



BANGLADESH

# Judge, Jury, and Executioner

Torture and Extrajudicial Killings by Bangladesh's  
Elite Security Force

HUMAN  
RIGHTS  
WATCH

# Judge, Jury, and Executioner

## Torture and Extrajudicial Killings by Bangladesh's Elite Security Force

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## Map of Bangladesh



Courtesy of University of Texas at Austin



## I. Introduction and Overview

*It felt as if they were hitting straight on my brain and my eyeballs were going to fall out.*

—RAB torture victim in Dhaka, July 2005

*They put a pistol to my head and said if I don't admit my crimes I'll get "crossfired."*

—RAB torture victim in Dhaka, March 2006

*Criminals cannot have any human rights.*

—Then-State Minister for Home Affairs Lutfozzaman Babar, March 2005

The Rapid Action Battalion, commonly known as RAB, is Bangladesh's elite anti-crime and anti-terrorism force. Since its creation in March 2004 this special unit has been implicated in the unlawful killings of at least 350 people in custody, and the alleged torture of hundreds more.

Many of the deaths for which RAB is responsible resulted from summary executions. Others came after extreme physical abuse. RAB's torture methods include beatings with batons on the soles of the feet and other parts of the body, boring holes with electric drills, and applying electric shock.

The government in power until October 27, 2006, defended the killings by saying the victims—people it called “wanted criminals” or “top terrors”—died when they resisted arrest or when they were caught in the crossfire during an armed clash between RAB and a criminal group (“crossfire” killings). But witnesses, family members, and journalists frequently reported that the victims died in RAB custody, either in the station or outside where an extrajudicial execution took place. The cases documented in this report support those claims.

Even Bangladesh government officials recognize that RAB is killing detainees. In private conversations some admit the government gave RAB a mandate to kill as a way to combat the country's endemic crime. One top official told Human Rights Watch that the government drafted a list of most-wanted criminals for RAB to kill. An October 2006 article in the Bangladeshi press, citing a RAB document and RAB officials, claimed the force compiles profiles of criminals with recommendations of punishment, including death by "crossfire."<sup>1</sup>

Public statements suggest the same. "Although technically you may call it extrajudicial—I will not say killing— but extrajudicial deaths. But these are not killings," said former Law, Justice and Parliamentary Affairs Minister Moudud Ahmed, who was instrumental in establishing RAB. "According to RAB, they say all those who have been killed so far have been killed or dead on encounter or whatever crossfire, whatever you call it—people are happy."<sup>2</sup>

The government's consistent failure to investigate or punish RAB members who commit unlawful killings or torture is another sign of consent. To date, not a single RAB member is known to have been criminally convicted for having tortured or killed a detainee. The most serious reported punishment for a "crossfire" death is dishonorable discharge, an administrative sanction.

Instead of prosecuting abusive members, RAB flaunts its violent behavior as a way to intimidate and scare. RAB members in black uniforms, black wrap-around sunglasses, and black bandanas often leave the dead bodies of victims on the street for passers-by and media crews to see. And RAB announces "crossfire" deaths to the media in generic statements that sometimes change only the name, date, and place. Thanks to RAB operations, Bangladeshis commonly use the word "crossfire" as a verb meaning to murder or kill.

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<sup>1</sup>Abu Sufian, "Blueprint for Crossfire Deaths," *BDNews24*, October 22, 2006, [www.bdnews24.com/details.php?searchtext=&sdate=2006-10-22&search=Search#tp48940](http://www.bdnews24.com/details.php?searchtext=&sdate=2006-10-22&search=Search#tp48940) (accessed November 30, 2006).

<sup>2</sup>Phillip Reeves, "Anti-Terror Force Stalks Bangladesh Capital," *National Public Radio*, November 21, 2006, <http://www.npr.org/templates/story/story.php?storyId=6520810> (accessed November 30, 2006).



Human rights groups, lawyers, journalists, and opposition politicians have condemned RAB for its extrajudicial executions, while recognizing that the government must do more to combat the serious problem of crime. They say the government should revamp the judiciary and the police, rather than empower a security force to act, as one human rights activist said, “as judge, jury, and executioner.”



A crowd in Dhaka gathers to observe a man killed “in crossfire” by RAB in Narayangonj, December 2005. © 2005 Sohrab Alam

The government of former Prime Minister Begum Khaleda Zia, which created RAB in 2004, sought to deflect this criticism by saying that strong measures are needed to combat violent crime. “Criminals cannot have any human rights,” State Minister for Home Affairs Lutfozzaman Babar said on RAB’s first anniversary.



Many people in Bangladesh agree. RAB's popularity is high because many believe it has helped reduce crime, even if Bangladeshis know the force is killing suspects rather than making arrests. In some areas local residents have greeted the RAB "crossfire" killing of a local thug with cheers, believing that the police and courts cannot or will not—often because of corruption—take the necessary steps.

But RAB has egregiously violated the most basic rights of Bangladeshis, as well as the country's laws and international human rights obligations. In ostensibly trying to control crime, it has used patently illegal methods, including arbitrary arrests, forced confessions, torture, and extrajudicial executions.

