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OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Written statement* submitted by the Asian Legal Resource Centre (ALRC), a non-
governmental organization in general consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[28 February 2007]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

Extra-judicial killing and impunity in Bangladesh

1. Extra-judicial killing has been adopted as a policy of maintaining law and order in Bangladesh. Despite Bangladesh's presence in the UN Human Rights Council, and despite the ratification of the International Covenant on Civil and Political Rights, which guarantees the right to life, the government of Bangladesh has sanctioned, enabled and encouraged its security forces to kill persons and dissimulate such killings under the excuse of "encounter" or "crossfire" killings in recent years. The present interim government has also been continuing the same of policy of extra-judicial killings, the using the military, paramilitary and the police as executioners. No action has yet been undertaken by the government to avoid this practice.

2. The extra-judicial killings regularly occur under dubious and unclear circumstances – normally due to a lack of investigation. Persons are very frequently arbitrarily arrested and are tortured in the custody of the police or the Rapid Action Battalion (RAB) - a combined paramilitary force, parallel to the police. Torture is an integral part of the interrogation process in Bangladesh's law-enforcing system. For example, persons are arrested late in the night, tortured, and then taken to an isolated open field, where they are shot and killed. In the morning, the dead body is found by civilians, who inform the local police station, who pick up the body for autopsy. Whichever force conducted the killing will then typically issue a media statement, stating that a man was killed in "crossfire," an "encounter," or in the "line of fire," while a group of so-called terrorists were plotting to commit a bigger crime in a particular place. The victims are ostensibly luckless bystanders killed as the result of a clash. However, there is no instance in which law-enforcement agents have been injured in these alleged clashes – they are simple fabrications conjured up to cover for extra-judicial killings.

3. The government closes cases of "crossfire" killings before they have begun in earnest, by conducting "Executive Inquiries" through the administrative magistrates, leading to the production of 'reports' that only serve to justify the State-agents' actions and statements regarding the incidents, blocking any possibility of justice for the victims and their families, and embedding the impunity enjoyed by the perpetrators.

4. Official policies that justify blatant extrajudicial killings were first developed in their latest, most terrible incarnation in October 2002, when the Government of Bangladesh launched Operation Clean Heart. Ostensibly to crackdown on crime, the operation resulted in the arbitrary arrests and detention of around 12,000 persons, and the deaths of fifty eight persons in 86 days. These deaths were explained away as resulting from heart attacks

5. In 2003, the government brought legislation known as the Joint Drive Indemnity Act-2003, granting total immunity to all members of the military, police and other security forces that were responsible for killings, torture, illegal arrests and arbitrary detentions throughout the Operation Clean Heart. This was condemned by the Special Rapporteur on extrajudicial, summary or arbitrary executions. This Act slammed the doors shut for thousands of victims of various atrocities who were seeking justice and redress.

6. In 2004, Operation Clean Heart had spawned a body of paramilitary units called the Rapid Action Battalions (RAB), comprised of both soldiers and members of the police. Operation Clean Heart and the Joint Drive Indemnity Act-2003 were the chronological and

ideological mother and father of the “Rapid Action Battalion”, which is now synonymous with “crossfire” and “encounter” killings and the “line of fire” justification in Bangladesh. It is enabled to operate outside of the law by a deliberate confusion of accountability: on one hand, the Rapid Action Battalion is a part of the Bangladesh Police, which means that the Chief of Police should be the controlling authority. However, on the other hand, the Home Ministry shows that the RAB is a department under the ministry, alongside others, such as the police force. In reality, neither any law nor lawful institution is controlling the acts committed by this paramilitary force – acts which include numerous extra-judicial, summary executions.

6. Through the creation of the Rapid Action Battalion and the adoption of the practice of extra-judicial killing, the government is in fact admitting that Bangladesh has descended into lawlessness. Despite the external appearance created by the presence of courts, the police and administrators, most State institutions are facades without public legitimacy or accountability. Choosing to fight lawlessness with lawlessness, the government has also admitted that these institutions cannot be relied upon, lending credence to the popular view.

7. The government of Bangladesh has in fact evaluated the actions of the Rapid Action Battalion as being a great success in maintaining law and order in the country. The government recognized the actions of this paramilitary unit by awarding it the “Independence Day Award” on the occasion of the March 26, 2006 independence and national day. As the result of internal rivalries, the Bangladesh Police has also been competing with the RAB in a game of killing. The police are engaged in an increasing number of “encounter” deaths, to show their worth as the key law-enforcement body in the country. In the statistics over recent months, the police have committed a higher of “crossfire” deaths than the RAB. The ALRC wonders what the prize will be for this achievement – perhaps as Bangladesh is a member of the United Nations Human Rights Council, an international prize could be awarded this time?

8. Bangladesh is today a deeply frustrated nation. Its government’s policy of extrajudicial killings is a symptom of that frustration; not its cure. On the contrary, the licence to kill handed out to the RAB and police officers is only rapidly exacerbating problems and speeding the growth in a new generation of brutal State-personnel. The people of Bangladesh are living a panicked and frightened life due to this widespread practice by persons acting beyond the law. Not a single case has yet been impartially or effectively investigated, and no perpetrators have been held accountable for any of these killings in the last three years.

9. There are no effective avenues for complaints or protection from alleged perpetrators of human rights abuses in Bangladesh. A system of disciplinary inquiries barely exists. Under public pressure the occasional errant officer, particularly one of lower rank, may be transferred to another area. That is more or less where the disciplinary process ends. There is also the public view that when there are complaints regarding junior officers, some senior officers use the occasion to obtain money from the juniors. If people complain to senior police officers, then a matter is not usually investigated unless accompanied by concerted public pressure. No witness protection programme exists in Bangladesh. People therefore do not feel secure enough to complain or give evidence, particularly in allegations against law-enforcement officers. There is also a lack of an independent human rights

commission and there are no courts of law that are capable of delivering justice to the victims of the prevailing lawlessness.

10. The Asian Legal Resource Centre (ALRC) urges the Council to call on the Government of Bangladesh to put an immediate halt to the extrajudicial killings without further delay. Bangladesh's status as a member of the Council must be urgently reviewed in light of its abysmal record. The ALRC recalls that as a State Party to the International Covenant on Civil and Political Rights and the Convention Against Torture (CAT), Bangladesh has the obligation to ensure right to life, and to eradicate torture respectively. Torture must be criminalised in law. The nation must also remove its reservation to article 14 of the CAT and put in place measures for adequate compensation and rehabilitation of victims of extrajudicial killings and their families. The ALRC also advocates for the establishment of a legal mechanism to accept complaints and launch investigations and prosecutions in Bangladesh. The way in which the Human Rights Council deals with the grave situation in Bangladesh will be a clear test and indicator of whether the system is likely to be an improvement compared with the Commission on Human Rights or an abject flop.
