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## U.S. Department of State

### Country Report on Human Rights Practices for 1998

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#### BANGLADESH

Bangladesh is a parliamentary democracy, with broad powers exercised by the Prime Minister. Prime Minister Sheikh Hasina Wajed is the leader of the Awami League, which came to power in 1996 in national elections deemed to be free and fair by international observers. There is an active political opposition. Violence is a pervasive feature of politics, including political campaigns and elections, and elections frequently are marred by violence and rigging. The major opposition political parties frequently boycott or otherwise absent themselves from Parliament, making it a less effective deliberative body. The Awami League government has been accused of abusing its majority powers. The judiciary displays a high degree of independence at appellate levels; however, lower judicial officers fall under the executive, and are reluctant to challenge government decisions.

The Home Affairs Ministry controls the police and paramilitary forces, which bear primary responsibility for maintaining internal security. There is widespread corruption and lack of discipline among the police, effectively reducing control over them by civilian authorities. Police officers committed a number of serious human rights abuses.

Bangladesh is a very poor country. Annual per capita income is less than \$300, and more than one-third of the country's estimated 126 million people live in poverty. Seventy percent of the work force is involved in agriculture, which accounts for one-third of gross domestic product (GDP). The economy is market-based, but the Government plays a significant role in the industrial sector. The industrial sector is growing, based largely on the manufacture of garments, textiles, rerolled steel, cement, and jute. A small wealthy elite controls much of the private economy, but there is an emerging middle class.

Discovery of potentially large gas reserves has attracted foreign investors. In recent years, the relative importance of foreign aid has diminished vis-à-vis increased earnings from exports and remittances from workers overseas. Efforts to reform the economy have been hampered by endemic corruption, political turmoil, and the opposition of public sector enterprises, government bureaucrats, and other vested interests. Nevertheless, the economic growth rate during the last fiscal year was above 5 percent. The worst flooding during the 20th century occurred in 1998. The floods lasted for 3 months, and covered two-thirds of the country. Flooding affected all sectors of the economy; the agriculture, infrastructure, and microfinance sectors were the hardest hit.

The Government's human rights record changed little from the previous year; the Government continued to restrict or deny many fundamental rights, and failed to prevent or punish abuses committed by others. Police committed extrajudicial killings, and some persons died in police custody under suspicious circumstances. Police routinely use torture and other forms of abuse while interrogating suspects. The Government rarely convicts and punishes those responsible for torture or unlawful deaths. Prison conditions are poor. The Government continued to use the Special Powers Act (SPA) and Section 54 of the Criminal Code, which allow for arbitrary arrest and preventive detention, to harass political opponents and other citizens by detaining them without formal charges. However, government statistics indicated a sharp decrease in the number of persons detained under these provisions. A large case backlog slows the judicial process, and lengthy pretrial detention is a problem. The Government sometimes infringes on citizen's privacy rights. Journalists practice some self-censorship. The Government limits freedom of assembly. Societal discrimination against women, the disabled, indigenous people, and religious minorities is a problem. Violence against women, trafficking in women and children for prostitution, and bonded labor remain serious problems. The Government continues to limit some worker rights. A 1995 agreement has resulted in the elimination of approximately 95 percent of child labor in the garment sector, the main export industry. Child labor and abuse of child workers are widespread and serious problems. Vigilante justice resulted in numerous killings.

On October 5, the Government acceded to the International Covenant on Economic, Social, and Cultural Rights and the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

The 1997 Chittagong Hill Tracts (CHT) peace accord has been in effect for 1 year, and has ended 25 years of insurgency in the CHT. While the situation in the CHT was peaceful at year's end, implementation of the peace accord has been slow.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

Police committed a number of extrajudicial killings. In some instances where there was evidence of police culpability for such killings, the authorities took action. For example, on July 23 the police arrested university student Shamim Reza Rubel on a weapons charge. He was released 5 hours later and admitted to Dhaka Medical College Hospital, where he died from injuries sustained while in custody. No weapons were ever found. After public criticism, authorities arrested 6 policemen in connection with Rubel's death. The Government also appointed a judge to investigate the incident and to recommend measures to prevent a recurrence. Authorities eventually charged 13 persons, including 12 police officers, in the case (see also Section 1.c.). However, most abuses go unpunished, and the resulting climate of impunity remains a serious obstacle to ending police abuse and extrajudicial killings.