In addition, while many of RAB's victims may have committed crimes, some killings have apparently been motivated at least in part by politics. In April 2006 the prime minister's advisor for parliamentary affairs, Salahuddin Quader Chowdhury, mockingly warned opposition members to follow the "right path" (*siratul mustakim*) because they are on RAB's "crossfire" list.<sup>3</sup>

Parliamentary elections are set for January 23, 2007. On October 27, 2006, the mandate of Prime Minister Zia's government expired and a caretaker government run by President Iajuddin Ahmed was appointed to run the country until elections take place. On October 31 the caretaker government replaced the director general of RAB, though the reasons are unknown. But some in Bangladesh fear that Zia's Bangladesh Nationalist Party (BNP), which maintains great influence over the caretaker government and its security structures, may use RAB for political means during the campaign.

Despite fierce criticisms of RAB in the past, the leader of the main opposition party, the Awami League (AL), has said the party will leave RAB in place if it comes to power. "Many people think if Awami League comes to power again, it will abolish RAB," Sheikh Hasina said in March 2006. "But we will not do so. Rather, RAB will be given a special assignment to capture corrupt people."<sup>4</sup>

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<sup>3</sup> "You Are on RAB's 'Crossfire' List, Follow the Right Path: Saka Chowdhury," *Prothom Alo* (Dhaka), May 1, 2006.

<sup>4</sup> "Accept in Principle Proposed Reforms," *Daily Star*, March 17, 2006, <http://www.thedailystar.net/2006/03/17/d6031701097.htm> (accessed October 5, 2006).

The opposition's apparent reversal may stem from RAB's continued support among a large segment of the population. There is also concern that the AL wants to use RAB for its own political and economic goals.



Members of RAB in Dhaka on November 21, 2005.  
© 2005 Abir Abdullah / Drik

Whoever wins the elections, only fundamental reform of RAB, including an aggressive campaign to end impunity, will address the problem of state-sanctioned violence and death squads in Bangladesh. International partner and donor states must demand accountability and reform, especially if any countries are considering RAB as a partner in counterterrorism. Ultimately, a failure to institute thorough reform and curb RAB abuse will require abolition of the force.

\* \* \*

This report is based on research in Bangladesh throughout 2006. Human Rights Watch interviewed witnesses to and victims of RAB abuse, as well as lawyers, human rights activists, journalists, and foreign diplomats who follow law enforcement. Individuals with information about specific cases often asked for anonymity out of fear of RAB reprisal. “I have a brother and he could be crossfired too,” one witness said.

On June 6 Human Rights Watch submitted a series of questions to the minister of home affairs, the minister of law, justice and parliamentary affairs, and the RAB director general about RAB, its operating procedures, and the process for accountability (see Appendix). As of October 27, when the BNP-led government left office, no one had replied. Human Rights Watch submitted the same questions on November 8 to President Ahmed, head of the caretaker government with responsibility for the defense and home affairs portfolios, and the newly appointed RAB director. As of December 1, neither had replied.

The report begins by presenting the history of RAB, including its predecessors and the problematic legislation on which it is based. The roughly 8,500-member RAB force is organized in 12 battalions operating around the country. The report identifies the key commanders, who are responsible for the actions of the forces under their command. It explains how RAB is a composite force, with members seconded by the military and police, who receive training from special forces and are equipped with modern gear.

The core of the report documents torture and unlawful killings by RAB over the past two-and-a-half years, including six detailed case studies, one of extreme torture and five extrajudicial executions. The killings are primarily of criminal suspects but some have a political taint: In one case, RAB members tortured to death a witness to the murder of a prominent opposition member of parliament. In another, members allegedly killed “in crossfire” a political activist for the Awami League who had been working on behalf of poor villagers engaged in a land dispute with a cousin of the state minister for home affairs. Some victims were reportedly activists of a banned communist group, the Purba Banglar Communist Party (PBCP).

Human Rights Watch compiled a database of reported RAB killings between June 2004 and September 2006, based primarily on reports from Bangladeshi media,

Bangladeshi human rights groups, and our own research. According to these sources, as of October 1, 2006, RAB had killed 367 people around the country. The youngest victim was 14 years old, the oldest 65, and all the victims were male. Of the 367 reported killings, 77 percent (284) were reported as “crossfire” killings (in which the victim was allegedly killed as a bystander to a gunfight), and 11 percent (42) were described as “killings during shootouts” (in which the victim reportedly took part in a gunfight).

Human Rights Watch did not investigate all 367 reported killings. The human rights and press reports on which the database was primarily built strongly suggest that most of the deaths resulted from torture or extrajudicial execution, and Human Rights Watch’s own research confirms this trend. But some of the killings may have resulted from a legitimate use of police force.

RAB killings per month in 2004 and 2005 averaged a similar rate: 11.7 per month in 2004 and 10.3 per month in 2005. In the first nine months of 2006 the monthly rate jumped to 17.9, a drastic increase from that of the previous two years. The most deadly month was June 2006, when RAB personnel reportedly killed 37 people. Of all reported RAB killings, 32 percent took place in Dhaka division, followed by Khulna division with 29 percent. But when compared to population size, Khulna division had by far the most reported RAB killings.

Reported RAB killings continued on pace after the establishment of the caretaker government on October 27, 2006. Over the next four weeks, based only on Bangladeshi media sources, RAB killed 17 people—16 in “shootouts” and one in “crossfire.”

Impunity for torture and extrajudicial executions by RAB is near absolute. In one case, RAB sent three of its members back to their parent organizations for torturing a detainee, and warned 10 others, but this apparently only happened because the victim’s family knew a top official in RAB. And even in this case, the special committee that investigated the incident said RAB could not take further action due to the absence of relevant internal regulations.



