whom the bribe was actually paid to, 36.9 of households said it was to court officials, followed by middlemen (31.1 per cent), own lawyers (10.7 per cent), public prosecutors (10.7 per cent), opposition lawyers (2.1 per cent) and magistrates/judges (1.2 per cent). [42g](p37-39) The TI report advised under 'Methodology' that data pertaining to sectoral estimates of corruption should be viewed with caution due to limited sample sizes. [42g] (p7)

- 13.21 In an interview with Transparency International in May 2007 Dr Kamal Hossain, a Senior Advocate to the Supreme Court of Bangladesh, confirmed that corruption had been a particular problem in the lower courts. With reference to the High Court, he was quoted as saying "The high court is in the capital, and its judges are drawn from senior members of the judiciary, people of good-standing in the practice, as well as senior members of the lower courts who have been promoted. The institutional safeguards also are higher – they function under much greater scrutiny and, because of this, their independence is more secure." [42h]

See also Section 20: [Corruption](#)

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## 14. ARREST AND DETENTION – LEGAL RIGHTS

See also Section 10: [Arbitrary Arrest and Detention](#) and Section 17: [Opposition Groups and Political Activists](#)

- 14.01 The USSD 2006 report stated: “The law prohibits arbitrary arrest and detention; however, authorities frequently violated these provisions, even in non-preventive detention cases. The law specifically allows preventive detention, with specified safeguards, and provides for the detention of individuals on suspicion of criminal activity without an order from a magistrate or a warrant.” [2a] (section 1d)

### PREVENTIVE DETENTION AND ITS LEGISLATIVE FRAMEWORK

- 14.02 As noted in the USSD 2006 report, “The government arrested and detained persons arbitrarily and used national security legislation such as the 1974 Special Powers Act (SPA) to detain citizens without filing formal charges or specific complaints.” [2a] (section 1d) The report continued:

“The law does not provide for the use of warrants in all cases. Section 54 of the Criminal Procedure Code and Section 86 of the Dhaka Metropolitan Police (DMP) Ordinance provide for detention of persons on suspicion of criminal activity without an order from a magistrate or a warrant, and the government regularly arrested persons without formal charges or specific complaints. Section 144 limits gatherings of more than four people. Authorities misused ordinances during the year, and mass arrests, often politically motivated, continued to occur... According to Odhikar, during the year police arrested more than 3,900 persons under Section 54. According to the local human rights organization Ain o Shalish Kendro (ASK), the government used Section 144 to ban assemblies of more than four people 164 times during the year.” [2a] (section 1d)

“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 [2006]. 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...the government began a program of mass arrests in Dhaka ahead of an opposition-organized rally ... In September,...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.” [2a] (section 1d)

The USSD 2004 report had recorded that, in April 2003, the High Court issued a directive that allowed legal representatives to visit those arrested under Section 54. [2d] (section 1d) However, according to the USSD 2005 report, “Legal representatives are granted access to their clients arrested under Section 54, but in practice police rarely allowed lawyers to confer with their clients arrested under these sections of the law.” [2f] (section 1d)

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

### THE SPECIAL POWERS ACT (SPA)

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

- 14.05 An Amnesty International Report entitled 'Urgent need for legal and other reforms to protect human rights', dated May 2003, stated:

"Each year, thousands of people are arbitrarily detained under administrative detention laws which deny them access to judicial remedies. The most commonly used of these laws is the Special Powers Act, 1974 (SPA). The SPA overrides safeguards against arbitrary detention in excess of 24 hours in Bangladeshi laws. It allows the Government not only to detain anyone without having to justify the detention before a court, but also to keep the detainee in prison initially for up to four months or, in certain cases, indefinitely, without charge." [7a] (p2)

- 14.06 The USSD 2003 report had noted:

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

the High Court because the SPA cases were so weak and vague that the court had no alternative but to grant bail.” [2b] (section 1d)

The USSD 2006 report adds “Under the Special Powers Act, the government or a district magistrate may order that a person be detained for 30 days to prevent the commission of an act that could threaten national security; however, detainees were held for longer periods. In these cases the magistrate must inform the detainee of the grounds of his detention, and an advisory board is required to examine the detainee's case after four months. Detainees had the right to appeal.” [2a] (section 1d)

- 14.07 According to the UNDP report of 2002, some 90 per cent of the preventative detention cases that came before the High Court between 1974 and 1995 were determined to have been made either “illegally” or “without lawful authority”; these detentions were challenged on the basis of *habeas corpus* petitions moved before the High Court under Article 102 of the Constitution and under Section 491 of the CrPC. [8b] (pp1 and 18-20)

### PRE-TRIAL DETENTION

- 14.08 The USSD 2006 report recorded: “The backlog of criminal cases was approximately 43,000 in Dhaka alone. In addition, the Ministry of Law estimated that approximately 1,200 prisoners had made no court appearance in at least six months, and many had served longer in pretrial detention than they would have had they been convicted and given the maximum sentences for their alleged crimes. According to Odhikar, approximately 75 percent of prison inmates were in pretrial detention.” [2a] (section 1d)
- 14.09 BBC News reported on 5 January 2004 that the High Court had ordered the Government to reveal how many persons had been in prison for more than a year, awaiting trial. [20aq] The USSD 2004 report had stated: “During the year [2004], the Government submitted to the [High Court] a list that included 16 persons who had been in prison without trial for more than 11 years, 10 [for] over 10 years, 29 more than 9 years, 51 more than 8 years, 111 for more than 7 years, 238 for more than 6 years, 502 more than 5 years, 917 more than 4 years, 1,592 more than 3 years and 3,673 more than 2 years.” On 3 August 2004, a High Court panel ordered the Government to free on bail over 7,400 detainees who had been in prison, awaiting trial, for more than 360 days. [2d] (section 1d) According to the USSD 2005 report, those prisoners had not been released by the end of 2005. [2f] (section 1d)

### BAIL

- 14.10 The USSD 2006 report confirmed that there was, in 2006, a functioning bail system in the regular courts; under certain security and crime law, a non-bailable period of detention existed. [2a] (section 1d)

See Paragraph 4.24: [Right to bail curbed](#)

### ‘SAFE CUSTODY’

- 14.11 The UNDP report of 2002 noted: “Women and girls who are victims of, or witnesses to, violent offences are imprisoned in many cases on the grounds that they will be in ‘safe custody’ for their own protection. However, orders to

place women in 'safe custody' are issued by magistrates solely exercising their judicial discretion, and do not have a basis in law. ...Thus, the practice of placing women and girls in 'safe custody', against their will, is illegal, having no basis in any law, including the provisions of the Code of Criminal Procedure of 1898". [8b] (p25) The US State Department noted that, by 2007, "persons in safe custody were no longer housed in prisons. Courts sent most of them to shelter homes. In a few cases they were sent to the prison as a transit for short periods." [2a] (section 5)

See also Section 25: [Women: Domestic violence](#)

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## 15. PRISON CONDITIONS

15.01 According to the USSD 2007 report:

“Despite the fact that the government took several major steps to improve prison conditions, such as cracking down on corruption and improving morale of prison employees, the prison system remained abysmal due to overcrowding and the lack of proper sanitation. Local human rights observers considered the poor prison conditions to be a contributing factor to custodial deaths ... According to Odhikar, 87 persons died in prison and 67 died while in the custody of police and other security forces [during 2007] ... Of the 87 persons who died in prison, 77 died of natural causes; four died of unnatural causes; and six died of unknown or unspecified causes.” [2a] (section 1c)

15.02 The USSD 2007 report continued: “The government undertook reforms aimed at improving the situation. The inspector general of prisons took several steps to improve the prison system, including updating the jail code, reducing corruption and drug trafficking in prisons, limiting the use of full shackles on prisoners for reasons other than discipline, improving the quality of food service, creating more prisoner vocational training opportunities and literacy classes, and improving morale of prison staff.” [2a] (section 1c)

15.02 The *Daily Star* reported on 26 July 2008 that the prison population stood at 87,011 in July 2008, while the country’s 67 prisons had a nominal capacity of only 27,451. The total prison population had been 85,941 in May 2007 and 68,278 in January 2007; prison capacity, however, had increased by under 200 since January 2007. In Dhaka Central Jail, which was accommodating around 9,000 to 10,000 inmates in July 2008 but had a capacity to house only 2,600, prisoners were sleeping in shifts and had to wait in long queues to use the bathrooms and toilets. [38cu] The International Centre for Prison Studies at King’s College, London, has recorded that, as of March 2006, 67.7 per cent of the prison population comprised pre-trial detainees/remand prisoners. [78a]

15.03 The UNDP 2002 report specified that there were, at that time, 80 prisons in the country; however, 16 of these 80 were *thana jails*, otherwise known as “detention houses”, which were not functioning at the time. The Ministry of Home Affairs, through the directorate of prisons, is responsible for their management. Overcrowding had already worsened significantly by 2002, due mainly to the large number of prisoners awaiting trial. Prisoners/detainees were accommodated either in separate cells or in *association wards*, which are dormitories accommodating about 100 to 150 individuals. Under dormitory rules, each prisoner was entitled to 36 sq. ft of floor space; however, overcrowding had reduced the space available per prisoner to 15 sq. ft. In certain wards prisoners had to sleep in shifts owing to lack of space. Ordinary prisoners received 2,800 to 3,000 calories of food per day, considered satisfactory by the Institute of Public Health Nutrition; so-called “classified prisoners” received more. However, prisoners were often required to eat their meals sitting on the ground under the open sky, in all weathers. The striped, coarse uniform worn by ordinary prisoners was considered demoralising. Bedding, consisting only of two blankets, was inadequate, degrading and detrimental to physical and mental health. Prison authorities still followed statutes framed by the British colonial authorities in the nineteenth century, the main objective of which was the confinement and safe custody of prisoners

through suppressive and punitive measures. There was an absence of programmes for the reform and rehabilitation of offenders and vocational training programmes did not cater for all classes of prisoners. The recruitment and training procedures of prison officers was inadequate to facilitate the reform of prisoners. The number of medical doctors was disproportionate to the size of the prison population, and women prisoners were attended to by male doctors. There were no paid nurses in prison hospitals; literate convicts worked as hospital attendants, without training. There were no trained social welfare officers or psychologists. Handcuffs and fetters were used as punishment for breaches of prison rules. **[8b] (p79-89)**

- 15.04 In 2007, the government opened a new prison for women in Gazipur. (USSD 2007) **[2a] (section 1c)** On 3 October 2006, Parliament had passed a law allowing release on parole of women prisoners in certain categories and their eventual freedom from imprisonment on fulfilment of certain conditions. (USSD 2006) **[2I] (section 5)**
- 15.05 It was stated in the USSD 2007 report: "In general the government did not permit prison visits by independent human rights monitors, including the International Committee of the Red Cross. Government-appointed committees of prominent private citizens in each prison locality monitored prisons monthly but did not release their findings. District judges occasionally visited prisons, but rarely disclosed their findings." **[2a] (section 1c)**

## 16. DEATH PENALTY

- 16.01 The Amnesty International (AI) Annual Report of 2008 noted that Bangladesh retains the death penalty. According to this report, at least 90 men and three women were sentenced to death in 2007; at least six executions were actually carried out. [7s] (The six persons executed were the leaders of the militant Islamist organisation Jamatul Mujahedin Bangladesh (JMB), who were hanged on 29 March 2007 having been sentenced to death in May 2006 for the murder of two judges). (*Daily Star*, 1 April 2007) [38au]
- 16.02 Hands Off Cain, an Italian NGO which campaigns for an end to the death penalty worldwide, stated as follows in their 2008 report:
- “The number of death sentences passed in Bangladesh increased significantly with the introduction of [Speedy Trial Tribunals established under the Disruption of Law and Order Offences Act of 2002]. According to official sources in the Ministry of Law, Justice and Parliamentary Affairs, the nine Speedy Trial Tribunals of the country dealt with 650 cases between October 2002, when they were set up, up to June 30, 2005. The tribunals passed death sentences on 311 people. On the other hand, Sessions Judges' courts of the country sentenced 123 people with death punishment from 2001 until June 30, 2005. A total of 221 people were sentenced to death by different courts of the country until 2001 since independence. On the other hand, 80 people were given death sentence in 2002, 162 in 2003, 112 in 2004 and 80 in 2005 (up to June 30), the sources said... The Ministry of Law, Justice and Parliamentary Affairs, on June 30, 2005, said there were 655 prisoners condemned to death in prisons scattered across the country. The government had only 53 cells for condemned prisoners with each cell originally made to accommodate only one convict. Bangladesh resumed executions in 2001, after a de facto three-year suspension. Two men were hanged between February and March and another in November. One execution was recorded in 2002 and two people were put to death in 2003. At least 13 people were sent to gallows in 2004 and at least five in 2005; four people were executed in 2006 an[d] six in 2007. On December 18, 2007 Bangladesh voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.” [73a]
- 16.03 Bangladesh applies the death penalty for such crimes as murder, sedition and drug-trafficking. In March 1998 the Bangladesh Cabinet approved the death penalty for crimes against women and children, including trafficking and rape. Skyjacking and sabotage became capital offences in 1997. (Hands Off Cain) [73a] In 2002 the death penalty was introduced for acid attacks. (State party report to CEDAW, dated 3 January 2003.) [47a] (p20) In March 2008 the Caretaker Government approved an anti-terrorism ordinance containing a provision for the death sentence as the maximum penalty for those convicted of terrorism. (Hands Off Caine) [73a]
- 16.04 Amnesty International noted in a statement of 28 September 2006 “Prisoners sentenced to death in Bangladesh have an automatic appeal hearing before the High Court. They can also lodge additional appeals with the High Court. They can then appeal to the Supreme Court, and after that they have the

right to appeal to the President for mercy. Executions are carried out after all these appeals have been exhausted.” [7p]

- 16.05 Odhikar commented in their report, The State of Human Rights in Bangladesh 2006: “Granting of a death sentence is always a risk in Bangladesh where, due to lack of proper evidence, corruption within the police, bribery, the reluctance of doctors to issue proper medical certificates and weakness within the criminal justice system sometimes work towards implicating the wrong person. Such an incident took place in 2006...” [46c]

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## 17. POLITICAL AFFILIATION

- 17.01 The Human Rights Watch ‘World Report 2006’ had noted “Tensions between the two main political parties, the Bangladesh National Party (BNP) and the Awami League (AL), had continued, with frequent clashes between [their supporters], as well as with police.” [10b] Freedom House, in their 2007 report ‘Freedom in the World’, stated “In recent years, political violence during demonstrations and general strikes has killed hundreds of people in major cities and injured thousands, and police often use excessive force against opposition protesters. Party leaders are also targeted; in September 2006, five AL leaders were beaten severely during street protests and sustained serious injuries. Local nongovernmental organizations (NGOs) reported that more than 300 people were killed and almost 9,000 were injured in politically motivated violence in 2005. Student wings of political parties continue to be embroiled in violent campus conflicts.” [65b]
- 17.02 Violence involving members of student political organisations has occurred frequently in Bangladesh. This has not been co-ordinated on a nationwide basis, but has typically involved small groups of students/youths in a specific university or college or area who are vying for control of ‘local turf’. In most instances over the past few years, clashes have been between activists of the Awami League-affiliated student organisation ‘Bangladesh Chhatra League (BCL)’ on the one side, and the BNP’s ‘Jatiyabadi Chhatra Dal (JCD)’ and/or Jamaat-e-Islami’s ‘Islami Chhatra Shibir’ (ICS) on the opposing side. However, this is not always the case. For example, whereas the BNP and the Jamaat-e-Islami parties are both members of the coalition government which came into power in October 2001, it was reported that at least 50 persons were injured during a clash between armed cadres of the Chhatra Shibir (Jamaat) and Chhatra Dal (BNP) at the Rajshahi University campus on 13 January 2004. On 9 December 2003, a Chhatra Shibir (Jamaat) member was killed and seven others injured in a gunfight with members of Chhatra Dal (BNP) at Moulvibazar Government College. (SATP, October 2006) [59d] The Economist Intelligence Unit had observed in a report of May 1998 “The ‘capturing’ of halls (dormitories) on university campuses – effective control by a student organisation affiliated to a major political party – has a long history...” [40g]

## FREEDOM OF POLITICAL EXPRESSION

See also Section 18: [Freedom of Speech and the Media](#) and Section 6: [Political System](#)

- 17.03 The USSD 2007 report stated “Individuals were not able to criticize the government publicly without fear of reprisal. The [Emergency Power rules of 2007] EPR suspended indoor and outdoor political gatherings...” [2a] (section 2a) The USSD 2006 report recorded that the 2001 parliamentary elections were supervised by a non-party caretaker government and were deemed to be free and fair by international and domestic observers, though they took place in a climate of sporadic violence. [21] (section 3)

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## FREEDOM OF ASSOCIATION AND ASSEMBLY

17.04 As noted in the USSD 2007 report:

“The [Emergency Power Rules] restricted freedom of assembly, freedom of association, and prohibited indoor and outdoor political activities. In September [2007] the government eased bans on indoor political gatherings in Dhaka but limited the number of people who could attend and required parties to seek permission from the home ministry to hold meetings ... The government implemented the ban unevenly. For example, in April and May [2007] Ferdous Ahmed Quareshi publicly had meetings in support of a new progovernment party, the Progressive Democratic Party (PDP). Despite considerable press coverage of these events and media editorials questioning their legality under the state of emergency, the government did nothing to stop them. After the easing of the ban on indoor politics, police prevented the pro-Khaleda Zia (and antigovernment) faction of the BNP from reopening the BNP’s main Dhaka office. The government permitted other parties, including the AL, to open offices in the capital.” [2a] (section 2b)

The USSD 2007 report added “The law provides for the right of every citizen to form associations, subject to ‘reasonable restrictions’ in the interest of morality or public order, and the government generally respected this right. Individuals were free to join private groups.” [2a] (section 2b)

17.05 According to a Freedom House report published in September 2007:

“Permits for public protests are not legally required, but freedom of assembly is limited in practice. According to a recent report by Amnesty International, opposition supporters were often subjected to police brutality during protest meetings in 2006. Opposition rallies were also attacked by members of the ruling BNP and its coalition partners, who injured a large number of AL supporters in both 2005 and 2006. In addition, the police used excessive force in dealing with spontaneous protests, including those arising from a 2006 electricity crisis. Amnesty International reported that in April 2006 at least a dozen people protesting the shortages in the northern town of Kansat were killed when police opened fire on them. The government has not brought anyone responsible for these killings to justice.” [65c] (Civil Liberties)

17.06 Amnesty International reported attacks on Awami League gatherings by BNP supporters on 15 August 2005. [7o] In 2006 there were frequent clashes between police and opposition supporters. The Awami League-led opposition alliance organised numerous ‘agitation programmes’ in protest against the government, including ‘sieges’ of government and BNP offices and transportation blockades of cities; it enforced work stoppages (*hartals*) on several occasions. During these protests police and demonstrators often clashed, resulting in deaths and injuries. (USSD 2006) [2a] (section 2b)

17.07 According to the Human Rights Watch World Report 2008, covering events in 2007: “Security forces use mass arrests as a means to suppress demonstrations. Curfew was imposed after protests erupted in August [2007] when a squabble between soldiers and Dhaka university students spread into demonstrations against the emergency restrictions and de facto army rule.” [10i]

## OPPOSITION GROUPS AND POLITICAL ACTIVISTS

### Politically-motivated detentions

- 17.07 The USSD 2007 report recorded, “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.” [2a] (section 1e)
- 17.08 The same report commented:
- “By year's end [2007] 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.” [2a] (section 1d)
- 17.09 The USSD report for 2003 had noted that “In March 2002, Home Minister Altaf Hossain Chowdhury said the Government had released 11,706 persons in politically motivated cases since the BNP came to power in 2001. In April 2002, the PSA Repeal Law came into effect and gave the Government authority to determine which cases filed under the SPA law would be withdrawn and which ones would be pursued.” [2b] (section 1e)

See also Section 14: [Arrest and Detention – Legal Rights](#)

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## 18. FREEDOM OF SPEECH AND THE MEDIA

18.01 The USSD 2007 report stated:

“The constitution provides for freedom of speech and press; however, the government used the EPR [Emergency Power Rules] to curtail these rights. Individuals were not able to criticize the government publicly without fear of reprisal. The EPR...allowed the government to take legal action against critical editors and journalists, and allowed authorities to compel the broadcast or publication of stories supporting the government ... Newspapers that were critical of the government, particularly of the military, came under strong pressure throughout the year [2007].“ [2a] (section 2a)

18.02 Odhikar, a Dhaka-based human rights NGO, commented in their report ‘Human Rights Concerns 2007’, published in January 2008:

“The military-backed government has tightened restrictions on news and journalists’ freedom to work and report, often creating a climate of fear – constantly walking the tightrope between professional reporting and facing the wrath of the authorities ... Self-censorship in all forms of media is rife due to intimidation from state agencies ... The print and electronic media in Bangladesh has been under significant pressure from the State to refrain from reporting news or comments critical of the Government. Journalists report being regularly ‘reminded’, usually by telephone calls, that if they publish news critical of the Government they may face negative consequences. During the nationwide curfew in August [2007] journalists were assaulted, beaten-up and injured by the security forces. Additionally, the Government declared that it had the power to ban or attach conditions on broadcasting so-called ‘provocative news’, documentaries, talk-shows and discussions critical of the government under powers given to it by Article 5 of the Emergency Powers Rules 2007 ... The Government should recognize that, even if it publicly condemns physical assaults on journalists by its law enforcement agencies, by attempting to censor the media, individual members of the law enforcement agencies will be encouraged to breach journalists’ rights ... Threats of legal action against media organizations, who accurately report news, whether supportive or critical of government actions, contravene the Government’s obligations to ensure the free flow of information ... Editors have been subjected to visits from officers from the intelligence agencies at their offices and have been summoned to meetings with political and military officials where they have been “reminded” of what the government views as the media’s ‘responsibilities’.” [46I] (p13-14)

18.03 The BBC News ‘Country Profile: Bangladesh’ (updated 5 February 2008) noted that “The main broadcasters - Radio Bangladesh and Bangladesh Television (BTV) - are state-owned and favourable to the government. Little coverage is given to the political opposition, except in the run-up to general elections when a caretaker government takes control. TV dominates media usage, especially in the cities. BTV is the sole terrestrial TV channel. Popular satellite and cable channels include ATN, Channel i, NTV, RTV, Channel One, BanglaVision and Boishakhi. The advent of these private broadcasters has had little impact in rural areas. Foreign, especially Indian, TV stations have gained large audiences in Dhaka and other cities. State-run radio covers

almost the entire country.” [20am] According to the Encyclopedia of the Nations (accessed September 2008), in 2000 there were 49 radios and 7 television sets for every 1000 people in Bangladesh. [49] The National Media Survey for 2005 (as quoted by Global Information Society Watch) found that 22.5 per cent of Bangladeshis regularly listened to radio. [48]

18.04 The USSD 2007 report noted:

“There were hundreds of daily and weekly independent publications. Newspapers that were critical of the government, particularly of the military, came under strong pressure throughout the year ... Newspaper ownership and content were often subject to direct restriction by the military's Inter-Service Public Relations office and DGFI [Directorate General of Forces Intelligence]. Journalists reported being cautioned frequently by DGFI against criticizing the government or the military.”

“...After banning radio and television talk shows in August [2007], the government rescinded the ban after developing strict rules to govern the format.

“The government owned one radio and one television station and significantly influenced the privately owned stations.

“There were eight private satellite television stations and three private radio stations in operation. There were two foreign-based and licensed satellite television stations that maintained domestic news operations. Cable operators generally functioned without government interference; however, cable operators were forced to drop several international channels, allegedly for nonpayment of taxes ... In September authorities closed one new 24-hour all-news television station, CSB, when the Bangladesh Telecom Regulatory Commission, which allocates licenses, accused the station of having forged licensing documents. Station officials admitted that one of its licensing documents had been falsified....

“Foreign publications and films were subject to review and censorship ... For example, authorities temporarily embargoed distribution of the January 18 [2007] edition of *The Economist* because of an article about the country's state of emergency. Officials removed pages with articles on the country from the August 23 and September 6 editions of *The Economist* and the September 29 edition of *Time* magazine before releasing the copies to distributors. The government ceased the practice in October [2007] in response to official complaints.” [2a] (section 2a)

“A government-run film censor board reviewed local and foreign films and had the authority to censor or ban films on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism. Video rental libraries and DVD shops stocked a wide variety of films, and government efforts to enforce censorship on rentals were sporadic and ineffective. The government exercised censorship often in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, or objectionable comments regarding national leaders.

“Although individuals and groups could generally engage in the peaceful expression of views via the Internet, local human rights organizations reported continued government monitoring of Internet communications.