Security forces sometimes used unwarranted lethal force in responding to demonstrations. On July 27, police fired upon demonstrators protesting efforts to evict squatters from government-owned land in Satkhira. Police killed one woman and wounded several others. The Prime Minister described the shooting as "inhuman" and promised that those responsible would be punished. However, no one had been charged in the incident by year's end.

According to government figures, six persons died in police custody (also see Section 1.c.). Arun Chakroborty, who was detained for alleged robbery, died on January 23 when he fell from the roof of a five-story building. Police claimed that he fell while attempting to escape. Human rights organizations that investigated the case noted that Chakroborty had some injuries consistent with torture, and concluded that police were responsible for his death. According to press reports, police in Khulna arrested Harun Sheikh on February 4. Police in the Rupsha police station, including senior officers, beat him. On February 6, a court refused to give the police a remand order for Harun and ordered that he be given proper medical treatment. Harun died that evening. Relatives filed a petition case alleging murder with the magistrates' court naming the Officer-in-Charge and Assistant Subinspector, but no investigation is known to have occurred.

Poor prison conditions contributed to the deaths of a number of inmates (see Section 1.c.).

There were no developments in ascertaining responsibility for the deaths that occurred after the police fired into the crowd at the end of an opposition rally in Chittagong in November 1997. The Government promised a judicial inquiry into the incident, but no inquiry is known to have occurred. Five persons, including one policeman, were killed in the incident.

On November 8, 15 of the defendants on trial for the 1975 killing of then-President Sheikh Mujibur Rahman (father of current Prime Minister Sheikh Hasina Wajed) and several of his family members were convicted and sentenced to death. Four individuals were acquitted. Fourteen of the defendants were tried in absentia. At year's end, the convictions of the defendants present in Bangladesh were pending appeal to the High Court (see also Section 1.e.).

Violence, often resulting in killings, is a pervasive element in Bangladeshi politics (see Section 3). Demonstrators from major political parties, and within political parties, often clash with police during rallies and demonstrations. The Awami League and opposition parties used armed violence and intimidation to disrupt their opponents' gatherings and rallies, and some deaths occurred. Opposition parties also used armed violence or threats of violence to enforce general strikes (see Section 2.b.). The violence perpetrated by both sides resulted in at least 12 deaths and hundreds of injuries. In one case, three persons were killed in violent exchanges between opposition party activists and government supporters during a general strike on April 15. Approximately 100 persons reportedly were injured (see Section 2.b.). A half-day general strike on May 6 called by the opposition to protest Chittagong Hill Tracts legislation resulted in armed clashes that caused 50 injuries.

Violence is also endemic between the student political wings of the major national parties. On April 24, the student wing of the ruling Awami League seized control of all 10 campus dormitories at Dhaka University by violently taking over the 3 buildings that had been under the control of the major opposition party's student wing. During gunfire exchanges, one leader of the Awami League student wing was killed and 20 persons were injured. Police did not intervene during the violence, but later arrested 73 opposition student activists. The violence between student groups on university campuses spread to universities in Chittagong and Jahangirnagar during April, as well.

Vigilante violence by private citizens is a common problem. On January 21, villagers near Chittagong

attacked and lynched five men who allegedly were taking money from passing trucks. On September 17, a mob in Chittagong lynched three men who allegedly were engaged in robberies. On December 12, villagers near Jessore hacked 11 men to death; the men had allegedly been extorting money and had just killed one person. Human rights groups and press reports indicate that vigilante violence against women who are accused of having committed moral offenses is common, particularly in rural areas, and is sometimes led by religious leaders. In Noakhali village in May, local arbitrators gave a 14-year-old girl who had been raped 101 lashes. She died 6 days later. Some persons were arrested in the incident, but observers stated that the real culprits had not been charged (see Section 5).

