

BANGLADESH: GETTING POLICE REFORM ON TRACK

Asia Report N°182 – 11 December 2009

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BANGLADESH: GETTING POLICE REFORM ON TRACK

EXECUTIVE SUMMARY AND RECOMMENDATIONS

After decades of misuse and neglect, Bangladesh's police are a source of instability and fear rather than a key component of a democratic society. Human rights abuses are endemic and almost all Bangladeshis who interact with the police complain of corruption. With an elected government in place again, there are now opportunities to reform this dysfunctional force. But there are also significant obstacles. If the government fails to move beyond the current modest reform process, the democratic transition could falter should deteriorating security give the military another chance to intervene, using, as it has in the past, the pretext of upholding law and order to justify derailing democracy. Deep structural reforms – including a new police law – and major additional resources are necessary to create an effective and accountable service. Above all, it will take political will – which Prime Minister Sheikh Hasina's Awami League-led government is sorely lacking – and a vision of the police as something other than a tool of political control and a source of patronage.

Life in the police force is difficult and unrewarding for most officers. Working conditions are deplorable. Many officers are overworked, the transfer system has become a major source of corruption within and out of the police, and salaries are abysmal, even by local standards. Pay raises and promotions are infrequent and do almost nothing to improve the lives of officers or promote competency in the force. Without improved salaries and working conditions, no amount of oversight will help curb the corruption and malaise that is rife in the police.

The dire state of the force reflects failures by successive governments to grasp the centrality of a functional civilian police service to their legitimacy. While most have acknowledged the fundamental flaws in the antiquated system of policing, none – including the current one – has seen reform as a priority. Rather a weak, corrupt and politicised force has allowed government agents to use the police to further their own narrow interests. And when left with little choice but to confront law and order issues such as rising crime or increasing extremist activity, the party in power has relied on quick fixes, including empowering the military to counter rising crime, rather

than empowering the police as a sustainable solution. Not only have half measures diverted necessary resources away from the police but they have also expanded the role of the military into what are normally civilian matters.

Ironically it was the military-backed caretaker government (CTG) that resuscitated the UN-sponsored Police Reform Programme (PRP) scuttled by the last Bangladesh Nationalist Party (BNP)-led government. During the two-year state of emergency between January 2007 and December 2008 the military clamped down on politicisation and temporarily allowed the CTG to make progress on a number of reforms stalled under the previous government, including police reform. As police reform was more a donor priority than a Bangladeshi one, it has made little progress. Despite consolidating support for reform within the police and updating infrastructure, its flagship community policing initiative has faltered. Poor management and undefined goals have prevented the PRP from having more impact. Mostly due to the government's lack of political will, the PRP does not address the most dire structural problems that enable human rights abuses, corruption, vigilantism and extremism. Without parliament passing a new police law, any progress on reform, however marginal, is subject to rapid reversal.

The police need resources to tackle internal threats and crime. They remain far better placed to handle counter-insurgency and terrorism threats than a military trained to fight external enemies. The international community should realise that helping the police rank and file, not just military and elite paramilitary forces, with training and technical assistance would pay counter-terrorism dividends. However, the Bangladesh government should not just improve training, increase financial support and eventually police numbers but also enact concrete organisational and political reforms. Political appointments must end; merit alone must determine postings, transfers, recruitment and promotions; the recommendations of police and the public for reform must be considered; and emphasis placed on the police serving and protecting citizens.

The government must resist the temptation to use the police for political, partisan ends as it and its predecessors have in the past. The colonial era Police Act of 1861 is ill-suited to modern policing, and only a new law similar to Police Ordinance (2007), which would increase police accountability and operational neutrality, will equip the force with the tools necessary to function in a democratic society. A force that is professionally run, well trained, adequately paid and operationally autonomous will best ensure the security of their constituents and the government itself. Moreover successful police reform can only be sustained if it is linked to a judiciary that enforces the rule of law fairly and effectively to protect individual rights and assure citizen security. If the police continue to be used for political ends, the force may be damaged beyond repair at a great cost not only to Bangladesh's citizens but also to the current and future elected governments.

RECOMMENDATIONS

To the Government of Bangladesh:

1. Replace the Police Act of 1861 with a law similar to the draft Police Ordinance (2007) by:
 - a) placing the order before the national parliament for detailed debate and review;
 - b) urging the parliamentary standing committee on home affairs to examine provisions in greater detail and provide recommendations; and
 - c) seeking the feedback of serving and retired police officials and the public.
2. Reduce police corruption and protect officers from political manipulation by:
 - a) removing corrupt, inefficient or politically biased officers from senior positions and positions of authority over the police;
 - b) preventing premature transfers of officers by requiring them to remain at their duty stations for two years except in special cases;
 - c) increasing the period between rotations to three or four years to enhance stability and allow better relations with local communities;
 - d) making the Police Internal Oversight (PIO) department a permanent aspect of the national police;
 - e) criminalising political interference in police affairs; and
 - f) initiating broader reforms of the civil service, a first step being the implementation of the recommendations of the pay commission to boost salaries of government employees.

3. Rebuild police morale and increase their efficiency by:
 - a) allocating more funds for improving facilities and securing the welfare of police rank and file and their families, and ensuring this money is spent on better salaries, housing, transport facilities and health care for the rank and file, rather than the well-being of senior officers;
 - b) creating a fund, administered jointly by the police and parliamentarians, for public service awards for exceptional policing;
 - c) modernising training methods and procedures and the recruitment system; and
 - d) increasing police numbers.
4. Improve police performance and redress public grievances by:
 - a) empowering the National Human Rights Commission to investigate serious cases of police abuse, including custodial deaths and sexual offences against female prisoners and recommend methods of accountability; and
 - b) establishing a Police Complaints Commission similar to the one envisioned by the draft Police Ordinance (2007).
5. Ensure a greater presence of women in the police by:
 - a) increasing the number of female police officers and facilities for women officers and detainees in police stations;
 - b) increasing the visibility of female police officers and improving their standards of training; and
 - c) filling current vacancies in the force with women officers where possible, particularly senior positions with those who are qualified.
6. End military interference in police affairs by:
 - a) removing military personnel from police positions including in police-run agencies such as the Rapid Action Battalion.

To the Police Reform Programme (PRP):

7. Dissolve dysfunctional Community Policing Forums (CPF) and reform them only after drawing upon the successes and lessons learnt from projects elsewhere.
8. Work more closely with local community and the police to ensure that CPFs have a meaningful female representation and include human rights activists where possible.
9. Consider increasing the number of Model *Thanas* during Phase II of the PRP.

10. Establish a coordination board to oversee and coordinate all new and existing police improvement projects to ensure that they are in line with the overall objectives of the Bangladesh Police Strategic Plan. The board should also reach out to the districts and sub-districts to ensure information flows and a realistic assessment of grassroots needs and capacity. It could also act as a liaison with reform efforts in the wider justice sector.

To the International Community, including the PRP Donors:

11. Recognise that by focusing almost exclusively on supporting military and paramilitary outfits to maintain and improve Bangladesh's internal security and combat extremist threats, it has contributed to the weakness of the police. Thus the international community should:

- a) increase support for improving the capabilities of the police and civilian security organisations by assisting with curriculum reform and modernising police training, with an emphasis on community policing techniques;

- b) encourage the military to end interference in civilian police matters by replacing military officials with civilian officers in civilian law enforcement agencies, such as the Rapid Action Battalion;
- c) urge the government and the legislature to support the passage of a new police law; and
- d) institute and expand professional development programs for police officers abroad.

Dhaka/Brussels, 11 December 2009

BANGLADESH: GETTING POLICE REFORM ON TRACK

I. INTRODUCTION

Bangladesh's police have a well-deserved reputation for brutality, corruption and incompetence. While all governments since independence have acknowledged these fundamental flaws, none of them has seen a competent and accountable police force as being in its interest. Whether the necessity has been fighting crime or tackling terrorists, successive administrations have relied on half measures and quick fixes usually involving the military rather than reforming the police as a long-term solution. More often than not, such short-sighted solutions have been supported by – if not undertaken at the insistence of – Bangladesh's international donors. Not only have these measures diverted attention from police reform, they have encouraged crime and a culture of impunity, which the military has used as excuses to expand its influence over civilian affairs – of which the 11 January 2007 military coup is the most recent example.¹

Despite including police reform in its election manifesto,² the current Awami League-led government has shown scant indication that it is willing to overhaul the country's antiquated system of policing. It has shown no interest in repealing or amending the current police law, the Police Act of 1861, a colonial-era legal hang-over designed primarily to keep imperial India's subjects in line. In fact, the broad powers the law gives the government have made control of police one of the spoils of an electoral victory. Like its predecessors, Prime Minister Sheikh Hasina's government has used its powers over the force to intimidate its political opposition and line the pockets of its party members.

Even if the prime minister and her administration were to change tack, any move to insulate the force from politicisation and increase accountability would be met with strong opposition from the bureaucracy and the business community, both of which have a history of exploiting weaknesses in the police organisation. The military is also cautious about reform. It is amenable mostly to a process that it could steer. In short, the most powerful political actors have almost no desire to transform the police force into an accountable organisation.

The government is indifferent towards the United Nations Development Programme (UNDP)-sponsored Police Reform Programme (PRP). The PRP is funded and driven primarily by UNDP and the project's largest donor, the UK's Department for International Development (DFID). Serving and retired officers, well aware of the faults of their organisation, suggest that the PRP is not aimed at transforming the police into a modern, disciplined force able to serve and protect citizens, but is rather a costly – and questionably effective – set of administrative modifications. But Bangladesh's donors and its neighbours, including India, have a responsibility to work with the government (and the military) to get reform right, since an accountable and competent police force is the best defence against extremist groups that might threaten stability in the region and further afield.³ It would also create resilience in a society that will face enormous stresses in the coming decades from climate change, population growth and globalisation.

The prospects for root and branch reform of Bangladesh's police force are dim. Without executive support for a new or revised police law – which would provide the legal basis for a number of crucial reforms – remedial and stopgap measures, such as the PRP, will continue to function as inadequate substitutes. Furthermore, without a law enshrining democratic principles of policing, many of the modest improvements made over the past two years to the police organisation are subject to reversal.

¹For background see Crisis Group Asia Reports N°121, *Bangladesh Today*, 23 October 2006, and N°151, *Restoring Democracy in Bangladesh*, 28 April 2008; and Asia Briefing N°84, *Bangladesh Elections and Beyond*, 11 December 2008.

²The Awami League's election manifesto from December 2008 states: "In order to provide security to every citizen of the country, police and other law and order enforcing agencies will be kept above political influence. These forces will be modernised to meet the demands of the time. Necessary steps will be taken to increase their remuneration and other welfare facilities including accommodation". The manifesto is available at www.albd.org/autoalbd/index.php.

³The threat to regional and international security posed by extremist groups operating from Bangladesh will be the subject of a forthcoming Crisis Group report.

Police reform remains a crucial element in Bangladesh's short and long-term security and its social and economic development. Thus the government should reconsider its position for several inter-related reasons:

- ❑ abuse and extortion by police, some of the state's most visible representatives, erode public trust in central and local authorities and undermines the livelihoods of many impoverished Bangladeshis;
- ❑ crime begets crime: the failure of institutional mechanisms to provide justice and security forces individuals and/or communities to take the law into their own hands and may drive disenfranchised individuals and groups to join anti-government elements;
- ❑ the police, who live and work in the communities they serve, are far more effective for counter-insurgency and counter-terrorism operations than a military hidden away in cantonments and trained to combat external enemies; and
- ❑ an accountable police service able to ensure law and order could limit new opportunities for the military to intervene in politics under the pretext of addressing insecurity that could derail the democratic process.

Underscoring the necessity and urgency of a far-reaching police reform process is the February 2009 Bangladesh Rifles (BDR) mutiny over pay and working conditions, which left over 75 people dead and prompted concerns of another army coup. Similar conditions that led to the BDR rebellion – mistrust between high and low ranking officers; scant promotion possibilities for low ranking officers; mandatory overtime without compensation; and the government's failure to keep salaries in line with the rising costs of living – also prevail within the police force.

This report, which draws on previous Crisis Group reporting on policing elsewhere, analyses the existing system of policing and current efforts to reform it, identifying flaws and proposing tangible ways forward under the current civilian government.⁴ It is based on extensive interviews across Bangladesh and in donor capitals conducted between December 2008 and September 2009. These included meetings with current and retired police officers, active military officials, govern-

ment ministers, elected officials, civil servants, civil society leaders and members of the business community and the general public. A range of diplomats and domestic and international development experts were also interviewed. Many interviewees requested anonymity.

⁴ See Crisis Group Asia Reports N°13, *Indonesia: National Police Reform*, 20 February 2001; N°42, *Central Asia: The Politics of Police Reform*, 10 December 2002; N°138, *Reforming Afghanistan's Police*, 30 August 2007; and N°157, *Reforming Pakistan's Police*, 14 July 2008. Also see Crisis Group Europe Reports N°130, *Policing the Police in Bosnia: A Further Reform Agenda*, 10 May 2002 and N°164, *Bosnia's Stalled Police Reform: No Progress, No EU*, 6 September 2005.

II. THE LEGAL AND POLITICAL CONTEXT

Despite rebuilding its police force in the aftermath of the Liberation War, Bangladesh retains a colonial system of policing little changed since the British Raj. Instead of drafting new legislation after independence in 1947 or splitting from Pakistan in 1971, the government kept laws such as the Police Act of 1861; the Evidence Act of 1872; the Criminal Procedure Code of Police of 1898; and Police Regulation of Bengal of 1943. These laws, which were devised primarily to deter anti-colonial revolts, still govern policing. Since independence there have been no radical changes to the laws, organisation of the police or the mechanisms through which they are governed. As a consequence the police have become a dangerous anachronism unsuited to a modern democracy.

Attempts have been made to reverse this situation, such as the drafting of a replacement law for the Police Act of 1861 under the last caretaker government (CTG). Despite its flaws, the draft bill, commonly referred to as the “Police Ordinance (2007)”,⁵ is a considerable improvement on the current law and if passed by parliament would lay the necessary legal groundwork for root and branch reform of the police. In many ways comprehensive reform hinges on whether or not parliament passes the draft ordinance or one similar. However, too many people benefit from the weakness of the current legal architecture, which facilitates corruption and abuse both inside and out of the police force thus sustaining powerful constituencies resistant to reform. Said a home affairs ministry official, “The ordinance is the front line in a battle between powerful politicians and businessmen who want the status quo and a weaker group of people who want a democratic police service”.⁶

This section discusses police legislation, including the draft police bill, as well as the main players and their positions on police reform.

⁵ Legislation drafted or issued while parliament is adjourned (as was the case when police ordinance was drafted under the caretaker government) are referred to as presidential ordinances. Though still referred to as “Police Ordinance 2007”, the draft legislation is now technically a draft bill. However, this report will follow common practice in Bangladesh and refer to the draft as an ordinance.

⁶ Crisis Group interview, senior home affairs ministry official, Dhaka, February 2009.

A. THE LEGAL FRAMEWORK

The Police Act of 1861 is the primary piece of legislation governing the police; it outlines the constitution of the police force, its superintendence, appointments, dismissals and other conditions of service. Written by the British colonial authorities, the act makes the police accountable to government agents rather than the local population. The main function of police under the law now – and in 1861 – is to control, rather than protect, citizens.

Under the law, an inspector general of police (IGP) is the highest-ranking police officer in the country. Appointed by the central government, the IGP is responsible for the national police administration and “rendering the force efficient in the discharge of its duties”.⁷ Superintendents of police (SP) are responsible for matters relating to the district-level management of the force and the performance of all functions – including the detection, investigation and prevention of crime – but subject to the operational control of centrally appointed government agents. The government agent variously known as the district officer, deputy commissioner or district or executive magistrate, also presides over certain types of criminal cases, and in some instances, directs police operations in his district. Section four of the Police Act states:

The administration of the police throughout the local jurisdiction of the Magistrate of the district shall, under the general control and direction of such Magistrate, be vested in a District Superintendent and such Assistant District Superintendents, as the Government shall consider necessary.⁸

The law does not define the parameters of the magistrate’s authority nor does it prescribe any checks or balances. Not only do these dual controls over the force at this level mar police functioning in each of Bangladesh’s 64 districts, but in effect, they also “excluded the IGP and his deputies from effective supervision of the police”.⁹

Although the Police Act is still the primary law of the land, measures have been taken to resolve the problems created by dual controls. Between 1976 and 2009 six laws came into force regulating the police administration in Bangladesh’s six metropolitan areas of Dhaka, Chittagong, Khulna, Rajshahi, Sylhet and Barisal. These laws, known as the Metropolitan Police Acts, stripped executive magistrates of their authority over the police

⁷ The Police Act, 1861, Art. 12.

