Home Office
Border & Immigration Agency

COUNTRY OF ORIGIN INFORMATION REPORT

BANGLADESH

15 JUNE 2007

Border & Immigration Agency
COUNTRY OF ORIGIN INFORMATION SERVICE

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Preface

i This Country of Origin Information Report (COI Report) has been produced by Research, Development and Statistics (RDS), Home Office, for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 31 May 2007. The 'Latest News' section contains further brief information on events and reports accessed from 1 June to 15 June 2007.

ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

iv The structure and format of the COI Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.

vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.

ix COI Reports are published regularly on the top 20 asylum intake countries. COI Bulletins are produced on lower asylum intake countries according to operational need. Home Office officials also have constant access to an information request service for specific enquiries.

x In producing this COI Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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ADVISORY PANEL ON COUNTRY INFORMATION

xi The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk.

xii It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the

Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

Advisory Panel on Country Information
Email**:** apci@homeoffice.gsi.gov.uk
Website: www.apci.org.uk

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Latest News

EVENTS IN BANGLADESH, FROM 1 JUNE TO 15 JUNE 2007

11 June — Odhikar, a Dhaka-based NGO, reported that 107 persons had been killed during operations by law enforcement personnel since the state of emergency was proclaimed on 11 January 2007. Of the 107 people, 68 were killed in so-called 'crossfire', mainly by the Rapid Action Battalion (RAB); another 19 were allegedly tortured to death.
Odhikar press release: 107 reportedly killed and 47 custodial deaths during 150 days of emergency: 11 June 2007

11 June — At least 79 people were reported killed in mudslides following monsoon rain in and around the city of Chittagong. Scores of injured had been taken to hospital and many bodies were still trapped under rubble. Heavy rains had paralysed much of Bangladesh since Sunday 10 June. Al Jazeera reported on 13 June that the death toll in Chittagong had risen to at least 130; it was expected that more bodies would be found. A search was focused on two sites in the city, where shanty houses had been engulfed in mud.
BBC News: Mudslides kill many in Bangladesh: 11 June 2007
http://news.bbc.co.uk/1/hi/world/south_asia/6739889.stm
Al Jazeera: Bangladesh disaster toll rises: 13 June 2007
http://english.aljazeera.net/News/aspx/print.htm

9 June — A European Union delegation visiting Dhaka had been told that the Election Commission would, by mid-July, prepare a roadmap setting out the technical and political stages leading to parliamentary elections in 2008. The delegation called for an early lifting of the ban on indoor political party activities.
New Age: EU urges Bangladesh to lift ban on politics: 10 June 2007
(BBC Monitoring via LexisNexis)

9 June — Four men were charged with murder in connection with a bomb attack at the Muslim Hazrat Shahjalal shrine in Sylhet on 21 May 2004, in which two people were killed and 70 were injured. It was speculated that the attack was an attempt to assassinate the British High Commissioner, who was one of those hurt. (See paragraph 3.37)
Al Jazeera: Dhaka charges four for 2004 attack: 9 June 2007
http://english.aljazeera.net/News/aspx/print.htm

5 June — A Bangladesh court ordered police to investigate the alleged involvement of former Prime Minister Khaleda Zia and 27 other people in the grenade attack at an Awami League rally on 21 August 2004, in which 23 people were killed and about 200 were wounded. (See paragraph 3.40) The case was brought by an Awami League supporter who was injured in the attack.
BBC News: Bangladesh ex-PM in murder probe:5 June 2007
http://news.bbc.co.uk/1/hi/world/south_asia/6723005.stm
Al Jazeera: Ex-Bangladesh PM in murder probe
http://english.aljazeera.net/News/aspx/print.htm

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US Department of State
Trafficking in Persons Report 2007: Released 12 June 2007
http://www.state.gov/g/tip/rls/tiprpt/2007/
Date accessed 13 June 2007

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Background information

1. GEOGRAPHY

1.01 The People's Republic of Bangladesh is located in south Asia and is bordered almost entirely by India, except for a small frontier in the southeast with Burma and a coastline along the Bay of Bengal in the south. The capital is Dhaka. The country covers an area of almost 57,000 square miles. (Europa Regional Surveys of the World: South Asia 2005) **[1b] (p88)**

1.02 The country is administratively divided into 6 Divisions, 64 Districts (*Zila*), 507 sub-districts (*Thana* or *Upazila*) and 4,484 *Wards*/*Unions*. There are over 87,000 villages in Bangladesh, notes the Ministry of Foreign Affairs website. **[77a]** A particular name might refer to more than one geographical entity; for example, the city of Chittagong is situated in the district of Chittagong, which is in Chittagong Division. The 'Chittagong Hill Tracts' (CHT) area, referred to later in this report, comprises three of the districts within Chittagong Division. **[25]**

1.03 The Preliminary Report of the 2001 Population Census, published in August 2001 by the Bangladesh Bureau of Statistics, gave the total population of Bangladesh as 129.2 million (statistically adjusted). **[43a] (p4)** The CIA World Fact Book, updated 10 January 2006, estimated the population to have reached 144.3 million by July 2005. **[62]** The 2001 census showed that 76 per cent of the population resided in rural areas. The metropolitan area of Dhaka, in 2001, had a population of 9.9 million; the populations of the other principal cities (as 'statistical metropolitan areas') were as follows in 2001: Chittagong 6.2 million, Khulna 2.6 million, and Rajshahi 1.3 million. **[43a] (p6)** Apart from territories comprising less than 1,200 sq. km in area, Bangladesh is the most densely populated country in the world. (Europa Regional Surveys of the World: South Asia 2005) **[1b] (p88)** The 1991 census, as summarised in "Bangladesh: Census Result at a Glance" by the Bangladesh Bureau of Statistics, classified 93.9 million people (88.2 per cent of the total 1991 population) as Muslim, 11.2 million as Hindu, 0.6 million as Buddhist and the remainder as Christian or 'other'. **[43b]**

1.04 The state language is Bangla (Bengali) and is spoken by about 95 per cent of the population. (Europa World Year Book 2004) **[1a] (p635)** A Canadian IRB report of June 1990 stated that Biharis generally speak Urdu, and the tribal populations (Jumma peoples) of the Chittagong Hill Tracts use a variety of dialects. English is also used in commerce and administration. **[3a]**

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MAPS

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

Other Maps of Bangladesh

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

Chittagong Hill Tracts (CHT)

On the website of Bangladesh-GIS are maps showing the distribution of the Jumma populations and overall population density within the CHT: http://www.bangladesh-gis.net/LGED_myasp/map_catalogue/Bangladesh/Chittagong%20Hill%20Tracts/population/bigs/Cht_popdensity.jpg

2. ECONOMY

2.01 The Economist Intelligence Unit, in its Bangladesh Country Profile of 2006 (EIU Country Profile 2006), estimated GDP per head in 2005 to have been US$423, compared with $728 for India, $708 for Pakistan and $1,149 for Sri Lanka. A household income and expenditure survey showed that 44.3 per cent of the population lived below the poverty line in 2000 compared with 58.8 per cent in 1991. (The poverty line is here defined as being able to afford to buy food providing a daily intake of 2,122 calories.) **[40a] (p24)** During the 1990s, real GDP increased at an average annual rate of 4.9 per cent; GDP growth for the 2005/2006 fiscal year was a record 6.7 per cent, according to the EIU Country Report of January 2007; this was driven by strong industrial output and a sustained recovery in the agricultural sector. **[40a] (p25) [40h]**

2.02 Agriculture (including fisheries) employed more than half of the labour force and contributed around 21 per cent of GDP in 2005/2006, noted the EIU Country Profile 2006. Bangladesh has virtually achieved food self-sufficiency; rice production, in particular, has risen by about 150 per cent since the mid-1970s. Bangladesh is the world's largest exporter of jute; other agricultural exports include tea and frozen foods. The share of manufactured goods in the country's exports has increased since the 1980s as ready-made garments have emerged as the leading export commodity. **[40a] (p24-36)** A BBC News article of 6 January 2005 had cautioned that the future volume of the country's garment exports had become more uncertain with the final phasing out at the end of 2004 of international export quotas under the Multi-fibre Arrangement (MFA). The article noted that garments accounted for three-quarters of Bangladesh's exports. About 1.8 million people, mainly women, worked in clothing factories and another 15 million jobs depended indirectly on garment manufacturing. **[20ar]** However, according to the EIU Country Report for January 2006, the knitwear sector of the garment industry continued to show strong growth during the 2004/2005 fiscal year, although the woven garment sector suffered a downturn in the same period. **[40d] (p20)** The EIU Report for July 2006 subsequently confirmed "The ready-made garment sector continues to grow rapidly, despite earlier concerns about the adverse effects of the expiry of the Agreement on Textiles and Clothing at end-2004." This industry was still contributing about 75 per cent of export earnings by 2006. **[40e] (p20 and 22)**

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

Bank, as well as the NGOs BRAC, ASA and Proshika and the Bangladesh Rural Development Board. **[77b]**

2.04 The EIU Country Profile 2006 observed:

"The number of Bangladeshis working abroad and remittances from those employed abroad have been increasing since the mid-1980s. Whereas only 70,000 skilled and unskilled persons obtained employment abroad in 1985/86, more than 250,000 Bangladeshis now do so each year, bringing the total number working abroad in 2005 to around 3m. Annual remittances from those abroad amounted to US $4.8billion in 2005/06, according to statistics released by the Bangladesh Bank (the central bank). The importance of remittance inflows to the economy is likely to be far greater than reflected in official data, as large sums of money are thought to enter the country through unofficial channels." **[40a] (p15)**

2.05 The unit of currency in Bangladesh is the 'Taka' (BDT), which is divided into 100 poisha/paisa, notes the Europa World Year Book 2004. **[1a] (p644)** The approximate rate of exchange on 30 May 2007 was £1 sterling = 136 Bangladesh taka (xe.com Universal Currency Converter). **[22]**

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3. HISTORY

PRE-INDEPENDENCE: 1947 – 1971

3.01 The Europa World Year Book 2004 (Europa 2004) records that present-day Bangladesh was originally one of the five provinces of Pakistan, created following the partition of the Indian sub-continent in August 1947. Known then as East Pakistan, the province comprised the former Indian province of East Bengal and the Sylhet district of Assam. **[1a] (p635)**

3.02 East Pakistan became dissatisfied with the distant central government in West Pakistan, in spite of concessions such as the approval of Bengali as a joint official language with Urdu and the division of the country into two parts (East and West) with equal parliamentary representation. A secessionist movement led by Sheikh Mujibur Rahman and the Awami League (AL) gained increasing support. (EIU Country Profile 2006) **[40a] (p4)**

3.03 A general election in December 1970 gave the Awami League an overwhelming victory in East Pakistan; the AL demanded a loose federation of the two parts of Pakistan. **[40a] (p4)** On 26 March 1971, Sheikh Mujib proclaimed the independence of the People's Republic of Bangladesh ('Bengal Nation') and a full scale civil war broke out. (Europa 2004) **[1a] (p635)**

3.04 Resistance continued from the Liberation Army of East Bengal (the Mukti Bahini), a group of irregular fighters, who launched a major offensive in November 1971. An estimated 9.5 million refugees crossed into India. On 4 December 1971, Indian forces intervened on the side of the Mukti Bahini. Pakistan surrendered to the combined forces on 16 December 1971 and Bangladesh achieved its independence, quickly achieving international recognition. (Europa 2004) **[1a]**

1972 – 1982

3.05 The Europa World Year Book 2004 records that Sheikh Mujibur became Bangladesh's first Prime Minister in January 1972. A general election for the country's first parliament ('Jatiya Sangsad') was held in March 1973; the AL won 292 of the 300 directly elective seats. Internal stability was, however threatened by opposition groups resorting to terrorism. **[1a] (p635)** The economic and political situation deteriorated rapidly. (EIU Profile) **[40a] (p4)**

3.06 Sheikh Mujibur declared a state of emergency in late 1974 and in early 1975 he became President, assuming dictatorial powers through one-party rule. (EIU Profile) **[40a] (p4)** In August 1975 Mujibur and members of his family were assassinated in a coup (led by Islamist army officers). Martial law was then declared and political parties banned. A subsequent counter-coup on 3 November 1975 brought Khalid Musharaf, a pro-Indian commander of the Dhaka garrison, to power. This proved to be extremely short-lived, as a third coup on 7 November 1975 overthrew Musharaf and power was assumed under a neutral non-party government, with Major General Ziaur Rahman (General Zia) taking precedence. (Europa 2004) **[1a] (p635)**

3.07 Political parties were again legalised in July 1976. General Zia assumed the presidency in April 1977. In the parliamentary elections of February 1979, Zia's Bangladesh Nationalist Party (BNP) won 207 of the 300 directly elective seats in the Jatiya Sangsad. A new Prime Minister was appointed in April 1979, and martial law repealed. The state of emergency was revoked in November 1979. (Europa 2004) **[1a] (p635)**

3.08 Europa 2004 records that Zia was assassinated on 30 May 1981, during an attempted military coup. Political instability ensued and Vice President Abdus Sattar was nominated President. Sattar (finding it difficult to retain civilian control) formed a National Security Council in January 1982, led by Chief of the Army Staff, Lieutenant-General Hossain Mohammad Ershad. On 24 March 1982 Ershad seized power in a bloodless coup. Martial law was again declared, with Ershad as Chief Martial Law Administrator (in October 1982 Ershad changed his title to Prime Minister), aided by a military Council of Advisers. **[1a] (p635)**

1983 – 1990

3.09 The Europa World Year Book 2004 notes that, although the Government's economic policies achieved some success, there were increasing demands for a return to democracy during 1983. The two principal opposition groups that emerged were an eight-party alliance, headed by a faction of the Awami League under Sheikh Hasina (daughter of the late Sheikh Mujibur) and a seven-party group, led by a faction of the Bangladesh Nationalist Party (BNP) under former President Sattar and Begum Khaleda Zia (widow of General Zia). In September 1983 the two groups formed an alliance: the Movement for the Restoration of Democracy. In November 1983, permission was given for the resumption of political activity and a new political party, the Jana Dal (People's Party) was formed to support Ershad as a presidential candidate. Ershad declared himself President on 11 December 1983. **[1a] (p636)**

3.10 In January 1985 a new Council of Ministers was formed, composed almost entirely of military officers and excluding all members of the Jana Dal (in

response to the opposition parties' demands for a neutral government during the pre-election). However, President Ershad refused to relinquish power to an interim government. The National Front (NF), a new five-party political alliance, comprising the Jana Dal, the United People's Party, the Gonotantrik Party, the Bangladesh Muslim League and a breakaway section of the BNP, was established in September 1985. (Europa 2004) **[1a] (p636)**

3.11 Europa 2004 relates that the ten-month ban on political activity was lifted in January 1986, and the NF formally became a single pro-government entity, the Jatiya Party (National Party). Although smaller opposition parties participated in the parliamentary elections in May 1986 the elections were boycotted by the BNP. The Jatiya Party won 153 of the 300 directly elective seats in the Jatiya Sangsad. Mizanur Rahman Chowdhury, the former General-Secretary of the Jatiya Party, was appointed Prime Minister in July 1986. **[1a] (p636)**

3.12 Ershad joined the Jatiya Party in September 1986, being elected as Chairman of the party. In the presidential election of October 1986 (which was boycotted by both the BNP and AL) Ershad received 22 million votes. In November 1986, the Jatiya Sangsad approved indemnity legislation (legalising the military regime's actions since March 1982). Ershad then repealed martial law and formed a new Council of Ministers, which included four MPs from the AL. (Europa 2004) **[1a] (p636)**

3.13 Europa 2004 records that dissension from the opposition continued throughout 1987 and President Ershad declared a state of emergency on 27 November of that year. In December 1987, after 12 opposition members had resigned and the 73 AL members had agreed to do likewise, Ershad dissolved the Jatiya Sangsad. The Jatiya Party won a large majority of seats in the parliamentary elections of 3 March 1988. Ershad repealed the state of emergency in April 1988. **[1a] (p636)**

3.14 Violence, anti-government demonstrations and strikes occurred throughout the country during 1989 and 1990 in response to Ershad's autocratic rule. Ershad re-proclaimed a state of emergency on 27 November 1990 and proceeded to arrest opposition activists. In December 1990 Ershad relinquished power to a neutral caretaker government, which organised a general election to be held on 27 February 1991, thereby re-establishing democracy in Bangladesh. In the week following his resignation, Ershad was placed under house arrest. (Europa 2004) **[1a] (p637)** (EIU Profile) **[40a] (p5)**

1991 – 1999

3.15 The Europa World Year Book 2004 records that the parliamentary election of February 1991 was won by the Bangladesh Nationalist Party (BNP); Begum Khaleda Zia assumed office as Prime Minister. Abdur Rahman Biswas was elected as the new President on 8 October 1991. **[1a] (p637)**

3.16 All opposition members of the Jatiya Sangsad resigned en masse in December 1994. Nonetheless the Prime Minister, with her party's parliamentary majority, pledged to maintain constitutional government. On 24 November 1995, the Prime Minister requested that the Jatiya Sangsad be dissolved pending the outcome of the next general election. (Europa 2004) **[1a] (p637)**

3.17 Europa 2004 records that the general election, postponed until 15 February 1996, was boycotted by all of the main opposition parties. Consequently, the BNP won 205 of the 207 legislative seats declared. However, the opposition refused to recognise the legitimacy of the polls and announced the launch of a non co-operation movement against the Government. Finally, the Prime Minister agreed to hold fresh elections under neutral auspices. **[1a] (637)**

3.18 Begum Khaleda Zia and her government resigned from their posts on 30 March 1996 after making the 13th amendment to the Constitution, which provides that a non-party caretaker government takes control during the period leading up to a general election. Notwithstanding an unsuccessful military coup on 20 May 1996, a general election was held on 12 June 1996: the Awami League won 146 of the 300 elective seats in the Jatiya Sangsad. (Europa 2004) **[1a] (p637)**. Sheikh Hasina formed a government with support from the Jatiya Party. (EIU Profile) **[40a] (p5)** The AL government repealed the Indemnity Ordinance, passed in 1975 to protect the assassins of Sheikh Mujibur, and the trial of 20 people accused of involvement in the assassination began in January 1997. In November 1998, 15 former soldiers were sentenced to death, most of them in absentia. (EIU Profile) **[40a] (p5)**

3.19 In December 1997 the AL government signed an historic peace accord to end the insurgency in the Chittagong Hill Tracts. The treaty was opposed by the Bangladesh Nationalist Party. (Europa 2004) **[1a] (p638)** On 10 February 1998 the Shanti Bahini guerrillas formally surrendered their arms to the Government, marking an end to the 25-year insurgency. (Reuters) **[4e]**

3.20 The ruling coalition split on 15 March 1998 when the minority Jatiya Party announced that it was leaving the 'national consensus' Government. (Keesing's, March 1998) **[5b] (p42133)** The BNP walked out of the Jatiya Sangsad on 12 April 1998, in protest against four bills concerning the December 1997 Chittagong Hill Tracts Peace Accord. In December 1998 a new anti-government alliance was formed, comprising Begum Khaleda Zia's BNP, Jamaat-e-Islami and the Jatiya Party under Gen. Ershad. (Europa 2004) **[1a] (p698) [5c] (p42198)**

3.21 Keesing's, March 1999, related that two bombs had exploded at a music and culture festival in the town of Jessore on 6 March 1999, killing at least eight people and injuring some 150 others. The festival organisers blamed the bombing on Islamic fundamentalists. **[5h] (p42837)** BBC News reported on 19 July 2000 that 24 people had been charged with the bombing, including a former opposition MP. **[20d]**

3.22 The Europa South Asia 2005 Regional Survey records that political instability and unrest escalated through 1999; in mid-1999 the BNP and other opposition parties began a boycott of parliamentary proceedings. Opposition-led strikes took place in October and December 1999 and January 2000, leading to serious economic disruption. In July 2000 an attempt to assassinate Sheikh Hasina was foiled. **[1b] (p93)**

2000 – MARCH 2006

3.23 The Europa South Asia 2005 Regional Survey relates that, in July 2001, Sheikh Hasina and her Government resigned. On 15 July 2001 a caretaker

government was sworn in to organise new elections, following a violent two-day transition in which twelve people were killed. **[1b] (p93)**

3.24 BBC News reported on 26 September 2001 that a bomb blast in Dhaka had killed at least eight members of the Awami League (AL) as the hostile atmosphere in the run-up to the general election heightened. In response to the escalating tension the caretaker government deployed more than 50,000 troops to quell the violence. **[20h]**

3.25 The Europa 2004 World Year Book records that the general election went ahead on 1 October 2001, although voting was suspended in several constituencies owing to violence. **[1a] (p639)** According to Keesing's, October 2001, at least 140 people were killed in feuding between Awami League (AL) and Bangladesh Nationalist Party (BNP) supporters during the run-up to the election. **[5f]**

3.26 The U.S. Department of State Report on Human Rights Practices for 2006 [USSD 2006] noted that domestic and international observers deemed the general election of October 2001 to be generally free and fair. **[2a] (introduction)** The initial results of the general election, as recorded by the Bangladesh Election Commission, were as follows:

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

[16a]

* following by-elections to fill two undecided seats

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

A round of by-elections was held in on 12 November 2001, mainly necessitated by the fact that certain candidates – including the main party leaders – had stood and won seats in more than one constituency on 1st October. **[39ab]**

The Bangladesh Election Commission recorded the number of seats held by each party, following these by-elections, as follows:

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

[16b]

3.27 Begum Khaleda Zia was sworn in as Prime Minister on 10 October 2001. At the end of October 2001, the newly elected members of parliament representing the opposition Awami League took the oath of office, but refused to join the opening session of the Jatiya Sangsad (the unicameral legislature) in continuing protest against what they considered a rigged election. (Europa 2004) **[1a] (p639)**

3.28 Keesing's, June 2002, records that on 21 June 2002, President Bardruddoza Chowdhury, who had been elected President on 14 November 2001, resigned under pressure from the ruling BNP after he had failed to visit the grave of Maj-Gen Ziaur Rahman on the anniversary of the latter's assassination in 1981. **[5a] (p44843)** BBC News reported on 5 September 2002 that Iajuddin Ahmed, a retired professor from Dhaka University, had been elected President. **[20s]**

3.29 The Government of Prime Minister Khaleda Zia, facing criticism for the rising wave of crime and deteriorating law and order in the country, launched "Operation Clean Heart" on 17 October 2002, records an Amnesty International report, "Accountability needed in Operation Clean Heart", dated 23 October 2002. **[7e]** It was reported in BBC News and *International Herald Tribune* articles of October 2002, January 2003 and March 2003 that Operation Clean Heart involved the deployment of nearly 40,000 soldiers, in all the major cities, to help the authorities restore law and order, arrest "listed criminals" and recover illegal firearms. Several members of the ruling Bangladesh Nationalist Party and the opposition Awami League were detained for their alleged links with criminals. **[20w] [20x] [20y] [21c]** On 11 January 2003, BBC News reported that Bangladeshi authorities had ordered a partial pull-out of soldiers and ordered the troops to return to their barracks. **[20z]** The army was redeployed in six divisional headquarters the following month, but BBC News reported on 18 February 2003 that the operation, this time, was on a smaller scale and the army had been instructed not to arrest any suspects but to hand the criminals over to the police. **[20ab]**

3.30 BBC News articles published in January and February 2003 indicate that more than 11,000 people were arrested during Operation Clean Heart, including 2,500 listed criminals and members of Prime Minister Khaleda Zia's BNP and the opposition, hundreds of weapons were seized, and 40 people died after soldiers detained them. **[20z] [20y] [20ab]** On 9 January 2003 it was reported that President Iajuddin Ahmed had signed an order granting the soldiers legal immunity with immediate effect. The President said the Government regretted the deaths, but had no alternative to rewarding the soldiers who had helped the authorities restore law and order. (BBC News, 9 January 2003) **[20x] [20y]** Amid angry protests by the opposition, in February 2003, the Bangladesh Parliament passed the controversial indemnity bill entitled "Joint Drive Force Indemnity Ordinance 2003" to give legal protection to the army-led anti-terrorism operation. The Law Minister Mr Ahmed announced that the indemnity would protect the members of the armed forces from facing the civil justice system. At the same time, they would remain under the purview of their own laws. (Financial Times Information, 27 February 2003) **[21b]**

3.31 Local elections to 4,267 councils took place from late January to 16 March 2003. The elections were officially held on a non-party basis, but political parties indirectly nominated candidates to ensure a foothold at grass roots level. A total of 198,704 candidates contested the local council seats, including 42,250 women vying for 2,684 seats reserved for them. **[15]**

3.32 BBC News reported a number of attacks on Awami League officials in August and September 2003. On 25 August 2003, the president of the AL in the city of Khulna was shot dead; the Janajuddha faction of the banned Purba Banglar Communist Party apparently claimed responsibility. **[20n]**

3.33 A BBC News report on 13 January 2004 stated that Bangladesh police were holding 24 people for questioning following a bomb attack at the Hazrat Shahjalal shrine in the city of Sylhet the previous day, that killed three people and injured about thirty. No one had had admitted responsibility for the bombing. **[20e]**

3.34 It was reported in the *Daily Star* on 20, 23 and 27 April 2004 that the Awami League had organised a campaign of public demonstrations during April 2004 in an apparent attempt to force the Government to resign by 30 April. Between 18 and 27 April the police arrested more than 15,000 people, mainly supporters of the Awami League and the NGO *Proshika*, in an attempt to contain the protests. On 27 April the Government called on the police to stop mass arrests and "not to harass the innocent". **[38g] [38h] [38i]**

3.35 On 7 May 2004 a senior Awami League MP, Ahsan Ullah Master, was assassinated by an unknown gunman, reported BBC News. **[20ap]**

3.36 BBC News announced on 16 May 2004 that Parliament had approved a Constitutional amendment to increase the number of seats in the Jatiya Sangsad from 300 to 345 for a period of ten years, with the additional 45 seats being reserved for women. It was intended that the additional women MPs would initially be selected in proportion to each party's support at the 2001 general election, but the Awami League declined its initial allocation. **[20ae] [43c]** See section 25: Women.

3.37 Two people were killed and at least 25 injured in a second bomb attack at the Muslim Hazrat Shahjalal shrine in Sylhet on 21 May 2004. No parties claimed responsibility. The British High Commissioner to Bangladesh was one of those hurt. (BBC News, 21 May 2004) **[20ah]** The *Daily Star*, on 24 May 2004, gave the total number injured as seventy. **[38e]**

3.38 In June 2004 Awami League Members of Parliament returned to their seats; almost a year earlier they had declared they would boycott parliamentary sessions on the grounds that they had not been allowed to criticise the Government, according to a BBC News article of 15 June 2004. **[20ag]** The Economist Intelligence Unit's Bangladesh Country Report of January 2005 (EIU January 2005) noted that AL members did not resume their participation in parliamentary standing committees until mid-October 2004. **[40b] (p13)**

3.39 In July 2004 Bangladesh was hit by devastating floods. A BBC News report of 3 August 2004 stated that about 60 per cent of the country had been under water at one stage and that some 600 people had been killed and at least 30 million displaced or stranded. **[20af]** The BBC News 'Timeline: Bangladesh', accessed on 26 April 2005, put the final death toll at "nearly 800" and observed that the floods had also left an estimated 20 million people in need of food aid. **[20o]**

3.40 On Saturday 21 August 2004, at least 19 people were killed in a grenade attack at an opposition Awami League party rally in Dhaka which was addressed by former Prime Minister and opposition leader Sheikh Hasina, reported BBC News on 21 and 22 August. There were about 20,000 people in the crowd and 200 were injured in the explosions and the chaos that ensued. **[20ai] [20aj] [20ak]** The Economist Intelligence Unit, in its Bangladesh Country Report of January 2005, gave the final death toll as 23. **[40b] (p16)**) BBC News reported subsequent rioting across the country, during which the police arrested more than 200 protesters. The Awami League called a general strike on 24 and 25 August 2004 in protest. A further strike took place on 30 August 2004. There had been a rising trend in bomb attacks in Bangladesh over the previous five years in which more than 140 people had died; the targets had been varied, including a cinema, a Muslim shrine and newspaper editors and journalists. **[20i] [20aj] [20ak] [20al]** An Agence France-Presse article of 31 August 2004 stated that agents from the United States FBI and from Interpol had, at the request of the Bangladesh Government, arrived in the country to assist with investigations. **[23g]**

3.41 The *Daily Star* reported on 30 September 2004 that the police had been carrying out "blanket arrests" ahead of an Awami League mass rally planned for 3 October. The newspaper estimated that over 5,000 people, mostly AL supporters, had been arrested between 22 and 30 September 2004, primarily under Section 86 of the Dhaka Metropolitan Police (DMP) Ordinance. The authorities claimed, however, that the arrests were part of a routine anti-crime drive. On 29 September the High Court issued an injunction forbidding any arrests under Section 86 until 3 October 2004; the *Daily Star* observed, however, that the police were able to make arrests under other sections of the DMP. **[38n]** The *Daily Star* reported on 4 October 2004 that the previous day's rally, attended by "tens of thousands", had proceeded largely peacefully. **[38d]** On 10 October 2004, noted the *Daily Star* of 11 October, the AL and other opposition parties called a *hartal* (general strike) to mark the coalition government's three years in office; there were pitched battles between the

police and demonstrators in Dhaka and certain other centres; hundreds of protesters were arrested for short periods. **[38af]**

3.42 Associated Press reported on 20 October 2004 that a Dhaka court had sentenced three former army officers to death in absentia for their roles in the murder of four Awami League leaders in Dhaka Central Jail on 3 November 1975. The killings had taken place soon after the assassination of Sheikh Mujibur Rahman and the overthrow of his government in a military coup in August 1975. Twelve other people were sentenced to life imprisonment and five were acquitted. The Economist Intelligence Unit's Country Report of January 2005 (EIU January 2005) noted that the case was originally filed in 1975, but could not be heard because of an indemnity ordinance issued by the military government that succeeded Sheikh Mujibur's Government. **[61a]**

3.43 In mid-November 2004, noted EIU January 2005, the Awami League – together with 11 'left-leaning' opposition parties, Jatiya Samajtantrik Dal (JSD), National Awami Party (NAP) and the Jatiya Janata Party – launched a united movement with the aim of bringing to an end the rule of the BNP-led coalition Government. On 18 November 2004 this AL-led alliance released a list of nine demands, including calls for the immediate resignation of the Government and a general election under a reformed caretaker government. **[40b] (p12)**

3.44 The AL-led opposition alliance organised two successive nation-wide 'human chains' in December 2004 as an expression of no confidence in the BNP-led Government. On 11 December the alliance organised a one-hour 1000-km human chain connecting the country's southern tip (in Cox's Bazar) and northern tip (in Dinajpur) and running through 18 districts, including the cities of Chittagong and Dhaka. On 30 December another human chain was formed, stretching 800-km across Bangladesh from west to east. The demonstrations were largely peaceful. (EIU January 2005) **[40b] (p12-13)**

3.45 The *Daily Star* reported on 28 January 2005 that former Finance Minister Shah AMS Kibria and four other people had been killed in a grenade attack on an Awami League rally at Boidder Bazar in Habiganj district the previous evening. About 70 others were injured. No party or group was reported at the time to have claimed responsibility. Protests immediately erupted in different parts of the country and the AL called a 60-hour general strike commencing on 29 January 2005, maintaining that the BNP and Jamaat-e-Islami were responsible. **[38o]** The *Daily Star*, on 31 January 2005, recorded that there had been violent clashes between protesters and the police, as well as damage to property, in various parts of the country. At least 150 demonstrators, including a number of AL politicians, had been injured, many of them in baton charges. **[38p]** BBC News reported renewed anti-government demonstrations and a general strike on 3 February 2005 in protest at the Habiganj grenade attack. **[20as]** The *Daily Star* announced on 21 March 2005 that ten persons had been formally charged for their role in the murder of Shah AMS Kibria and others in the 27 January grenade attack. Eight of the accused were in custody, while the other two were charged in absentia. According to the *Daily Star*, all ten had connections with the ruling Bangladesh Nationalist Party (BNP); some of them were local BNP party leaders. **[38y]** A BBC News article of 21 March 2005, however, quoted police as saying that eight of the ten accused had links with the BNP. **[20be]**

3.46 The Bangladesh *Daily Star* of 25 January 2005 reported that at least 50 people, including eight policemen, had been injured in clashes between the security forces and Jagrata Muslim Janata Bangladesh (JMJB) militants in Bagmara on 24 January, where a large number of JMJB supporters had been protesting the lynching, a few days earlier, of three JMJB cadres by a mob of villagers. **[38r] [20av]** The *Daily Star*, on 4 February 2005, quoted a police spokesman as warning that JMJB planned to continue bombing cinemas, theatres and *jatra* folk theatres, having deemed these activities to be "un-Islamic". NGOs were also to be targets. **[38w]**

3.47 Associated Press and Agence France-Presse announced on 23 February 2005 that the Government had officially banned Jama'tul Mujahedin Bangladesh (JMB or JM) and Jagrata Muslim Janata Bangladesh (JMJB) – both militant Islamic groups – blaming them for a recent spate of murders, bombings and related terrorist activities across the country. Police arrested a number of suspected JMB members and said they were intensifying their efforts to find and detain JMJB operations commander Siddiqul Islam, also known as 'Bangla Bhai'. Jumatul Mujahedin had been accused of bomb attacks at musical concerts, religious shrines and the offices of certain NGOs. **[61b] [23j]** JMJB were believed to have been involved in several recent bombings and vigilante killings, including a bomb attack on a *jatra* folk theatre show in Shahjahanpur on 14 January 2005 in which two people were killed and about 70 wounded. **[38t]** Police, on 23 February 2005, also arrested Dr Muhammad Asadullah al-Galib (al-Ghalib) – Professor of Arabic at Rajshahi University and head of the Islamist organisation, Ahle Hadith Andolon Bangladesh (AHAB) – as well as three other AHAB officials. **[61b] [23j]**

3.48 On 28 February 2005 BBC News reported that 15 "suspected leaders of radical Islamic groups", including Asadullah al-Galib, had been charged with sedition. Court officials stated that the persons charged were accused of carrying out bomb attacks on rallies and buildings in attempts to destabilise the country. The same BBC News article noted that more than 70 suspected militants had been arrested since the 'crackdown' began the previous week (i.e. since 23 February). **[20ba]** United News of Bangladesh reported on 25 June 2005 that charges against Dr Galib for involvement in the bombings of two offices of BRAC, an NGO, had been dropped, but that he was still facing charges in at least nine other cases. **[39t]**

3.49 BBC News announced on 16 April 2005 that 22 people had been sentenced to death for the murder of an Awami League MP, Ahsan Ullah Master, and another man at a political function near Dhaka on 7 May 2004. This was the highest number ever sentenced to death in a single case in Bangladesh. Six others were given life sentences. The judge described the killing as an act of "political vengeance". **[20bg]** In April 2005, police charged ten persons with the January 2005 murder of Awami League leader Shah A.M.S. Kibria. The case went to the Supreme Court on 7 November 2006. **[2a] (Section 1a)**

3.50 On 18 July 2005 the *Daily Star* reported that the law enforcement agencies – including the police, the Rapid Action Battalion, special police units 'Cobra' and 'Cheetah' and various joint forces – had killed 378 people in so-called "crossfire" incidents since June 2004. **[38aa]**

See Section 10: Police – Extra-judicial killings

3.51 United News of Bangladesh, in an article dated 22 July 2005, noted that the Awami League-led 14-party opposition alliance had prepared a number of proposals for reforming both the Election Commission and the leadership and functions of the Caretaker Government which takes office during the period immediately preceding a general election **(see paragraph 5.11)**. This had followed several months of public debate in which the opposition parties argued that such reforms were necessary for these two institutions to be seen as neutral and effective in ensuring the credibility of general elections; in particular, a Government decision to extend the retirement age of judges from 65 to 67 was seen by opposition parties as a move by the Government to ensure that Chief Justice KM Hassan, a former BNP activist, would become the head (Chief Advisor) of the next Caretaker Government. **[39v]** The Economist Intelligence Unit's (EIU's) Country Report of July 2005 recorded that the Awami League had threatened to boycott the forthcoming general election unless the electoral system and Caretaker Government were reformed; Sheikh Hasina, the Awami League leader, had repeatedly accused the last Caretaker Government of siding with the BNP in the 2001 general election, in which her party was defeated. The EIU report further noted that, under the Constitution, the existing Government would have to hand over power to a Caretaker Government by October 2006. **[40c] (p12-13)** On 5 August 2005, United News of Bangladesh quoted the Minister of Law, Justice and Parliamentary Affairs as saying there was "no scope" for reforming the Caretaker Government. He indicated, however, that the Government was willing to discuss reforms to the Election Commission, provided that such a debate took place in Parliament. **[39w]**

3.52 BBC News reported on 13 August 2005 that one person had been killed and some 50 others injured in an attack on a Muslim shrine in eastern Bangladesh the previous night (12 August). Several homemade bombs had been thrown during a religious festival at the Hazrat Shah Syed Ahammad shrine at Akhaura, about 100 kilometres from Dhaka. **[20bb]** According to an Associated Press article of 14 August 2005, two suspects had been arrested in connection with the attack; however, no group had claimed responsibility and police said that the motive for the attack was still unclear. **[61d]**

3.53 BBC News announced on 17 August 2005 that more than 300 bomb explosions had occurred almost simultaneously in cities and towns across the country that day. Most of the bombs were small, rudimentary devices that were set to go off between 10.30 and 11.30 local time. Many of the bombs were set off in the vicinity of government offices, judicial buildings and journalists' clubs. Jamatul Mujahedin Bangladesh (JMB), one of two militant Islamic groups that were banned on 23 February 2005 (see above), were believed to have been responsible. Leaflets bearing JMB's name were found at some of the bombsites; the leaflets called for the implementation of Islamic Law and warned "Bush and Blair" to get out of Muslim countries. **[20bc]** An Agence France-Presse article of 26 August 2005 provided more specific information on the events of 17 August: 434 small bombs had exploded in 63 of the 64 districts of the country; two people had been killed and more than 100 injured. On 26 August 2005 a Bangladesh court charged (in absentia) the JMB leader, Abdur Rahman, with 'criminal conspiracy' and 'exploding a bomb'. **[23l]**