In 1995 the Government charged former president Hossain Mohammad Ershad with ordering the 1981 murder of the alleged assassin of President Ziaur Rahman. Ershad was granted bail in 1997 and later allowed to travel abroad. The murder case is not being pursued actively by the Government. Ershad was already serving a 20-year sentence for corruption. In 1996 Subinoy Chakma, a tribal peace activist in the Chittagong Hill Tracts (CHT), was killed at his home in Rangamati. His killing remained unsolved at year's end but was believed to have been committed by the Shanti Bahini, a tribal insurgent group, which opposed Subinoy's efforts to promote better relations between tribals and Bengalis in the CHT (see Section 5).

#### b. Disappearance

There were no reports of politically motivated disappearances.

There were no developments in the 1996 disappearance of Kalpana Chakma, central organizing secretary of the Hill Women's Federation, an organization of tribal people in the Chittagong Hill Tracts. In 1996 the Government formed an investigative committee that has yet to issue any findings.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and cruel, inhuman, or degrading punishment; however, police routinely employ physical and psychological torture and other abuse during arrests and interrogations. Torture may consist of threats, beatings and, occasionally, the use of electric shock. The Government rarely convicts or punishes those responsible for torture, and a climate of impunity allows such police abuses to continue. After several Dhaka policemen were arrested in July for allegedly beating a college student to death in custody (see Section 1.a.), the deputy commissioner of the Dhaka police detective branch publicly defended the use of physical coercion against suspects, saying that the practice was necessary in order to obtain information. On April 24, a youth arrested by Dhaka police was admitted later that day to a hospital intensive care unit in an unconscious state. Police claimed that he had been beaten by vigilantes prior to his arrest, but credible sources found the injuries consistent with torture and not with a mob beating. The youth later was released on bail, but suffered permanent physical and neurological injuries. On July 16, the officer in charge of a police station in Sirajganj arrested a nongovernmental organization (NGO) official without a warrant and tortured him. He was later released. No action was taken against the police in either incident.

Rape of female detainees in police custody has been a problem, although there were no reports of specific incidents during the year. Police also rape women who are not in custody. According to press reports, from January to September police officers were implicated in 16 rape cases; however, women's rights activists estimate that the real number is several times higher. After a 5-year-old girl was raped in the Dhaka court building, police arrested a civilian and charged him with the crime. However, women's groups and the Dhaka Bar Association maintained that a policeman was responsible. The High Court later suspended proceedings against the man arrested while it considered a Bar Association request for a

judicial inquiry into the rape. In addition, women held in police "safe custody" because they report that they have been raped or are involved in family disputes, usually endure poor conditions, and sometimes are raped or otherwise abused.

In November police used tear gas to disrupt a peaceful opposition rally (see Section 2.b.).

There was credible evidence that police permitted a cabinet minister's son and other family members and friends to beat three detainees on January 20 in a Dhaka police holding cell. Earlier that day, one of the detainees had been in a minor traffic accident with another of the minister's sons. The two other detainees had intervened when the minister's son attacked the first detainee at the scene of the accident. The police were holding the detainees under the Special Powers Act (see Section 1.d.) for alleged terrorist activities. The detainees were held until March 1. An internal police investigation of the incident was announced, but no results ever were reported, nor was any known action taken against those involved.

Supporters of both the ruling party and the opposition sometimes inflict inhuman treatment on their opponents. For example, according to credible sources, activists of the ruling party's student wing chopped off the hands of at least three opposition student leaders. Despite witnesses to the incidents, no arrests have been made.

On November 9, 10, and 11, the opposition called a general strike. On November 9, three persons were killed and more than 100 were injured in clashes between government and opposition supporters in Dhaka (also see Section 2.b.).

