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Bangladesh: politically-motivated detention of opponents must stop

In light of a recent wave of arrests of opposition activists, Amnesty International called today on the government of Bangladesh to stop the opportunistic use of criminal charges to detain political opponents.

Just last week, several hundred activists of the opposition Awami League were detained by police without an arrest warrant ahead of a general strike called by the Awami League. Some have reportedly been released but a significant number are said to be still detained with the possibility of criminal cases being filed against them.

"Opposition members are detained under legislation which allows arrest without a warrant and are taken to police custody where they are often subjected to torture, including beatings and sleep deprivation," Amnesty International said. "They then remain in administrative detention while the authorities file criminal cases against them. The only way in which they can obtain release on bail is through the lengthy process of appealing to the High Court, but the government does not normally respect such court orders," the organization added.

This was the case with senior Awami League leader and former state minister, Dr Mohiuddin Khan Alamgi, who remains in detention despite the fact that a High Court order for his release on bail was issued last week. He was detained on 15 March 2001 and has reportedly been tortured in custody. There are fears that the authorities may bring yet another criminal charge against him to secure his continued detention.

Amnesty International is urging the Bangladesh government to respect the court order and release Dr Mohiuddin Khan Alamgi on bail immediately. He is a diabetic and there are fears that he may not be receiving adequate medical care.

Other cases highlighting this pattern of politically-motivated detentions include those of senior Awami league politician and former member of parliament Kamal Ahmed Majumder, and former Awami League student leader Oshim Kumar Ukil. They were both arrested in August 2002 without a warrant and in breach of a court order granting them anticipatory bail. Kamal Ahmed Majumder's lawyers believe his detention -- later secured under the Special Powers Act -- is aimed at implicating him in a criminal case regarding the recovery of an M-16 assault rifle.

Oshim Kumar Ukil was reportedly tortured while in police custody to confess his involvement in the same case. He was reportedly beaten with bamboo sticks, kept in a room with bright lights on, not allowed to go to sleep and had restricted access to toilet facilities. They are both currently in Dhaka Central Jail, where Oshim Kumar Ukil is being held incommunicado.

Other Awami League members have been subjected to arrest and harassment in the past six months. Sohel Taj, a member of parliament, received severe neck injuries in March when an Awami League rally was stormed by the police. Some, including Tofael Ahmed, Amir Hossain Amu and Saber Hossain Chowdhury, have gone into semi-hiding after police went to their residences to arrest them.

"The government must stop using politically motivated criminal charges to harass the opposition," Amnesty International said. "Court orders for the release of Awami League detainees should be respected and all allegations of torture should be promptly and thoroughly investigated to ensure that those responsible are brought to justice," the organization concluded.

Background

Dr Mohiuddin Khan Alamgir's arrest in March 2002 was based on accusations that he had instigated government officials and employees to join a rally in early 1996 against the then Bangladesh Nationalist Party government of Begum Khaleda Zia. He was reportedly tortured while he was in police custody. His lawyers obtained a court order for his release on bail, but the government blocked his release by issuing a Special Powers Act (SPA) detention order. The Special Powers Act allows prolonged detention without trial on broadly formulated grounds of preventing a "prejudicial act".

Following a petition by his lawyers, the High Court Division declared his detention under the Special Powers Act illegal, but he was not released because the government had already filed a criminal case against him. Within the first few weeks of his arrest, a total of six such cases were filed against him. His lawyers managed to obtain court orders for his release on bail in all six charges on 11 August 2002. His family provided the surety for the bail and they and fellow Awami League supporters went to greet him at the jail gate, but they were told he could not be released because a judge in chamber had stayed his release. Dr Alamgir’s lawyers successfully challenged the authority of a judge in chamber to stay the order of the High Court on 4 September.

Bahauddin Nasim, a private secretary to the leader of the Awami League, Sheikh Hasina, was arrested on 28 February 2002 at Dhaka airport on sedition charge for possession of publications containing alleged cases of human rights violations by the government. Two other criminal cases were also filed against him. There were credible reports that he had been severely tortured while in detention, but the government has failed to institute an independent and impartial investigation into these reports and to bring any perpetrators to justice.

Three Awami League student leaders, Liaqat Shikder, Nazrul Islam Babu and Rafiqul Islam Kotowal were detained by plain clothes policemen from the vicinity of the house of the Awami League leader, Sheikh Hasina, on 25 February 2002. No cases were pending against them when they were arrested, neither were any grounds given for their arrest. On 26 February, the High Court ordered their release on bail but they were not released. On 27 February the government issued a Special Powers Act detention order against them. On 23 March, the High

Court declared the Special Powers Act order illegal, but they were not released. They were shown arrested in a criminal case. In addition, each time the court has ordered their release on bail the government has filed yet another new criminal case against them, prolonging their detention. They are currently held in Dhaka Central Jail.

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