⁸ The Police Act, 1861, Art. 4.

⁹ Muhammad Nurul Huda, *Bangladesh Police: Issues and Challenges* (Dhaka, 2009), p. 3. Muhammad Nurul Huda is a former inspector general of the Bangladesh police.

and vested regulatory and licensing powers with the IGP and metropolitan police commissioners.¹⁰ However, on 7 April 2009, the Awami League-dominated parliament passed the Code of Criminal Procedure Act 2009, effectively reinstating bureaucratic control – the hallmark of the 1861 system – over the various metropolitan police forces.¹¹

Other legislation governing police functioning also enables police abuse. Abuse in police custody – including torture and death in police custody – is widespread and systemic and occurs regardless of who is in power. (See Section IV.C.)

Police Ordinance (2007)

In 2007 under the auspices of the CTG, a group of senior serving and retired police officers and legal experts, with technical assistance from UNDP, drafted the Police Ordinance (2007), to replace the Police Act of 1861. However the ordinance was not promulgated during the CTG's tenure and it is unclear if the current government has even considered taking it up.

The ordinance would make the police publicly accountable, operationally neutral, functionally specialised, professionally efficient, democratically controlled and responsive to the needs of the community. Its supporters emphasise that a reformed police would serve and protect citizens. To underscore this point, the drafters have renamed the Bangladesh Police as the Bangladesh Police Service. The draft is a vast improvement over the current law and is a forward-looking document that seeks to replace the colonial system of policing.

It implicitly recognises that political interference – and to a lesser extent, human rights abuses – are major impediments to effective policing.¹² To guarantee operational neutrality and accountability, various forms of political influence in police matters would be criminalised. Section 10(2) of the ordinance states: “Direct or indirect influence or interference into police investigation, law enforcement operation, recruitment, promotion, transfer, posting or any other police function in an unlawful manner shall be a criminal offence”.¹³ The penalty for vio-

lating this provision is a minimum of six months to two years in prison or the equivalent of a \$2850 fine.¹⁴ Under the ordinance, it would be the government's responsibility to enforce these provisions. If implemented properly, such measures could significantly improve police functioning and begin to crack the culture of impunity.

Emulating police laws elsewhere, the ordinance calls for the establishment of a National Police Commission (NPC), a non-partisan national oversight body with both elected and nominated members. As envisioned in the ordinance, the NPC would add transparency to promotions and transfers of senior police officers; arbitrate disputes between the government and the chief of police;¹⁵ maintain the Public Safety Fund;¹⁶ reform the police pay structures and guide policy. Influential serving and retired officers are pushing for creation of the NPC to improve police efficiency whether or not the draft ordinance is passed. However, without credible punitive measures as provided for in the ordinance or the political will to curtail undue interference in police affairs, there is scepticism that an NPC will avoid becoming as dysfunctional and politicised as other governmental oversight bodies like the Supreme Judicial Council and Anti-Corruption Commission. Said one sceptic, “There's always a chance such a council will perform. But unfortunately we see time and again that crows don't eat crow's flesh”.¹⁷

Public accountability would be ensured through the creation of the Public Complaints Commission (PCC). Led by a five-member panel of eminent persons with a “brilliant record of integrity and commitment to human rights”, the PCC would have the authority to investigate “serious complaints against members of the Bangladesh Police”. When appropriate the PCC could direct departmental heads to disciplinary action or file a criminal case. In extreme cases it could request the chief justice to initiate a judicial inquiry. However, nothing in the ordinance guarantees the safety of individuals who come forward or protects them from intimidation. It would be improved by a “whistle-blower” protection provision. Moreover, the PCC would have a permanent secretariat but the ordinance is silent on the autonomy of its budget. Nonetheless it would make it incumbent upon all officers and government agencies to report police misconduct to the PCC and assist investigations if necessary. Interfer-

¹⁰ A.S.M. Shahjahan, “Strengthening Police Reform”, in “Strengthening the Criminal Justice System”, Asian Development Bank, Dhaka, May 2006. A.S.M. Shahjahan is a former inspector general of the Bangladesh police.

¹¹ “CrPC bill passed empowering admin magistrates”, *The Daily Star*, 8 April 2009, available at www.thedailystar.net/newDesign/news-details.php?nid=83234.

¹² For a discussion of politicisation of the force and human rights abuses by the police see Section IV.

¹³ Draft Police Ordinance 2007, Section 10 (2). Copy on file with Crisis Group.

¹⁴ Draft Police Ordinance 2007, Section 122.

¹⁵ The ordinance proposes to rename the post of IGP “Chief of Police”.

¹⁶ Section 143 of the ordinance would establish a fund operated by the NPC for the purposes of improving police infrastructure and service as well rewarding good performance.

¹⁷ Crisis Group interview, prominent human rights lawyer, Dhaka, 20 January 2009.

ence in PCC investigations would carry a maximum one-year prison term, fine or both.

However, several vague and contradictory sections of the ordinance potentially reduce police accountability and create new avenues for corruption, thus undermining the very objectives the ordinance's drafters seek to achieve. For example, Section 145 stipulates that a criminal case cannot be filed against a police officer, without permission from a high-ranking police official or the government. "If you need police permission to file a case against the police, how can you ensure neutrality? More importantly, ordinary people are scared enough as it is of the police. This provision would further intimidate them", explained a prominent human rights lawyer.¹⁸ Section 138 further curtails accountability by empowering officers to determine the validity of complaints filed against their colleagues. "Frivolous or vexatious" complaints are punishable by imprisonment, hefty fines or both. Police officials explain that without this provision they would be bombarded with complaints.¹⁹ However Section 138 could have disastrous consequences for the most vulnerable such as women, children and minorities. The attorney explained,

If the police continue to investigate their own crimes in these cases, and especially if they manage to close off external oversight over investigations they themselves run, victims will rarely come forward and the investigators will continue to protect their colleagues. In this way the ordinance will create more space for corruption.²⁰

Despite its flaws and the uncertainty about its future, the ordinance remains a source of pride for many officers because it is the product of intense public and private scrutiny from thousand of officers, military and government officials, civil society organisations and members of the general public. Said a senior officer and drafting committee member, "No other law or ordinance in our history has undergone such an extensive consultative process".²¹

B. THE POLITICAL MILIEU: OBSTACLES TO REFORM

The obstacles to police reform, more specifically a new police law, are considerable and numerous. However, the most crucial obstacle, the lack of support for reform within the force, is no longer an issue. There is widespread support for fundamental reform at all levels of the police force, even if there is not agreement among all officers over what shape reforms should take both in the short and long run. A number of officers suggest that the overwhelming support for the draft ordinance indicates that whatever differing opinions exist among officers can be bridged relatively easily. The bottom line is that without support for reform within the force, other obstacles such as those discussed below will be insurmountable.

1. The bureaucracy

First, there is considerable opposition from within the bureaucracy to legislation, such as the Police Ordinance (2007), that would increase autonomy for the police. Bureaucrats from the Ministry of Law, as well as others from the powerful Ministry of Establishment, argue that increased autonomy would reduce police accountability.²² Reflecting a longstanding rivalry between the police and the civil administration, Humayoon Kabir, the deputy commissioner (DC) of Bogra district explained,

The police have money these days, so they want to rule over other people and be accountable to no one. But, if they have both the gun and no accountability, there will be anarchy. So there should be oversight from an executive magistrate, like us, for the sake of accountability.²³

While there is some truth to this, many senior civil servants are guarding against further erosion of their authority by opposing greater autonomy for the police.²⁴ Voicing support for the status quo, Kabir asked, "Why do they [police] need a new law? How did they function over the last 200 years? The current law is a British law, it's a good law".²⁵ However, in 2007 the CTG issued an or-

¹⁸ Crisis Group interview, prominent human rights lawyer, Dhaka, 7 February 2009.

¹⁹ Draft Police Ordinance 2007, Section 138.

²⁰ Crisis Group interview, prominent human rights lawyer, Dhaka, 7 February 2009.

²¹ Crisis Group interview, a former IGP and member of ordinance drafting committee, Dhaka, 18 January 2009.

²² Crisis Group interviews, Ministry of Establishment officials, January 2009.

²³ Crisis Group interview, Bogra district, Rajshahi division, 29 January 2009.

²⁴ However not all bureaucrats who oppose the ordinance use the police to get rich. Similar to many low-ranking police officers, many low-ranking civil servants indulge in corruption to augment pitiful government salaries. Crisis Group interviews, Chittagong, Bogra and Dhaka, January and February 2009.

²⁵ Crisis Group interview, Bogra district, Rajshahi division, 29 January 2009.

dinance separating the judiciary, which transferred the deputy commissioners' powers of magistracy to a newly created judicial magistrate. In effect this meant that DCs, the senior-most bureaucrats at the district level, lost their power to determine the outcomes of district judicial hearings, and thus their ability to illicitly augment their incomes. However, as the ultimate authority for all government activities in a district, including the law and order situation, DCs retain limited control over police operations.²⁶ The police ordinance threatened these remaining powers, as well as access to ill-gotten wealth.

It is unlikely the government could push through a new police law like the ordinance in the face of opposition from administration cadre without undermining the objectives of reform. For example, the administration cadre, furious over having its powers clipped by the Separation of Judiciary Ordinance, threatened to shut down the government unless the CTG scuttled the police ordinance. Unsurprisingly, it was the head of the CTG, Fakhruddin Ahmed, according to several senior CTG, military and police officials, who sided with his former administration cadre colleagues blocking the ordinance.²⁷ NBK Tripura, an Additional IGP, recalled that in the early days of the CTG Ahmed had issued a directive to make the new ordinance a priority and gave the police force three months to come up with a draft. The CTG Home Minister M.A. Matin pledged to pass the ordinance even as late as mid-2008. But, after being heavily lobbied by his old civil service colleagues, Ahmed and the caretaker government backed down despite pressure from by senior Western diplomats such as then British High Commissioner Anwar Chowdhury. Tripura said, "Fakhruddin didn't even accept the file of the police ordinance because he buckled under the pressure from the administration cadre".²⁸

While this is only an example of the administration cadre's power, it illustrates why governments are hesitant to challenge it head on. According to a senior police official, "It [also] demonstrates how low strengthening the police ranks in the government's priority list".²⁹

²⁶ Sections 123-133 and 144 of Bangladesh Criminal Procedure Code and the section 157 of the Police Regulation of Bengal (1943) give authority to deputy commissioners to authorise certain types of police actions.

²⁷ Fakhruddin Ahmed served in the Bangladesh Civil Service for fifteen years. He last position was Joint Secretary in the Economic Relations Division of the Ministry of Finance.

²⁸ Crisis Group interview, NBK Tripura, Dhaka, 22 January 2009

²⁹ Crisis Group interview, senior DMP officer, Dhaka, January 2009.

2. The military

Equally, if not more, important is where Bangladesh's powerful military stands on an updated police law. Initially the military objected to the ordinance. A senior police official recalled a late 2008 meeting between police and PRP officials, and then army chief General Moeen U. Ahmed and several of his senior generals. The police and PRP officials agreed to over a dozen changes to the ordinance proposed by the generals, including an additional seat for "one to three competent members of the armed forces"³⁰ on the NPC and the placement of the chief of police below the army chief in Bangladesh's Warrant of Precedence.³¹ As for the generals, they agreed to an increase in the number of first grade officers in the police force.³² Despite the agreements reached between the military and the police, General Moeen displayed only tepid support for the draft ordinance.³³ Said a former senior CTG official, "The ordinance was never a priority for the army chief or the chief adviser, they only discussed it towards the end of CTG and then decided to leave it for the next government".³⁴

Military officials do recognise the need for improving the salaries and working conditions of the police lower ranks if only to prevent a BDR-style rebellion.³⁵ But from their perspective, reforms should refashion the police along military lines. Imposing a military-style chain of command on the police, according to active

³⁰ Comment 4 of army headquarters' written comments on the draft police ordinance submitted to the police. Copy on file with Crisis Group.

³¹ Bangladesh's Warrant of Precedence determines the relative seniority by rank of functionaries belonging to the executive, legislative and judicial organs of the state, including members of the foreign diplomatic corps. It is generally used for the purpose of inviting dignitaries to state and important official functions, including their seating arrangements. It also determines who receives and sends off important dignitaries such as the president and the prime minister when they go abroad as well as receiving counterparts within the country.

³² At present the IGP is the only first grade officer in the police.

³³ According to a senior DMP official, "All files regarding police rankings, uniforms, arms procurement etc, find their way, unofficially, to the Armed Forces Division through the Prime Minister's Office. They [military officers] are known to take over the PM's decisions". Crisis Group interview, Dhaka, April 2009.

³⁴ Crisis Group interview, CTG official, Dhaka, 21 January 2009.

³⁵ However the military is opposed to the police having a day off. In its written comments on the police ordinance, army headquarters' comment 10 stated: "The concept of day may not be encouraged. The police should be on duty 24 hours a day like other forces. [The] introduction [of a day] off for the police may encourage other forces to demand the same". A copy of the army's comments is on file with Crisis Group.

and retired military officers, will eradicate corruption in the police ranks and limit interference from politicians. However, police officials are opposed to the idea and insist that a police hierarchy modelled on the military's will not cut down on politicisation and corruption. One former IGP said,

Efforts to make the police more like the military will backfire. The military lives in the cantonment not with the people. The moment the police becomes like the military it will become disconnected from the community. Militarisation of the police would create a "ghetto mentality", which would divorce the police from the people and reduce accountability.³⁶

The solution, police say, is more autonomy within the ranks, not less. A rigid chain of command could reduce flexibility in decision-making at the district, sub-district and *thana* (police station) levels, particularly when it comes to community policing. Not every community is the same, and not every problem requires the same solution. Thus, having to constantly seek permission from one's superior officer for fear of being punished could reduce the ability to solve problems.

The weakness of the police has allowed the military greater control over internal security and civilian police matters (see below). But generally the armed forces now support police reform as long as it does not challenge the military's supremacy in the provision of security or check its influence and control of Bangladesh's security policy. However, the military could block reform if it perceives that improvements in the police will erode its stature (on either the national or international stage) or divert resources away from the armed forces to the police. A former IGP explained summed up: "If the police get a few crumbs from the international community and government, the army won't care. But it will be careful not let the crumbs accumulate".³⁷

3. The ruling elite

There is also stiff opposition to a new police law from powerful sections of the ruling elite, such as businessmen and politicians – including those in the current government. According to a senior home affairs ministry

official, "They [businessmen and politicians] don't want them [the police] out of their control. They want to retain power, so they can use the police for themselves ... they don't want it [a new police law] to happen. No one with power does".³⁸

Wealthy businessmen in particular have a history of buying police support to increase profit margins, something a new police law might make more difficult. A prominent human rights lawyer, who has extensive experience dealing with cases of police abuse, recounted numerous examples of garment factory owners bribing police officials to force workers protesting late wages back to work.³⁹ It is thus unsurprising that the home affairs ministry is considering creating two new battalions, one of which would be an "industrial police battalion" to confront rioting garment workers. The idea according to NBK Tripura, an additional IGP, was proposed by the business community.⁴⁰

Compounding this problem is the lack of public pressure for reform outside of the police and a few civil society organisations. Lower class Bangladeshis – who are most commonly the victims of the police corruption and brutality – have the most to gain from improved police functioning but also have the least political influence and the most to lose by challenging the powerful political elite invested in the current set-up. "There

³⁸ Crisis Group interview, senior home affairs ministry official, Dhaka, February 2009.