In rural areas, human rights groups and press reports indicate that vigilantism against women for perceived moral transgressions is common, and may include humiliating, painful punishments. In a village near Manikganj in October, local arbitrators gave a woman and her husband 101 lashes and had their heads shaved. The woman had offended some persons in the village by divorcing her first husband, who demanded a dowry, and then remarrying. The couple later committed suicide (see Section 5).

Prison conditions are very poor. Official figures indicated that 123 persons had died in prison as of November. According to credible sources, poor conditions were at least a contributing factor to many of these deaths. Most prisons are overcrowded and lack adequate facilities. The current prison population of almost 50,000 is slightly more than twice the official prison capacity. In May a judicial report indicated that nearly 6,000 prisoners were being held in the Dhaka central jail, but that the intended capacity was only 2,190. The report also noted the poor physical condition of the jail and unhygienic food preparation. The families of three persons arrested in October in connection with the killing of senior Awami League leaders in the Dhaka central jail in 1975 expressed concern about prison conditions and inadequate medical care given to the detainees. The detainees were transferred to a prison cell in a hospital on December 15. The treatment of prisoners in the jails is not equal. There are three classes of cells: A, B, and C. Common criminals and low-level political workers generally are held in C cells, which often have dirt floors, no furnishings, and poor quality food. The use of restraining devices on prisoners in these cells is common. Conditions in B and A cells are markedly better; A cells are reserved for prominent prisoners.

Government-appointed committees of prominent private citizens in each prison locality monitor prisons monthly, but do not release their findings. District judges also visit prisons monthly, but rarely disclose their findings. However, in general the Government does not permit prison visits by independent human rights monitors.

#### d. Arbitrary Arrest, Detention, or Exile

The Government continued to arrest and to detain persons arbitrarily, as well as to use national security legislation (the Special Powers Act) to detain citizens without formal charges or specific complaints being filed against them.

The Constitution states that each person arrested shall be informed of the grounds for detention, provided access to a lawyer of his choice, brought before a magistrate within 24 hours, and freed unless the magistrate authorizes continued detention. However, the Constitution specifically allows preventive detention, with specified safeguards, outside these requirements. In practice, authorities frequently violate these constitutional provisions even in non-preventive detention cases.

Under Section 54 of the Criminal Code, individuals may be detained for suspicion of criminal activity without an order from a magistrate or a warrant. Some persons initially detained under Section 54 subsequently are charged with a crime, while others are released without any charge. According to official figures, at least 1,400 persons were detained under Section 54 in Dhaka in the first 3 months of the year. The Home Minister acknowledged to journalists in July that Section 54 is abused by police.

The Government sometimes uses Section 54 to harass and to intimidate the political opposition and their families. For example, on June 7, Jamaluddin Quader Chowdhury, a businessman who is the younger brother of two opposition Members of Parliament (M.P.s), was detained for subversive activities under Section 54. He was released without charge after 5 days. In addition, police commonly detain opposition activists prior to general strikes without citing any legal authority, holding them until the event is over.

The police on occasion detain persons for personal vengeance. For example, in January police detained a person who was involved in a minor traffic accident with a cabinet minister's son, along with two witnesses, and allowed another of the minister's sons and other family members and friends to beat the three detainees (see Section 1.c.).

The Government continues to use the Special Powers Act (SPA) to detain citizens without formal charges or specific complaints being filed against them. Under the SPA, the Government or a district magistrate may order anyone detained for 30 days to prevent the commission of an act likely "to prejudice the security of the country." Other offenses subject to the SPA include smuggling, black market activity, or hoarding. The Government (or magistrate) must inform the detainee of the grounds for detention within 15 days, and the Government must approve the grounds for detention within 30 days or release the detainee. In practice, detainees sometimes are held for longer periods without the Government stating the grounds for the detention or formally approving it. Detainees may appeal their detention, and the Government may grant early release.

