BANGLADESH ASSESSMENT

April 2001

Country Information and Policy Unit

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I SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom.

1.3 The assessment is sourced throughout, and is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a six-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom.

1.5 The assessment has been placed on the Internet (http://www.ind.homeoffice.gov.uk). An electronic copy of the assessment has been made available to the following organizations:

- Amnesty International UK
- Immigration Advisory Service
- Immigration Appellate Authority
- Immigration Law Practitioners' Association
- Joint Council for the Welfare of Immigrants
- JUSTICE
- Medical Foundation for the Care of Victims of Torture
- Refugee Council
- Refugee Legal Centre
- UN High Commissioner for Refugees

II GEOGRAPHY

General

2.1 Located in southern Asia, the People's Republic of Bangladesh is bordered almost entirely by India, except for a small frontier in the Southeast with Myanmar (formerly Burma) and the coast line along the Bay of Bengal in the south. The capital is Dhaka. **[1]** A portion of the boundary with India is indefinite, with a dispute over South Talpatty and New Moore Island. **[18]**

2.2 Covering almost 57,000 square miles of land, **[1]** Bangladesh has an estimated population of 127 million **[18]** and is one of the world's most densely populated countries. **[3c]** According to the 1991 census, the four largest towns were Dhaka (3.6 million people), Chittagong (1.5 million people), Khulna (over 600,000 people) and Rajshahi (nearly 325,000 people). **[1]** 89% of the population are located in the countryside. **[3c]** Bengalis comprise 98% of the country's population, with the remaining 2% comprising 250,000 Biharis and less than 1 million tribals. The majority religion is Muslim at 88.3%, with the remainder comprising 10.5% Hindus and 1.2% others. **[18]**

See also Biharis*: paragraphs 5.3.6 - 5.3.9.*

2.3 A deltaic plain, Bangladesh is often submerged by the floodwaters of its river system, or from waters driven inland from the Bengal Gulf. With a tropical climate, particularly between June and September, monsoon rains, typhoons and tidal waves also cause devastating floods. **[3a]** There is also an emerging problem of arsenic poisoning in Bangladesh's drinking water. Much of the drinking water comes from wells sunk by aid agencies, and excessive use of fertiliser may be the cause of the problem according to expert reports. **[20e]**

Languages

2.4 The state language of Bengali is spoken by about 95% of the population. **[1]** However Biharis speak Urdu, and the tribal populations in the Chittagong Hill Tracts use various dialects. English is also used in commerce and administration. **[3a]**

See also Biharis*: paragraphs 5.3.6 - 5.3.9; and* Chakmas*: paragraphs 5.3.10 - 5.3.11.*

Economy

2.5 Bangladesh is one of the poorest countries in the world. **[3c]** The economy is market-based, although the Government still plays a significant role. Foreign aid still is significant, but has diminished somewhat in relative importance vis-a-vis increased earnings from exports and remittances from workers overseas. Efforts to improve governance and economic growth through reform have been unsuccessful, and the Government's commitment to economic reform is weak. Periodic natural disasters also hamper development. **[2]**

III HISTORY

Pre-independence: 1947 - 1971

3.1 Present-day Bangladesh was originally one of the five provinces comprising Pakistan, created following the partition of the Indian sub-continent in August **1947**. Known as East Pakistan, the province was formed from the former Indian province of East Bengal and the Sylhet district of Assam. **[1]**

3.2 East Pakistan became dissatisfied at its dependence on a distant central government in West Pakistan, and the situation was exacerbated in **1952** when Urdu was declared Pakistan's official language. Discontent continued in the eastern wing, mainly due to under representation in the administration and armed forces. The leading political party of East Pakistan, the Awami League (AL), subsequently demanded autonomy from the West. **[1]**

3.3 A general election in December **1970** gave the AL an overwhelming victory in the East and thus a majority in Pakistan's National Assembly. On 26 March **1971** the AL leader, Sheikh Mujibur Rahman, proclaimed the independence of the People's Republic of Bangladesh. Civil war immediately followed and the Pakistan President, General Yahya Khan, outlawed the AL and arrested its leaders. **[1]**

3.4 Resistance continued from the Liberation Army of East Bengal (the Mukhti Bahini), a group of irregular fighters who launched a major offensive in November. As a result, an estimated 9.5 million refugees crossed into India. On 4 December **1971** India declared war on Pakistan, with Indian forces supporting the Mukhti Bahini. Pakistan surrendered on 16 December and Bangladesh achieved its independence, quickly achieving international recognition. **[1]**

1972 - 1982

3.5 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. **[1]**

3.6 In January **1975** a presidential government replaced the parliamentary government; Sheikh Mujibur became President, assuming absolute power. However, Mujibur and members of his family were assassinated in a right wing coup (led by Islamic army majors) in August. Martial law was then declared and political parties banned. A subsequent counter-coup on 3 November however 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 overthrew Musharaf and power was assumed under a neutral non-party government, with Major General Ziaur Rahman (General Zia) taking precedence. **[1]**

See also Prosecution of 1975 Coup Leaders*: paragraph 5.4.13.*

3.7 Political parties were again legalized 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, and martial law repealed. The state of emergency was revoked in November. **[1]**

3.8 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 Ershad seized power in a bloodless coup. Martial law was again declared, with Ershad as Chief Martial Law Administrator (although in October Ershad changed his title to Prime Minister), aided by a military Council of Advisers. **[1]**

1983 - 1990

3.9 Although the Government's economic policies achieved some success, increasing demands for a return to democracy ensued throughout **1983**. The two principal opposition groups that emerged were an eight-party alliance, headed by a faction of the AL under Sheikh Hasina Wajed (daughter of the late Sheikh Mujibur) and a seven-party group, led by a faction of the BNP under former President Sattar and Begum Khaleda Zia (widow of General Zia). In September the two groups formed an alliance: the Movement for the Restoration of Democracy. In November, 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. **[1]**

3.10 Throughout **1984** the country experienced strikes, political demonstrations, the postponing of the country's local, presidential and parliamentary elections and demands by the opposition for the repealing of martial law. **[1]**

3.11 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 to promote Government policies. **[1]**

3.12 The ten-month ban on political activity was lifted in January **1986**, and the NF formally became a single pro-government entity: the Jatiya Dal (National Party). Although smaller opposition parties participated in the parliamentary elections on 7 May, the elections were boycotted by the Begum Khaleda Zia-led BNP. The Jatiya Dal (JD) won 153 of the 300 directly elective seats in the Jatiya Sangsad. Mizanur Rahman Chowdhury, the former General-Secretary of the JD, was appointed Prime Minister in July. **[1]**

3.13 Ershad joined the JD in September, being elected as chairman of the party. In the presidential election of mid-October (which was boycotted by both the BNP and AL) Ershad received 22 million votes. In November, the Jatiya Sangsad approved indemnity legislation (legalizing the military regime's actions since March 1982). Ershad then repealed martial law and restored the 1972 Constitution. He also formed a new Council of Ministers, including four MPs from the AL. **[1]**

3.14 Dissension from the opposition continued throughout **1987** and President Ershad declared a nation-wide state of emergency on 27 November. On 6 December, after twelve opposition members had resigned and the 73 AL members had agreed to do likewise, Ershad dissolved the Jatiya Sangsad. The JD won a large majority of seats in the parliamentary elections of 3 March **1988**. Later that month, Moudud Ahmed, an ally of Ershad, was appointed Prime Minister. Ershad repealed the state of emergency in April. **[1]**

3.15 Violence, anti-Government demonstrations and strikes occurred throughout the country in **1990**. Ershad re-proclaimed a state of emergency on 27 November, and later resigned on 4 December, simultaneously revoking the state of emergency (again), and dissolving the Jatiya Sangsad. The newly appointed Vice President, Shahabuddin Ahmed, assumed the responsibilities of acting President, and was placed at the head of a neutral caretaker government. In the week following his resignation, Ershad was placed under house arrest. **[1]**