³⁹ Crisis Group interview, Dhaka, 7 February 2009. These situations often pit the poor against the poor. A constable who has spent most of his time in the police on riot duty said "We usually knew what we were doing was wrong, but we couldn't disobey orders. Every time we are up against garment workers I can't tell them that we are fighting to keep our jobs too. But they don't know that so we have bad relations with them". Crisis Group interview, Dhaka, 26 January 2009. The same human rights attorney quoted above said he has found that "The rich, in general, use the police as a tool to suppress the poor and contain them". Crisis Group interview, Dhaka, 7 February 2008.

⁴⁰ A "marine police battalion" is the second battalion being considered. Crisis Group interview, 22 January 2009. According to senior police officials, headquarters has assessed that it needs to create 2268 new posts for an industrial police battalion. The home affairs ministry has agreed but the number of police was trimmed by the establishment ministry which concluded that only 1,500 posts were needed. The finance ministry, which controls the purse strings, determined the government could only afford 778 posts and recommended that the vacuum be filled by private security forces hired by businessmen. The law ministry is yet to grant its approval and is also considering the legality of providing businessmen with special powers to maintain law and order around their factory compounds with private security forces. Crisis Group interviews, Dhaka, February 2009.

³⁶ Crisis Group interview, retired senior officer, Dhaka, January 2009.

³⁷ Crisis Group interview, former IGP, Dhaka, January 2009. A PRP official said he was also aware of institutional competition for bigger budgets between the police and military. "The military won't allow a dramatic budget increase because they see it coming out of its budget. But the army supports police reform in some regards". Crisis Group interview, Dhaka, January 2009.

also isn't a constituency for [a new police law] within the middle class because they are rarely victims of the police and larger judicial process", according to a prominent Bangladeshi social scientist familiar with security sector reform challenges. "This is not because they don't commit crimes but because the status quo works for them. In other words, they can buy justice or buy their way out of it".⁴¹ Without significant pressure from the international community, it is hard to see the government supporting the draft police ordinance or a similar piece of legislation.

III. THE STATE OF THE POLICE

A. STRUCTURE AND ORGANISATION

The Bangladesh Police is a national organisation headquartered in Dhaka and answerable to the government in power. It is overseen by the Ministry of Home Affairs (MoHA), which controls the police budget, appointments and transfers of all officers above the rank of superintendent. There are several main branches in the police department: traffic, an armed police battalion, a criminal investigation department (CID), special branch (SB), rapid action battalion (RAB), which is responsible for investigating and detecting serious crimes (including acts of terrorism), metropolitan and "range" police.⁴² The range police are subdivided into districts, circles, *thanas* (police stations) and outposts.

As already explained, police are also responsible to the general direction of government officials in addition to functioning within a police chain of command. The Inspector General of Police (IGP) serves at the behest of the government. It is not a tenured position and the IGP can be transferred or removed by the home affairs minister at any time. Serving directly under him are additional inspector generals (AIGs), who head up each major department in the police administration, and deputy inspector generals (DIGs), who supervise police functioning within each range.

There are eighteen ranks in the police force, which are divided into gazetted and subordinate ranks, roughly analogous to commissioned and non-commissioned officers in the military. Out of a total force of 123,197 police officers, there are 1538 in the gazetted ranks and 121,659 in the subordinate ranks. The IGP, AIGs or DIGs, and superintendents of police (SP), constitute the four gazetted ranks; below these are the upper subordinate ranks, which include the positions of inspector, sub-inspector, town sub-inspector, sergeant, and assistant sub-inspector. Below these officers are the vast majority of police officers, which constitute the lower subordinate positions. These include head constables (armed and unarmed), naiks and constables (see Appendix B). While the gazetted officers are relatively well trained, well paid and occupy important positions within the bureaucracy, the lower ranks are often poorly trained, poorly equipped, poorly paid and overworked.⁴³

⁴¹ Crisis Group interview, prominent Bangladeshi academic, Dhaka, 18 January 2009.

⁴² Bangladesh has seven police ranges, one in each of the country's six administrative divisions (Barisal, Chittagong, Dhaka, Khulna, Rajshahi and Sylhet) and a railway range.

⁴³ See Appendix B for a breakdown of the Bangladesh police strength by rank.

Most policing is conducted in the districts, and dual controls over the force at this level mar police functioning nationwide.⁴⁴ Superintendents, while responsible for the performance of all functions, including the detection, investigation and prevention of crime in each of Bangladesh's 64 districts, are subordinate to the deputy commissioner (DC), the chief civil servant in the district, who is responsible for tax collection, law and order, and, in some cases, the administration of justice. Although the DC does not have authority to interfere directly into police matters – and is legally dependent upon police cooperation to perform his duties – in reality these bureaucrats often direct police operations. If a disagreement arises between the DC and the SP, the former's judgment prevails. Additionally the DC, through his network in the bureaucracy, can influence police transfers and postings, which impact an officer's quality of life.⁴⁵ As a result, the police have become for all practical purposes a coercive arm of the civil bureaucracy, and as a former IGP said, "... rendered incapable of providing anything that resembles law and order".⁴⁶

As mentioned earlier, the police force has roughly 123,000 officers for a population of over 153 million people.⁴⁷ This means there is one police officer for every 1,200 people, the lowest ratio in South Asia⁴⁸ and nearly three times lower than the UN's recommended ratio of 1:450.⁴⁹ Dhaka, a city of twelve million, has roughly one officer for every 520 people, although closer to the recommended ratio, it is still inadequate to meet the capital's security needs.⁵⁰ In other cities ratios are even lower. For example in Sylhet, in the north east, there is one police officer for every 3,500 people and in the resort town of Cox's Bazaar the ratio is 1:2,000.⁵¹ A senior police official in Sylhet voiced a complaint often heard in the districts: "There is a shortage of police here; it's an ongoing crisis. How can we be expected to tackle

crime when there are more criminals than police? A criminal can walk freely because he knows that we don't have the manpower to arrest him".⁵²

Minorities and women are massively under-represented in Bangladesh's police force and there are almost no women in positions of authority. The total number of policewomen stands at 1,937 or roughly 1.5 per cent of the force, which is well below the 8.5 per cent average for low-income countries.⁵³ Out of roughly 600 *thanas* nationwide, a former IGP says fewer than 100 might have a female officer, and, of those, very few have separate facilities, such as toilets, for female staff, let alone prisoners. A human rights lawyer estimated that thousands of sexually related crimes go unreported each year because "A woman simply won't confide in a male police officer if she has been a victim of sexual crime".⁵⁴ A Bangladeshi staff member of an international aid agency familiar with the police system said more female officers at police stations would cut down on what he called the common sexual abuse of women in police custody (see below).⁵⁵

B. THE BUDGET

Besides being understaffed, the police are severely under-resourced. The \$420-million annual police budget is simply insufficient to meet the policing needs of the country and undermines the force's ability to perform effectively. Numerous officers complain of a lack of funds for basic materials such as radios, fuel for vehicles, bicycles and even stationery to write reports.⁵⁶ This makes it difficult, if not impossible, to respond to crimes and other instances of disorder. Many officers are often forced to pay out of pocket to complete even the most routine police functions. Expense claims are sent from the districts to Dhaka and reimbursements often follow months later – and not always in full, which further drives corruption. One inspector, while based in Rangpur district, described an all-too-common situation:

⁴⁴ Below the district level an assistant superintendent administers a police circle and every *thana* (police station) under a circle, is controlled by an inspector or by an officer-in-charge (OC).

⁴⁵ On the abuse of the transfer system, see Section IV.

⁴⁶ Crisis Group interview, Dhaka, 15 January 2009.

⁴⁷ According the Bangladesh Police website, as of 28 January 2007, the country had 123,197 police. See <http://police.gov.bd/>. And according to CIA Worldwide Factbook, in July 2008 Bangladesh had a population of 153,546,896.

⁴⁸ India has a police to population ratio of 1:793; Sri Lanka has a ratio of 1:581; and Pakistan and Nepal have ratios of 1:477 and 1:367 respectively.

⁴⁹ Crisis Group interview, UNDP official, 1 February 2009.

⁵⁰ According the Dhaka Metropolitan Police website, there are 23,000 police in the capital. See www.dmp.gov.bd/.

⁵¹ Crisis Group interviews, Sylhet city senior metropolitan police official, Sylhet, 25 December 2008; senior police official, Cox's Bazaar, 9 January 2009.

⁵² Crisis Group interview, Sylhet city senior metropolitan police official, Sylhet, 25 December 2008.

⁵³ "Policy Briefing Paper: Gender Sensitive Police Reform in Post Conflict Societies", UNIFEM, October 2007, p. 8, www.unifem.org/attachments/products/GenderSensitivePoliceReform_PolicyBrief_2007_eng.pdf.

⁵⁴ Crisis Group interview, Dhaka, 2 February 2009.

⁵⁵ Crisis Group interview, Dhaka, 21 January 2009.

⁵⁶ In one case, Crisis Group researchers had to drive the officer-in-charge of a Bogra police station from one station to another because his station did not have any vehicles.

A man came to me in the middle of the night and said that a murder had been committed in his village. It was my duty to investigate. I asked the man to drive me to his village because the station vehicle was in disrepair; it had been broken for days and we had no money to fix it. The villager didn't have a car so we had to hire a taxi, which was a few hundred taka. An autopsy had to be done on the body, and I had to take it to the morgue. But the driver refused to put the body in his taxi. So, I then had to pay – with my money – for another car, which was another few hundred taka. The coroner would not perform the autopsy on the corpse without some alcohol to drink. So I had to buy a few bottles for the coroner. Then I had to pay the pay the dome for his work. In the end I had to spend Tk2000 or Tk3000 (\$30 or 40) out of my pocket to do my job.

The inspector said, “You tell me, who is going to reimburse for me this. No one”.⁵⁷

Increasing the police budget would alleviate many of the human resource problems facing the force. For example, a plan devised by the previous Bangladesh Nationalist Party (BNP) government to recruit an additional 30,000 police officers was dropped partly due to insufficient funds.⁵⁸ Police officials at headquarters, as well as those from the home affairs ministry, agree that the state has the funds to increase the budget; the problem appears to be one of government priorities.

Presently all government spending on policing comes from the revenue budget⁵⁹ and there is significant competition between various government agencies for the resources. The smaller development budget, which is distinct from the revenue budget and devoted solely to funding development projects, is rarely exhausted. However there are restrictions on diverting unspent funds from one budget to another. A former IGP explained, “Police spending must be seen as investment in societal health the same way that health care, education and security are. Development money, which is spent on these

issues, should also be spent on the police. How can you invest in the security of the state without investing in the police? It doesn't make sense”.⁶⁰

C. RECRUITMENT AND TRAINING

There are three entry points into the force:

- ❑ **Constable level:** The majority of the police are recruited at this level. There are no educational requirements but recruits must pass written and physical tests.
- ❑ **Sub-inspector (SI) level:** Sub-inspectors are the next largest category of recruits. A recruit admitted at this level must be a high school graduate and pass police administered exams.
- ❑ **Assistant superintendent (ASP) level:** ASPs are members of the Bangladesh civil service and are recruited through competitive exams conducted by the public service commission. Recruits must be at least university graduates.

Although most officers take the legal route into the force, it is not uncommon for prospective officers to buy their way in. The motivations for paying a bribe range from greed (some postings and positions can be a lucrative way of making money through corruption) to the desire for the respect and financial security of a government job. Observers note that “admission bribes” for constables and SIs range between Tk60,000 and Tk100,000 (\$870-\$1450).⁶¹ Bribes – which are frequently funded by borrowing from village loan sharks, selling farmland or dowries – are often paid to the local recruiter who is usually a police superintendent or the local member of parliament (MP).⁶² According to a senior police officer in Dhaka, legislators are involved so often in illegal recruiting that some SPs reserve a quota of constable vacancies for the MPs to sell. At the ASP level, entry into the force can cost anywhere between Tk150,000 and Tk400,000 (\$2170-\$5800) or higher but officers say political connections at this level are more important than money.⁶³ Bribes are lucrative not only for politicians, but also for bureaucrats in the ministries of home affairs and establishment, which often have the final word on appointments, transfers and promotions.

Each recruit goes through either six months or one year of basic training. Generally speaking, the quality of new officer training is poor. Constables receive six months

⁵⁷ A former IGP highlighted a problem with the budget: “If you have to arrest a man that means you'll have to feed him several times as day. The government provides only Tk5 (\$0.05) per meal per prisoner. There is nowhere you can get a meal for Tk5. Either an officer will have to pay out of pocket or he simply won't arrest a criminal”. Crisis Group interview, Dhaka, January 2009.

⁵⁸ Crisis Group interview, NBK Tripura, additional IGP, Dhaka, 22 January 2009.

⁵⁹ The government budget has two parts: revenue and development. The former is concerned with current revenues and expenditures ie, maintenance of normal priority and essential services, while the latter is devoted to development projects.

⁶⁰ Crisis Group interview, former IGP, Dhaka, 15 January 2009.

⁶¹ Crisis Group interviews, Dhaka, March 2009.

⁶² Crisis Group interviews, Dhaka, March 2009.

⁶³ Crisis Group interviews, former Directorate General of Forces Intelligence official, Dhaka, January 2009.

of physical and weapons training at various training schools around the country. Interviews with numerous active and retired senior officers revealed that the curriculum used for constable training is inadequate. As a result, the junior ranks generally have a weak grasp of police procedures and the proper use of force when dealing with criminals or crowds.

ASPs and SIs do one year of the same, plus academic coursework at Sardah, the national police academy in Rajshahi, near Bangladesh's north west border with India. Like the police law, little has changed at the academy since colonial times. New recruits still train on horses and practice with bayonets. Although Bangladesh does not have a mounted police force, a trainer at Sardah explained the instruction on horseback is intended to instil confidence. But he questioned its value: "I am not sure the small amount of confidence the horses build here [for cadets] is worth all the broken bones".⁶⁴

Trainers at Sardah criticise the academy's curriculum as prioritising "physical toughness over mental toughness" and say it focuses too heavily on the study of law, with not enough attention given to subjects such as counter-terrorism, criminology, human rights, management and investigations.⁶⁵ One trainer went as far as saying, "If I had to do it [train at Sardah] again, I wouldn't do the training; it's totally inadequate for policing today ... it's a joke".⁶⁶ There have been improvements – albeit slight. A course on community policing was introduced in November 2008, which Sardah trainers say is a welcome addition but add that it will be years before results are noticeable. The current IGP, Nur Mohammad, is known to be supportive of a new curriculum.⁶⁷

Even with a new curriculum, qualitative improvements in training will be elusive without incentives for police trainers and depoliticisation of the transfer process. At present transfers to police training facilities are seen as "punishment postings".⁶⁸ Officers at one training facility gave multiple reasons for their transfer. One said he was transferred because of his affiliation with the Awami League while the BNP was in power; while two others said they had either run afoul of local politicians or the deputy commissioner. One of the men, a police trainer for over two years said, "My life is hell. I didn't join the

police to become a trainer".⁶⁹ Another said, "There is no pride in being a police trainer".⁷⁰ As a result many officers try to avoid transfer to training centres by bribing their superiors.⁷¹

In general those that are transferred to training facilities often have little experience training new recruits, which a police-training expert said "does nothing to improve a bad situation".⁷² A training budget of 0.06 per cent of total police spending compounds the weaknesses. Instructors believe that the low morale of trainers also impacts the quality of training. Incentives such as temporary pay increases for officers posted at training facilities or allowing them to choose their next transfer could make places like Sardah more attractive as well as increase professionalism.

D. SALARIES AND WORKING CONDITIONS

For most officers, life in the police force is difficult and unrewarding. Conditions of service and facilities, particularly for the subordinate ranks, are abysmal and drive police morale downwards; salaries for gazetted officers are far from generous and among the lowest in the civil service. For instance the monthly pay and allowances of the IGP, the highest ranking in the force, amounts to Tk23,000 (\$333); at the very bottom of the pay scale, the monthly salary of a police constable is only Tk5,410 (\$78.50). For a small percentage of police officers (3.3 per cent) – surprisingly most of whom are from the subordinate ranks – participation in a UN peacekeeping mission can raise their monthly salaries fifteen-fold if not more.⁷³ However, peacekeeping opportunities are too rare to make a difference in most officers' lives.