“The government did not limit academic freedom or cultural events; however, authorities discouraged research on sensitive religious and political topics.”  
[2a] (section 2a)

- 18.05 Regarding the temporary banning of television and radio talk shows and political programmes after the student demonstrations of August 2007, the Committee to Protect Journalists (CPJ) has recorded that the Government allowed the broadcast media to resume talk shows in mid-September 2007 only after issuing ‘informal guidelines’ specifying, amongst other things, that the shows must be edited and could not be aired live, that phone-ins and interactive discussions were banned and that statements which could ‘create resentment’ towards the government should be avoided. [51b]

See also Section 4: [State of Emergency proclaimed](#)

### TREATMENT OF JOURNALISTS

- 18.06 Odhikar’s report ‘Human Rights Concerns 2007’ stated that during 2007, at least 35 journalists were reportedly injured, 13 journalists were arrested, 35 were assaulted and 83 were threatened; 13 legal cases were filed against journalists. [46l] (p14)

- 18.07 According to the Reporters Without Borders (Reporters Sans Frontières – RSF) Annual Report, published on 8 February 2008:

“A drop in the number of physical assaults and death threats was eclipsed by dozens of cases of arrests, maltreatment and censorship committed by the army against independent journalists ... There was a sharp decrease in the number of journalists physically attacked or receiving death threats from political militants and criminals. On the other hand, arrests increased markedly, with almost 40 cases in 2007. And the army, the real power in the country, committed serious press freedom violations aimed at silencing independent journalists ... Several journalists were tortured for investigating the security forces ... No fewer than 15 journalists were arrested on the same evening when a curfew was imposed in August [2007] and around 30 others were beaten by police and soldiers deployed in the capital ... Although weakened, Jihadist groups continued to threaten journalists. An Islamist group threatened an attack on the Jatiya press club in May and in April [2007] extremists sent a letter containing death threats to a journalist on the daily *Bhorer Kagoj*, in Chittagong. [9k]

- 18.08 As detailed in Section 4, journalist and human rights activist Tanseem Khalil was arrested early on 11 May 2007. In a report published by Human Rights Watch in February 2008, Khalil stated that he had been detained and interrogated by officers of the Directorate General of Forces Intelligence (DGFI), who accused him of “anti-state” activity. He said he was severely beaten while blindfolded, was threatened and was forced to write a false confession. Khalil was released on the night of 11 May. [10f] Another journalist, Jahangir Alam Akash of the television news channel CSB and General Secretary of the Rajshahi Union of Journalists, was reportedly arrested in

October 2007 by members of the Rapid Action Battalion on charges alleging extortion. (Odhikar) [46l] (p14) (Committee to Protect Journalists, February 2008) [51b] Reporters Without Borders related that Akash had been taken to an army camp and tortured, before being released on bail on 19 November 2007. [9k] According to Odhikar's Human Rights report for 2007, however: "Cases of assault and arrest of journalists are rare compared to other forms of intimidation by the agents of the intelligence agencies. Journalists report receiving regular telephone calls from people claiming to represent DGFI telling them that if they report on a certain storey, or publish a particular photograph, they will face 'untoward consequences'." [46l] (p14)

- 18.09 The Committee to Protect Journalists, in their report 'Attacks on the Press in 2007' [CPJ 2007], stated:

"The anticorruption drive did provide the pretext for targeting some influential journalists, most notably in the case of Atiqullah Khan Masud, editor and publisher of the popular Bengali-language daily *Janakantha*. In a striking show of force, on March 7, more than 200 army and police personnel raided the newspaper's offices to arrest Khan Masud. Police accused him of corruption, criminal activities, and 'tarnishing the country's image abroad' through his paper's reporting, according to local news reports. *Janakantha* was one of the few newspapers to openly question the military's involvement in the caretaker government." [51b]

- 18.10 The USSD 2007 report noted: "Overt attacks on journalists continued to be a problem, although they were less frequent than during the previous year and, unlike in 2006, none were killed... In August [2007] security forces assaulted and injured several journalists [who were covering student demonstrations] at Dhaka University." USSD 2007 stated that 26 of the journalists at the University were temporarily taken into custody. [2a] (section 2a)

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## 19. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

19.01 The United Nations Common Country Assessment for 2004 had observed:

“The growth of civil society and in particular nongovernmental organizations (NGOs) has been one of the great success stories in Bangladesh. Though the country has a long tradition of social activism throughout its history – the language movement being one example – the emergence of the NGO sector has been a relatively new phenomenon that began in the late 1970s. Today, NGOs are a significant provider of social services, in particular health and education, to the rural poor. Specialized microfinance institutions (MFIs) such as the Grameen Bank, pioneered the micro-credit model that has been replicated all around the world and MFIs have had considerable success in helping to provide alternative income-generating opportunities for poor women in Bangladesh. The emergence of NGOs has also played a significant role in the improvement of human development indicators and compensated, in part, for weak market and state institutions. Within the context of a rights-based approach, it should be noted that local NGOs have also played a significant role in terms of helping poor and marginalized groups to make claims for the fulfilment of their rights to education and health and secure and sustainable livelihoods. Today there are well over a thousand NGOs registered with the Government. From village cooperatives and women’s groups on the one hand to large internationally recognized institutions with staff running into the thousands, civil society in Bangladesh has thrived since the restoration of democracy.” [8d] (p69)

19.02 The report added:

“Legitimate questions have been raised on the accountability and representation of (foreign funded) NGOs and there have been several attempts to limit the work of NGOs to basic service provision. In a couple of notable cases, prominent NGOs have come under fire from within and outside the sector for allegedly crossing the line into direct partisan activities. Legislation is under consideration for tightening the regulatory environment for NGOs including issues relating to registration and taxation.” [8d] (p70)

19.03 The 2007 Human Rights Annual Report of the UK Foreign Office noted “Human rights defenders in Bangladesh typically suffer from low capacity and inadequate methodology.” The report stated that the British High Commission in Dhaka has conducted a series of workshops with ten influential local NGOs to raise the standard of their reporting of human rights issues. [11e] (p111)

### TREATMENT OF HUMAN RIGHTS NGOS

19.04 The USSD 2007 report stated:

“A wide variety of domestic and international human rights groups generally operated independently and without government restriction, investigating and publishing their findings on human rights cases. While human rights groups were often sharply critical of the government, they also practiced self-censorship. After the government declared the state of emergency, NGOs

came under heightened scrutiny by the caretaker government and the military. The Law Adviser and an Election Commissioner publicly accused NGOs of corruption. In October [2007] the Law Advisor attributed some of the corruption in the country to foreign aid channeled through NGOs. Transparency International Bangladesh also alleged that some local NGOs were guilty of corruption. [2a] (section4)

- 19.05 The USSD 2007 report noted instances in which the government and security forces targeted some human rights activists for persecution. For example, Naval intelligence officers summoned the acting director of Odhikar to their headquarters and threatened him, following Odhikar's investigation into allegations that navy personnel had killed a man in Bhola. Authorities charged the head of Uttaran, another human rights NGO, with murder. Police later dropped the charges due to lack of evidence. The government also reportedly harassed groups advocating the rights of indigenous people. The Forestry Department, for example, continued to file hundreds of cases against these groups in the Madhupur and Srimongal areas. [2a] (section 4)
- 19.06 As detailed in Section 4, Tasneem Khalil – a journalist and human rights activist – was arrested on 11 May 2007. Khalil had reported on human rights abuses committed by the security forces, including the RAB. (BBC News) [20cu] [10f] In a report published by HRW in February 2008, Khalil stated that he had been detained and interrogated on 11 May 2007 by officers of the Directorate General of Forces Intelligence (DGFI), who accused him of “anti-state” activity in reporting on human rights violations by the security forces, as well as sedition and smuggling sensitive national security information to a foreign state. He was severely beaten while blindfolded, threatened and forced to write a false confession. Khalil was released on the night of 11 May and subsequently made his way to Sweden, where he was granted asylum. [10f]
- 19.07 The Amnesty International (AI) Annual Report 2008 (covering 2007) stated: “As in previous years, human rights defenders were subjected to arbitrary detention and torture.” AI cited the case of Tasneem Khalil (above) and of Jahangir Alam Akash, a journalist and head of two human rights organisations who was arrested on 24 October 2007 and reportedly tortured, suffering multiple injuries. His detention followed his television news report about a shooting of an unarmed man by the RAB. Akash was also charged with extortion, a charge widely believed to be unfounded. [7s]
- 19.08 Freedom House, in their ‘Countries at the Crossroads 2007’ report, noted: “While most NGOs are able to implement their programs without any serious political interference, the relationship between the state and a few groups, including the development NGO Proshika and Transparency International Bangladesh (TIB), remains very tense. The BNP government maintained that Proshika is a partisan, antigovernment group, and the caretaker regime of Fakhruddin Ahmed has not altered that stance. In early February 2007, the NGO Affairs Bureau refused to release 1.98 billion taka (\$29 million) in foreign grants to Proshika on the grounds that it was engaged in antigovernment activities.” [65c]

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## 20. CORRUPTION

- 20.01 The NGO Transparency International (TI) ranked Bangladesh as the 19th most 'corrupt' country among 180 surveyed countries in its 2007 Corruption Perceptions Index. [42b] Prior to 2006 Bangladesh had, for five consecutive years, been ranked in the TI Index as the most corrupt country in the world. The TI Index relates to perceptions of the degree of corruption in different countries, as seen by business people, academics and risk analysts. (BBC News, 18 October 2005) [20b]
- 20.02 Dr Gareth Price of Chatham House observed in an article of January 2007: "As governments alternate, projects introduced by the previous administration are assumed to have stemmed from corrupt deals. Consequently, they are stopped. Corruption, and accusations thereof, are now beginning to directly affect the country's infrastructure." [88a]
- 20.03 The Government formally constituted an Anti-Corruption Commission (ACC) on 21 November 2004. The ACC absorbed most of the 950 staff of the dissolved Bureau of Anti-Corruption and was headed by a retired High Court judge. (EIU, January 2005) [40b] (p15) The USSD 2006 report had commented: "The three-member anticorruption commission, established in 2004, had little effect on combating corruption and have focused in the past two years largely on organizational challenges." [21] (section 3) On 7 February 2007 the Chairman and two commissioners of the Anti-Corruption Commission (ACC) resigned. (*Daily Star*, 7 February 2007) [38bd] The Caretaker Government, on 22 February 2007, appointed former army chief Lieutenant-General Hasan Mashud Chowdhury as the new Chairman of the Anti-Corruption Commission, with a former customs commissioner and a High Court justice as his deputies. (Al Jazeera, 22 February 2007) [91a] In March 2007 the ACC sought a number of additional facilities from the Government, such as for its staff to be increased to about 1,200, a panel of high-profile lawyers to handle cases in trial courts and the legal power to attach the properties of graft suspects. (*Daily Star*, 22 March 2007) [38bh] The ACC was, by then, being assisted in its investigations by the National Co-ordination Committee on Combating Corruption and Crime. (*Daily Star*, 19 April 2007) [38bi]
- 20.04 By March 2007 the Government had formed eight central and 64 district-based task forces, under the National Co-ordination Committee, to probe allegations of corruption. The task forces comprised members of the army, the Rapid Action Battalion and the intelligence agencies. (BBC News, 12 March 2007) [20cr] On 22 March 2007 the Government promulgated an amendment to the rules under the Emergency Powers Ordinance 2007, giving sweeping powers to the Anti-Corruption Commission to investigate, arrest and seize property without the permission of the Government. The amendment was given retrospective effect from 13 February 2007. (*Daily Star*, 22 March 2007) [38cd]
- 20.05 On 5 February 2007 the Caretaker Government announced that Bangladesh would accede to the United Nations Convention against Corruption (UNCAC). (Financial Times Information) [21h] Transparency International, in a press release of 15 February 2007, welcomed this decision. [42f]
- 20.06 The NGO Transparency International (TI) noted in their 'National Household Survey 2007 on Corruption in Bangladesh', published June 2008:

[During 2007] the government spearheaded an unprecedented campaign against corruption. To prevent serious crimes and offences, the government formed a taskforce involving different law enforcing agencies to investigate and prosecute the offenders. As part of this massive campaign, more than one hundred high profile politicians, bureaucrats and business people were arrested on charges of corruption and legal process was brought against them. The taskforce also started investigations in different institutions like Chittagong Port, Rajdhani Unnayan Kortipakha (RAJUK), Titas Gas and Transmission Company, Dhaka City Corporation (DCC), Roads and Highways Department (RHD), Public Works Department (PWD) etc. to identify corrupt elements and prosecute them. These are milestone measures taken by the government to fight against corruption and improve the governance mechanism in Bangladesh. [42g] (p3)

See Section 4: Recent Developments: 'Anti-Corruption Commission (ACC) strengthened' and 'High profile arrests on corruption and other charges'

### Corruption in the lower Judiciary

- 20.07 As detailed in Section 13 of this report, Transparency International, in their National Household Survey 2007, found that 41.7 per cent of households who had interacted with the Judiciary during the reference year claimed to have paid a bribe. In about 95 per cent of cases, their dealings had been with the lower Judiciary. Asked whom the bribe was actually paid to, 36.9 of respondents said it was to court officials, followed by middlemen (31.1 per cent), own lawyers (10.7 per cent), public prosecutors (10.7 per cent), opposition lawyers (2.1 per cent) and judges/magistrates (1.2 per cent). [42g](p37-39)
- 20.08 Of all household respondents in the 'Base Line' survey conducted for Transparency International in 2005 and published in 2006, 9.6 per cent had been involved in court cases. The majority of these cases were land or property-related. Asked if they had to pay a bribe to court officials, 63 per cent said 'yes'. A majority felt that their pending cases were being deliberately delayed. Almost 9 out of 10 respondents had a low opinion of the integrity of the courts, answering affirmatively to the question "It is impossible to get quick and just settlement without money or influence." [42e] (p47-50)
- 20.09 As noted in Section 13, the Code of Criminal Procedure (Amendment) Ordinance came into effect on 1 November 2007, separating the lower Judiciary from Executive control and placing it under the jurisdiction of the Supreme Court. The Ordinance provides that magistrates and lower court judges would, in future, be appointed by the Supreme Court and not by government officials, as had previously been the case. [11i] [20dn] [38cv]

See Section 13: Corruption in the Judiciary

### Corruption in the law enforcement agencies

- 20.10 As detailed in Section 10, a study carried out by Transparency International (TI) in 2006-2007 found that 64.5 per cent of those respondents who had dealings with the law enforcement agencies claimed to have used bribery. [42g] (pp34-36) In the 'Base Line' survey published in 2006 on behalf of TI, over

90 per cent of all respondents expressed agreement with the statement “It is impossible to get any help from the police without money or influence.” [42e] (p58)

See Section 10: [Police and Auxiliary Paramilitary Forces: Accountability](#)

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## 21. FREEDOM OF RELIGION

### INTRODUCTION

- 21.01 The US State Department's International Religious Freedom Report published in September 2007 (2007 Religious Freedom Report) recorded:

"Sunni Muslims constitute 88 percent of the population. Approximately 10 percent of the population is Hindu. The remainder is mainly Christian (mostly Roman Catholic) and Theravada-Hinayana Buddhist. Ethnic and religious minority communities often overlap and are concentrated in the Chittagong Hill Tracts and northern regions. Buddhists are found predominantly among the indigenous (non-Bengali) populations of the Chittagong Hill Tracts. Bengali and ethnic minority Christians could be found in many communities across the country ... There also are small populations of Shi'a Muslims, Sikhs, Baha'is, Animists, and Ahmadis. Estimates of their numbers varied from a few thousand to 100 thousand adherents for each religious group ... Religion is an important part of community identity for citizens, including those who did not participate actively in prayers or services. A national survey in late 2003 confirmed that religion was the first choice by a citizen for self-identification; atheism was extremely rare." [2m] (section 1)

The 2001 Census gives the most accurate recent data on the percentages of the population who claim adherence to each faith: Islam 89.58 per cent, Hindu 9.34, Buddhism 0.62, Christianity 0.31 and Others 0.15 per cent. [43b]

- 21.02 The 2007 Religious Freedom Report stated, "The Constitution establishes Islam as the state religion but provides for the right to profess, practice, or propagate, subject to law, public order, and morality, the religion of one's choice. It also stated that every religious community or denomination has the right to establish, maintain, and manage its religious institutions." [2m] (introduction) The report noted also:

"While the Government publicly supported freedom of religion, attacks on religious and ethnic minorities continued to be a problem. Protests demanding that Ahmadis be declared non-Muslims and instances of harassment continued sporadically, but the Government generally acted in an effective manner to protect Ahmadis and their property ... Citizens were generally free to practice the religion of their choice; however, government officials, including the police, were often ineffective in upholding law and order and were sometimes slow to assist religious minority victims of harassment and violence. The Government and many civil society leaders stated that violence against religious minorities normally had political or economic motivations and could not be attributed only to religion ... There were reports of societal abuses and discrimination based on religious belief or practice during the period covered by this report. Hindu, Christian, and Buddhist minorities experienced discrimination and sometimes violence by the Muslim majority. Harassment of Ahmadis continued along with protests demanding that Ahmadis be declared non-Muslims." [2m] (introduction)

- 21.03 The USSD 2007 report noted "The government allowed various religions to establish places of worship, train clergy, travel for religious purposes, and maintain links with co-religionists abroad." The government allows foreign

missionaries to work in the country and the law permits citizens to proselytise. [2a] (section 2c) The 2007 Religious Freedom Report stated “Shari’a (Islamic law) was not implemented formally and was not imposed on non-Muslims, but played an influential role in civil matters pertaining to the Muslim community ... Family laws concerning marriage, divorce, and adoption differed slightly depending on the religion of the persons involved. Each religion had its own set of family laws ... There were no legal restrictions on marriage between members of different faiths.” The report further noted that “Religion was taught in government schools, and parents had the right to have their children taught in their own religion; however, some claimed that many government-employed religious teachers of minority religious groups were neither members of the religion they taught nor qualified to teach it.” [2m] (section II) A BBC News article of 25 February 2005 noted that thousands of *madrassas* – or Islamic schools – had opened across the country. “In 1970 there were 1,500 madrassas registered with the government. Today there are nearly 8,000. Tens of thousands more have been set up unofficially and are outside official control.” Critics of madrassas claim that some could be exploiting the zeal of students to recruit them to extremist groups. [20aw] The 2007 Religious Freedom Report quoted a “recent” US Government study as stating that there are “at least 25,000” madrassas in Bangladesh, some government funded and some privately funded and run. The report added: “There were no known government-run Hindu, Buddhist or Christian schools.” [2m] (section II) An Asian Centre for Human Rights (ACHR) report of November 2005 carried an estimate that there were 64,000 madrassas in Bangladesh. [53c] (p8) (See Section 26 on [Children: Education](#))

- 21.04 As recorded in the 2007 Religious Freedom Report, “The Government took steps to promote interfaith understanding. For example, government leaders issued statements on the eve of religious holidays calling for peace and warned that action would be taken against those attempting to disrupt the celebrations. Through additional security deployments and public statements, the Government promoted the peaceful celebration of Christian and Hindu festivals, including Durga Puja, Christmas, and Easter.” [2c] (section II)
- 21.05 A *Time Magazine* (Asia edition) article published on 12 April 2004, describing the degree of corruption and criminal violence in the country at that time, commented: “Making the violence more toxic is the spread of a brand of intolerant Islamic fundamentalism in a country with a history of religious tolerance. Bangladesh’s Hindus, who constitute about 10 per cent of the population of the predominantly Muslim nation, say they are increasingly being intimidated by gangs of Islamic fundamentalists, who attack them in their homes, warn them to pack up and leave for India and, for good measure, extort ransom from them.” [54a]
- 21.06 The 2007 Religious Freedom Report commented:
- “Since 2001, it has been routine government practice to post law enforcement personnel at religious festivals and events, since religious gatherings are usually large and make easy and more attractive targets. Reported incidents included killings, rape, torture, attacks on places of worship, destruction of homes, forced evictions, and desecration of items of worship. These claims continued during the period covered by this report; however, many such reports could not be verified independently, and there were incidents of members of the Muslim community attacking each other on holidays as well,

due to a perception that some events were un-Islamic. The Government sometimes failed to investigate the crimes and prosecute the perpetrators, who were often local gang leaders.” [2m] (section III)

- 21.07 The UK Bangladesh Hindu Boudha Christian Unity Council (BHBCUC), an independent human rights organisation, has provided a series of reports listing a total of 310 incidents of violent and other crime or acts of intimidation which occurred in Bangladesh during the six-month period from October 2006 to March 2007 – in which the victims were members of minority religious communities, or in which sacred images or property belonging to religious minorities was destroyed or damaged. It is not clear from the reports how many of these criminal incidents were religiously motivated. In most cases the perpetrators were said to be either “fundamentalists” or “miscreants”. Most of these incidents had been reported in the press in Bangladesh. [57a] (These data were supplied to the UK BHBCUC by the Bangladesh Hindu Bouddha Christian Oikya Parishad (BHBCOP) in Dhaka. Copies of monthly reports, which detail each specific incident, are enclosed with the source material marked [57a].)
- 21.08 The Bangladesh Hindu Bouddha Christian Oikya Parishad (BHBCOP) has made comparative data available for the six months January to June 2008. During this period, 172 criminal incidents were reported in which the victims were members of minority religious communities, or in which sacred images or property belonging to religious minorities was destroyed or damaged. In the most cases, the perpetrators were said to be “miscreants” or “terrorists”. As above, it is not clear how many of these incidents were religiously motivated. [57b]
- 21.09 The Ministry of Religious Affairs administers three funds for religious and cultural activities: the Islamic Foundation, the Hindu Welfare Trust and the Buddhist Welfare Trust. According to the Government, the Christian community has declined government involvement in its religious affairs. (2007 Religious Freedom Report) [2m] (section II)

### Fatwa

- 21.10 As was stated in the 2007 Religious Freedom Report, “In 2001, the high court ruled all fatwas, legal rulings based on Shari’a, illegal. In deeming all fatwas illegal, the high court intended to end the extrajudicial punishments and restrictions forced on local populations by religious leaders. However, the high court’s prohibition also included pronouncements on purely religious matters such as the dates of festivals or the religious validity of marriage or divorce. Several weeks later, after an appeal was filed by a group of Islamic clerics, the appellate court stayed the high court’s ruling, stating that while the appeal was pending, the ban on fatwas could not be implemented. It was unclear when the appeal was expected to be considered.” [2m] (section ii) According to the Religious Freedom Report, only those *Muftis* (religious scholars) who have expertise in Islamic law can legitimately issue a fatwa. In practice, however, village religious leaders sometimes make rulings in individual cases and call the ruling a fatwa. Sometimes this resulted in extrajudicial punishments, often against women, for their perceived moral transgressions, particularly in rural areas. [2m] (section ii) A BBC News article of 13 February 2001 noted that punishments could vary from public naming and shaming to physical mutilation. [20g] The USSD 2005 report recorded: “Human rights groups and

press reports indicated that vigilantism against women for perceived moral transgressions occurred in rural areas, often under a fatwa...and included punishments such as whipping. A local human rights organization recorded 35 incidents of fatwas calling for physical violence and social ostracization.” [2f] (section 1c) The USSD 2007 report stated that incidents of vigilantism against women, sometimes led by religious leaders (by means of fatwas), had occurred during 2007. [2a] (section 4)

## HINDUS

- 21.11 The Internal Displacement Monitoring Centre (IDMC), in their ‘Profile of the internal displacement: situation’ dated 28 March 2006, quoted various primary sources as follows:

“In the weeks following the 1 October [2001] general elections, Bangladesh witnessed an outburst of systematic attacks on the minority Hindu community across the country, in addition to attacks on activists of the freshly ousted Awami League... By 8 October 2001, at least 30 people had been killed and more than 1,000 others injured. Their houses were torched, ransacked and in many cases seized, women were raped, and temples were desecrated... The Hindu-dominated areas in Barisal, Bhola, Pirojpur, Satkhira, Jessore, Khulna, Kushtia, Jhenidah, Bagerhat, Feni, Tangail, Noakhali, Natore, Bogra, Sirajganj, Munshiganj, Narayanganj, Narsingdi, Brahmanbaria, Gazipur and Chittagong were the worst hit... Many Hindu families reportedly fled their homes and sought refuge in areas considered ‘safe’. The *Bangladesh Observer* reported that at least 10,000 people of the minority community from Barisal district ran away from their homes following attacks by activists of the fundamentalist Jamaat-e-Islami party and took shelter in neighbouring Gopalganj district, the electorate of the former Prime Minister Sheikh Hasina. Many others fled to the Indian State of Tripura and West Bengal. (HRF March 2002)...Post election violence and oppression against minority [sic] has displaced more than 15 thousand minority families in Barishal and Bagerhat districts...Islamic fundamentalists have initiated a rain [sic] of terror forcing minorities to endure living in a nightmare condition in those areas. (HRCBM)” [45c] (p19-20)

The report added:

”Women were particularly targeted – in many cases rape of female family members made it impossible for families to stay in their villages ...By a letter dated 10 December 2002, the Special Rapporteur informed the Government that she had received information that more than 2,000 women in Bangladesh between the ages of 7 and 80 had been raped, gang-raped, beaten and subjected to degrading treatment by fundamentalist groups following the 1 October 2001 elections. Much of the violence allegedly took place in small villages, and the perpetrators in many cases were identified as activists of the ruling Bangladesh Nationalist Party (BNP) or the group Jamaat-e-Islami... (CHR, Report of the Special Rapporteur on violence against women 14 January 2003)” [45c] (p20-21)

- 21.12 As was outlined in the 2003 Religious Freedom Report:

“Inter-communal violence caused many Hindus to emigrate to India between 1947 and 1971 and continued on a smaller scale throughout the 1980s. Since

the 1991 return to democracy, emigration of Hindus has decreased significantly, which generally can be attributed to the significant reduction in the Hindu population over the last 30 years. In recent years, emigration has been primarily motivated by economic and family reasons.” [2g] (p4)

IDMC’s 2006 report entitled ‘Bangladesh: Minorities increasingly at risk of displacement’ noted that the Hindu population comprised approximately 10.5 per cent of the total population of Bangladesh in 1991, compared with about 25 per cent in 1947. It is estimated that 5.3 million Hindus left Bangladesh between 1964 and 1991. [45b] (p21) The 2001 Census specified that Hindus then comprised 9.34 per cent of the population. [43b]

21.13 The 2007 Religious Freedom Report noted:

“Many Hindus have been unable to recover landholdings lost because of discrimination under the now-defunct Vested Property Act. The act was an East Pakistan-era law that allowed the Government to expropriate "enemy" (in practice Hindu) lands. The Government seized approximately 2.5 million acres of land from Hindus, affecting almost all of the 10 million Hindus in the country. In April 2001, parliament passed the Vested Property Return Act, stipulating that land remaining under government control that was seized under the Vested Property Act be returned to its original owners, provided that the original owners or their heirs remained resident citizens. The Government was required to prepare a list of vested property holdings by October 2001, and claims were to have been filed within ninety days of the publication date. In 2002, Parliament passed an amendment to the Vested Property Return Act, which allowed the Government unlimited time to return the vested properties and gave control of the properties, including the right to lease them, to local government employees. By the end of the period covered by this report, the Government had not prepared a list of such properties. According to a study conducted by a Dhaka University professor, nearly 200,000 Hindu families have lost approximately 40,667 acres of land since 2001, despite the annulment of the Vested Property Act in the same year.” [2m] (section II)

21.14 As recorded in the 2007 Religious Freedom Report, attacks against the Hindu community at the hand of societal actors continued [in 2007]. As mentioned in paragraphs 21.07 and 21.08 above, the UK Bangladesh Hindu Baudha Christian Unity Council (BHBCUC) has provided a listing of criminal incidents and acts of intimidation which occurred in Bangladesh during the period 2007 and 2008 – in which the victims were members of the Hindu (or another religious minority) community, or in which Hindu sacred images or property were destroyed or damaged. [57a] [57b] A report from the Immigration and Refugee Board (IRB) of Canada, dated 4 August 2006, quoted various other sources in stating that, in 2005 and 2006, reported incidents in which Hindus were the victims have included rape, “torture” [sic], kidnappings, land grabbing and forced evictions, as well as the destruction of Hindu temples and/or religious icons. Some of these incidents were reportedly carried out by BNP supporters and Islamic “extremists”. [3u]

21.15 United News of Bangladesh (UNB) reported on 15 October 2007 that 6,000 members of the police and Rapid Action Battalion were to be mobilised to provide protection during Durga Puja, the largest Hindu religious festival. There had been reports of possible attempts to damage religious property in Dhaka during the festival. [39ap] On 21 October 2007 President Iajuddin

Ahmed hosted a reception for members of the Hindu community for Durga Puja. [39aq]

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## BUDDHISTS

- 21.16 As stated in a report of the Canadian Immigration and Refugee Board (IRB) dated 16 August 2005, the majority of the Jumma people of the Chittagong Hill Tracts practise Buddhism. [3v] For further information on the treatment of Buddhists, therefore, refer to Section 22: [The Indigenous Jumma Peoples of the Chittagong Hill Tracts](#).
- 21.17 The 1991 Census showed that there were then 623,000 Buddhists in Bangladesh, of whom 575,000 were living in the Division of Chittagong. [43b] According to an estimate quoted by BuddhaNet, the Australian-based website of the Buddha Dharma Education Association, there were about one million Buddhists in Bangladesh by 2004, living mainly in the area of the city of Chittagong, the Chittagong Hill Tracts (CHT), Comilla, Noakhali, Cox's Bazar and in Barisal. The Buddhists of Bangladesh belong to four groups of nations who have been gradually mixed together; the groups are the Austic, the Tibeto-Burman, the Dravilians and the Aryans. According to historians the Tibeto-Burman consists of three tribes – the Pyu, the Kanyan and the Thet (Chakma). The Chakma tribes primarily reside in the Chittagong Hill Tracts. The Kanyan tribe is known as the Rakhine (Arakanese) group who still live in the South-Eastern part of Chittagong district. The plain Buddhists of Bangladesh, known as the Burua-Buddhist, are the ancient peoples of Bangladesh who have lived there for five thousand years, according to Arakanese chronology. [92a]
- 21.18 United News of Bangladesh announced on 29 August 2004 that six persons had been found guilty and sentenced to death for the April 2002 murder of a Buddhist monk, Gyan Jyoti Mohastobir, in Raojan upazila. The murder was attributed to a property dispute. [39d] However, reports obtained from the UK Bangladesh Hindu Baudha Christian Unity Council (BHBCUC) indicate that there have, on occasion, been religiously motivated attacks against the Buddhist community. For example, it was reported on 16 June 2006 that a Buddhist temple (Bihar) in the village of Maischari, in Khakdachari District, had been set on fire by Islamic fundamentalists. [57a] [57b]