According to some media reports, RAB members involved in unlawful deaths have been held accountable, but the government and RAB provide few details and no members are known to have suffered a punishment worse than release from the force. According to a press article from May 2006, RAB has punished 133 of its personnel for involvement in “crossfire” deaths; 41 percent of them were returned to their parent organizations, 22 percent were suspended, and the rest received a dishonorable discharge. No one was criminally punished.<sup>5</sup> An article in the same paper two days later said that 152 “crossfire” deaths were under investigation, but it did not specify by whom.<sup>6</sup>



A member of RAB-3 kicks a suspected thief in front of a crowd in Dhaka, October 2006. © 2006 Sohrab Alam

A fundamental problem is that abuses by RAB members are reviewed by a special RAB court, like a court martial, and its operating procedures are unknown. In some cases the court has punished RAB members for extortion or dereliction of duty but it is not known to have punished any RAB member for the use of excessive force, torture, or an unlawful killing. Citizens who wish to file a complaint with the police face many hurdles. First is the fear of reprisal, sometimes based on direct threats

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<sup>5</sup> “Two Years of RAB,” *Shomokal* (Dhaka), May 17, 2006.

<sup>6</sup> “Police Not Far Behind RAB,” *Shomokal*, May 19, 2006.

not to file a complaint. When families of victims are brave enough to come forward, the police frequently refuse to accept the case. Under Bangladeshi law, the government must provide sanction for courts to consider any offence by a public servant on official duty, including members of the police and other security forces.

Foreign governments and international bodies have also criticized unlawful killings by RAB. In February 2005 the head of the European Commission delegation in Bangladesh, Esko Kentrschynskyj, openly labeled the killings extrajudicial executions, saying “[w]hen the number of crossfire incidences [sic] exceeds 200, one can question the authenticity of such claims.”<sup>7</sup> The US government agreed: “We have expressed concern about extra-judicial murders, so-called ‘cross-fire’ killings done by the Rapid Action Battalion,” said Christina Rocca, assistant secretary of state for South Asia affairs in June 2005.<sup>8</sup>

In April 2005 the European Parliament adopted a resolution that urged the Bangladesh government to “refrain from arbitrary arrests and from measures of repression against peaceful political protesters, such as the use of detention and torture, and the promotion of police brutality.” The resolution said that Bangladesh’s deteriorating human rights environment is “linked to the activities of forces officially responsible for enforcement of law and order as the government has set up a new paramilitary force, named the Rapid Action Battalion (RAB) and several people have been killed while in custody of RAB.”<sup>9</sup>

The government fired back. “I don’t know of any country in the world where some criminals have not been killed in crossfires,” Foreign Minister Morshed Khan said.<sup>10</sup>

Meanwhile, Bangladesh is consistently one of the world’s largest contributors to United Nations (UN) peacekeeping operations.<sup>11</sup> Some of these people serve in RAB,

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<sup>7</sup> “Demands Probe into ‘Crossfire,’” *New Age* (Dhaka), February 14, 2005, <http://www.newagebd.com/2005/feb/14/front.html> (accessed October 4, 2006).

<sup>8</sup> Statement of Christina Rocca, US Assistant Secretary of State for South Asian Affairs, before the House International Relations Subcommittee for Asia and the Pacific, June 14, 2005, [http://wwwa.house.gov/international\\_relations/109/Roco61405.pdf](http://wwwa.house.gov/international_relations/109/Roco61405.pdf) (accessed October 5, 2006).

<sup>9</sup> Resolution of the European Parliament, B6-0252/2005, April 11, 2005.

<sup>10</sup> “Bangladesh Defends Crime-fighting Unit EU Accuses of Extra-judicial Killings,” *Agence France-Presse*, April 17, 2005.

including many of the force's top commanders who have worked in places such as Kosovo, Cambodia, Mozambique, and Sierra Leone. The United Nations must take steps to ensure that RAB members who have been implicated in serious human rights violations are not accepted in peacekeeping missions around the world.

As a member of the new UN Human Rights Council, Bangladesh should issue standing invitations to all UN rapporteurs, starting with the UN special rapporteur on extrajudicial, summary or arbitrary executions. Bangladesh will also be reviewed under the Human Rights Council's universal periodic review mechanism during its term of membership.

Pressure from the UN and Bangladesh's donors is important but, in the end, reform must come from within. Strengthening the system of accountability is a core recommendation in the report. Both the existing criminal justice system and the RAB special court lack the transparency and independence to impartially investigate and prosecute alleged violations by members of the force. Independent oversight and administrative and criminal punishment of RAB members who violate the law are essential if the elite force is to continue in operation. Without such radical reform, it should be dissolved.