After 4 months, an advisory board composed of two persons who have been, or are qualified to be, high court judges, and one civil servant examines the cases of detainees. If the Government adequately defends its detention order, the detainee remains imprisoned; if not, the detainee is released. Appellate courts sometimes order authorities to release SPA detainees after finding that the Government is unable to justify the detention. If the defendant in an SPA case is able to present his case before the High Court in Dhaka, the High Court generally rules in favor of the defendant. Typically, the Court finds that the Government is unable to "show cause". However, many defendants are either too poor or, because of strict detention, are unable to obtain legal counsel. Without legal counsel or funds, they are unable to move the case beyond the magistrate level. The magistrates, unlike the High Court judges, are not independent. They are subject to the administrative controls of the Law Ministry and are less likely to dismiss a case. As a result, defendants in many SPA cases languish in detention without the case moving

to trial. Detainees are allowed to consult with lawyers, although usually not until a charge is filed. They are not entitled to be represented by a lawyer before an advisory board. Detainees may receive visitors, and incommunicado detention generally is not practiced. However, the Government has held incommunicado some prominent prisoners, although there were no known cases of incommunicado detention during the year.

There is a system of bail for criminal offenses. Bail is granted commonly for both violent and nonviolent crimes. Persons arrested under the Women and Children Repression Prevention Act, which provides special procedures for persons accused of violence against women and children, cannot be granted bail during an initial investigation period of up to 90 days. If bail is not granted, the law does not specify a time limit on pretrial detention.

A major problem with the court system is the overwhelming backlog of cases, which produces long pretrial delays. According to the Government, almost 600,000 cases were pending in criminal and civil courts in November, and approximately 37,000 persons, or 71 percent of the country's prison population, were awaiting trial or under trial. Government sources report that the period between detention and trial averages 6 months, but press and human rights groups report some instances of pretrial detention lasting several years. Trials often are characterized by lengthy adjournments. In one case, Younus Ali from Mymensingh district was detained for robbery in 1988, but authorities have yet to present a case. In another case, M. Khairuzzaman was held for more than 2 years without formal charges. He was originally detained in August 1996 for alleged involvement in the 1975 murder of President Sheikh Mujibur Rahman. The High Court dismissed those charges in November 1996, due to its finding that Khairuzzaman was in India at the time of the killings. The High Court subsequently refused twice to grant bail to Khairuzzaman because the Government was investigating him for his alleged involvement in the November 1975 murder of four senior Awami League officials in the Dhaka central jail. Charges against Khairuzzaman in the jail killings case were filed in October.

The SPA is criticized routinely by opposition parties as a tool used by the Government against its opponents. The Government cites a significant reduction in the number of persons held under the SPA as evidence that it is minimizing use of the act. According to the Government, 885 persons were under SPA detention in July, a decrease from approximately 2,000 persons under SPA detention 1 year earlier. The authorities detained 2,949 persons under the SPA from the beginning of the year through the end of September, and released 3,151 detainees during the same period. There are credible reports from human rights monitors and political activists that the Awami League Government uses the SPA as a tool to harass and to intimidate political opponents. For example, opposition politicians Anwar Zahid and Shaiful Alam Prodhan were under SPA detention from October 20 to December 10, when they were granted bail. The Government contended that the two participated in meetings at the official residence of the leader of the parliamentary opposition, during which plans to sabotage the national power grid were discussed. Most opposition activists detained under the SPA ultimately are released without charges being brought against them.

The Government sometimes uses serial detentions to prevent the release of political activists, a process aided by the reluctance of magistrates to grant bail in such cases. Opposition student leader Ahmed Pintu was arrested under Section 54 of the Criminal Procedure Code on April 15. After a magistrate refused to grant bail, the High Court ruled against the detention and ordered Pintu's release. Pintu then was arrested again on other charges, and the magistrate refused to grant bail. The High Court ordered bail once more. He was finally released on July 10.