3.54 In a judgment delivered on 29 August 2005, the High Court found that the country's military takeover in 1975 had been illegal. The Court apparently

struck down the fifth amendment to the Constitution which legitimised martial law under former President Ziaur Rahman. The present Government –led by Ziaur Rahman's widow, Prime Minister Khaleda Zia – declared its intention to appeal the High Court's decision. (BBC News, 31 August 2005) **[20bd]**

3.55 BBC News reported on 17 October 2005 that the Government had banned the Islamic group Harkat-ul-Jihad-al-Islami (better known as 'HuJI'), describing it as a terrorist organisation. **[20bk]**

3.56 On 4 October 2005, the *Daily Star* reported a number of bomb attacks inside law court buildings the previous day, in three different districts. In Laxmipur two people were killed and 30 injured, including the judge, in a bomb attack in the Joint District and Sessions court; in Chandpur a bomb went off in the courtroom of the Judge's Court; in Chittagong a bomb was thrown into a Joint District courtroom, but failed to explode; another attack took place at a magistrate's court in Chittagong, causing injuries. A number of suspects were arrested at the three locations, some of whom apparently identified themselves as activists of Jama'tul Mujahedin Bangladesh (JMB). Handwritten leaflets found after the Chandpur incident reportedly bore the words "Establish Islamic rule", followed by "Jama'tul Mujahedin Bangladesh". **[38ae]** On 18 October, a judge in Sylhet division escaped an assassination attempt unhurt, recorded the Asian Centre for Human Rights (ACHR) on 23 November 2005. **[53c] (p4)** On 24 October 2005 BBC News reported that a leading member of the BNP in Khulna, Mizanur Rahman, had been killed in a bomb attack; no one claimed responsibility. **[20br]**

3.57 Two judges were killed in a bomb attack in the southern district of Jhalakathi, reported by BBC News on 14 November 2005. Four people were injured, including the suspected bomber. **[20bl]** According to the ACHR report of 23 November 2005, the police recovered hand-written leaflets of JMB at the site of the attack which read "Ban man-made laws and establish Qur'anic laws". **[53c] (p4)** The ACHR report of 23 November gives details of death threats made against several other judges during October and November 2005, apparently by members of JMB and other Islamist groups. **[53c] (p4-6)**

3.58 On 29 November 2005, BBC News reported that at least nine people had been killed and over 40 injured in two separate attacks – a suicide bombing inside the law court building in Gazipur, a town 30 km north of Dhaka, and a bomb blast in the city of Chittagong. **[20bm]** The EIU Report of January 2006 recorded that the death toll from the two bombings on 29 November had risen to at least 14; the report noted that suicide bombings marked a new phase in the campaign of terrorist violence and that these attacks were designed to kill as many people as possible; the police believed Jama'tul Mujahedin Bangladesh (JMB) to be responsible. **[40d]** Another bomb blast in Gazipur, on 1 December 2005, killed one person and injured at least 27, according to a BBC News article of that date. **[20bn]** On 8 December 2005 at least seven people were killed in a bombing in the northern town of Netrokona. (EIU Country Report of January 2006) **[40d]**

3.59 The 14-party opposition alliance, dominated by the Awami League, held a mass rally in Dhaka on 23 November 2005 and announced a 23-point common minimum national programme which, in effect, may constitute the opposition's manifesto for the general election due to be held in late-2006 or at the beginning of 2007, relates EIU January 2006. **[40d]** The 14-party opposition

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

3.60 According to the EIU Report of January 2006, police arrested over 800 people between 30 November 2005 and early January 2006 on suspicion of being involved in terrorist activity. The police were said to be hunting a 2,000-strong 'suicide squad' drawn from members of Jama'tul Mujahedin Bangladesh (JMB) and other militant Islamist groups. On 5 January 2006 the cabinet approved a bill extending the Government's power to tap telephones. **[40d]** BBC News announced on 9 February 2006 that three men had been convicted in a Barisal court for the assassination of the two judges on 14 November 2005. Two of the men received 30-year prison sentences; the would-be suicide bomber, who was injured and arrested at the scene of the attack, is to serve a 40-year sentence. **[20bo]** On 20 February 2006 the special court in Barisal sentenced four other individuals, in absentia, to prison terms of 40 years each for their roles in the killing of the two judges on 14 November; they included JMB leaders Sheikh Abdur Rahman and Siddiqul Islam, alias 'Bangla Bhai' (see paragraphs 4.56 and 4.72). The four fugitives were sentenced under the Explosive Substances Act, but were still liable to murder charges for the same incident. **[20bt]** On 28 February 2006, a court in Jhenidah district sentenced 21 men to death – three of them in absentia – for their part in the co-ordinated detonation of over 400 bombs throughout the country on 17 August 2005. All 21 were reported to be members of JMB. (Agence France-Presse) **[23p]**

3.61 On 2 March 2006 Shaikh Abdur Rahman, the leader of Jama'tul Mujahedin Bangladesh (JMB), surrendered to police in the district of Sylhet after a 30-hour siege (BBC News). **[20bq]** On 6 March 2006, United News of Bangladesh (UNB) reported that Siddiqul Islam, alias 'Bangla Bhai', had also been arrested following an encounter with the Rapid Action Battalion at his hideout in Mymensingh district. The UNB article described 'Bangla Bhai' as "chieftain of the vigilante group Jagrata Muslim Janata Bangladesh (JMJB) and Majlish-e-Shura member of Jama'tul Mujahedin Bangladesh (JMB)". **[39ac]**

3.62 Keesing's recorded that, on 29 May 2006, a court in the southern town of Jhalakathi convicted and sentenced to death Abdur Rahman and Siddiqul Islam (also known as 'Bangla Bhai'), the leader and second-in-command of Jama'tul Mujahedin Bangladesh (JMB), for the murder by bombing of two judges in November 2005. 'Bangla Bhai' has also been identified as a principle leader of Jagrata Muslim Janata Bangladesh (JMJB) (see paragraph 3.57). Five other JMB militants were also sentenced to death for the crime, including three members of the group's ruling council, the Majlish-e-Shura. Rahman and 'Bangla Bhai', who were captured in March 2006, had already been sentenced in absentia to life imprisonment under the Explosive Substances Act for abetting the bombing (see paragraphs 3.60 and 3.61). Keesing's notes that, in furtherance of its aim of establishing an Islamic state with a *Sharia* legal system, JMB had been conducting a bombing campaign targeting judges, court buildings, and government offices. A court in the northern district of Rajshahi, on 15 May 2006, sentenced ten JMB militants to life imprisonment for their role in organising part of the country-wide chain of bombings on 17 August 2005 (see paragraph 3.53). Three others were sentenced to 20-year prison terms for seven bombings in the town of Joypurhat. (Keesing's May 2006) **[5j]** Amnesty International (AI) noted in a statement of 28 September 2006 that the High Court, on 31 August 2006, had rejected the appeals of the JMB leaders sentenced to death on 29 May. According to Amnesty International, the Law Minister told journalists that the government wished to carry out these death sentences before it handed over power to a caretaker government in late-October 2006; AI notes, however, that there is usually a period of four to five years before a condemned prisoner is executed and that there are rights of appeal to higher courts and then to the President. **[7p]** [See paragraph 4.19]

3.63 Labour unrest on an unprecedented scale took place in the garment sector in May and June 2006, recorded Keesing's. A dispute over dismissals in a single factory in Dhaka led to widespread strikes and riots by garment workers on 20-23 May, citing low pay and long hours. Some 250 factories were damaged, one demonstrator died and over 100 people were injured before police and troops intervened. The Government announced on 25 May that it would establish a commission to set a minimum wage in the garment industry. **[5i]** On 4 June, some 3000 garment workers in and around Dhaka renewed protests against low wages, poor working conditions and lack of union rights. On 17 June, several thousand workers demonstrated following the indefinite closure of some factories. Police used tear gas and baton charges to disperse the workers. (Keesing's, June 2006) **[5k]**

3.64 The Economist Intelligence Unit (EIU) Country Report of July 2006 observed that the domestic political scene during the second quarter of 2006 had been dominated by a legal dispute over the voter list for the next general election, due to be held in January 2007 at the latest. The opposition parties, led by the Awami League, accused the BNP-led government of manipulating the voter list to its own advantage, and threatened to boycott the general election unless the head of the Election Commission resigned. The dispute over the system for appointing the Caretaker Government also continued; the AL called for an impartial person, acceptable to all parties, to be appointed to head the interim government, contending that the current eligible candidate (former Chief Justice KM Hasan) has strong links with the BNP - see paragraph 3.51 **[40e] (p12)** BBC News reported that a 36-hour general strike (*hartal*), called by the

Awami League to demand electoral reforms, commenced on 13 June 2006; there were violent clashes in Dhaka between the police and protesters. **[20bx]**

3.65 On 17 August 2006, a court acquitted General Ershad, the Jatiya Party leader and former President, of corruption charges dating back 14 years. (Keesing's August 2006) **[5l]**

3.66 BBC News reported on 18 September 2006 that tens of thousands of opposition supporters were protesting in Dhaka to demand electoral reforms. The '*hartal'* had been called by the alliance of 14 opposition parties, who again threatened to boycott the general election if their demands were not met. **[20bz]** According to a BBC News report of 21 September, dozens of people were injured in Dhaka when police used batons to disperse stone-throwing protesters. **[20ca]**

3.67 Agence France-Presse reported on 10 October 2006 that thousands of garment workers had staged violent demonstrations, following the announcement of a new minimum wage for the industry on 9 October. Troops were deployed to contain the protests after at least seven factories were set on fire. **[23q]** The government had formed a Wage Commission in reaction to worker unrest in May 2006. On 9 October the Commission released its recommendation for a minimum wage of Tk1,662.50 for entry-level workers, up from the previous level of TK950; trade unions were demanding at least Tk3,000 (£25) per month. (Asia Pulse, 25 October 2006) **[89a]**

3.68 The Nobel Foundation announced on 13 October 2006 that Grameen Bank and its founder, Dr Muhammad Yunus, had been jointly awarded the Nobel Peace Prize for 2006. (See paragraph 2.03 under Economy for information on micro-credit financing in Bangladesh.) **[90]**

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4. RECENT DEVELOPMENTS

CARETAKER GOVERNMENT

4.01 The five-year term of office of Khaleda Zia's BNP-led coalition government came to an end at midnight on 27 October 2006. An interim Caretaker Government was due to take office on 28 October, for the period leading up to a general election in January 2007. (See paragraphs 6.05 – 6.07 under Government) Thousands of opposition protesters took to the streets as the Government and the opposition Awami League failed to reach agreement on who should lead the Caretaker Government; the opposition did not regard the current eligible candidate, the immediate past Chief Justice KM Hasan, as being politically impartial. (BBC News, 27 October 2006) **[20cf]** Justice Hasan had allegedly been associated with the BNP before becoming a judge. (Odhikar) **[46c]**

4.02 BBC News reported on 28 October that Justice KM Hasan had withdrawn his candidature in the face of mounting pressure and that the swearing-in ceremony of the Chief Advisor had thus been postponed. **[20cg]** Following two days of violence which left more than two dozen people killed in clashes between supporters of the two main political parties, the President of

Bangladesh, Iajuddin Ahmed, announced on 29 October that he was personally assuming the role of Chief Advisor, having failed to get party leaders to agree on a compromise candidate. (BBC News, 30 October 2006; EIU, January 2007) **[20ch] [40h]** This was also criticised by the 14-party alliance, which pointed out that the President was a BNP-nominated president. But Dr Ahmed claimed that he took over only after exhausing all other constitutional options. **[46c]** Previously Dr Ahmed had been only a titular head of state; he now took on direct control of the home, defence and foreign ministries and became commander-in-chief of the armed forces. Awami League leaders declined to attend Dr Ahmed's swearing-in ceremony and called on him to prove that he was truly neutral. (EIU, January 2007) **[40h]**

4.03 In November 2006 the 14-party alliance, led by the Awami League, had stepped up its campaign of strikes and transport blockades. One of its main demands was the appointment of a neutral and independent Election Commission; in particular, it insisted on the removal of M.A. Aziz, the Chief Election Commissioner, whom it regarded as having pro-BNP sympathies. Furthermore, Mr Aziz had consistently ignored a Supreme Court decision of April 2006, which ruled that the voter list, drawn up under his supervision, was invalid. The 14-party alliance also questioned the neutrality of at least one other commissioner. **[40h]** A study published in December 2006 by the US-based lobby group, the National Democratic Institute of International Affairs, apparently indicated that there were 12.2 million more names on the voter's list than would be eligible according to the country's population profile. **[40h]** In addition, there had been allegations that many eligible voters from minority religious communities had been left out of the voter registration process. (US Commission on International Religious Freedom). **[92]** [Under Article 118 of the Constitution, an Election Commissioner cannot be sacked prior to the expiry of his five-year term of office; he can, however, resign or take an extended period of leave from office. **[4]**] Eventually on 23 November Mr Aziz, and one other election commissioner, took the face-saving option of going away on leave for ninety days. Mahfuzur Rahman, a former judge who was already serving as an election commissioner, declared himself Acting Chief Commissioner. However, Mr Rahman was also seen by the 14-party alliance as a controversial figure, with political bias. On 9 December President Ahmed ordered troops to be deployed across the country to maintain law and order and aid the civil administration in preparing for the general election. The BNP welcomed the deployment as a move which "saved the nation from catastrophe", while the Awami League's response was also positive, but somewhat more reserved. **[40h]** In early December the Election Commission did actually begin the process of correcting mistakes on the voters list, but it became obvious that this task could not properly be completed in time for a general election to be held the following month. **[40h]** According to a January 2007 report of the Economist Intelligence Unit, the Caretaker administration under Iajuddin Ahmed proved to be "weak" and the law-and-order situation "precarious". The *Daily Star*, in an article of 13 January, accused President Ahmed of acting unilaterally and controversially on several occasions since assuming the role of Chief Advisor in October 2006, including appointing an Election Commissioner who was not seen as neutral, deploying troops on the streets and being adamant about holding the general election on 22 January, as planned – even without the participation of both major political parties. **[38ai]**

4.04 The Awami League-led 14-party opposition alliance announced formally on 3 January 2007 that it would boycott the general election planned for 22

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

STATE OF EMERGENCY PROCLAIMED; GENERAL ELECTION POSTPONED

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

4.06 The President further announced the postponement of the general election for an unspecified period, to allow time for errors in the voter list to be rectified and to ensure that the elections would be "free, fair and credible". This announcement was welcomed by the Awami League and other 'opposition' parties, who had been staging mass demonstrations and had promised to boycott the election if it went ahead as planned. (BBC News, 12 January 2007) **[20cc]** President Ahmed also announced his resignation from the post of Chief Advisor to the interim Caretaker Government; nine of the ten other advisers resigned as well. **[38aha] [20cb]** Mr Justice Fazlul Haque was initially named to lead the Caretaker Government. However, following a consensus between the two major political alliances, Dr Fakhruddin Ahmed – a former Governor of the Bangladesh Bank – was appointed the new Chief Advisor and was sworn in on 12 January. (*Daily Star*, 13 January) **[38ai]** Five new advisers were appointed the following day. **[3f]** The night-time curfew was withdrawn on 13 January. (UNB) **[39ad]**

4.07 The Emergency Power Ordinance 2007 was proclaimed on 12 January 2007, to remain in force for the period of the state of emergency. Under the ordinance, power is given to the relevant authorities to restrict any activities deemed to be 'subversive to the state', or 'hampering the relations of Bangladesh with foreign countries', or 'disrupting peace in any part of the country or creating enmity, hatred, or confrontations among different sections of society'. The government has the power to suspend the activities of all political parties, trade unions, clubs and associations and ban any industrial strike or lockout. Publication of any newspaper, book, document or paper, or broadcasting any news or information deemed detrimental to public safety,

can be banned. The Ordinance empowers the government to arrest or detain any person or restrict the entry, living, stay or movement of any person, in order to prevent activity deemed to be 'harmful to the relations with any foreign country or in the public interest'. The government can also control or disrupt or block any message or news through the postal service, radio, telegram, telex, fax, internet or telephone. The legality of orders to be proclaimed under the authority of the Ordinance cannot be challenged in a court of law. (Daily Star, 14 January 2007) **[38aj]** Police and other security agencies, including the Rapid Action Battalion, continue to operate under the Interior Ministry, now under the control of the interim Caretaker Government. The Election Commission remains responsible to the Caretaker Government. (Associated Press, 14 January 2007) **[61f]**

4.08 According to an Associated Press article of 14 January, more than 4,000 people had been detained since the imposition of the state of emergency three days earlier. The government was quoted as saying that 'disruptive elements' would continue to be arrested until a new election was held. Local news reports indicated that those detained were from both sides of the dispute over the elections. **[61f]**

4.09 Abdul Jalil, a spokesman for the political alliance led by the Awami League, called for new elections to be held as soon as possible, subject to the Election Commission being reconstituted, the voter's list being updated and corrected, and the removal of disputed election officials. Former Prime Minister Khaleda Zia's BNP-led coalition was also said to be in favour of an election at the earliest possible date. (Associated Press, 12 January 2007) **[61f]** However, according to a BBC News video report of 16 January 2007, the Caretaker Government said then that it could take 'months' to prepare for new elections. **[20ce]** In a speech made on 22 January, Chief Advisor Dr Fakhruddin Ahmed expressed his intention to reconstitute the Election Commission, confirming speculation that Chief Election Commissioner M.A. Aziz and certain other election commissioners would be asked to resign. (*Daily Star*) **[38ao] [38ap]**

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

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

government can empower officers and authorities to halt [or] delay any disbursement of messages or news."

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

4.11 In the wake of a strong outcry against restrictions placed on the media under the Emergency Powers Rules 2007, the Caretaker Government issued a statement on 30 January claiming that no restrictions had been placed on the freedoms or functions of the media. Two days prior to that, editors of national newspapers and representatives of news agencies and television channels had told the Minister of Law and Information that they would not abide by the restrictions imposed by the emergency rules. The Government invited media representatives for discussions to resolve the issue. (Daily Star, 30 January 2007) **[38ar]**

4.12 On 30 January 2007, the Daily Star and BBC News reported a High Court ruling that elections in Bangladesh could not be held for a period of at least three months. Further, the High Court asked the Election Commission (EC) to show cause why the present voters list should not be declared inconsistent with the provisions of Representation of the People Order (RPO) of 1972 and with directives passed by the Appellate Division in 2006, and a fresh electoral roll prepared. **[38aq] [20 cj]**

THE ROLE OF THE MILITARY

4.13 On 10 December 2006, President and then-Chief Advisor Iajuddin Ahmed had ordered a large-scale deployment of troops across the country, evidently anticipating the resumption of a nationwide blockade by the Awami League-led 14 party political alliance the following day. He specified that the troops were being deployed in aid of the civil administration, for the purpose of maintaining law and order. (Odhikar) **[46c]**

4.14 Although Bangladesh had been under military rule for 15 years and had experienced at least 19 failed coup attempts since 1971 it had become widely assumed in recent years that the army's involvement in politics was over. **[88a]** Immediately after the proclamation of the state of emergency, however, the *Economist* was to declare in an article: "The army, not the politicians, now runs Bangladesh." The article expressed a widely-held view that the state of emergency had been implemented at the behest of the army. According to the *Economist*: "The army insisted the president step in before the Bangladesh National Party (BNP)…could rig the election and secure itself another term." **[41a]** The Financial Times (FT.com), in an article of 16 January 2007, also said that the state of emergency had been declared "at the insistence of the army". The article quoted diplomats as saying that the 'generals' had charged Chief Advisor Fakhruddin Ahmed with executing a five-point agenda; this reportedly consisted of a drive to clean up the country's biased electoral machinery; a pledge to improve governance in the civil service; an anti-corruption drive that would cleanse the nation's politics; the depoliticisation of the judiciary; and reform of the crippled power sector. **[87b]**

4.15 On 27 March 2007, Army chief Lt. General Moeen Ahmed launched a scathing attack against the country's politicians. Speaking at a gathering of veterans of the war of independence, he was reported as saying that politicians had 'given the country nothing good' in 36 years; they had offered nothing but corruption and division. They had divided the country by their feuding, he said, and indulged in corrupt practices. (BBC News, 27 March 2007) **[20cl]** On 2 April Gen. Moeen declared that Bangladesh would have to build 'its own brand of democracy'. Terming the armed forces the 'silent partner' of the people, he also said that power should not be concentrated in the hands of any dynasty or party. (*Daily Star*, 3 April 2007) **[38bx]**

4.16 Chief Advisor Fakhruddin Ahmed said in an interview on 10 May 2007 that his administration, not the military, was controlling the country. He said the army was working "in aid" of his interim civil administration and had played an important role in maintaining law and order and combating crime since January. He stressed: "The military is certainly backing the government, but let me point out that this government was sworn in under a provision of the constitution of the country." (Daily Star, 10 May 2007) **[38by]**

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ARRANGEMENTS FOR THE INDEPENDENCE OF THE LOWER JUDICIARY

4.17 On 17 January 2007, the *Daily Star* reported that the Caretaker Government had, the previous day, announced the publication of the gazette notifications of four rules relevant to separating the Judiciary from the executive branch of government. The following are the four rules: Judicial Service Commission Rule 2002, Bangladesh Judicial Service Pay Commission Rule 2002, Bangladesh Judicial Service (Service Constitution, Composition, Recruitment, Suspension, Dismissal and Removal) Rules 2002, and Bangladesh Judicial Service (Posting, Promotion, Leave, Control, Discipline and other Service Conditions) Rules 2001. **[38as]**

4.18 On 7 May 2007 the Supreme Court (SC) directed the Government to complete the process for implementation of the separation of the Judiciary from the executive and to inform the Court about its execution by 19 July. The SC accepted the four rules gazetted in January, with certain amendments, as well as the text of a proposed amendment to the Code of Criminal Procedure (CrPC), in accordance with the 12-point directive of the Supreme Court given in 1999. (Daily Star, 8 May 2007) [38ax] On 10 May 2007 the SC recommended to the Government that two of the four rules be implemented with effect from 1 July; the other two rules were already in operation. The separation of the Judiciary would still require an ordinance amending the Code of Criminal Procedure (CrPC), as well as an amendment to Article 116 of the Constitution, which can only be made by Parliament. (Daily Star, 11 May 2007) [38ay]

MILITANT ISLAMIST LEADERS EXECUTED FOR MURDER; OTHERS CONVICTED

4.19 Sheikh Abdur Rahman, Siddiqul Islam (alias 'Bangla Bhai') and four other leaders of the banned organisations Jamatul Mujahedin Bangladesh (JMB) and Jagrata Muslim Janata Bangladesh (JMJB) were hanged on 29 March

2007. They had been convicted in a Jhalakathi court in May 2006 and sentenced to death for the November 2005 murder of two judges, but were also said to have been complicit in numerous other serious crimes, including terrorist bombings. (Daily Star, 31 March 2007) [38au] Their appeals were rejected by the High Court on 31 August 2006. [7p] (See paragraph 3.62) Law Advisor Mainul Hossein warned on 1 April that the "patrons", or "godfathers", who had been supporting the JMB militants in recent years would soon be identified and could end up facing the same fate. (Daily Star, 1 April 2007) [38av]

4.20 According to the USSD 2006 report, a total of 698 individuals had, by the end of 2006, been arrested in connection with the August 2005 co-ordinated bombings in 63 of the country's 64 districts and for other bombings attributed to Jamatul Mujahedin Bangladesh (JMB). The courts had, by the end of the year, issued 32 death sentences (including the above six), 62 life imprisonment sentences and 59 other sentences of varying durations. **[2a] (section 1a)**

4.21 BBC News reported on 12 April 2007 that unidentified gunmen had shot dead Haider Hossein, special public prosecutor in the May 2006 court case at which the top JMB leaders were sentenced to death. **[20ck]**

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

4.22 On 7 February 2007 the Chairman and two commissioners of the Anti-Corruption Commission (AAC) announced their resignations, following a discussion with the President. (*Daily Star*) **[38bd]** The USSD 2006 report noted: "The three-member anticorruption commission, established in 2004, had little effect on combating corruption and focused in the past two years largely on organizational challenges." **[2a] (section 3)**

4.23 The Caretaker Government, on 22 February, appointed former army chief Lieutenant-General Hasan Mashud Chowdhury as the new Chairman of the Anti-Corruption Commission. A former customs commissioner and a High Court justice were named as his deputies. (Aljazera, 22 February 2007) **[91a]** In March the AAC sought a number of additional facilities from the Government: It asked for its staff to be increased from 700 to about 1,200; a panel of high-profile lawyers would be appointed to handle cases in trial courts, and full professional rates would have to be paid to those lawyers; the AAC also requested the legal power to attach the properties of graft suspects. (*Daily Star*, 22 March 2007) **[38bh]** The AAC was already being assisted in its investigations by the National Co-ordination Committee on Combating Corruption and Crime under Maj. Gen. Masud Uddin Chowdhury, though there were initially co-ordination problems between the two bodies. (*Daily Star*, 19 April 2007) **[38bi]** By March 2007 the Government had formed eight central and 64 district-based task forces, under the National Co-ordination Committee, to probe allegations of corruption. The task forces comprised members of the army, the Rapid Action Battalion and the intelligence agencies. (BBC News, 12 March 2007) **[20cr]**

See also Section 20: Corruption

4.24 On 22 March 2007 the Government promulgated an amendment to the rules under the Emergency Powers Ordinance 2007, suspending the right to petition for bail or to lodge an appeal with a higher court, until a final verdict has been

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

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HIGH-PROFILE ARRESTS ON CORRUPTION AND OTHER CHARGES

4.25 The Chief Advisor of the Caretaker Government stated in a speech on 21 January 2007 that "tough action would soon be taken in a methodical way" to curb corruption, which he said had "pushed the economy, society and politics into a disastrous state". On 4, 5 and 6 February 2007, joint security forces detained several high-profile politicians and businessmen, including nine former government ministers, for questioning in connection with allegations of corruption (graft). Those arrested subsequently had their bail petitions turned down and were remanded in custody. They included members of both main political parties. (BBC News, *Daily Star*) **[38bc] [20cp] [20cq]** The Home Ministry issued a press note on 5 February to the effect that the men had been detained for 30 days under the Special Powers Act 1974 'to prevent certain crimes that threatened state security and economic life'. (Keesing's) **[5n]**

4.26 On 18 February the Anti-Corruption Commission (AAC) published a list of 50 persons, which included another three former government ministers and senior members of all of the main political parties; of the 50, 22 had already been detained earlier in the month. Those named were required to submit statements of their wealth to the AAC within 72 hours, or risk the temporary attachment of their movable and immovable properties. (*Daily Star*) **[38bg]** Several more prominent figures from both parties were arrested on 25 February. The BNP and Awami League were cautious in their responses to the arrests, confining their comments to urging the authorities to follow the processes of the law. (Keesing's) **[5n]**

4.27 On the night of 7-8 March 2007, joint forces arrested Tarique Rahman, joint general secretary of the Bangladesh National Party (BNP) and son of the former Prime Minister Khaleda Zia, on suspicion of corruption. Several other

senior politicians, including the mayor of Chittagong, were arrested the same day in connection with corruption. Tarique had been regarded as his mother's heir apparent within the party and was the most important figure to be arrested so far under the state of emergency. (Keesing's) **[5o]** The Daily Star reported on 9 March that Tarique had been brought to a Dhaka court (demeaningly clad in an RAB bullet-proof jacket and helmet) and charged with the extortion of Tk.10 million from a construction firm. He was remanded in custody. **[38bm]** Police raised charge sheets against Tarique and his close aide, Mian Nuruddin Apu, on 18 March. (*Daily Star*, 19 March 2007) **[38bn]** It was reported on 13 April that former Law Minister Moudud Ahmed, a close aide of former Prime Minister Khaleda Zia, had been arrested on suspicion of tax evasion. By 13 April 2007, more than 160 prominent politicians, businessmen and senior bureaucrats had been detained since the state of emergency was declared. (*Daily Star,* 13 April 2007) **[20cs]**

4.28 The *Daily Star* reported on 12 April 2007 that police had charged Sheikh Hasina (the leader of the Awami League), Matiur Rahman Nizami (the leader of Jamaat-e-Islami) and more than 50 of their co-leaders and party workers with murder and other serious offences committed during street demonstrations on 28 October 2006, when seven people were killed in a clash between supporters of the two parties. **[38bo]**

4.29 Four of the five special courts established to try suspects on charges of corruption began their hearings on 7 May 2007. One of the defendants on the first day, in absentia, was Harris Chowdhury, political secretary to former Prime Minister Khaleda Zia. (*Daily Star*, 7 May 2007) **[38bk]** Harris Chowdhury was found guilty and given a three-year sentence. On 28 May 2007 Abdul Jalil, the Secretary General of the Awami League, was detained, as were senior BNP politicians Lutfozzaman Barber, a former Home Minister and M.A. Hashem. (BBC News) **[20ct]** The following day police detained a number of other people who were senior officials in former governments, including retired Air Vice-Marshall Altaf Hossain Chowdhury, a minister in Khaleda Zia's government. (Al Jazeera, 29 May 2007) **[91b]**

OTHER ARRESTS

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

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

CHARGES AGAINST, AND RESTRICTIONS ON, THE MAIN PARTY LEADERS

4.31 In an article for BBC News, dated 26 April 2007, John Sudworth observed:

> "The Awami League President Sheikh Hasina and the Bangladesh Nationalist Party (BNP) Chairperson Khaleda Zia are bitter political rivals who have alternated in power for the best part of two decades. Their mutual loathing and mistrust are carried through into their parties' politics. The cancellation of January's general election and the declaration of the state of emergency were precipitated by Bangladesh's unique brand of violent street protest, gerrymandering and winner-takes-all politics that have characterised their years in power … Elements of the current military-backed emergency government have clearly been intent on removing the two women from the scene. 'I have no doubt, nor would anyone you ask in the street, that this government was trying to persuade them to leave Bangladesh,' says Dr Nazrul, Professor of Law at Dhaka University. But nor can there be, he believes, much doubt that this government, although bolstered with strong military backing, is intent on genuine democratic reform … So with Sheikh Hasina out of the country on a personal visit, the government saw its chance…" **[20cv]**

4.32 On 9 April 2007, while Sheikh Hasina was away on a personal trip to America, the chairman of the Westmont Power Company filed an extortion case against her under a non-bailable section of the Penal Code, alleging that he was forced to pay her Tk.30 million when she was Prime Minister (prior to October 2001). (*Daily Star*, 10 April 2007) **[38ca]** Ms Hasina was then one of 50 people charged with murder and other serious offences on 11 April, in connection with violence during street demonstrations in October 2006. (*Daily Star*, 12 April 2007) **[38bo]** A Dhaka court issued an arrest warrant for her on 22 April, on the charge of murder. Nevertheless, she expressed her determination to return to Bangladesh to clear her name. (BBC News, 22 April 2007) **[20cw]** Then, on 22 April the Caretaker Government went about preventing Sheikh Hasina from boarding a flight home from London, by asking international airlines not to carry her. (BBC News, 22 April 2007) **[20cx]** [In particular, according to a House of Commons Early Day Motion of 23 May 2007, British Airways was informed by the Civil Aviation Authority of Bangladesh on 21/22 April that a flight would not be allowed to land and disembark in Dhaka if Sheikh Hasina was aboard.] On 23 April the courts suspended the warrant for Hasina's arrest, one day after it was issued, on the basis that the police needed more time to investigate the case against her. (BBC News, 23 April 2007) **[20cy]** In a dramatic reversal and faced with strong criticism from intellectuals and the media, as well as international pressure, the Caretaker Government announced on 25 April that the ban on Sheikh Hasina's return had been lifted. The Government's press statement said that the ban had been 'temporary'. (*Daily Star*, 26 April 2007) **[38cb]** Sheikh Hasina arrived in Dhaka on 7 May, met by hundreds of cheering supporters. (Al Jazeera, 7 May 2007) **[91c]** Al Jazeera reported on 10 May that Ms Hasina's movements had been restricted; although the Government had not made an official announcement, she apparently had to seek police permission to leave her home. However, it was announced on 11 May that the restrictions had been 'eased'. (Al Jazeera, 11 May 2007) **[91d]**

4.33 The Caretaker Government also put pressure on Khaleda Zia to leave the country. Her eldest son and heir apparent in the BNP, Tarique Rahman, had

been arrested on 7-8 March and charged with extortion (see paragraph 4.27). On 16 May police detained a second son, Arafat Rahman, apparently on suspicion of graft; Arafat was not involved in politics. (BBC News, 16 April 2007) **[20cz]** BBC News reported on 17 April that Arafat had been released, amid mounting speculation in the Bangladeshi media that it was part of a 'deal' with the Caretaker Government under which Ms Zia's family would go into exile in Saudi Arabia. Khaleda Zia had reportedly been under virtual house arrest since the previous week and police had searched her home. (BBC News, 17 April 2007) **[20da]** However, it was reported that the Saudi authorities had delayed issuing Ms Zia a visa, being concerned that she would not be leaving Bangladesh of her own free will. (BBC News, 24 April 2007) **[20db]** The Government then issued a press statement on 26 April, stating inter alia: "The government has never pressured and is not pressuring Khaleda Zia regarding overseas trips or leaving the country … The government also did not impose any restriction on her movement." (*Daily Star*, 26 April 2007) **[38cb]** The High Court, on 7 May, ordered the Government to explain within four weeks why it shall not be directed to allow Khaleda Zia to move freely; the Court was responding to a habeas corpus petition. By this time, her telephone line had been disconnected and she was apparently still facing curbs on her movements, despite the government assurance to the contrary. (*Daily Star*, 8 May 2007) **[38cc]** (BBC News, 8 May 2007) **[20dc]**

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CONTINUED EXTRAJUDICIAL KILLINGS BY THE SECURITY FORCES

4.34 As detailed in Section 10, the NGO Odhikar reported on 2 April 2007 that 79 persons had been killed by the law enforcement agencies during the period January to March 2007, 50 of them in so-called 'crossfire'. **[46d]**

ELECTORAL REFORM

4.35 The Acting Chief Election Commissioner and four other commissioners announced their resignations on 1 February 2007, clearing the way for the reconstitution of the Election Commission. *(Daily* Star) **[38bb]** See paragraphs 4.05 and 4.11 above.