1991 - 1996

3.16 On 27 February **1991**, the BNP alliance won an overall majority at the parliamentary elections. Later, following discussion with the Jamaat-e-Islami (JI), the BNP ensured a small working majority in the Jatiya Sangsad, and Begum Khaleda Zia assumed office as Prime Minister. Abdur Rahman Biswas was elected as the new President on 8 October. In August **1992**, the Government survived an AL-led parliamentary motion of no confidence. **[1]**

3.17 In January **1994**, the AL won the mayoralties of Dhaka and Chittagong. However, a by-election success in March revealed the strength of the BNP elsewhere. All opposition members of the Jatiya Sangsad resigned en masse on 28 December. 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. Although opposition persisted, Begum Khaleda Zia's administration continued in office in an acting capacity. **[1]**

3.18 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 recognize 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. **[1]**

3.19 Begum Khaleda Zia and her government resigned from their posts on 30 March, when the Jatiya Sangsad was dissolved. President Biswas appointed Muhammad Habibur Rahman as acting Prime Minister. Notwithstanding an unsuccessful military coup on 20 May, a further general election was held on 12 June: the AL won 146 of the 300 elective seats in the Jatiya Sangsad. An understanding was rapidly reached between the AL and the Jatiya Dal (whose major interest was the release of Ershad). **[1]**

3.20 Sheikh Hasina Wajed was sworn in as the new Prime Minister on 23 June. Her Council of Ministers incorporated one member from the JD and included a number of retired officials and army officers. On 23 July, Shahabuddin Ahmed was elected as Bangladesh's new Head of State. **[1]**

3.21 Upon assuming power, Sheikh Hasina Wajed vowed to bring to justice those responsible for the assassination of her father, Sheikh Mujibur Rahman. In November, the Jatiya Sangsad voted unanimously to repeal the indemnity law that had been enacted in 1975 to protect the perpetrators of the military coup in that year; the BNP and the JI however boycotted the vote. **[1]**

See also Prosecution of 1975 Coup Leaders*: paragraph 5.4.13.*

1997 –1999

3.22 Ex-President Ershad was released from prison on bail in January **1997**. Agitational politics continued throughout the year. The trial of twenty people accused of direct involvement in Sheikh Mujibur's assassination began in March 1997. **[1]** The opposition organized further disruptive strikes in July and August 1997 in protest of the Government's imposition of higher taxes as part of the annual budget, and also because of increased fuel prices. A series of strikes and demonstrations ensued, organized by the BNP in conjunction with Islamic and right-wing groups. **[1]**

3.23 On 30 August 1997 the BNP, inflamed by a fresh argument over the murder of Sheikh Mujibur Rahman, recommenced its boycott of the Jatiya Sangsad. **[4b]** In November 1997 the BNP, backed by its allies including the JI, led general strikes in Dhaka and Chittagong. These resulted in clashes with the AL and subsequent killings and injuries. **[4d]**

3.24 In December 1997 the AL Government signed an historic peace accord to end the insurgency in the Chittagong Hill Tracts. **[1] & [4e]** Opposition to the treaty from the BNP swiftly ensued. **[1] & [4f]** However on 10 February **1998** the Shanti Bahini guerrillas formally surrendered their arms to the Government, marking an end to the 25-year insurgency. **[4j]**

See also Chittagong Hill Tracts*: paragraphs 5.4.6 - 5.4.10.*

3.25 The ruling coalition split on 15 March 1998 when the minority Jatiya Dal announced that it was leaving the 'national consensus' government. **[5c] & [11f]** Ershad remained charged with sixteen offences, all of which were filed during the Caretaker Government (1990-91) and BNP rule (1991-96). These offences mostly concerned the misappropriation of Government funds (amongst other corruption charges.) **[11f]**

3.26 The BNP returned to the Jatiya Sangsad on 9 March 1998, following the signing of a memorandum of understanding between it and the ruling AL. **[5c]** However 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. **[5d]** Nonetheless, the Jatiya Sangsad passed the four bills at the beginning of May 1998. **[5e]**

3.27 In August 1998 the BNP vowed to maintain their campaign against the AL in order to force the Government from power. **[4m]** In November 1998 fifteen former army officers, including Farook Rahman, a retired colonel, were sentenced to death by firing squad for killing the country's founder, Sheikh Mujibur Rahman. **[15]**

See also Prosecution of 1975 Coup Leaders*: paragraph 5.4.13.*

3.28 The seven-party opposition alliance led by the BNP renewed its campaign to oust Sheikh Hasina's government during October and November 1998 by holding a series of strikes. **[5h]**

3.29 A new anti-government alliance was formed on 20 December 1998 between Begum Khaleda Zia's BNP and the leaders of the Jamaat-e-Islami and the Jatiya Dal (JD) (the latter had initially supported the AL Government after the June 1996 election). It had been reported earlier on 15 December 1998 that the JD had linked up with seven smaller parties to agitate against the government. The opposition claimed that intimidation and vote rigging had marred a recent by-election in Pabna. **[5i]**

3.30 Prime Minister Hasina's consensus government suffered a blow on 30 December 1998 when Communications Minister, Anwar Hossain Manju, was sacked from the Jatiya Party's presidium, from the post of its vice-chairman and the party's membership, for violating party discipline and making outrageous statements. The JP's leader, Ershad, who had recently become an ally of the main opposition, said that he would join any movement to topple the government. Manju was reportedly sacked from the JP for criticising Ershad's moves to topple the Government. The JP also urged Manju to quit the cabinet. **[4k]**

3.31 Two bombs 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 had been organized by an anti-fundamentalist cultural group, Udichi Shilpi Gosthi. Its president blamed the bombing on Islamic fundamentalists. The attack was condemned by the Prime Minister, who reportedly implied that the opposition BNP were responsible. **[5j]**

3.32 General Ershad was prevented from leaving the country in November **1999**. This came the day after his Jatiya Party counterpart and former Prime Minister Kazi Zafar Ahmed was sentenced in absentia to fifteen years imprisonment for corruption. Ershad's conviction for corruption was under appeal at the time. **[20a]**

January 2000 - December 2000

3.33 In July 2000 twenty-four people were charged with the March 1999 Jessore bombing, including a former opposition MP. Police suspected a link between the bombing and the murder of prominent investigative journalist Shamsur Rahman the same month. Rahman had exposed the link between organized crime and politics, and police suspected that his murder was a bid to intimidate witnesses in the bombing case. **[20d]**

See also Speech and Press*: paragraphs 5.4.3 - 5.4.4.*

3.34 The ruling Awami League began a campaign against the Jamaat-e-Islami's student wing - the Islami Chhatra Shibir - following the murder of eight pro-AL students in Chittagong in July 2000. **[22]** The Prime Minister made a statement following this incident which was interpreted as vengeful, and was not well received by the media. Following this there was an attempt on the Prime Minister's life, when a bomb was detected accidentally near Kotalipara a day ahead of her scheduled visit. Ruling party leaders were quick to associate the BNP-led opposition with the incident. **[12j]**

3.35 Political tensions heightened further on 6th August 2000 when police used lathi-charges, teargas and rubber bullets to disperse a peaceful opposition alliance rally in front of the BNP central office. **[12j]**

January 2001 - April 2001

3.36 There were violent clashes in February 2001 following the arrest of radical Muslim leader Maulana Azizul Haq of the hard line Islami Oikya Jote (IOJ) party, who was charged with the murder of a policeman during a general strike called by the Islamic parties. The violence followed a court ruling banning Islamic edicts (or fatwas). **[20f]** In the same month in Dhaka four people and a policeman were killed and dozens wounded in violence between ruling party and opposition activists during a general strike. **[20h]**