## **Key recommendations**

### *To the Caretaker Government of Bangladesh*

- During the election campaign, publicly instruct RAB, the police, and other law enforcement agencies to perform their duties in an objective and professional manner that does not favor any political party or partisan interest.
- Issue immediate orders to the commanders of RAB and the police to treat all persons in custody in accordance with Bangladeshi law and international standards that prohibit torture and respect the rights to due process and a fair trial.
- Initiate prompt and impartial investigations into all cases of torture and deaths of detainees in the custody of RAB since June 2004. Discipline or prosecute as appropriate all individuals, regardless of rank, found to be

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<sup>11</sup> As of September 30, 2006, Bangladesh was contributing 9,505 military and police to UN peacekeeping operations, second only to Pakistan, which was contributing 9,769. ("Ranking of Military and Police Contributions to UN Operations," UN Department of Peacekeeping, September 30, 2006, [www.un.org/Depts/dpko/dpko/contributors/2006/septo6\\_2.pdf](http://www.un.org/Depts/dpko/dpko/contributors/2006/septo6_2.pdf) (accessed November 7, 2006).)

responsible for the death or torture of detainees. This includes individuals who ordered such abuses and commanding officers who knew or should have known of such acts, and who failed to prevent or punish them.

- Immediately suspend from RAB, the police, or military any individual for whom there exists credible evidence that he has committed torture or participated in the extrajudicial execution of a detainee, pending investigation.

### *To the future Government of Bangladesh*

- Promptly and impartially investigate all deaths in the custody of the police, military, RAB, and other law enforcement agencies.
- Prosecute to the fullest extent of the law all former and current RAB members of whatever rank who are responsible for unlawful killings, torture, or other mistreatment. Similarly, punish commanding officers who knew or should have known of such abuse, and who failed to prevent or punish it.
- Ban from participating in UN peacekeeping operations any former or current RAB member who has been disciplined or convicted for having committed a serious human rights violation.
- Establish an independent and impartial Commission of Inquiry to investigate the issue of serious human rights abuses by RAB, especially torture and extrajudicial executions, since RAB began full operations in 2004. The commission should:
  - Be composed of respected members of law enforcement, independent judges and lawyers, and members of Bangladesh's human rights community;
  - Include the active participation of independent international experts on law enforcement and human rights;
  - Have full access to RAB records and other relevant government documents, as well as the power to subpoena;
  - Provide witness protection as necessary;
  - Have a time limit of no more than 12 months to complete its inquiry and present its report, with concrete recommendations on RAB reform;



- Have the power to make public statements during and after its inquiry, including on the government's response to the commission's recommendations; and
- Have the power at any time during its mandate to publicly recommend the immediate suspension, pending investigation, of any current or former RAB member implicated in serious human rights violations.

#### *To Bangladesh's International Partners and Donors*

- Refuse working with RAB on law enforcement or counterterrorism operations until the force ceases its use of torture and extrajudicial executions, promotes transparency, and pursues accountability for violations of human rights.
- Refuse supporting training programs for RAB—unless specifically on human rights—until the force ends the pattern and practice of torture and extrajudicial executions.
- Withhold material and financial assistance to Bangladesh's security forces until RAB and the police take serious measures to end torture and extrajudicial executions, and to prosecute those implicated in serious violations of human rights.

#### *To the United Nations*

- The Department of Peacekeeping Operations (DPKO) should thoroughly review the participation in peacekeeping operations of all Bangladeshi soldiers and police, including commanders, who have worked in RAB to ensure that they have not been responsible for ordering or tolerating serious human rights violations.

## II. Background

Since winning independence from Pakistan in 1971, Bangladesh has been wracked by violent, adversarial politics and serious challenges to the rule of law. Two political parties dominate the scene—the Awami League (AL) and the Bangladesh Nationalist Party (BNP); the latter held power most recently until October 2006. Both parties have used armed groups and militias in violation of the law to consolidate power and maintain control. The Rapid Action Battalion (RAB), founded under a BNP government in 2004, is the latest example of this practice.

Although this report focuses on RAB, the police and other arms of the security apparatus are also responsible for serious violations, including torture and a large number of extrajudicial deaths.<sup>12</sup> These violations are part of a degraded human rights environment, in which arbitrary arrests, physical and psychological torture, lengthy pretrial detention, and impunity for security forces are the disturbing norm. Transparency International's annual survey of corruption consistently ranks Bangladesh at or near the top of its list of the world's most corrupt states.<sup>13</sup>

In October 2001 a four-party alliance led by the BNP won over a two-thirds majority in parliament and Begum Khaleda Zia became prime minister for the third time.<sup>14</sup> The BNP won 41 percent of the vote (compared to the AL's 40 percent), and formed a coalition with three smaller parties: Jama'at-e-Islami (which won 4.3 percent), Jatiya Party-Naziur (1.1 percent), and Islamic Okye Jote (0.7 percent). Jama'at-e-Islami and Islamic Okye Jote advocate a greater role for Islam in public life. They have at times been implicated in attacks against Bangladesh's minority communities.<sup>15</sup>

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<sup>12</sup> In addition to RAB, the police and government security forces are increasingly killing suspects during arrests and in detention. According to the NGO Odhikar, between June 2004 and April 2006 the police killed 325 people in "crossfire." Statistics from Odhikar, on file with Human Rights Watch. According to the NGO Hotline Human Rights Bangladesh, from June to October 10, 2006, the police (other than RAB) had killed 528 people in different circumstances, including "crossfire." Figures provided by Hotline Human Rights Bangladesh, October 10, 2006. See also "Police Not Far Behind RAB," *Shomokal*, May 19, 2006.

<sup>13</sup> See Transparency International Bangladesh, [www.ti-bangladesh.org](http://www.ti-bangladesh.org).

<sup>14</sup> Khaleda Zia was first elected prime minister in 1991 and then served again, briefly, in 1996.