4.36 On 4 February 2007, President Iajuddin Ahmed appointed Dr A.T.M. Shamsul Huda as the new Chief Election Commissioner and Md. Sohul Hossain as a commissioner. A third commissioner, retired Brig-Gen. Sakhawat Hossain, was appointed on 13 February. (Keesing's) **[5n]** The Election Commission directed on 16 March 2007 that 320 local election officers, appointed in 2005 through the Public Service Commission, would have to re-take their examinations to prove they could do the job. (*Daily Star*, 16 March 2007) **[38bp]**

4.37 The Election Commission (EC) announced on 22 March 2007 its decision to simultaneously prepare national identity cards and a new Voter List (electoral role), with photographs, for the ninth parliamentary election. Implementation of this massive project would begin after July 2007 and it was anticipated that it would take at least a year to complete, suggesting that the general election could not be held before late-2008. (*Daily Star*, 22 March 2007) **[38bq]** On 27 March 2007 the High Court declared null and void the exiting electoral role

which had been prepared ahead of the stalled January 22 elections. The Court also directed the EC to explain why it should not be ordered to introduce new voter identification cards and arrange transparent ballot boxes for the general election. (*Daily Star*, 28 March 2007) **[38br]** On 6 April the EC formally unveiled a set of proposals for electoral reforms, which included mandatory registration of political parties with provisions ensuring financial transparency and internal democracy; the authority to cancel candidature on grounds of gross irregularities; a limit on the number of constituencies an individual could contest; certain restrictions on independent candidates, newly-retired civil servants or military personnel and other specific categories; measures to dispose of election disputes within six months; threshold requirements for new political parties; and a requirement for all candidates to submit certain documents with their nomination forms. The Chief Election commissioner said these proposals would only be finalised after consultations with political parties and civil society representatives and an inter-ministerial meeting. (*Daily Star*, 6 April 2007) **[38bs]**

4.38 Chief Advisor Fakhruddin Ahmed, in an address to the nation on 12 April 2007, stated the Caretaker Government's intention to hold the ninth general election before the end of 2008. (*Daily Star*, 13 April 2007) **[38bt]** On 8 May the Electoral Commission (EC) announced further proposed reforms: political parties would have to cut links with professional and student bodies; financial transparency and democracy within parties would be monitored; the Awami League, BNP and Jatiya Party (Ershad) would have to amend their constitutions to 'de-link' from smaller parties and organisations currently affiliated to them. (*Daily Star*, 8 May 2007) **[38bu]** On 14 May 2007 the EC advised that 12,000 teams, each comprising four officials, would be moving throughout the country from August onwards, registering individuals for the new Voter List and national identity cards. However, the teams would set up temporary camps in each area to interview voters, rather than visiting door to door. A large-scale campaign, through the media and NGOs, would hopefully encourage voters to register. The army would assist at all levels in preparing the Voter List. A pilot project to test the process would begin in late-May or June. (*Daily Star*, 15 May 2007) **[38bv]** The EC told reporters on 15 May that it now intended to complete the process of registering voters in eight months, rather than 12 months, by engaging 12,000 teams instead of 8,000 teams as originally planned. It was estimated that the total number of voters should not exceed 75 million, about 20 million less than the number on the last electoral role. (*Daily Star*, 16 May 2007) **[38bw]**

OTHER DEVELOPMENTS

4.39 BBC News reported on 12 March 2007 that, according to aid organisations, more than 50,000 people had been evicted from their homes in slum areas in Dhaka within the past two months; their homes were demolished as part of the Caretaker Government's drive against unauthorised settlements. Many illegally constructed roadside stalls and shops were also demolished. Similar action had reportedly been taken in other cities across the country. **[20cr]**

4.40 On 1 May 2007, bomb explosions took place simultaneously at railway stations in the cities of Dhaka, Sylhet and Chittagong, injuring one man and causing panic among commuters. Messages left at two of the sites said the attacks had been carried out by Jadid (new) al-Qaeda Bangladesh. The messages, etched into metal plates, also contained warnings against non-

governmental organisations (NGOs) and against the Ahmadiyya community. (See Section 21: Ahmadiyya) Police said they were investigating whether 'Jadid al-Qaeda' was a new group, or a new name for a terrorist group that already existed. (BBC News, 1 May 2007) **[20cn]**

4.41 Nobel laureate Dr Muhammad Yunus announced on 4 May 2007 that he had decided not to proceed with the formation of a new political party. (Daily Star, 4 May 2007) [38ba] On 19 February he had expressed his intention to form a new party to be known as Nagorik Shakti, or 'Citizens Power'. (BBC News, 19 February 2007. [20cm]

4.42 Cholesh Richil, a leader of the Garo indigenous community, is reported to have died in custody on 18 March 2007 following torture carried out by Joint Forces personnel. Amnesty International (AI) notes that Cholesh Richil was an outspoken leader of the Garo indigenous community, who live in the Modhupur area north of Dhaka. Since 2003 Garo activists have been campaigning against the construction of an 'eco (ecology) park' on their ancestral land, on the grounds that it would deprive them of their land and means of livelihood. Richil had been arrested while travelling in a minibus with friends and relatives, accused of possessing illegal weapons and taken to the Modhupur Kakraidh army camp for interrogation, where he was apparently beaten and tortured for several hours. After his body was handed over to the Garo community church on 19 March, his family reportedly observed multiple bruises, nails missing from his fingers and toes, cuts and scratches consistent with blade wounds, and that his testicles had been removed. An autopsy is believed to have been carried out, but attempts by family members and human rights workers to obtain a copy of it had, by 10 May, not been successful. On 6 May 2007, Bangladeshi newspapers reported the formation of a one-member judicial commission to investigate Richil's death. AI has pointed out that, in recent times, neither the terms of reference nor the findings of such commissions have been made public. (Amnesty International, 10 May 2007) [7q]

4.43 BBC News reported on 11 May 2007 that journalist and human rights activist Tanseem Khalil had been arrested early that morning by plainclothes policemen, who took his passport, office equipment and papers. Khalil writes for the *Daily Star* and his own blog and reports for CNN and Human Rights Watch. He has detailed human rights abuses in the country. **[20cu]** Khalil was subsequently released on the night of 11 May. (HRW) **[10d]**

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5. CONSTITUTION

5.01 The Europa World Year Book 2004 (Europa 2004) records that a new Constitution for the People's Republic of Bangladesh came into effect on 16 December 1972. Following the military coup of 24 March 1982 the Constitution was suspended and the country placed under martial law. On 10 November 1986, martial law was repealed and the Constitution reinstated. **[1a] (p647)** The Economist Intelligence Unit (EIU) Country Profile 2005 notes that amendments to the Constitution require a two-thirds majority of parliament. **[40a] (p8)**

5.02 Europa 2004 notes that the 1972 Constitution based its fundamental principles on nationalism, socialism, democracy and secularism. The Constitution aimed to establish a society free from exploitation in which the rule of law, fundamental human rights and freedoms, justice and equality were to be secured by all citizens. All citizens are equal before the law and have a right to its protection. Arbitrary arrest or detention, discrimination based on race, age, sex, birth, caste or religion, and also forced labour are all prohibited under the Constitution. Subject to the law, public order and morality, every citizen has a right to freedom of movement, of assembly and of association. The Constitution also aims to guarantee freedom of conscience, speech, press and religious worship. **[1a] (p647)** Europa 2004 relates that the Constitution was amended in 1977 to increase the influence of Islam in its text; the word 'secularism' was also deleted from the preamble. A further amendment in 1988 established Islam as the state religion. **[1a] (647)**

5.03 As noted in a report of September 2002 on behalf of the United Nations Development Programme, entitled "Human Security in Bangladesh" (UNDP 2002): "The Constitution states that all existing laws that are inconsistent with fundamental rights shall be declared void, and the State is forbidden to make any law inconsistent with fundamental rights … However, the enjoyment of any right is subject to 'reasonable' restrictions imposed by law in the interest of the State, public order, public health, morality or decency." The UNDP report points out that "reasonable" is a relative term, and what is reasonable in one given set of circumstances may be unreasonable in another. **[8b] (p15)**

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6. POLITICAL SYSTEM

GOVERNMENT

6.01 As recorded in the US State Department Country Report on Human Rights Practices for 2005 (USSD 2005): "The country is a multiparty, parliamentary democracy in which elections by secret ballot are held on the basis of universal suffrage." **[2d] (section 3)** USSD 2006 adds: "The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage, albeit with significant instances of violence." **[2a] (section 3)** Europa 2004 notes that the Jatiya Sangsad (Parliament) is a unicameral legislature; members are directly elected for a five-year term on the basis of universal adult franchise from single territorial constituencies i.e. a member of parliament for each constituency is elected by simple majority, on a 'first-past-the-post' basis. Persons aged eighteen and over are entitled to vote. **[1a] (p647)** BBC News reported on 16 May 2004 that a Constitutional amendment, approved by Parliament on that day, increased the number of seats in the Jatiya Sangsad from 300 to 345 for a period of ten years, with the additional 45 seats reserved for women. **[20ae]**

6.02 Europa 2004 notes that the President is the constitutional Head of State and is elected by Parliament (Jatiya Sangsad) for a period of five years; Professor Iajuddin Ahmed was elected unopposed as President on 5 September 2002.

Executive power is held by the Prime Minister, who heads the Council of Ministers. **[1a] (pp647 & 640)**

6.03 The USSD 2006 report notes that Prime Minister Khaleda Zia, head of the Bangladesh Nationalist Party (BNP), assumed power in October 2001 following multiparty parliamentary elections deemed to be free and fair by international and domestic observers. The 2001 elections, supervised by a non-party Caretaker Government, took place in a climate of sporadic violence and isolated irregularities. The BNP formed a four-party alliance Government with Jamaat-e-Islami (JI), Bangladesh Jatiya Party - Naziur faction (BJP N-F), and Islami Oikkya Jote (IOJ). Two major parties dominate the political scene, the BNP and the Awami League (AL). **[2a] (section 3)**

6.04 The author of the Freedom House report of June 2005, "Countries at the Crossroads 2005: A Survey of Democratic Governance", commented:

"Although Bangladesh has had a parliamentary system since 1991, in practice, parliament hardly functions as an effective accountability mechanism. Regardless of which party is in power, the main opposition party has boycotted most parliamentary sessions, alleging Government repression and impediments in parliament to voicing its views. The year 2004 saw no exception to this practice; the AL [Awami League] for the most part refrained from participating in parliament. The AL also boycotted parliamentary committees due to controversies over their composition." **[65a] (p69)**

CARETAKER GOVERNMENT

6.05 The Economist Intelligence Unit's Bangladesh Country Profile 2005 (EIU Country Profile 2005) noted that, under the 13th amendment to the Constitution passed in March 1996, a non-party Caretaker Government takes office for a period of up to three months preceding a general election. This administration assumes office within 15 days of the dissolution of parliament and must hold the general election within 90 days of the dissolution; it is led by a Chief Advisor – who holds the status of a prime minister – and who runs the Government with not more than ten other Advisors appointed by the President on the advice of the Chief Advisor. **[40a] (p9)** Article 58c(7) of the Constitution provides that the Advisors must not be members of any political party or of any organisation affiliated to a political party. **[4]** The Caretaker Government is responsible for giving the Election Commission "all possible aid and assistance that may be required for holding the general election of Members of Parliament peacefully, fairly and impartially". **[40a] (p9)**

6.06 Clause 58c(3) of the Constitution states that "The President shall appoint as Chief Advisor the person who among the retired Chief Justices of Bangladesh retired last and who is qualified to be appointed as an Advisor under this article…" The Constitution goes on to detail, in 58c(4) and (5), a sequence by which other senior retired judges would become eligible, should the most recently retired Chief Justice be unavailable for the post. Article 58c(6) also says: "Notwithstanding anything contained in this Chapter, if the provisions of clauses (3), (4) and (5) cannot be given effect to, the President shall assume the functions of the Chief Adviser of the Non-Party Caretaker Government in addition to his own functions under this Constitution." **[4]** As described in paragraph 4.02 above, the immediate past Chief Justice, KM Hasan, withdrew his candidature on 28 October after mass protests by the Awami League-led

alliance, who disputed his impartiality. President Iajuddin Ahmed announced on 29 October 2006 that he had failed to get the major party leaders to agree on an alternative candidate and was therefore taking on the role of Chief Advisor (CA) himself. [It is not clear, from available sources, whether the President had given serious consideration to the availability of eligible retired judges other than KM Hasan – as provided for in the Constitution – before announcing his own appointment.] **[20ch] [40h]** The President then resigned his position as Chief Advisor in proclaiming the state of emergency on 11 January 2007. Dr Fakhruddin Ahmed, a former Governor of the Bangladesh Bank, was appointed CA on 12 January, following a consensus between the two major political alliances. **[38ai]**

6.07 Observed the Economist Intelligence Unit's Country Report for April 2007:

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

LOCAL GOVERNMENT

6.08 The EIU Country Profile 2005 states as follows:

"Bangladesh is divided into 64 districts, each with its own district council. Beneath the districts are 460 sub-districts and 4,488 union councils [union *parishad*], which are currently the lowest tier of government in Bangladesh. In late 2003 the Government formed 40,392 village governments (*gram sarkar*) as a fourth layer of government. *Gram sarkars* are non-elected bodies at the grassroots level, and were introduced by a former president, General Zia, in late 1970s. When he was president, General Ershad introduced *upazila* (local councils) in the mid-1980s, as an elected local government body. The village governments are aimed at local development by local people. Although the constitution provides for elected bodies at all tiers of local government, only the third tier – union councils and municipalities (mostly sub-district and district administrative centres) – is elected; all others are administratively controlled. Bangladesh has six administrative divisions – Dhaka, Chittagong, Khulna, Barisal, Rajshahi and Sylhet – and four major municipal corporations – Dhaka, Chittagong, Rajshahi and Khulna. The mayors of the municipal corporations are directly elected and wield considerable political power." **[40a] (p8]**

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

weeks the operation of the High Court verdict on *Gram Sarkar*, and had directed the Government to file a regular leave-to-appeal petition. **[39y]**

SUPERVISION OF ELECTIONS

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

6.11 The United Nations Electoral Assistance Secretariat issued a statement on 2 October 2001 which concluded that the parliamentary elections on 1 October had been generally free, fair, peaceful and orderly, but it was also noted that irregularities during voting had been observed and that there had been sporadic, sometimes serious, incidents of violence on the day. The UN delegation also noted that violence and threats of violence had occurred during the period leading up to the election. **[41]**

6.12 BBC News reported on 9 October 2001 that, following the October 2001 general election, the defeated Awami League had boycotted the parliamentary swearing-in ceremony, claiming that the election was "rigged". **[20j]** It was noted in the EIU Country Profile 2004 that Awami League leader Sheikh Hasina has refused to recognise the 2001 general election as legitimate, claiming that the Caretaker Government which had administered the country in the run-up to the election had conspired with the Election Commission to "oust" the AL. **[40a] (p6)** Freedom House commented in their report of June 2005:

"Since 1991, three national parliamentary elections have been held at regular five-year intervals; the elections were judged to be largely free and fair by national and international election monitors. The losing party in each election complained of vote rigging, but in all cases it finally accepted the election and agreed to serve as the opposition in parliament. The elections resulted in rotation of power between the two major political parties: The BNP won the 1991 and 2001 elections and the AL won in 1996…Each of the three elections was organized under a neutral non-party CG [Caretaker Government], and all political parties enjoyed equal campaigning opportunities. Voter turnout has sharply increased from 56 percent in 1991 to 75 percent in 1996 and 2001." **[65a] (p66-67]**

6.13 As detailed in Section 4 (Recent Developments), a re-constituted Election Commission has proposed far-reaching changes to the rules governing elections and the eligibility of political parties and candidates. The EC announced on 22 March 2007 its decision to simultaneously prepare national identity cards and a new Voter List (electoral role), with photographs, for the ninth parliamentary election to be held in late-2008. **[38bq]** The registration is due to begin in August 2007. **[38bv]**

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Human Rights

7. INTRODUCTION

7.01 Bangladesh is party to most of the principal United Nations international human rights treaties. The United Nations High Commissioner for Human Rights website (accessed 10 March 2006) notes that these include: the International Covenant on Economic, Social and Cultural Rights (CESCR), date of accession 5 January 1999; the International Covenant on Civil and Political Rights (CCPR), date of accession 6 December 2000; the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), date of accession 11 July 1979; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), date of accession 6 December 1984; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP), date of ratification 22 December 2000; the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), date of accession 4 November 1998; the Convention on the Rights of the Child (CRC), date of ratification 2 September 1990; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC), date of ratification 12 February 2002; the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OP-SC), date of ratification 18 January 2002; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC), signatory only 7 October 1998. **[8a]**

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

See Section 4: Recent Developments

7.03 According to the US State Department Country Report on Human Rights Practices for 2006 (USSD 2006), published on 6 March 2007:

"The Government's human rights record remained poor, and the Government continued to commit numerous serious abuses. **[2a] (introduction)** …Security forces committed numerous extrajudicial killings. The police, Bangladesh Rifles (BDR), and the Rapid Action Battalion (RAB) used unwarranted lethal force … nearly all incidents received only administrative investigation. **(section 1a)** … Violence, often resulting in deaths, was a pervasive element in the country's politics. Supporters of different political parties, and often supporters of different factions within one party, frequently clashed with each other and with police during rallies and demonstrations. **(section 1a)** ... While the law prohibits torture and cruel, inhuman, or degrading punishment, security forces, the RAB, and police routinely employed severe treatment as well as psychological abuse during arrests and interrogations. **(section 1c)** … The law prohibits arbitrary arrest and detention; however, authorities frequently violated these provisions, even in non-preventive detention cases. **(section 1d)** … There was widespread police corruption and a severe lack of training, and discipline. **(section 1d)** … The government used Sections 54 and 86 to harass

and intimidate members of the political opposition and their families. Police detained opposition activists prior to and during demonstrations without citing any legal authority, holding them until the event was over. **(section 1d)** … Arbitrary and lengthy pre-trial detention remained a problem. **(section 1d)** … Corruption, judicial inefficiency, targeted violence against judges, and a large case backlog were serious problems [in the Judiciary]. **(section 1e)** … The law allowed intelligence and law enforcement agencies to tap phones. **(section 1f)** … The law provides for freedom of speech and press; however, in practice the government limited these rights. **(section 2a)**… Discrimination against Ahmadiyyas, Hindus, and Christians occurred during the year. **(section 2c)** … Corruption remained a problem throughout the government. **(section 3)** … Domestic violence was widespread… Incidents of vigilantism against women - sometimes led by religious leaders (by means of fatwas) - occurred, particularly in rural areas. **(section 5)** … Child labor remained a problem; it frequently resulted in the abuse of children…**(section 5)** … The law prohibits trafficking in persons; however, trafficking remained a serious problem… **(section 5)**."

7.04 According to Odhikar, a Dhaka-based human rights NGO, 374 persons died and 21,265 were injured in incidents of political violence during 2006. Police arrested 2,358 persons for 'political' reasons during the year, most of whom were held for a short time prior to their release. A further 28,265 people were held in "mass arrests" during political demonstrations, etc. A total of 355 persons died at the hands of law enforcement agencies in 2006. **[46c]** During the period January – March 2007, 79 people were reported killed by officers of the law enforcement agencies. **[46d]** See Section 10: Police – Extra-judicial killings [Note: The above data are based on scans of newspaper articles by Odhikar. There are often very large differences in figures reported by different NGOs; for example, Odhikar reported 526 deaths due to political violence in 2004, whereas the NGO Ain O Shalish Kendro (ASK) reported 62 such deaths for the same year, also based on newspaper reports. **[93]**]

7.05 The USSD 2006 report notes:

"A wide variety of domestic and international human rights groups generally operated independently and without government restriction, investigating and publishing their findings on human rights cases. While human rights groups were often sharply critical of the government, they also practiced self-censorship, particularly on politically sensitive cases and subjects. Unlike in previous years, the government did not pressure individual human rights advocates by filing false allegations against them or by delaying re-entry visas for international human rights activists. Some local human rights organizations, however, reported that they believed the government was tapping their telephones and e-mail accounts." **[2a] (section 4)**

According to USSD 2006 report, the Government co-operated with international organisations such as UNHRC and the International Committee of the Red Cross (ICRC).

The Report adds, however, that there were many examples of harassment of NGOs by the intelligence agencies in 2006. **[2a] (section 4)**

See Section 19: Treatment of Human Rights NGOs

7.06 An Amnesty International Report, entitled "Urgent need for legal and other reforms to protect human rights", had observed in May 2003: "The failure of successive governments to address human rights violations in a consistent and effective manner points to the desperate need for an independent, impartial and competent human rights watchdog in the country – such as a National Human Rights Commission (NHRC). Human rights defenders and the international community have been urging Bangladeshi governments to set up a NHRC. Both the previous Awami League government and the present BNP government have acknowledged the necessity for its formation, but neither have taken the appropriate action to establish it." **[7a] (p11)** An article of 26 July 2004, from United News of Bangladesh, quoted the Minister of Law, Justice and Parliamentary Affairs as saying that a bill to facilitate the establishment of an independent Human Rights Commission was then with the relevant cabinet committee for vetting. **[39c]**

USSD 2006 confirmed, however, that despite its election pledge and repeated public announcements, the BNP-led government did not enact legislation establishing an independent National Human Rights Commission. Previous legislation authorising the establishment of a human rights ombudsman remained dormant." **[2a] (section 4)**

7.07 In January 2006 the government adopted the Telecommunication Amendment Law, which extended the Government's power to tap telephones. (Odhikar, March 2007). **[46c]** Notes the USSD 2006 report:

"The law allowed intelligence and law enforcement agencies to tap phones with the permission of the chief executive of MOHA. The ordinance also gives the government, in the interest of national security, the authority to prevent telephone operators from delivering messages. In case of national emergency, the government can revoke any permit to provide communications services without providing compensation to the holder of the license. The ordinance went into effect during a recess in parliament but must be approved as soon as parliament returns to become permanent law." **[2a] (section 1f)**

A BBC News article of 12 December 2005 quoted the Minister of Home Affairs as saying that the Islamist militant network is "maintained" through mobile telephones. He said: "We know Islamist leaders use 20 to 30 different cell phone numbers to guide the bombers…" A Supreme Court lawyer told the BBC: "If the law is applied on a wholesale basis, it will certainly curtail the people's privacy and violate their fundamental rights." **[20bu]**

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8. SECURITY SITUATION

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

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

Jane's added: "What gives some observers deeper cause for concern is the apparent lack of probing investigations into possible militant links with members of the ruling BNP and its coalition ally, the Jamaat-e-Islami, despite some suspected connections surfacing in the area of financing and sourcing of funds. There have also been allegations, not entirely substantiated, that the JMB and its groupings have enjoyed patronage by individuals directly connected to the [then] ruling political alliance." **[83d]**

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

8.03 The Country Reports on Terrorism, published by the US Department of State on 30 April 2007, notes that there was no JMB-linked violence during 2006. **[2j]**

8.04 A Jane's Sentinel Security Assessment of January 2007 stated that the Purba Banglar Communist Party posed only a low level threat to the Bangladesh government; violence from this organisation had been infrequent and limited. **[83f]**

(See also Section 3: History and Section 12: Abuses by Proscribed Militant Groups)

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9. CRIME

9.01 A Jane's Sentinel Security Assessment, posted on 7 June 2006, noted that a deterioration in law and order had been evident for many years, accompanied by a lack of popular faith in the police force and judicial system. Violent crime was high, with 73 murders and 73 reported cases of muggings in Dhaka between January and April 2006 (although an estimated 90 per cent of mugging victims do not file a police report). Kidnapping for ransom had become more common, spreading from Dhaka and Chittagong to the

Chittagong Hill Tracts. The incidence of crime had been fuelled by widespread illegal arms ownership in the country; an estimated 400,000 illegal firearms had been used in criminal activities. Small arms trafficking took place on a large scale, particularly in the southeast of the country. **[83e]**

9.02 Time (Asia Edition), in an article dated 5 April 2004, had stated as follows:

"A wave of extortion, murder and kidnapping that is washing over the country of 140 million has many worried that the nation may be sliding into anarchy. The Bureau of Human Rights Bangladesh says 971 people have been killed since the start of the year. Says Badruddoza Chowdhury, former President of Bangladesh: 'Never have crime and extortion taken place on such a big scale'."

The Time article noted that Transparency International had ranked Bangladesh as the most corrupt country of those surveyed in its Corruption Perceptions Index, and commented that every rung of society was affected by corruption and extortion – from shopkeepers who are killed if they refuse to pay protection money, to truck drivers who are forced to pay "tolls" to extortionists, to leading businessmen who have been kidnapped for ransom, to journalists who have been tortured and murdered. The article noted also the high incidence of corruption within the Bangladesh police force. According to Time, a wide cross-section of Bangladeshis, from prominent businessmen to shopkeepers, had complained that the government had failed to 'crack down' on lawlessness, notwithstanding a statement by the police commissioner of Dhaka who said that local media were "sensationalising" the crime problem, and that official records indicated that the murder rate was actually declining in the capital. **[54a]**

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10. SECURITY FORCES

10.01 A report of the Canadian Immigration & Refugee Board (IRB), published in September 1998, noted that the internal security establishment in Bangladesh then consisted of the Police and four auxiliary forces: the paramilitary Bangladesh Rifles (BDR), the Armed Police, the Ansars and the Village Defence Party. The police and two paramilitary forces, the BDR and Ansars, were primarily responsible for maintaining law and order. **[3f]** USSD 2004 recorded that a new police unit, the Rapid Action Battalion (RAB), was created in 2004 with the capacity to deal with armed criminal groups. It is composed of personnel from different law enforcement and security agencies, including the military. USSD 2004 stated also: "The Home Affairs Ministry controls the police and paramilitary forces, which have primary responsibility for internal security… The army is responsible for external security but also occasionally has been given domestic security responsibilities." **[2d] (introduction & section 1d)** Noted USSD 2006, "The civilian authorities generally maintained effective control of the security forces." **[2a] (introduction)**

POLICE AND PARAMILITARY FORCES (ALSO REFERRED TO AS THE 'JOINT FORCES')

10.02 The Bangladesh Police is made up of 120,000 personnel serving under police divisions across the country and responsible to the Ministry of Home Affairs,

according to the 'Bangladesh Military Forces' website (accessed 7 October 2006). **[71]** The 1998 Canadian IRB report, referred to above, noted that the police force is divided into gazetted and subordinate ranks, roughly analogous to commissioned and non-commissioned officers in the military. While the gazetted officers were said to be relatively well trained, well paid and occupying important positions within the bureaucracy, the lower ranks were relatively poorly trained, poorly equipped, poorly paid and overworked. **[3f]** According to the website of the Rapid Action Battalion (accessed 7 October 2006), Bangladesh has one police officer per 1,200 population, compared with ratios of 1:728 for India and 1:625 for Pakistan. **[70]**

10.03 The following information on the various auxiliary paramilitary forces was obtained from the websites of the Rapid Action Battalion **[70]**, the Bangladesh Rifles **[72]** and the non-governmental website, Bangladesh Military Forces **[71]** (all accessed in October 2006), Jane's Information Group **[83]** and the US State Department's "Background Note: Bangladesh", as updated in September 2006 **[2e]**:

Rapid Action Battalion (RAB): The Rapid Action Battalion was established in March 2004 as a special anti-crime strike force capable of dealing with armed criminal organisations. It functions under the Ministry of Home Affairs and consists of personnel drawn mainly from the police and the armed forces. **[70] [71] [83a]** A Human Rights Watch (HRW) report of December 2006 noted that there were then 12 RAB battalions, stationed in the main urban centres of the country, with a total strength of 8,500 personnel. RAB troops have received training from the special forces and are equipped with modern equipment. **[10c] (section 1)** A Freedom House report of June 2005 stated that the RAB has, since its inception, pursued an aggressive strategy against criminal gang members that has led to a large number of killings in so-called "crossfire" incidents. **[65a] (p78)** The HRW report of December 2006 stated: "Since its creation in March 2004 this special unit has been implicated in the unlawful killings of at least 350 people in custody, and the alleged torture of hundreds more." **[10c] (section 1)** The NGO Odhikar estimated in March 2007 that a total of 409 persons had been killed by the RAB since June 2004, 386 of these in so-called 'crossfire'. In the period since the Caretaker Government had taken office in October 2006, 81 persons had reportedly been killed by the RAB. **[46e]**
(Refer to Torture, Extra-Judicial Killings and Accountability, below.)

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

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

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

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

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Arbitrary Arrest and Detention

See also Section 14: Arrest and Detention – Legal Rights and Section 17: Opposition Groups and Political Activists

10.04 According to USSD 2005 report: "Arbitrary arrests were common … Police detained opposition activists prior to and during demonstrations without citing any legal authority, holding them until the event was over … Police arrested 1,216 persons for political reasons during the year [2005], most of whom were held for a short time prior to their release." **[2f] (section 1d]**

Torture

10.05 The USSD 2006 report states:

"While the law prohibits torture and cruel, inhuman, or degrading punishment, security forces, the RAB, and police routinely employed severe treatment as well as psychological abuse during arrests and interrogations. Abuse consisted of threats and beatings and the use of electric shock. According to human rights organizations, security forces tortured 45 persons during the year, 14 of whom died. (see sections 1.a., 1.d., and 2.a.). The government rarely charged, convicted, or punished those responsible, and a climate of impunity allowed such police abuses to continue." **[2a] (section 1c)**

According to an Amnesty International Report entitled "Torture and impunity", dated November 2000:

"Torture has been widespread under successive governments. Neither governments nor the opposition parties past and present have shown serious determination to confront the practice and prevent it." **[7c] (introduction)**

"There is a shared consensus amongst human rights defenders in Bangladesh that torture is a product of political corruption, illiteracy, underdevelopment and poverty…Political parties are hardly interested in the violation of the human rights of the people who are not their members." **[7c] (section 9)**

"Governments in Bangladesh have been keen to maintain old legislation that facilitate torture or to enact new laws which effectively serve the same function. One such legislation is Section 54 of Bangladesh Code of Criminal

Procedure (BCCP) 1898, which allows the police to arrest anyone without a warrant of arrest and keep them in detention for 24 hours." **[7c] (section 7.2)**

Amnesty International's 2004 Annual Report (covering events of 2003) commented: "Torture remained widespread…The government failed to implement safeguards against torture. Victims included suspected criminals, children and people detained on politically motivated grounds. At least 13 people died in police custody. The police reportedly denied allegations that their deaths were the result of torture." **[7j] (p1)**

10.06 The Bangladesh Rehabilitation Centre for Trauma Victims (BRCT), in their report "Human Rights Situation of Bangladesh 2003", reported that law enforcement agencies (including the police, paramilitaries and the Army) in Bangladesh tortured 1,296 people, in 419 "occurrences", during 2003. Police personnel were responsible for most of these incidents. The report specified: "As method of torture they used sticks, rifle butts, bullet, tear shell, verbal abuses, slapping and kicking"(sic). **[63]**

10.07 The Redress Trust, a UK-based NGO, produced a report in August 2004 entitled "Torture in Bangladesh 1971-2004". The report observed, *inter alia*, that:

Bangladesh had ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Covenant on Civil and Political Rights (CCPR), but numerous reports suggested that the practice of torture continued unabated and that there was nearly complete impunity for perpetrators. **[34] (Introduction)**

The main perpetrators of torture and other forms of ill-treatment appeared to be the law-enforcement agencies, and the police in particular. The Army and paramilitaries, notably the Bangladesh Rifles (BDR), have also reportedly employed torture in the course of operations. Armed groups associated with political parties, as well as dissident groups from the Chittagong Hill Tract, have used torture in some instances. It appeared that the practice of torture had perpetuated since 1971, regardless of which government was in power. **[34] (section II C)**

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

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

Torture is expressly prohibited in Article 35(5) of the Constitution. Public officials (including police officers) who committed certain acts amounting to torture could be prosecuted – and imprisoned – under various sections of the

Penal Code or, where applicable, under the Dhaka Metropolitan Police Ordinance or the Police Act. (Offences of rape or sexual harassment are tried by the Suppression of Violence against Woman and Children Tribunals.) **[34] (section III B ii)**

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

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

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

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

10.08 A Human Rights Watch (HRW) report of December 2006 states that members of the Rapid Action Battalion (RAB) have been implicated in hundreds of cases of torture. The report notes: "Torture methods attributed to RAB include beatings with batons on the soles of the feet (*falanga*) and other parts of the body, boring holes with electric drills on the legs and feet, and applying electric shock to open wounds." HRW has reported that, in at least one case, medical workers were present during the torture to revive and attend to the victim – a gross violation of internationally-recognised medical ethics. **[10c] (section IV)**

Extra-Judicial Killings

10.09 According to the USSD 2006 report:

"Security forces committed numerous extrajudicial killings. The police, Bangladesh Rifles (BDR), and the Rapid Action Battalion (RAB) used unwarranted lethal force … Although there was a decrease in the number of killings by security personnel…, nearly all incidents received only administrative investigation. According to local human rights organizations, no case resulted in criminal punishment, and in the few instances in which charges were levied, punishment of those found guilty was predominantly administrative. The resulting climate of impunity remained a serious obstacle to ending abuse and killings. According to press reports and law enforcement agencies, the RAB, a paramilitary group composed of personnel from different

law enforcement agencies, killed 355 persons. The deaths, all under unusual circumstances, occurred to accused persons while in custody or during police operations; however, the government described the deaths of some identified criminals as occurring in exchanges of gunfire between the RAB or police and criminal gangs … "Crossfire" became a euphemism in the local media for extrajudicial killings, particularly by the RAB. Press reports of crossfire followed a similar pattern: members of the RAB arrested or ambushed suspects, who were then killed in the crossfire as they tried to escape. Law enforcement officials were responsible for 355 deaths, 290 of which were attributed to crossfire. The RAB was responsible for 181 crossfire deaths; members of the police were responsible for 100; other security forces were responsible for nine crossfire deaths. Since 2004 when the Minister for Law, Justice, and Parliamentary Affairs stated that crossfire under RAB or police custody could not be considered custodial death, no member of the RAB has been prosecuted for a killing. According to press reports, citizens filed 145 formal complaints against the RAB [in 2006]. At year's end 45 of these had been dismissed and the rest were pending." **[2a] (section 1a]**

10.10 Odhikar, a Dhaka-based human rights NGO, noted in a press release of 2 April 2007 that, according to newspaper reports, 79 persons were killed by law enforcement agencies during the period 1 January to 31 March 2007. Of these, 50 were reported killed in 'crossfire'; of the remaining 29, four were killed following torture by the army, eight were allegedly tortured to death by police, two by joint forces, two by navy personnel and one by the Department of Narcotics Control. Six others died in hospital allegedly after being tortured by law enforcement personnel. Among the 'crossfire' victims, 44 were killed by the RAB, five by police and one by joint forces. Of the 79 people killed, seven were from the BNP, four from the Awami League, eight from the Biplobi Communist Party, eleven from factions of the Purbo Banglar Communist Party, one was an indigenous leader (Cholesh Richil) and fifteen were members of smaller political groups. Twenty-three were alleged to be muggers, drug dealers, arms smugglers or other criminals. **[46d]** Odhikar states that many of the killings have occurred when the alleged criminal/s were in custody. **[46c]**

10.11 Human Rights Watch stated, in their report of December 2006, that they had compiled a database of reported RAB killings between June 2004 and September 2006, based on press reports, information from human rights groups and their own research. According to those sources, the Rapid Action Battalion RAB) killed 367 people around the country during this period. **[10c] (section I)** Of the 367 RAB killings reported, 77 per cent (284) were reported by the media, human rights groups, or RAB as "crossfire" killings (in which the victim was allegedly a bystander in a shootout between the police and an armed group), and 11 per cent (42) were described as "killings during shootouts" (in which the victim allegedly took part in a shootout with the police). **[10c] (section V)** The report notes: "The human rights and press reports on which the database was primarily built strongly suggest that most of the deaths resulted from torture or extrajudicial execution, and Human Rights Watch's own research confirms this trend. But some of the killings may have resulted from a legitimate use of police force.") **[10c] (section I)** HRW states:

"The government in power until October 27, 2006, defended the killings by saying the victims – people it called "wanted criminals" or "top terrors" – died when they resisted arrest or when they were caught in the crossfire during an

armed clash between RAB and a criminal group ("crossfire" killings). But witnesses, family members, and journalists frequently reported that the victims died in RAB custody, either in the station or outside where an extrajudicial execution took place." **[10c] (section I)**

10.12 United News of Bangladesh and BBC News, on 11 May 2005, quoted the Minister for Home Affairs as saying that there would be an 'executive inquiry' into every 'encounter' incident involving the Rapid Action Battalion or the police and that legal action would be taken if there was found to have been any wrongdoing. The BBC News article noted that US and European Union officials had expressed serious concern over what they feared may be extra-judicial killings. **[20bi] [39aa]** In comments submitted to the Advisory Panel on Country Information on 8 September 2005, UNHCR referred to an article in the *Prothom Alo* newspaper on 17 July 2005, which stated that the executive authority had, by then, investigated 65 incidents involving deaths in "crossfire" and had 'found justification' for such action by the Rapid Action Battalion. This investigation by the executive authority had been severely criticised by human rights groups. **[67b]** The Asian Human Rights Commission, an independent NGO, commented in a statement issued on 19 July 2005 that impartiality in the official enquiry remained at issue if the law enforcement agencies who were involved in many of the incidents were now designated to investigate those incidents. **[66a]**

Accountability

10.13 According to the USSD 2006 report:

"Police were organized nationally, under the Ministry of Home Affairs (MOHA), and had a mandate to maintain internal security and general law and order. Police were generally ineffective, reluctant to investigate persons affiliated with the ruling party, and were used frequently for political purposes by the government … The RAB [Rapid Action Battalion], a better-equipped police unit drawing personnel from various police units and security agencies, including the military, developed plans for overall police reform, but few concrete steps were taken to address human rights problems. The RAB committed serious human rights violations … There was widespread police corruption and a severe lack of resources, training, and discipline. The police often acted outside the law …Victims of police abuse were reluctant to file charges, as there was no independent body charged with investigation of criminal allegations against members of the police force. There were no developments during the year [2006] regarding the legality of the Joint Drive Indemnity Act, which barred persons from seeking remuneration for human rights violations that occurred during Operation Clean Heart in 2003 … Plaintiffs rarely accused police in criminal cases due to lengthy trial procedures, and out of fear of retribution against them or their families. This often created a climate of impunity for police." **[2a] (section 1d)**

10.14 A major reshuffle in the senior ranks of the police force took place in late-January 2007, when the Caretaker Government replaced the Inspector General (chief) of the Bangladesh Police, as well as the Commissioner of the Dhaka Metropolitan Police and 20 other high-ranking officers. (*Daily Star*, 30 January 2007) **[38bf]** On 11 February 2007, the police authorities gave notice that the recent recruitment of 757 sub-inspectors and sergeants would be annulled; it had become apparent that their selection, in 2006, had been

subject to gross irregularities including bribery, political influence and nepotism. (*Daily Star*, 11 February 2007) **[38be]**

10.15 A study published in 2002 by Transparency International (TI), "Corruption in Bangladesh: A Household Survey", found that 84 per cent of those respondents who had dealings with the police claimed to have encountered corruption; in most cases this pertained to bribery. **[42a] (pp52-58)** The Summary Findings of a 2005 TI Household Survey revealed that, in relation to the Police department, 92 per cent of respondent households who had lodged an FIR (First Information Report) at a police station had to pay an average of 2,430 taka in bribes; 91 per cent of households who registered a GD (General Diary) complaint at a police station had to pay 939 taka on average as bribes; 80 per cent of households who needed a clearance certificate from police had to pay an average amount of 881 taka as a bribe; 71 per cent of the 'accused' had to pay bribes at the rate of 5,718 taka. **[42c] [42d] (p129)** In a 'Base Line' survey published in 2006 on behalf of Transparency International, just over 5 per cent of households claimed to have had dealings with the police during the past year; 68 per cent of those who filed a complaint (a FIR or GD) claimed that they had to 'make a payment' to the police for doing so. **[42e] (pp19 & 55)** Over 90 per cent of all respondents agreed with the statement "It is impossible to get any help from the police without money or influence." **[42e] (p58)**

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

10.17 An article dated 12 January 2005, on the website of the Bangladesh National Women Lawyers Association (BNWLA), quoted United News of Bangladesh as follows:

"A far-reaching police reform project titled 'Strengthening Bangladesh Police' has been launched to improve the law and order situation. The Ministry of Home Affairs launched the project yesterday in co-operation with the United Nations Development Programme (UNDP) and the UK Department for International Development (DfID). The three-year project, involving [US]$13 million, aims at improving performance and professionalism at all levels of the police force. It will focus on crime prevention through better engagement with the community, investigation, operation and prosecution, human resource management, training and strategy and oversight, including clear performance target. Of the 115,500 police in Bangladesh, only 12 percent are women, said a UNDP press release." **[39p]**

10.18 The Freedom House report of June 2005, entitled "Countries at the Crossroads 2005: A Survey of Democratic Governance", noted:

"A recent and disturbing manifestation of law enforcement without accountability has been the creation of the RAB [Rapid Action Battalion]. The RAB's main task is to track down and apprehend criminal elements who have created an atmosphere of insecurity throughout the country. The RAB since its inception has pursued an aggressive strategy against criminal gang members

that has led to a large number of killings in so-called crossfire after people have been arrested."