IV INSTRUMENTS OF THE STATE

4.1 POLITICAL SYSTEM

Constitution

4.1.1 A new Constitution for the People's Republic of Bangladesh came into effect on 16 December 1972. The 1972 Constitution based its fundamental principles on nationalism, socialism, democracy and secularism. The Constitution aims to establish a society free from exploitation in which the rule of law, fundamental human rights and freedoms, justice and equality are to be secured by all citizens. **[1]**

4.1.2 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, every citizen has freedom of movement, assembly and association. The constitution also aims to guarantee freedom of conscience, speech, press and religious worship. **[1]**

4.1.3 The Constitution was amended in 1977 to replace Islam with secularism. A further amendment in 1988 established Islam as the state religion. In August 1991 the Jatiya Sangsad approved an amendment, ending sixteen years of presidential rule and restoring the prime minister as executive leader (under the previous system both the prime minister and the Council of Ministers were answerable to the president). Apart from the Ershad-imposed period of martial law from 24 March 1982 until 10 November 1986, the Constitution has remained in place. **[1]**

Government

4.1.4 Bangladesh is a parliamentary democracy, with broad powers exercised by the Prime Minister. There is an active political opposition, although violence is a pervasive feature of politics. **[2]**

See also Parliament*: paragraphs 4.1.7 - 4.1.9*

President

4.1.5 The President is constitutional Head of State and is elected for a term of five years. The AL presidential candidate, Shahabuddin Ahmed, was elected President on 23 July 1996. **[1]**

4.1.6 The President is eligible for re-election by universal adult suffrage. The President has control of the armed forces and is responsible for appointing the Prime Minister and other ministers, as well as the Chief Justice and other judges. The President also has executive authority, which he exercises either directly or through subordinate officers in accordance with the Constitution. The Council of Ministers aid and advise the President. **[1]**

Parliament

4.1.7 Parliament (the 'Jatiya Sangsad') is a unicameral legislature. Members of the Jatiya Sangsad are directly elected on the basis of universal adult franchise from single territorial constituencies. Persons aged eighteen and over are entitled to vote. The parliamentary term lasts for five years, unless the President dissolves the Jatiya Sangsad sooner. **[1]**

4.1.8 The general election on 15 February 1996 was boycotted by all the main opposition parties, with a subsequent low turn out. The Bangladesh Nationalist Party (who had won the previous general election of 27 February 1991) won 205 of the 207 seats declared. **[1]**

4.1.9 A second general election of that year was held on 12 June 1996, the results of which were as follows:

Awami League	**146**
Bangladesh Nationalist Party	**116**
Jatiya Dal	**32**
Jamaat-e-Islami Bangladesh	**3**
Jatiya Samajtantrik Dal (Rab)	**1**
Islami Oikya Jote	**1**
Independent	**1**
TOTAL	**300**

[1]

See also Supervision of Elections*: paragraphs 5.2.10 - 5.2.12*

4.2 JUDICIAL SYSTEM

4.2.1 The court system has two levels: the lower courts and the Supreme Court. Both hear civil and criminal cases. The lower courts consist of magistrates, who are part of the administrative branch of government, and session and district judges who belong to the judicial branch. The Supreme Court is divided into two Sections, the High Court and the Appellate Court. The High Court hears original cases and reviews cases from the lower courts. The Appellate Court has jurisdiction to hear appeals of judgements, decrees, orders or sentences of the High Court. Rulings of the Appellate Court are binding on all other courts. **[2]**

4.2.2 Trials are public. The law provides the accused with the right to be represented by counsel, to review accusatory material, to call witnesses and to appeal against verdicts. **[2]** Muslim clerics (including unqualified religious men) often issue Islamic edicts (or fatwas) on family disputes, whereby punishments vary from public naming and shaming to physical mutilation. **[20h]** In December 2000 however the high court ruled that the issuing of fatwas was against the law. **[20f]** All judgements except those passed by the courts were therefore deemed illegal. **[20g]** Although hard liners protested that this was against the spirit of Islam, the ruling was welcomed by mainstream political parties, women's organisations and human rights groups who saw it as a landmark verdict. **[20f]**

4.2.3 Under the Constitution all citizens are equal before the law and have a right to its protection. **[1]** In September 1996 the Government established an “expert committee” within the law ministry to develop proposals to further separate the judiciary from the executive. **[3g]** The Constitution provides for an independent judiciary. However, under a long-standing "temporary" provision of the Constitution, some subordinate courts remain part of the executive and are subject to its influence. Lower level courts are more susceptible to pressure from the executive branch. There also is corruption within the legal process, especially at lower levels. **[2]** Amnesty International for example reports that corruption amongst the police and lower judiciary results in impunity for human rights abusers and impedes access to justice for those without money or political influence**. [7j]** The higher levels of the judiciary however display a significant degree of independence and often rule against the government. **[2]**

4.2.4 A major problem is the overwhelming backlog of cases, and trials are typically marked by extended continuances while many accused persons remain in prison. According to one independent sample survey conducted by Transparency International Bangladesh, over 60 percent of the persons involved in court cases paid bribes to court officials. Because of the difficulty in accessing the courts and because litigation is time consuming, alternative dispute resolution by traditional village leaders, which is regarded by some to be more transparent and swift, is popular in rural communities. However, these mechanisms can also be subject to abuse. **[2]**

4.3 **SECURITY**

General

4.3.1 The internal security establishment in Bangladesh consists of the police and four auxiliary forces: the paramilitary Bangladesh Rifles (BDR), the Armed Police, the Ansars and the Village Defence Party. However it is the police and the two paramilitary forces, the BDR and Ansars, who are primarily responsible for maintaining law and order. **[3h]** The Special Branch division of the police, National Security Intelligence and the Directorate General of Forces Intelligence (DGFI) employ informers to report on citizens perceived to be political opponents of the Government and to conduct surveillance of them. Political leaders, human rights activists, foreign NGOs and journalists report occasional harassment by these security organizations. **[2]**

4.3.2 On 28 June 1997 the Prime Minister announced plans to introduce effective laws to stop terrorism. **[12c]** In early 1998 the government announced a number of measures to enable the police to deal better with the deteriorating law and order situation. In April of that year it was also reported that new police officers were recruited. The police were also being equipped with new vehicles and communications equipment, country wide radio network, fax and computer systems. They were also promised improvements to uniforms, rations and weapons. **[3h]**

4.3.3 The issue of whether Islamic militants were active in Bangladesh emerged during former US President Bill Clinton's visit in March 2000. Such groups are influential in some parts of the country, but have gained little significant support in a country that associates itself with secularism and democracy. The main Islamist party is allied with the BNP opposition yet holds only three seats in parliament. **[20c]**

4.3.4 The government has called in the army to round up suspected criminals in the south-west of the country - an area terrorised for decades by outlaws, smugglers and armed militants from banned political groups. A measure of security was restored, although confidence plummeted in July 2000 following the murder of investigative journalist Shamsur Rahman who had exposed links between organised crime and politics. **[20d]**

See also January 2000 - December 2000*: paragraphs 3.33 - 3.35 and* Speech and Press*: paragraphs 5.4.3 - 5.4.4.*

1974 Special Powers Act

4.3.5 The Special Powers Act (SPA) of 1974 gives the Government sweeping powers to detain any person for an initial period of up to 30 days without formal charge or specific complaint, to prevent him or her performing a 'prejudicial act'. **[3h]** Although the SPA provides detainees with limited safeguards against prolonged detention and arbitrary arrest, in practice the grounds for detention are often very vague. **[3h]** The SPA also permits searches without a warrant. **[2]**