## THE AHMADIYYA COMMUNITY (ALTERNATIVELY AHMADIS OR KADIYANIS OR QADIANIS)

- 21.19 The Ahmadiyya community was founded in the 1880s by Mirza Ghulam Ahmad, who was born in the Punjab town of Qadiyan, according to a report of the Canadian IRB dated June 1991. It later split into two groups, of which Qadiani is the larger; the other is the Lahore branch. While they identify as a Muslim community, Ahmadiyyas are considered heretics by mainstream Islam. [3m] [20ay] The Human Rights Watch report of June 2005, 'Breach of Faith: Persecution of the Ahmadiyya Community in Bangladesh' (HRW 2005 Ahmadiyya report), related that Mirza Ghulam Ahmad declared himself to be the expected *mahdi*, or messiah of the latter days. According to this HRW report: "Virtually all mainstream Muslim sects believe that Ahmad proclaimed himself as a prophet, thereby rejecting a fundamental tenet of Islam: *Khatme Nabuwat* (literally, the belief in the 'finality of prophethood' – that the Prophet Mohammed was the last of the line of prophets leading back through Jesus,

Moses, and Abraham).” [10a] (p7) In an Amnesty International (AI) report of 23 April 2004, entitled ‘The Ahmadiyya Community – their rights must be protected’, it was estimated that there are about 100,000 Ahmadiyyas in Bangladesh. [7k] The HRW 2005 Ahmadiyya report noted that the Ahmadiyya community is also derogatorily referred to by some as the “Qadiani” (or “Kadiyani”) community, a term derived from Ahmad’s birthplace. [10a] (p7)

21.20 According to the 2004 Religious Freedom Report: “In the latter part of 2003, [Ahmadis] were the targets of attacks and harassment prompted by clerics and the rhetoric of leaders of the Islami Okkiya Jote, an Islamic party and coalition partner of the ruling BNP. Many mainstream Muslims view Ahmadis as heretics.” [2h] (section III) The report continued: “Following demands for the ban of Ahmadiyya publications and that Ahmadis be declared non-Muslims, the Government announced such a ban [on publications] on January 8 [2004]. However, several days later...the Prime Minister announced that the Government would not declare Ahmadis to be non-Muslims.” [2h] (section IV) The USSD 2005 report related that discrimination against Ahmadiyyas had continued during the year [2005].” [2f] (section 2c)

21.21 The Amnesty International report of 23 April 2004 had observed:

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

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

The same AI report recorded that on 31 October 2003, the Imam of an Ahmadi mosque in Jessore district was beaten to death after he refused to recant his faith. [7k] (p1)

21.22 In January 2004 Agence France-Presse reported that the Home Ministry had banned the sale, distribution and possession Ahmadiyya publications. The ban was imposed to avoid offending the sentiments of the majority Muslim population, a Home Ministry statement said. [23f] BBC News announced on 21 December 2004 that the High Court had temporarily suspended the ban on Ahmadiyya publications. [20ay] The USSD 2007 report observed that, by the end of 2007, the government ban on publishing Ahmadiyya literature remained stayed by the High Court, effectively allowing the publication of material. [2a] (section 2c)

21.23 The HRW 2005 Ahmadiyya report stated:

“Throughout 2004 and into 2005, the Khatme Nabuwat (K.N.), an umbrella organization of Islamist groups dedicated to the preservation of ‘the finality of the prophethood’ of Mohammad, has threatened the Ahmadiyya community with attacks on their mosques and campaigned for Ahmadis to be declared non-Muslim. The K.N. enjoys links to the governing Bangladesh National Party (BNP) through the BNP’s coalition partners, the Jama’at-e-Islami (J.I.) and the Islami Okye Jote (IOJ).” [10a] (p2) The USSD 2004 report indicated also that the threats against the Ahmadiyya community were coming primarily from members of the groups ‘Khatme Nabuwat Movement/Committee’ and ‘Aamra Dhakabashi’. [2d] (section 2c)

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

- 21.24 The Human Rights Watch (HRW) World Report 2006 noted “Attacks on Ahmadiyya homes and places of worship continued in 2005. Although human rights groups and journalists documented these attacks, the government to date has not prosecuted any of the responsible individuals and has not disciplined police who failed to protect victims.” [10b] BBC News reported on 23 December 2005 that the Junior Religious Affairs Minister had described as “not acceptable” the demand that the Government enact a law to declare the Ahmadiyya non-Muslim. [20bv]
- 21.25 The 2006 Religious Freedom Report recorded that, in June 2006, Khatme Nabuwat Andolon Bangladesh (KNAB), a splinter group of Khatme Nabuwat Bangladesh, again issued demands that the Government declare Ahmadis to be non-Muslims. On 23 June 2006 around 1,500 to 2,000 KNAB-led marchers attempted to seize an Ahmadiyya mosque near Dhaka, but were prevented from doing so by some 3,000 police who had been rapidly deployed to the scene. [2c] (section III) The 2006 Religious Freedom Report noted further that, during the year July 2005 to June 2006: “The government continued not to enforce the ban on Ahmaddiya [sic] publications. Furthermore, protesters were generally stopped from hanging signs outside of Ahmaddiya mosques declaring them non-mosques or threatening the lives or property of Ahmadis. This contrasted sharply from previous years, when police sometimes facilitated the hanging of such signs.” [2c] (section II)
- 21.26 On 1 May 2007, bomb explosions took place simultaneously at railway stations in the cities of Dhaka, Sylhet and Chittagong, injuring one man and causing panic among commuters. Messages left at two of the sites said the attacks had been carried out by Jadid (new) al-Qaeda Bangladesh. The messages, etched into metal plates, contained a warning against the Ahmadiyya community and NGOs, which was translated as reading: “The Kadiyanis and NGOs prepare for death. It is *haram* (prohibited) to work in NGOs and having relation (sic) with the Kadiyanis. All must quit NGO jobs by 10 May, all Kadiyanis must recognise Prophet Muhammad (SM) as the last and best prophet and if you fail to do it before the aforesaid time, your death is a must.” (BBC News, 3 May 2007) [20cn] [20co]

- 21.27 The 2007 Religious Freedom report stated: "Protests demanding that Ahmadis be declared non-Muslims and instances of harassment continued sporadically, but the Government generally acted in an effective manner to protect Ahmadis and their property. " [2m] (introduction) The report continued: "The Government continued not to enforce the ban on Ahmadiyya publications. Furthermore, protesters were generally stopped from hanging signs outside of Ahmadiyya mosques declaring them non-mosques or threatening the lives or property of Ahmadis. In March [2007], police protected the local Ahmadiyya community when it removed an anti-Ahmadiyya signboard from one of their mosques in Khulna, the first time the police have provided such support. [2m] (section II)

## CHRISTIANS

- 21.28 A report from the Immigration and Refugee Board of Canada, dated 9 August 2006, has quoted from various other sources as follows:

"There are an estimated 350,000 to 500,000 Christians living in Bangladesh, the majority of whom are Catholic. The [2005 Religious Freedom Report] indicates that Bengali Christians are spread across Bangladesh, and that some indigenous (non-Bengali) groups are also Christian...Reported incidents against religious minorities, including Christians, have included killings, sexual assaults, extortion, intimidation, forced eviction, and attacks on places of worship... According to Open Doors (OD), an evangelical Christian organization that provides religious materials, training and support to Christians around the world, Christians, and particularly Muslims who convert to Christianity, are not safe in Bangladesh. According to the International Coalition for Religious Freedom, a US-based NGO, Muslim converts to Christianity generally do not openly practice their religion. Sources consulted indicate that Muslims who convert to Christianity could face rejection by their families and society and physical 'danger'. A May 2005 U.S. Newswire article reports that Christian Freedom International (CFI), a US based human rights organization, found evidence of 'persecution' of Muslims who had converted to Christianity during a fact-finding mission to Bangladesh. Cited in the same article, the president of CFI indicated that Muslim women who convert to Christianity may be subject to beatings, abduction, rape, forced marriage and forced reconversion to Islam. Specific reports of Muslim women who converted to Christianity being subject to such treatment could not be found among the sources consulted by the Research Directorate [IRB]...The government has, however, taken measures to provide security at places of worship of religious minorities around the country. During Christmas celebrations in 2005, the government reportedly tightened security at churches across the country following a series of Islamic militant bombings earlier that year." [3t]

The Canadian IRB report of 5 August 2003 had observed that proselytising is permitted under the law, but strong social resistance to conversion from Islam means most proselytising tends to be aimed at Hindus and tribal groups. [3n]

- 21.29 The USSD 2005 report noted that, in September 2004, unidentified assailants killed Dr. Joseph Gomes, a Christian convert, near his home in Jamalpur district. Police arrested a local madrassah teacher, Maulana Abdus Sobhan Munshi, alias Michha Munshi, for the killing, held him for two weeks and then released him. [2f] (section 2c) By end-2006 no one else had been charged in connection with the crime. [2a] (section 2c) On 28 July 2005, unknown

assailants in Faridpur district killed two employees of the NGO Christian Life Bangladesh, allegedly because they showed an evangelical film. Police arrested several suspects for the killing, but by the end of 2005 police had released all suspects and no charges had been filed. [2f] (section 2c)

- 21.30 The 2007 Religious Freedom Report recorded certain incidents of harassment and violence in which the victims were Christian. For example, “On June 26, 2007, according to press reports, a group of Muslim villagers attacked recent converts to Christianity in the village of Durbachari. On June 12 several dozen Hindus and Muslims [had] converted to Christianity. In the June 26 incident, a group of Muslims in the village allegedly attacked some of the converts and gave them 24 hours to leave the village. Two or three Christians were injured when they were struck with sticks. Police stationed a special protective team in the village...” [2m] (section III)

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## 22. ETHNIC GROUPS

### THE INDIGENOUS JUMMA PEOPLES OF THE CHITTAGONG HILL TRACTS

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

22.01 Amnesty International (AI), in a report of 1 March 2004, noted as follows:

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

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

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

22.02 The Internal Displacement Monitoring Centre ‘Profile of the internal displacement situation’ updated 28 March 2006 (IDMC 2006 Profile) quoted from various primary sources as follows:

“Prior to the creation of Bangladesh in 1971, the population of the [CHT] area consisted almost entirely of people from 13 different indigenous tribes. The tribal people who differ significantly from the majority population of Bangladesh are of Sino-Tibetan descent, have a distinctive appearance with Mongoloid features and are predominantly Buddhists, with small numbers of Hindus. They differ linguistically and in their social organization, marriage customs, birth and death rites, food, agriculture techniques and other social and cultural customs from the people of the rest of the country. (AI February 2000, section 2) ...The three largest groups are the Chakma, the Marma and the Tripura. The total population of the CHT, in the 1991 census, was 974,445 of which 51.43 per cent were indigenous Jumma people and 48.57 per cent were non-indigenous Bengalis. At the time of the independence of India in 1947, only 9 per cent of the population of the CHT was non-indigenous. (UNPO 1997)” [45c] (p26)

22.03 The Internal Displacement Monitoring Centre, in a special report of 28 March 2006 entitled ‘Minorities increasingly at risk of displacement’, recorded that:

“Tensions intensified after the independence of Bangladesh in 1971, when tribal demands for constitutional safeguards and recognition as a separate community were rejected (Amena Mohsin, 2003, p. 22). The tribal population reacted by creating the Parbatya Chattagram Jana Samhati Samiti or

Chittagong Hill Tracts People's Solidarity Association (PCJSS) in 1972. Its armed wing, the Shanti Bahini, was formed in January 1973...In 1976, Shanti Bahini started an armed insurgency with the support of India, which in turn led to a sharp increase of government forces in the Hill Tracts. Thus began a 25-year-long armed conflict...As the conflict escalated, the government began relocating Bengalis in the Chittagong Hill Tracts as a counter-insurgency strategy. Between 1979 and 1983, over 400,000 poor and landless Bengalis from the plains were settled in the region and provided with land, cash, rations and other incentives (AITPN, April 1998, p. 20-21). At the height of the conflict, almost one third of the Bangladesh army was deployed in the region and Bengali settlers were also mobilised against the tribal population. Official figures indicate that more than 8,500 people were killed during two decades of insurgency, including some 2,500 civilians (AI, February 2000)." [45b] (p9)

"Forced evictions, atrocities in the conflict between the Shanti Bahini and government forces, confiscation of land to establish military camps, the population transfer programme and clashes between tribals and new settlers compelled tens of thousands of [Jumma] to leave their homes. After 1980, ten major massacres by Bengali settlers and the security forces led to a refugee exodus of about 65,000 tribals to the neighbouring Indian state of Tripura (AI 2000, UN GA, August 2000, para. 69). An even larger number were internally displaced." [45b] (p9)

22.04 The Europa World Year Book 2004, Volume 1, noted:

"In December 1997 the Bangladesh Government signed a peace agreement with the political wing of the Shanti Bahini [the Parbattya Chattagram Jana Sanghati Samity – PCJSS], ending the insurgency in the Chittagong Hill Tracts. The treaty offered the [Shanti Bahini] a general amnesty in return for the surrender of their weapons and gave the [Jumma] people greater powers of self-governance through the establishment of three new elected district councils (to control the area's land management and policing) and a Regional Council (the chairman of which was to have the rank of a state minister). The peace agreement, which was strongly criticized by the opposition [BNP] for representing a 'sell-out' of the area to India and a threat to Bangladesh's sovereignty, was expected to accelerate the process of repatriating the remaining refugees from Tripura (who totalled about 31,000 at the end of December 1997). According to official Indian sources, only about 5,500 refugees remained in Tripura [in India] by early February 1998. By the end of 2000 most of the Chakma refugees had been repatriated, the district and regional councils were in operation, and a land commission had been established." [1a] (p640)

A general amnesty was granted to PCJSS members who surrendered their arms within the time frame set out in the Peace Accord. The Bangladesh High Commission in London advised in March 2006 that 71 members of PCJSS who surrendered their arms under the terms of the amnesty had since been reinstated to their previous jobs in government and autonomous bodies, and a total of 715 PCJSS members had been appointed to various posts in the Bangladesh Police Force. [79a] According to the IDMC report of 28 March 2006, most returning refugees were provided with some economic rehabilitation and food rations, but many did not recover their lands which were now occupied by Bengali settlers. [45b](p11)

22.05 The IDMC 2006 Profile observes that the issue of tribal land ownership has remained at the core of the conflict in the CHT:

“...the situation of more than 60,000 internally displaced Chakma remained unresolved at the end of 2002, despite provisions in the ‘accord’ for the ‘rehabilitation’ of both the refugees and the internally displaced. (USCR 2003)...The settlers confiscated their land and in many instances obtained official certificates of ownership.” (AI February 2000) [45c] (p49-50)

“A major problem is to determine the ownership of tribal land. Among the tribal population many did not possess any documentation of land ownership [tribal communities owned land on a communal basis and little documentation was deemed necessary], while Bengali settlers taking over their land obtained official certificates ...The Land Commission, which was supposed to resolve land disputes, has not been functioning for two years...” [45c] (p63)

The IDMC special report of 28 March 2006 observed:

“The Land Commission was to function as a special tribunal for property restitution for the tribal people. By May 2003, some 35,000 cases had been filed involving land disputes between indigenous people and state-sponsored settlers (Daily Star, 5 May 2003). However, it had not even started its work as of March 2006.” After years of delay, the Commission had met for the first time on 8 June 2005, but no date was set for a subsequent meeting. [45b] (p12)

22.06 The USSD 2007 report noted as follows:

“Tribal people had a marginal ability to influence decisions concerning the use of their lands. There was little progress in the implementation of the 1997 Chittagong Hill Tracts Peace Accord. The government still refused to cede responsibility for key functions like land use and natural resources to local authorities, as called for in the Accord. Law-and-order problems and alleged human rights violations continued, as did dissatisfaction with the implementation of the Peace Accord.

“The Land Commission dealing with land disputes between tribal individuals and Bengali settlers did not function effectively in addressing critical land disputes. Tribal leaders remained disappointed with the lack of assistance provided to those who left the area during the insurgency. Local human rights organizations alleged that security forces took advantage of the state of emergency to increase human rights abuses, including arbitrary arrests, against indigenous people.

“During the year [2007] according to a human rights organization, seven persons died and two were injured in violence in the Chittagong Hill Tracts. Moreover, seven persons were kidnapped and two persons were arrested.

“In February [2007] the government withdrew 16 temporary camps of security forces in the Rangamati area of the Hill Tracts. Since the signing of the 1997 Peace Agreement, the government had withdrawn 196 camps, leaving approximately 280 camps.

“The conflict between the Parbattya Chattagram Jono Sanghati Samity (PCJSS), which signed the 1997 Peace Agreement with the government and

the United Peoples' Democratic Front (UPDF), which is opposed to the Peace Agreement, continued. On January 16 [2007], UPDF activists shot and killed Vinku Kumar Chakma, a youth front activist of PCJSS, at Chongrachhari in Khagrachhari district.

“Tribal organizations continued to allege that security forces abused the indigenous population of the Hill Tracts. On December 9 [2007], the 10th anniversary of the signing of the Peace Treaty, leaders of the indigenous village of Mahalchari in Khagrachari district, held a press conference in Dhaka to allege ethnic Bengali settlers had encroached on their farmland. They claimed Bengali settlers, with assistance of local authorities, seized 366 acres of their farmland during the year. Late in the year, a UNDP-funded project to develop a nursery in the indigenous village of Maddya Lemuchari in Khagrachari fell through after Bengali settlers constructed homes on the location designated for the project. According to local villagers, despite the fact that they held title to the land, local authorities issued duplicate land titles to the settlers in violation of the law and the Peace Treaty.

“The PCJSS and indigenous leaders alleged that Joint Forces personnel led by the army took advantage of the state of emergency to step up "suppressive actions" against indigenous people, including arrests and filing of false cases. According to their report, individuals could not protest due to the state of emergency.

Tribal people in other areas also reported loss of land to Bengali Muslims. The government continued work on national park projects on land traditionally owned by indigenous communities in the Moulvibazar and Modhupur forest areas ... In addition, indigenous communities, local human rights organizations, and churches in the area claimed that the government had yet to withdraw thousands of false charges filed against indigenous residents by the Forestry Department. [2a] (section 5)

- 22.07 On 27 August 2007, the High Court issued a rule on the Government to explain as to why the CHT Peace Accord should not be declared to be without lawful authority. This followed a writ filed by a Supreme Court barrister, challenging the Treaty. The Court also ordered the authorities not to debar any non-tribal Bangladeshi nationals living in the CHT from registering on the Voter's List until the ruling was resolved. (UNB, 27 August 2007) [39ax]
- 22.08 A meeting of the CHT Advisory Council was held on 31 May 2007, after a break of more than six years, under the chairmanship of the Foreign and CHT Affairs Advisor in the Caretaker Government. It was resolved at the meeting to staff and activate the Land Commission. (*Daily Star*, 1 June 2007) [38m] *The Daily Star* reported on 1 April 2008 that the CHT Land Commission was soon to be reconstituted. The Food and Disaster Management Advisor in the Caretaker Government had announced on 31 March that a new chairman and two full time members were to be appointed to the Commission; in particular, they would investigate why certain land in the CHT area had been handed over to settlers despite a ban on the reallocation of land there. [38di]
- 22.09 The Chittagong Hill Tracts Commission, which was first formed in 1990 and then disbanded after the signing of the CHT Peace Accord, was re-constituted in Copenhagen in May 2008; the new 12-member commission is co-chaired by Lord Eric Avebury, vice-chairman of the UK Parliamentary Human Rights

Group, and Sultana Kamal, a former Advisor in the Caretaker Government. Members of the Commission were due to undertake a five-day visit the Chittagong Hill Tracts from 7 August 2008, and then to meet with senior members of the Government. (Daily Star, 7 August 2008) [38dj]

- 22.10 The United Nations Development Programme (UNDP) announced on 15 December 2005 that the UNDP and the Government of Bangladesh had agreed a US\$50 million joint investment programme in the Chittagong Hill Tracts for the period 2006 to 2009 [8e] Several other foreign donors and agencies have also been involved in development projects in the CHT since 2001. (Bangladesh High Commission, London) [79a]
- 22.11 As recorded in an Asian Centre for Human Rights (ACHR) report of 23 April 2008, hundreds of illegal plain settlers attacked seven indigenous Jumma villages in the Chittagong Hill Tracts on 20 April 2008. Journalists who visited the area on 21 April 2008 with local government officials reported that at least 500 houses in a four kilometer stretch from Baghaihat to Gangaram were burnt down. Several indigenous Jummas were wounded and an unknown number of women were raped by the perpetrators. Hundreds of people had been displaced as indigenous Jummas took shelter into the deep forest fearing further attack. The Rangamati Hill District Council provided some compensation to the victims. [53d]

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### BIHARIS (SOMETIMES REFERRED TO AS 'STRANDED PAKISTANIS')

- 22.18 At the time of the Partition of India in 1947, many Urdu-speaking Muslims from the east Indian stated – predominantly from Bihar, but also from Assam and Orissa – chose to migrate to East Pakistan. An additional number of Indian and Pakistani Urdu-speakers subsequently relocated to Bangladesh; these separate groups of Urdu-speakers became known, collectively, as 'Biharis'. (FCO, 6 November 2007) [11k] As stated in a 1998 article 'Fifty Years in Exile: The Biharis Remain in India', on the US Committee for Refugees and Immigrants (USCRI) website: "The Biharis are Muslims who originated in what is now India's state of Bihar. In 1947, at the time of partition, they, along with millions of other Muslims, moved to East Pakistan (today's Bangladesh). Unlike the majority of those other Muslims, however, the Biharis were not Bengali-speakers, but Urdu-speakers with closer links to Muslims who moved to West Pakistan (today's Pakistan). Between 1947 and 1971, as citizens of greater Pakistan, the Biharis enjoyed the same rights as other residents of East Pakistan and lived amicably alongside the Bengali speaking majority." [37d]
- 22.19 In 2008 there were estimated to be 300,000 Biharis living in Bangladesh. [39ar] [38de] USCR 2005 estimated that, by 2004/05, around half of the Biharis in Bangladesh – some 126,000 to 159,000 people – were still living in 116 camps situated throughout the country; the remainder were living outside of the camps. These camps had been established after the country's independence by the International Committee of the Red Cross to accommodate Biharis pending their return to Pakistan. [37e] The Canadian IRB report noted further: "Although Biharis are not mandated to live in the camps, a lack of resources means many cannot afford to live anywhere else (New

York Times 13 May 2000; USCR 1998). Some also remain in the camps because they 'feel more secure living among other Biharis' (ibid)." [31]

22.20 The US Committee for Refugees and Immigrants 'World Refugee Survey 2005' (USCRI 2005) noted that Pakistan had accepted some 170,000 Biharis for resettlement by 1973. [37e] An article in the *Dhaka Courier* of 5 May 2000 stated "During an official visit of Begum Zia to Pakistan in August 1992, an agreement was signed between the two governments to take back [a further] 3,000 stranded Pakistani families from Bangladesh to Pakistan. The repatriation process began in early 1993. But after the repatriation of only 325 families, Pakistan on the plea of fund constraint suspended the process." [69a]

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

"The legal status of the Biharis has been the subject of a major controversy. Although there is a general perception that Biharis are Pakistanis, Biharis appear to be eligible under the laws of citizenship of Bangladesh. Article 3(d) of the Bangladesh Citizenship Act, 1951 provides citizenship eligibility criterion. It states that 'who before the commencement of this Act migrated to the territories now included in Bangladesh from any territory in the Indo-Pakistan sub-continent outside those territories with the intention of residing permanently in those territories'. Article 2 of the Bangladesh Citizenship (Temporary Provisions) Order, 1972 stipulates: 'who or whose father or grandfather was born in the territories now comprised in Bangladesh and who was a permanent resident of the territories now comprised in Bangladesh on the 25th March 1971, and continues to be so resident;' or 'who was a permanent resident of the territories now comprised in Bangladesh on the 25<sup>th</sup> day of March 1971, and continues to be so resident and is not otherwise disqualified for being a citizen by or under any law, for the time being in force.' Under such broad sweep of these laws everyone residing permanently before 25 March 1971, including the Biharis, is entitled to Bangladesh citizenship. Article 2B of the Bangladesh Citizenship (Temporary Provisions) Amendment Ordinance 1978, however, contains a disqualification clause which states that a person shall not be qualified to be a citizen of Bangladesh if he 'owes, affirms or acknowledges, expressly or by conduct, allegiance to a foreign state...'" [31] (p12-14)

22.22 The USCR World Refugee Survey 2007 noted:

"In 2003, the Bangladesh High Court accepted the application of the right of vote of ten young members of the [Bihari] community, most of whom were born after the creation of Bangladesh. The court's ruling reaffirmed their claim to be citizens. Under the court's directive, the National Election Commission enrolled them [these ten individuals] as voters. The Government, however, refused to acknowledge the Biharis as a community as Bangladeshis [i.e. refused to grant Biharis citizenship], on the grounds that they acknowledged allegiance to a foreign state because they sought resettlement in Pakistan in the 1970s." [37g] (p31-32)

22.23 On 18 May 2008, the High Court declared valid a claim that Biharis should be included in the Voter List as citizens of Bangladesh. The Court passed the order upon a writ filed by 11 members of the Stranded Pakistani's Youth

Rehabilitation Movement on 26 November 2007, following which the High Court ordered the Government and the Election Commission to show cause within two weeks why the Urdu-speakers residing in camps shall not be enrolled as voters. The High Court's judgement on 18 May made its 26 November ruling absolute. (UNB, 18 May 2008) [39ar] (*Daily Star*, 19 May 2008) [20de] BBC News has noted that the ruling applies to those who were minors when Bangladesh became independent in 1971, or were born thereafter - some 150,000 people. [20du] The *Daily Star* noted on 27 May 2008 that not all Biharis residing in camps were in favour of accepting Bangladeshi citizenship. Some of those interviewed still wanted to return to Pakistan, having been deprived of citizenship rights in Bangladesh for 37 years. They appealed to the Bangladesh Government and the international community to negotiate repatriation arrangements with Pakistan. [38dd]

- 22.24 The NGO Refugees International (RI), in a report of January 2006, described living conditions in the Bihari camps. The following are excerpts:

"All camps have one thing in common – they are severely overcrowded. In Rangpur, there are several instances in which 12 or more family members sleep huddled together in a single room no larger than eight by ten feet ...Over the years, numerous families have been threatened with and reportedly suffered forced evictions. Lack of clean water, co-habitation with animals, and poor drainage and sanitation systems, contribute to a variety of medical problems including skin disease, water-borne illness, upper respiratory infections and gastro-intestinal disorders. In one camp, only two working wells supplied water to 650 families. In Mirpur's Millat Camp, there was only one latrine for 6,000 people. Few medical clinics exist, and several camps have no healthcare at all ...The right to a basic education has become a luxury for Bihari children. The school in Saardar Bahardur Camp closed last year due to lack of funding. In Adamgee Camp, only six boys from an entire camp progressed to secondary school. Teachers go unpaid, students study in shifts, and requests to the Minister of Education for new books have been turned down. This lack of education, combined with an already impoverished economy, provides little opportunity for employment either inside or outside the camps. Those able to find employment often face discrimination and harassment ...Poverty is widespread in Bangladesh, and the basic situation for the Biharis resembles that of the poorest citizens of the country. Denial of citizenship, however, creates additional disadvantages for the Bihari. Having no official government recognition and identification papers, prohibits a person from holding a government job and other professions which require higher education. Lack of status also restricts the Biharis' chances to develop their own economic opportunities and prohibits access to processes that would enable them to safeguard their rights." [74a] (p7-8)

- 22.25 USCR World Refugee Survey 2007, noted that "half of the Biharis" lived outside of camps, were integrated into the local community, were eligible to receive passports, to attend college, and to exercise most of the rights of citizens. [37g] (p32)

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## 23. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

- 23.01 The US State Department's Report on Human Rights Practices for 2007 (USSD 2007) recorded: "Incidents of attacks on homosexuals were difficult to track because victims' desired confidentiality, and local human rights groups did not monitor this area, but they were known to occur. Government safeguards were nonexistent. There were few studies on homosexuality in the country." [2a] (section 5)

### LEGAL RIGHTS AND GOVERNMENT ATTITUDES

- 23.02 According to the 'State-sponsored Homophobia' survey, published by the International Lesbian and Gay Association (ILGA) in April 2007, same-sex male relationships are illegal in Bangladesh, whereas same-sex female relationships are not illegal. [24b] A Human Rights Watch (HRW) report of August 2003 noted that Section 377 of the Bangladesh Penal Code of 1898, inherited from the British colonial administration and titled "Of Unnatural Offences" provides, in part: "Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine." The report said that Human Rights Watch had not documented any instances in which Section 377 had been enforced in Bangladesh, but continued:

"Most of the arrests recounted to Human Rights Watch were brought under section 54 [of the Criminal Procedure Code - see [Section 14](#) above]. Whether or not the law is enforced, however, it may effectively criminalize the status of being a *kothi* or any man who has sex with men. The perception by the police and by society that men who have sex with men are inherently criminal fuels attacks on their dignity and the denial of their equality before the law. A report published by the Bangladesh Ministry of Law, 'Mapping Exercise on HIV/AIDS- Law, Ethics and Human Rights', stated that male sex workers and *hijras* consulted for the report argued that the section 'exists only to be used by the police to victimize gay and bisexual men whom they catch in public areas with a motive to extort money and blackmail.' The report concluded that 'Section 377 of the Penal Code violates [the] constitutionally protected right to privacy under the expanded definition of right to life and personal liberty (article 32).' To the extent that section 377 discriminates on the basis of sexual orientation, it is in violation of international human rights law." [10g] (p43)

- 23.03 ILGA's 'World Survey', as accessed on 29 May 2007, quoted the following from a statement made by a Bangladeshi lawyer to the Swedish Embassy in Dhaka: "You will notice that the words 'homosexual' or 'homosexuality' have not been used in the statute [Section 377]. The instances of prosecution under this section [are] extremely rare. In my twenty years of law practise, I have not known or heard of a case where a person has been prosecuted for or convicted of homosexuality under the aforesaid section. Such a prosecution in fact would be extremely difficult, if not impossible, for lack of witness or evidence." [24a]
- 23.04 Referring to Section 377, the USSD 2007 Report stated that though "[h]omosexual acts remained illegal...the law is rarely invoked". [2a](section 5)

- 23.05 The Constitution, under Article 28, protects citizens against discrimination by the State on the grounds of religion, race, caste, sex or place of birth - but is silent on sexual orientation. Article 31, however, states that the protection of the law is the inalienable right of every citizen. [4] No information could be found, within the sources consulted, on civil law or criminal law remedies for discrimination on the basis of sexual orientation.
- 23.06 There is no military conscription in Bangladesh. COI Service does not have information on whether individuals known to be homosexual are generally barred from voluntary service or careers in the military or in the various security services. See [Section 11: Military Service](#)
- 23.07 It should also be noted that over 80 percent of Bangladesh's population is Muslim and that same-sex sexual relations are also against Islamic Sharia Law. [36d] (p29)

### SOCIETAL ATTITUDES AND DISCRIMINATION

- 23.08 In a BBC News report of 21 June 2005, Roland Buerk wrote: "Non-traditional sexuality of any kind is deeply frowned upon in Bangladesh which, although a relatively tolerant Muslim country, remains conservative in sexual matters... The condemnation from society of anyone found to be gay is deterrent enough for most to remain very firmly shut in the closet." [20q] In an article published in Himal Magazine in 2004, Afsan Chowdhury observed that families tend to respond with dismay and "a kind of corporate shame" when one of their members first declares a preference for gay sex, or 'comes out'. The article continued:
- "...Bangladeshis are very active on the global gay scene. But those still in the closet oscillate between confusion, guilt and fear ... Being gay in Bangladesh isn't easy because society responds differently to sexuality in public and in private ... People involved with gay issues say that between 5 to 10 percent of the population is homosexual. That would mean at least 6 to 12 million Bangladeshis, more than the total population of many countries, prefer the same sex. Even if that estimate is considered to be on the higher side and is reduced by half, the number left would still be significant. But almost no discussion can take place on the subject, even with the threat of HIV/AIDS looming over Bangladesh and gays being identified as one of the most vulnerable groups ... Demonstration of homosexual tendencies for short periods is quite common in Bangladeshi society. Those practising it are not ostracised, although if caught, are ridiculed. Like in other societies, gay relationships flourish in dormitories, barracks, labour colonies and hostels, and authorities are hard pressed to keep them a secret ... Male homosexuality is tolerated despite religious sanction. Yet divorce citing gay behaviour by any partner is not known." [12a]
- 23.09 Writing in the March 2008 issue of Himal Magazine, Tanveer Reza Rouf noted that a Yahoo group called BOB (Boys Only Bangladesh) was started on the internet in 2002 and has since become the "biggest congregation of gay-identified men in Bangladesh". This website caters to the entertainment and friendship needs of its members, but carries very little information on gay rights or political issues. It was only in May 2005 that the Dhaka gay community made its first attempt to assert itself politically, when a letter from

the moderators of BOB was published in *The Daily Star*. The letter read, in part:

“[The World Health Organisation] has removed homosexuality from its list of mental disorders. Bangladesh, despite being a part of the international community, seems blissfully unaware of it. Because of the ignorance, people like me who are gays are being discriminated against. The end product of such discrimination is immense mental suffering and physical suffering. The situation gets worse when I can’t express myself to my family or friends. Homosexuals in Bangladesh are shackled to a life of secrecy, lies and even internalized homophobia.” [12b]

Many subscribers to BOB voiced their disagreement with the website’s decision to write this letter to *The Daily Star*, though they may have agreed with its contents, and there has been very little debate on gay issues in the Bangladeshi media since then. In general, only those in the higher income groups and in the main urban areas have access to the internet; the majority of homosexual men in the country have no such means of networking. Rouf noted in his article that the gay community began to “shrink even further into itself” after the declaration of the state of emergency in January 2007. Whereas 2006 had been a year of regularly scheduled shows and informal gatherings – as well as the largest gay party ever to take place in Bangladesh - few such events were held in 2007. Rouf has attributed this, in part, to hotels refusing to rent venues to gay groups, theatres closing and rumours of planned police raids (which proved to be false). [12b] The USSD 2007 report noted also that there are some informal support networks for homosexual men in Bangladesh, but that organisations to assist lesbians were rare. [2a] (section 5)

- 23.10 The Human Rights Watch (HRW) report of August 2003 cited cases in which homosexual men claimed to have faced discrimination in the jobs market. Several of the men interviewed for the HRW report said that they had experienced harassment by fellow pupils at school. [10g] (p42-43)
- 23.11 Commenting on the situation of lesbians in Bangladesh, journalist Richard Ammon noted in June 2006: “The fate of virtually all Islamic women here is marriage and motherhood. Anyone stepping outside that frame by expressing independence or, far worse, as a lesbian, renders herself un-marriageable and sets her on a likely course of rejection and social derision.” (GlobalGayz.com) [44a] Afsan Chowdhury of Himal Magazine had observed in 2004 that lesbianism “is kept a secret fearing loss of marriage prospects. And marriage, after all, is society’s idea of a woman’s ultimate nirvana ... Society frowns upon single women, and the social pressure to marry – doesn’t matter who to – is intense. Most succumb to it, despite their sexual preferences, and end up miserably knotted ...The tolerance level for lesbians is very low in Bengali society.” [12a]
- 23.12 In the culture of the Indian sub-continent, *hijras* are regarded as a “third gender”; most *hijras* see themselves as “neither man nor woman”. They cannot accurately be described as “eunuchs” or “hermaphrodites” or “transsexual women”, which are Western terms. Most *hijras* were born male or ‘intersex’ (with ambiguous genitalia); many will have undergone a ritual emasculation operation, which includes castration. Some other individuals who identify as *hijras* were born female. Although most *hijras* wear women’s

clothing and have adopted female mannerisms, they generally do not attempt to pass as women. Becoming a *hijra* involves a process of initiation into a hijra 'family', or small group, under a guru "teacher". For further background information, refer to sources [101a] [105a] [20b] In a BBC News article of 30 November 2000, George Arney wrote that *Hijras* have been part of the South Asian landscape for thousands of years. He continued: "Even though they generally provoke horror or ridicule, they have traditionally had a role to play on the margins of society as entertainers and as bestowers of curses and blessings." [20b] A *Daily Star* article of 26 September 2005 commented: "The *hijra* or hermaphrodite community has been a despised and neglected minority in society [in Bangladesh]. They face discriminations and deprivations throughout their life. As the hermaphrodites are hounded out of school, they are deprived of basic education and job opportunities. It is impossible for them to cast [a] vote in elections, get a passport, open a bank account or even get a descent house on rent." [38cs] At a conference on HIV/AIDS and human rights issues, held in June 2007, hermaphrodites (i.e. *hijras*) were described as the most neglected and marginalised community in society. They were also said to be the "worst victims of mental and sexual abuse as they have no social and legal protection due to identity crisis" (sic). Speakers participating in the discussion called for the recognition of a separate gender identity for *hijras* to ensure their proper recognition in society. (Daily Star, 11 June 2007) [38ct] *Badhan Hijra Sangha* is a social welfare NGO which provides support to transgender people in Bangladesh, focusing on health care, human rights awareness and vocational training. [104]

### ILL-TREATMENT BY POLICE OFFICERS AND BY MASTANS

- 23.13 In their August 2003 report entitled 'Ravishing the Vulnerable', Human Rights Watch (HRW) stated that many *men who have sex with men* (msm) interviewed by them reported being raped, gang raped and beaten frequently by police and by *mastans* (defined broadly as criminal thugs, sometimes with local political connections). [10g] (p39) According to the report:

"Like women sex workers, men who have sex with men are abducted, raped, physically assaulted, and subject to extortion by police and mastans. Men who have sex with men are sometimes arrested and abused without being charged with any crime. They have no effective means of lodging official complaints about the abuses they experience. The police also sometimes harass, beat, and arrest men engaging in HIV/AIDS outreach work. Moreover, men who have sex with men are discriminated against by the wider society: turned away from jobs and harassed at school. An old colonial law against 'carnal intercourse' is interpreted to criminalize men who have sex with men. These violations stem from and result in a subjugated, subhuman status for this group of people while simultaneously undermining Bangladesh's capacity to fight an emerging AIDS epidemic." [10g] (p37-38)

HRW stated that homosexual men interviewed by them also reported that they were regularly subjected to extortion by both police and *mastans*; those men engaged in prostitution noted that their clients were also subject to extortion. Some of those interviewed reported that they had been arrested under Section 54 of the Criminal Procedure Code; this had not led to criminal charges or prosecution, but rather to abuses such as extortion and physical assault. They did not see any merit in bringing an official complaint about police or *mastan* abuse, as they believed the police would not act on such a complaint. [10g]

(p39-41) Human Rights Watch has recorded that only 17 'men who have sex with men' were interviewed in depth for this report; the respondents were identified through organisations of sex workers, organisations of men who have sex with men, needle exchange programs and/or drug rehabilitation programs. [10g] (p10 'Methods') Most of those interviewed described themselves as *kothis* (men or boys who take on a feminine demeanour and identify themselves as female in sexual relationships with men). The HRW report noted that, according to some experts, a significant proportion of *kothis* engage in sex work. [10g] (p10,37,38)

- 23.14 A 2006 UNAIDS report cited a study conducted in 2002 ('AIDS and STD Control Programme: Second Generation Surveillance for HIV in Bangladesh'), in which 40.9 per cent of male sex workers and 50.1 per cent of *hijras* reported violence or rape by policemen or *mastans*. [36d] (p29)
- 23.15 As is referred to in Section VIII of the 2003 Human Rights Watch report [10g] (p48), the Government has been implementing a Police Reform Programme since this report, and the 2002 report cited by UNAIDS, were produced. (See Section 10: Security Forces)

#### ACCESS TO HEALTH AND WELFARE SERVICES

- 23.16 UNAIDS estimated in September 2006 that the overall prevalence of HIV in Bangladesh was less than 0.2 per cent. UNAIDS quoted their May 2006 'Report on the Global AIDS Epidemic' as showing that the prevalence of HIV was only 0.8 per cent amongst *hijras* and 0 per cent for male sex workers, though syphilis rates were relatively high for both groups. The overall HIV prevalence among homosexual men was less than one per cent in most areas of the country. Nevertheless, UNAIDS has expressed concern about low levels of HIV knowledge and high levels of risk behaviour in Bangladesh. [36d] (p29)
- 23.17 The *Bandhu Social Welfare Society* was established in 1997 with international funding, to provide sexual health services to the gay community and also to campaign for greater openness and legitimacy for this community. The society, which is run according to a model developed by the international Naz Foundation, has more than 220 staff members based in six cities: Chittagong, Comilla, Dhaka, Mymensingh, Rajbari and Sylhet. Field services include an outreach programme, education on safe sex, condom distribution and referrals to clinics for sexually transmitted diseases. The society set up a clinic in Dhaka in April 1998. By June 2003, 21,593 people had accessed the clinic's services, either to obtain treatment for sexually transmitted diseases, or for psychological services, or for generalised health services. [36d] (p30-35)
- 23.18 Human Rights Watch (HRW), in their August 2003 report, noted instances in which AIDS outreach workers were reportedly harassed by police officers. [10g] (p41-42)

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## 24. DISABILITY

24.01 The USSD 2007 report advised as follows:

“The law provides for equal treatment and freedom from discrimination for persons with disabilities; however, in practice persons with disabilities faced social and economic discrimination. The law focuses on prevention of disability, treatment, education, rehabilitation and employment, transport accessibility, and advocacy. The Ministry of Social Welfare, the Department of Social Services, and the National Foundation for the Development of the Disabled were the government agencies responsible for protecting the rights of persons with disabilities. The Ministry of Social Welfare task force, composed of government officials and members of NGOs, adopted an action plan in 2004 to improve the overall welfare of the disabled ... Government facilities for treating persons with mental handicaps were inadequate. Several private initiatives existed in the areas of medical and vocational rehabilitation, as well as employment of persons with disabilities.” [2a] (section 5)

24.02 The UN Common Country Assessment for 2004 had stated:

“According to the National Forum of Organisations Working With the Disabled [an umbrella organization consisting of more than 80 NGOs working in various fields of disability] approximately 14 percent of the country's population has some form of disability. The economic condition of most families limits their ability to assist with the special needs of the disabled, and superstition and fear of persons with disabilities sometimes results in their isolation.” [8d] (p68-69)

24.03 A report from the Immigration and Refugee Board (IRB) of Canada, dated 1 June 2004, quoted the NGO Bangladesh Protibandhi Kallyan Somity (BPKS), a regional affiliate of Disabled Peoples International, as saying that the major difficulties faced by persons with disabilities (PWDs) in Bangladesh then included the following:

- Access to medical services is deficient; facilities are inadequate and there is a lack of specialists to address PWDs;
- Access to education is poor; there is a lack of facilities and teachers; tuition is very costly. Disabled students face discrimination and are ‘ridiculed’ by other students, and many parents do not want their children to study alongside disabled students;
- Access to employment in both the public and private sector is generally not available for PWDs; potential employers lack confidence regarding the ability of PWDs ability to fulfil work duties;
- Access to transportation is deficient; despite three ‘accessible’ buses made available in the capital city by a private transportation company in 2003, the overall transportation system in the country is totally inaccessible to PWDs;
- Children with disabilities (CWDs) are susceptible to diseases and sicknesses such as tetanus and acute respiratory infections, and malnutrition; they tend to suffer from discrimination by their own families in terms of food and clothing provided, and abuse by others; CWDs are among the most vulnerable groups in the country;

- Women with disabilities (WWDs) are deemed victims of 'double disability' because of their status as women in Bangladesh and due to their disability; the needs of WWDs are generally ignored and social service facilities for these women are practically non-existent. [3x]

International and domestic NGOs have estimated that disabled persons make up between 10 and 14 per cent of the population. Of the total number of disabled persons recorded in 1998 by the Bangladesh Bureau of Statistics, 31.3 per cent were visually disabled, 27.5 per cent were physically disabled, 28 per cent were hearing and speech disabled, 4.9 per cent were mentally disabled, and 8.3 per cent were impaired with Leprosy or Goiter. There are about 7.6 million deaf people in the country, according to the reference source Ethnologue. [3x]

- 24.04 The Canadian IRB report of 1 June 2004 also listed various steps taken by the Government to address the needs and rights of disabled persons. These have included the establishment of a National Coordination Committee on Disability; the introduction of a National Policy on Disabilities in 1995; and the Disability Welfare Act of 2001, which focuses on prevention of disability and on treatment, education, rehabilitation and employment, transport accessibility and advocacy for disabled people. In 2004 the government declared that disabled persons would be granted access to loan services and that 10 per cent of public service positions would be allocated to disabled persons. The IRB report confirmed that there were also a large number of NGOs that have been established to assist disabled persons in Bangladesh. The National Forum of Organizations Working with the Disabled (NFOWD) is an umbrella group that consists of between 80 and 144 NGOs which assist disabled persons. [3x]

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## 25. WOMEN

### OVERVIEW

25.01 Bangladesh acceded to the Convention on the Elimination of All Forms of Discrimination against Women on 6 December 1984 and ratified the Optional Protocol on the Convention on 22 December 2000. [8a] In the most recent State party report to the United Nations Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), dated 3 January 2003, observed that “Bangladesh is a gradually changing society where the position, status and roles of men and women have primarily been shaped by the stereotype of male predominance and authority over women.” [47a] (p16) The report noted: “Traditional socio-cultural values and practices work against raising the status of women. Women still have limited opportunities for education, technical and vocational training, employment and activities.” (p5-6) According to the Constitution, women enjoy the same status and rights as men in terms of education, health, political process, employment, development processes and social welfare. However, in practice, they do not enjoy the fundamental rights and freedom to the extent as men do. The unequal status of women in society and in public life is largely due to the fact of having unequal status in the family life. Women’s lower socio-economic status, lower literacy, lesser mobility are some of the practical obstacles to the establishment of their fundamental rights.” (p10) The same report detailed recent initiatives both by the Government and by NGOs to reduce discrimination and gender-based oppression. [47a] (pp7,10-18) CEDAW, in its Concluding Comments dated 26 July 2004, urged the Bangladesh Government to implement comprehensive awareness-raising programmes to change stereotypical attitudes and norms about the roles of women; CEDAW also expressed concern over the unequal status of Bangladeshi women within the family and the fact that personal laws, derived from religious precepts which are discriminatory to women, continued to exist in the country. [47b] (p5)

25.02 The United Nations Common Country Assessment for 2004 recorded:

“The UNDP Gender Development Index (GDI) for 2004 ranked Bangladesh 110 among 144, which represents an increase of 13 positions since 1999. This improvement can be tied in part to a number of factors relating to Bangladesh’s ascendancy into the ranks of those countries considered to be of medium human development. It also reflects a reduction of the gender gap in key indicators such as life expectancy and school enrolment. Bangladesh was also one of the first developing countries to establish a Ministry of Women’s Affairs in 1978, three years after the Mexico Conference. Concerted efforts by national and international development agencies, and the Government’s own commitment to both national and international pledges, paved the way for the enhancement of women’s position and status in society. The Government has already prepared a National Policy for Advancement of Women and made some noteworthy progress in implementing the National Action Plan, prepared in response to the Beijing Platform for Action (PFA) ... However, the relatively low score reflects a continued inequality with respect to literacy rates (31.4% compared to 50.3% for men) and real GDP which was approximately 56 percent that of men. Of the 78 countries for which a Gender Empowerment Measure (GEM) was calculated, Bangladesh ranked 76th. This

reflects the continued low levels of female representation in government, in decision-making roles and in ownership of economic assets, which translates into a significant gender disparity in both income and human poverty, especially at the lower end of income distribution ... Overall, Bangladesh's performance with regard to achieving gender equality and women's empowerment (MDG 3) remains mixed. There has been a narrowing of the gender gap in most MDG social indicators especially in the education sector, where as a result of targeted government policies, female enrolment rates in primary and secondary schools exceeds those for males. However, in other areas such as economic and political participation and adult literacy, much work still remains to be done." [8d] (p15)

See also Section 26: Children, which includes some material which is gender-specific.

## LEGAL RIGHTS

25.03 The USSD 2007 report noted:

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

25.04 Dr Nusrat Ameen, in her book *Wife Abuse in Bangladesh* published in 2005, noted that a "patriarchal interpretation of the law" by society is common. "Despite Constitutional guarantees that women shall have equal rights with men in all spheres of the State and of public life...Jahan points out that many aspects of the legal system reflect the continuing dominance of patriarchal attitudes in society." Dr Ameen argued that both substantive and procedural law is not gender-neutral and she noted that the laws governing women's private lives were discriminatory; for example, there was differential treatment of women in divorce proceedings. There was also discrimination between women from different religious groups, since there are different sets of family laws in place for the Muslim, Hindu and Christian communities. Dr Ameen stated that the legal solutions made available to women were often constrained by practical factors, such as the weak economic situation of women, the reluctance of the police to become involved in marital disputes, the difficulty of enforcing and sometimes obtaining injunctions, the emphasis on mediation, arbitration and *shalish* by legal aid workers and professionals, as well as illiteracy and family pressures. [80] (p7-14) According to the USSD 2003 report, "Strong social stigmas and lack of means to obtain legal assistance frequently kept women from seeking redress in the courts." [2b] (section 5)

## POLITICAL RIGHTS

25.05 The Constitution guarantees equal opportunities for women in politics and public life. [4] In the last parliament (2001-2006) there were seven women directly elected to parliament. Both the Prime Minister and the Leader of the

Opposition were women. In 2007, three of the 76 judges of the Supreme Court were women. [2a] (section 3)

- 25.06 Of the 345 Members of Parliament, 300 are directly elected. The remaining 45 seats are reserved for women nominated by the political parties, based on their proportional representation within the 300-member group of directly elected members. [2a] (section 3) This provision was introduced by an amendment to the Constitution in May 2004, and remains effective until May 2014. [20ae] At the local government level, three seats on each of the 4,479 Union Parishad councils and three seats on each Zila (district) council are reserved for women. [47a] (pp5, 22, 23)

## SOCIAL AND ECONOMIC RIGHTS

- 25.07 The USSD 2007 report noted that “Employment opportunities increased at a greater rate for women than for men in the last decade, largely due to the growth of the export garment industry. Women made up approximately 80 percent of garment factory staff. Pay was generally comparable for men and women.” [2a] (section 5)

- 25.08 The USSD 2003 report had stated:

“In recent years, female school enrolment has improved. Approximately 50 percent of primary and secondary school students were female. Women often were ignorant of their rights because of continued high illiteracy rates and unequal educational opportunities... Many NGOs operated programs to raise women’s awareness of their rights, and to encourage and assist them in exercising those rights. The Government also expanded incentives for female education by making education free for girls up to grade 12 (approximately age 18) and using a stipend system from grades 6 to 12. By comparison, boys received free education up to grade five.” [2b] (section 5)

The Economist Intelligence Unit’s Country Profile of 2007 noted that girls are entitled to ten years of free schooling. Primary education was made universal, compulsory and free in 2003. [40j] (p17)

See also Section 35: [Employment rights](#)

## VIOLENCE AGAINST WOMEN

(See also Section 10: [Security Forces: Avenues of complaint](#) and Section 9: [Crime](#))

- 25.09 According to a report by the human rights NGO ‘Odhikar’, published on 1 January 2008:

“Violence against women is a major issue in Bangladesh and, unfortunately, one that is neglected - especially as it relates to poor and underprivileged women - by various government agencies. Despite specialized criminal laws for protecting women – the Suppression of Violence against Women and Children Act, the Dowry Prohibition Act, the Child Marriage Restraint Act, the Acid Crime Control Act, to name a few – instances of violence against women- especially domestic violence and rape – have not decreased in any significant manner. The major reasons why women do not get justice are: barriers to accessing the justice system itself, police corruption, mismanagement of vital

evidence, and ignorance of the law and a lack of proper medical reports. The number of women who experience violence – including rape, beatings, torture and murder – is high in impoverished sections of society and particularly women who live in rural areas of Bangladesh, both in domestic situations and outside the home. In addition, many women who are subjected to violence die by suicide, real or apparent.” [46l] (p19)

### Domestic Violence

- 25.10 The USSD 2007 report noted also that domestic violence in Bangladesh is widespread, but difficult to quantify. Some of the reported violence against women continued to be related to disputes over dowries. [2a] (section 5) The law prohibits rape and physical spousal abuse, but makes no specific provision for spousal rape as a crime. [2a] (section 5) Odhikar reported on 1 July 2008 that 140 women were known to have been victims of dowry related violence in the first six months of 2008. Of those, 96 were killed, 38 were tortured and six reportedly committed suicide following dowry demands. [46m]

For a World Health Organisation (WHO) report of November 2005 covering ten countries, 1,603 women were interviewed in Dhaka and 1,527 were interviewed in the rural area of Matlab in Bangladesh between 2000 and 2003. Among ‘ever-married’ women, 40 per cent in Dhaka and 42 per cent in Matlab reported physical violence by their husband at some point in their lives; 37 per cent in Dhaka and 50 per cent in Matlab reported sexual violence by their husband. Of ever-married women, 19 per cent in Dhaka and 16 per cent in Matlab had been physically abused within the past year. In both areas, 66 per cent of the women who had been physically abused did not tell anyone about the violence and over half did not seek help. Over 50 per cent of those said they did not seek help because they did not think the violence was very serious, while 31 per cent in Dhaka and 43 per cent in Matlab remained silent because of feelings of shame or because they feared they would not be believed. [14e] (Bangladesh fact sheet)

A report of the Canadian Immigration and Refugee Board, dated 12 January 2004, referred to a study quoted by UNFPA’s “The State of the World Population” for 2000 – which found that 47 per cent of women surveyed in Bangladeshi villages had, at some time, experienced physical abuse by male partners. [3i]