Pay raises and promotions are few and far between and do almost nothing to improve the lives of officers or promote competency in the force. Their infrequency not only adversely impacts organisational efficacy but is a major source of frustration and low morale. Although the promotion process is different for non-gazetted and gazetted officers, both are often subject to bureaucratic ineff-

⁶⁴ Crisis Group interview, Sardah police academy, Rajshahi, 27 January 2009.

⁶⁵ Crisis Group interview, Sardah police academy, Rajshahi, 27 January 2009.

⁶⁶ Crisis Group interview, Sardah police academy, Rajshahi, 27 January 2009.

⁶⁷ Crisis Group interview, Sardah police academy, Rajshahi, 27 January 2009; Nur Mohammad, IGP, 2 February 2009.

⁶⁸ Crisis Group interviews, January 2009.

⁶⁹ Crisis Group interviews, January 2009.

⁷⁰ Crisis Group interview, January 2009.

⁷¹ Crisis Group interview, January 2009.

⁷² Crisis Group interview, Dhaka, 31 January 2009.

⁷³ Crisis Group interviews. As of 5 April 2009, a total of 4,057 police officers have participated in different UN peacekeeping missions, 3,323 of them from the non-gazetted ranks. See the Bangladesh police website, www.police.gov.bd/cmission.php?category=39.

iciency and political influence or bribes.⁷⁴ Within the non-gazetted ranks, promotions come every seven to eleven years while lateral entry into the force by civil service cadres at the ASP level blocks the promotion of roughly 13,500 sub-inspectors and inspectors.⁷⁵ Furthermore pay increases without promotion are unheard of. A senior officer in Chittagong asked, “Why should someone become a police officer when the pay is low and they won’t be promoted? Why should they stay and not find another job?”⁷⁶

Frequent transfers compound problems with infrequent promotions. Officers at all ranks spend usually two years at each duty station but sometimes as little as six months before they are rotated.⁷⁷ Transfers are intended to serve two purposes: increase officers’ skills by exposing them to differing policing environments and decrease police corruption by limiting links to corrupt politicians and criminal networks.⁷⁸ In practice, frequent rotations mean the exact opposite.

Citizens and officers alike complain that transfers result in a loss of police efficiency and lower skill levels. A U.S. official in Dhaka familiar with Bangladesh’s security services said, “Once a police officer is trained up and gets a feel for the local community, he’s transferred. Building trust with the community and learning the local situation takes time, it’s not automatic.”⁷⁹ Interviews suggest that frequent rotations may actually facilitate corruption. Moreover, Rajshahi residents said transfers make it difficult to develop trusting relationships whereby accountability is established through greater personal interaction. One resident asked, “If they don’t know me, why should they care if they relieve me of my money?”⁸⁰

Transfers also strain family finances and relationships, resulting in low officer morale. For instance, an officer transferred from Dhaka to Chittagong explained that he is paying rent for two homes, one for his family in Dhaka and one for himself at his duty station. He said, “My children are in a good school now and if we move them to another place they may not be able to get into another good one. I can’t afford to move my children

every time I get transferred; it’s not good for them”. Other officers detailed failing marriages and single parent homes as result of frequent transfers. A former IGP explained, “One of the principles of policing is endearing oneself to the public. How can they endear themselves to a community if they are underpaid and away from their family for eleven months out of the year? Generally speaking, it’s not a satisfied force”.⁸¹

E. THE CRISES OF CONSTABLES

The roughly 88,000 constables in the lower ranks suffer particularly poor salaries and working conditions. If a constable’s income was the only one available to him and his wife, each would be surviving on around \$1.30 a day, which is very close to the international poverty line of \$1.25 per day.⁸² “A rickshaw puller can make more in a day than some officers. It’s foolish to expect a police officer to adequately perform his duties – or distance himself from corruption for that matter – when his primary concern is making financial ends meet”, said a foreign development official.⁸³ To the police headquarters’ credit, in May 2008 (during the caretaker regime) it submitted a proposal for salary increases for the ranks of inspectors, sergeants and sub-inspectors to the home affairs ministry.⁸⁴ The CTG left the decision for the current government, which has yet to approve the salary increase.⁸⁵ In the meantime, a constable at Rajarbagh Police Lines in Dhaka lamented:

I want to get married, but I can’t get married because I simply won’t have money for a wedding, and no one will marry their daughter to me. What will I feed my family with? I can’t even afford a small room. All of us (constables) who did get married regret the decision. Because they can’t support their families so they sent them back to the village. This is not married life.

Besides being “criminally underpaid”, as a former government minister put it, constables are severely overworked.⁸⁶

⁷⁴ Non-gazetted officers are promoted according to the Police Regulation Bengal. Promotions for officers at the ASP level and above are determined by civil service regulations.

⁷⁵ A.S.M. Shahjahan, “Strengthening Police Reform”, op. cit.

⁷⁶ Crisis Group interview, Chittagong, 11 January 2009.

⁷⁷ One officer in Cox’s Bazaar has been transferred fifteen times in his almost twenty-year career.

⁷⁸ Crisis Group interviews, deputy IGP, Dhaka, January 2009.

⁷⁹ Crisis Group interview, U.S. official, Dhaka, January 2009.

⁸⁰ Crisis Group interview, shopkeeper, Rajshahi, 28 January 2009.

⁸¹ Crisis Group interview, Dhaka, January 2009.

⁸² Depending on the country, the World Bank considers people living on less than \$1.25 and \$2 per day (in 2005 Purchasing Power Parity terms) to be living below the international poverty line.

⁸³ Crisis Group interview, Dhaka, 1 February 2009.

⁸⁴ “Police want to upgrade posts of inspectors, sergeants, Sis”, Bangladeshnews.com.bd, 29 May 2008, available at www.bangladeshnews.com.bd/2008/05/29/police-want-to-upgrade-posts-of-inspectors-sergeants-sis/.

⁸⁵ Crisis Group interview, senior police officer at headquarters, Dhaka, August 2009.

⁸⁶ Crisis Group interview, former Awami League minister, Dhaka, October 2008.

This situation is also largely a consequence of the low police-to-public ratio discussed above. On average, low-ranking officers said they were working anywhere from twelve to sixteen hour shifts but are rarely compensated for more than an eight-hour day. One constable interviewed in Old Dhaka during his midnight patrol explained,

I started work at around 7pm last night and will finish at 10am. I doubt I'll find a bed [in the officers' dormitory], but even if I do, I will most likely be called to work by midday again. We can't even chase criminals because we don't have the energy after such long working hours.⁸⁷

Other constables say commanding officers make long days even longer by assigning more police than required for routine patrols. A senior metropolitan police officer in Dhaka conceded that too many constables are devoted to protecting government servants and diplomats. Although these people are entitled to security, he said the same protection could be provided with fewer but better trained officers. Vacation days are also unheard of. Many constables are prevented from taking annual leave or public holidays, and often sneak away citing health or family problems. In one case a Dhaka constable was even threatened with suspension for taking leave to attend his father's burial.⁸⁸

A constable who was recruited in 2004 as an eighteen-year-old and now patrols the streets in Old Dhaka said he joined the force because his father, a farmer, had lost all their land to riverbank erosion which left his family destitute. He said he was partially attracted to the force over other jobs because of the stability and the work hours of a typical government job, as well as the authority he associated with the police. He said, "I did not know what I was getting into. I thought all a constable did was to walk around and catch bad guys and people said policemen earned more money than other government officers. I had no idea the work would be this tough. The working hours are inhumane".⁸⁹ Another constable said, "Before we got into the police, we thought we would be financially and socially secure. But as constables we have nothing. It's all a hoax!"⁹⁰

Food rationing and housing are major sources of angst for the rank and file. Up until early 2009 food rations for gazetted officers were markedly larger than non-gazetted officers. As direct result of the BDR mutiny (see below), a government order, which came into effect

on 3 March 2009, stipulates that all officers, irrespective of rank, receive equivalent food rations. Housing facilities for the lower ranks (if available) are often barracks and congested apartments, which only add to the pressure of the job. Family housing is also virtually non-existent, and meagre salaries rule out renting reasonable accommodation. One constable said that at least twenty days a month he is without a bed; those nights he spends sleeping in either police cars or trucks.⁹¹ A former IGP rhetorically asked, "Where are the human rights for a constable when he is asked to work longer than any other public servant with the least pay? What about when he has no place to sleep? How can you ask a man to respect human rights when the government he is supposed to serve is not protecting his?"⁹²

Despite the efforts by some acting and retired senior police officials to improve working conditions throughout the force, a dangerous fault line runs between constables and their commanding officers. A surprising number of constables described their relationship with superior officers as one of a "master and a slave". "We [constables] are treated like slaves by our superior officers; they don't even think we're humans", said one Dhaka constable. "You can't flog a dead horse, but they [commanding officers] just keep flogging us and expect us to deliver".⁹³ Commanding officers often take credit for the work of constables and scapegoat them for their corruption. Constables and sub-inspectors say fines, demotions and sackings related to corruption often target them and rarely those higher up.

With almost no qualitative improvement in the working conditions of the rank and file in years, it is not surprising that many constables believe senior police and government officials are disinterested in their welfare. One retired police official went as far as saying that, "The simple fact is that lower ranks [of the police] blame senior officers for their miserable [working] conditions".⁹⁴ In February a large number of the rank and file of Bangladesh Rifles, the country's border guards under the control of the home ministry, led a murderous uprising against their commanding officers in response to years of low pay and poor working conditions. The mutiny at the Rifles headquarters in downtown Dhaka left more than 75 dead, mostly senior BDR and military officials.

⁸⁷ Crisis Group interview, Dhaka, January 2009.

⁸⁸ Crisis Group interview, Dhaka, January 2009.

⁸⁹ Crisis Group interview, Dhaka, February 2009.

⁹⁰ Crisis Group interview, Dhaka, February 2009.

⁹¹ Crisis Group interview, constable, Dhaka, January 2009.

⁹² Crisis Group interview, Dhaka, 18 January 2009.

⁹³ Crisis Group interview, Dhaka, January 2009. One constable cited an incident in which senior officers asked constables to voice their opinion over change in station procedures, when the constables spoke out, the officers punished them all for a month for "forgetting their place as servants". Crisis Group interview, March 2009.

⁹⁴ Crisis Group interview, Dhaka, 1 February 2009.

The same retired officer warned, “The same conditions that sparked the BDR mutiny exist within the lower ranks. If nothing changes, we’ll have more problems in our security forces.... This is an untenable situation”.⁹⁵

Police officers have revolted before. In 1993, non-gazetted officers at the Rajarbagh Police Lines in Dhaka rose up demanding better pay. No blood was shed nor were salaries increased, “just a lot of us got sacked”, said a constable at Rajarbagh at the time.⁹⁶ In the sixteen years since, successive governments have failed to improve conditions ripe for another rebellion despite clearly knowing the risks. For example, within hours of the BDR mutiny, a worried police high command met home ministry officials to assess the likelihood of the revolt spreading to the police. An emergency decision was made to extend full food rations to all police personnel to defuse what one senior DMP officer described as “any possible chances of an instant copycat revolt”.⁹⁷

Despite the divisions within the force, a similar sense of anger that sparked the BDR rebellion does not appear to have set in among the lower ranks of police. A constable interviewed in the aftermath of the BDR mutiny said,

We wouldn’t kill our officers like that. We’d work with them. It would be inhumane to kill like that, because we wouldn’t gain anything by taking such a path, it would be suicide for us and for the force ... we don’t want to destroy the police.⁹⁸

However, others felt indebted to the BDR mutineers. “The BDR men had to sacrifice their lives to improve ours. We are grateful to them. Otherwise we would never have received the ration increase. The [senior] officers wouldn’t have cared to consider our grievances”.⁹⁹ Although many constables were reluctant to discuss the chance of a rebellion in the police force, several did not rule it out. One constable, who appeared to be speaking for a group of his colleagues, warned, “You never know what people will do under stress. Anything could happen”.¹⁰⁰

⁹⁵ Crisis Group telephone interview, 28 March 2009.

⁹⁶ Basic salary for a constable at the time of the Rajarbagh revolt in 1993 was Tk2,600 (\$38). It was Tk2,850 (\$41) ten years later. Crisis Group interviews.

⁹⁷ The home ministry’s decision to increase food rations was based primarily on the concerns of commanding officers in Dhaka Metropolitan Police about an uprising within their lower ranks. Crisis Group interview, senior DMP officer, Dhaka, 4 March 2009.

⁹⁸ Crisis Group interview, Dhaka, 3 March 2009.

⁹⁹ Crisis Group interviews, April 2009.

¹⁰⁰ Crisis Group interview, May 2009.

IV. POLICING BANGLADESHI STYLE

A. POLITICISING THE POLICE

Political and bureaucratic interference are the most significant impediments to police efficiency and have resulted in the worst forms of abuse including illegal detention, death in custody, torture and pervasive corruption.¹⁰¹ The result is almost universal public disdain for the police force. A former IGP explained that this sentiment is certainly justified: “Most of the perceptions of the police being unresponsive to the public, politicised and involved in human rights abuses and corruption are true”.¹⁰²

All governments – including the current one – have used the police to crush political enemies while many politicians have used them to advance their personal interests. Low police salaries and government control of promotions and transfers all but ensure that the police are dependent on the political leadership, which prevents investigation of serious issues of corruption, organised crime or other matters that some political leaders would prefer remain untouched. In fact, police are often complicit in the crimes of government officials.

For example, in Chittagong, on 2 April 2004 security forces seized ten truckloads of illegal weapons smuggled from Bangladesh’s maritime border with Burma/Myanmar allegedly destined for insurgent groups in India’s north east or Nepal. Interviews in Dhaka and Chittagong suggest that ministers in the BNP-Jamaat governing coalition at the time were involved and pressured a section of the Chittagong police and other security agencies to facilitate the arms transfer. A journalist familiar with the case said, “Without the help of the police, there is no way the arms could have made it as far as they did”.¹⁰³

On 21 August 2004 several grenades exploded at a rally in an attempt to assassinate Sheikh Hasina, then leader of the opposition. She escaped unharmed but 24 Awami League activists were killed, including the party’s women’s affairs secretary, Ivy Rahman, and hundreds were injured. Over twenty suspects were arrested during a police investigation conducted under the direct supervision of the BNP’s Lutfozzaman Babar, the state minister for home

¹⁰¹ While there was a marked improvement in all three areas in the police force under Fakhruddin Ahmed’s caretaker government (2007-2008), evidence suggests that the corruption and human rights abuses, which normally characterise police functioning, shifted to Bangladesh’s armed forces, which were primarily responsible for security for those two years.

¹⁰² Crisis Group interview, January 2009.

¹⁰³ Crisis Group interview, 11 March 2009.

affairs at that time. While in police custody several suspects were tortured into providing false confessions, including Shaibal Saha Partha, who was arrested for allegedly sending an email to a newspaper threatening to kill Sheikh Hasina.¹⁰⁴ A subsequent investigation initiated by the most recent caretaker government cleared Partha and the others of any wrongdoing, and led to the indictments of Abdul Salam Pintu, a BNP deputy minister at the time of the attack, and Mufti Hannan, the leader of the banned terrorist outfit, Harakatul Jihad Bangladesh.¹⁰⁵ Pintu's fugitive brother, Maulana Tajuddin, stands accused of supplying the grenades.

Under the current government, Awami League parliamentarians and leaders of the party's student wings, the Chatra and Jubo Leagues, are forcing personnel changes at all ranks of the police force. For example, a superintendent in Barisal district explained that men from the Awami League student wings are threatening him unless he hires several constables loyal to the government party.¹⁰⁶ Despite government rhetoric to the contrary, several Awami League MPs lamented that Sheikh Hasina's administration is removing a number of BNP-appointed police officials and replacing them with officers loyal to the party in power.¹⁰⁷

Police at all levels resent the power politicians hold over them. Most police believe that without a new law that insulates them from political interference, no meaningful changes will occur in the way the force functions and therefore most Bangladeshis will continue to regard the police with apprehension and outright disdain. A number of police officers, however, benefit from this highly politicised system, not only financially but in terms of political protection they receive from corrupt officials, and thus prefer the status quo.