The report continued:

"These crossfire custodial deaths are viewed by human rights groups as a form of extrajudicial execution arising from lack of civilian oversight of the RAB. These extrajudicial executions have generated serious disquiet within the political opposition as well as among civil society and have now drawn the attention of the international community as well. However, arbitrary action by law enforcement agencies can still be subject to the rule of law through reference to the higher judiciary, who have frequently intervened to curb arbitrary behavior." **[65a] (p78)**

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

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

The HRW report continued:

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

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

Avenues of Complaint

10.20 According to the Human Rights Watch (HRW) report of December 2006: "Citizens who wish to file a complaint with the police face many hurdles. First is the fear of reprisal, sometimes based on direct threats not to file a complaint. When families of victims are brave enough to come forward, the police frequently refuse to accept the case. Under Bangladeshi law, the government must provide sanction for courts to consider any offence by a public servant on official duty, including members of the police and other security forces." **[10c] (section II)**

10.21 The British High Commission in Dhaka, in a letter dated 1 October 2004, described how citizens can proceed if the police refuse/decline to investigate a

particular complaint or file a criminal case: "Lawyers working for the respected Human Rights NGO, Odhikar, have advised that in such a case an individual can petition a magistrate. If the magistrate agrees with his [or her] claim, the magistrate can then direct the police to accept the case. [The British High Commission has also] heard the same from another Human Rights NGO, the 'Human Rights Congress for Bangladeshi Minorities'." **[11h]**

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ARMED FORCES

10.22 The US Department of State's Background Note on Bangladesh, updated in September 2006, notes that the army – with 110,000 troops – and the air force and navy – with about 7,000 members each – are composed of regular (professional) personnel. There are no conscripted forces at present. **[2e]**

10.23 The Economist Intelligence Unit's Bangladesh Country Profile 2006 observes:

"The army has played a prominent role in Bangladeshi politics, starting with the war of liberation in 1971, but especially following the military coup in mid-1975. After the fall of General Ershad in 1990, however, the army withdrew from politics. In the run-up to the general election in June 1996, the armed forces chief of staff, Abu Saleh Mohammad, led a failed military revolt against the caretaker government. Since then, the army has refrained from seeking a direct role in politics, and the government has steered the army towards playing a role in UN peacekeeping operations. However, the military continues to play an important role in the background. Many leading politicians in both major parties are former soldiers, and in the event of an extremely serious breakdown in law and order, military intervention cannot be ruled out." **[40a] (p11)**

10.24 According to the June 2005 Freedom House report:

"The military, by and large, tend to be free of the influence of nonstate actors and have in the post-1991 situation attempted to avoid being drawn into the political disputes of the major political parties. The internal security services also tend to be immune from outside political influence." **[65a] (p80)**

10.25 A Chatham House report of January 2007 noted that Bangladesh was providing the second largest (after Pakistan) contingent to United Nations peacekeeping forces around the world, for which it received around US $200 million a year. **[88a]**

11. MILITARY SERVICE

11.01 War Resisters' International, published in 1998, noted that conscription has never existed in Bangladesh, although the 1952 Bangladesh Army Act does provide for a possible introduction of compulsory military service. **[13]** A State Party report, dated 14 July 2005, to the United Nations Convention on the Rights of the Child (UN CRC) states: "There is no provision for compulsory recruitment into the armed forces of Bangladesh." **[52b]** According to the website of the Coalition to Stop the Use of Child Soldiers (accessed 13 September 2004) the minimum age for voluntary recruitment in the army is 16

and there are indications that three per cent of government armed forces are under 18. **[35]** However, the UN CRC report of July 2005 indicates that the minimum age for voluntary recruitment in the Army and the Navy is 17 years, and 16 years for the Air Force. Because recruits initially undergo a period of basic training, there is no scope for any person to be employed for actual service or combat duty before attaining the age of 18. The minimum age for recruitment in the Bangladesh Rifles or the Ansar paramilitary force is 18 years. **[52b]**

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12. ABUSES BY PROSCRIBED MILITANT GROUPS

See Annex B for further information on each of these organisations.

MILITANT ISLAMIST ORGANISATIONS

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

12.01 JMB is reported to have been founded in 1994, in the northern district of Jamalpur. In 2006 it was said to be led by a troika consisting of Sheikh Abdur Rahman, Siddiqul Islam (alias 'Bangla Bhai') and Muhammad Asadullah al-Ghalib. **[83f]** Abdur Rahman and Siddiqul Islam were among six JMB leaders executed on 29 March 2007 for their roles in the murder of two judges in 2005. It is not known who may have replaced them in the hierarchy. **[5o]** JMB and its 'sister' organisation, Jagrata Muslim Janata of Bangladesh (JMJB) were banned by the Government on 23 February 2005. According to an internal JMB document dating from 2004 and made available to Jane's, JMB then had 6,739 active members and a further 4,250 'sympathisers'. **[83c]** A Jane's Terrorism and Security Monitor report of January 2006 stated, "The group calls for the imposition of Islamic Sharia law in Bangladesh and has been targeting organisations and individuals that it accuses of advancing a secular, anti-Islamic agenda. The judiciary and media have been the primary targets, although threatening letters have also been sent to schools, universities and government offices." **[83b]**

12.02 According to the Jane's report, JMB's terrorist activity began in 2002 and was then mainly limited to the northern districts of the country. Incidents included bombings at cinemas in Mymensingh on 7 December 2002 that killed 21 people and wounded over 200, as well as bomb blasts at a Muslim shrine in Tangail in January 2003 that killed eight people. **[83c]** However, JMB had, by 2005, developed a national organisational structure. On 17 August 2005, JMB activists detonated 434 small explosive devices virtually simultaneously across 63 of the country's 64 districts. Fifty-one other devices failed to explode. Government offices, courts, press clubs and other public places were targeted in the attacks. Two people were killed and 104 injured. **[83c]** On 3 October 2005 a number of bomb attacks inside law court buildings in three different districts killed two and injured over 30. Suspects arrested at the three locations apparently identified themselves as activists of JMB. (*Daily Star*) **[38ae]** BBC News reported on 14 November 2005 that two judges had been assassinated in a bomb attack in the southern district of Jhalakathi. **[20bl]** According to an ACHR report, the police recovered hand-written leaflets of

JMB at the site of the attack which read "Ban man-made laws and establish Qur'anic laws". Death threats were made against several other judges during October and November 2005, apparently by members of JMB and other Islamist groups. **[53c] (p4-6)** On 29 November 2005, at least 14 people were killed and over 40 injured in two attacks – a suicide bombing inside the law court building in Gazipur, a town 30 km north of Dhaka, and a bomb blast in the city of Chittagong. **[20bm] [83c]** An EIU Report of January 2006 noted that suicide bombings marked a new phase in the campaign of terrorist violence and that these attacks were designed to kill as many people as possible; the police believed JMB to be responsible. **[40d]**

12.03 On 28 February 2006, a court in Jhenidah district sentenced 21 men to death – three of them in absentia – for their part in the co-ordinated detonation of over 400 bombs throughout the country on 17 August 2005. All 21 were reported to be members of JMB. (Agence France-Presse) **[23p]** Sheikh Abdur Rahman and Siddiqul Islam ('Bangla Bhai') were captured and arrested on 2 March and 6 March 2006, respectively. **[39ac] [20bq]** On 29 May 2006, a court in the southern town of Jhalakathi convicted and sentenced to death Abdur Rahman and Siddiqul Islam ('Bangla Bhai') for the murder of the two judges in November 2005. Five other JMB militants were also sentenced to death for the same crime, including three members of the ruling council, the Majlish-e-Shura. (Keesing's May 2006) **[5j]** Abdur Rahman, Siddiqul Islam and four other JMB leaders were executed on 29 March 2007. **[5o]**

12.04 The US State Department's 'Country Reports on Terrorism', published 30 April 2007, notes that there was no JMB-linked violence during 2006. **[2j]**

12.05 BBC News reported on 12 April 2007 that unidentified gunmen in Jhalakathi had shot dead Haider Hossein, the special public prosecutor at the trial in May 2006 at which the JMB leaders had been sentenced to death. **[20ck]**

Jagrata Muslim Janata of Bangladesh (JMJB)

12.06 In a special report of 28 August 2005, the *Daily Star* described JMJB as a fundamentalist 'vigilante' group whose aim is Islamic revolution through jihad. It is claimed that the group was first founded in 1998; the present name (JMJB) first became apparent in April 2004. Sheikh Abdur Rahman was said to be *amir* ('spiritual leader') of JMJB – as well as being the leader of Jamatul Mujahedin Bangladesh (JMB), with which JMJB has close links – *see above*. Siddiqul Islam, also known as 'Bangla Bhai', was a senior member who had assumed command of JMJB 'operations'. **[38ac] [59b]** As noted in paragraph 12.03 above, Abdur Rahman and Siddiqul Islam were executed on 29 March 2007 following their conviction for the murder of two judges. **[5o]**

12.07 JMJB activists are reported to have carried out over 100 operations, including murders and attacks on people they believe to be 'un-Islamic' or 'criminal'. (Daily Star) **[38ac] [38w]** There have been violent clashes between JMJB and the (Maoist) Purba Bangla Communist Party (PBCP) since April 2004; for example, in May 2004 JMJB operatives killed six members of the PBCP; the PBCP retaliated by killing two JMJB men and injuring six others. On 22 May 2004 several thousand JMJB activists armed with bamboo and hockey sticks staged a rally in Rajshahi city, under police escort, threatening journalists with death for reporting against them. In May 2004 the Government issued a warrant for the arrest of 'Bangla Bhai'. **[19a] [59b] [38ac]** JMJB is believed to

have been involved in a number of bombings and vigilante killings, including a bomb attack on a *jatra* folk theatre show in Shahjahanpur on 14 January 2005 in which two people were killed and 70 wounded. **[38t]** The *Daily Star* of 25 January 2005 reported that at least 50 people, including eight policemen, were injured in clashes between the security forces and JMJB militants in Bagmara the previous day. **[38r]** A police spokesman, on 4 February 2005, warned that JMJB planned to continue with bomb attacks on cinemas, theatres and *jatra*, which they have deemed to be "un-Islamic". NGOs were also to be targets. **[38w]**

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

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

12.09 According to a *Daily Star* report of 28 August 2005, Harkatul Jihad was established in the early-1990s apparently with assistance from Osama bin Laden. Many of its founders fought with the Mujahideen in Afghanistan in the 1980s. **[38ac]** Current leader is Shawkat Osman, alias 'Sheikh Farid'. HuJI mainly operates in the southern coastal belt and apparently has training camps in Chittagong division. In June 2004 police raided a training camp in the Pori-Kup Mulatoli area in Chittagong district and seized de-activated AK-47 rifles and various sharp weapons. (South Asia Terrorism Portal – SATP). **[59c]** HuJI has been accused of plotting to assassinate Sheikh Hasina when she was Prime Minister. **[38ac]** On 28 April 2006 a HuJI leader was charged with involvement in this assassination plot. **[59c]** Police interrogations of arrested HuJI cadres in 2000 reportedly revealed plans to kill 28 prominent intellectuals. **[38ac]** On 17 October 2005 the Government banned Harkat-ul-Jihad-al-Islami, describing it as a "self-confessed terrorist group". (SATP) **[59c]**

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MAOIST GROUPS

Purba Banglar Communist Party (Communist Party of East Bengal; PBCP)

12.10 The PBCP is a proscribed radical Maoist movement, founded in 1968 following a split in the Bangladesh Communist Party. It seeks communist revolution by violent means. PBCP cadres have reportedly been involved in acts of murder, robbery, extortion, land grabbing and abduction for ransom. According to the South Asia Terrorism Portal (accessed on 9 October 2006), the current leader is Mofakkar Chowdhury. **[59a] [11a]**

12.11 As stated in paragraph 12.05, there have been violent clashes between the PBCP and Jagrata Muslim Janata of Bangladesh (JMJB) since 2004. There have also been several gun battles between the security forces and PBCP. The Janajuddha faction of the PBCP claimed responsibility for the assassination of the Khulna president of the Awami League in August 2003. **[20n]** PBCP has also reportedly claimed responsibility for a number of attacks on journalists, including a bombing outside the Khulna Press Club on 5 February 2005 in which a journalist was killed and others injured. PBCP then

threatened that it had "many more journalists in its sights". **[9f]** On 26 and 27 October 2005, Janajuddha cadres killed five workers of the ruling BNP in four different districts. Two persons were killed and four others injured on 12 April 2006 when suspected Janajuddha members lobbed bombs into a gathering at Paka village in the Chuadanga district. On 13 May 2006, police arrested two suspected PBCP activists following the discovery of bomb-making materials in Jhenidah district. Several PBCP cadres have been killed in encounters with the police and the Rapid Action Battalion during 2005 and 2006. (SATP) **[59a]**

New Biplobi Communist Party (NBCP)

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

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13. JUDICIARY

13.01 Article 35(3) of the Constitution states "Every person accused of a criminal offence shall have the right to a speedy and public trial by an independent and impartial court or tribunal established by law." Article 27 provides: "All citizens are equal before the law and are entitled to equal protection of law." **[4]**

13.02 According to the USSD 2006 report: "Corruption, judicial inefficiency, targeted violence against judges, and a large case backlog were serious problems." **[2a] (section 1e)** The USSD report notes that, in 2006, the backlog of cases in Dhaka alone was approximately 43,000. **[2a] (section 1d)**

13.03 A September 2002 report on behalf of the United Nations Development Programme, "Human Security in Bangladesh, In Search of Justice and Dignity" (UNDP 2002), gave the following reasons for the delayed processing of criminal cases and the subsequent backlog of cases in the courts: (a) the number of cases in which bail is not granted; (b) non-attendance of witnesses on the date of the hearing; (c) unnecessary adjournments; (d) delays in completing investigations; (e) acute shortage of judges and magistrates; (f) tendency of lawyers and parties to delay trials; and (g) lack of vigilance on the part of judges and magistrates. **[8b] (p82)**

13.04 As detailed in Section 3 (History) there were, during October and November 2005, serious attacks on the Judiciary by Islamist militants. On 4 October there were bomb attacks inside court buildings in three districts. In Laxmipur two people were killed and 30 injured in a bomb attack in the Joint District and Sessions court; in Chandpur a bomb went off in the courtroom of the Judge's Court; in Chittagong a bomb was thrown into a Joint District courtroom, but failed to explode; another attack took place at a magistrate's court in Chittagong, causing injuries. Jama'tul Mujahedin Bangladesh (JMB) were believed responsible; handwritten leaflets found after the Chandpur incident reportedly bore the words "Establish Islamic rule", followed by "Jama'tul

Mujahedin Bangladesh". **[38ae]** Two judges were assassinated in Jhalakathi district on 14 November; JMB leaflets found at the scene read "Ban man-made laws and establish Qur'anic laws". **[53c]** On 29 November at least 14 people were killed and over 40 injured in two separate attacks – a suicide bombing inside a court building in Gazipur and a bomb blast in Chittagong. **[20bm] [40d]** A BBC article of 29 November 2005 noted that the courts and judges may have been targeted because they represent the secular laws of the country. **[20bm]**

ORGANISATION

13.05 Notes the USSD 2006 report:

"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 executive branch, 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 mostly dealing with constitutional issues and reviews cases from the lower courts." **[2a] (section 1e**) Decisions of the Appellate Court are binding on all other courts, including the High Court. The judges of both divisions of the Supreme Court are appointed by the President, according to the terms of the Constitution. **[4]**

13.06 It was pointed out in the UNDP 2002 report that the High Court Division of the Supreme Court is responsible for enforcing the fundamental rights guaranteed by the Constitution, including the right to equality before the law. Thus, it stated, for enforcement of rights pertaining to human security under the Constitution one has to go to the High Court. But because of the high costs involved, the poor and the vulnerable sections of society seldom access the legal process and thus ultimately the benefits of the fundamental rights conferred by the Constitution. **[8b] (p16)**

13.07 The Civil Justice system in Bangladesh is based on the British model and continues to operate under the 1908 Civil Procedure Code. Some amendments have been incorporated to try to speed up the process and avoid long and unnecessary delays. (*Daily Star*, 16 July 2005) **[38ag]**

13.08 The Law Commission was formed in 1976; its functions include recommending the repeal or amendment of existing laws which are obsolete or inconsistent with fundamental rights; recommending the enactment of new laws; and recommending reforms to modernise the judicial system. The Commission is headed by a retired Chief Justice of Supreme Court. **[84]**

SPECIAL TRIBUNALS

13.09 USSD 2006 records that, under the provisions of the Public Safety Act, the Law and Order Disruption Crimes Speedy Trial Act (see below), and the Women and Children Repression Prevention Act (see section 25: Women**)**, special tribunals hear cases and issue verdicts. Cases under these laws must be investigated and tried within specific time limits, although the law is unclear regarding the disposition of a case if it is not finished within an allotted time period. **[2a] (section 1e)**

THE LAW AND ORDER DISRUPTION CRIMES SPEEDY TRIAL ACT (STA)

13.10 It was noted in the USSD 2003 report that:

> "In 2002, Parliament rescinded the Public Safety Act (PSA) enacted by the AL Government in 2000. A week after the repeal of PSA, Parliament passed the Law and Order Disruption Crimes Speedy Trial Act (STA) to remain in force for 2 years if not extended. It contains a provision for the trial in special courts of those accused of certain crimes from 30 to 60 days after arrest. Unlike the PSA, the STA has a bail provision with mandatory recording of the grounds for granting bail. As a safeguard against misuse of the law, it provided punishment for bringing false charges with jail terms from 2 to 5 years. In June 2002, in response to a writ filed by Lalmonirhat Bar Association President Matiur Rahman, charged under the STA, the High Court requested the Government to explain why the STA should not be declared unconstitutional. The case remained pending in the High Court [in 2003]. In general, there were no allegations of widespread misuse of the STA." **[2b] (section 1d)**

On 16 March 2004 Parliament passed the Disruption of Law and Order Offences (Speedy Trial) Act 2004 to extend the term of the 2002 Act for another two years following its expiry on 9 April 2004, recorded the NGO 'Hands Off Cain' in a report of January 2006. **[73a]**

13.11 *The Independent* (Bangladesh), on 16 October 2004, quoted the Law, Justice and Parliamentary Affairs Ministry as saying that a total of 5,143 cases had been filed with the courts under the Speedy Trial Act and that 3,890 of these cases had been disposed of between 10 April 2002 and 31 July 2004; altogether 4,940 people had been convicted in 2,065 of the cases filed under this Act. Speedy Trial Tribunals had sentenced 208 persons to death in the two years preceding this press article. **[60a]**

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FAMILY LAW

13.12 As noted in the USSD 2005 report, the Muslim Family Ordinance codifies traditional Islamic law concerning inheritance, marriage and divorce for registered marriages of members of the Muslim community. There are similar sets of laws in place for the Hindu and Christian communities. **[2f] (section 1e)** The US State Department's International Religious Freedom Report 2006 confirmed that *Sharia* law was not implemented formally and was not imposed on non-Muslims during the period covered by the report. Marriage proceedings are governed by the family law of the religion of the parties concerned and marriages are also registered with the state. There are separate family laws in Bangladesh for Muslims, Hindus and Christians, based on their respective traditions. **[2c] (section II)**

INFORMAL SYSTEMS OF JUSTICE: VILLAGE COURTS AND *SHALISH*

13.13 The UNDP 2002 report noted that about two-thirds of all disputes do not enter the formal court process, instead they are either settled at a local level by local leaders or a village court, or they remain unsettled. *Shalish (*or *Grameen Shalish)* local mediation councils provide a traditional alternative to dispute resolution and comprise local community leaders who either individually or in

groups provide a forum for arbitration and dispute resolution. A study of Shalish in two districts in 1996 indicated that the majority of disputes dealt with related to family law, maintenance, second marriage, dowry and land ownership. According to UNDP 2002, the option of conciliation through mediation is particularly favoured by women and the poor. Village courts deal with both civil and criminal matters; they have the power to summon witnesses and can impose a fine on contempt charges. The officials of village courts are usually chairmen and members of 'union parishads' (the local government authorities, of which there are 4,448 in Bangladesh) and are generally powerful members of the local community. Village courts can, however, be open to outside influences. The main sources of influence are said to be local political leaders, community leaders, wealthy people and other influential individuals in the village. Village courts generally function in co-operation with the local police. **[8b] (p91-100)**

13.14 In the 'Base Line' survey conducted for Transparency International in 2005, about 60 per cent of rural respondents felt that *grameen shalish* were 'fair'. The minority who doubted the fairness of *shalish* thought that they favoured the rich, or favoured males, or were influenced by religious fundamentalism or terrorism. **[42e] (p52)**

INDEPENDENCE

13.15 Article 94(4) of the Constitution states "Subject to the provisions of this Constitution the Chief Justice and the other Judges shall be independent in the exercise of their judicial functions." Article 96 provides that a judge cannot be removed from office for reasons other than those set out in the Constitution. **[4]**

13.16 The USSD 2006 report comments: "The law provides for an independent judiciary; however, in practice a longstanding temporary provision of the constitution places the lower courts under the executive, and the courts were subject to executive influence largely because judges' appointments and their pay were dependent on the executive. The higher levels of the judiciary displayed some independence and often ruled against the government in criminal, civil, and politically controversial cases." **[2a] (section 1e)**

13.17 The USSD Country Report of 2003 had recorded: "In 2001, the Supreme Court reaffirmed a 1997 High Court order to separate the judiciary from the executive. The ruling declared which elements of the 1997 order could be implemented without constitutional amendment and ordered the Government to implement those elements within 8 weeks." **[2b] (section 1e)** USSD 2006 provided an update: "The government continued to delay action on the Supreme Court order asking that administrative measures be put in place separating the judiciary from the executive. In October 2005 the Supreme Court refused to entertain the government's 21st appeal seeking another extension. However, at [the end of 2006] the government had failed to pass legislation or provide procedures to comply with this decision to separate the judiciary from the executive." **[2a] (section 1e)**

13.18 On 16 January 2007, the Caretaker Government announced the publication of the gazette notifications of the following four rules relevant to separating the Judiciary from the executive branch of government: Judicial Service Commission Rule 2002, Bangladesh Judicial Service Pay Commission Rule

2002, Bangladesh Judicial Service (Service Constitution, Composition, Recruitment, Suspension, Dismissal and Removal) Rules 2002, and Bangladesh Judicial Service (Posting, Promotion, Leave, Control, Discipline and other Service Conditions) Rules 2001. (*Daily Star*, 17 January 2007) **[38as]**

13.19 On 7 May 2007 the Supreme Court (SC) directed the Government to complete the process for implementation of the separation of the Judiciary from the executive and to inform the Court about its execution by 19 July. The SC accepted the four rules gazetted in January, with certain amendments, as well as the text of a proposed amendment to the Code of Criminal Procedure (CrPC), in accordance with the 12-point directive of the Supreme Court given in 1999. (*Daily Star*, 8 May 2007) **[38ax]** On 10 May 2007 the SC recommended to the Government that two of the four rules be implemented with effect from 1 July; the other two rules were already in operation. (*Daily Star*, 11 May 2007) **[38ay]**

13.20 The process of separating of the Judiciary would still require an ordinance amending the Code of Criminal Procedure (CrPC), as well as an amendment to Article 116 of the Constitution, which can only be made by Parliament. (*Daily Star*, 11 May 2007) **[38ay]**

FAIR TRIAL

13.21 USSD 2006 states: The law provides accused persons with the right to be represented by counsel, to review accusatory material, to call witnesses, and to appeal verdicts. There is no jury trial and all cases are tried by judges. Trials are public, and defendants have the right to an attorney; however, state-funded attorneys are rarely provided … Defendants were presumed innocent, have the right to appeal, and have the right to see the government's evidence against them." **[2a] (section 1e)**

13.22 The UNDP 2002 report provided details of the Government legal aid fund which has been in operation since 1994. **[8b] (p42-44)** The report also stated that more than 300 NGOs in Bangladesh then listed "human rights and legal aid" as one of their activities – though only a few of these NGOs provided legal aid on a large scale. Two organisations, the Bangladesh Legal Aid and Services Trust (BLAST) and the Madaripur Legal Aid Association (MLAA) had, by 2002, each provided legal aid for litigation in more than 2,000 court cases; BLAST has offices in all the Divisions of Bangladesh. Four other NGOs had each provided legal aid in over 500 court cases. **[8b] (p44-47)** According to the website of the Bangladesh Embassy in Washington DC (accessed on 15 October 2006), "The Government has constituted Legal Aid Committees, headed by District Judges in 61 districts, to provide legal assistance to the poor and destitute litigants. These district level committees have been working under the National Legal Aid Committee." **[85]**

CORRUPTION IN THE JUDICIARY

13.23 Reports from Transparency International (TI) suggest a high level of corruption in the lower judiciary, in particular amongst court officials (clerks and administrators). In the Household Survey conducted in 2002 by TI, 7.6 per cent of respondents – representing 231 out of a total of 3,030 households – claimed to have had dealings with the judiciary (94 per cent of those

respondents had been to the lower courts and 3.5 per cent to the High Court). A majority (75 per cent) said that they had encountered corruption; 66 per cent reported corruption by court officials/employees, 13 per cent claimed corruption by public prosecutors, 10 per cent by lawyers representing the opposition and 9 per cent reported corruption by magistrates. **[42a] (p59-63)** According to the Summary Findings of the 2005 TI Household Survey, 66 per cent of plaintiffs and 65 per cent of accused persons claimed that they had to pay bribes in their dealings with the lower judiciary. **[42c]** In a 'Base Line' survey conducted for Transparency International in 2005 and published in 2006, 9.6 per cent of all household respondents had been involved in court cases; most of these still had cases pending. The majority of these cases were land or property-related. Asked if they had to pay a bribe to court officials, 63 per cent answered 'yes'. A majority felt that their pending cases were being deliberately delayed, mainly due to lawyers' business interests or opponents' ill motives or the court's high handedness. Hiring paid witnesses was reported by 18.7 per cent of respondents. **[42e] (pp18-19 & 47-50)**

13.24 In April 2004 it was reported in the press that a High Court judge, Syed Shahidur Rahman, had been removed from his post by the President on the recommendation of the Supreme Judicial Council; he had been accused of accepting money to fix bail for a former client. **[20ac] [39a]**

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14. ARREST AND DETENTION – LEGAL RIGHTS

See also Section 10: Arbitrary Arrest and Detention and Section 17: Opposition Groups and Political Activists

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

PREVENTIVE DETENTION AND ITS LEGISLATIVE FRAMEWORK

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

"The law does not provide for the use of warrants in all cases. Section 54 of the Criminal Procedure Code and Section 86 of the Dhaka Metropolitan Police (DMP) Ordinance provide for detention of persons on suspicion of criminal activity without an order from a magistrate or a warrant, and the government regularly arrested persons without formal charges or specific complaints. Section 144 limits gatherings of more than four people. Authorities misused ordinances during the year, and mass arrests, often politically motivated, continued to occur… According to Odhikar, during the year police arrested more than 3,900 persons under Section 54. According to the local human

rights organization Ain o Shalish Kendro (ASK), the government used Section 144 to ban assemblies of more than four people 164 times during the year." **[2a] (section 1d)**

"Authorities sometimes used Sections 54 and 86 to detain persons on false charges in order to suppress the expression of views critical of or different from those of the government. According to ASK police in Dhaka arrested large numbers of opposition party members prior to opposition rallies throughout the year [2006]. The law provides for the right to a prompt judicial determination; however, this was rarely enforced … According to Odhikar police detained 28,651 people in mass arrests throughout the year … On June 11…the government began a program of mass arrests in Dhaka ahead of an opposition-organized rally … In September,…in anticipation of opposition protests in Dhaka, the government indiscriminately arrested hundreds of persons, including opposition activists and NGO supporters, on old cases or false charges such as theft. Most detainees were released within a few days." **[2a] (section 1d)**

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

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

THE SPECIAL POWERS ACT (SPA)

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

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

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

14.06 The USSD 2003 report had noted:

"The magistrate must inform the detainee of the grounds for detention within 15 days, and the Ministry of Home Affairs must agree with the grounds presented for detention within 30 days or release the detainee. The Government does not have to charge the detainee with a statutory crime. In practice, detainees sometimes were held for longer periods. Detainees may appeal their detention, and the Government may grant early release… Detainees are allowed to consult with lawyers, although usually not until a charge is filed; however, they are not entitled to be represented by a lawyer before an advisory board. Detainees may receive visitors. In the past, the Government has held incommunicado prominent prisoners for extended periods of time. There were no such reports during the year [2003]. Historically, the vast majority of SPA detainees were released on orders from the High Court because the SPA cases were so weak and vague that the court had no alternative but to grant bail." **[2b] (section 1d)**

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

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

PRE-TRIAL DETENTION

14.08 The USSD 2006 report records: "The backlog of criminal cases was approximately 43,000 in Dhaka alone. In addition, the Ministry of Law estimated that approximately 1,200 prisoners had made no court appearance in at least six months, and many had served longer in pretrial detention than they would have had they been convicted and given the maximum sentences for their alleged crimes. According to Odhikar, approximately 75 percent of prison inmates were in pretrial detention." **[2a] (section 1d)**

14.09 BBC News reported on 5 January 2004 that the High Court had ordered the Government to reveal how many persons had been in prison for more than a year, awaiting trial. **[20aq]** USSD 2004 had stated: "During the year [2004], the Government submitted to the [High Court] a list that included 16 persons who had been in prison without trial for more than 11 years, 10 [for] over 10 years, 29 more than 9 years, 51 more than 8 years, 111 for more than 7 years, 238 for more than 6 years, 502 more than 5 years, 917 more than 4 years, 1,592 more than 3 years and 3,673 more than 2 years." On 3 August 2004, a High Court panel ordered the Government to free on bail over 7,400 detainees who had been in prison, awaiting trial, for more than 360 days. **[2d] (section 1d)** According to USSD 2005, those prisoners had not been released by the end of 2005. **[2f] (section 1d)**

BAIL

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

See Paragraph 4.24: Right to bail curbed

'SAFE CUSTODY'

14.11 The UNDP report of 2002 noted: "Women and girls who are victims of, or witnesses to, violent offences are imprisoned in many cases on the grounds that they will be in 'safe custody' for their own protection. However, orders to place women in 'safe custody' are issued by magistrates solely exercising their judicial discretion, and do not have a basis in law. …Thus, the practice of placing women and girls in 'safe custody', against their will, is illegal, having no basis in any law, including the provisions of the Code of Criminal Procedure of 1898". **[8b] (p25)**

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15. PRISON CONDITIONS

15.01 According to the USSD 2006 report:

"Prison conditions were abysmal and were a contributing factor to custodial deaths. According to press reports, 52 persons died in prison and 162 died while in the custody of police and other security forces. All prisons remained overcrowded and lacked adequate facilities. According to the Bangladeshi Society for the Enforcement of Human Rights (BSEHR), the existing prison population of 72,013 was more than 250 percent of the official prison capacity. Of the entire prison population, 23,659 had been convicted, but the rest were either awaiting trial or detained for investigation. In most cases cells were so crowded that prisoners slept in shifts … Juveniles were required by law to be detained separately from adults; however, in practice due to a lack of facilities, many juveniles were incarcerated with adults … Although the law prohibits women in safe custody from being housed with criminals, in practice, no separate facilities existed." **[2a] (section 1c)**

15.02 The International Centre for Prison Studies at King's College, London, recorded the total prison population as being 71,200 in March 2006, of whom 67.7 per cent were pre-trial detainees/remand prisoners; these figures were attributed to the Bangladesh Ministry of Law. **[78a]**

15.03 The UNDP 2002 report specified that there were then 80 prisons in the country, of which 16 were not currently functioning. The Ministry of Home Affairs, through the directorate of prisons, is responsible for their management. Overcrowding had already worsened significantly by 2002, due mainly to the large number of prisoners awaiting trial. Prisoners/detainees were accommodated either in separate cells or in *association wards*, which are dormitories accommodating about 100 to 150 individuals. Under dormitory rules, each prisoner is entitled to 36 sq. ft of floor space; however, overcrowding had reduced the space available per prisoner. In certain wards prisoners had to sleep in shifts owing to lack of space. Ordinary prisoners received 2,800 to 3,000 calories of food per day, considered satisfactory by the Institute of Public Health Nutrition; so-called "classified prisoners" received more. However, prisoners were often required to eat their meals sitting on the ground under the open sky, in all weathers. The striped, coarse uniform worn by ordinary prisoners was considered demoralising. Bedding, consisting only of two blankets, was inadequate, degrading and detrimental to physical and mental health. Prison authorities still followed statutes framed by the British colonial authorities in the nineteenth century, the main objective of which was the confinement and safe custody of prisoners through suppressive and punitive measures. There was an absence of programmes for the reform and rehabilitation of offenders and vocational training programmes did not cater for all classes of prisoners. The recruitment and training procedures of prison officers was inadequate to facilitate the reform of prisoners. The number of medical doctors was disproportionate to the size of the prison population, and women prisoners were attended to by male doctors. There were no paid nurses in prison hospitals; literate convicts worked as hospital attendants. There were no trained social welfare officers or psychologists. Handcuffing and the use of fetters were used as punishment for breaches of prison rules. **[8b] (p79-89)**

15.04 The USSD 2004 report had commented that women were detained separately from men but faced the same extremely poor conditions. **[2d] (section 1c)** United News of Bangladesh reported on 10 February 2004 that a new women's prison was being constructed at Kashimpur, near Dhaka. It will eventually accommodate 2,550 inmates. **[39f]** A United News article of 29 September 2004 noted also that a new prison was due to be opened in the district of Habiganj on 12 October 2004 – it has a separate accommodation building and separate hospital for women, as well as separate facilities for juveniles. **[39g]** On 3 October 2006, Parliament passed a law allowing release on parole of women prisoners of certain categories and their eventual freedom from imprisonment on fulfilment of certain conditions. (USSD 2006) **[2a] (section 5)**

15.05 It is stated in the USSD 2006 report: "In general the government did not permit prison visits by independent human rights monitors, including the International Committee of the Red Cross (ICRC). Government-appointed committees of prominent private citizens in each prison locality monitored prisons monthly but did not release their findings. District judges occasionally visited prisons but rarely disclosed their findings." **[2a] (section 1c)**

16. DEATH PENALTY

16.01 The Amnesty International (AI) Annual Report of 2005 (events of 2004) noted that Bangladesh retains the death penalty. **[7n]** The 2002 AI Annual Report recorded that after more than three years, the Government had resumed executions by hanging two men in February 2001. **[7g]** The 2003 AI Annual Report indicated that at least 87 people were sentenced to death in 2002, although no executions were reported to have been carried out. **[7i]** More than 130 men and women were sentenced to death in 2003 and that two men were hanged on 10 July 2003. **[7j]** Over 120 people were sentenced to death in 2004; seven people, including three policemen, were actually executed. **[7n]** An AI statement of 28 September 2006 stated that at least 217 men and women were sentenced to death in 2005; at least three individuals were actually executed. **[7p]** In 2006, at least 130 people were sentenced to death and one man was executed. (AI Report 2007) **[7r]** Six top leaders of the militant Islamist organisation Jamatul Mujahedin Bangladesh (JMB) were hanged on 29 March 2007; they had been sentenced to death in May 2006 for the murder of two judges. (*Daily Star,* 1 April 2007) **[38au]** (See paragraphs 3.62 and 4.19)

16.02 Hands Off Cain, an Italian NGO which campaigns for an end to the death penalty worldwide, stated as follows in a report of January 2006:

"The number of death sentences passed in Bangladesh increased significantly with the introduction of [Speedy Trial Tribunals established under the Disruption of Law and Order Offences Act of 2002]. According to official sources in the Ministry of Law, Justice and Parliamentary Affairs, the nine Speedy Trial Tribunals of the country dealt with 650 cases between October 2002, when they were set up, up to June 30, 2005. The tribunals passed death sentences on 311 people. On the other hand, Sessions Judges' courts of the country sentenced 123 people with death punishment from 2001 until June 30, 2005. A total of 221 people were sentenced to death by different courts of the country until 2001 since independence. On the other hand, 80 people were given death sentence in 2002, 162 in 2003, 112 in 2004 and 80 in 2005 (up to June 30), the sources said… The Ministry of Law, Justice and Parliamentary Affairs, on June 30, 2005, said there were 655 prisoners condemned to death in prisons scattered across the country. The government had only 53 cells for condemned prisoners with each cell originally made to accommodate only one convict. Bangladesh resumed executions in 2001, after a de facto three-year suspension. Two men were hanged between February and March and another in November [2001]. One execution was recorded in 2002 and two people were put to death in 2003 … At least 13 people were sent to gallows in 2004 and four in 2005." **[73a]**

16.03 Bangladesh applies the death penalty for such crimes as murder, sedition and drug-trafficking, notes Hands Off Cain. In March 1998 the Bangladesh Cabinet approved the death penalty for crimes against women and children, including trafficking and rape. Skyjacking and sabotage became capital offences in 1997. **[73a]** In 2002 the death penalty was introduced for acid attacks. (State party report to CEDAW, dated 3 January 2003.) **[47a] (p20)**

16.04 Amnesty International noted in a statement of 28 September 2006 "Prisoners sentenced to death in Bangladesh have an automatic appeal hearing before

the High Court. They can also lodge additional appeals with the High Court. They can then appeal to the Supreme Court, and after that they have the right to appeal to the President for mercy. Executions are carried out after all these appeals have been exhausted." **[7p]**

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

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17. POLITICAL AFFILIATION

17.01 The Human Rights Watch 'World Report 2006' noted "Tensions between the two main political parties, the Bangladesh National Party (BNP) and the Awami League (AL), had continued, with frequent clashes between [their supporters], as well as with police." **[10b]** Freedom House, in their 2006 report 'Freedom in the World', stated "In recent years, political violence during demonstrations and general strikes has killed hundreds of people in major cities and injured thousands, and police often use excessive force against opposition protesters. Party leaders are also targeted, and several died during the year after being attacked. Odhikar, a local nongovernmental organization (NGO), reported that there were 526 people killed in political violence throughout 2004. Student wings of political parties continue to be embroiled in violent campus conflicts." **[65b]**

17.02 Violence involving members of student political organisations occurs frequently in Bangladesh. This is not co-ordinated on a nationwide basis, but typically involves small groups of students/youths in a specific university or college or area who are vying for control of 'local turf'. In most instances over the past few years, clashes have been between activists of the Awami League-affiliated student organisation 'Bangladesh Chhatra League (BCL)' on the one side, and the BNP's 'Jatiyabadi Chhatra Dal (JCD)' and/or Jamaat-e-Islami's 'Islami Chhatra Shibir' (ICS) on the opposing side. However, this is not always the case. For example, whereas the BNP and the Jamaat-e-Islami parties are both members of the coalition government which came into power in October 2001, it was reported that at least 50 persons are injured during a clash between armed cadres of the Chhatra Shibir (Jamaat) and Chhatra Dal (BNP) at the Rajshahi University campus on 13 January 2004. On 9 December 2003, a Chhatra Shibir (Jamaat) member was killed and seven others injured in a gunfight with members of Chhatra Dal (BNP) at Moulvibazar Government College. **[59d]** The Economist Intelligence Unit had observed in a report of May 1998 "The 'capturing' of halls (dormitories) on university campuses – effective control by a student organisation affiliated to a major political party – has a long history…" **[40g]**