4.3.6 SPA cases generally are so weak and vague that courts have had no alternative but to grant bail. The Government cites a significant reduction in the number of persons held under the SPA as evidence that it is minimizing its use of the act. Some observers however assert that use of the recently enacted Public Safety Act (PSA) explains the reduction of persons held under the SPA. **[2]**

4.3.7 While in the past the Government has held incommunicado some prominent prisoners, there were no known cases during 2000. **[2]** It has nonetheless been claimed that the government, instead of using the SPA, now files criminal cases against certain politicians in order to ensure that instead of spending time at party offices, they are spending time in court. **[12k]**

Public Safety Act

4.3.8 In response to a deteriorating law and order situation, Parliament passed the restrictive new Public Safety Act (PSA) in January 2000; the law became effective in February 2000. The PSA established special tribunals to hear cases under the act, and made such offences non-bailable. Opposition leaders claim that the Government has used the PSA to intimidate them. There are credible reports from human rights monitors and political activists that the Awami League Government uses both the SPA and the new PSA as tools to harass and intimidate political opponents and others. **[2]**

V HUMAN RIGHTS

5.1 INTRODUCTION

5.1.1 Under the previous government of the Bangladesh Nationalist Party (BNP), increasing efforts were made to protect human rights. **[7a]** The Government is defensive about international criticism regarding human rights issues. The Government has nonetheless been open to dialog with international organizations and foreign diplomatic missions regarding issues such as trafficking in women and children. In the past the Government has put

pressure on individual human rights advocates, including filing charges that are known to be false. Such pressure has also included long delays in issuing re-entry visas for international human rights activists. Missionaries who advocate human rights have faced similar problems. **[2]**

See also Human Rights Groups*: paragraphs 5.2.13 - 5.2.14;* Women*: paragraphs 5.3.16 - 5.3.27 and* Children*: paragraphs 5.3.28 - 5.3.31.*

5.1.2 Availability on the legal redress for victims of human rights violations is reportedly scant. The poor and uneducated have difficulties in registering cases with the police and gaining access to the legal system. **[3f]**

See also Judicial System*: paragraphs 4.2.1 - 4.2.4.*

5.1.3 During 2000, the Government acceded to the UN International Covenant on Civil and Political Rights. **[2]** The Government generally keeps to the conventions it has ratified. However the more complex issues, such as child labour and full emancipation and greater empowerment of women are being resolved gradually over time. **[11d]** The Prime Minister has expressed her determination to curb criminal activities relating to the abuse of women and children. **[14]** The Government has introduced a repression bill, which includes recommendations to separate the judiciary from the executive, and for enquiries to be made by the judiciary instead of the police. **[6c]**

See also Women*: paragraphs 5.3.16 - 5.3.27; and* Children*: paragraphs 5.3.28 - 5.3.31.*

5.2 GENERAL ASSESSMENT

Torture

5.2.1 Although the law does not permit the police to torture criminals physically, it is reported that (for the purpose of maintaining law and order and to unearth the truth) the police sometimes beat up those in custody. **[12b]** Physical and psychological torture and other abuse during arrests and interrogations routinely occur. Torture may consist of threats, beatings and occasionally the use of electric shock. The government rarely convicts or punishes those responsible for torture, and a climate of impunity allows such police abuses to continue. **[2]**

5.2.2 According to Human Rights Watch, torture has been widespread under successive governments, with little effort undertaken to suppress the practice of it. Human Rights groups in Bangladesh attribute this to political corruption, illiteracy, underdevelopment and poverty. Political parties have shown little interest in the human rights violations of non-members. The poor are the least protected, while those with political connections to successive ruling parties have been the most protected. HRW also claim that new laws to combat law and order problems have served to increase the number of torture victims. **[9]**

5.2.3 Some poor people have reportedly been tortured at the behest of landlords or local leaders in return for a bribe. Political opponents are also reportedly tortured by police at the instigation of politicians. Victims however may be members of the same party as the instigator. Local political leaders are the most frequent victims. **[9]**

Police

5.2.4 The police often employ excessive and sometimes lethal force in dealing with opposition demonstrators. Police corruption is a continuing problem, and there have been credible reports of police complicity in the trafficking of women and children. In addition police commonly detain opposition activists prior to and during general strikes without citing any legal authority, holding them until the event is over. Newspapers sometimes report instances of police detaining persons to extract money or for personal vengeance. **[2]**

See Assembly and Association*: paragraphs 5.4.1-5.4.2;* Women*: Paragraphs 5.3.16 - 5.3.27 and* Children*: paragraphs 5.3.28 - 5.3.31.*

5.2.5 Section 54 of the Code of Criminal Procedure 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. **[3h]** In 1998 the Home Minister acknowledged that police abuse Section 54. The Government sometimes uses Section 54 to harass and intimidate members of the political opposition and their families. **[2]**

5.2.6 Under Section 54, individuals may be detained for suspicion of criminal activity without an order from a magistrate or a warrant. Some persons initially detained under Section 54 subsequently are charged with a crime, while others are released without any charge. According to the Government, 10,582 persons were arrested under Section 54 during 2000. Of those, 3,915 were subsequently charged with criminal offenses. **[2]**

5.2.7 There is a practice of placing women, juveniles and children in "safe custody" in jails or prisons under certain circumstances. Rape victims, child prostitutes, children fleeing abusive homes and witnesses to murder and other serious crimes (if their presence is necessary for a criminal investigation), are among those who can be placed in safe custody. Human rights groups claim that "safe custody" is a form of punishment, and that women are in prison with convicted prisoners and treated as if charged with or convicted of an offence. Human rights groups also argue that there is no basis in law for "safe custody", and for several years activists have been trying to have the practice abolished. **[3h]**

See also Women*: paragraphs 5.3.16 – 5.3.27.*

5.2.8 In March 1999, police officers in Dhaka drowned college student Mujibur Rahman. In July 1999 three policemen in Dhaka allegedly severely beat Mohammed Shahjada Tuku, then threw him into a canal where he drowned; none of the officers involved have been held accountable. According to government figures, 134 persons died in prison and police custody during 2000. Most police abuses go unpunished, and the resulting climate of impunity remains a serious obstacle to ending police abuse and extrajudicial killings. However, in some instances the authorities took action. **[2]**

See also Security*: paragraphs 4.3.1 - 4.3.8; and* Torture*: paragraphs 5.2.1 - 5.2.3.*

5.2.9 Rape of female detainees in prison or other official custody has been a problem. There were nonetheless no reports of this during 2000, although it is unclear whether the situation has improved after public condemnation or whether rapes continue and are not being reported. Police sometimes rape women who are not in custody. During the first 9 months of 2000, one human rights organization documented nine such cases. **[2]**

Supervision of Elections

5.2.10 An Election Commission supervises elections for the presidency and Jatiya Sangsad. 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. **[1]** Elections are held by secret ballot on the basis of universal suffrage. **[2]**

5.2.11 Under a 1996 constitutional amendment, general parliamentary elections are presided over by a caretaker government, led by the most recently retired Chief Justice of the Supreme Court. **[2]**

5.2.12 The Bangladesh Election Commission announced in April 1999 that it would issue identity cards to all voters. The secretary of the Commission said that some 60 million eligible voters will be issued with identity cards in the next elections, and that ID cards would also have to be produced to obtain passports, travel documents, driving licences and for buying or selling land. **[4s]**

Human Rights Groups

5.2.13 The Government generally permits human rights groups to conduct their activities. While human rights groups are often sharply critical of the Government they frequently practice self-censorship, particularly on some politically sensitive cases and subjects. In the past the Government has consulted with human rights groups on some draft legislation and taken their views into account. The Government still nonetheless continues to refuse to register the Bangladesh Section of Amnesty International, which since 1990 has applied several times for registration under the Societies Registration Act. Without this registration a voluntary organization cannot receive funding from abroad. **[2]**