B. CORRUPTION

Corruption in the police is rampant and systemic. It will be nearly impossible to eliminate until poor salaries and working conditions are improved, particularly for officers at and below the rank of sub-inspector.

The majority of police make only small additions to their salaries known as "side incomes", with larger amounts of cash going straight to higher-ups. But as an officer moves up the ranks, and engages in practices such as extortion, bribery and racketeering, corruption becomes less about making ends meet than accumulating wealth. Some corruption is aimed at filling the funding gap for the police itself. There is not enough money in the budget to cover basic resources for routine police functioning, as mentioned earlier.

According to Transparency International a staggering 96.6 per cent of Bangladesh's households that interacted with law enforcement agencies experienced some form of corruption.¹⁰⁸ Roughly 65 per cent of households paid an average of Tk3,940 (\$57) in bribes over a one year period to police officers for various services. More often than not, police ask victims of a crime for bribes just to investigate the incident. Often officers will refuse to file a General Diary (GD)¹⁰⁹ or a First Information Report (FIR)¹¹⁰ without payment. Police and criminals sometimes have a relationship; bribes are exchanged to forgo investigations or even abet criminals in some cases. If a case is investigated, the process is often purposefully drawn out to exact more bribes from both the victim and the alleged perpetrator. A similar process occurs in the judicial system if the case goes to trial. There is little expectation that the police will deliver justice.

Many police posts are bought and sold, with sources suggesting that entry into the National Police Academy can cost up to Tk2 million (\$28,985).¹¹¹ As noted above, even a lowly constable position can cost from Tk80,000 to Tk100,000 (\$1160-\$1450) in bribes to local politicians or recruiting officers.¹¹² Aside from the problems associated with frequent rotations, the transfer system is also a major source of financial corruption in the police force. High prices are paid to politicians, government bureaucrats or commanding officers for lucrative postings where officers can make side incomes larger than their salaries. According to active police and military intelligence officials, during the last BNP government the posts of officer-in-charge of a police station in the capital were reportedly being sold for Tk800,000 or

¹⁰⁴In addition to being tortured, the suspects were held incommunicado for four days, denied access to a lawyer and were not seen by a magistrate within 24 hours of arrest as stipulated in Bangladesh's rules of criminal procedure.

¹⁰⁵"Ex-BNP MP Salam, Huji leader Hannan charged", BangladeshNews.com.bd, 12 June 2008.

¹⁰⁶Crisis Group telephone interview, June 2009.

¹⁰⁷Crisis Group interviews, Awami League MPs, January-June 2009.

¹⁰⁸"Household Survey 2007", Transparency International, 2007.

¹⁰⁹A General Diary (GD) is used to record every major incident (eg, lost items, traffic accidents, theft, threats etc.), which occurs within the jurisdiction of a *thana* on a daily basis.

¹¹⁰A First Information Report (FIR) is a complaint lodged with the police by the victim of an offence or by someone on their behalf. An FIR initiates the criminal justice process. It is only after an FIR is registered that the police will investigate a case.

¹¹¹Crisis Group interview, Rajshahi, January 2009.

¹¹²Crisis Group interview, Dhaka, January 2009.

roughly \$11,595.¹¹³ Under the current government the same positions are said to be going for around Tk1.5-Tk2 million (\$21,740-\$28,985).¹¹⁴ A spot on a UN peacekeeping mission for constables can cost Tk200,000-Tk300,000 (\$2,890-\$4,350).¹¹⁵ For senior officers with higher salaries, peacekeeping deployments can run five to ten times that.¹¹⁶

In most cases these payments can be recouped quickly. A percentage of the revenue the UN pays the Bangladesh government for their peacekeepers are given directly to individual officers who participate in operations. This is a powerful recruitment tool: “It also propels an officer instantly into the middle class”.¹¹⁷ “If you can’t afford a peacekeeping operation”, according to one officer from Khulna, “cities are best for bribes, and border areas are best for taxing smuggling. But in both places you get rich”.¹¹⁸ A patrol cop in Dhaka on a lucrative patrol – a busy intersection for example – can earn between Tk400 and Tk2000 (\$5.75-\$29) a day by extorting money from drivers and rickshaws.¹¹⁹

Other officers with greater authority will negotiate bribes with accused criminals in exchange for bail or dropped charges. Bribes vary greatly depending on the seriousness of the crime.¹²⁰ Murder investigations are a boon to the side incomes of sub-inspectors, who lead investigations. According to a senior police official in Dhaka, SIs and other senior officers usually add multiple names to the list of accused and only take their names off upon payment of hefty bribes.

Furthermore, some officers at the top of the force run what is for practical purposes a “racket in uniform”. Some senior officers run police rings and collect “protection money” from businessmen, shop owners’ associations and street vendors weekly or monthly. If shopkeepers refuse to pay, their businesses are often mysteriously robbed the next day. This slows economic growth by in effect creating a second tax service. But it is not only regular payments that constitute a threat to business. The use of corrupt police and courts to damage

competitors is common and honest businesspeople can do little except use their own connections and get involved in the corrupt game themselves.

C. HUMAN RIGHTS ABUSES AND ACCOUNTABILITY

The weakness of the entire justice system, of which the police are just one part, facilitates human rights abuse by state actors. The rights violations perpetrated by the police occur in an environment where arbitrary arrest, torture, lengthy pre-trial detention and impunity are commonplace.

Women, minorities and the poor are particularly vulnerable to police abuse. In 2008 there were five reported cases of rape by Bangladesh’s law enforcement agencies. However, human rights advocates say hundreds of cases of police rape go unreported each year. Women in custody and sex workers are frequent victims of police sexual violence. An senior attorney working with a prominent Bangladeshi human rights organisation has been leading a study on police attitudes towards women. She explained that,

The police think sex workers have no rights because their profession is illegal and so they can be raped.... Their profession doesn’t matter; sex without consent is treated as rape in Bangladesh.... Every night the women are forced to have sex with police or else the police will arrest them for selling sex. During the day the police act as the protectors of women and by night they are the perpetrators of violence against women. This does not describe every police officer, but it is common in the force.¹²¹

Wives and relatives of male criminal suspects are also victims of police sexual violence. A prominent Bangladeshi human rights lawyer said he was aware of several instances where wives of men in police custody who could not afford bail were forced to have sex with officers in order to secure their husbands’ release.¹²² “The police don’t treat violence against women as important as other crimes. That’s why they don’t always stop them and that’s way they are also perpetrators sometimes”, another human rights lawyer says.¹²³

Police abuse in custody – including torture – is widespread and systemic and occurs regardless of the government in power. The constitution states that no person shall be subjected to torture or to cruel, inhuman or degrading

¹¹³ Crisis Group interviews, Dhaka, January 2009.

¹¹⁴ Crisis Group interviews, Dhaka, May 2009.

¹¹⁵ Crisis Group interviews, Dhaka, February 2009.

¹¹⁶ Crisis Group interviews, Dhaka, March 2009.

¹¹⁷ Crisis Group interview, Bangladeshi military official, Dhaka, 7 January 2009.

¹¹⁸ Crisis Group interview, January 2008.

¹¹⁹ Crisis Group interview, Dhaka, January 2009.

¹²⁰ Crisis Group interview, crime reporter, Dhaka, January 2009. Normally, officers of a *thana* will pool their daily earnings together and divide them evenly among themselves. One constable explained, “We split our money between us to limit arguments and keep all of us involved”. Crisis Group interview, Sylhet, December 2008.

¹²¹ Crisis Group interview, Dhaka, 29 January 2009.

¹²² Crisis Group interview, Dhaka, 20 January 2009.

¹²³ Crisis Group interview, Dhaka, 29 January 2009.

punishment or treatment. But none of its laws affecting police functioning – including the code of criminal procedure – specifically refer to torture. Although a confession based on coercion cannot be used in criminal proceedings, according to section 27 of the Evidence Act a statement made by the accused in police custody that leads to the recovery of incriminating information is admissible in court.¹²⁴ Furthermore sections 54 and 167 of the Criminal Procedure Code give the police powers of warrantless arrest and prolonged detention, which, according to 2003 High Court ruling, has resulted in a number of deaths in police custody.¹²⁵

An additional SP at police headquarters admitted that harsh beatings and torture were often used to gain information from a criminal suspect.¹²⁶ “Not all police have the materials or the knowledge to conduct proper investigations like forensic ones, so some resort to torture methods to find the murder weapon”, he said.¹²⁷ A High Court lawyer familiar with the police explained that pressure from superiors to solve crimes encourages torture: “If the crimes are not solved in your [police] area then you could be transferred, demoted or fired ... you’ll

do what you have to get answers quickly. Some police think [torture] saves time”.¹²⁸

In 2008 police were involved in 74 extrajudicial killings; 59 by police alone, fifteen by police acting with the RAB.¹²⁹ Since the phenomenon of “crossfires”¹³⁰ – as such killings are known – began to be counted in 2004, police have been involved in close to 500.¹³¹ Police crossfires have accelerated under the current Awami League government, which came to power in January 2009. During the last caretaker government administration, which was in power for two years from January 2007 to December 2008, there were 103 crossfires attributed to police. Between 1 January and 1 December 2009 police have been involved in 81.¹³² Although several police officers have been convicted – and even exe-

¹²⁴ Evidence Act of 1872.

¹²⁵ In July 1998, Shamim Reza Rubel – a student – was allegedly beaten to death in police custody five hours after being arrested at his home in Dhaka. According to the autopsy report he suffered a brain haemorrhage. Following an investigation by the criminal investigation department, thirteen policemen including a senior officer and a local Awami League leader were charged in connection with his death. A judicial inquiry confirmed that Shamim Reza Rubel’s death was not accidental, although the full findings of the commission were not made public. A lawsuit filed by the Bangladesh Legal Aid and Services Trust (BLAST) resulted in an eleven-point directive from the High Court regarding Section 54 of the Criminal Procedure Code whereby the police can no longer detain individuals based solely on suspicion. However the police have appealed the ruling, which is still pending under the Appellate Division of the Supreme Court. For a list of the High Court directives see Iftekhar Ahmed Ronnie, “Direction to Amend Section 54 & 167 of CrPC: A Landmark Verdict to Protect Human Rights Violations”, Ain o Shalish Kendra, www.askbd.org/Direction%20to%20Amend%20Section%2054.htm.

¹²⁶ In 2000 Amnesty International observed that victims in Bangladesh were subjected to various kinds of police torture including “beating with rifle butts, iron rods, bamboo sticks, hanging by the hands from the ceiling, rape, ‘water treatment’ in which hose pipes are fixed into each nostril and taps turned on full for two minutes at a time, the use of pliers to crush fingers, and electric shocks”. “Bangladesh: Endemic Torture Since Independence”, Amnesty International, 29 November 2000.

¹²⁷ Crisis Group interview, police superintendent, Dhaka, February 2009.

¹²⁸ According to the same lawyer, judges will often throw out cases where someone has confessed to a crime if they suspect that the confession was extracted by torture. This, he says, is among the reasons for Bangladesh’s notoriously low conviction rates.

¹²⁹ “Human Rights Report 2008: Odhikar Report on Bangladesh”, Odhikar, 15 January 2009, www.odhikar.org/report/pdf/hr_report_2008.pdf.

¹³⁰ Crossfire killings are those in which the victim is allegedly killed as a bystander to a gunfight. However, the term often refers to what is believed to be an extrajudicial killing in the custody of government security forces like the RAB. See “Judge, Jury, and Executioner: Torture and Extrajudicial Killings by Bangladesh’s Elite Security Force”, Human Rights Watch, 14 December 2006. In March 2007, the UN special rapporteur on extrajudicial, summary or arbitrary executions issued a statement stating that the “pattern of incidents would suggest that what the police and special forces report as ‘crossfire’ deaths are in fact staged extrajudicial executions”. See “UN Expert On Extrajudicial Executions Urges Bangladesh to Stop Police From Murdering Suspects”, 28 March 2007, available at www.unhcr.ch/hurricane/hurricane.nsf/view01/6447F7BFE6FB01B7C12572AC005D9A26?opendocument.

¹³¹ “Annual Report of Odhikar (January 1-December 30 2005): The Human Rights Scenario of Bangladesh of 2005”, Odhikar, www.odhikar.org/report/pdf/ann_rep_2005.pdf; “Press Release of Odhikar” 4 January 2007, Odhikar, www.odhikar.org/pr/pdf/annual_hr_pr_jan-dec_2006-2005.pdf; “Human Rights Concerns 2007: Odhikar Report on Bangladesh”, Odhikar, 1 January 2008, www.odhikar.org/documents/hr_report_2007.pdf; “Human Rights Report 2008: Odhikar Report on Bangladesh”, Odhikar, 15 January 2009, www.odhikar.org/report/pdf/hr_report_2008.pdf; “Three Month Human Rights Monitoring Report on Bangladesh”, Odhikar, 1 April 2009, www.odhikar.org/documents/Jan-Mar09.pdf; “Human Rights Monitoring Report on Bangladesh: April 1-30 2009”, Odhikar, 1 May 2009.

¹³² “Human Rights Concerns 2007”, Odhikar, op. cit.; “Human Rights Report 2008”, Odhikar, op. cit.; “Three Month Human Rights Monitoring Report on Bangladesh”, Odhikar, op. cit.; “Human Rights Monitoring Report on Bangladesh: April 1-30 2009”, Odhikar, op. cit.; “Crossfires 2009”, Odhikar, op. cit.

cutted – for similar offences, impunity for these crimes is the rule rather the exception. Bangladesh’s major donors should continue to press the government to empower the country’s fledgling National Human Rights Commission to investigate and publicise abuse by the police and other security forces.

D. CONSEQUENCES OF CORRUPTION AND ABUSE

1. Vigilantism and militancy

The pervasive belief that the police are more trouble than they are worth often results in Bangladeshis taking justice into their own hands. Crisis Group heard numerous accounts of ad hoc citizen groups forming to hunt down suspected thieves or criminals in villages and cities around the country. When caught, punishments range from apologies and fines to severe beatings and even lynching in extreme cases.¹³³ For example, in response to spiralling crime, in December 2001 mobs killed fourteen people in ten days, including four alleged muggers who were hacked to death on a busy street in broad daylight. There was widespread belief at the time that if the suspected muggers were handed over to the police, they would simply bribe their way to freedom.¹³⁴ Although spates of violence like this have not been reported in several years, Bangladeshi human rights activists say small-scale acts of vigilantism are a regular occurrence throughout the country.¹³⁵

Some forms of Islamist militancy in Bangladesh can also be traced partly to ineffective policing and vigilantism. One group, the Jagrata Muslim Janata Bangladesh (JMJB), got its start in the early part of the decade by attacking leftist militants extorting money from locals that an outgunned and outmanned police force was unable to

control. Instead of ramping up police resources, the BNP government funnelled money to the JMJB, who it believed were more effective at tackling crime.¹³⁶ Not only did this further undermine the police, it also allowed the JMJB to establish quasi-rule in some areas with its own courts, which at times carried out public executions.¹³⁷ The JMJB has since been banned, and its leaders executed, but other Islamist (and leftist) militant groups operating in Bangladesh continue to take advantage of the weak police force.

2. Militarisation of internal security

The military has cemented a role in normally civilian matters due to the weakness of the police as well as poor civilian governance. The inability of the police to ensure law and order has provided the military with opportunities to intervene in politics, using the pretext of national security to derail the democratic process. Rather than address the flaws within the current police structure – and insulate themselves against army coups – elected governments have sought quick fixes, primarily by empowering the military to counter rising crime. Not only has this further undermined the police, it has also prevented democratic functioning from taking root.

In October 2002, Khaleda Zia’s BNP government, under pressure from the international community and from within her own party to halt rampant crime, deployed the armed forces throughout the country in Operation Clean Heart. The operation was an indirect acknowledgment of police incompetence and lasted three months, involving over 40,000 military personnel and resulting in over 10,000 arrests and at least 50 deaths in military custody.¹³⁸ The hasty mop up operation did little to stem crime and vigilantism: two weeks after it ended, troops were ordered back on the streets to stem a fresh surge in violence that left more than 200 dead.¹³⁹

The same government in 2004 raised the rapid action battalion (RAB), primarily from military officers, as an elite anti-crime force to pick up not only where Operation Clean Heart left off, but also as tool to suppress its

¹³³ Crisis Group interviews. For more information on vigilantism see AP bureau chief Farid Hossain’s comments on vigilantism in “Criminal Responsibility for Torture: A South Asian Perspective”, *Odhikar*, 2004.