Opposition parties accuse the Government of filing thousands of false criminal charges against their leaders and activists. The Bangladesh Nationalist Party, the main opposition party, alleges that false criminal cases have been brought against dozens of its Members of Parliament, and against thousands of

its party workers and supporters. However, verification of these claims was not available. It can be difficult to identify those cases in which charges are politically motivated; in some instances criminal charges may apply to the actions of activists. Therefore, it is difficult to estimate the total number of detentions for political reasons, and even opposition sources do not cite a specific number. Because of crowded court dockets and magistrates who are reluctant to challenge the Government, the judicial system does not deal effectively with criminal cases that may be political in origin. There is no independent body with the authority and ability to monitor detentions, or to prevent, to detect, or to publicize cases of political harassment. Most such detentions appear to be for short periods, such as several days or weeks. Defendants in most cases receive bail, but dismissal of wrongful charges or acquittal may take years.

The Government does not use forced exile.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary. However, under a longstanding "temporary" provision of the Constitution, some subordinate courts remain part of the executive and are subject to its influence. The higher levels of the judiciary display a significant degree of independence and often rule against the Government in criminal, civil, and even politically controversial cases. However, lower level courts are more susceptible to pressure from the executive branch. There also is corruption within the legal process, especially at lower levels.

The court system has two levels: The lower courts and the Supreme Court. Both hear civil and criminal cases. The lower courts consist of magistrates, who are part of the administrative branch of government, and session and district judges, who belong to the judicial branch. The Supreme Court is divided into two Sections, the High Court and the Appellate Court. The High Court hears original cases and reviews cases from the lower courts. The Appellate Court has jurisdiction to hear appeals of judgments, decrees, orders, or sentences of the High Court. Rulings of the Appellate Court are binding on all other courts.

Trials are public. The law provides the accused with the right to be represented by counsel, to review accusatory material, to call witnesses, and to appeal verdicts. State-funded defense attorneys are rarely provided, and there are few legal aid programs to offer financial assistance. In rural areas, individuals often do not receive legal representation. In urban areas, legal counsel is generally available if individuals can afford the expense. Trials conducted under the Special Powers Act and the Women and Children Repression Prevention Act are similar to normal trials, but are tried without the lengthy adjournments typical in other cases.

Persons may be tried in absentia, although this is rarely done. On November 8, 15 of the 19 defendants tried for the 1975 killing of then-President Sheikh Mujibur Rahman (father of current Prime Minister Sheikh Hasina Wajed) and several of his family members were convicted and sentenced to death, and 4 persons were acquitted (see Section 1.a.). Fourteen of the defendants were tried in absentia, and 12 of them were convicted. At year's end, all 15 death sentences were awaiting automatic review by the High Court, and the 5 defendants then present in the country had filed appeals. There is no automatic right to a retrial if a person convicted in absentia later returns. Absent defendants may be represented by state-appointed counsel (as was done in the Sheikh Mujibur case), but may not choose their own attorneys, and, if convicted, may not file appeals until they return to the country.

A major problem of the court system is the overwhelming backlog of cases. According to the Government, almost 600,000 cases were pending in criminal and civil courts in November, and approximately 37,000 persons, or 71 percent of the total prison population, were in detention awaiting

trial or under trial (see Section 1.d.). These conditions, and the corruption encountered in the judicial process, effectively prevent many persons from obtaining a fair trial or justice.

Citizens' ability to obtain due process is undermined by corruption in the judiciary. Small sums must be paid to a number of court officials in order for a civil suit to be filed. While these may appear to be processing fees, they are more in the nature of bribes; they are not established by statute or regulation, are paid to officials personally, and there is no accountability for failure to discharge duties paid for. Defendants sometimes can pay to avoid being served with a notice or suit. According to one independent sample survey conducted by Transparency International, more than half of persons involved in court cases paid bribes to court officials. Because of the difficulty accessing the courts and because litigation is time consuming, alternate dispute resolution by traditional village leaders is popular in rural communities.

The Government states that it holds no political prisoners, but the opposition Bangladesh Nationalist Party (BNP) and human rights monitors claim that many opposition activists have been arrested and convicted under criminal charges as a pretext for their political activities. It is not clear how many political prisoners actually are being held (see Section 1.d).