FREEDOM OF POLITICAL EXPRESSION

See also Section 18: Freedom of Speech and the Media and Section 6: Political System

17.03 The USSD 2006 report states "Individuals were not always able to criticize the government publicly without fear of reprisal, and the government often attempted to impede criticism by prohibiting or dispersing political gatherings." **[2a] (section 2a)** The same report records that the 2001 parliamentary elections were supervised by a non-party caretaker government and were deemed to be free and fair by international and domestic observers, though they took place in a climate of sporadic violence. **[2a] (section 3)**

FREEDOM OF ASSOCIATION AND ASSEMBLY

17.04 As noted in the USSD 2005 report:

"The law allows the government to ban assemblies of more than four persons, and according to Ain O Shalish Kendro, a local human rights NGO, the government banned rallies for security reasons 164 times during the year. The government also used mass arrests to deter demonstrators from participating in protests." **[2a] (section 2b)**

The USSD 2006 report adds "The law provides for the right of every citizen to form associations, subject to 'reasonable restrictions' in the interest of morality or public order, and the government generally respected this right. Individuals were free to join private groups." **[2a] (section 2b)**

17.05 According to a Freedom House report of June 2005:

"The Bangladesh constitution guarantees freedom of association and assembly, yet these rights were repeatedly violated by the state in 2004. Partisan supporters of the ruling coalition disrupted the meetings of the newly formed political party, BDB [Bikalpa Dhara Bangladesh], and rallies and protest marches of the AL [Awami League]. In addition, law enforcement agencies tended to apply excessive force in dealing with peaceful demonstrations and public protests." **[65a] (p73)**

The Freedom House report 'Freedom in the World 2006' states "The constitution provides for freedom of assembly, but the government frequently limits this right in practice. Demonstrators are occasionally killed or injured during clashes with police." **[65b]**

17.06 Amnesty International, in a statement dated 18 August 2005, reported attacks on Awami League gatherings by BNP supporters on 15 August 2005. Hundreds of Awami League supporters were reportedly injured. **[7o]** In 2006 there were frequent clashes between police and opposition supporters. The Awami League-led opposition alliance organised numerous 'agitation programmes' in protest against the government, including 'sieges' of government and BNP offices and transportation blockades of cities; it enforced work stoppages (*hartals*) on several occasions. During these protests police and demonstrators often clashed, resulting in deaths and injuries. (USSD 2006) **[2a] (section 2b)**

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

Politically-Motivated Detentions

17.07 The USSD 2006 report notes, "The government stated that it held no political prisoners; however, opposition parties and human rights monitors claimed the government arrested many political activists and convicted them on unfounded criminal charges." **[2a] (section 1e]**

17.08 The same report adds:

"Arbitrary arrests were common. The government used serial detentions to prevent the release of political activists." **[2a] (section 1d]**

"The government used Sections 54 and 86 to harass and intimidate members of the political opposition and their families. Police detained opposition activists prior to and during demonstrations without citing any legal authority, holding them until the event was over … It was difficult to estimate the total number of those detained for political reasons. Many activists were charged with crimes, and many criminals claimed to be political activists. Most such detentions appeared to last for several days or weeks, and defendants in most cases received bail; however, acquittal or dismissal of wrongful charges took years." **[2a] (section 1d]**

17.09 The USSD report for 2003 had noted that "In March 2002, Home Minister Altaf Hossain Chowdhury said the Government had released 11,706 persons in politically motivated cases since the BNP came to power in 2001. In April 2002, the PSA Repeal Law came into effect and gave the Government authority to determine which cases filed under the SPA law would be withdrawn and which ones would be pursued." **[2b] (section 1e)**

17.10 The *Daily Star* of Bangladesh reported on 20 April 2004: "Police and paramilitary Bangladesh Rifles (BDR) yesterday cracked down on the activists of Awami league (AL) and workers of Proshika, a non-government organisation, arresting at least 1,363 of them to foil the AL's programme to lay siege to Hawa Bhaban tomorrow." The arrests took place during a concerted Awami League programme of public demonstrations to attempt to unseat the Government; *Hawa Bhaban* is where the offices of the Bangladesh National Party (BNP) are situated. The Commissioner of the Dhaka Metropolitan Police was quoted as saying: 'It is nothing new. We are conducting routine raids to keep law and order under control'. **[38g]** On 23 April, the *Daily Star* informed: "Blanket arrests continued to smother Dhaka yesterday ahead of the Awami League's April 30 deadline for unseating the government, while anxious relatives thronged jail gates with bail documents for the release of the 'victims of mindless political manoeuvring'." Hundreds more people had been arrested since 20 April; police were said to have "picked up" at least 5,000 people arriving at bus, train and launch terminals and sent 2,910 of them to the already overcrowded Dhaka Central Jail. At the same time, 815 people had been released from the prison by the evening of 22 April. **[38h]** The *Daily Star* then reported on 27 April 2004: "The government yesterday apparently stopped mass arrests and asked the police not to harass the innocent, after more than 15,000 people were arrested in an eight-day dragnet." **[38i]**

See also Section 14: Arrest and Detention – Legal Rights

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18. FREEDOM OF SPEECH AND THE MEDIA

18.01 According to the USSD 2006 report, the law provides for freedom of speech and press; however, in practice, the Government limited these rights during 2006. **[2a] (section 2a)** The USSD 2004 report had observed: "The Constitution provides for freedom of speech and press, subject to what it deemed 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; however, in practice, the Government limited these rights." **[2d] (section 2a)** Odhikar, in its 2006 human rights report, noted that the Official Secrecy Act was still in operation, preventing reporters from collecting information from government sources. **[46c]**

18.02 The BBC News 'Country Profile: Bangladesh' (updated 5 June 2007) notes that "The main broadcasters - Radio Bangladesh and Bangladesh Television (BTV) - are state-owned and favourable to the government. Little coverage is given to the political opposition, except in the run-up to general elections when a caretaker government takes control. TV dominates media usage, especially in the cities. BTV is the sole terrestrial TV channel. Popular satellite and cable channels include ATN, Channel i, NTV, RTV, Channel One, BanglaVision and Boishakhi. The advent of these private broadcasters has had little impact in rural areas. Foreign, especially Indian, TV stations have gained large audiences in Dhaka and other cities. State-run radio covers almost the entire country." **[20am]** The website of Population Concern informs that there were, in 1995, only seven television sets per thousand people in Bangladesh (compared with 612 per thousand people in the UK). **[49]** According to Country-Data com, statistics from the early 1980s indicated that about 29 per cent of the country's urban households had radios at that time. **[48]**

18.03 The USSD 2006 report notes:

"There were hundreds of daily and weekly independent publications. Many newspapers were at times critical of government policies and activities, including those of the prime minister." **[2a] (section 2a)**

"Newspaper ownership and content were not subject to direct government restriction. The government owned or significantly influenced one radio and some television stations; however, unlike in previous years, these stations did not focus the bulk of their coverage on the government. There were six private satellite television stations in operation, and two private radio stations began broadcasting a few hours a day on a trial basis. There were also two foreign-based and -licensed satellite television stations that broadcast into the country and maintained domestic news operations. Cable operators generally functioned without government interference; however, cable operators were forced to drop several international channels, allegedly for non-payment of taxes. All private stations were also required to broadcast, without charge, selected government news programs and speeches by the prime minister and the president as a condition of operation." **[2a] (section 2a)**

"Foreign publications and films were subject to review and censorship. A government-run film censor board reviewed local and foreign films and had

the authority to censor or ban films on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism." **[2a] (section 2a)**

"The government exercised censorship most often in cases of immodest or obscene photographs, perceived misrepresentation, defamation of Islam, or objectionable comments regarding national leaders." **[2a] (section 2a)**

"There were no direct government restrictions on access to the Internet. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail." **[2a] (section 2a)**

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

18.04 The International Federation for Human Rights (FIDH), in a report on their fact-finding mission of December 2004, described a number of means by which the Bangladeshi authorities were said to indirectly limit freedom of expression in the media:

- Legislative: The FIDH report stated that "Although the Constitution enshrines the right to freedom of expression, Bangladesh presents the worrying peculiarity of multiplying seemingly overlapping pieces of legislation which all converge to impose serious restrictions on freedom of expression, as well as to access to information. Furthermore, an unfortunate practice has developed, whereby defamation cases are filed immediately, allowing for the immediate detention of the journalist concerned, irrespective of the veracity of his/her report. This creates tremendous pressure on both media outlets and individual journalists."

- Commercial: For example, the authorities could limit the volume of public sector advertising placed in certain newspapers.

- Administrative: For example, the Act which regulates the licensing of printers, publishers and editors barred the publication of material 'which is objectionable for, or offensive against, the interests of the People's Republic of Bangladesh or its government'. **[68a] (pp7-11 and 15)**

See also Section 4: State of Emergency proclaimed

TREATMENT OF JOURNALISTS

18.05 The Committee to Protect Journalists, in their report "Attacks on the Press 2006" [CPJ 2006], stated:

"For the first time in three years, CPJ documented no cases of journalists killed for their work. But members of the press were threatened, intimidated, and physically attacked by party and student activists, police, criminal gangs, and fundamentalist groups. Journalists outside of the capital, Dhaka, were at particular risk … A very active press in Bangladesh operated in relative freedom from direct government censorship. At the same time, public officials warned journalists against critical news reports in the name of protecting the image of Bangladesh … Some high-level officials also took advantage of

outdated criminal defamation laws to file cases against journalists whose critical reporting affected public perceptions … In some instances, particularly in regions outside of Dhaka, official legal action against journalists was accompanied by physical threats and violence … Little progress was made in solving a series of journalist murders. A disturbing pattern emerged in the cases of Shamsur Rahman, Manik Saha, Sheikh Belaluddin, and others killed for their work in recent years. Investigations moved slowly, suspects were released, and trials repeatedly postponed, all of which served to ensure near total impunity in the killings. **[51a]**

18.06 According to the Reporters Without Borders (Reporters sans frontières – RSF) 2007 Annual Report:

"A perpetual political crisis prevented the press from working normally in 2006. Politicians pursued numbers of abusive defamation cases, putting journalists at risk of arrest … Although no journalists lost their lives in 2006, there were almost daily violent attacks on the press by political militants, criminal gangs or the security services. Militants in the ruling political parties, especially the Bangladesh Nationalist Party (BNP) were behind the majority of press freedom violations. Threats, beatings, torchings and abusive legal action were all put to use by deputies and ministers in Khaleda Zia's government in a bid to silence the press. Threats forced more than 30 journalists to flee cities run by the BNP during 2006 … Nearly 25 news correspondents were targeted for intimidation for writing articles seen by armed groups as 'un-Islamic' … Police and the justice system also lacked determination and efficiency in pursuing investigations or trials connected to the murders of journalists [in 2005], mostly in the Khulna region. On the other hand, in March [2006], police arrested the chief suspect in the [2005] murder of Gautam Das … Despite an apparent commitment to press freedom, Prime minister Khaleda Zia proved incapable of curbing the daily incidents of violence against the press. This made it extremely difficult for them to freely cover crucial subjects… In March [2006], members of the BNP youth movement beat up 11 journalists at an opposition press conference in Sharishabari … Reporters and photographers struggled to do their job during the many street demonstrations which marked the country's political life in 2006 … Fifteen journalists were injured at the end of October, either by police or demonstrators in Dhaka, Rajshahi and Mohonganj. Eight others were hurt in the capital, including [a reporter] who was viciously beaten by members of the opposition Awami League … The privately-owned press was confronted with a significant rise in defamation cases in 2006 - more than 40 - launched by BNP deputies or ministers... A total of 18 publishers and journalists faced legal action over articles deemed to be "defamatory". **[9i]**

18.07 The Reporters Without Borders 2006 Annual Report had stated that three journalists were killed and at least 95 were physically attacked during 2005. **[9j]**

18.08 The USSD 2006 report states:

"Attacks on journalists and newspapers and efforts to intimidate them by the government, political party activists, and others occurred frequently. Attacks against journalists by political activists were common during times of political violence, and many journalists were injured by police. According to Odhikar, one journalist was killed, 183 journalists were injured, six were arrested, 53

were assaulted, and 114 were threatened during the year. [2006]." **[2a] (section 2a)**

18.09 A Committee to Protect Journalists (CPJ) press release of 3 March 2006 recorded that Salah Uddin Shoaib Choudhury, the editor of the tabloid weekly *Blitz*, was shortly to be tried in a Dhaka court on a charge of sedition. He had initially been arrested for a passport violation in November 2003 for attempting to travel to Israel to attend a conference and had spent 17 months in prison until his release in May 2005 after the passport charge was dropped; it is illegal for Bangladeshi citizens to travel to Israel. Choudhury was formally charged with sedition in February 2004; he told CPJ that he believed the sedition charge related to his journalistic work to improve relations between Israel and Muslim countries and to promote interfaith dialogue. **[51f]** A CPJ News Alert of 7 July 2006 reported that two small bombs had exploded outside the *Blitz* offices in Dhaka on 5 July, causing minor damage; two other unexploded bombs were found inside the office. No one was injured. **[51g]** The sedition trial of the editor was due to resume in September 2006, but was postponed. **[2a] (section 1e)**

18.10 BBC News reported on 11 May 2007 that journalist and human rights activist Tanseem Khalil had been arrested early that morning by plainclothes policemen, who took his passport, office equipment and papers. Khalil writes for the *Daily Star* and his own blog and reports for CNN and Human Rights Watch. He has detailed human rights abuses in the country. **[20cu]** Khalil was subsequently released on the night of 11 May. (HRW) **[10d]**

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19. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

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

"The growth of civil society and in particular nongovernmental organizations (NGOs) has been one of the great success stories in Bangladesh. Though the country has a long tradition of social activism throughout its history – the language movement being one example – the emergence of the NGO sector has been a relatively new phenomenon that began in the late 1970s. Today, NGOs are a significant provider of social services, in particular health and education, to the rural poor. Specialized microfinance institutions (MFIs) such as the Grameen Bank, pioneered the micro-credit model that has been replicated all around the world and MFIs have had considerable success in helping to provide alternative income-generating opportunities for poor women in Bangladesh. The emergence of NGOs has also played a significant role in the improvement of human development indicators and compensated, in part, for weak market and state institutions. Within the context of a rights-based approach, it should be noted that local NGOs have also played a significant role in terms of helping poor and marginalized groups to make claims for the fulfilment of their rights to education and health and secure and sustainable livelihoods. Today there are well over a thousand NGOs registered with the Government. From village cooperatives and women's groups on the one hand to large internationally recognized institutions with staff running into the thousands, civil society in Bangladesh has thrived since the restoration of democracy." **[8d] (p 69)**

The report added:

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

TREATMENT OF HUMAN RIGHTS NGOS

19.02 The USSD 2006 report states as follows:

"A wide variety of domestic and international human rights groups generally operated independently and without government restriction, investigating and publishing their findings on human rights cases. While human rights groups were often sharply critical of the government, they also practiced self-censorship, particularly on politically sensitive cases and subjects. Unlike in previous years, the government did not pressure individual human rights advocates by filing false allegations against them or by delaying re-entry visas for international human rights activists. Some local human rights organizations, however, reported that they believed the government was tapping their telephones and e-mail accounts … There were many examples of harassment by the intelligence agencies. For example, the government threatened to block foreign funding to the PRIP Trust NGO unless the organization, which championed minority rights during the 2001 general election, agreed to change the membership of its board of directors.
In mid-September police arrested 172 workers of the NGO Proshika because, according to media reports, the government believed Proshika workers intended to participate in an opposition protest (see section 1.d.).
On July 9 [2006], the government strongly criticized the local office of [Transparency International] after TI announced its annual "corruption perceptions" index and named the country the most corrupt to do business in for the fifth year in a row. Several government ministers also accused the local TI representatives of corruption. On several occasions in August and September, the government strongly criticized the Center for Policy Dialogue (CPD), which partnered with the World Economic Forum (WEF), because the WEF published critical comments regarding corruption in foreign investment in the country… At year's end [2006], Asudullah Al-Aalib was awaiting trial for the February 2005 attack on several offices of leading NGOs, such as the Grameen Bank and the Bangladesh Rural Advancement Committee (BRAC). Authorities in 2005 charged Al-Galib, the leader of Ahle Hadith, a local Islamic group, for bombing the Grameen and BRAC offices and for targeting a series of cultural events and organizations. The government cooperated with international organizations such as the UNHRC and the ICRC; however, the ICRC did not visit the country during the year. In December 2004 the Asia Pacific director of the UNHCR visited the country to investigate the status of the Rohingyas." **[2a] (section 4)**

19.03 The Amnesty International (AI) Annual Report 2005 (covering 2004) stated: "Human rights defenders continued to receive death threats and to be at risk of attacks [in 2004]. Perpetrators were believed to be linked to Islamist groups

or armed criminal gangs whose conduct the defenders had criticized." AI cited a serious attack on Dr Humayun Azad of Dhaka University by unknown assailants in February 2004, following the publication of his novel about Islamist groups. AI also noted the stabbing of a correspondent for the magazine *Weekly 2000* who had been investigating the involvement of politicians and Islamist groups in attacks on Hindus. **[7n]** The AI Annual Report 2005 added: "Non-governmental organizations (NGOs) perceived to oppose government policies were at risk of harassment." The report mentioned the arrest in May 2004 of the president and vice-president of the NGO Proshika, which was alleged to have been politically motivated. **[7o]**

19.04 An article in the *Daily Star* of 29 June 2004 noted that the president of the NGO Proshika, Qazi Faruque Ahmed, had been released on bail by the High Court in connection with several cases of graft. **[38b]** Dr Ahmed and six other Proshika officials had, according to a BBC News article of 21 June 2004, also been charged with sedition (see above). His lawyers argued that none of the charges against him were concrete and that he was being harassed by the authorities. BBC News described Proshika as one of the largest NGOs in the world, employing thousands of people in poverty alleviation, education and development projects. **[20ax]**

19.05 The International Federation for Human Rights (FIDH) report on its fact-finding mission of December 2004 commented:

"The harassment against PROSHIKA began almost as soon as the elections of 2001 were completed and the BNP [Bangladesh Nationalist Party] coalition government came into power. Directing its powerful political wand directly at the organization and its leadership, the last year has seen their offices raided, their leaders arrested with charges of unlawful activities, mismanagement of funds etc, foreign funding to most of their programs blocked and even to the extent of threatening its registration to be cancelled." **[68a] (p19)**

The same report contains details of alleged Government harassment of certain other NGOs, including the Private Rural Initiatives Project (PRIP) Trust and the International Voluntary Service (IVS), and the umbrella organisation ADAB (Association of Development Agencies of Bangladesh). **[68a] (p19-23)**

19.06 BBC News, on 17 February 2005, reported bomb attacks on the offices of two development aid organisations, the Bangladesh Rural Advancement Committee (BRAC) and Grameen Bank. At least eight of their workers were injured. The Executive Director of BRAC blamed the attack on Islamic extremists, noting BRAC's work for the empowerment of women. **[20at]** A BBC News article of 25 February 2005 quoted the Bangladeshi authorities as saying that at least 20 suspects who were arrested after the BRAC and Grameen bombings had confessed to links with the militant Islamic groups Jamatul Mujahideen Bangladesh (JMB) and Jagrata Muslim Janata Bangladesh (JMJB). **[20aw]**

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20. CORRUPTION

20.01 The NGO Transparency International (TI) ranked Bangladesh as the eighth most 'corrupt' country among 163 surveyed countries in its 2006 Corruption

Perceptions Index. **[42b]** Prior to 2006 Bangladesh had, for five consecutive years, been ranked in the TI Index as the most corrupt country in the world. The TI Index relates to perceptions of the degree of corruption in different countries, as seen by business people, academics and risk analysts. (BBC News, 18 October 2005) **[20bj]**

20.02 Dr Gareth Price of Chatham House observed in an article of January 2007: "As governments alternate, projects introduced by the previous administration are assumed to have stemmed from corrupt deals. Consequently, they are stopped. Corruption, and accusations thereof, are now beginning to directly affect the country's infrastructure." **[88a]**

20.03 In a 'Base Line' survey conducted for Transparency International Bangladesh, fieldwork for which was done in August 2005, respondents named their local *thana* police office as the most corrupt public office, followed by the court (judiciary). **[42e] (page 80)**

20.04 The Government formally constituted an Anti-Corruption Commission (ACC) on 21 November 2004. The ACC absorbed most of the 950 staff of the dissolved Bureau of Anti-Corruption and was headed by a retired High Court judge. **[40b] (p14)** The Awami League described the appointment of the Chairman of the ACC, by the President, as politically partisan and unconstitutional. (UNB, 2 December 2004) **[39e]** Transparency International's 'Global Corruption Report 2006' noted that public interest litigation challenging the Chairman's appointment was filed in the High Court in March 2005. The report also recorded that there had been disputes over staffing in the ACC and that the Commission had annulled its decision to rehire the former staff of the defunct Bureau of Anti-Corruption. **[42d] (p127)** The Global Corruption Report 2006 stated "Despite the powers bestowed on it, the commission has failed to take specific policy measures in the past five months, or to convey to the public any sense of its strategy for fighting corruption. Instead, it has limited its mandate to a number of ad hoc decisions that demonstrate lack of vision and poor performance." **[42d] (p128)** Noted the USSD 2006 report: "The three-member anticorruption commission, established in 2004, had little effect on combating corruption and focused in the past two years largely on organizational challenges." **[2a] (section 3)** On 7 February 2007 the Chairman and two commissioners of the Anti-Corruption Commission (AAC) announced their resignations, following a discussion with the President. (*Daily Star*) **[38bd]**

20.05 On 15 February 2007 Bangladesh signed the United Nations Convention against Corruption (UNCAC). (Transparency International, 15 February 2007) **[42f]**

20.06 The Caretaker Government, on 22 February, appointed former army chief Lieutenant-General Hasan Mashud Chowdhury as the new Chairman of the Anti-Corruption Commission. A former customs commissioner and a High Court justice were named as his deputies. (Aljazera, 22 February 2007) **[91a]** The AAC was assisted in its investigations by the National Co-ordination Committee on Combating Corruption and Crime. In February 2007 the Government had formed 40 task forces in Dhaka alone, under this committee, to probe allegations of corruption. (*Daily Star*, 19 April 2007) **[38bi]** On 22 March 2007 the Government promulgated an amendment to the rules under the Emergency Powers Ordinance 2007, giving sweeping powers to the Anti-Corruption Commission to investigate, arrest and seize property without the

permission of the Government. The amendment was given retrospective effect from 13 February.

See Section 4: Anti-Corruption Commission (AAC) strengthened and High profile arrests on corruption and other charges

Corruption in the lower Judiciary

20.07 Transparency International, in a Household Survey in 2002, found that 7.6 per cent of respondents – representing 231 out of a total of 3030 households – claimed to have had dealings with the Judiciary (94 per cent of those respondents had been to the lower courts and 3.5 per cent to the high court). A majority (75%) of these said that they had encountered corruption; 66 per cent reported corruption by court officials/employees, 13 per cent claimed corruption by public prosecutors, 10 per cent by lawyers representing the opposition and 9 per cent reported corruption by magistrates. **[42a] (p59-63)** According to the 'Summary Findings' of the 2005 TI Household Survey, 66 per cent of plaintiffs and 65 per cent of accused persons claimed that they had to pay bribes in their dealings with the lower judiciary. **[42c]**

20.08 Of all household respondents in the 'Base Line' survey conducted for Transparency International in 2005 and published in 2006, 9.6 per cent had been involved in court cases. The majority of these cases were land or property-related. Asked if they had to pay a bribe to court officials, 63 per cent said 'yes'. A majority felt that their pending cases were being deliberately delayed. Almost 9 out of 10 respondents had a low opinion of the integrity of the courts, answering affirmatively to the question "It is impossible to get quick and just settlement without money or influence." **[42e] (p47-50)**

Corruption in the Police Force

20.09 As detailed in Section 10, a study published in 2002 by Transparency International (TI) found that 84 per cent of those respondents who had dealings with the police claimed to have encountered corruption; in most cases this pertained to bribery. **[42a] (pp52-58))** In the 'Base Line' survey published in 2006 on behalf of TI, over 90 per cent of all respondents expressed agreement with the statement "It is impossible to get any help from the police without money or influence." **[42e] (p58)**

See Section 10: Police and Auxiliary Paramilitary Forces: Accountability

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21. FREEDOM OF RELIGION

INTRODUCTION

21.01 The U.S. State Department's International Religious Freedom Report published in September 2006 (2006 Religious Freedom Report) records:

"Sunni Muslims constituted 88 percent of the population. Approximately 10 percent of the population was Hindu. The remainder was mainly Christian (mostly Roman Catholic) and Theravada-Hinayana Buddhist. Ethnic and

religious minority communities often overlapped and were concentrated in the Chittagong Hill Tracts and northern regions. Buddhists were found predominantly among the indigenous (non-Bengali) populations of the Chittagong Hill Tracts. Bengali and ethnic minority Christians could be found in many communities across the country ... There also were small populations of Shi'a Muslims, Sikhs, Baha'is, animists, and Ahmadis. Estimates of their numbers varied from a few thousand to 100,000 adherents for each faith …Religion was an important part of community identity for citizens, including those who do not participate actively in religious prayers or services A national survey in late 2003 confirmed that religion was the first choice by a citizen for self-identification; atheism was extremely rare." **[2c] (section 1)**

The 1991 Census reported that there were then over 11 million Hindus, 623,000 Buddhists and 346,000 Christians in the country. **[43b]**

21.02 The 2006 Religious Freedom Report states "The Constitution establishes Islam as the state religion but provides for the right to profess, practice, or propagate – subject to law, public order, and morality – the religion of one's choice. It also states that every religious community or denomination has the right to establish, maintain, and manage its religious institutions." **[2c] (introduction)** The report continues:

"While the Government publicly supported freedom of religion, attacks on religious and ethnic minorities continued to be a problem. Protests demanding that Ahmadis be declared non-Muslims and instances of harassment continued sporadically, but the Government generally acted in an effective manner to protect Ahmadis and their property and refused to give in to any of the protesters' demands …Citizens were generally free to practice the religion of their choice; however, government officials, including the police, were often ineffective in upholding law and order and were sometimes slow to assist religious minority victims of harassment and violence. The Government and many civil society leaders stated that violence against religious minorities normally had political or economic motivations and could not be attributed only to religion … The generally amicable relationships among religious groups in society contributed to religious freedom; however, Hindu, Christian, and Buddhist minorities experienced discrimination and sometimes violence by the Muslim majority. Harassment of Ahmadis continued along with protests demanding that Ahmadis be declared non-Muslims." **[2c] (introduction)**

21.03 The USSD 2006 report notes "The government allowed various religions to establish places of worship, train clergy, travel for religious purposes, and maintain links with co-religionists abroad." The law permits citizens to proselytise. **[2a] (section 2c)** The 2006 Religious Freedom Report states "Shari'a (Islamic law) was not implemented formally and was not imposed on non-Muslims but played an influential role in civil matters pertaining to the Muslim community … Family laws concerning marriage, divorce, and adoption differed slightly depending on the religion of the persons involved. Each religion had its own set of family laws … There were no legal restrictions on marriage between members of different faiths." The report further notes that "Religion was taught in government schools, and parents had the right to have their children taught in their own religion; however, some claimed that many government-employed religious teachers of minority religious groups were neither members of the religion they taught nor qualified to teach it." **[2c] (section II)** A BBC News article of 25 February 2005 noted that thousands

of *madrassas* – or Islamic schools – have opened across the country. "In 1970 there were 1,500 madrassas registered with the government. Today there are nearly 8,000. Tens of thousands more have been set up unofficially and are outside official control." Critics of madrassas claim that some could be exploiting the zeal of students to recruit them to extremist groups. **[20aw]** The 2005 Religious Freedom Report quoted a "recent" US Government study as stating that there are "at least 25,000" madrassas in Bangladesh, some government funded and some privately funded and run. The report added: "There are no known government-run Hindu, Buddhist or Christian schools." **[2i] (section II)** An Asian Centre for Human Rights (ACHR) report of November 2005 carried an estimate that there were 64,000 madrassas in Bangladesh. **[53c] (p8)** (See section on Children: Education)

21.04 The 2006 Religious Freedom Report comments "Religion exerts a powerful influence on politics, and the Government was sensitive to the Muslim consciousness of its political allies [the Jamaat-e-Islami and Islami Okiyya Jote political parties] and the majority of its citizens." **[2c] (introduction)** According to the report, "The Government took steps to promote interfaith understanding. For example, government leaders issued statements on the eve of religious holidays calling for peace and warned that action would be taken against those attempting to disrupt the celebrations. Through additional security deployments and public statements, the Government promoted the peaceful celebration of Christian and Hindu festivals, including Durga Puja, Christmas, and Easter." **[2c] (section II)**

21.05 An article in *The Guardian* (UK) of 21 July 2003 stated, *inter alia*:

"Evidence is emerging that the oppression of minorities is becoming systematic. Bangladesh, which is 85 per cent Muslim but has a long tradition of tolerance to religious minorities, is, say local organisations, being pushed towards fundamentalism by the Jamaat-e-Islami, which is growing rapidly in rural areas with the deepest poverty and runs two key ministries." **[55a]**

"'This is like a silent revolution. We are returning to the dark ages', a leading lawyer said, asking not to be named …'I think the backdrop is being created for the introduction of strict sharia laws. You see extremist rightwing fundamentalists infiltrating every professional area, in the appointment of the judiciary, the law, medicine and in education. They are capturing key positions in government, the universities and institutions'." **[55a]**

"Thousands of Bangladeshis are thought to have crossed the border to India in the past two years. It is impossible to verify numbers because New Delhi will not release records, but Dhaka's statistics show the Muslim majority increasing dramatically and the Hindu, Buddhist, Christian and other minorities declining." **[55a]**

"Leading Islamic scholars are appalled by the repression and the rise of fundamentalism. 'What we are seeing is the Talibanisation of Bangladesh,' Maolama Abdul Awal, former director of the Bangladesh Islamic Foundation, said. 'If we allow them to continue ... [minorities] will be eliminated. Bangladesh will become a fascist country'." **[55a]**

21.06 A *Time Magazine* (Asia edition) article, in the 12 April 2004 issue, described the extent of corruption and criminal violence in the country and commented:

"Making the violence more toxic is the spread of a brand of intolerant Islamic fundamentalism in a country with a history of religious tolerance. Bangladesh's Hindus, who constitute about 10 per cent of the population of the predominantly Muslim nation, say they are increasingly being intimidated by gangs of Islamic fundamentalists, who attack them in their homes, warn them to pack up and leave for India and, for good measure, extort ransom from them." **[54a]**

21.07 The 2006 Religious Freedom Report notes:

"Since the 2001 elections, attacks on religious minorities have led to the routine posting of law enforcement personnel during major religious festivals and events, since festivals tend to attract large congregations that make easy and more attractive targets. Reported incidents included killings, rape, torture, attacks on places of worship, destruction of homes, forced evictions, and desecration of items of worship. These claims continued during the period covered by this report [July 2005 to June 2006]; however, many such reports could not be verified independently, and there were incidents of members of the Muslim community attacking each other on holidays as well, due to a perception that some events were un-Islamic. The Government sometimes failed to investigate the crimes and prosecute the perpetrators, who were often local gang leaders … There were no reported abuses targeted at specific religious groups by terrorist organizations during the period covered by this report. However, the banned extremist group Jama'atul Mujahideen Bangladesh (JMB) attacked a variety of government and civil society targets [in 2005] on the grounds they supported secular governance [or promoted 'un-Islamic' practices]." **[2c] (section II)**

21.08 The Human Rights Watch (HRW) World Report 2006 has stated "Throughout 2005, there were persistent reports of abductions and forced conversions of minorities, and destruction and desecration of religious sites." **[10b]**

21.09 The UK Bangladesh Hindu Baudha Christian Unity Council (BHBCUC), an independent human rights organisation, has provided a series of reports listing a total of 310 incidents of violent and other crime or acts of intimidation which occurred in Bangladesh during the six-month period October 2006 to March 2007 – in which the victims were members of minority religious communities, or in which sacred images or property belonging to religious minorities was destroyed or damaged. It is not clear from the reports how many of these criminal incidents were religiously motivated. In most cases the perpetrators were said to be either "fundamentalists" or "miscreants". Most of these incidents had been reported in the press in Bangladesh. **[57a]** (These data were supplied to the UK BHBCUC by the Bangladesh Hindu Bouddha Christian Oikya Parishad (BHBCOP) in Dhaka. Copies of monthly reports, which detail each specific incident, are enclosed with the source material marked **[57a]**.)

Fatwas

21.10 As was stated in the USSD 2004 report "In 2001, the High Court ruled illegal all fatwas, or expert opinions on Islamic law. While the Court's intention was to end the extrajudicial enforcement of penalties by religious leaders, the 2001 ruling, which generated violent protests, declared all fatwas illegal. Several weeks later, the Appellate Court stayed the High Court's ruling. No date was

set for rehearing the issue." **[2b] (section 2c)** According to USSD 2006, only those Muftis (religious scholars) who have expertise in Islamic law can legitimately issue a fatwa. In practice, however, village religious leaders sometimes make rulings in individual cases and call the ruling a fatwa. Sometimes this resulted in extrajudicial punishments, often against women, for their perceived moral transgressions, particularly in rural areas. **[2a] (section 5)** A BBC News article of 13 February 2001 noted that punishments could vary from public naming and shaming to physical mutilation. **[20g]** USSD 2005 recorded: "Human rights groups and press reports indicated that vigilantism against women for perceived moral transgressions occurred in rural areas, often under a fatwa… and included punishments such as whipping. A local human rights organization recorded 35 incidents of fatwas calling for physical violence and social ostracization." **[2f] (section 1c)**

HINDUS

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

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

The report added:

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

(CHR, Report of the Special Rapporteur on violence against women 14 January 2003)" **[45c] (p20-21)**

21.12 The 2006 Religious Freedom Report states:

"Reports of BNP harassment, violence and rape of Hindus, who many believed supported the AL, preceded and followed the 2001 election. The high court ordered the Government to report on these attacks and to demonstrate that it was taking adequate steps to protect religious minorities. The Government submitted its report to the high court in 2002, claiming that incidents of post-election violence were not connected to communal relations and that some reports of violence were fabricated or exaggerated. Since then, neither the high court nor the Government has taken further action." **[2c] (section II)**

21.13 As was outlined in the 2003 Religious Freedom Report:

"Inter-communal violence caused many Hindus to emigrate to India between 1947 and 1971 and continued on a smaller scale throughout the 1980s. Since the 1991 return to democracy, emigration of Hindus has decreased significantly, which generally can be attributed to the significant reduction in the Hindu population over the last 30 years. In recent years, emigration has been primarily motivated by economic and family reasons. Nevertheless, incidents of communal violence continue to occur." **[2g] (p4)**

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

21.14 According to the 2006 Religious Freedom Report:

"Many Hindus have been unable to recover landholdings lost because of discrimination under the now-defunct Vested Property Act. The act was an East Pakistan-era law that allowed 'enemy' (in practice Hindu) lands to be expropriated by the Government. Approximately 2.5 million acres of land were seized from Hindus, and almost all of the 10 million Hindus in the country were affected. In April 2001, parliament passed the Vested Property Return Act, stipulating that land remaining under government control that was seized under the Vested Property Act be returned to its original owners, provided that the original owners or their heirs remained resident citizens. The Government was required to prepare a list of vested property holdings by October 2001, and claims were to have been filed within ninety days of the publication date. In 2002, parliament passed an amendment to the Vested Property Return Act, which allowed the Government unlimited time to return the vested properties and gave control of the properties, including the right to lease them, to local government employees. By the end of the period covered by this report [June 2006], the Government had not prepared a list of such properties." **[2c] (section II)**

The USSD 2006 report notes "As in previous years the government failed to prepare a list of property that was expropriated by the government from Hindus following the 1965 India-Pakistan War." **[2a] (section 2c)**

21.15 A particularly serious attack took place on 19 November 2003. The 2005 Religious Freedom Report referred to this incident as follows:

"In 2003, 11 members of a Hindu family burned to death after assailants set fire to their home near the port city of Chittagong. BDG officials ascribed the crime to robbers following a failed robbery attempt, but the opposition Awami League alleged that BNP members attacked the family as part of a local anti-Hindu cleansing effort. A local human rights NGO claimed that the attack was a planned assault on the family because of its Hindu faith. Government ministers visited the home within a few days of the incident and promised action against the perpetrators. Within a month of the attack police arrested 5 persons, 3 of whom confessed to the magistrate and claimed that 14 persons were involved in what they said was an attempted robbery. At the conclusion of the period covered by this report [30 June 2005], police have submitted their investigations to court twice but the Public Prosecutor has declared the investigations 'faulty', so a third round of investigation was in process." **[2i] (section II)**

The 2006 Religious Freedom Report noted that, as of June 2006, no charges had yet been filed in this case and a third round of investigation was in progress. **[2c] (section II)**

21.16 The Press Trust of India, on 2 January 2004, relayed a report in the newspaper *The Daily Janakantha* that 30 Hindu people had been injured and 20 houses burnt down in an attack on a village in Natore district. The attackers, numbering about 50, were said to have been led by Moslemuddin, a local BNP leader. Victims said the attack had centred around a property dispute. **[56a]** The same article recorded that the Government had given Taka 4 *lakhs* (Tk 400,000) to relatives of the victims of the 19 November 2003 attack near Chittagong, towards their rehabilitation. **[56a]**

21.17 The 2004 Religious Freedom Report had stated: "In January [2004] a Hindu temple and three houses belonging to Hindus in Chittagong were burned. According to a prominent human rights NGO, the temple was on disputed ground, and the temple priest sought to expand temple lands. Subsequently, there was conflict between the police, the local fire brigade, and Hindu devotees, who accused the police of destroying the temple. They attacked the police and fire brigade personnel with stones and incendiary devices. There has been no subsequent legal action." **[2h] (section II)** The *Daily Star* reported on 25 August 2004 that 22 houses belonging to Hindus had been set ablaze in a remote village in Pirgachha upazila, apparently by 30 to 40 armed "mobsters" with alleged links to the ruling BNP. The perpetrators left with a "booty" of 18 cows and about Tk 60,000 in cash. **[38k]**

21.18 Freedom House, in a report of June 2005, noted:

"As with the Ahmadiyya mosques, the government also took steps to provide police protection for the religious festivals of other minorities, most notably the Hindus. No major incident of Hindu-Muslim communal violence was reported in the media in 2004. However, over the past few decades, Hindus have faced continual discrimination. For example, immediately following the 2001 elections, the Hindus were subjected to various forms of violence including killing, assault, rape, ransom-seeking, and loss of property." **[65a] (p73)**

21.19 According to the HRW World Report 2006 "There were (also) many reports of forced evictions of Hindus from their properties [during 2005]. In some cases of reported rape of Hindu girls, the police refused to pursue investigations." **[10b]** A report from the Immigration and Refugee Board (IRB) of Canada, dated 4 August 2006, quoted various other sources in stating that, in 2005 and 2006, reported incidents in which Hindus were the victims have included rape, "torture" [sic], kidnappings, land grabbing and forced evictions, as well as the destruction of Hindu temples and/or religious icons. Some of these incidents were reportedly carried out by BNP supporters and Islamic "extremists". According to the IRB document, the *Daily Star* reported in January 2006 that "land grabbers" had killed two Hindus and injured several others; the authorities appeared to be "turning a blind eye" to the incident. **[3u]**

21.20 In September 2006, shortly before the annual Hindu festival of Durga Puja, newspapers reported that several idols of the Hindu goddess Durga were vandalized in various parts of the country, including Cox's Bazar, Nilphamari, Maulvi Bazar and Tongail. (USSD 2006) **[2a] (section 2c)** As mentioned in paragraph 21.09 above, the UK Bangladesh Hindu Baudha Christian Unity Council (BHBCUC), an independent human rights organisation, has provided a listing of numerous other criminal incidents and acts of intimidation which occurred in Bangladesh during the period October 2006 to March 2007 – in which the victims were members of the Hindu (or another religious minority) community, or in which Hindu sacred images or property were destroyed or damaged. (Copies of monthly reports, which detail each specific incident, are enclosed with the source material.) **[57a]**

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BUDDHISTS

21.21 As stated in a report of the Canadian Immigration and Refugee Board (IRB) dated 16 August 2005, the majority of the Jumma people of the Chittagong Hill Tracts practice Buddhism. **[3v]** For further information on the treatment of Buddhists, therefore, refer to Section 22: The Indigenous Jumma Peoples of the Chittagong Hill Tracts.