5.2.14 For many years radical Muslim groups, especially in rural areas have felt threatened by the active NGO lobby. They perceive NGOs as taking villagers - especially women - away from Islam in the name of emancipation. It seems however that the Islamic groups are gradually losing ground. **[20g]**

5.3 SPECIFIC GROUPS

Religious Minorities

5.3.1 The Constitution establishes Islam as the state religion but also stipulates the right to practice the religion of one's choice, and the government respects this provision in practice. However, although the government is secular it is still sensitive to the Muslim consciousness of

the majority of its citizens. **[2]** 88.3% of the population are Muslims, 10.5% are Hindus **[18]** and there are also small groups of Buddhists, Christians and tribals. **[1]**

5.3.2 The law permits citizens to proselytize. Strong social resistance to conversion from Islam however means that most missionary efforts by non-Muslims are aimed at Hindus and tribal groups. The government allows various religions to establish places of worship, to train clergy, to travel for religious purposes and to maintain links with co-religionists abroad. Foreign missionaries may work in the country, but their right to proselytize is not protected by the Constitution. Some missionaries face problems in obtaining visas. **[2]** Bangladesh does not have a "blasphemy law". **[4q]**

5.3.3 Islamic fundamentalism was seen to rise throughout 1993-94. **[1]** Some members of the Hindu, Christian and Buddhist minorities continue to perceive and experience discrimination towards them. **[2]** In spite of this, discrimination against Hindus or other religious minorities is neither widespread nor is it a result of any systematic campaign of persecution. **[11b]**

5.3.4 The Bangladesh Hindu Bouddha Christian Oikya Parishad (BHBCOP) - or Bangladesh Hindu Buddhist and Christian Unity Council - are a non-political organization founded in 1988. Their main objective is to reinstate secularism as one of the four principles of the Constitution, and they believe that conditions for minorities have improved. The BHBCOP also believe that the state-sponsored persecution of minorities (mainly Hindus) has now decreased, and members of minority groups are filling a greater number of positions in the public sector. **[11e]**

5.3.5 Bangladesh has ratified the following international treaties:

- International Convention on the Elimination of All Forms of Racial Discrimination

- International Convention on the Suppression and Punishment of the Crime of Apartheid

[8]

Biharis

5.3.6 Biharis are the non-Bengali Muslims who emigrated to what was formerly East Pakistan during the 1947 partition of British-ruled India. **[2]** Although they are generally known as Biharis (from the Indian State of Bihar), many also came from other Indian States. **[12i]** Most supported Pakistan during Bangladesh's 1971 war of independence. They later declined to accept Bangladeshi citizenship and asked to be repatriated to Pakistan. **[2]** Indifference on the part of successive governments of Bangladesh and Pakistan to the issue of repatriation has served to increase the plight of the 'stranded' Biharis ever since Bangladesh's independence. **[12i]**

5.3.7 Pakistan allowed more than 120,000 Biharis to move to Pakistan in 1973. **[13]** In September 1991 Pakistan agreed to initiate a process of repatriation and rehabilitation of 250,000 Biharis. Some refugees travelled to Pakistan from Bangladesh in January 1993, **[1]** but this amounted to only 325 families before fund constraints suspended the process. **[12i]**

5.3.8 The status of the Biharis remains unresolved. They have not been granted Pakistani citizenship, although they can apply for Bangladeshi citizenship. **[3f]** In 1995 newspaper reports indicated that Pakistan no longer intended to accept the Biharis. However, in June of that year

the embassy of Pakistan in Washington advised the US Committee for Refugees that those reports were untrue. **[13]**

5.3.9 According to the 2000 US State Department report, approximately 300,000 Bihari Muslims live in various camps around the country. **[2]** The SPGRD (Stranded Pakistanis General Repatriation Committee) however estimate the total number to be 500,000. With current growth rates, there are reports that the Bihari population could reach one million within the next ten years. **[12i]**

Chakmas

5.3.10 Chakmas are one of the main tribal groups living in the Chittagong Hill Tracts (CHT). **[3a]** The Chakmas had fled from Bangladesh to India in 1986 to escape harassment by the Bangladeshi military and Muslim settlers in their native CHT region. **[13]** In May 1992 the Bangladesh and Indian Governments agreed a process of repatriation. However, the refugees (fearing persecution by the Bangladesh security forces) proved reluctant to move. **[1]**

5.3.11 Following negotiations between the Indian and Bangladesh Governments and the Chakma refugees in early 1994, the process of repatriation commenced in mid-February. **[1]** Although there was no organized Chakma repatriation during 1996, nearly 3,000 Chakmas repatriated on their own initiative according to the Bangladesh Government. The Government said that it provided the returnees cash grants for shelter construction, food and agricultural loans. **[13]** At the end of 1997 an estimated 31,000 refugees were still in camps in India awaiting repatriation. **[10b]**

Rohingyas

5.3.12 Approximately 251,000 Rohingya refugees crossed into southeastern Bangladesh in late 1991 and 1992. Fleeing repression, they are the Muslims from the northern Burmese State of Arakan. Since 1992 approximately 232,000 Rohingyas have been repatriated voluntarily to Burma, and nearly 22,700 have left the camps and are living among the local Bangladeshis. After blocking further repatriation in August 1997, Burma allowed repatriation to resume in November 1998, but at such a slow rate that births in the camps outnumbered repatriations. In April 1999 the UNHCR urged the Government to allow any refugees who could not return to Burma to be allowed to work in the country, benefit from local medical programs and send their children to local schools. The Government refused these requests, insisting that all Rohingya refugees must remain in the camps until their return to Burma. There are reports of violence by refugee camp officials against Rohingyas. Despite senior level interaction with the Burmese Government, the Bangladesh Government remains unable to accelerate the rate of repatriation. **[2]**

5.3.13 According to media reports, several thousand more Rohingyas arrived during 2000, although recent arrivals avoided the camps and attempted to settle in the southeastern areas of the country. More than 100,000 Rohingyas who have entered the country since 1991 reportedly live in precarious circumstances in the country outside the camps with no formal documentation. The Government effectively denied first asylum to the new arrivals it encountered by categorizing them as illegal economic migrants and turned back as many as possible at the border. According to UNHCR some of them were fleeing persecution. **[2]**

Ahmadis

5.3.14 The Amhadiya Community (also known as Qadianis) proclaim themselves to be Muslims but differ from other Islamic groups, essentially as they believe that Mohammed was not the last prophet of Islam. They also believe that the founder of their movement, Hazrat Mirza Ghulam, was the messiah. Fewer than 100,000 Bangladeshis are believed to belong to the sect, and their unusual beliefs have resulted in unpopularity in many parts of the country. Fundamentalist groups amongst the majority Sunni Muslims have targeted them. **[20b]**

5.3.15 In October 1999 at least six people were killed and twelve injured in a bomb attack on a mosque used exclusively by Ahmadis in the Southern town of Khulna. Earlier in the year an Ahmadi mosque was torn down in Kushtia, also in the South. Several houses were also burned. **[20b]** In March 2000 neighboring Muslims attacked and damaged 40 houses belonging to Ahamdis at Krora and Nasirabad (Brahmanbaria district); they also captured a local Ahmadi mosque. The mosque was returned to the Ahmadis after a month-long negotiation. **[2]**

Women

5.3.16 Under the 1972 Constitution women are guaranteed fundamental rights, and any form of discrimination on the basis of sex is forbidden. **[3b]** The Ministry of Women's Affairs is responsible for co-ordinating policies and programmes to reduce inequalities between men and women and to rescue women from exclusion. Legislative measures have been introduced to guarantee the rights of women and to protect them from various forms of violence. A special commission has also been set up to identify any gender bias against women. **[17]**