- 25.11 In her book published for the BNWLA in 2005, entitled *Wife Abuse in Bangladesh*, Dr Nusrat Ameen commented that “Wife abuse is endemic and is overtly or covertly sanctioned [80] (p20) ... Research shows that violence in the family occurs at all levels of society (p22) ... However, the practice of wife abuse is one about which there is least social awareness or outcry in Bangladesh (p27).” Dr Ameen observed that the patriarchal nature of society and of the household, especially in rural areas, permitted socially acceptable violence against women in the form of physical chastisement by a husband. A misinterpretation of religious teaching reinforced this social sanction. (p27-36) Women often faced domestic violence not only from their husbands, but also from their in-laws. (p49) Dowry abuse also continued to lead to cases of serious physical abuse or murder and to the suicides of young married women, though the Dowry Prohibition Act came into force in 1980. (p39-45) A UNFPA report in 1997 quoted a study by the NGO Ain-O-Shalish Kendra (ASK) in saying that up to 50 per cent of all murders in Bangladesh had been

attributed to marital violence. Evidence suggested that only a minor proportion of such cases reached the courts and resulted in convictions. (p49-51)

25.12 Dr Ameen observed that the law in Bangladesh was far more involved with 'stranger' violence against women, for example murder, rape or trafficking; there was no specific law on wife abuse, although there were several special laws to deal with violence against women. [80] (pp7&62) Dr Ameen's book examined in detail the various legal remedies available to victims of domestic violence. For example:

- The Penal Code provides sanction: All forms of physical violence, some forms of psychological violence and threats of physical injury constitute criminal offences. In practice, however, when such an offence was committed by a husband against his wife, it was not considered as an offence punishable in the same way. (p47-48)
- The Women and Children Repression Prevention Act (2000), as Amended in 2003, lays down severe penalties for violent offences against women; it also provides for the speedy trial of offenders in special tribunals situated throughout the country. The Act specifies deterrent punishment for dowry-related crimes and also covered such 'stranger' offences as rape, trafficking and abduction; however, Dr Ameen stated that it "is silent regarding punishment for husbands for abusing wives, except in dowry offences". (p60-61)
- The Dowry Prohibition Act, passed in 1980, also makes giving, taking or demanding dowry punishable offences. (p58)
- There were no specific civil law remedies to which victims of wife abuse could resort, other than divorce and claims for dower, maintenance and custody. A wife could seek an injunction under the Civil Procedure Code, the Specific Relief Act or the Family Court Ordinance of 1985, but these were ancillary to other proceedings. (p53-54)

The various special laws to protect women from abuse had not proved as effective as they were designed to be; their deterrent value had been diminished by low conviction rates. (pp48 & 58) Dr Ameen added: "Owing to the prevalent patriarchal attitude towards women, in most cases complaints are not recorded properly by the police, evidence is hard to produce or establish, there is a very slim chance of the perpetrator being punished. A study by the Family Court in Dhaka shows that husbands rarely appear and thus suits are dismissed *ex parte* and wives are denied justice." (p8)

25.13 There were several agencies working to assist women in abused situations, noted Dr Ameen. Typically, an agency would serve a notice to the husband to appear at the agency for mediation, following a written complaint made by the wife. If the husband did not attend, the agency had a right to issue a warrant and to seek help from the police. If mediation failed to work, the case could be taken up in court by family lawyers provided by the agency, who would normally handle the case free of charge. [80] (p83-84) Research suggested that most abuse victims are reluctant to report their cases directly to the police and, of those who did, most were not given adequate assistance. There was a widely-held belief that police officers did not like to become involved in 'family matters' and were likely to ask the parties to reconcile matters between themselves. (pp84 & 100) There was often also a reluctance by victims to inform doctors of the injuries they had sustained. (p84-85) Most women in Bangladesh could not afford to approach lawyers directly. And most women, even some

educated ones, were unaware of the legal machinery and were also discouraged from contacting lawyers by family, friends and sometimes even the lawyers themselves. (p84) Women in villages commonly sought arbitration through *Shalish* (local mediation councils) – even though the arbiters are usually the ‘local male elite’ and a *Shalish* decision was not binding. (p85-86) However, there was, in general, a reluctance among abused women to seek relief against their husbands, often due to social stigma, or economic insecurity, or fear of retribution, or acceptance of violence as a social norm. (p86-88)

- 25.14 The USSD 2006 report recorded that the Women Affairs Department runs six shelters, one each in the six divisional headquarters, for abused women and children. [21] (section 5) The USSD 2007 report adds: “NGOs such as the Bangladesh National Women Lawyers’ Association (BNWLA) ran facilities to provide shelter to destitute persons and distressed women and children. According to BSEHR, persons in safe custody were no longer housed in prisons. Courts sent most of them to shelter homes. In a few cases they were sent to the prison as a transit for short periods.” [2a] (section 5)

## Rape

- 25.15 The NGO Odhikar reported in January 2008 that it was aware of 213 women (over the age of 16) who had been victims of rape during the year 2007; of them, 56 women were killed and one committed suicide after being raped. Of the 213 women, 119 were reportedly the victims of gang rape. A further 246 females under the age of 16 were raped in 2007; 23 of them were murdered after being raped. [461] As noted in the State Party report dated 14 March 2003 to the UN Convention on the Rights of the Child (CRC), the Suppression of Violence against Women and Children Act 2000 carries the death penalty or life imprisonment for rape if death or injury results or is intended. Attempted rape is subject to a penalty of five to ten years’ imprisonment. [52a] (p31) Amnesty International’s 2004 Annual Report (covering events of 2003) stated: “Women’s rights groups blamed the low rate of convictions for violence against women on a lack of government institutions to support the victims and a lack of trained police officers to investigate the cases.” [7j] (p2) The USSD 2007 report stated, “Prosecution of rapists was uneven. In January 2005 at a workshop organized by BSEHR, then-attorney general A.F. Hassan Ariff said that ‘Judges consider the seriousness of rape to be the same as theft, robbery, and other crimes’.” [2a] (section 5)
- 25.16 Dr Nusrat Ameen noted that the Women and Children Repression Prevention Act (2000) provided for trials to be *in camera*, for non-publication of the victim’s identity and for pecuniary compensation to the victim. [80] (p60-61) An article dated 26 January 2004 from United News of Bangladesh revealed that there were then 2,200 cases pending in the Women and Children Repression Prevention Tribunal. [39h]
- 25.17 The USSD 2007 report recorded two alleged incidents of rape by law enforcement personnel during 2007; by the end of that year, both of the accused police officers had been charged with rape and were in prison, awaiting trial. [2a] (section 1c)

## Acid Attacks

- 25.18 The USSD 2005 report stated that “Rejected suitors, angry husbands, or those seeking revenge sometimes threw acid on a woman's face [or body] as an act of retribution.” [2f] (section 1c) Noted USSD 2007: “Acid attacks remained a serious problem. Assailants threw acid in the faces of women and a growing number of men, leaving victims disfigured and often blind.” [2a] (section 5)
- 25.19 The State party report to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), dated 3 January 2003, recorded that two new laws were introduced in 2002 – the Acid Crime Prevention Act 2002 and the Acid Control Act 2002 – to restrict the import and sale of acid in open markets, allow for trials in acid-throwing cases by a special tribunal (with a right of appeal to a higher court) to make the maximum punishment for acid-throwing offences the death penalty and to provide for the treatment and rehabilitation of victims. [47a] (p20) The Canadian Immigration and Refugee Board, in a report of 12 January 2004, quoted NGO representatives to a 2003 meeting on violence against women as saying that some police officers, in return for money, had been charging perpetrators under the Women and Children Repression Prevention Act instead of the more severe Acid Control Act. [3i]
- 25.20 Statistics provided by the Acid Survivors Foundation (ASF) show that the number of recorded attacks peaked in 2002, and have since been declining:

<u>Year</u>	<u>Incidents</u>	<u>Total victims</u>
2000	172	232
2001	250	347
2002	366	489
2003	335	411
2004	266	325
2005	214	270
2006	180	221
2007	153	187

Of the 187 victims in 2007, there were 108 women, 44 men and 35 children under 18 years, of whom the majority were girls. [64a]

- 25.21 The Bangladesh National Women Lawyers Association and the Bangladesh Acid Survivor's Foundation estimated in 2003 that only ten per cent of attackers were convicted. It was also stated that the total number of acid attacks against women was difficult to document because many cases went unreported for fear of reprisals. (Asian Legal Resource Centre statement to the UN Economic and Social Council, 10 March 2003) [8c] Case conviction rates increased after the introduction of the two new acid-related laws in 2002, but there was then a lower number of convictions in 2004 and 2005. In 2003, 96 perpetrators were convicted, compared with 53 in 2002 and 17 in 2001. During 2007, 48 persons were convicted following acid attacks. [64a] Among the factors inhibiting case conviction rates are (a) lack of sufficient evidence (b) intimidation of victims or witnesses (c) out of court ‘settlements’. [64c] At a workshop held by the Bangladesh Acid Survivor's Foundation on 30 November 2007 it was stated that, in the 18 districts of the country most affected by acid violence, only 42 out of a total of 622 cases (recorded since 2000) had so far resulted in convictions, 195 of the accused had been

released, 177 cases had been dismissed due to a lack of proper evidence and another 208 cases remained unresolved. (ASF *Voice* newsletter, Issue 12-13) [64d]

- 25.22 The motives for acid attacks were not always directly gender-related. For example, 50 per cent of recorded acid attacks in 2007 were, according to the ASF, in connection with land/property/money disputes; 23 per cent of attacks related to marital or family or dowry disputes and 7 per cent of attacks were categorised as “refusal/rejection of love/marriage/ sex”. [64a] However, even in the category of land/property/money disputes, the majority of the victims were female; the Director of the ASF explained that male perpetrators sometimes seek vengeance against other men by throwing acid at their wives or daughters. (ASF) [64c]
- 25.23 In a report published in February 2008, the NGO Odhikar suggested a number of reasons why annual figures on reported incidents of rape and acid violence remain high and conviction rates are lower than they should be:
- The victims are largely from the poor and underprivileged sections of society, who struggle for access to justice;
  - There is not yet a separated modernised investigation department in the police for such offences;
  - The police are overburdened and not able to carry out investigations properly;
  - There are hardly any checks as to whether businesses are procuring licences for the sale and trade of acid
  - Many doctors are reluctant to come to court to give evidence.
- [46p]
- 25.24 The Acid Survivors Foundation in Bangladesh runs a 40-bed hospital, at which a total of 416 people were treated in 2006. In addition, the ASF provides professional psychotherapy and counselling to victims, as well as legal services and a full social re-integration programme. [64b]

## Vigilantism

- 25.25 According to the USSD 2006 report: “Incidents of vigilantism against women – sometimes led by religious leaders (by means of fatwas) – at times occurred, particularly in rural areas.” [2i] (section 5) USSD 2004 had stated that such incidents included punishments such as the whipping of women accused of moral offences. ASK [an NGO] reported 35 such cases during 2004. [2d] (section 5)

See also Section 21: [Fatwa](#)

## Domestic workers

- 25.26 The Amnesty International Annual Report for 2007 has quoted the Bangladesh Institute of Labour Studies as reporting that at least 169 female domestic workers were killed between 2000 and 2005 in Dhaka alone. Another 122 were critically injured and 52 were raped. A significant proportion of the victims were reportedly children. [7r] The USSD 2007 report observed: “There continued to be numerous reports of violence against domestic workers. The

government continued to bring criminal charges against employers who abused domestic servants. Many impoverished families choose to settle for financial compensation.” [2a] (section 6c)

See also section 26: [Children \(Child labour\)](#)

## HEALTH ISSUES

25.27 The United Nations/Bangladesh Government report of February 2005 on Bangladesh’s progress toward meeting the Millenium Development Goals (MDG Progress Report of 2005) observed:

“In the health sector, women’s status compares unfavourably with that of men. Although the life expectancy gap between men and women has narrowed over the last decade, Bangladesh continues to be amongst the very few countries in the world where women’s life expectancy is lower than that of men: in 1990, life expectancy at birth was 56.4 years for males; 55.4 years for females. The maternal mortality rate, estimated to be in the range 320 to 400 per 100,000 live births in 2001, is among the highest in Asia. Pregnancy-related problems, including early and frequent pregnancies, are among the major causes of these phenomena.” [8f] (p21)

25.28 According to data provided by UNICEF, most rural women give birth at home, without medical assistance. [58a] During the period 2000-2006, 48 per cent of women attended an antenatal care facility at least once during pregnancy; 20 per cent of all births were attended by a doctor, nurse or midwife; 16 per cent of deliveries took place in a hospital or local health centre. The maternal mortality ratio for this period (i.e. the annual number of deaths of women from pregnancy-related causes) was 570 per 100,000 live births. [58c] During 2000-2006, approximately 58 per cent of women aged 15-49 were using contraception. [58c]

25.29 As noted by the UN Department of Economic and Social Affairs (website accessed in August 2008), abortion law in Bangladesh is based on the Penal Code of 1860, which permits abortion only to save the life of the woman. ‘Menstrual regulation’ services have, however, been available in the Government’s family planning programme. Menstrual regulation is available on request until eight weeks after the last menstrual period. [8g]

25.30 The MDG Progress Report of 2005 stated, “While the country’s overall HIV prevalence rate is believed to be less than one percent, sexual behaviour of partners put women at high risk of HIV/AIDS infection. Sex workers in Bangladesh brothels have an average of 19 clients a week, which is among the highest turnover rates in Asia. This is even higher (44 clients per week) for hotel-based sex workers. Condom use among the clients of sex workers is very low, and condom use among female sex workers is the lowest in Asia (two to four percent). The majority of married men who frequent brothels or have sex with street girls, engage in unprotected sex while continuing to maintain sexual relationship with their wives.” [8f] (p21)

See also Section 28: [Medical issues](#)

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## 26. CHILDREN

### OVERVIEW

This section should be read in conjunction with [Section 25: Women](#), which includes further information on issues affecting children.

26.01 The USSD 2007 report stated:

“The government was generally responsive to children's rights and welfare. Many of these efforts were supplemented by local and foreign NGOs, and these joint efforts allowed the country to make significant progress in improving health, nutrition, and education. However, according to UNICEF, slightly under half of all children were chronically malnourished ... According to the Bangladesh Child Rights Forum, 147 children were abducted, 225 were killed, 200 were injured in violence, 250 were raped, 23 were victims of acid attacks, and 169 others were missing [in 2007]. According to human rights monitors, child abandonment, kidnapping, and trafficking continued to be serious and widespread problems. Despite certain advances, trafficking of children continued to be a problem. Child labor remained a problem; it frequently resulted in the abuse of children, mainly through mistreatment by employers during domestic service and occasionally included servitude and trafficking for commercial sexual exploitation abroad. According to a 2006 study by the Bangladesh Institute of Labor Studies, attacks on children constituted over 50 percent of the deaths, injuries, and sexual assaults reported among domestic workers during the year.” [2a] (section 5)

26.02 UNICEF has identified the following as major issues facing children in Bangladesh:

- Maternal mortality remains high. Most rural women give birth at home, without medical assistance;
- Millions of children are malnourished. Roughly half of all children under age five are underweight (see Health and Welfare, below);
- Primary school enrolment is relatively high, but many children – especially those in urban slums – are still denied their right to a basic education (see Education, below);
- Seven percent of Bangladeshi children under age fourteen are in the labour force (see Child Labour, below);
- Birth registration has been very low, hindering enforcement of child protection measures (see Documentation, below);
- The rise in sea levels predicted due to global warming has the potential to displace millions.

26.03 About 2.5 million babies are born in Bangladesh each year. (UNICEF) [58d] There has been a steady decline in the infant (under 1-year) mortality rate from 100 per thousand live births in 1990 to 52 per thousand in 2006. (UNICEF) [58a] The under-five mortality rate was 69 per thousand in 2006, compared with 149 per thousand in 1990. [58a] UNICEF gave the main causes of death in children aged 1-4 as diarrhoea, acute respiratory infection, injury and drowning. [58d] (See Health and Welfare, below)

26.04 Bangladesh ratified the UN Convention on the Rights of the Child (CRC) on 3 August 1990 (with a reservation to article 14, paragraph 1); it entered into force on 2 September 1990. Bangladesh ratified both the CRC Optional Protocol on the Involvement of Children in Armed Conflict and the CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography on 6 September 2000; both entered into force in 2002. [100]

26.05 The State Party report to the UN Committee on the Rights of the Child, dated 14 March 2003, noted as follows:

“The age of majority in Bangladesh is set at 18 years under the Majority Act 1875, although the Act has no effect on the capacity of any person in relation to marriage, dowry, divorce and adoption or on the religion and religious customs of any citizen ... Other legislation relating to children does not adopt a uniform definition of the child. This anomalous situation is compounded by the lack of documentary proof of children’s ages due to the low level of birth registration, which is a major obstacle to ensuring the rights of children under both the Convention and domestic legislation.” [52a] (paragraphs 45, 46)

The State Party report of March 2003 gave examples of minimum legal age requirements set by various pieces of national legislation. With subsequent amendments – as detailed in the Third and Fourth Periodic Reports published in August 2007 – some examples are:

- End of compulsory education – 10 years;
- Admission to employment – various ages between 14 and 18 years;
- Marriage – 18 years for girls and 21 years for boys under the Child Marriage Restraint Act 1929, but religious personal laws permit marriage at an earlier age;
- Sexual consent – 14 years;
- Criminal responsibility – full criminal responsibility from the age of 12 years; rebuttable presumption of capacity to infringe the criminal law between the ages of 9 and 11 years;
- Deprivation of liberty including by arrest, detention and imprisonment: Juvenile justice cases – linked to age of criminal responsibility (see above); care and protection cases – no minimum age;
- Capital punishment – 17 years. Life imprisonment in certain exceptional circumstances – 9 years if presumption of capacity not rebutted, otherwise 12 years;
- Giving testimony in court – no minimum age but a witness must be capable of understanding questions put to him or her and of giving intelligible and sensible answers.

[52a] (paragraph 47) [52e] (page 14)

26.06 Persons aged eighteen and over are entitled to vote. [1a] (p647) There is no military conscription in Bangladesh. The minimum age for voluntary recruitment in the army and the navy is 17 years, and 16 years for the air force. Because recruits initially undergo a period of basic training, there is no scope for any person to be employed for actual service or combat duty before attaining the age of 18. [52b]

26.07 In 2005, the Ministry of Women and Children Affairs launched the third National Plan of Action (NPA) for Children, for the period 2005-2010, in order to focus resources and efforts to improve children’s lives, establish child rights,

promote gender equality and implement the terms of the UN Convention on the Rights of the Child (CRC). A National Plan of Action against Sexual Exploitation and Abuse of Children, including Trafficking (NPA-SEACT), has also been formulated. [52e] (pp6, 7, 17, 19, 60)

### CHILD RIGHTS – CIVIL RIGHTS AND FREEDOMS

- 26.08 Agence France-Presse confirmed on 8 March 2005 that the Muslim Marriages and Divorces (Registration)(Amendment) Bill 2005 had received presidential consent. [23n]. The Act provides for the registration of all marriages to be made compulsory and has introduced stiffer penalties for under-age marriages; the legal minimum age for marriage remains 18 years for a woman and 21 for a man. (United News of Bangladesh: 16 February 2005) [39q] The 2006 MICS survey – conducted jointly by UNICEF and the Bangladesh Bureau of Statistics – showed that about 33 per cent of female respondents aged below 15 years, and 74 per cent of those under 18 years, were already married. The marriage rate for women under 18 years was higher in rural than in urban areas. [52e] (page 17) The USSD 2007 report noted that, in an effort to prevent child marriage, the government has offered stipends for girls' school expenses if parents promised to delay their daughters' marriage until at least age 18. [2a] (section 4)
- 26.09 The minimum age for criminal responsibility is 9 years (Penal Code Amendment Act, 2004). [52e] (p4,5) The High Court confirmed on 9 July 2006 that all children must be tried in juvenile courts. The Court ruled that “When the accused is a child under the Children Act 1974, irrespective of the offence alleged, that child must be tried by a juvenile court and not by any other court.” (Save the Children UK – Bangladesh Office, via CRIN.) [30b]
- 26.10 Bangladeshi nationality can be acquired by birth, descent, migration or naturalization. A child's nationality is based on the nationality of his or her father. [52e] (p23)

### CHILD LABOUR

- 26.11 The USSD 2007 report observed:
- “Because of widespread poverty many children began to work at a very young age. In 2006 the ILO released a 2005 Baseline Survey for Determining Hazardous Child Labor Sectors, which estimated that of the 2.2 million workers in 45 targeted hazardous sectors, 532,000 child workers age five to 17 did hazardous labor ... Children routinely performed domestic work. The government occasionally brought criminal charges against employers who abused domestic servants. Under the law every child must attend school through grade five or the age of 10 years. However, there is no effective legal mechanism to enforce this provision. There was little enforcement of child labor legislation outside the export garment sector. [2a] (section 6d)
- 26.12 The State Party report of August 2007 to the UN Convention on the Rights of the Child (CRC) stated:
- “According to the Second National Child Labour Survey (NCLS) 2002-03, of 42.3 million children aged 5-17 years, estimated 7.4 million children (17.5 percent) are engaged in some form of economic activity. Based on definition

used in ILO Convention, it is estimated that 3.2 million (43 percent) children would be considered as child labour, representing 7.5 percent of the of the entire child population in this range. Over half of the working children (53 percent) were employed in agriculture sector, followed by production (15 percent), trading/sales (14 percent) and transport (10 percent). Children often work alongside family members in small scale and subsistence agriculture. Of the total child labour (3.2 million), 26 percent were attending schools and working simultaneously. As revealed in the survey, approximately 41 percent of child labour or 1.3 million children were engaged in hazardous labour ... There is no official record of actual number of child [domestic workers] because of the 'hidden' nature of work. According to one survey (ILO-IPEC, 2005/06), the total number of [child domestic workers] is estimated at 405,508, of them 31 percent are in Dhaka city and remainder in other parts of the country. Of the total domestic help in Dhaka, 92 per cent are full time [child domestic workers] and the remaining are part time ... Given the often-informal nature, regulation is difficult. However, recently the Government has been bringing criminal charges against employers who abuse domestic [workers] ... However, there is no effective mechanism for enforcing the law in favour of child domestics in particular. [52e] (p66-67)

26.13 The State Party report of August 2007 recorded that a new law, the Bangladesh Labour Law 2006 (BLA), had been enacted in October 2006. This prohibits hazardous work by any person below the age of 18. (The Government publishes a list of jobs deemed hazardous. For any other (non-hazardous) economic activity, the lower limit of admission into employment is 14 years; however, a child under 18 can only be employed if a registered medical doctor certifies the fitness and age of the child. The employer must also adjust working hours to allow the child to continue with his/her education. [52e] (p6)

26.14 As noted in the USSD 2007 report, "The BLA [Bangladesh Labour Act of 2006] prohibits forced or bonded labor and labor by children under the age of 14, although in some professions children between 12 and 14 years of age may legally work. The government has not enforced these prohibitions effectively. The BLA created inspection mechanisms to strengthen laws against forced labor, but these laws were not enforced [during 2007] due largely to insufficient resources." [2a] (section 6c)

26.15 As commented on the the International Labour Organization (ILO) website, accessed in August 2007:

"Extreme forms of poverty play a crucial role. Child labour is part of a vicious cycle, with poverty as a main cause as well as a main consequence. This implies that child labour cannot be addressed in isolation. Among factors contributing to child labour are rapid population growth, adult unemployment, bad working conditions, lack of minimum wages, exploitation of workers, low standard of living, low quality of education, lack of legal provisions and enforcement, low capacity of institutions, gender discrimination, conceptual thinking about childhood, etc. One or more of the above contribute to the large numbers of children working under exploitative or hazardous conditions." [32a]

The ILO 'Child Labour Data Country Brief', updated in 2006, illustrated the correlation between household income and the likelihood of children working. In the poorest quintile, 5.6 per cent of children aged 5-14 both worked and

studied, while 9.3 per cent worked only; in the richest quintile, 5.9 per cent worked and studied, while 4.1 per cent worked only. [32b]

26.16 In the abstract to a report of March 2006, Nasrin Akter observed:

Some NGOs estimate that there are approximately two million children engaged in domestic work in Bangladesh. Child domestic workers in Bangladesh stay alone in individual households, hidden from public scrutiny, and their lives controlled by their employers. The destiny of these child domestic workers rests largely on the mercy of their employers. As their parents primarily live in rural areas and usually are unable to afford to visit Dhaka regularly to oversee the condition of their children, they are exposed to abuses and health risks. Although some aspects of child domestic workers, for example, sexual exploitation and education, have recently received attention from scholars, we are not sufficiently aware of the health consequences of child domestic workers in Bangladesh. [107]

26.17 Bangladesh ratified ILO Convention 182, concerning the Prohibition and Immediate Action on Elimination of Worst Forms of Child Labour in 2001. The Government has also declared itself committed to the Rawalpindi Declaration of the South Asian Association for Regional Cooperation (SAARC) calling for the eradication of child labour by 2010. [52e] (Forward)

#### CHILD CARE AND PROTECTION

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

26.19 The USSD 2005 report quoted a 2002 news release from the government news agency Bangladesh Shongbad Shongsta in saying that there were then approximately 400,000 homeless children in the country, of whom as many as 150,000 had no knowledge of their parents. [2f] (section 5) In June 2007, the executive director of the NGO 'Incidin Bangladesh' was quoted as saying "It is impossible to figure out an accurate number but it is assumed that about two million children are living in the streets." He urged the Government to ensure an adequate provision in the national budget to establish safe night shelter for street children. (*Daily Star*, 10 June 2007) [38ak]

26.20 The State Party report of August 2007 to the UN Convention on the Rights of the Child (CRC) had noted: "There [are] no reliable statistics on orphans and orphanages. The registered orphanages provide services to about 50,000 orphans and abandoned children. This is indeed a very small proportion compared to the estimated number of orphans." [52e] (p32) The State Party report of August 2007 confirmed that the Ministry of Social Welfare ran 85 orphanages (capacity 10,300 children); six 'Baby Homes', one each in Division (capacity 550 children) for abandoned children aged 1 to 5 years; six Destitute and Vagrant Centres, six Safe Homes with capacity for 400 children, and a number of other facilities. [52e](p33) The State Party report of 14 March 2003 noted that there were another 950 orphanages run by NGOs, some with Government funding. These included institutions linked to various religions:

over 300 Muslim orphanages attached to madrassah schools, nine Hindu, five Buddhist and four Christian orphanages. [52a] (p29)

- 26.21 The State Party report to the UN Committee on the CRC, dated 23 December 2005, noted that the Suppression of Violence against Women and Children Act 2000 lays down severe penalties for various kinds of offences against children (up to 14 years) including rape, sexual harassment, kidnapping and detention for ransom. The same report mentions that it is an offence under the Children Act for a person who has custody, care or charge of a child to assault, ill-treat, neglect, abandon or expose the child or to cause such things to happen to him or her in a way likely to cause the child unnecessary suffering or injury to their health. [52c] (p14-15)
- 26.22 The NGO Odhikar, in a press release of 1 July 2007, noted that 173 children were reportedly murdered during the first six months of 2007. [46i] An Odhikar report of January 2008 recorded that 246 females under the age of 16 were raped during the year 2007; 23 of them were killed after being raped. Of the 246, 72 were victims of gang rape. According to Odhikar, 23 children were the victims of acid attacks during 2007. [46i] [Note: These figures were based on press reports – the actual incidence of serious human rights violations involving children may be far higher.]