<sup>15</sup> See Human Rights Watch, *Breach of Faith: Persecution of the Ahmadiyya Community in Bangladesh*, vol. 17, no. 6(C), June 2005, [www.hrw.org/reports/2005/bangladesh0605/index.htm](http://www.hrw.org/reports/2005/bangladesh0605/index.htm).

A central pillar of the BNP's 2001 electoral campaign was the fight against crime, which had spun out of control. Frustrated with the government's lack of response, vigilante mobs were attacking suspected criminals.<sup>16</sup> In December 2001, after the BNP took office, mobs in Dhaka killed an estimated 14 people in 10 days, including four suspected muggers who were hacked to death during daytime on a busy street.<sup>17</sup> The Zia government quickly came under criticism for failing to establish law and order. Extortion, kidnappings, and murder continued to rise. The ruling party decided to act.

In October 2002 the government declared the start of Operation Clean Heart, which involved the deployment of more than 40,000 military personnel to fight crime. The operation lasted 85 days. During that time the army arrested more than 10,000 people, at least 50 of whom died in custody in unclear circumstances.<sup>18</sup> Officials attributed most of the deaths to "heart attacks."<sup>19</sup>

On January 9, 2003, just before the operation came to a close, the BNP proposed legislation to ensure that no member of the armed forces could face prosecution for abuses during the campaign. The Joint Drive Indemnity Ordinance 2003 was based on an expansive interpretation, in contravention of international law, of article 46 of the Bangladesh constitution.<sup>20</sup> It granted immunity from prosecution to armed forces and

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<sup>16</sup> See, for example, "Bangladesh Law and Order Promise," *BBC News Online*, March 11, 2002, [http://news.bbc.co.uk/2/hi/south\\_asia/1866668.stm](http://news.bbc.co.uk/2/hi/south_asia/1866668.stm) (accessed November 4, 2006), and Alastair Lawson, "Dhaka Police Fear Crime Wave," *BBC News Online*, May 9, 2001, [http://news.bbc.co.uk/2/hi/south\\_asia/1321003.stm](http://news.bbc.co.uk/2/hi/south_asia/1321003.stm) (accessed November 4, 2006).

<sup>17</sup> Moazzem Hossain, "Dhaka Lynchings Spread Alarm," *BBC News Online*, December 10, 2001, [http://news.bbc.co.uk/2/hi/south\\_asia/1701424.stm](http://news.bbc.co.uk/2/hi/south_asia/1701424.stm) (accessed November 4, 2006).

<sup>18</sup> According to the Asian Human Rights Commission, the army killed 58 people in custody. See Asian Legal Resource Center and Asian Human Rights Commission, "Lawless Law-enforcement & the Parody of Judiciary in Bangladesh," August 2006, <http://www.article2.org/> (accessed October 2, 2006). According to the Bangladesh NGO Forum for Secular Bangladesh, the army killed 53 people in custody and physically abused 7,000. See Forum for Secular Bangladesh, "Violation of Human Rights by the Coalition Government of Bangladesh," September 2006.

<sup>19</sup> "Troops Resume Dhaka Crime Fight," *BBC News Online*, February 18, 2003, [http://news.bbc.co.uk/2/hi/south\\_asia/2774897.stm](http://news.bbc.co.uk/2/hi/south_asia/2774897.stm) (accessed October 2, 2006).

<sup>20</sup> Article 46, on the power to provide indemnity, states,

Notwithstanding anything in the foregoing provisions of this Part, Parliament may by law make provision for indemnifying any person in the service of the Republic or any other person in respect of any act done by him in connection with the national liberation struggle or the maintenance or restoration of order in any area in Bangladesh or validate any sentence passed, punishment inflicted, forfeiture ordered, or other act done in any such area.

The article was originally intended to protect from prosecution those who fought in Bangladesh's 1971 war of independence from Pakistan.

government officials for their involvement in “any casualty, damage to life and property, violation of rights, physical or mental damage” between October 16, 2002, and January 9, 2003. The opposition and human rights groups, as well as two UN special rapporteurs, said the law shielded officials from justice for torture and custodial deaths, but the ordinance passed the BNP-controlled parliament nevertheless.<sup>21</sup>

In April 2003, after a petition from the sister of a torture victim who had died in Operation Clean Heart, the High Court issued a show-cause ruling for the government to explain why the Joint Drive Indemnity Ordinance should not be declared illegal.<sup>22</sup> The government did not reply. To date, no military personnel are known to have been held criminally responsible for any of the 50 or more custodial deaths.

Operation Clean Heart did not succeed in bringing crime adequately under control, and vigilantism against suspected criminals resumed. In response, the government decided in January 2003 to establish a special unit of police with commando training called the Rapid Action Team, or RAT. The special police force proved unsuccessful in combating crime due to the lack of trained professionals, disorganization, and corruption in the force. Building on the experience from Operation Clean Heart, the government took steps to give the military a law enforcement role.

## Formation of RAB

On June 2, 2003, the Cabinet Committee on Law and Order decided to replace RAT with RAB—the Rapid Action Battalion.<sup>23</sup> Eight months later, in March 2004, the government formally created RAB, although the force did not begin full operations until June of that year.