¹³⁴ Moazzem Hossain, “Dhaka lynchings spread alarm”, BBC, 10 December 2001.

¹³⁵ Crisis Group interviews Dhaka and Bogra, January 2009. Residents of a Bogra district village recounted how they dealt with a rise in cattle theft. Instead of going to the police, they formed teams nightly and staked out cattle stalls. Once they had caught the thieves, the villagers beat them and then took them to the police station, but found they were back on the streets within an hour. When they asked why the thieves had been released, the police said the thieves had been beaten already so they didn’t need to be jailed. One villager said, “We suspect the police were bribed. We knew they couldn’t do anything to help us. We have lost confidence in them (police)”. Crisis Group interview, Bogra, 29 January 2009.

¹³⁶ Crisis Group interview, Bangladeshi analyst, 2 November 2008.

¹³⁷ See M. Sakhawat Hussain “Capacity Building of Law Enforcement and Intelligence Agencies”, in Farooq Sobhan, *Countering Terrorism in Bangladesh* (Dhaka, 2008), pp. 42, 48.

¹³⁸ The BNP government has confirmed only twelve deaths and said all the victims died in the hospital of heart attacks after being handed over to police. See “Judge, Jury, and Executioner: Torture and Extrajudicial Killings by Bangladesh’s Elite Security Force”, Human Rights Watch, op. cit.

¹³⁹ “Troops resume Dhaka crime fight”, BBC, 18 February 2003.

political opposition. Moudud Ahmed, the law minister at the time, justified the RAB's creation at the time: "Our police are inadequate. They do not have sophisticated weapons nor do they have sufficient training". The RAB had to be created because "it was not possible to raise the whole police to a sufficient standard".¹⁴⁰ RAB still exists, and while it has effectively curtailed some forms of crime, it is notorious for pioneering extrajudicial "crossfire" killings.

More recently police inability or unwillingness to stem pre-election violence in late December 2006, which led to the deaths of over 50 people, partly justified the military's deposing one caretaker administration and the installation of another in January 2007. In June 2009, the military proposed the formation of a Quick Reaction Force (QRF) to ensure the country's internal security, particularly to respond quickly to incidents like mutinies, insurgencies and terrorist attacks.¹⁴¹ The proposal, which is currently circulating among members of the parliament's standing committee on defence, is unclear on the composition of the QRF and how it would differ from and work with other security forces like the RAB. That said, as the conflicts in Afghanistan and Pakistan have shown, the police and civilian intelligence agencies are far more appropriate for counter-terrorism and counter-insurgency operations than a military trained to combat external enemies.¹⁴²

V. RELUCTANT REFORMS

A. POLICE REFORM PROGRAMME (PRP)

The Police Reform Programme (PRP) is Bangladesh's first attempt at comprehensive reform. The first five-year phase of the PRP began in January 2005 on the back of a needs assessment conducted by the UNDP and the government of Bangladesh. The overarching objective is to build professionalism by improving crime prevention and operations, investigations, oversight, accountability, communications and human resourcing with an emphasis on recruiting an additional 3,000 female officers by 2010.¹⁴³ In short, "the main objective" for the PRP, according to current IGP Nur Mohammad, "is for us to shift from a police force to a police service".¹⁴⁴ On paper the ten-year, multi-phase PRP is a government-owned process led by the MoHA. In reality it is driven and funded almost entirely by UNDP and the UK Department for International Development (DFID) with smaller contributions coming from other donors and the Bangladesh government. Countries like Japan and the U.S., which have shown an interest in police reform, do not formally support the PRP.

Several problems bedeviled the PRP from the outset. A clear lack of political will by successive governments to take up police reform was the biggest obstacle. Despite partnering with UNDP to launch the PRP in 2005, the state minister for home affairs at the time, Lutfozzaman Babar, tried to scuttle it. "He [Babar] knew real police reform would loosen his control of the police. He was more interested in protecting what the police could deliver for him and the party leader [Khaleda Zia] than what they could do for the public".¹⁴⁵ Although the PRP gained momentum under the military-backed CTG, in the absence of amending or replacing the Police Act of 1861 to give a legislative mandate to necessary structural changes in the police organisation as many officers had hoped, the PRP has become a set of administrative interventions at the top level of the police ranks rather than a deep and genuine reform process.¹⁴⁶

Second, poor project planning and administration has prevented progress. Highly centralised decision-making

¹⁴⁰ Roland Buerk, "Bangladesh's feared elite police", BBC, 13 December 2005.

¹⁴¹ Shakhawat Liton, "Army seeks to form crisis unit", *The Daily Star*, 8 June 2009.

¹⁴² For more information on Afghanistan and Pakistan's police see Crisis Group Asia Reports N°138, *Reforming Afghanistan's Police*, 30 August 2007 and N°157, *Reforming Pakistan's Police*, 14 July 2008; and Asia Briefing N°85, *Policing in Afghanistan: Still Searching for a Strategy*, 18 December 2008.

¹⁴³ See the PRP's website at www.prp.org.bd.

¹⁴⁴ Crisis Group interview, Nur Mohammad, IGP, 1 February 2009.

¹⁴⁵ Crisis Group interview, retired police official, Dhaka, 15 January 2009.

¹⁴⁶ "In fact it [PRP] was about to be abandoned before the caretaker government (CTG) stepped in", according to NBK Tripura, an additional IGP and the PRP's national project director. Crisis Group interview, 22 January 2009.

has not only closed off avenues for debate within the PRP but has “prevented it from being flexible, a characteristic a program like this needs to be successful”, according to a PRP official.¹⁴⁷ Staff shortages at donor development agencies in Dhaka have often meant that international PRP officials handle more than just the PRP portfolio. Former and current PRP officials say donor agencies compound the problem by hiring unqualified staff to fill the gaps. Strong personalities and perceptions of cultural bias at the national management level have also slowed down the program. And until February 2009, senior UNDP PRP staff and their police counterparts worked from offices on opposite sides of the traffic-clogged capital, preventing effective communication. As a result the needs of the police and the goals of donors are sometimes at odds. The most glaring example has been the emphasis on equipping the police rather than training them. A former IGP explained,

The international community does not understand the priorities here. The peculiarities of policing here have to be understood. Preventing cyber crime [referring to the PRP’s cyber crime project] is important but it is not a priority here. There should be a balance between hardware and software. The focus has been too heavy on the hardware side.¹⁴⁸

Moreover the \$16.5 million budget for Phase I, which ended in June, did not sufficiently cover recurring costs for office equipment distributed through the program such as gasoline for vehicles, paper for photocopiers and repairs. “In theory a photocopier is a good thing as multiple copies of GDs and FIRs have to be filed”, explained a retired officer, “but without money to buy paper, the equipment is useless”.¹⁴⁹ Often the equipment lies dormant under dustcovers but other times the officers will cover a tank of gasoline or package of paper through petty corruption. Sometimes the equipment is sold.¹⁵⁰ “If you build up expectations, you build up failures, because you can’t meet them. If you introduce photocopiers and can’t maintain them – it just creates a greater sense of failure”, said a retired senior police official. “This is not solely the international community’s fault”, according to a Bangladeshi PRP adviser, “we [Bangladeshis] have not demonstrated any foresight either; we could have

thought of some these things ourselves”.¹⁵¹ He continued, “The bottom line is the police need more money and improved budgeting”.¹⁵²

A new agreement was signed in October 2009 between the government and UNDP to finance Phase II of the PRP. The new phase will run for another five years with a budget of approximately \$29 million, which nearly doubles the resources of the first phase.¹⁵³ But the donors’ renewed commitment still does not address the underlying flaws of the program. A Bangladeshi UNDP official explained:

The fundamental problem with the PRP is that it is not a Bangladeshi priority, it is a donor one. All governments, even this one, don’t want to push the program, the donors do all the pushing. This is why there hasn’t been political will for the program and this is why there won’t be. And this is why PRP is not real reform”.¹⁵⁴

However, serving and retired officers, well aware of the PRP’s faults, acknowledge that without the donors even these administrative reforms would be impossible. A former IGP explained, “The police don’t have many friends. None of the powerful political actors are interested in police reform. The PRP may not be reform in the real sense but at least the donors, despite all their faults, are keeping the issue [reform] alive when it might otherwise be dead”.¹⁵⁵

B. PRP: REFORM OR REGRESSION?

1. New units at headquarters

What little progress the PRP has made is easily reversible. To date, consolidating support within the police for reform and supporting a process to update legislation are the PRP’s crowning achievements. It has also made progress in others areas such as the formation of the Bangladesh Police Women’s Network to advance the interests of women in the force and assist in the recruitment of 3,000 women.¹⁵⁶ To improve police accountability, the Police Internal Oversight (PIO) unit was cre-

¹⁴⁷ Crisis Group interview, Dhaka, February 2009.

¹⁴⁸ Crisis Group interview, Dhaka, January 2009.

¹⁴⁹ Crisis Group interview, former IGP, January 2009.

¹⁵⁰ One officer-in-charge of a Sylhet police station explained, “We can’t even afford paper to take a GD as it is. So how do these foreigners from Dhaka expect us to pay for paper for a copier? That’s why I sold it [the copy machine] in the market. Now at least we have the money for supplies for our duties”. Crisis Group interview, Sylhet, December 2008.

¹⁵¹ Crisis Group interview, telephone interview, 2 February 2009.

¹⁵² Crisis Group interview, telephone interview, 2 February 2009.

¹⁵³ Crisis Group email exchange, Stefan Priesner, UNDP’s Bangladesh Country Director, 9 October 2009.

¹⁵⁴ Crisis Group interview, Dhaka, August 2009.

¹⁵⁵ Crisis Group interviews, Dhaka, August 2009.

¹⁵⁶ Fatema Begum, Deputy Inspector General of Police and Bangladesh’s most senior female officer, leads the network.

ated at headquarters to reduce corruption on the initiative of the current IGP. The PIO, headed by an additional IGP and staffed with approximately 400 officers, has investigated over 17,000 cases of police malpractice since 2007 according to officers at police headquarters.

With a monthly investigation budget of only \$8,500 to \$10,000 PIO officials say it is difficult to probe more complex cases of internal corruption.¹⁵⁷ The PIO is not an officially recognised organ of the police department by the MoHA, and has only been able to function because of the IGP's support. PIO officials are concerned that once he moves on, the PIO will be abandoned. As one officer bluntly said, "The PIO threatens the status quo. Because of our success, some officials and others from outside [the police] are trying to impede our work".¹⁵⁸ If empowered the PIO could cut down on police corruption and human rights abuse. The government should consider increasing its funding as well as making the department a permanent aspect of the national police force with added safeguards to ensure it does not become just another form of police corruption.

Other units established at headquarters during PRP Phase I, such as the Trafficking in Human Beings (THB) unit, have been less successful. Funded directly by the European Commission, the THB unit was established within the criminal investigation department and staffed with only nine trained officers to coordinate police efforts to curtail human trafficking. Human trafficking experts and human rights activists in Bangladesh characterise the THB as a "superficial add-on to police headquarters". According to a Western trafficking expert based in Dhaka, "There is no appreciable difference between officers that have received PRP human trafficking training and those that haven't". A prominent Bangladeshi human rights lawyer says this is because the training courses are too basic to reflect the complexity of the issue.¹⁵⁹ To effectively combat human trafficking, more resources are required for increased staff and adequate training at both national and district levels, as well as for investigations. In the districts budgetary constraints often mean there are insufficient funds for human trafficking investigations, which are complex and require extensive travel. "Tiny budgets mean police do what they can, not always what they should".¹⁶⁰

2. Community-based policing

In the districts the thrust of the PRP has been crime prevention through community-based policing (CBP). CBP comprises two components: partnership and problem solving. The police must build positive relations with the community, involve them in the quest for better crime control and prevention, and pool their resources with those of the community to address their most urgent concerns. The PRP is not Bangladesh's first experiment with CBP but it is the most ambitious to date. In 1992 several police departments, in conjunction with the Town Defence Party, one of Bangladesh's auxiliary police forces, launched a community policing project called *Protibeshi Nirapatta* (Neighbourhood Watch) in Mymensingh and parts of Dhaka.¹⁶¹ Since then Neighbourhood Watch has expanded to over 100 communities across Bangladesh and has resulted in lower crimes in some areas.¹⁶² According to a PRP official, "One of the PRP's objectives is to expand and replicate some of the successes of earlier CPB efforts in more parts of Bangladesh".¹⁶³

The PRP community policing initiative has focused on establishing a small number of "Model *Thanas*", which are police stations equipped with modern facilities at which model policing is practised, and "Community Policing Forums" (CPF), a much larger effort to set up 20,000 mechanisms for consultation between communities and police to improve security and solve local problems. The community policing efforts have not been insulated from larger PRP problems. According to a senior Western diplomat, "Conceptual problems and poor preparation and implementation have plagued the PRP community policing efforts". However, PRP community policing projects have had limited progress, which should be built on in Phase II.

Model Thana (MT). "The philosophy underpinning MTs is to ultimately reform policing at the most basic level", the *thana* or police station.¹⁶⁴ At each of the eleven MTs refurbished or constructed to date, officers are piloting proactive policing strategies and offering new services to their communities, such as tailored support for women and children victims of violent crime. A Western development official said, "At MTs both the police

¹⁵⁷ Crisis Group interviews, PIO officials, Dhaka, February 2009.

¹⁵⁸ Crisis Group interview, Dhaka, 1 February 2009.

¹⁵⁹ Crisis Group interview, Dhaka, May 2009.

¹⁶⁰ Crisis Group interview, Western security official, Dhaka, 14 January 2009.

¹⁶¹ The State of Governance in Bangladesh, Institute of Governance Studies, BRAC University, 2006, p. 68.

¹⁶² Muhammad Nurul Huda, "Community policing: Our experience, *The Daily Star*, 10 February 2006. Muhammad Nurul Huda is a former IGP and a PRP consultant.

¹⁶³ Crisis Group telephone interview, Dhaka, 30 January 2009.

¹⁶⁴ See "Feudal Forces: Reform Delayed, Moving From Force To Service In South Asian Policing", Commonwealth Human Rights Initiative, 2008, p. 21.

and the police station are given a face lift".¹⁶⁵ However there are very few women that work at these "service delivery centres" despite the prevalence of domestic violence and dowry issues.¹⁶⁶

An unpublished UNDP survey suggests that victims are twice as likely to report a crime at a MT as a non-MT.¹⁶⁷ The survey also detected a decrease in external interference in police affairs at MTs from 72 per cent in 2006 to 55 per cent in 2008 while "no appreciable change" was noticed in non-model stations over the same period.¹⁶⁸ Furthermore, in the vicinities of MTs there has been a reduction in police corruption: between 2006 and 2008, 78 per cent of households questioned near non-MTs say they have bribed a police official to perform his normal responsibilities. In 2008 that number decreased to just 6 per cent.¹⁶⁹ Another six MTs are planned for Phase II, bringing the total to seventeen by project's end. However, as PRP officials frequently point out, it is difficult to gauge the program's impact, because of the improvement of law and order under the CTG. They caution that rising public satisfaction with the police cannot solely be credited to the PRP.¹⁷⁰ However, an increase in MTs should be considered during Phase II if the results from the UNDP survey can be independently verified and prove sustainable.