See also Section 25: [Violence against Women](#)

- 26.23 The USSD 2007 report stated:

“The minimum age of 18 for legal female prostitution generally was ignored by authorities and circumvented by false statements of age. The government rarely prosecuted procurers of minors, and large numbers of underage girls in prostitution worked in brothels. Local NGOs estimated the total number of female prostitutes to be approximately 100,000. The UN Children's Fund (UNICEF) estimated in 2004 that there were 10,000 underage girls used in commercial sexual exploitation in the country, but other estimates placed the figure as high as 29,000. Trafficking of women internally and internationally remained a problem.” [2a] (section 5)

See also Section 27: [Trafficking](#)

- 26.24 A report published in 2003 by Save the Children noted the absence of adequate data on child sexual abuse, but that available information suggested the problem was widespread. Denial of the problem was said to be extensive, with victims often protecting their family by refusing to acknowledge abuse occurring within the home. Traditions of privacy and loyalty with the family, and the stigma associated with sexual abuse, prevented many children from seeking outside protection. Further, reports of ‘lesser forms’ of sexual abuse were often not taken seriously by the police, the courts, and others. Sexual abuse of boys is said to be much less prevalent than amongst girls. Bangladesh was the first country in South Asia to sign the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography. Provision has been made in the National Plan of Action for Children for measures to tackle child prostitution, trafficking, sex tourism and child pornography. There are several NGOs and other organisations which provide care, counselling and/or shelter to child victims of abuse, such as the Bangladesh National Woman Lawyers Association (BNWLA), Breaking the

Silence (BTS), Dhaka Shishu Hospital, Bandhu Social Welfare Society and INCIDIN. [102a] (pp19-32)

- 26.25 With regard to children with disabilities, the State Party report of August 2007 noted as follows:

“No comprehensive survey on disability has so far been conducted in Bangladesh. Findings of different partial surveys or supplementary information of other surveys indicate a range of 10-18 percent Persons with Disability (PWDs) in Bangladesh. Children with disabilities are subjected to various discriminatory practices from the moment of their birth. Considered a social and economic encumbrance, children with disabilities experience prejudicial treatment in terms of family entitlements, learning opportunities, health services and equal opportunities to develop individual capacities. Girls are generally the worst suffers. Government has undertaken various measures to address the problems of persons/children with disabilities, in some cases in collaboration with NGOs/CBOs and development partners.” [52e] (p32-33)

- 26.26 Boys, some as young as four or five, have been sold to become camel jockeys in Middle Eastern countries. [102a] (p19) The Government, with support from UNICEF and various NGOs, has repatriated more than 200 children who were formerly involved in camel racing in the United Arab Emirates. [52e] (p31)

## EDUCATION

- 26.27 Primary education was made universal, compulsory and free in 2003. [40j] (p17) According to Government statistics, the national net primary school enrolment rate in 2005 was 87 per cent; 90 per cent for girls and 84 per cent for boys. [52e](p17) The Economist Intelligence Unit (EIU) noted in their Country Profile for 2007 that Bangladesh is on track to meet the Millennium Development Goal target of 100 per cent enrolment in primary education, as well as gender parity at all levels of education, by the year 2015. [40j] (p17) According to UNICEF, the total adult literacy rate (persons who can read and write) for the years 2000-2005 was 48 per cent. [58a] For persons aged 15 to 24, the literacy rates for the period 2000-2006 were 67 per cent for males and 60 per cent for females. [58c]
- 26.28 Education is divided into four levels: Primary (from grades 1 to 5), Secondary (from grades 6 to 10), Higher Secondary (grades 11 to 12) and Tertiary. The language of tuition in state schools is Bangla. A number of private schools provide an English medium education and offer ‘O’ and ‘A’ level courses. There are also 11 government universities and approximately 20 private universities in Bangladesh. Specialised universities include Bangladesh University of Engineering and Technology (BUET), Bangladesh Agricultural University and Bangabandhu Shaikh Mujib Medical University. (‘Bangla2000’ website) [26a]
- 26.29 Boys are entitled to five years of free schooling and girls to ten years. [40j] (p17) The Government has expanded incentives for female education by making education free for girls up to grade 12 (approximately age 18) and using a stipend system from grades 6 to 12. Boys receive free education up to grade five. [2b] (section 5) A Government report of August 2007 noted that, although primary education is officially free and universal, there were various direct costs to families – including admission fees, examination fees, utility fees, etc –

and incidental costs such as transport and dress. Low-income families were, however, given financial incentives to send their children to school, in the form of rations or stipends, free books, etc. [53e] (p52-53)

26.30 The EIU Country Profile 2007 also noted that the level of enrolment in primary schools increased substantially in the 1990s; the number of primary school children increased from 12.0 million in 1990 to 17.7 million in 2001. [40j] (p17) Large numbers of students did not complete their primary education; however, the drop-out rate decreased from 59 per cent in 1991 to 33 per cent in 2005. [52f](p3) Approximately 345,000 teachers were employed in 80,397 primary education institutions in 2005, yielding a teacher:student ratio of 1:47. Classroom overcrowding was said to be quite common in most schools. [52e](p52) The EIU, in 2007, described the general quality of elementary education as 'poor' and attributed this to badly trained or absentee teachers, large classes and a shortage of books. The EIU has noted that the Government is the main provider of primary education, while most secondary schools are private. In 2006 there were 19,766 secondary schools with about eight million students, over half of whom were female. [40j] (p17) Over 98 per cent of secondary schools were private, but the Government paid 90 per cent of the teacher and staff salaries for these schools. [52e](p54)

26.31 There is also a Madrassah system which emphasises an Islamic religious education. A report published by the Asia-Pacific Centre for Security Studies (APCSS) in 2004 estimated that there were, in 2000/1, some 13,400 madrassas in Bangladesh, of which about 6,900 were state-funded. Approximately 3,340,000 pupils attended madrassas. [27a] (p105 and 107) A BBC News article of 25 February 2005 noted that there were then nearly 8,000 madrassas registered with the Government and perhaps "tens of thousands" of others set up unofficially and outside government control. [20aw] United News of Bangladesh, in a report of 4 March 2005, recorded: "There are 2.5 lakh (250,000) teachers in around 27,000 Ebtedayi, Dakhil, Alim and Kamil madrassas, with 40 lakh (4,000,000) students across the country." [39z] An Asian Centre for Human Rights (ACHR) report of November 2005, entitled "Judges under the attacks of the Jihadis", stated as follows:

"There are presently an estimated 64,000 madrasas in Bangladesh. [The ACHR report quoted the estimate of 64,000 from the Mukhtadhara website: <http://muktadhara.net>] The state support to madrasas, which are increasingly being held responsible for fomenting extremism across the world, has increased exponentially during the current BNP-Jamaat rule. It is not only Saudi funds. The Government of Bangladesh has been using assistance for education from UN agencies, western donors and other multilateral financial institutions to fund the madrasas. According to Bangladesh Economic Review, from 2001 to 2005, the number of madrasas increased by 22.22 per cent in comparison to the 9.74 per cent growth of the general educational institutions. Teachers in the general schools and colleges increased by 12.27 per cent against 16.52 per cent in the madrasas during the same period. The number of students in general educational institutions rose by 8.64 per cent while the madrasas saw 10.12 per cent rise. These figures relate to about 9,000 government-registered madrasas. There are about 15,000 Qawmi madrasas under the Bangladesh Qawmi Madrasa Education Board which are totally out of government control and have their own curriculum ... There are thousands of other madrasas which are not registered under any organisation." [53c] (p8)

## HEALTH AND WELFARE

- 26.32 UNICEF (website accessed 5 August 2008) observed that the level of malnutrition in children is high. An estimated 48 per cent of all children under the age of five are underweight, 13 per cent severely so. [58a] [58c] The Government is implementing a National Nutrition Programme (NNP) for the period 2003-2010, covering micronutrient supplementation, universal salt iodization, breast feeding promotion and other measures. [52e] (p38)
- 26.33 UNICEF has noted that various diseases which could be prevented by vaccination have, in the past, killed tens of thousands on children under the age of five; these include diphtheria, whooping cough, tetanus, tuberculosis and measles. [58d] In 2006, 96 per cent of 1-year old children were immunised against tuberculosis, 88 per cent against polio and 81 per cent against measles. There have also been measures to protect infants against tetanus. (UNICEF) [58c] More than 12 million children have received deworming treatment. (UNICEF) [58a] It was estimated in 2004 that 74 per cent of the population had access to 'improved drinking-water sources'. (UNICEF) [58c] Sanitation coverage has almost doubled since 2003; by the end of 2006, the country had achieved 81 per cent coverage. (UNICEF) [58a]
- 26.34 The USSD 2007 noted that there were "a few" state hospitals designated exclusively for children. Boys and girls had equal access to medical care in state-run hospitals. [2a] (section 5)
- 26.35 As stated above, most women in rural areas give birth at home, without medical assistance. [58a] UNICEF has advised that nearly 200 medical facilities in Bangladesh have so far been upgraded to provide improved prenatal care and safe deliveries. [58a] The neonatal mortality rate was 41 per thousand live births in 2004. This was attributed mainly to infections (pneumonia, neonatal sepsis), birth asphyxia, low birth weight and preterm delivery. [52e] (p41)
- 26.36 The overall incidence of HIV/AIDS in Bangladesh has remained relatively low; the estimated prevalence of HIV amongst adults aged 15-29 was less than 0.1 per cent in 2005. (UNICEF) COI Service has been unable to establish the mother-to-child transmission rate for HIV; however, it was estimated that only 1,400 women aged 15+ in the country were living with HIV in 2005. (UNICEF) [58c]

## DOCUMENTATION

- 26.37 A Canadian Immigration and Refugee Board (IRB) document of 8 August 2005 had stated:

"Birth certificates are not usually issued in the period immediately following the event. These certificates are often issued several years later to meet a need for identification and as a proof of age. It is relatively easy to verify civil registries for these purposes. However, birth certificates are issued upon verbal or written request, and no proof of the person's date of birth, identity or age is required; these certificates have the same value as the information provided by the applicant. Little weight is given to the integrity of the information found on a recently issued birth certificate." [3b]

- 26.38 A new Births and Deaths Registration Act was passed in December 2004 and entered into force on 3 July 2006; it made the registration of births of Bangladeshi citizens compulsory. The Act provides that birth certificates have to be shown when applying for a passport, registering a marriage, obtaining a driving licence, within 45 days of admission to a school or other state educational institution, and to obtain a number of other services. Birth certificates would continue to be issued by local authorities. (UNB, 30 November 2004 and 27 October 2005) [52e] (p22) [39am] [39an]
- 26.39 In July 2007 the Government announced a universal birth registration programme, with the objective of issuing every citizen of the country with a birth certificate by 2009; registration would be free of charge until mid-2008. (UNB, 3 July 2007) [39ao] [103a] According to IRIN, 40 per cent of the population had received a birth certificate by the end of March 2008 and a further 30 per cent had been registered by then and would receive a certificate soon. [103a]

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## 27. TRAFFICKING

27.01 The USSD 2007 report recorded:

“The law prohibits trafficking in persons; however, trafficking remained a serious problem affecting men, women, and children. Trafficking in children for ‘immoral or illegal purposes’ carries the death penalty or life imprisonment, and the government took measures for the expeditious prosecution of traffickers ... Trafficked women and children went to India, Pakistan, Bahrain, the United Arab Emirates (UAE), Kuwait, and destinations within the country. Men seeking work abroad as expatriate labor in countries such as Malaysia and the Middle East found themselves in exploitative situations of forced labor, with conditions including restrictions on movement, threats, and physical assault. Women and children were trafficked internally for commercial sexual exploitation ... According to government sources, law enforcement personnel rescued 87 victims of trafficking [in 2007].” [2a] (section 5)

In 2006, 256 victims of trafficking had been rescued by the law enforcement agencies. [2I] (section 5)

27.02 The USSD 2007 report noted that, although a lack of resources has hindered investigations, the government has expanded antitrafficking police units to all 64 districts of the country, encouraging victims to testify against their traffickers and compiling data on trafficking. In response to inadequately trained police and prosecutors, the government has worked with legal experts to provide specialised training to prosecutors and, with the International Organization on Migration (IOM), to develop a trafficking course for the National Police Academy. The Ministries of Foreign Affairs, Expatriate Welfare and Home Affairs have worked with the IOM and foreign donors to develop an action plan to combat labour trafficking and migration issues. The Foreign Ministry has issued new instructions to all consular staff worldwide on how to deal with trafficking cases abroad. [2a] (section 5)

27.03 The Home Ministry reported that 130 persons were arrested on trafficking charges in 2007, compared with 221 in 2006. In 45 trafficking cases heard during 2007, 21 persons convicted and 18 of those were sentenced to life imprisonment. No death sentences for trafficking were handed down in 2007. [2a] (section 5) [2I] (section 5) The USSD Report has cautioned, however: “The actual number of persons arrested for trafficking was difficult to obtain, as charges against traffickers were sometimes for lesser crimes, such as crossing borders without proper documents.” The report also noted that “Large numbers of children were used in brothels for commercial sexual exploitation, and procurers of minors were rarely prosecuted.” [2a] (section 5) The US State Department’s ‘Trafficking in Persons Report’ of June 2008 (USSD Trafficking report 2008) pointed out that, due to the length of court cases, many are resolved through illegal out-of court settlements between victims and traffickers. [2n] (Country Narratives)

27.04 According to the USSD 2007 report, police and local government officials often ignored trafficking in women and children for commercial sexual exploitation and were easily bribed. [2a] (section 5) The USSD Trafficking report 2008 quoted UNICEF and other sources as estimating that between 10,000

and 29,000 children are engaged in prostitution in Bangladesh. [2n] (Country Narratives)

27.05 The USSD 'Trafficking in Persons Report' of June 2008 added:

"Bangladesh does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The number of criminal prosecutions for sex trafficking offenses increased significantly from last year, and convicted traffickers received significant jail sentences; at the same time, however, there was a notable decrease in the number of convictions achieved. The government shut down some labor recruitment agencies, and initiated criminal enforcement of laws overseeing migrant labor recruitment. However, no prosecutions for these arrests were completed in 2007.... The government prohibits the trafficking of women and children for the purpose of commercial sexual exploitation or involuntary servitude under the Repression of Women and Children Act of 2000 (amended in 2003), and prohibits the selling and buying of a minor under age 18 for prostitution in Articles 372 and 373 of the penal code. Article 374 of Bangladesh's penal code prohibits involuntary servitude, but the prescribed penalties of imprisonment for up to one year or a fine are not sufficiently stringent to deter the offense. Bangladesh lacks laws criminalizing the trafficking of adult males for commercial sexual exploitation ... Domestically, the government continued to air a broad public awareness campaign warning potential victims of the risks of sex trafficking through various media. In addition, airport authorities screen travelers to identify and interdict potential victims and traffickers before they leave the country. Bangladesh has not ratified the 2000 UN TIP Protocol. [2n] (Country Narratives)

The USSD Trafficking report of June 2008 reported that Bangladesh had developed a witness protection protocol permitting [women and child] victims to submit testimony in writing or to testify in front of a judge only. [2n] (Country Narratives)

27.06 The USSD 2006 and 2007 reports have recorded that, besides law enforcement agencies, a number of NGOs recover and assist victims of trafficking and are also engaged in research, advocacy and legislative reform. [2l] (section 5) [2a] (section 5) The Bangladesh National Women Lawyers' Association (BNWLA) rescued 59 trafficking victims from within the country, and repatriated 65 others, during 2007. [2a] (section 5)

27.07 Between August 2005 and December 2007, a cooperative effort between the Government, NGOs and authorities in the United Arab Emirates resulted in the repatriation of 199 camel jockeys, 198 of whom had, by 2007, been reunited with their biological parents. Most also received monetary compensation. The government, with assistance from UNICEF, has adopted an action plan for the rehabilitation of former camel jockeys. (USSD 2007) [2a] (section 5)

27.08 The Freedom House report 'Freedom in the World 2008' reflected that trafficking in both women and children had remained "extensive" in 2007, but that the government had taken steps to raise awareness of this issue and to prosecute traffickers more vigorously. [65b]

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## 28. MEDICAL ISSUES

### OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 28.01 The EIU Country Profile 2007 stated that medical facilities in the country were “extremely scarce”; in the fiscal year 2005/06 there were 49,669 hospital beds, 42,101 registered doctors and 14,689 registered nurses in the public sector. (This translates to approximately 27 doctors and 10 registered nurses per 100,000 population.) [40j] (p16) A World Bank report of May 2004 estimated the worldwide average to be about 146 physicians and 334 nurses per 100,000 population. [6] As was noted in the United Nations Common Country Assessment for 2004, the private sector provides the major proportion of outpatient curative care, especially among the poor, while the public sector serves the larger proportion of inpatient care. [8d] (p30) The EIU Country Profile noted that only about 12 per cent of all “serious cases” were referred to public health services. The report added, “Whereas health services for the general population remain poor, there are private hospitals that provide first-rate medical services for the wealthy in Dhaka.” [40j] (p17)
- 28.02 The World Health Organisation (WHO) informed in its Bangladesh Country Profile (accessed August 2008):
- “Significant changes in human resources for health have taken place in recent years leading to overall improvement in the coverage of health services. These include production and deployment of more health and health-related personnel, refresher training for health personnel in service, and greater use of health volunteers ... Actions are being taken, which include the establishment of a permanent health institute, formulation of a human resource development plan, and enhancing the quality of medical education ... As early as the 1980s, Bangladesh had a national essential drugs policy and a list of essential drugs to be procured and used in health services. These have been maintained to date. Most of the essential drugs were known by their generic name and were less costly than brand name drugs. Production and distribution facilities, both in the private sector and public limited companies, are adequate. Despite these advantages, government run health facilities did not have sufficient essential drugs to meet their actual needs, since the budgetary allocation for the procurement of drugs was not enough.” [14a] (Country Health System Profile; p 5)
- 28.03 The World Health Organisation estimated that life expectancy at birth increased from 55 years in 1990 to 63 years in 2006, for both males and females. The Infant Mortality rate declined from 100 per thousand live births in 1990, to 52 per thousand in 2006. [14c]
- 28.04 There has been a high incidence of malaria in the Chittagong Hill Tracts; Médecins Sans Frontières (MSF) and others started providing the effective artemisinin-based combination therapy (ACT) in Bangladesh in 2004, according to MSF articles of 19 July 2004 and 5 December 2005. [29b] [29c]
- 28.05 The database of the Directorate General of Health Services provides a comprehensive listing of medical institutions in Dhaka: <http://www.angelfire.com/ak/medinet/database.html> [82]

See also Section 26: [Children](#) and Section 25: [Women](#)

## HIV/AIDS

- 28.06 As stated on the United Nations Development Programme (UNDP) website 'You and AIDS', when accessed on 6 August 2008, Bangladesh is a country with low HIV prevalence but high 'vulnerability'. In 2005 the country's overall HIV prevalence rate was less than one percent. There are reported to be over 105,000 sex workers in the country, with a higher average client turnover rate than elsewhere in the region. Use of condoms during paid sex is said to be "rare". There is a relatively high incidence of syphilis and other STDs among sex workers. There is extensive needle/syringe sharing by drug users; a national survey had indicated that the HIV incidence among intravenous drug users jumped from 1.8 per cent in 2001 to more than 4 per cent in 2004. [108a] The NGO, 'CARE International', has estimated that some 90 per cent of intravenous drug users in Bangladesh share needles. CARE runs 52 'drop in' centres in Dhaka, some of them through local NGOs, which provide a needle exchange programme, free condoms and other services to groups at high risk of HIV infection. [86]
- 28.07 UNAIDS noted in 2004 that Bangladesh had the "key ingredients" for a successful response, a nationwide network of NGOs implementing effective interventions, effective examples of government organisation/NGO collaboration, a sector-wide approach to health with mechanisms for donor collaboration, an enabling multi-sectoral policy, and a strong commitment from the Government as well as civil society. [36a] In October 2006, UNAIDS recorded that the Government's National Strategic Plan on HIV/AIDS for the period 2004 through 2010 had been formally launched. [36b] Its primary objectives included the rapid scale-up of proven NGO programmes that focus on high-risk population groups, and raising awareness among the general population. The Government also works with the World Bank on a US \$40 million HIV/AIDS Prevention Project. [108a] UNAIDS estimated in 2006 that only one per cent of HIV-infected men and women were then receiving anti-retroviral therapy. [36c] However, according to the 2008 UNGASS Country Progress Report prepared by the Ministry of Health, 13.3 per cent of adults and children "with advanced HIV infection" were receiving anti-retroviral therapy in 2007. [19a] (p17) Anti-retroviral therapy was mainly provided by certain NGOs. [19a] (p18) It had been announced in October 2003 that Beximco Pharmaceuticals Limited, one of the country's leading pharmaceutical manufacturers, had launched five high specification anti-retroviral drugs. (Espicom Business Intelligence) [28]
- 28.08 Health Advisor A.S.M. Matiur Rahman said at an HIV/AIDS workshop in April 2007 that there were then 874 people in Bangladesh known to be HIV infected. He said the situation was still in a 'manageable' state, but cautioned that the country remained at high risk for HIV/AIDS. (*Daily Star*, 17 April 2007) [38 aw]

## KIDNEY DIALYSIS

- 28.09 The website of the National Kidney Foundation of Bangladesh gives details of hospital- and clinic-based dialysis centres in the principal cities, and of renal transplant facilities in Dhaka: <http://www.kidneybangla.org/> [81]

## MENTAL HEALTH

- 28.10 Mental healthcare is provided at the primary level by primary care physicians and health workers, at the secondary level by district hospitals (though only one hospital has been equipped to provide the services), and at tertiary level by teaching hospitals. Of the 14 drugs for psychiatric treatment listed in the WHO Project Atlas survey for 2005, only three were not available in Bangladesh. (WHO Mental Health Atlas 2005) [14b] The British High Commission in Dhaka commented in November 2003: "As requested we have made enquiries into the provision of psychiatric care in Bangladesh. We have been advised by doctors working here that there are practising psychiatrists here who trained in the UK. While that standard of care provided in government hospitals is not necessarily fully up to UK standards, most doctors also run high quality private practices where fees are minimal compared with the UK." [11f]

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## 29. HUMANITARIAN ISSUES

29.01 The United Nations Common Country Assessment for 2004 observed:

“Roughly half the country’s rural households can be considered food insecure. Millions of children and women in Bangladesh suffer from one or more forms of malnutrition, including low birth weight, childhood growth failure (stunting), vitamin A deficiency, iodine deficiency disorders and anaemia. The most recent data indicate that 43 percent of children under five are stunted (short-for-age) and 48 percent are under-weight [quoting BDHS 2004]... Bangladesh made substantial progress in reducing child malnutrition between 1990 and 2000, with the percentage of underweight children falling from 67 to 48 percent, and child stunting falling from 66 to 43 per cent. Nevertheless, in 2004 according to WHO criteria the prevalence of child underweight and stunting was still among the highest in the world and more severe than in most other developing countries, including sub-Saharan Africa.” [8d] (p31)

The Economist Intelligence Unit’s Country Profile 2007 stated:

“Bangladeshis suffer from some of the highest malnutrition levels in the world. Major problems include childhood protein-energy deficiency, maternal undernutrition (as evidenced by low weight, short stature and anaemia in expectant and nursing mothers) and deficiencies of micronutrients (particularly vitamin A, iron and iodine), which affect all ages.” [40j] (p18)

29.02 The EIU, in their Country Report of February 2008, recorded that the price of rice, the country’s staple food, had nearly doubled since January 2007. There was a severe food shortage in the country following the floods of July-August 2007 and Cyclone Sidr in November 2007; the Government confirmed that 1 million tonnes of rice would have to be imported in 2008. The EIU also reported in February 2008 that, under the Vulnerable Group Feeding scheme, rice had been distributed to hundreds of thousands people living below the poverty line: “In cyclone-hit areas more than 2.5m people have been brought under the scheme, which entitles beneficiaries to receive free food for four months. A total of 5.8m people were brought under the scheme in September-December 2007.” The EIU report also mentioned that, in January 2008, the Bangladesh Rifles – one of the country’s paramilitary forces – began selling rice in towns across the country at heavily subsidised prices. [40i] (p7,11,13) BBC News reported on 3 January 2008: “...thousands of poor people can be seen queuing up at numerous stalls set up by the authorities to sell rice at a subsidised rate of 25 taka (US \$0.36) per kg.” Ships carrying 107,000 tonnes of imported rice arrived in Chittagong the same day. [20dm] On 6 May 2008, the Government temporarily banned the export of almost all rice in an effort to contain prices. The price of rice had, by then, reached US \$0.60 per kg, twice the price of a year earlier. (BBC News, 6 May 2008) [20dt]

29.03 The EIU’s country report of August 2008 recorded:

“The caretaker government has decided to build a strategic rice reserve in a bid to control the price of the country’s main staple food and to deal better with food shortages in the event of a natural disaster. The procurement of 1.5m

tonnes of rice ran into problems in July as private mills refused to sell at the caretaker government's procurement price of Tk28/kg, which is well below the market price. As a response, in mid-July the government revoked the operating licences of almost 2,000 mills (out of a total of 14,000) that had refused to sell rice to the authorities at the fixed price. According to the government, rice stocks stand at around 1m tonnes, 600,000 tonnes more than last year, but it admitted that it had met only 60% of its procurement target. The authorities regularly set a target for total foodgrain production, but actual production has consistently fallen below this. In 2007/08 foodgrain production was projected at some 30m tonnes." [40o]

- 29.04 Much of the country lies within the deltaic plains of the Ganges (Padma), the Jamuna (Brahmaputra) and the Meghna river systems and flooding can have devastating consequences. A BBC News report of 3 August 2004 stated that the unusually heavy monsoon floods of July-August 2004, which covered up to 60 per cent of the country, had caused the deaths of some 600 people and left at least 30 million displaced or stranded. [20af] Serious monsoon floods affected South Asia in late-July and early-August 2007. [20dg] BBC News reported on 4 August 2007 that, after 20 days of heavy rain, an estimated seven million people had been displaced, stranded, or otherwise impacted by the floods, in 41 of the country's 64 districts. [20dg] By 13 August 2007, the known death toll in Bangladesh stood at 441. (Keesing's, August 2007) [5p]
- 29.05 Cyclone *Sidr* struck southern Bangladesh on 15 November 2007 with devastating results. The official death toll, as of 26 November, was 3,243 – but with many areas still isolated by the floods, the Bangladesh Red Crescent Society estimated that the final death toll could be as high as 10,000. [5s] (p48248) See also [Section 4: Recent developments](#)
- 29.06 It was estimated in 2004 that 74 per cent of the population had access to 'improved drinking-water sources'. (UNICEF) [58c] Sanitation coverage reached 81 percent by the end of 2006. (UNICEF) [58a] Drinking wells in Bangladesh have often been dangerously contaminated with arsenic. (Keesing's Scientific Research, November 2006) [5e]
- 29.07 The United Nations Common Country Assessment for 2004 also noted:
- "Today, NGOs are a significant provider of social services, in particular health and education, to the rural poor. Specialized microfinance institutions...have had considerable success in helping to provide alternative income-generating opportunities for poor women in Bangladesh. The emergence of NGOs has also played a significant role in the improvement of human development indicators and compensated, in part, for weak market and state institutions. Within the context of a rights-based approach, it should be noted that local NGOs have also played a significant role in terms of helping poor and marginalized groups to make claims for the fulfilment of their rights to education and health and secure and sustainable livelihoods. Today there are well over a thousand NGOs registered with the Government. From village cooperatives and women's groups on the one hand to large internationally recognized institutions with staff running into the thousands, civil society in Bangladesh has thrived since the restoration of democracy." [8d] (p 69)