21.22 The 1991 Census showed that there were then 623,000 Buddhists in Bangladesh, of whom 574,000 were living in the Division of Chittagong. **[43b]** According to an estimate quoted by BuddhaNet, the Australian-based website of the Buddha Dharma Education Association, there were about 1 million Buddhists in Bangladesh by 2004, living mainly in the area of the city of Chittagong, the Chittagong Hill Tracts (CHT), Comilla, Noakhali, Cox's Bazar and in Barisal. The Buddhists of Bangladesh belong to four groups of nations who have been gradually mixed together; the groups are the Austic, the Tibeto-Burman, the Draviyans and the Aryans. According to historians the Tibeto-Burman consists of three tribes – the Pyu, the Kanyan and the Thet (Chakma). The Chakma tribes primarily reside in the Chittagong Hill Tracts. The Kanyan tribe is known as the Rakhine (Arakanese) group who still live in the South-Eastern part of Chittagong district. The plain Buddhists of Bangladesh, known as the Burua-Buddhist, are the ancient peoples of Bangladesh who have lived there for five thousand years, according to Arakanese chronology. **[87]**

21.23 United News of Bangladesh announced on 29 August 2004 that six persons had been found guilty and sentenced to death for the April 2002 murder of a Buddhist monk, Gyan Jyoti Mohasthobir, in Raojan upazila. The murder was attributed to a property dispute. **[39d]** However, reports obtained from the UK Bangladesh Hindu Baudha Christian Unity Council (BHBCUC) indicate that there have, on occasion, been religiously motivated attacks against the Buddhist community. For example, it was reported on 16 June 2006 that a Buddhist temple (Bihar) in the village of Maischari, in Khakdachari District, had been set on fire by Islamic fundamentalists. **[57a]**

THE AHMADIYYA COMMUNITY (ALTERNATIVELY AHMADIS OR KADIYANIS OR QADIANIS)

21.24 The Ahmadiyya community was founded in the 1880s by Mirza Ghulam Ahmad, who was born in the Punjab town of Qadiyan, according to a report of the Canadian IRB dated June 1991. It later split into two groups, of which Qadiani is the larger; the other is the Lahore branch. While they identify as a Muslim community, Ahmadiyyas are considered heretics by mainstream Islam. **[3m] [20ay]** The Human Rights Watch report of June 2005, "Breach of Faith: Persecution of the Ahmadiyya Community in Bangladesh" (HRW 2005 Ahmadiyya report), relates that Mirza Ghulam Ahmad declared himself to be the expected *mahdi*, or messiah of the latter days. According to this HRW report: "Virtually all mainstream Muslim sects believe that Ahmad proclaimed himself as a prophet, thereby rejecting a fundamental tenet of Islam: *Khatme Nabuwat* (literally, the belief in the 'finality of prophethood' – that the Prophet Mohammed was the last of the line of prophets leading back through Jesus, Moses, and Abraham)." **[10a] (p7)** In an Amnesty International (AI) report of 23 April 2004, entitled "The Ahmadiyya Community – their rights must be protected", it was estimated that there are about 100,000 Ahmadiyyas in Bangladesh. **[7k]** The HRW 2005 Ahmadiyya report notes that the Ahmadiyya community is also derogatorily referred to by some as the "Qadiani" (or "Kadiyani") community, a term derived from Ahmad's birthplace. **[10a] (p7)**

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

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

> "Members of the 'Ahmadiyya Muslim Jamaat', a religious community which considers itself a sect of Islam, has been the target of a campaign of hate speech organized by a number of Islamist groups in the country in recent months.
>
> "These groups have mobilised crowds to chant anti-Ahmadiyya slogans, have sought confiscation of Ahmadi mosques, and have demanded that the government declare the sect non-Muslim. Members of the Ahmadiyya

community in Bangladesh, about 100,000 in number, have been living in fear of attack, looting and killing since around October 2003 when the Anti-Ahmadi agitations began…The agitators have been involved in 'excommunication' and illegal house arrest of Ahmadis, the killing of an Ahmadi Imam (preacher), beating of Ahmadis, and marches to occupy Ahmadi mosques… While the Government of Bangladesh has acted to prevent the crowds from entering Ahmadi mosques, it has taken no action against the perpetrators of the hate campaign. Fundamental rights of the Ahmadis have been further violated by a government ban on their publications." **[7k] (p1)**

The same AI report records that on 31 October 2003, the Imam of an Ahmadi mosque in Jessore district was beaten to death after he refused to recant his faith; no charges had been brought against his attackers by the time the AI report was published. **[7k] (p1)**

21.27 On 9 January 2004 Agence France-Presse reported: "Bangladesh banned publications of the Ahmadiyyas, a minority Muslim movement, from Friday after pressure from rival Islamic hardliners, officials said. The Home Ministry banned the sale, distribution and possession of publications by the Ahmadiyyas, estimated to number 100,000 in Bangladesh …'The ban was imposed in view of objectionable materials in such publications that hurt or might hurt the sentiments of the majority Muslim population', a Home Ministry statement said late Thursday [8 January]." **[23f]** The AI report of 23 April 2004 detailed that the ban on Ahmadiyya publications included any translations, with interpretations, of the Koran. The report commented: "The ban highlighted the possibility that the government had yielded to pressure from anti-Ahmadi Islamist groups. According to reports in Bangladeshi newspapers, it had been imposed at the instigation of Islami Oikya Jote, a political party and junior partner in the coalition government." **[7k] (p2)** BBC News announced on 21 December 2004 that the High Court had temporarily suspended the Government's ban on Ahmadiyya publications. **[20ay]** The HRW 2005 Ahmadiyya report provides the following detail:

"On December 21, 2004, while not in session, Bangladesh's High Court temporarily suspended the order of January 8, 2004 banning the Ahmadiyya publications in response to a legal challenge launched by human rights groups in the country. The court issued an interim stay order suspending the ban pending the reopening of the High Court. It also directed that the ban not be notified in the official Bangladesh gazette. In January 2005, the High Court extended the stay order and it remained in effect at this writing [mid-2005]." **[10a] (p31-32]**

The HRW report noted that any order banning Ahmadiyya publications would have to be published in the Bangladesh government gazette in order to have legal effect. **[10a] (p30]**

The USSD 2006 report observed that, by the end of 2006, the government ban on publishing Ahmadiyya literature remained stayed by the High Court, effectively allowing the publication of material. **[2a] (section 2c)**

21.28 The HRW 2005 Ahmadiyya report states:

"Throughout 2004 and into 2005, the Khatme Nabuwat (K.N.), an umbrella organization of Islamist groups dedicated to the preservation of 'the finality of

the prophethood' of Mohammad, has threatened the Ahmadiyya community with attacks on their mosques and campaigned for Ahmadis to be declared non-Muslim. The K.N. enjoys links to the governing Bangladesh National Party (BNP) through the BNP's coalition partners, the Jama'at-e-Islami (J.I.) and the Islami Okye Jote (IOJ)." **[10a] (p2)**

The report adds: "Since the government ban on Ahmadiyya publications was introduced [see 6.59 above], anti-Ahmadi activities have continued and intensified across Bangladesh. These incidents have included massive anti-Ahmadi rallies, threats against members of the group, attacks on mosques, the refusal to allow Ahmadi children to go to school, and the confiscation of Ahmadiyya publications." **[10a] (p3)**

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

21.29 The USSD 2004 report related "In April [2004], police failed to prevent Muslim demonstrators from destroying 12 houses belonging to Ahmadiyas and harassing 15 converted Ahmadiya men and women in a village in Rangpur. The converts were held against their will for several hours and pressured to renounce their new faith by some local Muslims." **[2d] (section 2c)** The 2004 Religious Freedom Report recorded that no legal action had been taken against their assailants. **[2h] (section III)**

21.30 The *Daily Star* of 29 August 2004 reported that the police had "foiled" plans by religious extremists to lay siege to the Ahmadiyya central complex in Dhaka on Friday 27 August. **[38j]** (An Amnesty International release of 25 August 2004 had stated that Islamist leaders had threatened to attack the Ahmadiyya complex on 27 August unless the Government declared the sect to be 'non-Muslim'. **[7l]** A Financial Times Information report of 28 August 2004 noted that fourteen platoons of police had been deployed to protect the Ahmadiyya complex. **[21d]** USSD 2004 indicated that the threats against the Ahmadiyya community were coming primarily from members of the groups 'Khatme Nabuwat Movement/Committee' and 'Aamra Dhakabashi'. On August 27 [2004] the police arrested four leaders of Aamra Dhakabashi prior to the planned siege of the Ahmadiyya complex in Dhaka. **[2d] (section 2c)** The *Daily Star* announced on 9 October 2004 that, on 7 October, hundreds of Islamist "zealots" under the banner of the Khatme Nabuwat Committee had attempted to "capture" an Ahmadiyya mosque in Narayanganj, but that they had been prevented from doing so by the security forces and by eleven cultural and religious bodies who staged a counter-demonstration. **[38u]** However, the *Daily Star* reported on 30 October 2004 that "orthodox Muslim fanatics" had razed an Ahmadiyya mosque at Bhadughar in Brahmanbaria on 29 October, minutes before the start of Juma (Friday) prayers. The mob forced their way into the mosque and went on a rampage inside it; they then broke away the bamboo walls, while hundreds chanted anti-Ahmadiyya slogans outside. At least 11 people were injured; the Imam of the mosque was in a critical condition after being hit with an axe. [The Imam reportedly died from his injuries en route to hospital.] The mob then vandalised the nearby homes of 12 Ahmadi families. Police arrived at the scene an hour after the incident but did not make any

arrests; they apparently only cautioned the leaders of the anti-Ahmadiyya groups and some influential local people against any further attacks. **[38v]**

21.31 The Human Rights Watch (HRW) World Report 2006 notes "Attacks on Ahmadiyya homes and places of worship continued in 2005. Although human rights groups and journalists documented these attacks, the government to date has not prosecuted any of the responsible individuals and has not disciplined police who failed to protect victims." **[10b]** The HRW 2005 Ahmadiyya report recorded that, on 11 March 2005 at Seuzgari in the northern district of Bogra, around ten thousand supporters of the Khatme Nabuwat (KN) movement gathered and, with the active participation of the local police, hung a signboard on the local Ahmadiyya mosque which read: "A place of worship of the Qadianis in Bogra Town; no Muslim should be deceived into considering it a mosque". **[10a] (p38)** The HRW 2005 Ahmadiyya report also details an attack on the Ahmadiyya community on 17 April 2005 in Joytidrianagar, a remote village in the south-western Satkhira district. A mob led by Khatme Nabuwat sought to place on the Ahmadi mosque a signboard reading: "This is a place of worship for Kadianis; no Muslim should mistake it for a mosque". When the mob met with resistance from members of the local Ahmadiyya community it retaliated, injuring at least 25 people. The police, instead of preventing the incident from occurring, apparently sought to contain the situation by taking possession of the signboard and hanging it themselves on the Ahmadi mosque. Afterwards, KN activists went on the rampage, looting nearby Ahmadiyya homes and injuring many Ahmadis in the process, some of them seriously. **[10a] (p2)**

21.32 On 22 June 2005, an Ahmadiyya mosque in Nator was set ablaze. (USSD 2005) Two days later, several bombs were detonated at an Ahmadiyya mosque in Brahmanbaria and four bombs at an Ahmadiyya mosque in Bhadugarh in the Branmanbaria area. Eight persons were arrested in connection with these attacks. **[2f] (section 2c)**

21.33 The *Daily Star* reported on 19 July 2005: "Local zealots yesterday vandalised an under-construction Ahmadiyya mosque in the presence of police at Dakshin Khan in city's Uttara [in Dhaka district], causing panic among the sect members. The Ahmadiyyas alleged that the religious bigots have been obstructing the construction work since it began in February this year." A local BNP leader was quoted as saying: "We have never asked them [Ahmadiyyas] not to build any mosque on their land … They have a mosque on their land for years." **[38z]** BBC News reported on 23 December 2005 that hundreds of Khatme Nabuwat (KN) supporters had marched on an Ahmadiyya mosque in Dhaka the previous day and attempted to hang a sign saying that that the Ahmadiyya mosque was not a mosque. Police used batons and teargas to disperse the KN supporters; at least ten people, including some policemen, were injured in the clash. The Junior Religious Affairs Minister reportedly described as "not acceptable" the demand that the Government enact a law to declare the Ahmadiyya non-Muslim. **[20bv]**

21.34 The 2006 Religious Freedom Report recorded that, in June 2006, Khatme Nabuwat Andolon Bangladesh (KNAB), a splinter group of Khatme Nabuwat Bangladesh, again issued demands that the Government declare Ahmadis to be non-Muslims. On 23 June 2006 around 1,500 to 2,000 KNAB-led marchers attempted to seize an Ahmadiyya mosque near Dhaka, but were prevented from doing so by some 3,000 police who had been rapidly deployed to the

scene. **[2c] (section III)** The 2006 Religious Freedom Report noted further that, during the year July 2005 to June 2006: "The government continued not to enforce the ban on Ahmaddiya [sic] publications. Furthermore, protesters were generally stopped from hanging signs outside of Ahmaddiya mosques declaring them non-mosques or threatening the lives or property of Ahmadis. This contrasted sharply from previous years, when police sometimes facilitated the hanging of such signs." **[2c] (section II)** On 6 October 2006, Khatme Nabuwat demonstrators attempted to seize the Ahmadiyya mosque in Nakhalpara in Dhaka, but were prevented by police from reaching the mosque. (USSD 2006) **[2a] (section 2c)** Eight people were arrested in 2006 in connection with the June 2005 arson and bombings at Ahmadiyya mosques in Nator, Brahhmanbaria and Bhadugarh. (USSD 2006) **[2a] (section 2c)**

21.35 On 1 May 2007, bomb explosions took place simultaneously at railway stations in the cities of Dhaka, Sylhet and Chittagong, injuring one man and causing panic among commuters. Messages left at two of the sites said the attacks had been carried out by Jadid (new) al-Qaeda Bangladesh. The messages, etched into metal plates, contained a warning against the Ahmadiyya community and NGOs, which was translated as reading: "The Kadiyanis and NGOs prepare for death. It is *haram* (prohibited) to work in NGOs and having relation (sic) with the Kadiyanis. All must quit NGO jobs by 10 May, all Kadiyanis must recognise Prophet Muhammad (SM) as the last and best prophet and if you fail to do it before the aforesaid time, your death is a must." (BBC News, 3 May 2007) **[20cn] [20co]**

CHRISTIANS

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

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

celebrations in 2005, the government reportedly tightened security at churches across the country following a series of Islamic militant bombings earlier that year." **[3t]**

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

21.37 The 2004 Religious Freedom Report recorded that, in June 2001, a bomb exploded inside a Catholic church in Gopalganj District during Sunday Mass, killing 10 persons and injuring 20 others. A judicial commission was formed in 2001 to investigate the bombing, but its findings have subsequently been discredited. The Government has taken no action on the commission's report and the police are reportedly not pursuing the case actively. **[2h] (section II)**

21.38 According to an article in *The Guardian* (UK) of 21 July 2003: "In the village of Fhainjana, a mob of 200 fundamentalists recently looted 10 Christian houses, allegedly assaulting many women and children. Christians were seriously beaten and others molested after refusing to give money to thugs in the village of Kamalapur, near Dhaka. **[55a]**

21.39 USSD 2005 noted that, on 18 September 2004, unidentified assailants killed Dr. Joseph Gomes, a Christian convert, near his home in Jamalpur district. Police arrested a local madrassah teacher, Maulana Abdus Sobhan Munshi, alias Michha Munshi, for the killing, held him for two weeks, and released him. **[2f] (section 2c)** By end-2006 no one else had been charged in connection with the crime. **[2a] (section 2c)** On 28 July 2005, unknown assailants in Faridpur district killed two employees of the NGO Christian Life Bangladesh, allegedly because they showed an evangelical film. Police arrested several suspects for the killing, but by the end of 2005 police had released all suspects and no charges had been filed. **[2f] (section 2c)**

21.40 The 2006 Religious Freedom Report records certain incidents of harassment and violence in which the victims were Christian. In July 2005, two Christian NGO workers were killed in Boalmari, Faridpur, reportedly after receiving threats from local leaders angry at their attempts to convert persons to Christianity. Two men were arrested for the killings. In April 2006 it was reported that arsonists had burned down a church in a remote village in the Chittagong Hill Tracts, apparently in retaliation for the conversion of local Buddhists to Christianity. Unconfirmed reports indicated that, in July 2005, the Grace Presbyterian Bible College in Khulna was moved to a different location after the school had been attacked on three occasions. **[2c] (section III)**

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22. ETHNIC GROUPS

THE INDIGENOUS JUMMA PEOPLES OF THE CHITTAGONG HILL TRACTS

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

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

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

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

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

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

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

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

"Tensions intensified after the independence of Bangladesh in 1971, when tribal demands for constitutional safeguards and recognition as a separate community were rejected (Amena Mohsin, 2003, p. 22). The tribal population reacted by creating the Parbatya Chattagram Jana Samhati Samiti or Chittagong Hill Tracts People's Solidarity Association (PCJSS) in 1972. Its armed wing, the Shanti Bahini, was formed in January 1973…In 1976, Shanti Bahini started an armed insurgency with the support of India, which in turn led to a sharp increase of government forces in the Hill Tracts. Thus began a 25-year-long armed conflict…As the conflict escalated, the government began relocating Bengalis in the Chittagong Hill Tracts as a counter-insurgency strategy. Between 1979 and 1983, over 400,000 poor and landless Bengalis from the plains were settled in the region and provided with land, cash, rations and other incentives (AITPN, April 1998, p. 20-21). At the height of the conflict,

almost one third of the Bangladesh army was deployed in the region and Bengali settlers were also mobilised against the tribal population. Official figures indicate that more than 8,500 people were killed during two decades of insurgency, including some 2,500 civilians (AI, February 2000)." **[45b] (p9)**

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

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

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

A general amnesty was granted to PCJSS members who surrendered their arms within the time frame set out in the Peace Accord. The Bangladesh High Commission in London advised in March 2006 that 71 members of PCJSS who surrendered their arms under the terms of the amnesty have since been reinstated to their previous jobs in government and autonomous bodies, and a total of 715 PCJSS members have been appointed to various posts in the Bangladesh Police Force. **[79a]**

According to the IDMC report of 28 March 2006, most returning refugees were provided with some economic rehabilitation and food rations, but many did not recover their lands which were now occupied by Bengali settlers. **[45b](p11)**

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

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

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

The IDMC special report of 28 March 2006 noted:

"The Land Commission was to function as a special tribunal for property restitution for the tribal people. By May 2003, some 35,000 cases had been filed involving land disputes between indigenous people and state-sponsored settlers (Daily Star, 5 May 2003). However, it had not even started its work as of March 2006." After years of delay, the Commission had met for the first time on 8 June 2005. (Daily Star, 9 June 2005). **[45b] (p12)**

22.06 As stated in USSD 2006:

"Tribal people have had a marginal ability to influence decisions concerning the use of their lands. Despite the 1997 Chittagong Hill Tracks (CHT) Peace Accord, which ended 25 years of insurgency in the CHT, law and order problems and alleged human rights violations continued, as did dissatisfaction with the implementation of the Peace Accord. The Land Commission dealing with land disputes between tribal individuals and Bengali settlers did not function effectively in addressing critical land disputes. Tribal leaders remained disappointed with the lack of assistance provided to those who left the area during the insurgency." **[2c] (section 5)**

22.07 The AI report of 1 March 2004 recorded: "More than six years after the signing of the Chittagong Hill Tracts Peace Accord, the tribal inhabitants of the area continue to live in fear of attacks from Bengali settlers often carried out with the apparent connivance of army personnel." **[7m]** One such attack took place in August 2003 in the Mahalchari area of the Khagrachari District. Eyewitnesses reported that nine women were sexually assaulted, a man was killed in front of his family, a nine-month-old baby was strangled to death and several people sustained serious injuries; hundreds of houses were burnt down and dozens were looted. **[7m]** A report of 25 August 2004 from the Asian Centre for Human Rights (ACHR) stated that 10 Jumma villages were destroyed in the August 2003 attack. Hundreds of Jumma people reportedly fled and became displaced. Two parliamentary teams – one from the ruling BNP and one from the Awami League – visited the area… "Yet, both justice and effective rehabilitation eluded the victims." **[53a]**

22.08 The Asian Centre for Human Rights report of August 2004 detailed an incident on 3 August 2004 in which about 50 Bengali settlers attacked and killed a Jumma man and his wife in the Rangamati hill district. The report comments: "In the post Chittagong Hill Tracts Peace Accord period since December 1997, such attacks on indigenous Jumma peoples have replaced the organised massacres that characterised the repression on the Jummas between 1976 and 1992. The attacks are aimed to terrorise indigenous Jummas to grab their land. …The root of the CHT's crisis lies in the policies of the Government of Bangladesh which seek to establish homogeneous Bengali Muslim society by destroying the district identity of the indigenous Jumma peoples. About

500,000 illegal plain settlers were implanted into the CHT during 1979-1983 by providing inducements. The CHT Accord not only failed to address the [problem] of the implanted illegal settlers, but settlement of illegal settlers intensified." **[53a]**

22.09 The IDMC 2006 Profile quotes an article in the Bangladesh *Daily Star* of 4 September 2003:

"According to The *Daily Star*…, over 1,500 indigenous people have been displaced by recent ethnic violence in the south-eastern district of Khagrachhari. The IDPs (internally displaced persons) have been living in the open and in forests 7 days after Bengali settlers burned and looted 8 villages in revenge for the recent kidnapping of a Bengali businessman in the area. Army and police personnel have been reportedly deployed to the raided villages, however, the IDPs have not yet returned due to security fears. In addition, 5 villages were reportedly completely burnt down. The indigenous people claim that both Hindu and Muslim Bengali settlers torched and looted about 350 houses, killing two and raping at least 10 women. In addition, they allege that police stood by during the attacks. Police claim they could not control the attacking mobs." **[45c] (p33)**

22.10 United News of Bangladesh reported on 29 August 2004 that six persons had been found guilty and sentenced to death for the April 2002 murder of a Buddhist monk, Gyan Jyoti Mohasthobir, in Raojan upazila. **[39d]**

22.11 The Global IDP Report of February 2005 reported that, during 2004, both UPDF and PCJSS supporters attacked villages and forced several hundred to flee. For example, the IDMC 2006 Profile quotes the Centre of Excellence in Disaster Management & Humanitarian Assistance as follows:

"[In September 2004] at least 300 indigenous people were reportedly displaced in the CHT … after armed members of the United People's Democratic Front (UPDF), another tribal group that opposes the treaty, attacked their villages in Rangamati district. About 300 people [were] taking refuge in a community centre, while 500 others [were] reportedly hiding in the jungle. More than 200 people have reportedly died in violence in CHT since 1997. (COE-DMHA, 21 September 2004)." **[45c] (p33)**

22.12 The IDMC report of 28 March 2006 observed that tensions between Jumma and Bengali settlers, political and criminal attacks, abductions, "anti-terrorist" military operations and clashes between militants of the Parbatya Chattagram Jana Samhati Samiti (PCJSS) and the anti-accord tribal group, United People's Democratic Forum (UPDF) continued unabated in 2005 and contributed towards a general climate of insecurity, although no major episodes of violence leading to displacement were reported during that year. **[45c] (p17)** The human rights NGO Odhikar reported that 29 persons died and 361 were injured in violence in the CHT during 2006. During the same period, 22 persons were abducted and three women were raped. **[46c]**

22.13 The USSD 2005 report had noted that there had been reports in 2005 of violence in Rangamati involving Bengalis and tribal people and in other areas there were reports of tribal people losing land to Bengali Muslims. **[2f] (section 5)** On 3 April 2006, a group of Bengali settlers clashed with Jumma people in Khagrachhari district, leaving 12 people injured. (USSD 2006) **[2a] (section 5)**

22.14 The USSD 2004 report recorded that the army withdrew an estimated two dozen camps from the CHT in 2004, in partial fulfilment of the PCJSS demand for withdrawal of all army camps as required in the Peace Accord. Police have replaced the army in some of the camps. **[2d] (section 5)** The Asian Centre for Human Rights (ACHR), in a report of May 2005, quoted the PCJSS as saying that only 35 out of about 500 security forces camps had by then been withdrawn, while some new camps had been established. **[53b]** However, the Bangladesh High Commission in London stated in March 2006: "The temporary Security Forces Camps of the government are being withdrawn phase by phase according to the provision of the Accord (Art\17A, Part 4 of the Accord). Already 152 security forces camps have been withdrawn." **[79a]**

22.15 The Asian Centre for Human Rights (ACHR) report of May 2005 claimed that members of the United People's Democratic Forum (UPDF) had been facing repression from the state; hundreds of its activists had reportedly been arrested on false charges to "weaken their protests against the policies of the government of Bangladesh". On 23 May 2005 police reportedly raided a UPDF office at Swanirbhar Bazar and arrested 16 of its members, ahead of a UPDF demonstration planned to take place on 7 June. **[53b]** According to the IDMC report of 28 March 2006, communities in the CHT faced new restrictions and harassment by government officials aimed at limiting their freedom of expression. The authorities stopped at least two PCJSS meetings in 2005, but also prevented a meeting of the Permanent Bengali Welfare Council from taking place. Tribal representatives reportedly faced intimidation due to statements they made to the UN Permanent Forum on Indigenous Issues in New York in May 2005. **[45b] (p17-18)**

22.16 The United Nations Development Programme (UNDP) announced on 15 December 2005 that the UNDP and the Government of Bangladesh had agreed a US$50 million joint investment programme in the Chittagong Hill Tracts for the period 2006 to 2009 **[8e]** The European Commission, in August 2005, allocated 7.5 million euros to the Chittagong Hill Tracts Development Facility Programme. **[75]** Several other foreign donors and agencies have also been involved in development projects in the CHT since 2001. **[79a]**

22.17 The IDMC report of 28 March 2006 states that "The tribal population of the Chittagong Hill Tracts remains under serious threat of displacement as a result of evictions from existing reserve forests, acquisition of land by government agencies for the creation of additional reserve forests, expansion of military facilities and lease of land by the government for commercial plantations." The report quotes allegations that the government plans to move several thousand Bengali families to the Kassalong forest reserve. **[45b] (p18-19)**

See also Section 31: Internally Displaced People

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BIHARIS

22.18 The US State Department Report 2006 (USSD 2006), published on 8 March 2006, records:

"Approximately 300,000 non-Bengali Bihari Muslims who emigrated to the former East Pakistan during the 1947 partition of British India and who supported Pakistan during the 1971 War of Independence continued to live in camps throughout the country. According to NGO Refugees International, they lived in camps in the country with little access to education, medical attention, and in unsanitary conditions. Some Biharis declined citizenship in 1972 and were awaiting repatriation to Pakistan, where the Government was reluctant to accept them. Many of the stranded Biharis born after 1971 have assimilated into the mainstream Bengali-speaking environment." **[2a] (section 2d)**

22.19 As stated in the 1998 article "Fifty Years in Exile: The Biharis Remain in India", on the US Committee for Refugees and Immigrants (USCR) website: "The Biharis are Muslims who originated in what is now India's state of Bihar. In 1947, at the time of partition, they, along with millions of other Muslims, moved to East Pakistan (today's Bangladesh). Unlike the majority of those other Muslims, however, the Biharis were not Bengali-speakers, but Urdu-speakers with closer links to Muslims who moved to West Pakistan (today's Pakistan). Between 1947 and 1971, as citizens of greater Pakistan, the Biharis enjoyed the same rights as other residents of East Pakistan and lived amicably alongside the Bengali speaking majority." **[37d]**

22.20 The US Committee for Refugees and Immigrants World Refugee Survey 2005 (USCRI 2005) noted that Pakistan had accepted some 170,000 Biharis for resettlement by 1973. An article in the *Dhaka Courier* of 5 May 2000 stated: "During an official visit of Begum Zia to Pakistan in August 1992, an agreement was signed between the two governments to take back [a further] 3,000 stranded Pakistani families from Bangladesh to Pakistan. The repatriation process began in early 1993. But after the repatriation of only 325 families, Pakistan on the plea of fund constraint suspended the process." **[12c]**

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

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

affirms or acknowledges, expressly or by conduct, allegiance to a foreign state…'" **[31] (p12-14)**

22.22 The USCR World Refugee Survey 2004 noted:

"The Bangladeshi High Court [in 2003] recognized 10 Biharis as citizens of Bangladesh, after they sued to vote in the 2001 elections arguing that all Biharis born in the camps and residing in Bangladesh since 1947 were citizens, and that their citizenship could not be taken away simply because they lived in a camp or wished to go to Pakistan. The Bangladeshi Minister for Law, Justice, and Parliamentary Affairs said that the government would comply with the court judgment on Bangladesh-born Bihari. Legal experts said the landmark judgment would help other Bihari gain citizenship. However, the government appealed the case and it was pending at the end of the year [2003]." **[37b] (p2)**

A Canadian IRB document of 1 April 2005 noted that there was, by then, still no news on the outcome of an appeal. **[3o]** The USCRI World Refugee Survey 2006 (USCRI 2006) has confirmed as follows:

"In 2003, the Bangladesh High Court recognized ten Biharis, most of them born after 1971, as citizens, and the National Election Commission enrolled them as voters. The Government refused to recognize the community as a whole, however, citing a bar in the Citizenship Law to those who acknowledged allegiance to a foreign state and the fact that they had sought resettlement there in the 1970s…Hundreds of Biharis demanding resettlement marched on the Pakistani embassy in February 2006, where clashes with the police resulted in 30 injuries." **[37f]**

22.23 According to a Canadian IRB report of 9 April 2003, between 240,000 and 300,000 Biharis were estimated to be living in Bangladesh in 2001/02. **[3l]** USCR 2005 estimated that, by 2004/05, around half of the Biharis in Bangladesh – some 126,000 to 159,000 people – were still living in 66 camps situated throughout the country; the remainder were living outside of the camps. These camps had been established after the country's independence by the International Committee of the Red Cross to accommodate Biharis pending their return to Pakistan. **[37e]** The Canadian IRB report notes further: "Although Biharis are not mandated to live in the camps, a lack of resources means many cannot afford to live anywhere else (New York Times 13 May 2000; USCR 1998). Some also remain in the camps because they 'feel more secure living among other Biharis' (ibid)." **[3l]**

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

"All camps have one thing in common—they are severely overcrowded. In Rangpur, there are several instances in which 12 or more family members sleep huddled together in a single room no larger than eight by ten feet …Over the years, numerous families have been threatened with and reportedly suffered forced evictions. Lack of clean water, co-habitation with animals, and poor drainage and sanitation systems, contribute to a variety of medical problems including skin disease, water-borne illness, upper respiratory infections and gastro-intestinal disorders. In one camp, only two working wells supplied water to 650 families. In Mirpur's Millat Camp, there

was only one latrine for 6,000 people. Few medical clinics exist, and several camps have no healthcare at all …The right to a basic education has become a luxury for Bihari children. The school in Saardar Bahardur Camp closed last year due to lack of funding. In Adamgee Camp, only six boys from an entire camp progressed to secondary school. Teachers go unpaid, students study in shifts, and requests to the Minister of Education for new books have been turned down. This lack of education, combined with an already impoverished economy, provides little opportunity for employment either inside or outside the camps. Those able to find employment often face discrimination and harassment …Poverty is widespread in Bangladesh, and the basic situation for the Biharis resembles that of the poorest citizens of the country. Denial of citizenship, however, creates additional disadvantages for the Bihari. Having no official government recognition and identification papers, prohibits a person from holding a government job and other professions which require higher education. Lack of status also restricts the Biharis' chances to develop their own economic opportunities and prohibits access to processes that would enable them to safeguard their rights." **[74] (p7-8)**

22.25 Agence France-Press reported on 21 December 2004 that 300 Biharis had held a symbolic six-hour hunger strike in Dhaka. Shoukat Ali, general secretary of the Stranded Pakistani General Repatriation Committee, was quoted as saying: "We want to discuss the issue of repatriation with the Pakistani prime minister during the SAARC [South Asian Association for Regional Cooperation] summit as we are being deprived of all [kinds] of facilities here." **[23k]**

22.26 According to the US Committee for Refugees and Immigrants World Refugee Survey 2005, "By 2004…half of the Biharis lived outside of camps, were integrated into the local community, were eligible to receive passports, to vote, and to attend college, and were able to exercise most of the rights of citizens." **[37e]** The USCRI 2006 report confirmed that half of the Biharis lived outside of the camps, had been integrated into the local community and were eligible to receive passports, but noted that "The Government allowed camp-based Biharis to travel freely throughout the country but did not issue them international travel documents. Upon UNHCR request, ICRC could issue travel documents to refugees but there were no such requests during the year [2005]." **[37f]**

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23. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

23.01 According to the International Lesbian and Gay Association (ILGA) website, accessed on 29 May 2007, same-sex male and same-sex female relationships are both deemed to be illegal. Section 377 of the Penal (Criminal) Code provides: "Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may be extended to ten years, and shall also be liable to fine". ILGA has quoted the following from a statement made by a Bangladeshi lawyer to the Swedish Embassy in Dhaka: "You will notice that the words 'homosexual' or

'homosexuality' have not been used in the statute. The instances of prosecution under this section [are] extremely rare. In my twenty years of law practise, I have not known or heard of a case where a person has been prosecuted for or convicted of homosexuality under the aforesaid section. Such a prosecution in fact would be extremely difficult, if not impossible, for lack of witness or evidence." **[24]**

SOCIETAL ILL-TREATMENT OR DISCRIMINATION

23.02 In a BBC News report of 21 June 2005, Roland Buerk wrote: "Non-traditional sexuality of any kind is deeply frowned upon in Bangladesh which, although a relatively tolerant Muslim country, remains conservative in sexual matters. Laws dating from the British Raj era making sodomy a crime punishable by life in prison are still on the statute books. In reality they are rarely enforced. The condemnation from society of anyone found to be gay is deterrent enough for most to remain very firmly shut in the closet." **[20q]** Afsan Chowdhury of Himal Magazine commented as follows in an article in 2004:

"Being gay in Bangladesh isn't easy because society responds differently to sexuality in public and in private ... People involved with gay issues say that between 5 to 10 percent of the population is homosexual. That would mean at least 6 to 12 million Bangladeshis, more than the total population of many countries, prefer the same sex. Even if that estimate is considered to be on the higher side and is reduced by half, the number left would still be significant … Demonstration of homosexual tendencies for short periods is quite common in Bangladeshi society. Those practising it are not ostracised, although if caught, are ridiculed … Male homosexuality is tolerated despite religious sanction. Yet divorce citing gay behaviour by any partner is not known." **[12a]**

23.03 The USSD 2006 report stated:

"Incidents of attacks on homosexuals were difficult to track because victims' desired confidentiality and local human rights groups did not monitor this area, but they were known to occur. Government safeguards in this area were non-existent. There were few studies on homosexuality in the county, and information was difficult to collect. According to one report by Human Rights Watch (HRW) in 2002, homosexual men were subject to harassment and rape by police and local criminals without proper methods of recourse, due to societal discrimination. HRW also found that homosexual men often faced threats of extortion. According to HRW, considerable official and societal discrimination existed against those who provided HIV prevention services and against high-risk groups likely to spread HIV/AIDS." **[2a] (section 5)**