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The law requires authorities to obtain a judicial warrant before entering a home. However, according to human rights monitors, police rarely obtain warrants, and officers violating the procedure are not punished. In addition, the Special Powers Act (SPA) permits searches without a warrant.

The police Special Branch, National Security Intelligence, and the Directorate General of Forces Intelligence employ informers and conduct surveillance of citizens, particularly those perceived to be political opponents of the Government. Human rights activists, foreign NGO's, and journalists report occasional harassment by these security organizations.

## **Section 2 Respect for Civil Liberties, Including:**

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech, expression, and the press, subject to "reasonable restrictions" in the interest of security, friendly relations with foreign states, public order, decency and morality, or to prohibit defamation or incitement to an offense. With some exceptions, the Government generally respects these rights. Citizens freely express criticism of the Government.

The press, numbering hundreds of daily and weekly publications, is a forum for a wide range of views. While most publications support the overall policies of the Government, many newspapers report critically on government policies and activities, including those of the Prime Minister. In addition to an official government-owned wire service, there are two major privately owned wire services, both of which are affiliated with international wire services.

Newspaper ownership and content are not subject to direct government restriction. However, if the Government chooses, it can influence journalists through financial means. Government-sponsored advertising and allocations of newsprint imported at a favorable tariff rate are central to many newspapers' financial viability. The Government states that newsprint allocations are provided solely on the basis of circulation figures. However, newspapers that cannot obtain enough government newsprint to meet their needs must buy it on the open market at higher prices. Many papers do so. There were no

reports of newspapers unable to publish due to lack of newsprint. Commercial organizations also often are reluctant to advertise in newspapers critical of the Government, fearing unspecified governmental or bureaucratic retaliation.

Several sources have reported that the State Minister for Information established an office at Bangladesh Television (BTV) to monitor or edit news items. The Government denies this allegation, claiming that the office at BTV was renovated to be used as a VIP waiting room.

Attacks on journalists and efforts to intimidate them by government officials, political party activists, and others, occasionally occur. Virtually all print journalists practice self-censorship to some degree, and are reluctant to criticize politically influential personalities in both the Government and the opposition. Many journalists cite fear of possible harassment, retaliation, or physical harm as a reason to avoid sensitive stories. Only one newspaper, an English-language weekly, published a story describing an incident in January in which there was credible information that a cabinet minister's son beat three youths (see Section 1.c.). In February the Government filed sedition charges against the editors and publisher of a newspaper, which published a story alleging that the Government was attempting to make the country's defense system complementary to India's system. The High Court granted the accused bail, and the case remains pending. On April 20, three journalists were arrested for allegedly leaking questions from school exams. They were charged under the Official Secrecy Act of 1980, which usually is used to arrest spies, traitors, and similar criminals. The journalists maintained that they published the questions, but did so to expose the corruption of officials who sold the questions prior to the exams. On May 26, the office of Dainik Manab Zamin, a newspaper published in Dhaka, was ransacked by a group allegedly belonging to the youth wing of the Jatiya Party. The newspaper had published a story that the attackers felt contained derogatory personal allegations against General Hossain Ershad, the leader of the Jatiya Party. In August the editor of a newspaper was shot to death in Jessore; authorities blamed a banned extremist party that objected to critical stories published about the group. The Committee to Protect Journalism suspects that the editor, Saiful Alam Makul, may have been killed to prevent the resumption of reporting on political corruption, gang activity, and human rights abuses. On August 10, two journalists in Dhaka received death threats from a high-ranking leader of the Chattra League, the student wing of ruling party, after they published stories about the terrorist activities of the Chattra League at Dhaka University. They later received apologies from the Chattra League and assurances of protection from the University.