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### 30. FREEDOM OF MOVEMENT

30.01 The USSD 2007 report stated, "The law provides for these rights, and the government respected these rights in practice with specific exceptions. The [Emergency Power Rules] gave the government authority to curb freedom of movement. The government prevented persons suspected of corruption from leaving the country. Law enforcement personnel prevented numerous persons from departing the country via Dhaka's international airport because they had been placed on lists of corruption suspects." [2a] (section 2d)

30.02 The US Committee for Refugees and Immigrants (USCRI) 'World Refugee Survey 2008' recorded:

"The 1972 Constitution reserved its protection of freedom of movement to citizens, while the 1946 Foreigners Act, without exceptions for refugees, permitted the Government to require foreigners to reside in particular places and to impose any restrictions on their movements. Bangladesh had no law, regulation, or formal policy regulating the confinement of refugees and asylum seekers; authorities simply restricted it arbitrarily." [37h]

## 31. INTERNALLY DISPLACED PEOPLE (IDPs)

- 31.01 The Internal Displacement Monitoring Centre (IDMC), in a special report of 28 March 2006 entitled 'Minorities increasingly at risk of displacement', has recorded that civil war and persecution of minorities have displaced hundreds of thousands of people in Bangladesh since 1971. [45b] (p3)
- 31.02 The largest occurrence of conflict-induced displacement is found in the Chittagong Hill Tracts (CHT) in south-east Bangladesh, noted the above IDMC report. No recent information exists about the current number of people displaced; estimates of the number of IDPs in the CHT have varied between 60,000 (Amnesty International, 2000) and 500,000 (Government task force, 2000), although there is apparently a consensus between tribal representatives, NGO workers and academics that the task force list is inaccurate. There was also a debate about the definition of an IDP. [45b] (p13-14) According to the IDMC, "The government of Bangladesh has done little to assess and respond to the rights and needs of people who have been forced to flee their homes due to conflict. A national strategy and political will are lacking to address the needs of the internally displaced in Bangladesh." [45b] (p23) Various NGOs have started programmes in such fields as health, education, water and sanitation, and certain international donors have recently announced major development projects in the CHT in co-operation with the Government. [45b] (p23-25) [8e] [75a] [79a]
- 31.03 The IDMC report of March 2006 has cautioned that "The tribal population of the Chittagong Hill Tracts remains under serious threat of displacement as a result of evictions from existing reserve forests, acquisition of land by government agencies for the creation of additional reserve forests, expansion of military facilities and lease of land by the government for commercial plantations." [45b] (p18)

See also Section 22: [The indigenous Jumma peoples of the Chittagong Hill Tracts](#)

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## 32. FOREIGN REFUGEES

32.01 The USSD 2007 report recorded:

“The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. In practice, the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution..” [2a] (section 2d)

32.02 The US Committee for Refugees and Immigrants (USCRI) ‘World Refugee Survey 2008’ stated that there had been no reports of *refoulement* of UNHCR-registered refugees or asylum seekers in 2007. However, the report continued: “In late December [2007]...authorities forced some 14 Muslim Rohingyas from Myanmar back over the border. At least several hundred left for other countries, such as Malaysia, because of the Government’s severe restrictions against them in Bangladesh ... UNHCR began training [personnel of the Bangladesh Rifles], which patrolled the border, on the difference between asylum seekers and migrants but they still treated asylum seekers as illegal entrants and often detained them, generally releasing them for bribes.” [37h]

### ROHINGYA REFUGEES

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

“Some 250,000 Rohingya fled to Bangladesh from Burma in late 1991 and early 1992. The Rohingya, who are Muslim, claim religious and other forms of persecution in Burma. Although the refugees were initially welcomed by Bangladeshis who share ethnic and cultural links with the Rohingya, relations between the refugees and the local residents quickly turned sour. Between mid-1992 and 1999, more than 230,000 Rohingya repatriated to Burma. Although some returned voluntarily, Bangladesh coerced most into returning.” [37c]

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

UNHCR has confirmed that the Government stopped registering Rohingya refugees in 1992. Thereafter it has not permitted its officials or UNHCR to conduct registration of new arrivals, with the result that Rohingya who arrived after 1992 have not been able to register as refugees. [67g]

32.04 According to the USCRI ‘World Refugee Survey 2008’:

“Bangladesh [in 2007] hosted some 178,000 refugees, almost all of them Muslim Rohingyas from Myanmar fleeing ethnic and religious persecution since 1991. Estimates of the unregistered refugee population ranged from 100,000 to 200,000; they lived outside the camps and without legal status in

the Cox's Bazar district and the Bandarban sub-district of Chittagong. The Government allowed temporary asylum on a case-by-case basis to those UNHCR recognized in urban areas and to the 26,300 Rohingyas it confined to two camps in the southern Cox's Bazar area: Nayapara, with about 16,000 refugees; and Kutupalong, with about 10,000 ... In 1992, the Government issued the camp refugees with one Family Book per household. This served as their identity document and contained the names and other data of the family members. UNHCR issued individual photo identity cards, renewable yearly, to all UNHCR-recognized non-camp refugees above the age of 12; children under 12 were included on their parents' refugee identity cards. Police respected these cards throughout the country. UNHCR granted letters equivalent to an Asylum Seeker Certificate to all who applied with the agency.

A profiling exercise conducted by UNHCR in 2006 actually identified some 27,004 refugees residing legitimately within the Kutupalong and Nayapara camps. There were also 4,975 unregistered refugees living in these two camps, who did not have access to food distribution and other entitlements accorded to registered refugees. In practice, recognised refugees were sharing their rations with their unrecognised kin. [67g]

32.05 The USSD 2007 report recorded:

"The government continued to deny asylum to Rohingyas newly arriving from Burma. The government categorized these refugees as illegal economic migrants and turned back as many persons as possible at the border. According to the UN High Commissioner for Refugees (UNHCR), some refugees returned by the government were likely entitled to refugee status. Some unregistered persons in UNHCR camps returned illegally after their official repatriation to Burma, sharing food and lodging with relatives who received rations as registered members of the camps. On a number of occasions, camp officials transferred some of the unregistered persons to police, who imprisoned them under the Foreigners Act." [2a] (section 2d)

32.06 In September 2005, UNHCR published a paper which described living conditions in the government-run Nayapara and Kutupalong camps as sub-standard. Housing was overcrowded and badly in need of repair or renewal. Children, who made up 65 per cent of the camp population, received only a partial education. The inhabitants of the camps claimed to have been beaten, family books which entitled them to rations confiscated and money extorted, often by refugee leaders, known as Mahjees, and their followers. [67c] A Médecins Sans Frontières (MSF) Report of April 2002, entitled '10 Years for the Rohingya Refugees in Bangladesh', had observed: "For 10 years running, the majority of the Rohingya refugees have been malnourished. In a closed-camp setting, the refugees still do not have enough food. Today, 58 percent of the refugee children and 53 percent of the adults are chronically malnourished." [29a] (p12) According to the USCRI 2006 report, "Sixty-five percent of children in the refugee camps suffered from chronic malnutrition and thirteen percent from acute malnutrition." [37f]

32.07 The USSD 2007 report noted: "Working with UNHCR, the government continued to improve conditions in the refugee camps following findings in recent years that sanitation, nutrition, and shelter conditions had fallen below minimum international standards. The government permitted the UNHCR to build replacements for shelters and latrines and permitted more NGOs to work

in the camps on skills training, education, and health.” [2a] (section 2d) A UNHCR press release of 22 March 2007 confirmed plans to eventually replace all shelters in the two camps; some 2,200 people were scheduled to move into new shelters during 2007. This project was being paid for by UNHCR, with funding from the European Commission. Médecins Sans Frontières (MSF) was reported to be in the process of opening clinics in both camps. [67f]

32.08 UNHCR confirmed in September 2007:

“Until 2006, the [Government] allowed only minimal repair and maintenance of the shelters in the two official refugee camps. However, recent agreements have been reached in 2006 to enable the construction of larger and more permanent shelters in accordance with international standards for all refugees in both camps. The exercise of construction has begun in late 2006 and is envisaged for completion by end 2008 – provided adequate funding is available. Similarly, sanitation facilities, previously in bad conditions, have been rebuilt ... [The Government] agreed to the involvement of UN Agencies and NGOs in the refugee camps – Medecins Sans Frontieres Holland (MSF) is back in the camps with Handicap International, Research Training & Management International (RTMI) and potentially Concern pending to begin activities in the camps... [The Government has agreed to] the enhancement of skills training and education for the refugees in the camp, including the adoption of a national based curriculum ... Marked improvement in cooperation between UNHCR and the police in Cox Bazaar from early 2007 has resulted in the reduction of police violence and abuse in the camps ... To address the problem of malnutrition in the camps, the High Commissioner [for Refugees] has allocated additional funds for UNHCR Bangladesh to address the serious problem. [67g]

32.09 The USCRI ‘World Refugee Survey 2008’ noted that, according to UNHCR, camp authorities had ceased using corporal punishment, fines and the systematic withholding of food as punishment. Authorities allowed the UNHCR to visit detained refugees and asylum seekers with prior notice. [37h]

32.10 A UNHCR briefing paper of 19 July 2005 outlined the plight of between 6,000 and 10,000 Rohingyas living, outside of the refugee camps, on the tidal river flats of the Teknaf (Naaf) River – which forms the border with Burma. The paper described conditions there as “extremely risky and deplorably squalid”. [67a] The UNHCR, in a press release of 7 March 2007, reported that a “threat” by the Bangladeshi authorities to demolish the makeshift homes of the refugees who had settled next to the Naaf River had been narrowly averted. [67e] However, Human Rights Watch (HRW) claimed in a report of 27 March 2007 that “a large part” of the settlement had been demolished in early-March and that no alternative shelter was provided for the people who were displaced. According to the report, the authorities had shifted part of the ‘Tal’ camp to extend the nearby highway and “large numbers of homes” were destroyed. [10e] UNHCR provided the following clarification to the Home Office in September 2007: “In May 2007, following several [representations] by UNHCR, diplomatic missions based in Dhaka as well as MSF-Holland, the Government of Bangladesh agreed for the relocation of this population to a safer site some 9 km from their current location. An estimated 9,000 residents are scheduled for relocation, in stages, between November 2007 and May 2008, with the assistance of UN agencies and NGOs.” [67g] In December 2007, the European Commission approved a €1.5 million humanitarian aid

package to provide assistance to unregistered Rohingya refugees in Teknaf and Cox's Bazar. [39aj]

- 32.11 UNHCR has stated: "Many refugees have been charged with crimes they have not committed as a policy of repression and extortion by law enforcement over the years. UNHCR is working closely with law enforcement and the District Judge in Cox's Bazaar to limit this practice." As of 31 August 2007, 95 refugees were in detention on various criminal charges; of these, 89 were awaiting trial and 6 were serving their sentences. A further 293 refugees were on bail, awaiting trial. [67g]
- 32.12 According to the USCRI 'World Refugee Survey 2007', "The Rohingya Solidarity Organization, the largest Rohingya group in Bangladesh, reportedly had ties to *Jamaate-Islami*, *Harkat-ul-Jihad-al Islami*, and other militant Islamic groups." [37g] The USCRI 'World Refugee Survey 2006' reported that 25 Rohingyas were arrested in October 2005 for alleged involvement with Islamist militants. [37f]
- 32.13 According to the USCRI 'World Refugee Survey 2008', the Government issued no international travel documents to refugees in 2007. [37h]

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### 33. CITIZENSHIP AND NATIONALITY

- 33.01 The Bangladesh Citizenship (Temporary Provisions) Order 1972 introduced the citizenship laws after the country's independence. Article 2 of the Order stipulates that anyone who was born in the territories now comprised in Bangladesh (or whose father or grandfather was born in these territories) and who was a permanent resident in these territories on 25 March 1971 and continues to be so resident, will be deemed to be a Bangladeshi citizen. Article 2A provides that a person to whom the above article would have applied, but who is resident in the United Kingdom, shall be deemed to have continued to have been permanently resident in Bangladesh. The Government may notify, in the official Gazette, any person or categories of persons to whom this Article shall not apply. In case of doubt as to whether a person is qualified to be deemed a citizen of Bangladesh under Article 2 of the Order, a decision of the Government will be final. [18a]
- 33.02 The Bangladesh Citizenship Order of 1972 further provides that any person who "owes, affirms or acknowledges, expressly or by conduct, allegiance to a foreign state", or is notified under the provisions of Article 2A, does not qualify for Bangladeshi citizenship. [18a]
- 33.03 The 1978 Bangladesh Citizenship (Temporary Provisions) Rules allow for the Government to consider an application for citizenship from an applicant who is a foreign woman and married to a Bangladeshi citizen and has resided in Bangladesh for two years, or from any other applicant who has resided in Bangladesh for a period of five years. [18b]

## 34. EXIT/ENTRY PROCEDURES

- 34.01 The USSD 2007 report confirmed that the law provides for freedom of movement in respect of foreign travel, emigration and repatriation; the government generally respected these rights in practice during 2007, although there were instances in which the government restricted these rights. [2a] (section 2d)
- 34.02 The Immigration and Refugee Board of Canada (IRB), in a document dated 21 February 2005, quoted the Bangladesh High Commission as saying that the validity of passports or travel documents might vary from 'months' to several years (usually up to five years); documents with shorter validity were normally issued to Bangladesh nationals who had lost their passport or were unable to produce details of their previous passport. Passports were issued after standard identity checks, as required by law. [3s]
- 34.03 The Canadian IRB was advised by the Bangladesh High Commission in November 2003 that a woman did not need her husband's consent in order to obtain a passport. A child under the age of 12 would usually be included on their mother's passport but, should there be cause for concern regarding the application, the authorities might request the other parent's consent. There was no official requirement for parental consent for children over the age of 12 who apply for a passport, although children were "typically accompanied by a parent when filing their application". Passport applicants were required to provide their birth certificates and, since 2002, the names of both parents had appeared in passports. [3p]
- 34.04 A Canadian IRB paper of 20 November 2003 quoted the Bangladesh High Commission as stating that in instances where minor children were travelling from Bangladesh with one parent, the presence and/or consent of the other parent was not normally required. Children could travel alone provided that a form had been filled out and signed by one parent; the name of the guardian who was to pick the child up at the destination was stipulated on the form. According to the High Commission, there were no provisions in policy or legislation that restricted the travel of children although, in practice, the view was that children should travel in the presence of their mother. Furthermore, immigration authorities had the right to prevent anyone from leaving the country if they reasonably suspected wrong-doing. Where the parents were separated or divorced and a custody order had been issued stipulating that a parent was not permitted to leave the country with their child(ren), immigration authorities were notified of this by the courts. [3q] However, a separated or divorced parent could leave the country with their child(ren) after obtaining permission from the courts. [3r]

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## 35. EMPLOYMENT RIGHTS

35.01 The USSD 2007 report stated:

“The law provides for the right to join unions and, with government approval, the right to form a union; Export Processing Zones (EPZs) have a separate set of labor laws. In practice, the government did not respect consistently the right of association. After the government enforced the EPR [Emergency Power Regulations], the right of labor unions to meet lawfully or hold public demonstrations was prohibited. Additionally, during the year several labor leaders and organizations reported being subject to intimidation and scrutiny by security forces. The total labor force was approximately 49.5 million, of whom approximately 1.9 million belonged to unions, many of which were affiliated with political parties. There were no reliable labor statistics for the large informal sector, in which the vast majority (nearly 80 percent) of citizens work ... The Bangladesh Labor Act of 2006 (BLA) consolidated laws from 25 separate acts into one comprehensive law. Workers filed legal cases against EPZ factories that did not follow the BLA... Unions were highly politicized and were strongest in state-owned enterprises, including jute mills, textile mills, chemical industries, and the government-run port of Chittagong. Civil service and security force employees were legally prohibited to form unions ... Under the BLA, new categories of workers, including teachers and NGO workers, were permitted to form unions. Due to the broad limitations on union organizing during the state of emergency, these new regulations were not formally instituted.” [2a] (section 6a)

35.02 The USSD 2007 report added:

“The BLA includes provisions protecting unions from employer interference in organizing activities. Implementation of these provisions was uneven, however, and many private sector employers discouraged union activity. Some employers fired workers suspected of organizing or sympathizing with unions, placed informants in work areas, and in some cases, intimidated workers with threats of violence. The BLA recognized the right to strike. In practice few strikes followed legal requirements; often, strikes or walkouts occurred based on the spontaneous decisions of workers, sometimes prompted by a rumor ... The Director of Labor ruled on union-organizing discrimination complaints. Throughout the year, the labor court ordered reinstatement of workers fired for union activities, but a large backlog hampered the court's effectiveness ... The BLA established mechanisms for conciliation, arbitration, and labor court dispute resolution ... Workers have the right to strike in the event of a failure to reach settlement ... Throughout the year [2007], sporadic labor unrest occurred within the Dhaka EPZ. Strikes and violence broke out in Khulna and Chittagong after the government closed jute mills in those two cities. In the wake of the unrest, labor organizers reported acts of intimidation and abuse, arbitrarily locked-out employees, firing of workers, and increased scrutiny by security forces.” [2a] (section 6b)

35.03 The USSD 2007 report further noted:

“The National Minimum Wage Board (NMWB) announced a new national minimum wage for all economic sectors not covered by industry- specific

wages. The NMWB convenes every five years to set wages and benefits industry by industry, using a skill-level range ... The BLA established occupational health and safety standards ... Workers may resort to legal action for enforcement of the law's provisions, but few cases were prosecuted. Enforcement by the Labor Ministry's industrial inspectors was weak, due to the low number of labor inspectors and endemic corruption and inefficiency among inspectors. Because of a high unemployment rate and inadequate enforcement of the laws, workers demanding correction of dangerous working conditions or refusing to work under hazardous conditions risked losing their jobs." [2a] (section 6e)

- 35.04 Keesing's recorded that unprecedented labour unrest occurred in the garment industry in May and June 2006. A dispute over dismissals in a single factory in Dhaka led to strikes and riots by garment workers on 20-23 May, citing low pay and long hours. Some 250 factories were damaged, one demonstrator died and over 100 people were injured before police and troops intervened. The Government announced on 25 May 2006 that it would establish a commission to set a minimum wage in the garment sector. [5j] On 4 June, some 3,000 garment workers in and around Dhaka renewed protests against poor wages and working conditions and lack of union rights. On 17 June, several thousand workers demonstrated following the indefinite closure of a number of factories. Police used tear gas and baton charges to disperse the workers. (Keesing's, June 2006) [5k] Agence France-Presse reported on 12 October 2006 that thousands of garment workers had staged violent demonstrations, following the announcement on 9 October of a new minimum wage of Tk1,662.50 (approximately £12) for the industry, up from the previous level of TK950.00 per month. Troops were deployed to contain the protests after at least seven factories were set on fire. [23q]
- 35.05 The president of the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) said on 29 May 2007 that his organisation was determined to enforce payment by 30 June 2007 of the minimum wage of Tk1,662.50 by all garment factories. The Government, in a sample survey of 1,013 garment factories conducted early in 2007, had found that only 600 of them were paying the minimum wage of Tk1,662.50 announced in October 2006. (UNB, 29 May 2007) [39ae]
- 35.06 In a special report published on 16 July 2007, *The Guardian* (UK) described working conditions in certain factories in Bangladesh which were producing garments for export to supermarket groups the UK. Interviews of 12 factory workers and the President of the United Garment Workers Federation showed that:
- The majority of garment factories (not specifically those exporting to UK supermarkets) were still not paying the minimum wage of Tk1,662.50 (approximately £12) per month, announced in October 2006 and to be implemented by 30 June 2007. Less skilled workers were being paid as little as £8 a month, whereas experts considered £22 to be the minimum living wage. Wages had halved in real terms in recent years;
  - Many were required to work a minimum of 60 hours a week, some up to 84 hours; they were sometimes forced to work through the night to finish an order.
  - Workers were refused access to trade unions;

- Some of those interviewed said that workers in their factory were subjected to physical and verbal abuse and threats from managers; some had been dismissed for trivial reasons;
- Long hours, bad working conditions, poverty and overcrowded and unsanitary conditions made garment workers susceptible to various illnesses and diseases, such as tuberculosis, kidney problems, diarrhoea, hearing difficulties, skin diseases and mental health problems.

One factory owner told the Guardian that his customers (in the US and Germany) gave him little choice but to keep wages low: "Buyers who come to Bangladesh tell us, 'we are businessmen, we want to make money. If we see cheaper prices in China we will go there'." [55c]

- 35.07 The USSD report commented: "During the year [2007], the Bangladesh Garment Manufacturers and Exporters Association [BGMEA] reported implementation of the new minimum wage at nearly 99 percent compliance in the factories surveyed. The 32 non-compliant garment factories were identified by BGMEA as sub-contracting operations. Workers' groups contested BGMEA's sampling methods. The American Center for International Labor Solidarity cited random surveys that identified over 100 factories as noncompliant." [2a] (section 6e)
- 35.08 BBC News reported on 5 May 2008 that many garment factories had begun to provide food to their lowest paid workers at subsidised prices. The President of the BGMEA said it was hoped to provide four kgs of rice a week to 200, 000 people out of a total workforce of 800,000, at two-thirds of the market price. The market price of rice, the staple diet, had doubled in the past 12 months and it was estimated that most workers now spent about 70 per cent of their earnings on food. [20ds]
- 35.09 Labourers in the tea gardens situated in the north east of the country have constituted a marginalised and exploited community. According to the Reliant Women Development Organisation (RWDO) in Sylhet, the main community of tea garden workers migrated to Bangladesh from India nearly 150 years ago. There were about 297,000 people in this community in 2007; most were Hindu, Christian, or of other religious minorities and they tended to live in isolation from the surrounding Bangladeshi society. A worker in a tea garden, in 2007, was paid Tk.30 (about £0.23) for plucking 23 kgs of tea leaves, often a full day's work. Some additional payment was made for quantities over 23 kgs. 'Registered' workers were entitled to accommodation and medical treatment which, according to RWDO, was of a very poor standard. Other problems facing this community included a high rate of illiteracy, unhygienic sanitation, contaminated drinking water and alcoholism. [94]

## 36. SITUATION ON THE INDIA-BANGLADESH BORDER

- 36.01 Odhikar, an independent NGO, reported in March 2007 that, on average, one Bangladeshi national is killed every four days by armed and “apparently trigger-happy” personnel of the Indian Border Security Force (BSF). [46c] The BSF and Indian ‘miscreants’ were reportedly responsible for a total of 519 incidents which took place within Bangladeshi territory during 2006, in which 146 people were killed, 144 were injured, 197 abducted or reported missing, 21 arrested, two raped and nine were ‘mugged’. Most of the victims were local farmers or farm workers. [46c] During 2007, 120 Bangladeshi nationals were reportedly killed by the BSF; 82 were injured 98 were abducted and three women were raped. [46i] The USSD 2006 report had noted: “According to human rights organizations, BSF members and Indian-based gangs believed to be affiliated with the BSF killed approximately 600 persons and injured 675 in border villages from January 2000 through year’s end [2006].” [2a] (section 1a)
- 36.02 Odhikar has stated also that there had been numerous attempts in 2006 and 2007 by Indian border guards to ‘push-in’, or force Bangla-speaking Indian citizens across the border into Bangladesh. [46c] [46i]
- 36.03 According to an Odhikar report of 1 July 2008, the Indian High Commissioner in Dhaka reportedly said to the media that people who die in border shootings are mostly “smugglers”. The report claimed that, during the period January-June 2008, the BSF killed 32 Bangladeshis; a further 20 people were injured and 20 were abducted. [46m]

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## Annex A: Chronology of Major Events

Source: BBC News 'Timeline: Bangladesh' [200], unless otherwise specified.

- 1947** British colonial rule over India ended. A largely Muslim state comprising East and West Pakistan was established, either side of India. The two provinces were separated from each other by more than 1,500 km of Indian territory.
- 1949** The Awami League was established to campaign for East Pakistan's autonomy from West Pakistan.
- 1970** The Awami League, under Sheikh Mujibur Rahman, won an overwhelming election victory in East Pakistan. The Government in West Pakistan refused to recognise the results, leading to rioting.

### Independence

- 1971** Independence of the province of East Pakistan – as the People's Republic of Bangladesh – was proclaimed on 26 March. The Awami League formed the government-in-exile on 17 April with Sheikh Mujibur Rahman, imprisoned in Pakistan, as the President.
- 1972** Sheikh Mujibur became Prime Minister. He began a programme of nationalising key industries in an attempt to improve living standards, but with little success.
- 1974** Severe floods devastated much of the grain crop, leading to an estimated 28,000 deaths. A national state of emergency was declared as political unrest grew.
- 1975** Sheikh Mujibur became President of Bangladesh. The political situation worsened. Sheikh Mujibur was assassinated in a military coup in August. Martial law was imposed.
- 1976** The military banned trade unions.
- 1977** General Ziaur Rahman assumed the presidency. Islam was adopted in the Constitution.
- 1979** Martial law was lifted following elections, which Zia's Bangladesh Nationalist Party (BNP) won.
- 1981** Zia was assassinated during an abortive military coup. He was succeeded by Abdus Sattar.

### The Ershad era

- 1982** General Ershad assumed power in an army coup. He suspended the Constitution and political parties.
- 1983** Ershad's proposal that all schools should teach Arabic and the Koran led to demonstrations. Limited political activity was permitted. Ershad became President.

- 1986** Parliamentary and presidential elections were held. Ershad was elected to a five-year term. He lifted martial law and reinstated the Constitution.
- 1987** A state of emergency was declared after opposition demonstrations and strikes.
- 1988** Islam became the state religion. Floods covered up to three-quarters of the country. Tens of millions were displaced.
- 1990** Ershad stepped down following mass protests.
- 1991** Ershad was convicted and jailed for corruption and illegal possession of weapons. Begum Khaleda Zia, widow of President Ziaur Rahman, became Prime Minister. The Constitution was changed to render the position of president ceremonial. The prime minister now had primary executive power. A cyclonic tidal wave killed up to 138,000.

### Awami League returns to power

- 1996** Two sets of elections saw the Awami League win power, with Sheikh Hasina, the daughter of Sheikh Mujibur Rahman, becoming Prime Minister.
- 1997** Ershad was released from prison. The opposition BNP began a campaign of strikes against the Government.
- 1998** Two-thirds of the country was affected by floods. Fifteen former army officers were sentenced to death for involvement in the assassination of President Mujibur in 1975.
- 2000** **September:** Sheikh Hasina criticised military regimes in a UN speech, prompting Pakistani leader General Musharraf to cancel talks with her. Relations were strained further by a row over the leaked Pakistani report on the 1971 War of Independence.  
**December:** Bangladesh expelled a Pakistani diplomat for comments on the 1971 war. The diplomat had put the number of dead at 26,000, whereas Bangladesh insisted nearly three million were killed. Bangladesh wanted Pakistan to apologise for alleged genocide that it said Pakistani forces were guilty of during the War of Independence.
- 2001** **July:** Sheikh Hasina stepped down and handed power to a caretaker government. She was the first Prime Minister in the country's history to complete a five-year term.

### BNP-led coalition Government

- 2001** **October:** A BNP-led coalition won an overwhelming victory in the general election. Khaleda Zia once again became Prime Minister. [20i] Three hundred international monitors declared the poll to have been free and fair. [1a] [5f]
- 2002** **March:** The Government introduced a law making acid attacks punishable by death.  
**April:** The Government approved a temporary law to speed up the legal process for dealing with violent crime.