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<sup>21</sup> “Human Rights Experts Express Concern Over Indemnity Ordinance in Bangladesh,” UN press release, January 24, 2004, <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/6D538A54293318CCC1256CB800389C42?opendocument> (accessed October 2, 2006). The rapporteurs were Asma Jahangir, special rapporteur on extrajudicial, summary or arbitrary executions, and Theo van Boven, special rapporteur on torture.

<sup>22</sup> “Why Indemnity is Not Illegal, HC Asks Govt,” *Daily Star*, April 14, 2003, <http://www.thedailystar.net/dailystarnews/200304/14/n3041401.htm#BODY1> (accessed October 5, 2006).

<sup>23</sup> “Cabinet—RAB,” United News of Bangladesh, June 2, 2003. According to the article, present in the were the committee president Abdul Mannan Bhuiyan, Law Minister Moudud Ahmed, Home Minister Altaf Hossain Chowdhury, Education Minister Osman Farooq, and State Minister for Home Affairs Lutfuzzaman Babar.



The government presented RAB as a composite force comprising elite members from the military (army, air force and navy), the police, and members of Bangladesh's various law enforcement groups.<sup>24</sup> Members were seconded from their parent organizations, to which they returned after serving time with the new force.

RAB's operations are based on the Armed Police Battalions (Amendment) Act 2003, passed by parliament in July 2003, amending the Armed Police Battalions Ordinance, 1979. The new law placed RAB under the command of the inspector general of the police and, by extension, the minister of home affairs. The law requires RAB to be commanded by an officer not below the rank of deputy inspector general of the police or someone of the equivalent rank from the army, navy, air force, or other "disciplined force." The main tasks of the RAB, according to the law, are to:

- Provide internal security
- Conduct intelligence into criminal activity
- Recover illegal arms
- Arrest criminals and members of armed gangs
- Assist other law enforcement agencies
- Investigate any offense as ordered by the government.<sup>25</sup>

Critics complained that, rather than build a new crime-fighting force, the government should undertake efforts to reform law enforcement and the courts. Creating RAB, they feared, would undermine the police. With Operation Clean Heart in mind, some worried about using the military for civilian policing. They saw RAB as a way for the government to deploy the army for policing tasks, with one lawyer even calling it "martial law in disguise."<sup>26</sup>

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<sup>24</sup> Such groups include the Bangladesh Rifles and Ansar (a paramilitary force responsible for border security). For descriptions, see the website of the Bangladeshi Ministry of Home Affairs, <http://www.mha.gov.bd/Department.php> (accessed October 4, 2006).

<sup>25</sup> Armed Police Battalions Ordinance 1979, art. 6. The law is available at [http://www.askbd.org/RAB/Law\\_4.pdf](http://www.askbd.org/RAB/Law_4.pdf) (accessed November 20, 2006).

<sup>26</sup> Human Rights Watch interview with human rights lawyer, name withheld, Dhaka, May 24, 2006.



the public alike. It began to arrest known gangsters and thugs and, according to the government, crime dropped.<sup>29</sup> But complaints of excessive use of force soon began. RAB focused its work on criminal suspects—usually those who refused to cooperate with government- or BNP-connected gangs. But that changed on August 17, 2005, when roughly 500 bombs exploded almost simultaneously in 63 of the country's 64 administrative districts, mostly in front of government buildings. Two people died in what most analysts considered a show of force more than intent to kill. A militant Islamist group called Jamiatul Mujahideen Bangladesh (JMB) claimed responsibility for the attacks to push their cause of establishing an Islamic state in Bangladesh. Subsequent bomb and suicide attacks around the country killed more than two dozen people, among them lawyers, judges, and other symbols of the secular state.

After the bombings, militants sent threatening letters to judges, lawyers, journalists, government officials, and others to warn them of the need for sharia law. "As Muslims, we have declared a war to establish the rule of the Koran," one letter to a journalist said. "If you continue to make propaganda against us in your newspapers, we will make your parents sonless, your children fatherless and your wives widows."<sup>30</sup>

The government had long denied the existence of militant Islamist groups in Bangladesh, despite pressure from Western governments after September 11, 2001, to take steps. But the existence of such organizations became undeniable after the synchronized August 2005 attacks, and the government began to arrest alleged members and leaders of the JMB. In addition to fighting crime, the government deployed RAB in its "anti-terror" fight.<sup>31</sup> On March 2, 2006, head of the JMB Sheikh Abdur Rahman surrendered to RAB in Sylhet.<sup>32</sup> Four days later, RAB arrested the JMB's second-in-command Siddiqui Islam, known as Bangla Bhai.<sup>33</sup>

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<sup>29</sup> According to RAB, the murder rate dropped from 2,054 in 2004 to 534 in 2005. See RAB website, <http://www.rab.gov.bd/lastyear05.html> (accessed November 9, 2006).

<sup>30</sup> Geoffrey York, "Extremism Exploding in Bangladesh," *Globe and Mail* (Toronto), March 27, 2006.

<sup>31</sup> See, for example, "Asrafu Huq, "Dossier of 1000 High Profile Terrorists Prepared; RAB Follows FBI Model; Work on 4000 Others in Progress," *The Independent* (Dhaka), May 27, 2006, <http://independent-bangladesh.com/news/may/27/27052006ts.htm> (accessed October 5, 2006).

<sup>32</sup> Julfikar Ali Manik, Shamim Ashraf, and Iqbal Siddiqui, "Terror Don Surrenders Meekly," *Daily Star*, March 3, 2006, <http://www.thedailystar.net/2006/03/03/d6030301011.htm> (accessed November 20, 2006).