5.3.17 Legislation includes:

- Child Marriage Restraint Act 1929
- Dowry Prohibition Act 1980 (amended 1982)
- Cruelty to Women (Deterrent Punishment) Act 1983
- Family Court Ordinance 1985 (amended 1984) **[3b]**
- Women and Children Repression Prevention Act 1995 **[2]**

5.3.18 Bangladesh has also ratified the following international treaties:

- Convention on the Elimination of All Forms of Discrimination Against Women
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

5.3.19 There are however problems with the implementation of women's legal rights. **[3b]** Women remain mostly in a subordinate position in society and the Government has not acted

5.3.20 According to Amnesty International, Muslim clerics and Islamic groups in Bangladesh have violated women's fundamental rights. It has also been reported that women are subject to unlawful trials and abuse by village mediation councils. **[7b]** In rural areas vigilantism against women for perceived moral transgressions reportedly occurs and may include humiliating and painful punishments. **[2]**

5.3.21 According to a human rights organization, there are seven government-run and thirteen privately run large shelter homes available for use by women who are victims of violence. Some smaller homes are also available for victims of violence, although these are insufficient to meet victims' shelter needs. As a result the Government often holds women who file rape complaints in "safe custody". One study conducted by the Bangladesh National Woman Lawyers Association (BNWLA) found that nearly half of the women in Dhaka's Central Jail were crime victims being held in safe custody. While women initially may consent to this arrangement, it is often difficult for them to obtain their release or to gain access to family or lawyers. While there have been reports in previous years of police raping women in safe custody, there were no reports that this occurred during 2000. **[2]**

See also Police*: paragraphs 5.2.4 – 5.2.9.*

5.3.22 Violence against women is difficult to quantify because of unreliable statistics, although recent reports have indicated that domestic violence is widespread. **[2]** A report released by the UN Population Fund in September 2000 asserted that 47 percent of adult women reported physical abuse by their male partner **[2]** - the highest proportion in the world. One report also suggested that nearly fifty percent of murder cases against women were related to marital violence or the inability to either meet dowry demands or accept polygamous men. **[23]** The Government, media and women's rights organizations have fostered a growing awareness of the problem of violence against women. Much of the violence against women is related to disputes over dowries. According to a human rights group there were 81 dowry-related killings during 2000. **[2]**

5.3.23 The law prohibits rape and physical spousal abuse, but makes no specific provision for spousal rape as a crime. A total of 3,516 rapes and 3,523 incidents of spousal abuses were officially reported during 2000. Of the spousal abuse cases, 2,814 were related to disputes over dowry. Of the 2,130 alleged rapists that were prosecuted, 63 were convicted. **[2]** Incidents of rape also appear to have increased, notably in the south west of the country **[6h]** - an area terrorised for decades by outlaws, smugglers and armed militants from banned political groups. **[20d]** It has been reported that 85 women and children were raped in the region during a seven-month period in 2000, with fifty percent of these occurring in Jessore. It is alleged that most of the rapes cannot be proved due to inadequate medical tests and delays in police investigations. Even when rape is proved through sufficient medical testing and investigations, perpetrators reportedly escape arrest as they are sheltered by influential elements of society. Others allegedly escape to India. **[6h]**

5.4.24 Numerous women have had acid thrown in their faces and suffered subsequent disfigurement. One human rights organization reported that 181 women suffered acid attacks during 2000. The most common motivation for acid throwing attacks against women is revenge by a rejected suitor; land disputes are another leading cause. Few perpetrators of the acid attacks are prosecuted. Often the perpetrator flings the acid in through an open window during the night, making cases difficult to prove. Some arrests have been made, and one person has been given the death sentence. **[2]**

5.3.25 Human trafficking involving young girls, women and children is particularly active in the Southern region of Barisal, with easy access to India and other countries. Female victims of husbands' repression are particularly vulnerable. Traffickers with promises of a high salary also deceive guardians suffering poverty, whose dependants are sold into prostitution for a price relating to their physical condition and appearance. The price increases once they reach the Indian States, and those considered to be exceptionally beautiful are sent to Gulf States or Arabian contacts where a handsome amount of money can be fetched. **[12g]** The BNWLA conducts awareness programs and provides legal advice to victims of trafficking as well as initiating legal action against perpetrators. **[2]**

5.3.26 The government has taken a number of steps for the development of women, announcing the 'National Women Development Policy'. For implementation of the policy, the government has undertaken specific programmes for the empowerment of women, their education, health care and employment. **[6f]**

5.3.27 In January 2000 Parliament passed a law to address torture, mutilation and the sale of women and children. Stiff penalties were introduced for offences such as the use of flammable chemicals, rape, murder, trafficking and kidnapping. The worst crimes were made punishable by death. This was in response to reports that women were often tortured to death for their dowries, or by jealous husbands. **[19b]**

Children

5.3.28 Progress has been made in the area of child rights since Bangladesh ratified the UN Convention on the Rights of the Child, although in practice many children still do not have full access to their rights. **[6g]**

5.3.29 Many children are compelled to work at a very young age due to widespread poverty. This frequently results in the abuse of children, mainly through mistreatment by employers during domestic service whereby children may work in conditions that resemble servitude and prostitution. This abuse occurs commonly at all levels of society throughout the country. Reports from human rights monitors indicate that child abandonment, kidnapping and trafficking for prostitution continue to be serious and widespread problems. **[2]**

5.3.30 UNICEF has estimated that there are about 10,000 child prostitutes in the country. Other estimates have been as high as 29,000. Prostitution is legal, but only for those over eighteen years of age and with government certification. This minimum age requirement is commonly however ignored by authorities and easily circumvented by false statements of age. The law stipulates a maximum sentence of life imprisonment for persons found guilty of forcing a child into prostitution. Procurers of minors are nonetheless rarely prosecuted and

large numbers of child prostitutes work in brothels. There have also been credible reports that police facilitated or were involved in the trafficking of women and children. **[2]** According to Amnesty International, police have taken young girls into custody on the grounds of "suspicious behaviour" - permitted under Section 54 of the Code of Criminal Procedure. Amnesty also reported that detainees had been gang raped. **[7e]**

See also Police*: paragraphs 5.2.4 – 5.2.9*

5.3.31 Thousands of children are allegedly employed by the garment industry, a major foreign currency earner. Young boys are also employed in areas such as brick fields, jute mills, motor garages, chemical industries, textile plants, tea plantations and construction. The service industry also employs them as porters, shoe shining boys and hotel and restaurant employees. Many are separated from their families and some, having escaped such an existence, have relayed accounts of torture by employees. Indifference to the plight of child employees has been attributed to connections between employers and local politicians and officials. **[12e]** UNICEF reports that children under fourteen have been part of the labour force, mainly in the rural and informal sectors. Twelve percent of these are less than nine years old, often employed as maids, servants or rickshaw pullers. The government stated that it was attempting to eliminate child labour (defined as those under-eighteen years) by 2005. **[19c]** Legislation introduced in January 2000 introduced stiff penalties for the amputation of children's limbs in order to make them more effective beggars. **[19b]**

Trafficking in Women and Children

5.3.32 There is a widespread network of trafficking of women and children to India, Pakistan, the Middle East and South-East Asia. **[3f]** The border between Bangladesh and India is loosely controlled, especially around Jessore and Benapole making illegal border crossings easy **[2]** Children are often abandoned when marriages break up and become part of criminal gangs. According to police, traffickers pick them up and then sell them abroad to be camel jockeys. **[19b]**

5.3 33 The exact number of women and children trafficked for purposes of forced prostitution is unknown; however, human rights monitors estimate that more than 20,000 women and children are trafficked from the country for such purposes annually. Most are lured by promises of good jobs or marriage, and some are forced into involuntary servitude outside the country. In desperate poverty, parents often willingly send their children away. Unmarried mothers, orphans and others outside the normal family support system are also susceptible. Traffickers living abroad often arrive in a village and "marry" a woman, only to dispose of her upon arrival in the destination country, where women are sold into bonded labour, menial jobs or prostitution **[2]**