**June:** President Chowdhury resigned after the Bangladesh Nationalist Party accused him of taking an anti-party line.

The opposition Awami League ended its boycott of parliament and attended for the first time since losing the general election of October 2001.

**September:** Iajuddin Ahmed, a retired professor from Dhaka University, was announced as the new President. [20s]

**October:** "Operation Clean Heart" was launched by the Government in response to criticism over rising crime and deteriorating law and order. This involved the deployment of nearly 40,000 soldiers in all major cities to help restore law and order, arrest "listed criminals" and recover illegal firearms. More than 11,000 people were arrested during the Operation, and between 31 and 40 people died after soldiers detained them.

- 2003** **January to March:** Local elections to 4,267 local councils were held. By February 2003, 25 people had reportedly been killed in election-related violence.
- February:** The Joint Force Indemnity Ordinance 2003 was passed by Parliament to give legal protection to members of the army and security forces who took part in Operation Clean Heart.
- 2004** **January:** A bomb attack took place on a shrine in Sylhet.
- May:** A Constitutional amendment increased the number of seats in Parliament from 300 to 345, the additional 45 being reserved for nominated women members.
- May:** A bomb attack at a Muslim shrine in Sylhet killed two and injured 25, including the British High Commissioner.
- July-August:** Devastating floods hit Bangladesh: more than 600 people were killed and an estimated 30 million people were displaced or stranded; 60 per cent of the country, including half of Dhaka, was under water at one stage.
- August:** On 21 August a grenade attack at an Awami League rally in Dhaka, addressed by Sheikh Hasina, killed 23 people and injured about 200. Rioting by Awami League supporters subsequently erupted across the country; the Awami League called general strikes. [40b](p16)
- September-October:** Police carried out "blanket" arrests ahead of an Awami League mass rally on 3 October.
- November:** The Anti-Corruption Commission was established.
- December:** An Awami League-led opposition alliance staged two "human chain" demonstrations stretching right across the country.
- 2005** **January:** Former Finance Minister Shah AMS Kibria and four other Awami League activists were killed in a grenade attack in Habiganj.
- February:** The Government banned two militant Islamic groups, Jumatul Mujahedin Bangladesh (JMB) and Jagrata Muslim Janata Bangladesh (JMJB).
- August:** Some 400 small home-made bombs exploded almost simultaneously in 63 cities and towns across Bangladesh, killing two people and injuring over 100. Jumatul Mujahedin Bangladesh (JMB) reportedly claimed responsibility.
- October:** Bomb attacks inside law court buildings in three districts killed two people and injured dozens; Jumatul Mujahedin Bangladesh (JMB) were believed responsible. The Islamist group Harkat-ul-Jihad-al-Islami (HuJI) was banned.
- November:** Two judges were assassinated on 14 November. Several other judges received death threats from Islamist groups. On 29 November at least 14 people were killed and over 40 injured in a suicide bombing inside the law

courts in Gazipur and a bomb blast in Chittagong. JMB were believed to be responsible.

- 2006 February:** At least 40,000 members of the Awami League-led opposition alliance held a mass rally in Dhaka. [23o]
- March:** Sheikh Abdur Rahman and Siddiqui Islam, alias 'Bangla Bhai', the leaders of Jama'atul Mujahedin Bangladesh (JMB) and Jagrata Muslim Janata Bangladesh (JMJB), were captured by police and RAB units. [20bq] [39ac]
- May:** Sheikh Abdur Rahman, Siddiqui Islam and other senior JMB members were sentenced to death for involvement in the assassination of two judges in November 2005. [5j]
- May-June:** Unprecedented labour unrest in the garment sector results in the closure of several factories. [5j]
- June-September:** The AL-led opposition alliance stepped up its campaign of street protests and *hartals*, demanding reforms to the election commission and the caretaker government due to take power in October 2006. [20bz]
- October:** Renewed labour unrest in the garment industry followed the announcement of a new minimum wage. Micro-credit pioneer Dr Muhammad Yunus and Grameen Bank were jointly awarded the Nobel Peace Prize. [90]

### Caretaker Government

**October cont.** On 27 October the term of office of Khaleda Zia's BNP-led coalition government came to an end. [20cf] President Iajuddin Ahmed assumed the role of Chief Advisor of the interim Caretaker Government after former Chief Justice KM Hasan withdrew his candidature in response to mass protests by the Awami League-led 14-party alliance. [40h]

- 2007 January:** The Awami League-led 14-party alliance announced on 3 January that it would boycott the forthcoming general election on the grounds that it would not be fair; its demands included the reconstitution of the Election Commission and the correction of irregularities in the voters' list. The alliance announced a renewed programme of general strikes and blockades. On 11 January President Iajuddin Ahmed proclaimed a State of Emergency and postponed the general election, scheduled to take place on 22 January, until such time as conditions existed for free and fair and credible elections. [38ah] The proclamation of the Emergency Power Ordinance 2007 effectively suspended articles 36, 37, 38, 39, 40 and 42 of the Constitution. [20cb] [38aj] Dr Fakhruddin Ahmed, a former Governor of the Bangladesh Bank, was appointed the new Chief Advisor and was sworn in on 12 January. [38ai] On 17 January the Caretaker Government gazetted four rules as a prerequisite for the separation of the lower Judiciary from the executive branch of government. [38as]
- February:** On 4-6 February, joint security forces arrested several high-profile politicians and businessmen, including nine former government ministers, on suspicion of corruption. (By 13 April, more than 160 prominent politicians, businessmen and senior bureaucrats had been detained.) [38bc] [20cs]
- March:** The re-constituted Election Commission announced on 22 March 2007 its decision to simultaneously prepare national identity cards and a new Voter List, with photographs, for the ninth parliamentary election. [38bq] On 29 March Sheikh Abdur Rahman, Siddiqui Islam (alias 'Bangla Bhai') and four other leaders of the militant Islamist organisation Jamatul Mujahedin Bangladesh (JMB) were hanged for murder. [38au]

**April:** On 12 April the Chief Advisor stated the Caretaker Government's intention to hold the ninth general election before the end of 2008. [38bt]

**May:** Simultaneous bomb explosions took place at railway stations in the cities of Dhaka, Sylhet and Chittagong on 1 May. An unknown group, Jadid al-Qaeda Bangladesh, claimed responsibility. [20cn]

**July:** On 16 July Awami League leader Sheikh Hasina was arrested and charged with extortion [20dh]

**August:** The Government imposed a curfew on Dhaka and five other cities amid violent clashes between police and students demanding an end to emergency rule. [20i] [20k]

**September:** Former Prime Minister Khaleda Zia was detained on September 3<sup>rd</sup> on charges of extortion and corruption. [61c] On 10 September the ban on indoor political activity was partially lifted. [38d]

**November:** Cyclone Sidr hit Bangladesh killing thousands. Hundreds of thousands of survivors were left struggling for basic necessities. [5s] The Code of Criminal Procedure (Amendment) Ordinance came into effect, separating the lower Judiciary from Executive control and placing it under the jurisdiction of the Supreme Court. [11i] [20dn]

**December:** The Council of Advisors approved an ordinance for the establishment of a National Human Rights Commission. [39ak]

**2008** **January:** The Election Commission announced plans to hold elections for five city 'corporations', over 4,000 *union parishads* and 140 municipalities between January and December 2008. [40p]

**May:** On 18 May 2008, the Council of Advisers approved the Anti-Terrorism Ordinance 2008. [38dc] The High Court declared valid the claim of the Urdu-speakers known as Biharis (or 'Stranded Pakistanis') to become voters, as citizens of Bangladesh.

**June:** Sheikh Hasina was released from custody to obtain medical treatment in the US. [20ea] Khaleda Zia refused a conditional offer to do the same. [20ec] Voter registration was almost completed. [16c]

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## **Annex B: Political Organisations**

### **MAIN POLITICAL PARTIES**

#### **Awami League (AL)**

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

#### **Bangladesh Nationalist Party (BNP) (*Bangladesh Jatiyatabadi Dal*)**

Founded in 1978 by a former President, General Zia, and is now led by his widow, current Prime Minister, Khaleda Zia. [40a] The BNP won 193 of the 300 parliamentary seats in the 2001 general election and formed a government in coalition with Jamaat-e-Islami, the Jatiya Party and the Islamic Oikkyia Jote. [16] According to the Economist Intelligence Unit Country Profile 2006: "The BNP espouses Bangladesh nationalism with anti-Indian and pro-Islamic nuances; however, these nuances have not been evident in its policymaking since coming to power in October 2001... The BNP, with close links to business, is committed to fostering a market economy and liberal democracy, and encourages private sector-led economic growth." [40a] The term of office of the BNP-led coalition government ended on 27 October 2006. [20cf]

#### **Islami Oikya Jote (IOJ) (alternatively Islami Oikkyia Jote)**

An Islamist party which won two seats in 2001 election and was a member of the BNP-led coalition Government. Seeks to implement Islamic doctrine and draws support from traditional religious groups. Mufti Fazlul Haque Amini is secretary-general of IOJ. [40a] (p11)

#### **Jamaat-e-Islami**

Founded 1941. A fundamentalist party that espouses an Islamic state. Opposed to Bangladesh's independence in the 1971 civil war with Pakistan. [1b] [40j] Leader is Matiur Rahman Nizami. [40j] The party was banned after independence but got its rights back after General Zia allowed it and other fundamentalist parties to enter politics after the first AL-led Government had banned them from politics. [4b] Won 17 seats in the October 2001 election to form part of the ruling BNP-led coalition. [16b]

**Jatiya Party (Ershad):** The Jatiya (Jatio) Party was founded 1983 as Jana Dal; it reorganised in 1986 when the National Front (founded 1985) formally converted itself into a single pro-Ershad grouping. [1a] (p649) The JP's main faction is led by the deposed former President, General HM Ershad. Contested the 2001 general election as '**Islami Jatio Oikya Front**' and won 14 seats. [40a] [16] HM Ershad resigned as party chairman on 30 June 2007 and appointed Anisul Islam Mahmud to deputise for him until the party council elected a new leader. (*Daily Star*, 1 July 2007) [38ck]

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

**Jatiya Party (Manju)** is a separate party/faction which broke away from the Jatiya party in 1999 and won one seat in 2001. [11b]

A full list of the 95 political parties allocated symbols for the 2001 general election is on the website of the Bangladesh Election Commission:

[http://www.bangla2000.com/Election\\_2001/150\\_symbols.shtml](http://www.bangla2000.com/Election_2001/150_symbols.shtml)

Another extended list of political parties can be found at:

<http://elive.matamat.com/ppb.php>

## STUDENT/YOUTH ORGANISATIONS

### **Bangladesh Chhatra League (BCL)**

Affiliated to Awami League. [11b]

### **Jatiyatabadi Chhatra Dal (JCD)**

Affiliated to Bangladesh Nationalist Party (BNP). [11b]

### **Islami Chhatra Shibir (ICS)**

Affiliated to Jamaat-e-Islami (Jamaat). [11b]

### **Jatiya Chhatra Samaj**

Affiliated to Jatiya Party. [11b]

### **Gonotantrik Chhatra League**

Affiliated to the Democratic League. [11b]

## PROSCRIBED AND/OR EXTREMIST ORGANISATIONS

[See also Section 12: [Abuses By Proscribed Militant Groups](#)]

### **Jamatul Mujahedin Bangladesh (JMB or JM)** (alternatively Jama'atul Mujahideen)

A militant Islamist group founded in the 1990s, JMB is said to be an offshoot of Hizb ul-Mujahedin. JMB has strong links with Jagrata Muslim Janata of Bangladesh (JMJB) – see below. Agence France-Presse, Associated Press and BBC News reported on 23 February 2005 that the Home Ministry had banned both JMB and JMJB. [23j] [61b] [20az] A *Daily Star* report of 28 August 2005 commented: “Activists of [JMB] believe in capturing power through armed revolution and running the country by establishing Islamic rule by a Majlish-e-Shura.” [38ac] JMB is believed to have been responsible for the 400+ simultaneous bomb blasts across the country on 17 August 2005; leaflets bearing JMB's name and calling for the implementation of Islamic law were reportedly found at some of the bomb sites. Sheikh Abdur Rahman, referred to as the leader of JMB by both of these news sources, was charged in absentia on 26 August 2005 for his alleged role in the 17 August bombings. (Agence France-Presse and United News of Bangladesh) [23i] [23m] [39r] [38ac] On 28 February 2006, a court in Jhenidah district sentenced 21 men to death for their part in the 17 August bombings. All 21 were reported to be members of JMB. (Agence France-Presse) [23p]

BBC News announced on 2 March 2006 that Abdur Rahman had surrendered to police in the district of Sylhet. [20bq] On 29 May 2006, a court in the southern town of Jhalakathi convicted both Abdur Rahman and apparent deputy JMB leader Siddiquil Islam (alias 'Bangla Bhai') and sentenced them to death for the murder of two judges in November 2005. Five other JMB members were also sentenced to death for the crime,

including three members of the ruling council, the Majlish-e-Shura. (Keesing's May 2006) [5j] Amnesty International (AI) noted in a statement of 28 September 2006 that the High Court, on 31 August 2006, had rejected the appeals of these JMB leaders. [7p] Abdur Rahman and Siddiqui Islam were among the six JMB leaders hanged on 29 March 2007. [5o]

Jane's Terrorism and Security Monitor, in a report of 12 April 2006, stated that, despite the high-profile arrests of Sheikh Abdur Rahman and Siddiqui Islam and other leading Islamist militants, "...security officials fear the militant group Jama'tul Mujahedin Bangladesh (JMB) could prove numerous and resilient enough to pose a significant short-term threat..." [83d] The US State Department's Country Reports on Terrorism, published 30 April 2007, noted that there was no JMB-linked violence during 2006. [2j]

The newspaper *New Age*, in an article dated 16 June 2007, named the new leader of JMB as Maulana Abdul Makit Salafi; he had reportedly been appointed at a meeting of the seven-member *Majlish-e-Shura* (the organisation's highest policy-making body) on 30 March 2007. *New Age* was advised by intelligence officials that:

"The four tiers of the organisational structure of the JMB are called [from the lowest tier] *sathi* or *sudhi*, *ghayer ehsar*, *ehsar* or *amir* and *majlish-e-shura*. *Sathis* or *sudhis* are recruited from comparatively young and dedicated people. Those who are in charge of districts are called *ghayer ehsar* and the divisional level leaders are called *ehsar*. The *majlish-e-shura* is the top tier of the outfit comprising seven leaders ... Led by its district chiefs re-named as '*nayak*', or hero, the JMB is now working across the country through 21 sub-centres by dividing the country into 40 regions. Operatives of the JMB are working under the supervision of some five kingpins and 12 regional and district '*nayaks*', a highly-placed source quoted the recently arrested JMB leader Matin Mehdi as telling the interrogators. Police arrested the outfit's suicide squad chief Matin Mehdi along with his three accomplices from Kurigram on March 19. Intelligence agencies earlier identified 39 commanders of the suicide squad who are still at large. Some 25 district commanders out of 64 also remain in hiding." [96b]

Hundreds of activists of the different Islamist militant groups, particularly operatives of JMB who went into hiding following the arrest, trial and execution of its six leaders, were trying to regroup under the new leadership, reported *New Age* on 20 June 2007. [96c]

### **Jagrata Muslim Janata of Bangladesh (JMJB)**

JMJB is a fundamentalist 'vigilante' group whose aim is Islamic revolution through jihad. It is claimed that the group was first founded in 1998; the present name (JMJB) first became apparent in April 2004. According to the *South Asia Intelligence Review* of 31 May 2004, its highest decision-making body is the seven-member Majlis-e-Shura (also referred to as the Sura Board); the first tier of the organisation has activists called 'Ehsar' who are recruited on a full-time basis and act at the directive of top echelons. The second tier, 'Gayeri Ehsar', has over 100,000 part-time activists. The third tier involves those who indirectly co-operate with JMJB. The organisation operates mainly in the northern districts of the country, but also has bases in some southern districts. Sheikh Abdur Rahman was said to be *amir* ('spiritual leader') of JMJB – as well as being the leader of Jamatul Mujahedin Bangladesh (JMB), with which JMJB has close links – see *below*. Siddiqui Islam, also known as 'Bangla Bhai', was a senior member who has assumed command of JMJB operations. There had been violent clashes between JMJB and the maoist Purba Bangla Communist Party (PBCP) since April 2004; for example, in May 2004 JMJB operatives killed six members of the PBCP; the PBCP retaliated by killing two JMJB men and injuring six others. In May 2004 the

Government issued a warrant for Bangla Bhai's arrest. [38i] [59b] [38ac] JMJB is believed to have been involved in a number of recent bombings and vigilante killings, including a bomb attack on a *jatra* folk theatre show in Shahjahanpur on 14 January 2005 in which two people were killed and 70 wounded. [38t] The *Daily Star* of 25 January 2005 reported that at least 50 people, including eight policemen, were injured in clashes between the security forces and JMJB militants in Bagmara the previous day. [38r] [20av] A police spokesman, on 4 February 2005, warned that JMJB planned to continue with bomb attacks on cinemas, theatres and *jatra*, which they have deemed to be "un-Islamic". NGOs were also to be targets. [38w] It was announced on 23 February 2005 that the Government had officially banned JMJB. [61b] [23j] [38ac] The newspaper *Prothom Alo* reported on 21 July that JMJB had secretly continued with fund raising and recruitment since being banned in February 2005. [21f] BBC News reported on 2 March 2006 that Sheikh Abdur Rahman had surrendered to police in the district of Sylhet. [20bq] United News of Bangladesh and BBC News announced on 6 March 2006 that 'Bangla Bhai' had been arrested after an encounter with the Rapid Action Battalion in Mymensingh district. [39ac] [20bw] The two men were sentenced to death on 29 May 2006 for their role in the murder of two judges in November 2005 and were executed on 29 March 2007. [5j] [50]

### **Harkat-ul-Jihad-al-Islami (alternatively known as HuJI or Harkatul Jihad)**

According to a *Daily Star* report of 28 August 2005, Harkatul Jihad was established in the early-1990s apparently with assistance from Osama bin Laden; its ideals were also inspired by the Taliban in Afghanistan. Many of its founders fought with the Mujahideen in Afghanistan in the 1980s. Current leader is said to be Shawkat Osman, alias 'Sheikh Farid'; Imtiaz Quddus is apparently general secretary. HuJI mainly operates in the southern coastal belt and apparently has training camps in Chittagong division. It is said to have around 15,000 members in Bangladesh. HuJI has been accused of plotting to assassinate Sheikh Hasina when she was Prime Minister. [38ac] BBC News reported on 17 October 2005 that the Government had banned Harkat-ul-Jihad-al-Islami (HuJI), describing it as a terrorist organisation. [20bk] According to Keesing's, members of HuJI held a rally in Dhaka on 18 August 2006 under the banner of Sachetan Islami Janata (SIJ). According to an organiser of the rally, HuJI leaders had been holding discussions with the government in an attempt to persuade it that the group was not a terrorist organisation. Keesing's reported that an article in the newspaper *Jai Jai Din*, on 22 August 2006, had stated that HuJI was planning to adopt the name Islami Gondolo Andolon (IGA – Islamic People's Movement). [5i]

### **Jadid (new) al-Qaeda Bangladesh**

The existence of this group first became apparent on 1 May 2007, when bomb explosions took place simultaneously at railway stations in the cities of Dhaka, Sylhet and Chittagong. (See Section 4: Recent Developments) Messages etched into metal plates left at two of the sites said the attacks had been carried out by Jadid al-Qaeda Bangladesh. Police said at the time that they were investigating whether this was a new group, or a new name for a terrorist group that already existed. (BBC News, 1 May 2007) [20cn] In May and June 2007 the police, on three occasions, recovered bombs planted near the main gate of the Rajshahi University of Engineering and Technology (RUET). One of the powerful home-made bombs was wrapped in an aluminium sheet which bore the name 'Jadid al Qaeda'. (*Daily Star*) [38cg] [39af] The *Daily Star* had reported on 25 May 2007 that the Rapid Action Battalion had captured two claimed Jadid al-Qaeda Bangladesh members who had threatened to blow up the Jatiya Press Club. [38ch]

Other Islamist extremist/militant organisations in Bangladesh reportedly include **Shahadat Al Hiqma, Hizbut Towhid (HT), Hizb-ut Tahrir, Jamaatul Muslemin, Majlish-e-Tamuddin, Hizbul Zihad, Hizbut Tahrik, Dawatul Jihad and Islami Biplobi Parishad (IBP).**

**Purba Banglar Communist Party (PBCP; Communist Party of East Bengal; Purba Bangla Sarbohara Party)**

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

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

The Janajuddha faction claimed responsibility for the assassination of the Khulna president of the Awami League in August 2003. [20n] PBCP has also reportedly claimed responsibility for a number of attacks on journalists, including the bombing outside the Khulna Press Club on 5 February 2005 in which a journalist was killed and others injured. PBCP has threatened that it has “many more journalists in its sights”. [9r] Several PBCP cadres were killed in encounters with the police and the Rapid Action Battalion during 2005 and 2006. (SATP) [59a]

Further details at

<http://www.satp.org/satporgtp/countries/bangladesh/terroristoutfits/PBCP.htm>

**Biplobi Communist Party (before 1971 was known as the Communist Party of East Pakistan)**

Maoist movement. Fought against both the Pakistan army and the Awami League during independence struggle. By mid-1970s largely suppressed by State; revived 1980s. [11a]

**New Biplobi Communist Party (NBCP)**

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

The *Daily Star* reported on 22 September 2004 that ‘Mrinal’ had been shot dead the previous day by unidentified assailants. He had been wanted by the police in

connection with 103 cases of murder, 43 abductions for ransom and various other crimes. [38x]

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

### **Rohingya Solidarity Organisation (RSO)**

The RSO, a militant Sunni Muslim group, was founded in 1982 as a faction of the Rohingya Patriotic Force, with the apparent aims of preventing the oppression of ethnic Rohingyas in Burma and of Rohingya refugees in Bangladesh, and the establishment of an autonomous Rakhine (Arakan) state for the Rohingya people. According to a Jane’s Sentinel Security Assessment of January 2007, the organisation had by then become dormant – despite claims to the contrary by the Burmese and Bangladeshi governments. The RSO’s primary activity was confined to the Burma-Bangladesh border region; Jane’s stated that most terrorist activities attributed to the RSO are more likely to have been carried out by HuJI and other organisations. Last known leader was Mohammad Yunus. [83f]

### **Swadhin Bangabhumi Movement (‘Free Land of Bengal’)**

Hindu separatist movement. Founded in Calcutta by former Awami League MP, who fled to India in August 1975. Seeks separate state in southwest Bangladesh (where there is a large Hindu minority). Responsible for attempted take-over of Bangladesh High Commission in Calcutta in 1984. Bangladesh security forces launched a crackdown against the movement in 1988, arresting many top leaders. [11a]

### **Shanti Bahini (‘Peace Force’)**

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

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## **Annex C: Prominent People**

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### **AHMED Prof. Iajuddin**

President of Bangladesh since 6 September 2002. [20s]

### **AHMED Dr Fakhruddin**

Formerly a Governor of the Bank of Bangladesh; appointed Chief Advisor of the interim Caretaker Government on 12 January 2007. [38ai]

### **AHMED General Moeen**

Army Chief of Staff. [40j] (p13)

### **ERSHAD General Hossain Mohammed**

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

### **HASINA Sheikh**

Leader of the Awami League. Prime Minister in 1996-2001. A daughter of Bangladesh's founder, Sheikh Mujibur Rahman, Sheikh Hasina Wajed became leader of the AL in 1981. [40a] [1a]

### **NIZAMI Motiur Rahman**

Leader of Jamaat-e-Islami, Bangladesh's largest Islamist party and a member of the former BNP-led coalition Government. [40a]

### **RAHMAN Sheikh Mujibur (Mujib)**

Bangladesh's first Prime Minister; assassinated in August 1975. [1a]

### **RAHMAN Ziaur (General Zia)**

Assumed presidency April 1977; assassinated in May 1981. [1a]

### **YUNUS Dr Muhammad**

Micro-credit pioneer and founder of Grameen Bank. Awarded the Nobel Peace Prize in 2006.

### **ZIA Begum Khaleda**

Leader of the Bangladesh Nationalist Party (BNP) and Prime Minister from 2001 to October 2006. She was previously Prime Minister from 1991 to 1996. The wife of former President Ziaur Rahman, she became leader of the BNP in 1981. [20i] [40a]

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## **Annex D: List of Abbreviations**

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<b>AI</b>	Amnesty International
<b>AL</b>	Awami League
<b>BCL</b>	Bangladesh Chhatra League
<b>BJP</b>	Bangladesh Jatiya Party
<b>BLAST</b>	Bangladesh Legal Aid and Services Trust
<b>BNP</b>	Bangladesh Nationalist Party
<b>BNWLA</b>	Bangladesh National Women Lawyers' Association
<b>BRAC</b>	Bangladesh Rural Advancement Committee
<b>CEDAW</b>	Committee on the Elimination of All Forms of Discrimination Against Women
<b>CHT</b>	Chittagong Hill Tracts
<b>CPJ</b>	Committee to Protect Journalists
<b>EU</b>	European Union
<b>FCO</b>	Foreign and Commonwealth Office (UK)
<b>FH</b>	Freedom House
<b>GDP</b>	Gross Domestic Product
<b>HRW</b>	Human Rights Watch
<b>HUJI/HuJI</b>	Harkat-ul-Jihad-al-Islami
<b>ICG</b>	International Crisis Group
<b>ICRC</b>	International Committee for Red Cross
<b>ICS</b>	Islami Chhatra Shibir
<b>IDP</b>	Internally Displaced Person
<b>IMF</b>	International Monetary Fund
<b>IOJ</b>	Islami Oikya Jote
<b>IOM</b>	International Organization for Migration
<b>JCD</b>	Jatiyatabadi Chhatra Dal
<b>JMB or JM</b>	Jamatul Mujahedin Bangladesh
<b>JMJB</b>	Jagrata Muslim Janata of Bangladesh
<b>MSF</b>	Médecins sans Frontières
<b>NBCP</b>	New Biplobi Communist Party
<b>NGO</b>	Non-Governmental Organisation
<b>OCHA</b>	Office for the Coordination of Humanitarian Affairs
<b>ODIHR</b>	Office for Democratic Institutions and Human Rights
<b>ODPR</b>	Office for Displaced Persons and Refugees
<b>OECD</b>	Organization of Economic Cooperation and Development
<b>OSCE</b>	Organisation for Security and Cooperation in Europe
<b>PBC</b>	Purba Bangla(r) Communist Party
<b>RSF</b>	Reporters sans Frontières
<b>STC</b>	Save The Children
<b>TI</b>	Transparency International
<b>UN</b>	United Nations
<b>UNAIDS</b>	Joint United Nations Programme on HIV/AIDS
<b>UNHCHR</b>	United Nations High Commissioner for Human Rights
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>USAID</b>	United States Agency for International Development
<b>USSD</b>	United States Department of State
<b>WFP</b>	World Food Programme
<b>WHO</b>	World Health Organisation

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## **Annex E: References to Source Material**

*The Home Office is not responsible for the content of external websites.*

*Numbering of source documents is not always consecutive because some older sources have been removed in the course of updating this document.*

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