Feminist author Taslima Nasreen, whose writings and statements provoked death threats from some Islamic groups in 1993 and 1994, left the country for Europe in 1994. The Government has taken no action against those who issued death threats against her, even though such threats violate the law. On September 15, Nasreen returned to the country and immediately went into hiding. Following her return, there were a number of small demonstrations by Islamic groups calling for her arrest and punishment by death. The Government provided protection for Nasreen from possible threats. Despite this, in early November, the leader of the Chittagong branch of the Jamaat-i-Islami, the largest Islamic party, personally offered a reward for information as to her whereabouts. The central Jamaat office in Dhaka stated that the Jamaat did not approve of the reward offer. Following Nasreen's return, a judge issued a warrant for her arrest pursuant to a case filed by a private citizen in 1994. The warrant was never executed, and on November 22 Nasreen requested and received anticipatory bail from the High Court.

The Government owns and controls radio and television, which do not provide balanced coverage of the news. The activities of the Prime Minister occupy the bulk of primetime news bulletins on both television and radio, followed by the activities of members of the Cabinet. Opposition party news gets little coverage. In its 1996 election manifesto, the Awami League called for the privatization of the state-controlled media. Upon taking power, the Government set up a committee to recommend measures for authorizing private radio and television broadcasts. The committee submitted a report to the Government

in 1997, but the report has not been released to the public, and no changes in the existing framework have been announced. The Minister of Information termed some of the committee's recommendations "unrealistic." The Ministry of Information has solicited and received bids from parties interested in establishing private television and radio stations. While the tender terms have not been disclosed publicly, news reports state that private stations would be required to carry in full current government electronic news bulletins. The Government granted a license in principle to a proposed private television station, but a contract and conditions were not finalized. The Government does not restrict access to foreign radio or satellite television news. There are no restrictions on the installation of satellite dishes.

Foreign publications are subject to review and censorship. When enforced, censorship most often is used in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, and objectionable comments about national leaders. The Government blocked distribution of the late February issue of an Indian fortnightly on the grounds that it contained "objectionable" comments about late President Sheikh Mujibur Rahman's role in Bangladesh's 1952 language movement. Distribution of the periodical was allowed after a more favorable article was substituted and the magazine issued a disclaimer that stated that the article in question was published in the absence of its editor.

A government Film Censor Board reviews local and foreign films, and may censor or ban them on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism. The Film Censor Board banned the release and showing of "Ammajan", a film made in Bangladesh, despite adjustments made according to suggestions from censors. The film depicts the actions taken by the son of a raped woman against her attackers, who had escaped trial for the crime.

Academic freedom generally is respected by the Government. Teachers and students at all levels are free to pursue academic assignments except on extremely sensitive religious and political topics.

The situation on public university campuses remains volatile, seriously inhibiting the ability of students to receive university educations and of teachers to teach. Armed clashes between rival student groups resulted in closures of universities or colleges in Rangpur, Rangamati, and Patuakhali, and of the Islamic University, on several occasions in 1998. In 1997 the vice-chancellors of Rajshahi and Islamic Universities appointed by the previous BNP government were forced by the student fronts of the ruling Awami League and the Jamaat-i-Islami to resign. In April the Awami League student wing violently took over 3 dormitories from the BNP student wing at Dhaka University, giving it control of all 10 campus dorms. The violence resulted in the death of 1 person and the injury of 20 others (see Section 1.a.). Violence between student political factions has little to do with ideological differences, and more to do with extortion rackets based on physical control of dormitories and student concessions by nonstudent party activists. Physical control over the dormitories results in access to funds from the universities and from students through "protection rings". The result of widespread campus violence is that, on average, it takes 6 years or more to earn a 4-year degree.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, subject to restrictions in the interest of public order and public health; however, the Government limits this right on occasion. The Government sometimes prohibits rallies for security reasons, but many independent observers believe that such explanations are usually a pretext.

The Government occasionally charges individuals who conduct unauthorized demonstrations. In June five opposition leaders, including three Members of Parliament, were charged with obstructing vehicular movement and chanting provocative slogans against the Government after a protest against the new

national budget. The High Court granted the individuals anticipatory bail, and the case remains pending.

In June the Government announced that it would not interfere with an opposition motorcade from Dhaka to the Chittagong Hill Tracts (CHT) to protest the CHT peace accord signed