5.3.34 The Prime Minister has reportedly succeeded in curbing the practice of child smuggling by increasing border surveillance. **[14]** Legislation in January 2000 also introduced stiff penalties for sale of women and children. **[19b]**

5.4 OTHER ISSUES

Assembly and Association

5.4.1 The Constitution provides for freedom of assembly, subject to restrictions in the interest of public order and public health; however, the Government frequently limits this right. Section 144 of the Code of Criminal Procedure allows the Government to ban assemblies of more than four persons. According to one human rights organization, the Government imposed Section 144 bans 33 times during the first 9 months of 2000. The Government sometimes uses Section 144 to prohibit rallies for security reasons, and many independent observers believe that such explanations are usually a pretext. **[2]**

5.4.2 Violence is a common feature during rallies, demonstrations, and general strikes (or 'hartals'). In the past some opposition political activities were allegedly staged with the intent of provoking violent clashes in order to embarrass the Government and galvanize public opinion. The overall incidence and severity of hartals however decreased significantly during 2000. **[2]** There were nonetheless four deaths in 2000 during the hartals, and many were injured including opposition activists, police and many ordinary citizens. **[2]**

Speech and Press

5.4.3 The press is a forum for a wide range of views. **[2]** Bangladeshi newspapers have flourished since restrictions on the media were lifted following General Ershad's ousting in 1990. **[3e]**

5.4.4 The Constitution provides for freedom of speech, expression and the press - subject to "reasonable restrictions" in the interest of security, friendly relations with foreign states, public order, decency and morality or to prohibit defamation or incitement to an offence. There were nonetheless numerous examples of the Government limiting these rights in practice. Some government leaders have encouraged violence against journalists by ruling party members. **[2]**

Travel

5.4.5 Citizens are generally able to move freely within the country and travel abroad, although there have been instances in which the Government restricted these rights. **[2]**

Chittagong Hill Tracts

5.4.6 The main tribal groups living in the Chittagong Hill Tracts (CHT) are the Chakmas, Moghs, Tripuras and Mrus. Members of these tribes identify with the Myanmar (Burmese) people and the majority are Buddhists. **[3a]**

See also Chakmas*: paragraphs 5.3.10 - 5.3.11.*

5.4.7 Until 1985 the Government regularly allotted land in the CHT to Bengali settlers, leading to the displacement of many tribal groups. Bengali inhabitants in the CHT subsequently increased from 3 percent of the region's population in 1947 to approximately 50

percent (1 million) in 1997. The Shanti-Bahini (a tribal group) had waged a low-level conflict in the CHT from the early 1970s until the signing of the peace agreement with the Government in December 1997. During the periods of violence, all those involved (indigenous tribes, settlers and the security forces) accused each other of human rights violations. The terms of the 1997 pact provided for a strong local government, consisting of mostly tribal representatives including the chairperson, reduction of the military presence in the CHT region and a substantial compensation package for displaced tribal families. **[2]**

5.4.8 The peace accord with the Parbattya Chattagram Jana Sanghati Samity (PCJSS) - the political wing of the Shanti Bahini - was signed on 2 December 1997. **[4e]** On 6 February 1998 the Government declared a general amnesty for all armed rebels in the CHT. Under its terms, no charges were to be filed against individuals who had previously been active in the Shanti Bahini or its political wing. **[5b]** On 10 February 1998 the Shanti Bahini formally surrendered their arms to the Government, marking an end to the 25-year insurgency. **[4j]**

5.4.9 The Jatiya Sangsad passed four bills relating to the peace agreement in May 1998. The bills however attracted considerable criticism from the BNP and other opposition parties, which condemned the peace treaty as unconstitutional and a threat to the country's territorial integrity. **[5e]**

5.4.10 Having been in effect for 3 years the Peace Accord and has ended 25 years of insurgency in the CHT, although law and order problems continue. Former insurgent leader Jotirindrio Bodhipriya Larma (alias Shantu Larma) has publicly questioned whether the Peace Accord has been implemented properly, and has urged prompt government action to implement all provisions of the Accord. **[2]**

Student Organisations

5.4.11 Students have traditionally played a lead in Bangladesh's political life, often being instrumental in bringing about major political change. **[7c]** For example students were reportedly at the forefront of the nation-wide strikes and demonstrations that resulted in the fall of Ershad in December 1990. It is reported that paid party agents pose as students, and that parties seek to control university campuses in the hope of political gain. **[3c]**

5.4.12 The situation on public university campuses remains volatile, seriously inhibiting teaching and the ability of students to receive a university education. Armed clashes between student groups of different parties or of different factions within a particular party have resulted in temporary closures of colleges and universities in Chittagong, Sylhet and other localities. Campus violence has little to do with ideological differences and more to do with extortion rackets run by non-student party activists. Several private universities that were established during the 1990's however are not affected by student political violence. **[2]**

See also Political Organizations and Other Groups*: Annex A.*

Prosecution of 1975 Coup Leaders

5.4.13 The trial of those accused of involvement in Sheikh Mujibur Rahman's assassination (in August 1975) began in March 1997. **[1]** The High Court confirmed the death sentence against ten former army officers found guilty, although the death sentence against a further five resulted

in a split verdict. Four of the accused are in prison, with eleven believed to have fled abroad. **[20e]**

Domestic Servants

5.4.14 The Bangladesh Domestic Workers Association (BDWA) was formed to oversee the rights and security of domestic employees. The association found that fifteen domestic helps were tortured to death in July and August 1999 alone. Of these, three were burnt to death and three housemaids were killed following rape. Young maids are also forced into prostitution, and it is claimed that during the same period over three hundred were trafficked out of the country. **[12f]**

5.4.15 Housemaids are the main victims in terms of human rights abuse. In the event of male members of the employer's family forcing the housemaid into sexual relations with them, either through pressure or even rape, it is the maid who is punished by the family. Victims are also deprived of justice, with the lack of evidence and witnesses making prosecutions difficult. Many victims also fear reprisal. **[12f]** The Government has however been known to bring criminal charges against employers who abuse domestic servants. **[2]**

Prison Conditions

5.4.16 Prison conditions are extremely poor for most prisoners. The Supreme Court Chief Justice told a seminar on August 10 2000 that prisoners live a "subhuman" life. Official figures indicated that 134 persons died in prison and police custody during 2000. According to credible sources poor conditions were at least a contributing factor in many of these deaths. The Dhaka Central Jail reportedly houses over 8,000 prisoners in a facility designed for fewer than 3,000. The Government has however begun construction of additions to jail facilities in an effort to alleviate overcrowding. **[2]**

5.4.17 The treatment of prisoners is not equal. There are three classes of cells: A, B, and C. Common criminals and low-level political workers are generally held in C cells which often have dirt floors, no furnishings and poor quality food. The use of restraining devices on prisoners in these cells is common. Conditions in A and B cells are markedly better - A cells are reserved for prominent prisoners. **[2]**

5.4.18 In general the Government does not permit prison visits by independent human rights monitors. Government-appointed committees of prominent private citizens in each prison locality monitor prisons monthly, but do not release their findings. District judges also visit prisons occasionally, but rarely disclose their findings. **[2]**

ANNEX A

POLITICAL ORGANIZATIONS AND OTHER GROUPS

Awami League

Founded 1949. Currently headed by Prime Minister Sheikh Hasina Wajed. Supports Parliamentary democracy; advocates socialist economy and secular state; pro-Indian. **[1]**

Bangladesh Jatiyatabadi Dal (Bangladesh Nationalist Party)