23.04 Commenting on the situation of lesbians in Bangladesh, journalist Richard Ammon noted in June 2006: "The fate of virtually all Islamic women here is marriage and motherhood. Anyone stepping outside that frame by expressing independence or, far worse, as a lesbian, renders herself un-marriageable and sets her on a likely course of rejection and social derision." (GlobalGayz.com) **[44a]** Afsan Chowdhury of Himal Magazine had observed in 2004 that lesbianism "is kept a secret fearing loss of marriage prospects. And marriage, after all, is society's idea of a woman's ultimate nirvana … Society frowns upon single women, and the social pressure to marry – doesn 't matter who to – is intense. Most succumb to it, despite their sexual preferences, and end up

miserably knotted … The tolerance level for lesbians is very low in Bengali society." **[12a]** According to the USSD 2006 report, organisations to assist lesbians are almost non-existent. **[2a] (section 5)**

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24. DISABILITY

24.01 The USSD 2006 report advises as follows:

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

24.02 The UN Common Country Assessment for 2004 stated:

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

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

- Access to medical services is deficient; facilities are inadequate and there is a lack of specialists to address PWDs;
- Access to education is poor; there is a lack of facilities and teachers; tuition is very costly. Disabled students face discrimination and are 'ridiculed' by other students, and many parents do not want their children to study alongside disabled students;
- Access to employment in both the public and private sector is generally not available for PWDs; potential employers lack confidence regarding the ability of PWDs ability to fulfil work duties;
- Access to transportation is deficient; despite three 'accessible' buses made available in the capital city by a private transportation company

in 2003, the overall transportation system in the country is totally inaccessible to PWDs;

- Children with disabilities (CWDs) are susceptible to diseases and sicknesses such as tetanus and acute respiratory infections, and malnutrition; they tend to suffer from discrimination by their own families in terms of food and clothing provided, and abuse by others; CWDs are among the most vulnerable groups in the country;
- Women with disabilities (WWDs) are deemed victims of 'double disability' because of their status as women in Bangladesh and due to their disability; the needs of WWDs are generally ignored and social service facilities for these women are practically non-existent. **[3x]**

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

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

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25. WOMEN

25.01 A State party report to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), dated 3 January 2003, commented: "Bangladesh is a gradually changing society where the position, status and roles of men and women have primarily been shaped by the stereotype of male predominance and authority over women." **[47a] (p16)** The report notes: "Traditional socio-cultural values and practices work against raising the status of women. Women still have limited opportunities for education, technical and vocational training, employment and activities." **(p5-6)** … According to the Constitution, women enjoy the same status and rights as men in terms of education, health, political process, employment, development processes and social welfare. However, in practice, they do not enjoy the fundamental rights and freedom to the extent as men do. The unequal status of women in society and in public life is largely due to the fact of having unequal status in the family life. Women's lower socio-economic status, lower

literacy, lesser mobility are some of the practical obstacles to the establishment of their fundamental rights." **(p10)** The same report details recent initiatives both by the Government and by NGOs to reduce discrimination and gender-based oppression. **[47a] (pp7, 10-18)** CEDAW, in its Concluding Comments dated 26 July 2004, urged the Bangladesh Government to implement comprehensive awareness-raising programmes to change stereotypical attitudes and norms about the roles of women; CEDAW also expressed concern over the unequal status of Bangladeshi women within the family and the fact that personal laws, derived from religious precepts which are discriminatory to women, continued to exist in the country. **[47b] (p5)**

25.02 The United Nations Common Country Assessment for 2004 recorded:

"The UNDP Gender Development Index (GDI) for 2004 ranked Bangladesh 110 among 144, which represents an increase of 13 positions since 1999. This improvement can be tied in part to a number of factors relating to Bangladesh's ascendancy into the ranks of those countries considered to be of medium human development. It also reflects a reduction of the gender gap in key indicators such as life expectancy and school enrolment. Bangladesh was also one of the first developing countries to establish a Ministry of Women's Affairs in 1978, three years after the Mexico Conference. Concerted efforts by national and international development agencies, and the Government's own commitment to both national and international pledges, paved the way for the enhancement of women's position and status in society. The Government has already prepared a National Policy for Advancement of Women and made some noteworthy progress in implementing the National Action Plan, prepared in response to the Beijing Platform for Action (PFA) … However, the relatively low score reflects a continued inequality with respect to literacy rates (31.4% compared to 50.3% for men) and real GDP which was approximately 56 percent that of men. Of the 78 countries for which a Gender Empowerment Measure (GEM) was calculated, Bangladesh ranked 76th. This reflects the continued low levels of female representation in government, in decision-making roles and in ownership of economic assets, which translates into a significant gender disparity in both income and human poverty, especially at the lower end of income distribution … Overall, Bangladesh's performance with regard to achieving gender equality and women's empowerment (MDG 3) remains mixed. There has been a narrowing of the gender gap in most MDG social indicators especially in the education sector, where as a result of targeted government policies, female enrolment rates in primary and secondary schools exceeds those for males. However, in other areas such as economic and political participation and adult literacy, much works still remains to be done." **[8d] (p15)**

LEGAL RIGHTS

25.03 The USSD 2006 report notes:

"Laws specifically prohibit certain forms of discrimination against women, provide for special procedures for persons accused of violence against women and children, call for harsher penalties, provide compensation to victims, and require action against investigating officers for negligence or wilful failure of duty; however, enforcement of these laws was weak. In July 2003, an amendment to the current law was passed, weakening provisions for dowry

crimes and addressing the issue of suicide committed by female victims of acts of 'dishonor'." **[2c] (section5)**

25.04 Dr Nusrat Ameen, in her book *Wife Abuse in Bangladesh* published in 2005, notes that a "patriarchal interpretation of the law" by society is common. "Despite Constitutional guarantees that women shall have equal rights with men in all spheres of the State and of public life…Jahan points out that many aspects of the legal system reflect the continuing dominance of patriarchal attitudes in society." Dr Ameen argues that both substantive and procedural law is not gender-neutral and she notes that the laws governing women's private lives are discriminatory; for example, there is differential treatment of women in divorce proceedings. There is also discrimination between women from different religious groups, since there are different sets of family laws in place for the Muslim, Hindu and Christian communities (*see paragraph 13.11*). Dr Ameen states that the legal solutions made available to women are often constrained by practical factors, such as the weak economic situation of women, the reluctance of the police to become involved in marital disputes, the difficulty of enforcing and sometimes obtaining injunctions, the emphasis on mediation, arbitration and *shalish* by legal aid workers and professionals, as well as illiteracy and family pressures. **[80] (p7-14)** According to the USSD 2003 report, "Strong social stigmas and lack of means to obtain legal assistance frequently kept women from seeking redress in the courts." **[2b] (section 5)**

POLITICAL RIGHTS

25.05 The State party report to CEDAW, dated 3 January 2003, noted that the Constitution guarantees equal opportunities for women in politics and public life. Six women were directly elected to Parliament in 2001 and, from 2001 to 2006, both the Prime Minister and the Leader of the Opposition were women. At the local government level, three seats on each of the 4,479 Union Parishad councils and three seats on each Zila (district) council are reserved for women. **[47a] (pp5, 22, 23)**

25.06 BBC News reported on 16 May 2004 that Parliament had approved a Constitutional amendment to increase the number of seats in the Jatiya Sangsad from 300 to 345 for a period of ten years, with the additional 45 seats being reserved for women. **[20ae]** The Economist Intelligence Unit's Bangladesh Country Report of January 2005 (EIU January 2005) noted that the enabling Reserved Women Seats Election Bill was passed in November 2004, but had drawn sharp criticism from women's rights activists and others who argued that the provision of reserved seats violated women's fundamental rights, since no woman can contest such a seat unless nominated by a political party or alliance represented in parliament. Opposition parties criticised the measure as being 'very complex and impractical'. **[40b] (p14)** In the event, the Awami League declined its proportional share of the 45 additional seats and all of these seats were taken up by women representing parties in the governing coalition. **[43c] (p27)**

SOCIAL AND ECONOMIC RIGHTS

25.07 The USSD 2006 report notes that "Employment opportunities increased at a greater rate for women than for men in the last decade, largely due to the growth of the export garment industry. Women made up approximately 80

percent of garment factory staff. Programs run by the government and NGOs extending microcredit to rural women improved their economic power. Pay was generally comparable for men and women." **[2a] (section 5)**

25.08 The USSD 2003 report had stated:

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

A Freedom House report of June 2005 had recorded: "The state continued [in 2004] to take some proactive measures, such as an employment quota and free education for girls up to the secondary level, to promote gender equity." **[65a] (p74)**

VIOLENCE AGAINST WOMEN

Domestic Violence

25.09 The USSD 2006 report notes also that domestic violence in Bangladesh is widespread, but difficult to quantify. Some of the reported violence against women continued to be related to disputes over dowries; during 2006 the NGO Odhikar found 243 reports of dowry-related killings. **[2c] (section 5)** The law prohibits rape and physical spousal abuse, but makes no specific provision for spousal rape as a crime. **[2c] (section 5)**

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

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

25.10 In her book published for the BNWLA in 2005, entitled *Wife Abuse in Bangladesh*, Dr Nusrat Ameen comments that "Wife abuse is endemic and is overtly or covertly sanctioned **[80] (p20)** … Research shows that violence in the family occurs at all levels of society **(p22)** ... However, the practice of wife abuse is one about which there is least social awareness or outcry in Bangladesh **(p27)**." Dr Ameen observes that the patriarchal nature of society and of the household, especially in rural areas, permits socially acceptable violence against women in the form of physical chastisement by a husband. A misinterpretation of religious teaching reinforces this social sanction. **(p27-36)** Women often face domestic violence not only from their husbands, but also from their in-laws. **(p49)** Dowry abuse has also continued to lead to cases of serious physical abuse or murder and to the suicides of young married women, though the Dowry Prohibition Act came into force in 1980. **(p39-45)** A UNFPA report in 1997 quoted a study by the NGO Ain-O-Shalish Kendra (ASK) in saying that up to 50 per cent of all murders in Bangladesh have been attributed to marital violence. Evidence suggests that only a minor proportion of such cases reach the courts and result in a conviction. **(p49-51)**

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

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

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

25.12 There are several agencies working to assist women in abused situations, notes Dr Ameen. Typically, an agency would serve a notice to the husband to appear at the agency for mediation, following a written complaint made by the wife. If the husband does not attend, the agency has a right to issue a warrant and to seek help from the police. If mediation fails to work, the case may be taken up in court by family lawyers provided by the agency, who would normally handle the case free of charge. **[80] (p83-84)** Research suggests that most abuse victims are reluctant to report their cases directly to the police and, of those who do, most are not given adequate assistance. There is a widely-held belief that police officers do not like to become involved in 'family matters' and are likely to ask the parties to reconcile matters between themselves. **(pp84 & 100)** There is often also a reluctance by victims to inform doctors of the injuries they have sustained. **(p84-85)** Most women in Bangladesh cannot afford to approach lawyers directly. **(p84)** Women in villages commonly seek arbitration through *Shalish* (local mediation councils) – even though the arbiters are usually the 'local male elite' and a *Shalish* decision is not binding. **(p85-86)** However, there is, in general, a reluctance among abused women to seek relief against their husbands, often due to social stigma, or economic insecurity, or fear of retribution, or acceptance of violence as a social norm. **(p86-88)**

25.13 The USSD 2006 report records that the Women Affairs Department runs six shelters, one each in the six divisional headquarters, for abused women and children. The report continues:

"NGOs, such as the Bangladesh National Women Lawyers' Association (BNWLA), also ran facilities to provide shelter to destitute persons and distressed women and children. According to BSEHR [Bangladesh Society for the Enforcement of Human Rights] persons in safe custody were no longer housed in prisons. Courts sent most of them to shelter homes. In a few cases, they were sent to the prison as a transit for short periods." **[2c] (section 5)**

Rape

25.14 The USSD 2006 report observes that "From January to December [2006] according to local NGOs, there were 639 reported incidents of rape. The press reported that 126 of the rape victims were killed and that another 13 committed suicide after being raped. Human rights monitors insisted that the actual number of rapes was higher, as many rape victims did not report the incidents in order to avoid social disgrace. Prosecution of rapists was uneven. In January 2005 at a workshop organized by BSEHR, then-attorney general A.F. Hassan Ariff said "judges consider the seriousness of rape to be the same as theft, robbery, and other crimes." **[2a] (section 5)** As noted in the State Party report dated 14 March 2003 to the UN Convention on the Rights of the Child (CRC), the Suppression of Violence against Women and Children Act 2000 carries the death penalty or life imprisonment for rape if death or injury results or is intended. Attempted rape is subject to a penalty of five to ten years' imprisonment. **[52a] (p31)** Amnesty International's 2004 Annual Report (covering events of 2003) stated: "Women's rights groups blamed the low rate of convictions for violence against women on a lack of government institutions to support the victims and a lack of trained police officers to investigate the cases." **[7j] (p2)**

25.15 Dr Nusrat Ameen has noted that the Women and Children Repression Prevention Act (2000) provides for trials to be *in camera,* for non-publication of the victim's identity and for pecuniary compensation to the victim. **[80] (p60-61)** An article dated 26 January 2004 from United News of Bangladesh revealed that there were then 2,200 cases pending in the Women and Children Repression Prevention Tribunal. **[39h]**

25.16 The USSD 2006 report relates that the NGO Odhikar recorded two incidents of rape by law enforcement personnel between January and August 2006, but says that most NGOs believe the actual number of sexual assaults to be higher than recorded. The report continues: "Law enforcement personnel accused of rape and torture generally were not investigated. In some cases police detained women in safe custody after they reported a rape, but the safe custody often translated as confinement in jail cells where they endured poor conditions and were sometimes abused and raped again." **[2a] (section 1c)** [Note: The USSD 2006 report states elsewhere that persons in safe custody were no longer housed in prisons - see paragraph 25.13 above.]

Acid Attacks

25.17 The USSD 2005 report stated that "Rejected suitors, angry husbands, or those seeking revenge sometimes threw acid on a woman's face [or body] as an act of retribution." **[2f] (section 1c)** Noted USSD 2006: "Acid attacks remained a serious problem. Assailants threw acid in the faces of women and a growing number of men, leaving victims disfigured and often blind." **[2a] (section 5)**

25.18 The State party report to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), dated 3 January 2003, recorded that two new laws were introduced in 2002 – the Acid Crime Prevention Act 2002 and the Acid Control Act 2002 – to restrict the import and sale of acid in open markets, allow for trials in acid-throwing cases by a special tribunal (with a right of appeal to a higher court) to make the maximum punishment for acid-throwing offences the death penalty and to provide for the treatment and rehabilitation of victims. **[47a] (p20)** The Canadian Immigration and Refugee Board, in a report of 12 January 2004, quoted NGO representatives to a 2003 meeting on violence against women as saying that some police officers, in return for money, had been charging perpetrators under the Women and Children Repression Prevention Act instead of the more severe Acid Control Act. **[3i]**

25.19 Statistics provided by the Acid Survivors Foundation (ASF) show that the number of recorded attacks peaked in 2002, and have since been declining:

Year	Incidents	Total victims
2000	172	232
2001	250	347
2002	366	489
2003	335	411
2004	266	325
2005	214	270
2006	180	221

Of the 221 victims in 2006, there were 134 women, 57 men and 30 children under 18 years, of whom the majority were girls. **[64b]**

25.20 The Bangladesh National Women Lawyers Association and the Bangladesh Acid Survivor's Foundation estimated in 2003 that only ten per cent of attackers were ever brought to trial. It was also stated that the total number of acid attacks against women was difficult to document because many cases went unreported for fear of reprisals. (Asian Legal Resource Centre statement to the UN Economic and Social Council, 10 March 2003) **[8c]** Case conviction rates increased after the introduction of the two new acid-related laws in 2002, but there was then a lower number of convictions in 2004 and 2005. In 2003, 94 perpetrators were convicted, compared with 50 in 2002 and 17 in 2001. During 2005, 50 persons were convicted following acid attacks. **[64a]** Among the factors inhibiting case conviction rates are (a) lack of sufficient evidence (b) intimidation of victims or witnesses (c) out of court 'settlements'. **[64c]**

25.21 The motives for acid attacks are not always directly gender-related. For example, 47 per cent of recorded acid attacks in 2006 were, according to the ASF, in connection with land/property/money disputes; 13 per cent of attacks related to marital or family or dowry disputes and 10 per cent of attacks were categorised as "refusal/rejection of love/marriage/ sex". **[64a]** However, even in the category of land/property/money disputes, the majority of the victims are female; a perpetrator might seek vengeance against a man by throwing acid at his wife or daughter. (ASF) **[64c]**

25.22 The Acid Survivors Foundation in Bangladesh runs a 40-bed hospital, at which a total of 416 people were treated in 2006. In addition, the ASF provides professional psychotherapy and counselling to victims, as well as legal services and a full social re-integration programme. **[64b]**

Vigilantism

25.23 The USSD 2006 report relates: "Incidents of vigilantism against women – sometimes led by religious leaders (by means of fatwas) – at times occurred, particularly in rural areas." **[2a] (section 5)** USSD 2004 stated that such incidents included punishments such as the whipping of women accused of moral offences. ASK [an NGO] reported 35 such cases during 2004. **[2d] (section 5)**

See also Section 13: Fatwas

Domestic workers

25.24 The Amnesty International Annual Report for 2007 has quoted the Bangladesh Institute of Labour Studies as reporting that at least 169 female domestic workers were killed between 2000 and 2005 in Dhaka alone. Another 122 were critically injured and 52 were raped. A significant proportion of the victims were reportedly children. **[7r]**

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26. CHILDREN

26.01 According to the USSD 2006 report: "The government was generally responsive to children's rights and welfare. Many of these efforts were supplemented by local and foreign NGOs, and these joint efforts allowed the

country to make significant progress in improving health, nutrition, and education; however, slightly more than half of all children were chronically malnourished … According to human rights groups, 93 children were abducted, 366 were killed, 139 were injured in violence, 227 were raped, 20 were victims of acid attacks, and 134 others were missing. According to child rights activists, violence against children declined to some extent due to growing awareness regarding child rights." **[2c] (section 5)**

GENERAL INFORMATION

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

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

The State Party report of March 2003 gives examples of minimum legal age requirements set by various pieces of national legislation; for example:

- End of compulsory education – 10 years;
- Admission to employment – various ages between 12 and 21 years;
- Marriage – 18 years for girls and 21 years for boys under the Child Marriage Restraint Act 1929, but religious personal laws permit marriage at an earlier age;
- Sexual consent – 14 years;
- Criminal responsibility – full criminal responsibility from the age of 12 years; rebuttable presumption of capacity to infringe the criminal law between the ages of 7 and 11 years;
- Deprivation of liberty including by arrest, detention and imprisonment: Juvenile justice cases – linked to age of criminal responsibility (see above); care and protection cases – no minimum age;
- Capital punishment – 17 years. Life imprisonment in certain exceptional circumstances – 7 years if presumption of capacity not rebutted, otherwise 12 years;
- Giving testimony in court – no minimum age but a witness must be capable of understanding questions put to him or her and of giving intelligible and sensible answers. **[52a] (paragraph 47)**

26.03 The High Court confirmed on 9 July 2006 that all children must be tried in juvenile courts. The Court ruled that "When the accused is a child under the Children Act 1974, irrespective of the offence alleged, that child must be tried by a juvenile court and not by any other court." (Save the Children UK – Bangladesh Office, via CRIN.) **[30b]**

26.04 The State Party report to the CRC dated 23 December 2005 notes that the Suppression of Violence against Women and Children Act 2000 lays down severe penalties for various kinds of offences against children (up to 14 years)

including rape, sexual harassment, kidnapping and detention for ransom. The same report mentions that it is an offence under the Children Act for a person who has custody, care or charge of a child to assault, ill-treat, neglect, abandon or expose the child or to cause such things to happen to him or her in a way likely to cause the child unnecessary suffering or injury to their health. **[52c] (p14-15)**

26.05 Agence France-Presse confirmed on 8 March 2005 that the Muslim Marriages and Divorces (Registration)(Amendment) Bill 2005 had received presidential consent. **[23n]**. The Act provides for the registration of all marriages to be made compulsory and has introduced stiffer penalties for under-age marriages; the legal minimum age for marriage remains 18 years for a woman and 21 for a man. (United News of Bangladesh: 16 February 2005) **[39q]**

26.06 The USSD 2005 report quoted a 2002 news release from the government news agency Bangladesh Shongbad Shongsta in saying that there were then approximately 400,000 homeless children in the country, of whom as many as 150,000 had no knowledge of their parents. **[2f] (section 5)**

EDUCATION

26.07 After independence in 1971, the Bangladesh Constitution recognised the need for basic education as a fundamental human right. Provision of such education was thought to be a state responsibility and the state nationalised 36,000 private schools, according to a paper prepared for the European Network of Bangladesh Studies Workshop (ENBSW) in May 2000. **[33]**

26.08 The Bangla2000 website informs that education is divided into four levels: Primary (from grades 1 to 5), Secondary (from grades 6 to 10), Higher Secondary (grades 11 to 12) and Tertiary. In 1998 there were about 52,000 primary schools and 11,000 secondary institutions. The language of tuition in state schools is Bangla. A number of private schools provide an English medium education and offer 'O' and 'A' level courses. **[26a]**

26.09 The Government provides free schooling for children of both sexes for eight years, states Europa South Asia 2005. Primary education is compulsory and begins at six years of age and lasts for five years. Secondary education begins at the age of eleven and lasts for seven years. **[1b] (p119)**

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

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

26.11 The EIU Country Profile 2005 records that the level of enrolment in primary schools increased substantially in the 1990s; the number of primary school children increased from 12.0 million in 1990 to 17.7 million in 2001, and the proportion of female students rose from 44.7 per cent to 49.1 per cent over the same period. Secondary education is provided largely by the private sector; in 2004 there were 16,171 secondary schools with 7.9 million students, about half of whom were female. This EIU report noted, however, that fewer than half of all children complete five years of primary education. It attributes a poor quality of elementary education to badly trained or absentee teachers, large classes and a shortage of books. **[40a] (p16)**

CHILD LABOUR

26.12 As noted in the USSD 2006 report, "Because of widespread poverty, many children began to work at a very young age. The government's 2003 National Child Labor Survey estimated that approximately 3.2 million children between the ages of five and 14 years worked in 200 different types of activities. During the year the ILO released a 2005 Baseline Survey for Determining Hazardous Child Labor Sectors, which estimated that…532,000 child workers aged five to 17 did hazardous labor." **[2a] (section 6d]** USSD 2004 recorded that there had been a significant reduction in child labour in the garment industry. In 2004 about 4,000 garment factories were inspected and those found to be employing children were fined. Outside of the garment sector, however, there was virtually no enforcement of child labour laws during 2004. The Government sometimes brought criminal charges against employers who abused domestic servants. **[2d] (section 6d]** USSD 2005 reported: "The Government has been a member of ILO-IPEC [the ILO's International Programme for the Elimination of Child Labour] since 1994. ILO-IPEC programs include a $6 million project to eliminate the worst forms of child labor in five targeted industries: beedi [cigarette] production, matchmaking, tanneries, construction, and child domestic workers. As of December 2003, 19,874 children had been removed from hazardous work, 19,508 were

attending non-formal education training, 7,623 had been admitted to formal schooling, and 3,060 were receiving pre-vocational training." **[2f] (section 6d]**

26.13 The State Party report to the UN Committee on the Rights of the Child (CRC), published on 14 March 2003, states:

"In 1995-1996, the Bangladesh Bureau of Statistics carried out the first ever comprehensive national household survey on child labour, covering children aged 5 to 14 years. According to the survey, there are 6.6 million child workers in Bangladesh (including those looking for work but excluding students). Of these, 14 per cent work as child domestics. A higher proportion of boys (22 per cent) than girls (16 per cent) work, and the proportion of child workers in rural areas (20 per cent) is higher than in urban areas (15 per cent). More than 90 per cent of working children operate in the informal sector. Two thirds of children work in agriculture, the other main occupations being domestic service, selling, collecting waste, construction work and work in small workshops and factories."

The report details various statutes which stipulate the minimum ages at which children can legally work in certain sectors: Mines, 15 years (with medical certificate); shops and other commercial establishments, 12 years; factories, 14 years (with medical certificate); workshops where hazardous work is performed, 12 years; tea plantations, 15 years. **[52a] (p73-76)**

26.14 According to the International Labour Organization website:

"In the field of labour legislation, the various minimum ages, fixed by different labour laws regarding children's admission to work makes it difficult to implement and enforce the labour laws. The Factories Act of 1965, for instance, set the minimum age at 14 years for admission to work in any factory. The Employment of Children Act of 1938 set the minimum age at 15 years while the Shops and Establishment Act of 1965 set the minimum age at 12 years for admission to work. Thus, to bring uniformity in the laws, the Government has prepared a new Labour Code, which currently awaits approval by the Parliament. The draft Labour Code has prescribed a uniform minimum age of 14 years for admission to work which is in conformity with ILO Minimum Age Convention, 1973 (No.138)." **[32]**

26.15 As noted in the USSD 2006 report, "The law prohibits forced or bonded labor, including by children; however, the government did not enforce this prohibition effectively. The Factories Act and Shops and Establishments Act created inspection mechanisms to strengthen laws against forced labor, but these laws were not enforced rigorously, partly because resources were scarce." **[2a] (section 6c)**

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CHILD CARE

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

26.17 According to research carried out by the Bangladeshi human rights NGO, Odhikar in 2001:

"The Department of Social Services, under the Ministry of Social Welfare has a major programme named Child Welfare and Child Development in order to provide access to food, shelter, basic education, health services and other basic opportunities for hapless children. There are 73 state orphanages for approximately 9,500 orphan children, three Baby Homes for Abandoned Children with the capacity for 250 babies, one Destitute Children's Rehabilitation Centre for 400 children, one Vocational Training Centre for Orphans and Destitute Children for 100 children, sixty-five Welfare and Rehabilitation Programmes for children with disability for about 1400 children…In many Government run orphanages children are deprived of government grant allocation." **[46b]**

26.18 The State Party report of 14 March 2003 to the UN Convention on the Rights of the Child (CRC) confirmed that there were, in 2001, 73 state-run orphanages and also three homes for abandoned children aged one to 5 years. The report added that there were another 950 orphanages run by NGOs, some with Government funding. These included institutions linked to various religions: over 300 Muslim orphanages attached to madrassah schools, nine Hindu, five Buddhist and four Christian orphanages. **[52a] (p29)**

HEALTH ISSUES

26.19 UNICEF (website accessed 28 March 2005) has observed: "The level of malnutrition in children is very high and micro-nutrient deficiency is common. Prevalence of wasting and anaemia in children is estimated to be high." The under-five mortality rate is still considered very high and about 325,000 children die each year due to various diseases, malnutrition, accidents and, in particular, drowning. **[58a]** The same website, accessed on 19 September 2005, noted also: "The country receives development assistance of approximately US$1.6 to $1.8 billion per year and this support has enabled Bangladesh to make great progress, especially in child survival and development through providing safe drinking water, immunization, primary education and sanitation, and in promoting and defending children's rights." **[58b]**

26.20 It was announced on 8 April 2007 that over 20 million children were to be immunised as part of the second round of the 15th National Immunisation Days. In this round, polio vaccinations will be given to children between 0 and five years at 120,000 sites located in health centres and schools and mobile facilities. Also, vitamin A capsules will be given to children aged one to five years and chewable deworming tablets to children aged two to five. (Daily Star, 8 April 2007) **[38bl]**

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27. TRAFFICKING

27.01 The USSD 2006 report records:

"The law prohibits trafficking in persons; however, trafficking remained a serious problem affecting men, women and children. Trafficking in children for 'immoral or illegal purposes' carries the death penalty or life imprisonment, and the government took measures for the expeditious prosecution of traffickers ... There was extensive trafficking in both women and children, primarily to India, Pakistan, Bahrain, the United Arab Emirates (UAE), Kuwait, and destinations within the country, for commercial sexual exploitation and involuntary servitude… Entire families were victims of bonded labor throughout the country … According to government sources, law enforcement personnel recovered 256 victims of trafficking during the year [compared with 139 in 2005]. Since August 2005, a cooperative effort between NGOs, the government, and the UAE, resulted in the repatriation of 168 camel jockeys, 167 of whom were reunited with their biological parents." **[2a] (section 5)**

27.02 The USSD 2006 report notes that, although a lack of resources hindered investigations, the government has expanded anti-trafficking police units to every district of the country. In response to inadequately trained police and prosecutors, the government has worked with legal experts to provide specialised training to prosecutors and, with the International Organization on Migration, to develop a trafficking course for the National Police Academy. The Government has established a trafficking monitoring unit at police headquarters, which receives monthly reports from monitoring committees in all 64 districts. The Home Ministry has reported that 221 persons were arrested on trafficking charges in 2006 and there were 42 convictions during the year; of those, four resulted in death sentences, 28 in life sentences and 10 in sentences of other durations. **[2a] (section 5)**

27.03 According to the USSD 2006 report, however, police and local government officials often ignored trafficking in women and children for commercial sexual exploitation and were easily bribed. Procurers of minors were rarely prosecuted. UNICEF estimated in 2004 that 10,000 children had been forced into prostitution in Bangladesh; other estimates placed the figure as high as 29,000. **[2c] (section 5)**

27.04 The USSD 2005 and 2006 reports have recorded that, besides law enforcement agencies, a number of NGOs recover and assist victims of trafficking and are also engaged in research, advocacy and legislative reform. The Bangladesh National Women Lawyers' Association (BNWLA) rescued 43 trafficking victims from within the country, and repatriated 27 others from the UAE and India, during 2006. Over a three-year period, NGOs and the Government had co-operated to establish a common, unified umbrella programme to address the trafficking problem. **[2f] (section 5) [2a] (section 5)**

27.05 According to a Freedom House report of June 2005, there was a blacklisting of Bangladesh by the U.S. Department of State on 15 June 2004, on the grounds that the Government had failed to take adequate steps to curb the high rate of trafficking in women and children. The Freedom House report provided the following details:

"The State Department report maintained that an estimated 10,000 to 20,000 women and young girls are trafficked annually from Bangladesh. The Bangladesh government contradicted this figure, claiming that only 708 women and children had been trafficked in 2004. The U.S. government warned Bangladesh of economic sanctions if it failed to take measures to

improve the situation within 60 days. After the U.S. threat, the Bangladesh government moved quickly to introduce several concrete measures to constrain trafficking: revival of the police anti-trafficking unit, appointment of a special prosecutor for dealing with trafficking cases in expedited courts, institution of a referral mechanism for the victims to avail themselves of services offered by NGOs, speedy disposal of 17 pending cases relating to trafficking, and a listing of traffickers. Once the government of Bangladesh made public announcement of these specific steps, the U.S. government withdrew the threat of economic sanctions." **[65a] (p74-75)**

27.06 The Freedom House report 'Freedom in the World 2006' stated "Trafficking in both women and children remains extensive, though the government has taken steps to raise awareness and to prosecute traffickers somewhat more vigorously." **[65b]**

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28. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

28.01 The EIU Country Profile 2005 states that medical facilities in the country are 'extremely scarce'; in 2001 there were 32,022 hospital beds, 32,498 registered doctors, 18,135 registered nurses and 15,794 midwives in the public sector. This translates to approximately 24 doctors and 13 registered nurses per 100,000 population. **[40a] (p17)** A World Bank report of May 2004 estimated the worldwide average to be about 146 physicians and 334 nurses per 100,000 population. **[6]** According to the United Nations Common Country Assessment for 2004, the private sector provides the major proportion of outpatient curative care, especially among the poor, while the public sector serves the larger proportion of inpatient care. **[8d] (p30)** The EIU Country Profile notes that only about 12 per cent of all "serious cases" are referred to public health services. **[40a] (p17)** The World Health Organisation (WHO) World Health Report 2005 estimated total per-capita healthcare expenditure in 2002 to have been US $11. **[14c]**

28.02 The Government of Bangladesh has been operating a National Integrated Population and Health Programme (NIPHP), or Health and Population Sector Programme (HPSP), informs WHO **[14a]** The health policy is directed at improving equity and accessibility to the Essential Services Package (ESP). **[14a]** Since 1997, USAID has funded the NIPHP, employing a network of technical assistance organisations and local NGOs to deliver the Government's ESP. The USAID website, accessed on 2 March 2006, states: "The NGO Service Delivery Program (NSDP) supports 41 local NGOs to deliver an essential package of health services (ESP) including child health, maternal health care, reproductive health care, clinical and non-clinical family planning services, communicable disease control, tuberculosis, safe delivery including first aid emergency obstetric care, post-abortion care, and limited curative care. This network of NGOs works through 346 urban and rural clinics, nearly 8000 satellite clinics and almost 7000 female depot holders nationwide, serving approximately 17 per cent of the national population. Over 1.5 million customers are served each month." **[17]**

28.03 A State Party report of 3 January 2003 to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) notes that life expectancy at birth increased from 56 during 1990-1995 to 58 during 1995-2000 for both males and females. The Infant Mortality rate declined from 92 per thousand in 1991 to 62 per thousand in 2000. **[47a] (p4)** The WHO World Health Report 2005 estimated life expectancy for both males and females to have been 63 years in 2003. **[14c]**

28.04 Médecins Sans Frontières (MSF) offers basic medical care to certain parts of the Chittagong Hill Tracts which are difficult to access and where health care has been almost nonexistent; some of these areas are so remote that they are accessible only on foot or by boat. There is a high incidence of malaria in the Chittagong Hill Tracts; MSF and others have been providing the effective artemisinin-based combination therapy (ACT) in Bangladesh since 2004, according to MSF articles of 19 July 2004 and 5 December 2005. **[29b] [29c]**

28.05 The database of the Directorate General of Health Services provides a comprehensive listing of medical institutions based in Dhaka: http://www.angelfire.com/ak/medinet/database.html **[82]**

HIV/AIDS

28.06 According to the UNAIDS website, when accessed on 13 September 2004, Bangladesh is a country with low HIV prevalence but high "vulnerability". Bangladesh has documented the lowest condom use, very high numbers of clients of sex workers, low knowledge of HIV/AIDS, and extensive needle/syringe sharing by drug users in the region. In spite of this, national commitment to HIV/AIDS prevention and care was high. UNAIDS commented that Bangladesh had the key ingredients for a successful response, a nationwide network of NGOs implementing effective interventions, effective examples of government organisation/NGO collaboration, a sector-wide approach to health with mechanisms for donor collaboration, an enabling multi-sectoral policy, and a strong commitment from the Government as well as civil society. **[36a]** The same website, in October 2006, noted that the Government's National Strategic Plan on HIV/AIDS for the period 2004 through 2010 had been formally launched in May 2005. A prevention project, jointly funded by the Government, the World Bank and DfID, had been running from 2003 until June 2006; USAID were providing funding for targeted interventions for the period 2005-2008. It was estimated that between 6,400 and 18,000 adults in Bangladesh were living with HIV. Over 70 per cent of people in "most-at-risk" categories were believed to have been reached by prevention programmes; however, only one per cent of HIV-infected men and women were receiving anti-retroviral therapy. **[36b]** It was announced in October 2003 that Beximco Pharmaceuticals Limited, one of the country's leading pharmaceutical manufacturers, had launched five high specification anti-retroviral drugs. (Espicom Business Intelligence) **[28]** CARE International, which provides aid to poor and vulnerable people throughout the country, has estimated that some 90 per cent of intravenous drug users in Bangladesh share needles. CARE runs 52 'drop in' centres in Dhaka, some of them through local NGOs, which provide a needle exchange programme, free condoms and other services to groups at high risk of HIV infection. **[86]**

28.07 Health Advisor A.S.M. Matiur Rahman said at an HIV/AIDS workshop in April 2007 that there were then 874 people in Bangladesh known to be HIV

infected. He said the situation was still in a 'manageable' state, but cautioned that the country remained at high risk for HIV/AIDS. (*Daily Star*, 17 April 2007) **[38 aw]**

KIDNEY DIALYSIS

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

MENTAL HEALTH

28.09 Prior to 1957 there were no psychiatric services in Bangladesh, notes the WHO Project Atlas report of 2005. The first mental hospital opened in 1957. At present, mental healthcare is provided at the primary level by primary care physicians and health workers, at the secondary level by district hospitals, though only one hospital is equipped to provide the services, and at tertiary level by teaching hospitals. Of the 14 drugs for psychiatric treatment listed in the WHO Project Atlas survey for 2005, only three were not available in Bangladesh. **[14b]** The British High Commission in Dhaka commented in November 2003: "As requested we have made enquiries into the provision of psychiatric care in Bangladesh. We have been advised by doctors working here that there are practising psychiatrists here who trained in the UK. While that standard of care provided in government hospitals is not necessarily fully up to UK standards, most doctors also run high quality private practices where fees are minimal compared with the UK." **[11f]**

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29. HUMANITARIAN ISSUES

29.01 The United Nations Common Country Assessment for 2004 observed:

"Roughly half the country's rural households can be considered food insecure. Millions of children and women in Bangladesh suffer from one or more forms of malnutrition, including low birth weight, childhood growth failure (stunting), vitamin A deficiency, iodine deficiency disorders and anaemia. The most recent data indicate that 43 percent of children under five are stunted (short-for-age) and 48 percent are under-weight [quoting BDHS 2004]… Bangladesh made substantial progress in reducing child malnutrition between 1990 and 2000, with the percentage of underweight children falling from 67 to 48 percent, and child stunting falling from 66 to 43 per cent. Nevertheless, in 004 according to WHO criteria the prevalence of child underweight and stunting was still among the highest in the world and more severe than in most other developing countries, including sub-Saharan Africa." **[8d] (p31)**

29.02 Much of the country lies within the basins and flood plains of the Ganges (Padma), the Jamuna (Brahmaputra) and the Meghna river systems and flooding can have devastating consequences. A BBC News report of 3 August 2004 stated that the unusually heavy monsoon floods of July-August 2004, which covered up to 60 per cent of the country, had caused the deaths of some 600 people and left at least 30 million displaced or stranded. **[20af]**

29.03 Drinking wells in Bangladesh are often dangerously contaminated with arsenic. (Keesing's Scientific Research, November 2006) **[5e]**