Community Policing Forums (CPF). In communities without MTs, CPFs have been established – with mixed results. A CPF can have as many as 25 members and include police officers and community representatives such as school teachers, local business people, religious leaders, NGO representatives, farmers and other community members. CPFs usually meet at least once per month and more frequently if urgent law and order issues arise to which the forum can respond. The expectation is that these police-public partnerships will create a more accessible, accountable and effective police service. Over 20,000 CPFs were hastily established often without police officers and their communities having clear understanding of the objectives. Moreover CPFs were rolled out before the home affairs ministry approved the National Community Policing Strategy drafted by UNDP

and the police, creating what one parliamentarian described as "20,000 rudderless ships".¹⁷¹

A number of CPFs around Bangladesh have been problematic. In some cases, the forums have created a new layer of small-time elite between the police and the public along with the potential for abuse and corruption. Police officers have sold CPF memberships to the highest bidder while CPF chairs have sold vacancies. Political party affiliation can also determine membership in CPFs. The chairperson of a Chittagong CPF explained: "Community police forums have become politicised and become another forum for ruling parties to abuse the opposition. They have used the CPF to file false complaints against opponents".¹⁷² Without improving – and introducing in some cases – vetting mechanisms, PRP officials worry that most of the 20,000 CPFs could become co-opted by local politicians, especially by new MPs.¹⁷³ A senior police official described a meeting with a current government minister who chastised him for assisting with CPFs under the CTG. The minister claimed that elected officials must constitute CPF forums, not the police. The officer asked, "If we can't even operate these independently, how can police serve the people?"¹⁷⁴

A number of police officers have welcomed the CPFs if only because the forums allow the police to tap into the expertise and resources of communities, thereby reducing some of their own responsibility for crime prevention. In the best cases, CPFs free up police to conduct more time consuming and labour intensive investigations, like murder cases. But others see CPFs as an added responsibility, which consume already overstretched resources. In the worst cases, "The police in some areas they see them [CPF] as way to dump some of their responsibilities on to the community".¹⁷⁵ In one surprisingly common example, a senior police officer in Bogra district *upazila* (sub-district) who had been instructed to form a CPF, ordered villagers to patrol the main highway every night during Ramadan after a series of robberies. Villagers said the police stayed in the station or went home. "We were too tired to work after the patrols and couldn't do our own work. We live on our daily incomes, so this hit hard".¹⁷⁶ When villagers missed patrols due poor health or tending to their own affairs, the police and RAB allegedly beat them. After six weeks,

¹⁶⁵ Crisis Group interview, Dhaka, 15 January 2009.

¹⁶⁶ Crisis Group interview, additional superintendent, Chittagong, January 2009.

¹⁶⁷ Draft UNDP PRP Rapid Evaluation Report, 2009.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

¹⁷⁰ Crisis Group interviews, UNDP PRP staff, Dhaka, December 2008 to June 2009. This same sentiment is also stated in the unpublished Draft UNDP PRP Rapid Evaluation Report, 2009.

¹⁷¹ Crisis Group interview, Dhaka, 7 January 2009.

¹⁷² Crisis Group interview, Chittagong, January 2009.

¹⁷³ Crisis Group interview, UNDP official, Dhaka, 18 January 2009.

¹⁷⁴ Crisis Group interview, Dhaka, February 2008.

¹⁷⁵ Crisis Group interview, UNDP official, Dhaka, 18 January 2009.

¹⁷⁶ Crisis Group interview, Bogra district resident, 29 January 2009.

the villagers refused to patrol the streets regardless of the consequences.

It is not all bad news. In many cases CPFs have been successful in increasing public confidence in the police and reducing crime. Local government officials, NGOs and a variety of social groups and others have taken a direct stake in CPF development and progress in their communities and work with police to find solutions to the problems that threaten safety and security. In December 2008 the police also formed a formal partnership with ten NGOs to support community policing efforts. The significance of the partnership should not be underestimated. A senior police official described it as “ground breaking”.¹⁷⁷ Said a senior UNDP official, “The partnership represents a fundamental shift in the police mindset and some NGOs. For years both groups were openly hostile to each other. But now there is recognition that both sides are working to the same goal.... I know, it’s just a first step, but it’s a necessary one”.¹⁷⁸

Most police officials view community policing favourably and believe that relations with the public and police performance in general could improve considerably if CPFs were made more effective through adequate funding, autonomy, importance and more police. Like other aspects of the PRP, CPFs are underfunded even though individual CPF budgets are quite small.¹⁷⁹ Although many CPFs function on donations creating a stronger sense of community ownership, these funds are not always adequate. Said one Rajshahi officer, “To do community policing right, you need at least one officer devoted to it full time”.¹⁸⁰ Moreover, in the short term police and the communities they serve need clearer information on CPF objectives and each side’s responsibilities to limit mismanagement and abuse. Effective oversight mechanisms must be developed to ensure that CPFs are enhancing policing rather than acting as substitute for it, as in the example from Bogra mentioned above. The PIO could be empowered to investigate allegations of corruption and abuse of CPFs. In the medium term, a community policing best practices course should be developed and added to a revised police training curriculum.

However, without more police officers the full benefit of community policing schemes will not be realised. Community policing is time consuming and in most cases an

officer has to be devoted to it full time to make it work, a significant challenge for a severely understaffed police force. A police officer involved with CPF Bogra explained, “Community policing takes a lot of police time. If we have difficult crimes to investigate we can’t always contribute to the CPF. The CPF can’t function without police participation. Without more police for community policing – and more in general – community policing will fail here and around Bangladesh”.¹⁸¹ Another officer from the same area was concerned that as community policing becomes more effective in reducing crime it impacts police investigations. “Because we don’t have enough police and many of us are tired, some police see community policing as substitute for investigation work ... not all the information we get from community policing programs is accurate. We still need to conduct investigations.... If we don’t we will lose our skills and some criminals will escape”.¹⁸²

¹⁷⁷ Crisis Group interview, an Additional IGP, Dhaka, January 2009.

¹⁷⁸ Crisis Group interview, senior UNDP official, Dhaka, 31 January 2009.

¹⁷⁹ Crisis Group interview, Nur Mohammad, IGP, Dhaka, 1 February 2009.

¹⁸⁰ Crisis Group interview, senior Rajshahi Range police officer, January 2009.

¹⁸¹ Crisis Group interview, Bogra, January 2009

¹⁸² Crisis Group interview, Dhaka, January 2009.

VI. MOVING BEYOND THE PRP

The police are in urgent need of reform. Appointments are not made on merit, training is neglected, and the rank and file are poorly paid and badly treated. Reforming the police into an institution that serves and protects citizens will require time, the political will of the government and the support of the international community, including from donors like Japan and the U.S. Now that a democratically elected government is in power, basic reform that moves beyond the PRP is not only possible but should be a priority, particularly the passage of a new police law. A civilian police force that serves and protects Bangladesh's citizens would build public trust in the state and stabilise the recent transition back to democracy. An effective, disciplined, well-equipped and depoliticised force would also be capable of tackling the growing challenges of militancy and extremism, as well as minimise the risk of another military-led coup.

The police and the government – with assistance from the international community – should take the following steps to improve police performance, none of which requires the passage of new legislation to implement.

A. POLICE MODERNISATION

Increasing the number of police is critical to create the capacity to ensure internal security, but an effective reform process must also be directed at bringing the force in line with the demands of a democratic society. Even without a new police law the government could quickly improve salary, reward and pension structures; and welfare services, particularly for the lower ranks. The MoHA could also introduce new training methods and procedures and modernise the recruitment system.

The creation of body similar to the Police Complaints Commission outlined in the Police Ordinance (2007) could redress public grievances if given the requisite powers at national and local levels. However, a complaints commission can be effective only if its recommendations for disciplinary action are implemented. Additionally, any effective police reform will require parliamentary support and oversight of police performance and accountability. The parliamentary standing committee on home affairs agencies could be given the responsibility to establish a complaints commission.

Bangladesh's donors should also consider increasing contributions to this modernisation process. While human rights training for the RAB is necessary and should continue, donors, in particular the U.S., should recognise

that it is only one small section of the police force.¹⁸³ Modernisation of the whole force is far more important. Donor coordination is necessary and efforts should focus on enhancing and supplementing professional development programs for the police and civilian intelligence agencies. They should provide technical and financial assistance for existing and new forensic laboratories, and the computerisation of police records. The international community could also assist by providing trainers for police institutions and helping to update the curriculum at the national police academy, with particular emphasis on community policing.

B. SALARIES AND RESOURCE ALLOCATION

Immediate improvements in salaries and benefits such as health care and education subsidies for officers' families (particularly the lower ranks) are imperative if the government wants to improve police performance. "How can we expect them [police] to perform when they live in despicable conditions", a senior home affairs ministry official said, adding that government should increase the starting monthly police salary by nearly three-fold from Tk5,410 (\$78.50) to Tk15,000 (\$215).¹⁸⁴ This, he said, would be the ideal salary to give each constable a sense of self-worth and would lead to a significant reduction in corruption. In order to raise the monthly salaries of roughly 88,000 constables to \$215, the government would have to add over \$12 million per year to the police budget. "If we [the government] want the police to perform, we have to invest. If we invest now, it's going to provide a 100-fold return", the ministry official said.¹⁸⁵ Without improved salaries, no amount of oversight will curb corruption.

If the government is to ensure that the police can protect and serve citizens, it will have to not only raise police salaries but also allocate the resources to pay for much needed facilities and new recruits. It must allocate the resources for the police to increase expense budgets of individual stations and departments, including recurring costs. Moreover the entire budgetary process must be overhauled to improve police efficiency. The home ministry can often take months to decide on the police budget – which, in turn, creates backlogs in police deployments and project implementation according to financial officers at police headquarters. Approved budgets are often ill-suited to the needs of police because government officials with scant knowledge determine them. Thus the government should give greater weight to police opinions

¹⁸³ See Appendix D on "Smaller Reform Initiatives".

¹⁸⁴ Crisis Group interview, Dhaka, February 2009.

¹⁸⁵ Crisis Group interview, Dhaka, February 2009.

when determining the police budget to ensure funds are allocated to priority sectors.

C. PROMOTIONS, TRANSFERS AND EVALUATIONS

Abuse of the transfer system not only enables corruption and politicisation of the force, but also promotes passivity in police operations. “We can’t carry out our duties when we are so insecure about our jobs and positions all the time”, explained a junior officer in Dhaka. “We have no safeguards from our superiors who can punish us [through transfers] without right to appeal. The police themselves must be given access to justice and the right to defend themselves”.¹⁸⁶ As a matter of policy, officers should remain at their duty station for two years before being transferred, but the police should also consider increasing the period between rotations to three or four years. This could allow officers to develop requisite skills and local knowledge for effective crime control and build the relationships necessary for successful community policing efforts. The senior ranks must also be insulated from politically motivated transfers. The IGP should be a tenured position and appointees should be selected by a neutral body composed of police, government and elected officials, including those from the opposition, as well as representatives from civil society. The PIO should also be empowered to investigate police officials suspected of buying and selling posts.

The profession’s prestige should be raised, not just through the behaviour and accountability of personnel, but also by recognising and rewarding performance. The promotion system should be standardised and based on merit and competence rather than bribery. The Bangladesh police force is “bottom-heavy” with one officer for every 200 constables. An additional IGP suggests that such an imbalance has led to ineffective supervision. Thus, the creation of additional senior positions should be created to allow for greater promotion possibilities and to increase internal oversight. A promotion and transfer board should be established to permit transparency in promotions and allow officers to challenge their transfers if they suspect malpractice. It should also ensure there is less gender bias when determining promotions.

Parliament should also consider creating a fund, administered jointly by the police and parliamentarians, for financial rewards for exceptional policing. Other incentives such as participation on UN peacekeeping operations and additional training could be used as rewards for good practice. Bangladesh’s donors should also offer additional

training abroad to officers that exhibit best practice policing. However, in case of misbehaviour, negligence or underperformance, remedial action must follow clear institutional mechanisms. Without such provisions, police appointments will simply continue as a patronage merry-go-round.

D. COORDINATION

The proliferation of police reform initiatives has, in some instances, resulted in a duplication of efforts, misallocation of resources and a lack of communications. “This is partly because the donors and the police disagree on the meaning of police reform and partly because of the UN’s intolerance of competition, particularly when the competition is smaller, working with a tiny fraction of the PRP’s budget and doing better a job at it [reform] in some areas”, a Western diplomat said.¹⁸⁷ There is no firm delineation of roles and responsibilities among various actors and agencies involved in police reform. Similarly, policing and justice reform projects are rarely linked and exist largely in parallel. Given that some donors such as the U.S. and Japan prefer not to fund policing programs through the UN, and the reluctance of the PRP to formally partner with smaller community policing initiatives (like the TAF and GTZ programs, see Appendix D), all efforts should be coordinated to ensure that each stakeholder emphasises the success of the larger reform process rather than its own programs.

To this end, a police reform coordination board should be established to oversee and coordinate all new and existing police improvement projects. Such coordination should also reach out to the districts and sub-districts to ensure information flows and a realistic assessment of grassroots needs and capacity. It could also strengthen linkages with reform efforts in the wider justice sector. Board membership should include representatives from the institutions and organisations with police reform or community policing projects and be co-chaired by a senior home ministry official, such as the state minister, and the IGP. Because the UN-sponsored PRP will continue to dominate reform efforts, some program staff may not see the need for a police reform coordination board. However a robust coordination mechanism will increase the PRP’s chance for success and, more importantly, potentially expedite the reform process. As a Western ambassador summed up: “This whole thing [police reform] will work only if we’re all on the same page”.¹⁸⁸

¹⁸⁶ Crisis Group interview, Dhaka, February 2009.

¹⁸⁷ Crisis Group interview, Western diplomat, January 2009.

¹⁸⁸ Crisis Group interview, Dhaka, 19 August 2009.

E. IMPROVE COMMUNITY POLICING

“There is great potential for small community security initiatives to unite the public and local authorities in the development of local crime prevention measures”.¹⁸⁹ Thus, police reform efforts must continue to focus on reducing the trust deficit between the force and the public by adopting community policing procedures and techniques, which would make the police and the communities they serve equal partners in the fight against terrorism and crime.

Police officials believe that relations with the public and police performance in general could improve considerably if the CPFs are made more effective. Although they may not be the panacea for all the ills bedeviling relations between the police and the public, they are step in the right direction, and can be effective given meaningful autonomy and adequate budgets. It is encouraging that Phase II of the PRP will focus on improving effectiveness of CPFs. To this end, dysfunctional PRP-sponsored CPFs should be dissolved and reformed only after drawing upon the successes and lessons learnt from projects elsewhere. PRP officials should also work with community and police to ensure that CPFs have meaningful female representation and include human rights activists where possible.

F. FEMALE POLICING

Within the framework of community policing, the government must not neglect the status of women officers and cases pertaining to crimes against women. There is a serious countrywide shortage of special police stations for women. Headquarters aims to recruit an additional 3,000 female officers over the next several years. However it will have to overcome several obstacles to meet even these modest goals. First, cultural stigmas against women entering the police force, which is perceived as a male profession, are compounded by the police force’s reputation for corruption and brutality. A Dhaka resident explained that his father prevented his sister from joining the police (after passing the civil service exam) out of concern that a police officer in the family would tarnish its reputation. Her brother explained, “We know my sister is a good person, but didn’t want our friends and relatives to think her income was stolen from other people”.¹⁹⁰

Secondly few training facilities are suitable for women. One solution to this problem, a former IGP suggests, is a one-year moratorium on all male recruitment to allow training facilities to accommodate women. Provided recruits can be found, a moratorium could work to rapidly increase the number of female police. Moreover, police headquarters should give priority to female officers when filling current vacancies provided they meet the requirements of the position. If no female officers can be found to fill current vacancies, headquarters should consider providing additional training for women.

For women already in the force, headquarters has not shown much interest in improving their working conditions or using their unique skills to prevent violent crime against women. Instead, female police today are confined mostly to administrative positions. Their only gender-based role is detaining women in their lock-ups and assisting their male counterparts in maintaining order when required. Although the PRP is attempting to improve conditions for female officers, there are still too few policewomen involved in community policing efforts. One female officer in Chittagong, who she joined the police nine years ago, finds the job interesting and exciting. She encourages girls to consider a career as police officers when she travels around to schools but admits it is difficult to recruit women. To encourage female recruits, she and others suggest, female officers have to play more visible policing roles and be empowered to make decisions that can improve the well-being of the communities they police.