Founded 1978 (by merger of groups supporting Ziaur Rahman). Currently chaired by Begum Khaleda Zia, and is the main opposition. Right of centre; favours democratic presidential government. **[1]**

Democratic League

Founded 1976. Conservative. **[1]**

Eight-Party Alliance

Eight-party alliance formed December 1998 to kick-start an "oust-government" [AL] movement. Led by Ershad's Jatiya Party, consisting of: Jatiya Party; Jatiya Janata party of Advocate Abdullah Naser; Jatiya Biplobi Party of Abu Alam; National Awami Party (NAP-Bhashani) of Nazrul Islam; United People's Party (UPP) of Dr Jahirul Islam; Democratic League of Abdur Razzak; People's League of Khandaker Sabbir Ahmed; and Jano Ganotantrik Dal of Advocate Ruhul Amin Khan. **[10g]**

Freedom Party

Founded 1987. Islamic. **[1]**

Jamaat-e-Islami Bangladesh

Founded 1941 (Islamic fundamentalist). **[1]** Opposed to Bangladesh's independence in the 1971 civil war with Pakistan, and now form part of the BNP led opposition alliance. Was banned after independence, but got its rights back after General Zia (the late husband of BNP leader Khaleda Zia) allowed them and other fundamentalist parties to enter politics after the first AL led government of Bangladesh had banned them from politics. The party is a strong cadre-based party, yet lacks mass support as electoral results have shown. **[22]**

Jatiya Dal (National Party)

Founded 1983 as Jana Dal; reorganized 1986, when National Front (founded 1985) formally converted itself into a single pro-Ershad grouping. Advocates nationalism, democracy, Islamic ideals and progress. **[1]** Linked with seven other smaller parties to agitate against the government on 15 December 1998. Formed new anti-government alliance on 20 December 1998 with leaders of BNP and JI. **[5i]** On 30 December 1998 Anwar Hossain Manju, Communications

Minister, was sacked from the JP's presidium, from the post of its vice-chairman and the party's membership, for violating party discipline and making outrageous statements. **[4k]** Former prime minister Kazi Zafar Ahmed, who was expelled from the party on 5 June 1997 and formed a 111 breakaway party, JP(Z-M) **[11f]** returned to the JP. **[6d]** However in November 1999 he was sentenced in absentia to fifteen years imprisonment for embezzlement. **[19a]**

Jatiya Samajtantrik Dal (JSD-S) (National Socialist Party)

Founded 1972. Left-wing. **[1]**

Jatiya Samajtantrik Dal (RAB)

Breakaway faction of JSD. **[1]**

Islami Oikya Jote (IOJ)

Radical Islamic party. **[20f]**

STUDENT MOVEMENTS

Bangladesh Chhatra League-BCL (Sha-PA)

Affiliated to Awami League. **[11c]**

Gonotantrik Chhatra League

Affiliated to Democratic League. **[11c]**

Islami Chhatra Shibir

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

Jatiya Chhatra Samaj

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

Jatiyatabadi Chhatra Dal (JCD)

Affiliated to Bangladesh Nationalist Party. **[11c]**

See also Student Organizations*: paragraphs 5.4.11 - 5.4.12.*

PROSCRIBED ORGANIZATIONS

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

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

Purba Bangla Sarbohara Party ('East Bengalis Who Have Nothing')

Radical Maoist movement; emerged during lead-up to independence. Seeks communist revolution by violent means. Responsible for the assassination of police, officials and merchants. **[11a]**

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 south-west 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 by two brothers, Shantu and Manobendra Larma. 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, **[4e]** Shantu Larma reportedly declared an end to the Shanti Bahini. **[4j]** 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. **[7k]**

See also Chittagong Hill Tracts*: paragraphs 5.4.6 - 5.4.10.*

ANNEX B

PROMINENT PEOPLE

AHMED, Shahabuddin

Current president. **[1]**

AZAM, GHULAM

Current chair of Jamaat-e-Islami. **[1]**

CHOWDHURY, Mizanur Rahman

Current acting chair of Jatiya Dal. **[1]**

ERSHAD, General Hossain Mohammed

Came to power following coup in March 1982; resigned December 1990. Joined Jatiya Party in 1986. **[1]**

RAHMAN, Farook

Leader of 1975 assassination of Sheikh Mujibur Rahman. Sentenced to death on 8 November 1998 by the Awami League for his involvement in assassination. **[15]**

RAHMAN, Sheikh Mujibur (Mujib)

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

RAHMAN, Ziaur (General Zia)

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

WAJED, Sheikh Hasina

Daughter of late Sheikh Mujibur. Current Prime Minister of governing Awami League. **[1]**

ZIA, Begum Khaleda

Widow of General Zia. Head of Bangladesh Nationalist Party. Prime minister: February 1991 – June 1996. **[1]**

ANNEX C

CHRONOLOGY [20i]

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

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

1970 - The Awami League, under Sheikh Mujibur Rahman, wins an overwhelming election victory in East Pakistan. The government in West Pakistan refuses to recognise the results, leading to rioting. Cyclone hits East Pakistan - up to 500,000 people are killed.

Independence

1971 - Sheikh Mujib and the Awami League proclaim the independence of the province of East Pakistan on 26th March. The new country is called Bangladesh. Just under 10 million Bangladeshis flee to India as troops from West Pakistan are defeated with Indian assistance.

1972 - Sheikh Mujib becomes prime minister. He begins a programme of nationalising key industries in an attempt to improve living standards, but with little success.

1974 - Severe floods devastate much of the grain crop, leading to an estimated 28,000 deaths. A national state of emergency is declared as political unrest grows.

1975 - Sheikh Mujib becomes president of Bangladesh. The political situation worsens. He is assassinated in a military coup in August. Martial law is imposed.

1976 - The military ban trade unions.

1977 - General Zia Rahman assumes the presidency. Islam is adopted in the constitution.

1979 - Martial law is lifted following elections, which Zia's Bangladesh National Party (BNP) wins.

1981 - Zia is assassinated during abortive military coup. He is succeeded by Abdus Sattar.

The Ershad era

1982 - General Ershad assumes power in army coup. He suspends the constitution and political parties.

1983 - Ershad's proposal that all schools should teach Arabic and the Koran leads to demonstrations. Limited political activity is permitted. Ershad becomes president.

1986 - Parliamentary and presidential elections. Ershad elected to a five-year term. He lifts martial law and reinstates the constitution.

1987 - State of emergency declared after opposition demonstrations and strikes.

1988 - Islam becomes state religion. Floods cover up to three-quarters of the country. Tens of millions are made homeless.

1990 - Ershad steps down following mass protests.

1991 - Ershad convicted and jailed for corruption and illegal possession of weapons. Begum Khaleda Zia, widow of President Zia Rahman, becomes prime minister. Constitution is changed to render the position of president ceremonial. The prime minister now has primary executive power. Cyclonic tidal wave kills up to 138,000.

Awami League returns

1996 - Two sets of elections eventually see the Awami League win power, with Sheikh Hasina Wajed, the daughter of Sheikh Mujibur Rahman, becoming prime minister.

1997 - Ershad is released from prison. The opposition BNP begins campaign of strikes against the government.

1998 - Two-thirds of the country devastated by the worst floods ever. Fifteen former army officers sentenced to death for involvement in assassination of President Mujib in 1975.

2000 September - Sheikh Hasina criticises military regimes in a UN speech, prompting Pakistani leader General Musharraf to cancel talks with her. Relations strained further by row over leaked Pakistani report on 1971 war of independence.

2000 December - Bangladesh expels Pakistani diplomat for comments on the 1971 war. The diplomat had put the number of dead at 26,000, whereas Bangladesh insist nearly three million were killed. Bangladesh wants Pakistan to apologise for alleged genocide that it says Pakistani forces were guilty of during the war.

ANNEX D

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