29.04 The United Nations Common Country Assessment for 2004 further noted:

"Today, NGOs are a significant provider of social services, in particular health and education, to the rural poor. Specialized microfinance institutions…have had considerable success in helping to provide alternative income-generating opportunities for poor women in Bangladesh. The emergence of NGOs has also played a significant role in the improvement of human development indicators and compensated, in part, for weak market and state institutions. Within the context of a rights-based approach, it should be noted that local NGOs have also played a significant role in terms of helping poor and marginalized groups to make claims for the fulfilment of their rights to education and health and secure and sustainable livelihoods. Today there are well over a thousand NGOs registered with the Government. From village cooperatives and women's groups on the one hand to large internationally recognized institutions with staff running into the thousands, civil society in Bangladesh has thrived since the restoration of democracy." **[8d] (p 69)**

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30. FREEDOM OF MOVEMENT

30.01 The USSD 2006 report notes that the Constitution provides for the rights of free movement within the country, foreign travel, emigration, and repatriation. The Government, during 2005, generally respected these rights in practice; however, there were instances in which these rights were restricted. **[2a] (section 2d)** The USSD 2004 report had recorded that, on 6 February 2004, immigration officials at Zia International Airport in Dhaka initially barred Jatiya Party chairman and former president Hossain Muhammad Ershad from travelling to the Maldives, but he was subsequently allowed to proceed. In May 2004, the Government refused permission for Shantu Larma, chairman of the CHT Regional Council, to leave the country to attend the third session of the UN Permanent Forum on Indigenous issues. **[2d] (section 2d)**

31. INTERNALLY DISPLACED PEOPLE (IDPS)

31.01 The Internal Displacement Monitoring Centre (IDMC), in a special report of 28 March 2006 entitled 'Minorities increasingly at risk of displacement', has recorded that civil war and persecution of minorities have displaced hundreds of thousands of people in Bangladesh since 1971. **[45b] (p3)**

31.02 The largest occurrence of conflict-induced displacement is found in the Chittagong Hill Tracts (CHT) in south-east Bangladesh, notes the above IDMC report. No recent information exists about the current number of people displaced; estimates of the number of IDPs in the CHT have varied between 60,000 (Amnesty International, 2000) and 500,000 (Government task force, 2000), although there is apparently a consensus between tribal representatives, NGO workers and academics that the task force list is inaccurate. There is also a debate about the definition of an IDP. **[45b] (p13-14)**

According to the IDMC, "The government of Bangladesh has done little to assess and respond to the rights and needs of people who have been forced to flee their homes due to conflict. A national strategy and political will are lacking to address the needs of the internally displaced in Bangladesh." **[45b] (p23)** Various NGOs have started programmes in such fields as health, education, water and sanitation, and certain international donors have recently announced major development projects in the CHT in co-operation with the Government. **[45b] (p23-25) [8e] [75] [79a]**

31.03 The IDMC report of March 2006 has cautioned that "The tribal population of the Chittagong Hill Tracts remains under serious threat of displacement as a result of evictions from existing reserve forests, acquisition of land by government agencies for the creation of additional reserve forests, expansion of military facilities and lease of land by the government for commercial plantations." **[45b] (p18)**

See also Section 22: The indigenous Jumma peoples of the Chittagong Hill Tracts

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32. FOREIGN REFUGEES

32.01 The USSD 2006 report records:

"The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.S. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has not established a system for providing protection to refugees. In practice, the Government provided some protection against *refoulement*, the return of persons to a country where they feared persecution. Working with the UNHCR, the Government provided temporary protection to individual asylum seekers whom the UNHCR interviewed and recognized as refugees on a case-by-case basis." **[2a] (section 2d)**

32.02 The US Committee for Refugees 'World Refugee Survey 2004' had noted:

"At the end of 2003, Bangladesh hosted nearly 119,900 refugees and asylum seekers. These included nearly 19,800 Myanmarese Rohingya, most recognized as prima facie refugees by Bangladesh and the UN High Commissioner for Refugees (UNHCR); over 100,000 other Rohingya who have fled to Bangladesh since 1993, and who are considered illegal immigrants by the Bangladeshi government not assisted by UNHCR; 49 persons of other nationalities recognized as refugees by UNHCR; and 8 other Myanmarese with claims pending before UNHCR." **[37b] (p1)**

The US Committee for Refugees and Immigrants (USCRI, formerly USCR) World Refugee Survey 2006 stated that there had been no reported cases of *refoulement* in 2005; however, Bangladeshi authorities reportedly "pressured" ethnic Rohingya refugees from Burma to voluntarily repatriate. **[37f]**

ROHINGYA REFUGEES

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

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

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

32.04 According to the USCRI World Refugee Survey 2005:

"Bangladesh increased pressure on ethnic Rohingya refugees from Myanmar to sign voluntary repatriation forms by threatening to resume repatriation practices that, in the past, included false criminal accusations and arrests, physical abuse, withholding of rations and medical care, and arbitrary relocation within the camp. Authorities also tightened border controls, slowing the influx of new arrivals. In October [2004], refugees stopped entering the country altogether after leaders removed General Khin Nyunt in Myanmar and conditions improved, but this was reversed in February 2005 when the army reasserted control." **[37e]**

The USCRI World Refugee Survey 2006 (USCRI 2006) recorded that only 92 Rohingya refugees had repatriated to Burma in 2005, down from 210 in 2004, despite a UNHCR offer announced in January 2005 to provide US$225 in housing grants as an incentive. According to this report, "Some [refugees] claimed coercion by camp officials, several refused to go at the last minute, and others returned to Bangladesh soon after crossing the border into Myanmar. In Myanmar, authorities prosecuted 283 persons for illegal departure to Bangladesh." The report adds that "The Government [of Bangladesh] reportedly turned back Rohingyas who tried to enter at the border, claiming that they were economic migrants." According to USCRI 2006, Rohingya refugees in Bangladesh remained confined to their camps and authorities sometimes arrested, threatened with detention, or extorted money from those caught outside the camps. **[37f]**

32.05 The USSD 2006 report relates:

"During the year [2006] the government denied asylum to Rohingyas from Burma. The government categorized these refugees as illegal economic migrants and turned back as many persons as possible at the border. According to UNHCR, some refugees returned by the government were entitled to refugee status. Some unregistered persons in UNHCR camps returned illegally after their official repatriation to Burma ... On a number of occasions, camp officials transferred some of the unregistered persons over to police, who imprisoned them under the Foreigners Act. There were 71 Rohingya refugees in local prisons in the Cox's Bazar area at year's end. Of

these persons five had been sentenced and 66 remained detained. In addition, at year's end there were two Rohingya refugees in local prisons in Comilla and two in Chittagong. Another two Burmese not registered with UNHCR were currently serving prison sentences, and another 261 had been detained pending trial … According to the government, 21,322 Rohingya refugees remained in the two official camps administered by the government in cooperation with UNHCR. However, a preliminary UNHCR estimate placed the number closer to 28,000. According to international aid organizations active in the area, there are approximately 200,000 Rohingyas not officially recognized as refugees living in the surrounding area of Teknaf and Cox's Bazaar. There were no [forced] repatriations of Rohingyas to Burma." **[2a] (section 2d)**

32.06 In September 2005, UNHCR published a paper on living conditions in the government-run Nayapara and Kutupalong camps in Cox's Bazar district. "The refugees in the camps claim to have been beaten, family books which entitled them to rations confiscated and money extorted, often by refugee leaders, known as Mahjees, and their followers." The UNHCR Representative in Bangladesh confirmed that many such claims were true, and that UNHCR had brought the matter to the attention of the authorities many times. Refugees had apparently also been left feeling fearful and traumatised by some violent incidents during the previous year, including the murder of a Mahjee in Nyapara in July 2005 and the killing of three refugees in Kutupalong after a power struggle; the killings in Kutupalong led to many arrests and several hundred other refugees fled the camp. Living conditions in the two camps were described as sub-standard; housing was overcrowded and badly in need of repair or renewal. Children, who made up 65 per cent of the camp population, received only a partial education and this was in the Myanmar language. Most children, however, used a Chittagong dialect and many also spoke Bengali. Some refugees claimed to have been coerced by the Mahjees and camp officials to repatriate; none had reportedly been forced to do so. Between January and August 2005, about 90 refugees returned to Burma. The local Bangladeshi authorities were said to believe that some of the camp inhabitants were involved in criminal activities such as arms trafficking, drugs smuggling and terrorism, though there had been no court convictions to date on these charges. Although not officially allowed to do so, some refugees from the camps worked in the local community. **[67c]** A Médecins Sans Frontières (MSF) Report of April 2002, entitled "10 Years for the Rohingya Refugees in Bangladesh", had observed: "For 10 years running, the majority of the Rohingya refugees have been malnourished. In a closed-camp setting, the refugees still do not have enough food. Today, 58 percent of the refugee children and 53 percent of the adults are chronically malnourished." **[29a] (p12)** According to USCRI 2006, "Sixty-five percent of children in the refugee camps suffered from chronic malnutrition and thirteen percent from acute malnutrition. The Government refused to allow UNHCR to rebuild camp shelters, many of which badly needed repair." **[37f]**

32.07 Notes the USSD 2006 report:

"Conditions in the refugee camps continued to deteriorate until September [2006]. There was some progress at the end of the year regarding the government's attitude towards the Rohingya refugee camps near Cox's Bazar. After government personnel changes, UNHCR and the government were able to reach a consensus on making improvements. For example, a pilot project

was launched to build replacements for shelters that were sinking into the ground. A project to build new latrines was launched, and the government agreed to improve education standards and to permit NGOs to work in the camps again. In addition, the government indicated a new willingness to cooperate with UNHCR and other international organizations and NGOs to improve standards in the camps." **[2a] (section 2d)**

32.08 A UNHCR briefing paper of 19 July 2005 outlined the plight of between 6,000 and 10,000 Rohingyas living, outside of the refugee camps, on the tidal river flats of the Teknaf River – which forms the border with Burma. The paper described conditions there as "extremely risky and deplorably squalid". The river flats are very vulnerable to seasonal high tides, flooding and cyclones during the monsoon season. There is, according to the briefing paper, no water or sanitation at the site. The UNHCR paper commented:

"The group are unregistered people of concern to UNHCR. The only difference from Rohingya refugees in the two government-run camps is that they were either not in the camps during the 1991-92 influx, or they had arrived after the 1994 cut-off date for prima facie refugee status. Even though Rohingyas in the group have been living unregistered outside the camps, their reasons for coming to Bangladesh are the same as the refugees in the camps." **[67a]**

UNHCR stated that the Government had not responded to international requests to relocate the group; the Bangladeshi authorities reportedly regarded the group as illegal immigrants who should return to Burma. **[67a]** The USCRI World Refugee Survey 2006 notes that the Government, in 2005, refused a request by a delegation from UNHCR, the European Commission and five donor countries to relocate refugees from the Teknaf River tidal flats. USCRI 2006 records that flooding was rampant in 2005 in the Teknaf river settlement, as were diseases such as diarrhoea. Three refugees reportedly starved to death in 2005. **[37f]**

32.09 The USCRI World Refugee Survey 2006 states:

"The Rohingya Solidarity Organization, the largest Rohingya group in Bangladesh, reportedly had ties to *Jamaat-e-Islami*, *Harkat-ul-Jihad-al Islami*, and other militant Islamic groups. In October [2005], authorities arrested 25 Rohingyas in Chittagong saying they had admitted involvement with Islamist militants who set off more than 400 time bombs in 63 of the country's 64 districts on August 17 [2005] and bombed courts earlier in the month [of October 2005]. Afterwards, the Ministry of Home Affairs called for the arrest of all Myanmar refugees living outside the camps." **[37f]**

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33. CITIZENSHIP AND NATIONALITY

33.01 The Bangladesh Citizenship (Temporary Provisions) Order 1972 introduced the citizenship laws after the country's independence. Article 2 of the Order stipulates that anyone who was born in the territories now comprised in Bangladesh (or whose father or grandfather was born in these territories) and who was a permanent resident in these territories on 25 March 1971 and

continues to be so resident, will be deemed to be a Bangladeshi citizen. **[18a]** Article 2A provides that a person to whom the above article would have applied, but who is resident in the United Kingdom, shall be deemed to have continued to have been permanently resident in Bangladesh. **[18a]** The Government may notify, in the official Gazette, any person or categories of persons to whom this Article shall not apply. In case of doubt as to whether a person is qualified to be deemed a citizen of Bangladesh under Article 2 of the Order, a decision of the Government will be final. **[18a]**

33.02 The Bangladesh Citizenship Order of 1972 further provides that any person who 'owes, affirms or acknowledges, expressly or by conduct, allegiance to a foreign state', or is notified under the provisions of Article 2A, does not qualify for Bangladeshi citizenship. **[18a]**

33.03 The 1978 Bangladesh Citizenship (Temporary Provisions) Rules allow for the Government to consider an application for citizenship from an applicant who is a foreign woman and married to a Bangladeshi citizen and has resided in Bangladesh for two years, or from any other applicant who has resided in Bangladesh for a period of five years. **[18b]**

34. EXIT/ENTRY PROCEDURES

34.01 The USSD 2006 report confirmed that the law provides for freedom of movement in respect of foreign travel, emigration and repatriation; the government generally respected these rights in practice during 2005, although there were instances in which the government restricted these rights. **[2a] (section 2d)**

34.02 The Immigration and Refugee Board of Canada (IRB), in a document dated 21 February 2005, quoted the Bangladesh High Commission as saying that the validity of passports or travel documents might vary from 'months' to several years (usually up to five years); documents with shorter validity were normally issued to Bangladesh nationals who had lost their passport or were unable to produce details of their previous passport. Passports were issued after standard identity checks, as required by law. **[3s]**

34.03 The Canadian IRB was advised by the Bangladesh High Commission in November 2003 that a woman did not need her husband's consent in order to obtain a passport. A child under the age of 12 would usually be included on their mother's passport but, should there be cause for concern regarding the application, the authorities might request the other parent's consent. There was no official requirement for parental consent for children over the age of 12 who apply for a passport, although children were "typically accompanied by a parent when filing their application". Passport applicants were required to provide their birth certificates and, since 2002, the names of both parents had appeared in passports. **[3p]**

34.04 A Canadian IRB paper of 20 November 2003 quoted the Bangladesh High Commission as stating that in instances where minor children were travelling from Bangladesh with one parent, the presence and/or consent of the other parent was not normally required. Children could travel alone provided that a form had been filled out and signed by one parent; the name of the guardian who was to pick the child up at the destination was stipulated on the form. According to the High Commission, there were no provisions in policy or

legislation that restricted the travel of children although, in practice, the view was that children should travel in the presence of their mother. Furthermore, immigration authorities had the right to prevent anyone from leaving the country if they reasonably suspected wrong-doing. Where the parents were separated or divorced and a custody order had been issued stipulating that a parent was not permitted to leave the country with their child(ren), immigration authorities were notified of this by the courts. **[3q]** However, a separated or divorced parent could leave the country with their child(ren) after obtaining permission from the courts. **[3r]**

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35. EMPLOYMENT RIGHTS

35.01 The USSD 2006 report states:

"The law provides for the right to join unions and, with government approval, the right to form a union; however, the government did not always respect this right in practice. The total work force was approximately 65 million persons, of whom 1.8 million belonged to unions, most of which were affiliated with political parties. There were no reliable labor statistics for the large informal sector, in which the vast majority (75 to 80 percent) of citizens worked ... An estimated 15 percent of the approximately 5,450 labor unions were affiliated with 25 officially registered National Trade Union (NTU) centers. There were also several unregistered NTUs… Unions were generally highly politicized, and unions were strongest in state-owned enterprises and in such institutions as the government-run port in Chittagong. Civil service and security force employees were forbidden to join unions because of their highly political character. Teachers in both the public and the private sector were not allowed to form trade unions." **[2a] (section 6a)**

35.02 Freedom House, in a report of June 2005, noted:

"The organized trade union movement in Bangladesh remains weak, politically fragmented, and in many cases subject to control by individual leaders or employers. As a result, rates of trade union membership in Bangladesh remain among the lowest in the world. In the principal export industry – ready-made garments – most owners severely discourage unionization of their workers and prefer to treat them as casual labor with few legally enforceable rights. Formation of trade unions in the export processing zones is illegal, and unions affiliated with the political opposition tend to face repression. In the past decade, many professional and business organizations have also become politically factionalized." **[65a] (p73)**

35.03 The USSD 2006 report comments as follows: "The right to strike is not recognized specifically by the law, but strikes were a common form of workers' protest and were recognized as a legitimate avenue for addressing unresolved grievances by the Industrial Relations Ordinance of 1969." **[2f] (section 6b)** But USSD 2006 adds:

"The law does not protect unions from conducting their organizing activities free from interference by employers. In practice, private sector employers usually discouraged any union activity, fired workers suspected of organizing

or sympathizing with unions, placed informants in work areas, and in some cases, intimidated workers using plain-clothed security forces working in collaboration with local police … Collective bargaining, other than in EPZs [Export Processing Zones], is legal on the condition that unions are legally registered by the Registrar of Trade Unions as collective bargaining agents represent workers…The Essential Services Ordinance permits the government to bar strikes for three months in any sector it declares essential …The Government is empowered to prohibit a strike or lockout at any time before or after the strike or lockout begins and to refer the dispute to the Labor Court." **[2a] (section 6b)**

35.04 The 2004 Annual Report of Amnesty International (events of 2003) states: "Police continued to use excessive force during opposition or trade union demonstrations. Hundreds of protesters were injured, some critically." On 10 October 2003 police officers attacked and beat unemployed and student nurses when the demonstrators – who were from 38 government nursing institutions – attempted to enter the Directorate of Nursing Services. Over 50 nurses were reportedly injured, with three of them in a critical condition. The nurses had been protesting against changes in the terms and conditions of their employment. **[7j] (p1)**

35.05 USSD 2006 notes:

"There is no national minimum wage. Instead, the wage commission, which convenes sporadically, sets wages and benefits for each industry, using a range based on skill level. In most cases, private sector employers ignored this wage structure … The September 2005 law that mandated a five-day, 40-hour work-week was unevenly enforced. The law applied to government employees, banks, NGOs, and other office workers. Factory workers continued to labor under the old law, a 48-hour workweek, with a mandated one day off and up to 12 hours of overtime." **[2a] (section 6e)**

Following a trip to Bangladesh, the entrepreneur Dame Anita Roddick was quoted by BBC News on 15 April 2004 as saying that she was angered by the low pay, long hours and denial of basic rights for the estimated two million women making up the vast majority of workers in Bangladesh's textile industry. She blamed the Western corporations who use textile factories in the developing world for putting pressure on local owners, who in turn impose "slave labour" conditions on staff in order to keep costs down. She also commented: "In Bangladesh, the garment workers have the legal right to three months' maternity leave with full pay. Yet, in over 90 per cent of the factories, where women were sewing some of the best-known labels in Europe and America, this right to maternity leave with benefits is routinely violated." **[20ao]**

35.06 Keesing's records that unprecedented labour unrest occurred in the garment industry in May and June 2006. A dispute over dismissals in a single factory in Dhaka led to strikes and riots by garment workers on 20-23 May, citing low pay and long hours. Some 250 factories were damaged, one demonstrator died and over 100 people were injured before police and troops intervened. The Government announced on 25 May 2006 that it would establish a commission to set a minimum wage in the garment sector. **[5j]** On 4 June, some 3000 garment workers in and around Dhaka renewed protests against poor wages and working conditions and lack of union rights. On 17 June, several thousand workers demonstrated following the indefinite closure of a

number of factories. Police used tear gas and baton charges to disperse the workers. (Keesing's, June 2006) **[5k]** Agence France-Presse reported on 12 October 2006 that thousands of garment workers had staged violent demonstrations, following the announcement on 9 October of a new minimum wage of Tk1,662.50 for the industry, up from the previous level of TK950.00. Troops were deployed to contain the protests after at least seven factories were set on fire. **[23q]**

35.07 The president of the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) said on 29 May 2007 that his organisation was determined to enforce payment by 30 June 2007 of the minimum wage of Tk1,662.50 by all garment factories. The Government, in a sample survey of 1,013 garment factories conducted earlier in the year, had found that only 600 of them were paying the minimum wage of Tk1,662.50 announced in October 2006. (UNB, 29 May 2007) **[39ae]**

35.08 Labourers in the tea gardens situated in the north east of the country constitute a marginalised and exploited community. According to the Reliant Women Development Organisation (RWDO) in Sylhet, the main community of tea garden workers migrated to Bangladesh from India nearly 150 years ago. There are currently about 297,000 people in this community; most are Hindu, Christian, or of other religious minorities and they tend to live in isolation from the surrounding Bangladeshi society. A worker in a tea garden is currently paid Tk.30 (about £0.23) for plucking 23 kgs of tea leaves, often a full day's work. Some additional payment is made for quantities over 23 kgs. 'Registered' workers are entitled to accommodation and medical treatment which, according to RWDO, are of a very poor standard. Other problems facing this community include a high rate of illiteracy, unhygienic sanitation, contaminated drinking water and alcoholism.

36. SITUATION ON THE INDIA-BANGLADESH BORDER

36.01 The NGO Odhikar reported in March 2007 that, on average, one Bangladeshi national is killed every four days by armed and "apparently trigger-happy" personnel of the Indian Border Security Force (BSF). The BSF and Indian 'miscreants' were reportedly responsible for a total of 519 incidents which took place within Bangladeshi territory during 2006, in which 146 people were killed, 144 were injured, 197 abducted or reported missing, 21 arrested, two raped and nine were 'mugged'. Most of the victims were local farmers or farm workers. **[46c]** Noted the USSD 2006 report: "According to human rights organizations, BSF members and Indian-based gangs believed to be affiliated with the BSF killed approximately 600 persons and injured 675 in border villages from January 2000 through year's end [2006]." **[2a] (section 1a)**

36.02 Odhikar stated also that there have been numerous attempts by Indian border guards to 'push-in', or force Bangla-speaking Indian citizens across the border into Bangladesh. **[46c]**

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Annex A: Chronology of Major Events

Source: BBC News 'Timeline: Bangladesh' **[20o]**, unless otherwise specified.

1947 British colonial rule over India ended. A largely Muslim state comprising East and West Pakistan was established, either side of India. The two provinces were separated from each other by more than 1,500 km of Indian territory.

1949 The Awami League was established to campaign for East Pakistan's autonomy from West Pakistan.

1970 The Awami League, under Sheikh Mujibur Rahman, won an overwhelming election victory in East Pakistan. The Government in West Pakistan refused to recognise the results, leading to rioting.

Independence

1971 Independence of the province of East Pakistan – as the People's Republic of Bangladesh – was proclaimed on 26 March. The Awami League formed the government-in-exile on 17 April with Sheikh Mujibur Rahman, imprisoned in Pakistan, as the President.

1972 Sheikh Mujibur became Prime Minister. He began a programme of nationalising key industries in an attempt to improve living standards, but with little success.

1974 Severe floods devastated much of the grain crop, leading to an estimated 28,000 deaths. A national state of emergency was declared as political unrest grew.

1975 Sheikh Mujibur became President of Bangladesh. The political situation worsened. Sheikh Mujibur was assassinated in a military coup in August. Martial law was imposed.

1976 The military banned trade unions.

1977 General Ziaur Rahman assumed the presidency. Islam was adopted in the Constitution.

1979 Martial law was lifted following elections, which Zia's Bangladesh Nationalist Party (BNP) won.

1981 Zia was assassinated during an abortive military coup. He was succeeded by Abdus Sattar.

The Ershad era

1982 General Ershad assumed power in an army coup. He suspended the Constitution and political parties.

1983 Ershad's proposal that all schools should teach Arabic and the Koran led to demonstrations. Limited political activity was permitted. Ershad became President.

1986 Parliamentary and presidential elections were held. Ershad was elected to a five-year term. He lifted martial law and reinstated the Constitution.

1987 A state of emergency was declared after opposition demonstrations and strikes.

1988 Islam became the state religion. Floods covered up to three-quarters of the country. Tens of millions were displaced.

1990 Ershad stepped down following mass protests.

1991 Ershad was convicted and jailed for corruption and illegal possession of weapons. Begum Khaleda Zia, widow of President Ziaur Rahman, became Prime Minister. The Constitution was changed to render the position of president ceremonial. The prime minister now had primary executive power. A cyclonic tidal wave killed up to 138,000.

Awami League returns to power

1996 Two sets of elections saw the Awami League win power, with Sheikh Hasina, the daughter of Sheikh Mujibur Rahman, becoming Prime Minister.

1997 Ershad was released from prison. The opposition BNP began a campaign of strikes against the Government.

1998 Two-thirds of the country was affected by floods. Fifteen former army officers were sentenced to death for involvement in the assassination of President Mujibur in 1975.

2000 **September:** Sheikh Hasina criticised military regimes in a UN speech, prompting Pakistani leader General Musharraf to cancel talks with her. Relations were strained further by a row over the leaked Pakistani report on the 1971 War of Independence.
December: Bangladesh expelled a Pakistani diplomat for comments on the 1971 war. The diplomat had put the number of dead at 26,000, whereas Bangladesh insisted nearly three million were killed. Bangladesh wanted Pakistan to apologise for alleged genocide that it said Pakistani forces were guilty of during the War of Independence.

2001 **July**: Sheikh Hasina stepped down and handed power to a caretaker government. She was the first Prime Minister in the country's history to complete a five-year term.

BNP-led coalition Government

2001 **October:** A BNP-led coalition won an overwhelming victory in the general election. Khaleda Zia once again became Prime Minister. **[20i]** Three hundred international monitors declared the poll to have been free and fair. **[1a] [5f]**

2002 **March:** The Government introduced a law making acid attacks punishable by death.
April: The Government approved a temporary law to speed up the legal process for dealing with violent crime.

June: President Chowdhury resigned after the Bangladesh Nationalist Party accused him of taking an anti-party line.
The opposition Awami League ended its boycott of parliament and attended for the first time since losing the general election of October 2001.
September: Iajuddin Ahmed, a retired professor from Dhaka University, was announced as the new President. **[20s]**
October: "Operation Clean Heart" was launched by the Government in response to criticism over rising crime and deteriorating law and order. This involved the deployment of nearly 40,000 soldiers in all major cities to help restore law and order, arrest "listed criminals" and recover illegal firearms. More than 11,000 people were arrested during the Operation, and between 31 and 40 people died after soldiers detained them.

2003 **January to March:** Local elections to 4,267 local councils were held. By February 2003, 25 people had reportedly been killed in election-related violence.
February: The Joint Force Indemnity Ordinance 2003 was passed by Parliament to give legal protection to members of the army and security forces who took part in Operation Clean Heart.

2004 **January:** A bomb attack took place on a shrine in Sylhet.
May: A Constitutional amendment increased the number of seats in Parliament from 300 to 345, the additional 45 being reserved for nominated women members.
May: A bomb attack at a Muslim shrine in Sylhet killed two and injured 25, including the British High Commissioner.
July-August: Devastating floods hit Bangladesh: more than 600 people were killed and an estimated 30 million people were displaced or stranded; 60 per cent of the country, including half of Dhaka, was under water at one stage.
August: On 21 August a grenade attack at an Awami League rally in Dhaka, addressed by Sheikh Hasina, killed 23 people and injured about 200. Rioting by Awami League supporters subsequently erupted across the country; the Awami League called general strikes.
September-October: Police carried out "blanket" arrests ahead of an Awami League mass rally on 3 October.
November: The Anti-Corruption Commission was established.
December: An Awami League-led opposition alliance staged two "human chain" demonstrations stretching right across the country.

2005 **January:** Former Finance Minister Shah AMS Kibria and four other Awami League activists were killed in a grenade attack in Habiganj.
February: The Government banned two militant Islamic groups, Jumatul Mujahedin Bangladesh (JMB) and Jagrata Muslim Janata Bangladesh (JMJB).
August: Some 400 small home-made bombs exploded almost simultaneously in 63 cities and towns across Bangladesh, killing two people and injuring over 100. Jumatul Mujahedin Bangladesh (JMB) reportedly claimed responsibility.
October: Bomb attacks inside law court buildings in three districts killed two people and injured dozens; Jumatul Mujahedin Bangladesh (JMB) were believed responsible. The Islamist group Harkat-ul-Jihad-al-Islami (HuJI) was banned.
November: Two judges were assassinated on 14 November. Several other judges received death threats from Islamist groups. On 29 November at least 14 people were killed and over 40 injured in a suicide bombing inside the law

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

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

Caretaker Government

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

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

April: On 12 April the Chief Advisor stated the Caretaker Government's intention to hold the ninth general election before the end of 2008. **[38bt]**
May: Simultaneous bomb explosions took place at railway stations in the cities of Dhaka, Sylhet and Chittagong on 1 May. An unknown group, Jadid al-Qaeda Bangladesh, claimed responsibility. **[20cn]**

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Annex B: Political Organisations

MAIN POLITICAL PARTIES

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

Bangladesh Nationalist Party (BNP) (*Bangladesh Jatiyatabadi Dal*)
Founded in 1978 by a former President, General Zia, and is now led by his widow, current Prime Minister, Khaleda Zia. **[40a]** The BNP won 193 of the 300 parliamentary seats in the 2001 general election and formed a government in coalition with Jamaat-e-Islami, the Jatiya Party and the Islamic Oikkya Jote. **[16]** According to the Economist Intelligence Unit Country Profile 2003: "The BNP espouses Bangladesh nationalism with anti-Indian and pro-Islamic nuances; however, these nuances have not been evident in its policymaking since coming to power in October 2001… The BNP, with close links to business, is committed to fostering a market economy and liberal democracy, and encourages private sector-led economic growth." **[40a]** The term of office of the BNP-led coalition government ended on 27 October 2006. **[20cf]**

Islami Oikya Jote (IOJ) (alternatively Islami Oikkya Jote)
Won two seats in 2001 election and was a member of the BNP-led coalition Government. Seeks to implement Islamic doctrine and draws support from traditional religious groups. Mufti Fazlul Haque Amini is secretary-general of IOJ. **[40a] (p11) [2b]**

Jamaat-e-Islami
Founded 1941. A fundamentalist party that espouses an Islamic state. Opposed to Bangladesh's independence in the 1971 civil war with Pakistan. **[1b] [40a]** Leader is Matiur Rahman Nizami. **[40a]** The party was banned after independence but got its rights back after General Zia allowed it and other fundamentalist parties to enter politics after the first AL-led Government had banned them from politics. **[4b]** Won 17 seats in the October 2001 election to form part of the ruling BNP-led coalition. **[20m]**

Jatiya Party (Ershad): The Jatiya (Jatio) Party was founded 1983 as Jana Dal; it reorganised in 1986 when the National Front (founded 1985) formally converted itself into a single pro-Ershad grouping. **[5g]** The JP's main faction is led by the deposed former President, General Ershad. Stood in the 2001 general election as **'Islami Jatio Oikya Front'** and won 14 seats. **[40a] [16]**

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

Jatiya Party (Manju) is a separate party/faction which broke away from the Jatiya party in 1999 and won one seat in 2001. **[1b]**

A full list of the 95 political parties allocated symbols for the 2001 general election is on the website of the Bangladesh Election Commission:
http://www.bangla2000.com/Election_2001/150_symbols.shtm

Another extended list of political parties can be found at:
http://elive.matamat.com/ppb.php

STUDENT/YOUTH ORGANISATIONS

Bangladesh Chhatra League (BCL)
Affiliated to Awami League. **[11c]**

Jatiyatabadi Chhatra Dal (JCD)
Affiliated to Bangladesh Nationalist Party (BNP). **[11c]**

Islami Chhatra Shibir (ICS)
Affiliated to Jamaat-e-Islami (Jamaat). **[11c]**

Jatiya Chhatra Samaj
Affiliated to Jatiya Party. **[11c]**

Gonotantrik Chhatra League
Affiliated to the Democratic League. **[11c]**

PROSCRIBED AND/OR EXTREMIST ORGANISATIONS

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

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

BBC News announced on 2 March 2006 that Abdur Rahman had surrendered to police in the district of Sylhet. **[20bq]** On 29 May 2006, a court in the southern town of Jhalakathi convicted both Abdur Rahman and apparent deputy JMB leader Siddiqul Islam (alias 'Bangla Bhai') and sentenced them to death for the murder the two judges in November 2005. Five other JMB members were also sentenced to death for the crime, including three members of the ruling council, the Majlish-e-Shura. (Keesing's May 2006) **[5j]** Amnesty International (AI) noted in a statement of 28 September 2006 that the High Court, on 31 August 2006, had rejected the appeals of these JMB

leaders. **[7p]** Abdur Rahman and Siddiqul Islam were among the six JMB leaders hanged on 29 March 2007. **[5o]**

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

Jagrata Muslim Janata of Bangladesh (JMJB)
JMJB is a fundamentalist 'vigilante' group whose aim is Islamic revolution through jihad. It is claimed that the group was first founded in 1998; the present name (JMJB) first became apparent in April 2004. According to the *South Asia Intelligence Review* of 31 May 2004, its highest decision-making body is the seven-member Majlis-e-Shura (also referred to as the Sura Board); the first tier of the organisation has activists called 'Ehsar' who are recruited on a full-time basis and act at the directive of top echelons. The second tier, 'Gayeri Ehsar', has over 100,000 part-time activists. The third tier involves those who indirectly co-operate with JMJB. The organisation operates mainly in the northern districts of the country, but also has bases in some southern districts. Sheikh Abdur Rahman was said to be *amir* ('spiritual leader') of JMJB – as well as being the leader of Jamatul Mujahedin Bangladesh (JMB), with which JMJB has close links – *see below*. Siddiqul Islam, also known as 'Bangla Bhai', was a senior member who has assumed command of JMJB operations. There had been violent clashes between JMJB and the maoist Purba Bangla Communist Party (PBCP) since April 2004; for example, in May 2004 JMJB operatives killed six members of the PBCP; the PBCP retaliated by killing two JMJB men and injuring six others. In May 2004 the Government issued a warrant for Bangla Bhai's arrest. **[38l] [19a] [59b] [38ac]** JMJB is believed to have been involved in a number of recent bombings and vigilante killings, including a bomb attack on a *jatra* folk theatre show in Shahjahanpur on 14 January 2005 in which two people were killed and 70 wounded. **[38t]** The *Daily Star* of 25 January 2005 reported that at least 50 people, including eight policemen, were injured in clashes between the security forces and JMJB militants in Bagmara the previous day. **[38r] [20av]** A police spokesman, on 4 February 2005, warned that JMJB planned to continue with bomb attacks on cinemas, theatres and *jatra*, which they have deemed to be "un-Islamic". NGOs were also to be targets. **[38w]** It was announced on 23 February 2005 that the Government had officially banned JMJB. **[61b] [23j] [38ac]** The newspaper *Prothom Alo* reported on 21 July that JMJB had secretly continued with fund raising and recruitment since being banned in February 2005. **[21f]** BBC News reported on 2 March 2006 that Sheikh Abdur Rahman, had surrendered to police in the district of Sylhet. **[20bq]** United News of Bangladesh and BBC News announced on 6 March 2006 that 'Bangla Bhai' had been arrested after an encounter with the Rapid Action Battalion in Mymensingh district. **[39ac] [20bw]** The two men were sentenced to death on 29 May 2006 for their role in the murder of two judges in November 2005 and were executed on 29 March 2007. **[5j] [50]**

Other JMJB activities are detailed at
http://www.satp.org/satporgtp/countries/bangladesh/terroristoutfits/JMJB.htm and
http://www.thedailystar.net/2005/08/28/d5082801022.htm

Harkat-ul-Jihad-al-Islami (alternatively known as **HuJI** or **Harkatul Jihad)**
According to a *Daily Star* report of 28 August 2005, Harkatul Jihad was established in the early-1990s apparently with assistance from Osama bin Laden; its ideals were also

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

Other Islamist extremist/militant organisations in Bangladesh include **Shahadat Al Hiqma**, **Hizbut Towhid (HT)**, **Hizb-ut Tahrir** and **Islami Biplobi Parishad (IBP)**. Further information on each of these appears in a *Daily Star* report of 28 August 2005 (source **[38ac]**) at http://www.thedailystar.net/2005/08/28/d5082801022.htm

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

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

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

Further details at
http://www.satp.org/satporgtp/countries/bangladesh/terroristoutfits/PBCP.htm

Biplobi Communist Party (before 1971 was known as the Communist Party of East Pakistan)
Maoist movement. Fought against both the Pakistan army and the Awami League during independence struggle. By mid-1970s largely suppressed by State; revived 1980s. **[11a]**

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

The Bangladesh *Daily Star* reported on 22 September 2004 that 'Mrinal' had been shot dead the previous day by unidentified assailants. He had been wanted by the police in connection with 103 cases of murder, 43 abductions for ransom and various other crimes. **[38x]**

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

Rohingya Solidarity Organisation (RSO)

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

Swadhin Bangabhumi Movement ('Free Land of Bengal')
Hindu separatist movement. Founded in Calcutta by former Awami League MP, who fled to India in August 1975. Seeks separate state in southwest Bangladesh (where there is a large Hindu minority). Responsible for attempted take-over of Bangladesh High Commission in Calcutta in 1984. **[11a]**

Shanti Bahini ('Peace Force')
Armed wing of the Parbattya Chattagram Jana Sanghati Samity (PCJSS), a tribal insurgency which operated in the Chittagong Hill Tracts. Founded in 1972. Stood for political independence for the Chittagong Hills Tracts, and drew support from Chakma tribes. **[11a]** However, following the Peace Accord of 2 December 1997, **[4c]** Shantu Larma reportedly declared an end to the Shanti Bahini. **[4e]** On 10 February 1998 the Shanti Bahini formally surrendered their arms to the Government, marking an end to the 25-year insurgency. **[4e]** The group is now considered to have disbanded, having surrendered their arms and had criminal cases against them dropped as part of the Peace Accord. **[7b]**

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Annex C: Prominent People

AHMED Prof. Iajuddin
President of Bangladesh since 6 September 2002. **[20s]**

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

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

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

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

RAHMAN Sheikh Mujibur (Mujib)
Bangladesh's first Prime Minister; assassinated in August 1975. **[1a]**

RAHMAN Ziaur (General Zia)
Assumed presidency April 1977; assassinated in May 1981. **[1a]**

YUNUS Dr Muhammad
Micro-credit pioneer and founder of Grameen Bank. Awarded the Nobel Peace Prize in 2006. Announced the formation of a new political party, *Nagarik Shakti*, in February 2007.

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

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Annex D: List of Abbreviations

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

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