<sup>33</sup> Julfikar Ali Manik and Shamim Ashraf, "Tyrant Bangla Bhai Finally Captured," *Daily Star*, March 7, 2006, <http://www.thedailystar.net/2006/03/07/d6030701011.htm> (accessed November 20, 2006).

- In RAB's Defense -  
*Statements by Bangladesh Officials*

RAB is conducting a courageous and non-partisan campaign for curbing terrorism. The people are breathing a sigh of relief because of the successes they already achieved... Fear is now lurking in the minds of the criminals. Many of the top terrors have now fled to other countries.

—Prime Minister Khaleda Zia, Address to the Nation, October 10, 2004<sup>34</sup>

The countrymen are now appreciating the work of RAB, so we cannot stand against people's aspiration. Creating controversy about its work, particularly over crossfire, is absolutely motivated [politically].

— State Minister for Home Affairs Lutfozzaman Babar, October 2004<sup>35</sup>

RAB has earned tremendous reputation for curbing terrorism across the country.

—State Minister for Home Affairs Lutfozzaman Babar, June 2005<sup>36</sup>

The law and order situation was bad and it had to be contained... Our police is inadequate. They do not have sophisticated weapons nor do they have sufficient training. It is not possible to raise the whole police to a sufficient standard.

—Law, Justice and Parliamentary Affairs Minister Moudud Ahmed, December 2005<sup>37</sup>

Although technically you may call it extrajudicial—I will not say killing—but extrajudicial deaths. But these are not killings. According to RAB, they say all those who have been killed so far have been killed or dead on encounter or whatever crossfire, whatever you call it—people are happy.

—Law, Justice and Parliamentary Affairs Minister Moudud Ahmed, November 2006<sup>38</sup>

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<sup>34</sup> "Prime Minister Khaleda Zia's Address to the Nation," October 10, 2004, South Asian Terrorism Portal, [www.satp.org/satporgtp/countries/bangladesh/document/papers/PMaddress04.htm](http://www.satp.org/satporgtp/countries/bangladesh/document/papers/PMaddress04.htm) (accessed November 30, 2006).

<sup>35</sup> "Ramadan—RAB," United News of Bangladesh, October 13, 2004.

<sup>36</sup> "RAB Did Not Violate Constitution: Babar," United News of Bangladesh, June 14, 2005.

<sup>37</sup> Roland Buerk, "Bangladesh's Feared Elite Police," *BBC News Online*, December 13, 2005, [http://news.bbc.co.uk/2/hi/south\\_asia/4522734.stm](http://news.bbc.co.uk/2/hi/south_asia/4522734.stm) (accessed October 2, 2006).

<sup>38</sup> Phillip Reeves, "Anti-Terror Force Stalks Bangladesh Capital," National Public Radio, November 21, 2006, <http://www.npr.org/templates/story/story.php?storyId=6520810>, accessed November 30, 2006.

## Structure of RAB

RAB is under the jurisdiction of the Bangladeshi Ministry of Home Affairs. Until the BNP-led government stepped down on October 27, 2006, the state minister for home affairs was Lutfozzaman Babar.<sup>39</sup>

The first RAB director general was Anwarul Iqbal. On April 24, 2005, he was replaced by Mohammed Abdul Aziz Sarkar, a top police official who had served with UN peacekeeping forces in the former Yugoslavia. His deputy director was Col. Md. Mahbubul Alam Mollah,<sup>40</sup> a military officer who has also served in UN missions abroad.<sup>41</sup> On October 31, 2006, the caretaker government replaced Mohammed Sarkar with Khoda Baksh, former head of the Criminal Investigation Department (CID), though it announced no reason for the move.<sup>42</sup> Khoda Baksh is the co-defendant in at least one case or a RAB “crossfire” death during his time with the CID (see case of Iman Ali, below).

Although ostensibly a joint force, RAB is controlled more by the military than the police. With the exception of former Director General Sarkar and current Director General Baksh, most top RAB officials come from the armed forces. According to the military, 60 percent of RAB members come from the police and the rest from the military and various civilian organizations,<sup>43</sup> but a press account puts the proportion of military personnel in RAB at 46 percent as of May 2006,<sup>44</sup> and officials from one foreign government following law enforcement in Bangladesh had a radically different analysis, suggesting to Human Rights Watch that 70 percent of the force was military and 30 percent police. The force receives commando training from the army special forces, and members are equipped with what the military calls “the

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<sup>39</sup> The BNP-led government had no full minister for home affairs, making Prime Minister Zia technically responsible for the portfolio.

<sup>40</sup> The abbreviation “Md.” is a Bangladeshi convention for representing the very common given name Mohammed.

<sup>41</sup> RAB website, <http://www.rab.gov.bd/rabhq.html> (accessed October 4, 2006).

<sup>42</sup> “Major Shakeup in Police Admin,” *Daily Star*, November 1, 2006, <http://www.thedailystar.net/2006/11/01/d6110101044.htm> (accessed November 5, 2006).

<sup>43</sup> Website of the Bangladesh military forces.