G. LOOKING BEYOND THE POLICE

It is essential that the government and international donors view police reform as part of a wider reform process that encompasses Bangladesh’s civil service, judiciary and prison system. Police reform is only likely to be effective if it occurs alongside reform in other parts of government. For example, corruption and politicisation of the judicial system will have a knock-on effect in the police service. Decisions to prosecute ultimately rest with the judicial system – but failure to achieve reasonable rates of detection, prosecution and imprisonment not only harms the morale of the police service but also damages its public legitimacy. Thus as a starting point, the government could address corruption in each of these vital sectors by implementing the recommendations of the pay commission to boost salaries of government employees.¹⁹¹

¹⁸⁹ “Human Security in Bangladesh”, Saferworld, May 2008.

¹⁹⁰ Crisis Group interview, businessman, Dhaka, 28 January 2009.

¹⁹¹ In September 2008 the Seventh Pay Commission of Bangladesh was formed to review the salary structure for government employees. In April 2009 the Commission submitted its final report to the finance minister, which recommended raising the maximum government salary from Tk23,000 (\$333)

To increase accountability and limit the scope for corruption the government should also publicise its pay structure.

VII. CONCLUSION

The government of Bangladesh should scrap the Police Act of 1861, an outdated regulation better suited to colonial rule than policing in a modern, democratic country. There is almost universal consensus among the police, military, relevant segments of civil society and donors that absent a new police law, undue interference in police affairs will continue. While the Police Ordinance (2007) is not perfect, it is a substantial improvement over the law currently on the books, and should be placed before parliament for debate and review. If a new law is not passed it will almost certainly mean that the police will remain a brutal and corrupt institution and continue to be ineffective when dealing with even the most basic law and order issues. It will also provide the military the space to increase its role in government decision-making.

Whatever the fate of the Police Ordinance (2007), some necessary reforms are possible irrespective of what law is in force, if there is sufficient will and capacity. However, they must be preceded by a new mindset on the part of the political executive. If police functioning is to be truly improved, working conditions and salaries must be increased immediately and operations must be insulated from political interference. Postings, transfers and recruitments must be made on merit solely, and the best way of ensuring this is by strengthening mechanisms like the PIO department and establishing ones like the PCC. They must be allowed to perform their supervisory role free from political pressures. For that to happen, they should be transparently constituted, with parity between members from ruling and opposition benches.

While donor-funded efforts to improve police infrastructure and technical capacity are certainly welcome, an excessive focus on these areas could produce only cosmetic changes at best and help entrench corrupt and abusive structures at worst. A greater emphasis should be placed on police governance, particularly building professional and honest structures shielded from political interference. Moreover some donors should move away from their nearly exclusive concentration on counter-terrorism. Useful as this may be in some circumstances, without wider police reform, a focus on counter-terrorism only makes marginal security improvements and on occasion may decrease the willingness to reform and promote or legitimise corrupt structures. Counter-terrorism activities need to be seen in a wider context, including the relationship between police and society, and the links between impunity, corruption, human rights abuses and radicalism. As senior officer in Sylhet explained: "The police have jumped the biggest hurdle to reform: our-

to Tk42,000 (\$610) and the minimum one from Tk2,300 (\$33) to Tk4,000 (\$58). The commission also recommended that the government provide education allowances for the children of government employees and establish a permanent body to propose adjustments to the salary structure every year to reflect inflation rates. Although it is unclear what specific impact the Pay Commission's recommendations would have on police salaries if they were implemented, a number of police officers believed it would be a positive one. Crisis Group interviews, April-May 2009.

selves. We want it. We just need the international community to encourage our government to support us”.¹⁹²

Dhaka/Brussels, 11 December 2009

¹⁹² Crisis Group interview, Sylhet, 25 December 2008.

APPENDIX A

MAP OF BANGLADESH



APPENDIX B

POLICE NUMBERS BY RANK

	Rank	Number of Officers
1.	Inspector General (IG)	1
2.	Additional Inspector General (Addl IG)	11
3.	Deputy Inspector General (DIG)	26
4.	Additional Deputy Inspector General (Addl DIG)	28
5.	Superintendent of Police (SP)	186
6.	Additional Superintendent of Police (Addl SP)	232
7.	Senior Assistant Superintendent of Police (Sr ASP)	210
8.	Assistant Superintendent of Police	844
9.	Inspector	2,307
10.	Sub-Inspector (SI)	10,850
11.	Sub-Inspector (TR)	254
12.	Town Sub-Inspector (TSI)	107
13.	Sergeant	1,213
14.	Assistant Sub-Inspector	6,623
15.	Head Constable (Armed)	5,000
16.	Head Constable (Unarmed)	1,587
17.	Naik	5,784
18.	Constable	87,934
		Total: 123,197

APPENDIX C

MONTHLY SALARY AND ADJUSTMENTS BY POLICE RANK

	Rank	Total Number of Officers	Pay Scale
1	Inspector General of Police (IGP)	1	Tk 23,000 (total monthly salary)
2	Additional IGP	9	Tk 19,300 (base monthly salary)/22,100 (adjusted)
3	Deputy Inspector General (DIG)	28	Tk 16,800/20,700
4	Additional DIG	30	Tk 15,000/19,800
5	Additional Inspector General/Superintendent of Police (SP)	191	Tk 13,750/19,250
6	Additional SP	240	Tk 11,000/17,650
7	Senior Assistant SP	217	Tk 9,000/15,480
8	Assistant Superintendent of Police (ASP)	874	Tk 6,800/13,090
9	Inspector	2,359	Tk 5,100/10,360
10	Sub-Inspector	10,939	Tk 4,100/8,820
11	Sergeant	1,213	Tk 4,100/8,820
12	Assistant Sub-Inspector (ASI)	4,723	Tk 3,300/6,940
13	Head Constable	6,594	Tk 3,300/6,940
14	Naik	5,809	Tk 3,000/5,920
15	Constable	88,424	Tk 2,840/5,410

APPENDIX D

SMALLER REFORM INITIATIVES

Outside of the formal PRP process are several small-scale reform initiatives either underway or in the planning stages.

1. The Asia Foundation (TAF)

Based on a similar program in Indonesia, TAF has piloted and funded community-oriented policing (COP) projects in three districts (Bogra, Jessore and Madaripur) in collaboration with several local NGOs since 2003. With a five-year budget of \$350,000, the project's sole focus has been on closing communication and confidence gaps between the police and public to reduce the risk of crime.¹⁹³ To this end, TAF, through its local partner NGOs, has established a number of its own CPFs at both the sub-district and district levels. Each CPF includes roughly twenty to 25 members and is headed by local representatives in the sub-districts and police superintendents at the district level.¹⁹⁴ CPFs generally meet once a month or more frequently if urgent issues arise. Meetings focus on the community's present security concerns and solutions and develop monthly action plans.

No independent assessment of the project has been conducted to determine its effectiveness. That said community policing experts and community members from TAF project areas have few criticisms of the program. Much of the success appears to be related to its bottom-up approach. Said a Dhaka-based development expert, "Because local NGOs rather than the police or the government run TAF's [COP] program, CPFs are seen to be less biased and political and more credible and neutral in the eyes of the local communities where they work".¹⁹⁵ And unlike the PRP-sponsored CPFs, TAF's do not have as many problems with politicisation. They are purposely designed to be diverse: 30 per cent of CPF members are women and representatives from all political parties and interest groups are invited to participate. At least in Bogra, where the local NGO Lighthouse administers the project,

residents indicate TAF CPFs have improved security.¹⁹⁶ For example, at a police station affiliated with one, officers suggest community policing efforts have resulted in a 50 per cent drop in reported crime.¹⁹⁷

Moreover each of TAF's CPFs also has an alternate dispute resolution forum (ADRF), which attempts to resolve less serious crimes and local disputes. The six CPF members, who comprise the ADRF, review complaints received through a public "complaint box" to determine if the forum is the appropriate adjudicating body for the crime. If accepted, ADRFs work with concerned parties to resolve the situation. Instances of drug abuse, violence against women, land grabbing and demarcation, and loan defaults are frequently taken up by ADRFs.¹⁹⁸ The system has proved effective in addressing local issues and has led to an increase in the number of reported cases of violence against women.¹⁹⁹ In rare cases, the CPF and the ADRF have even checked rising tensions between members of Bangladesh's rival political parties, the Awami League and the BNP. However, for cases like murder, rape, dowry and acid throwing that are outside the purview of the ADRF, victims are directed to the police station.

2. German Technical Cooperation (GTZ)

In partnership with ministry of women and children affairs, GTZ is piloting a small three-year, €2.4 million "Gender Responsive Community Based Policing" program aimed at improving access to justice for the impoverished Bangladeshis in urban and rural areas, with a focus on women and girls and marginalised groups. Most of GTZ's work is done through the pre-existing CPFs and emphasises crime prevention by increasing women's representation in these forums to raise awareness about the types of violence and other crimes perpetrated against women. In some cases it is working

¹⁹³ Crisis Group email exchanges with TAF staff member, June 2008.

¹⁹⁴ Besides local police, members of TAF CPFs often include Ansars, representatives of the facilitating NGO, school principals and teachers, businesspeople, religious leaders, representatives of women's groups, farmers, shopkeepers and other community members. Crisis Group interviews, TAF's Dhaka-based staff and CPF members, Dhaka and Bogra, January 2003.

¹⁹⁵ Crisis Group interview, Dhaka, 9 January 2009.

¹⁹⁶ In Jessore TAF's local partner is Banchte Shekha, and in Madaripur it works with Madaripur Legal Aid Association.

¹⁹⁷ Crisis Group interview, Bogra, January 2009.

¹⁹⁸ ADRF judgments are not legally binding. In the case that ADRF is unable resolve the matter or a concerned party is unsatisfied with its ruling, disputes can still be adjudicated through the formal judicial system.

¹⁹⁹ Promita Sengupta and Richard Miles, "Building Gender-Responsive Community-Based Policing in Bangladesh", *German Development Cooperation*, October 2007.

with the police to reconstitute CPFs where no women were initially involved.

As with TAF, the police and the home affairs ministry have been reluctant to coordinate with and support GTZ's community policing projects since "they [TAF and GTZ] do not consult with police", according to Additional IGP NBK Tripura, PRP national program director at police headquarters.²⁰⁰ However, some police officers are critical of what they term headquarters' "monopolisation of police reform".²⁰¹ At present all reform initiatives, no matter how local, receive approval and direction from headquarters before proceeding. This, some officers complain, has stifled improvements in policing functioning. Officers at lower levels explained that decentralising reform is key to its success.

Headquarters need not relinquish control of the reform process but must recognise that there are alternative – and complementary – methods to improve policing. Thus headquarters and the PRP should see their role less as a controlling authority and more as a coordinating body for police reform efforts. As one retired police officer pointed out, "If the police and the Ministry [of Home Affairs] worked more closely with TAF and others they would could see why their CPFs have some successes and why many of the PRPs have failed".²⁰²

3. The United States

Through its embassy in Dhaka, the U.S. government has trained a small number of police officers to assist the police force in forming its first Special Weapons and Tactics (SWAT) team. Along with the UK, it has also begun to provide human rights training to the RAB, Bangladesh's elite anti-crime and counter-terrorism unit. However, U.S. efforts at police reform in Bangladesh have been conspicuously small despite the resources and expertise at its disposal and focus too narrowly on advancing its counter-terrorism agenda for the region. Said a senior counter-terrorism expert familiar with U.S. security policy in Bangladesh,

The United States is not interested in security projects like police reform, which will take years to show results. We want to help the Bangladeshi – and the regional – governments prevent Marriott and Mumbai-type attacks now – and that means focusing on the fast, sharp end of the stick. What does that mean in practice? RAB gets trained, the military gets money, and the police get left out.²⁰³

The U.S. embassy in Dhaka is also proposing to fund a pilot police reform program jointly run by United States Agency for International Development (USAID) and the Department of Justice (DoJ) through its International Criminal Investigative Training Assistance Program (ICITAP). If the requested \$9 million for the project were approved, this would be the first USAID program in Bangladesh since restrictions in the Foreign Security Act (section 660) preventing the agency from working with foreign police forces were lifted. Due to congressional restrictions on funding specific UN programs, the joint USAID-DoJ program will "work alongside the overall police reform framework but not as part of UNDP's PRP project".

The embassy's goals for its program have not been made public but interviews with U.S. officials suggest that they are largely congruent with other police reform initiatives underway and will focus on several key areas – including counter-terrorism, human trafficking, community policing and human rights training. The project will be implemented in several districts in Rajshahi division on Bangladesh's border with India that have a history of terrorist activity and where police are thinly spread.²⁰⁴ There are, however, a number of police, diplomats and development officials who are concerned the pilot project will focus more heavily on the "hardware of counter-terrorism than on the hearts and minds of community policing".²⁰⁵ One sceptical Western diplomat said, "I don't think they have a detailed rationale for the community policing in those areas. 'Community policing' would be a convenient cover for anti-terrorism work".²⁰⁶

The U.S. should realise that helping the police with training and technical assistance would pay counter-terrorism dividends. Thus, the U.S. should consider significantly increasing security-related assistance beyond RAB and the military to strengthen the overall capabilities of the police including by expanding professional development programs for police officers; assisting in curriculum reform; and helping modernise police training, with an emphasis on community policing techniques and procedures. In consultation with the government and the police, relevant U.S. agencies should consider sending police trainers to Bangladesh.

²⁰⁴ Crisis Group interview, U.S. official, Dhaka, January 2009.

²⁰⁵ Crisis Group interview, Western aid agency official, Dhaka, 29 December 2008.

²⁰⁶ Crisis Group interview, Western diplomat, Dhaka, 26 January 2009. Crisis Group heard similar sentiments expressed by senior military officials in Dhaka regarding the U.S. embassy's community policing proposal.

²⁰⁰ Crisis Group interview, Dhaka, 22 January 2009.

²⁰¹ Crisis Group interview, Cox's Bazaar, January 2009.

²⁰² Crisis Group telephone interview, 26 April 2009.

²⁰³ Crisis Group interview, Washington DC, April 2009.

4. Japan

Aside from training a few officers a year in Tokyo, Japan's assistance to the Bangladesh police is almost entirely financial. Through its Japan Debt Cancellation Fund (JDCF), Tokyo will provide the police with almost \$31.5 million between 2005 and 2011. Thus far this money – which is in addition to and independent of the PRP budget – has been spent on equipment and upgrading infrastructure. Since the PRP began, Japanese money has refurbished or built over 60 police stations. However, JDCF money comes with few conditions attached and according to a Japanese official in Dhaka, “No one follows how the money is spent from beginning to the end”.²⁰⁷ Consequently much of it has been wasted on unnecessary equipment for the police and home affairs ministry.²⁰⁸

Moreover JDCF funding has often worked against PRP goals. PRP officials explain that their reform process is geared toward providing the police with hardware to meet their current needs and not always the specialised equipment they ask for. Said a PRP donor official: “Sometimes we use what they want as incentives for progress on reforms. But the Japanese completely water them [the incentives] down by giving the police what police want without any strings attached. The way they spend their money makes an already hard process harder”.²⁰⁹ Some senior police officials on the other hand are frustrated with the conditions PRP donors place on their support and prefer the Japanese approach. NBK Tripura, an additional IGP and the national PRP coordinator said, “The Japanese are more liberal [than other donors] as to how they spend their money here. They provided us Tk 1 billion (\$14.5 million) for capacity building without much of a fuss”.²¹⁰

There are no questions that the police are in desperate need of some of the hardware being purchased by JDCF funding. In fact it has provided much-needed refurbishment to over 60 police stations in the past eighteen months. However, given Japanese restrictions on providing direct budget support to UN programs, Tokyo should at a minimum coordinate funding for the police with the PRP donors and the government. As it does in other countries where Japan gives significant support to foreign police forces, the Japanese home affairs ministry should consider sending a senior police officer to

oversee its JDCF funding. If it cannot, Tokyo should consider giving the Japanese International Cooperation Agency (JICA) office in Dhaka the authority to oversee current JDCF spending in Bangladesh and the powers to recommend improvements in how funds are spent.

²⁰⁷ Crisis Group interview, Japanese official, Dhaka, January 2009.

²⁰⁸ Crisis Group interviews, UNDP officials, Dhaka and New York, 2009.

²⁰⁹ Crisis Group interview, Dhaka, 26 January 2009.

²¹⁰ Crisis Group interview, NBK Tripura, Dhaka, 22 January 2009.

APPENDIX E

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