<sup>44</sup> “Two Years of RAB,” *Shomokal*, May 17, 2006.

most modern weapons, gadgets and law enforcement training in the world at par with the US FBI and UK's MI6 or Scotland Yard.”<sup>45</sup>

RAB has four wings: operations, intelligence, administration and finance, and legal and media. According to the RAB website, as of November 8, 2006, head of the operations wing was Lt. Col. Asif Ahmed Ansari, an army officer who served with the UN peacekeeping operation in Mozambique and studied with the Defense Intelligence Agency in the United States.<sup>46</sup> Ansari also commands RAB-1 in Dhaka (see below). As of November 8, 2006, the intelligence wing was run by Lt. Col. Gulzar Uddin Ahmed, also from the military, who served in UN peacekeeping missions in Cambodia and Sierra Leone.<sup>47</sup>



Website of the Rapid Action Battalion, December 1, 2006.

<sup>45</sup> Website of the Bangladesh military forces, <http://www.bdmilitary.com/main/military/sof/rab/rab.htm> (accessed October 5, 2006).

<sup>46</sup> RAB website, <http://www.rab.gov.bd/opsweb.html> (accessed November 8, 2006). Lieutenant Colonel Ansari's predecessor was Lt. Col. Syed Syedis Saklayen, also an army officer, who served in UN peacekeeping missions in Rwanda and Sierra Leone.

<sup>47</sup> Lieutenant Colonel Ahmed assumed his duties on January 19, 2005. His predecessor was Lt. Col. Mirza Ezazur Rahman. RAB website, <http://www.rab.gov.bd/intweb.html> (accessed November 8, 2006).



According to the Bangladesh military, as of October 2006 RAB had 8,500 troops.<sup>48</sup> The number varies as members join the force and then return to their parent organizations, usually the military or police.

Throughout the country, RAB is organized in battalions. Initially composed of seven battalions, the home ministry added three battalions in September 2005, and two more in mid-2006.<sup>49</sup> Five of the current battalions operate in Dhaka. Their areas of responsibility and commanders of the twelve battalions, as of October 27, 2006, are:<sup>50</sup>

- **RAB-1** Dhaka (Uttara, Airport, Turag, Gulshan, Khilkhet, and Badda)  
Commander: Lt. Col. Asif Ahmed Ansari
- **RAB-2** Dhaka (Tejgaon, Hazaribagh, Dhanmondi, New Market, Mohammadpur, and Adabor)  
Commander: Additional DIG Md. Akbar Ali<sup>51</sup>
- **RAB-3** Dhaka (Ramna, Khilgaon, Sabujbagh, Motijheel, Paltan, Arai-hajar, Rupgonj, and Shonargaon)  
Commander: Wing Cmdr. Sultan Mohammad Nurani
- **RAB-4** Dhaka (Pallabi, Mirpur, Shah Alibag, Cantonment, Kafrul, Mohammadpur, Kamrangirchar, Karanigong, Dohar, Nobabgong, Pollobi, Manikgonj, Kafrul, Munshigonj, Saver, and Dhamri)  
Commander: Lt. Col. Md. Badrul Ahsan
- **RAB-5** Rajshahi district  
Commander: Md. Shamsuzzaman Khan

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<sup>48</sup> Website of the Bangladesh military forces.

<sup>49</sup> “Three Additional RAB Battalions Fielded,” United News of Bangladesh, August 30, 2005 and “Two More RAB Battalions Likely to Start Operation Next Month,” United News of Bangladesh, March 27, 2006.

<sup>50</sup> These names are obtained primarily from the RAB website, <http://www.rab.gov.bd/rabhq.html>, as well as from individuals in Bangladesh with knowledge of RAB operations. Some RAB commanders have changed since the force’s creation in March 2004, so the individuals named here may not have been in command when abuses documented in this report were committed.

<sup>51</sup> “Md.” stands for Mohamed, a very common first name in Bangladesh.

- **RAB-6** Khulna district  
Commander: Lt. Col. Md. Shams-Ul-Huda
- **RAB-7** Chittagong district  
Commander: Lt. Col. Md. Hashinur Rahman
- **RAB-8** Barisal district  
Commander: Lt. Col. Md. Ershad Hossain
- **RAB-9** Sylhet district  
Commander: Lt. Col. Nurul Momen Khan
- **RAB-10** Dhaka (Kamrangirchar, Lalbagh, Demra, Shutrapur, Shampur, Kotoali, Demra, Sutrapur, Narayanganj, Sadar, Bandar, Siddhirganj, Futtalla, and Kotwali)  
Commander: Lt. Col. Md. Manikur Rahman
- **RAB-11** Narayanganj district  
Commander: Lt. Col. Md. Humayun Babir
- **RAB-12** Sirajganj district  
Commander: Additional DIG Aftab Uddin Ahmed

### III. Extrajudicial Executions by RAB

One of the first publicized RAB killings was of the wanted criminal suspect Pichchi Hannan in Dhaka on August 6, 2004. RAB first tried to arrest Hannan on June 25 but he escaped after a shootout, during which he was wounded.<sup>52</sup> RAB arrested him and two accomplices the next day at a hospital on the outskirts of the city, where he was getting medical care (see also the case of Debashish Kumar Das, below).<sup>53</sup>

RAB kept Hannan in custody until August 6, when it announced that he had died “in crossfire.” According to RAB-1 commander at the time Lt. Col. Chowdhury Fazlul Bari, members of RAB and the Detective Branch (DB) took Hannan with them to arrest other gang members at Diakhali in Savar (north of Dhaka) and Hannan died when the security forces came under attack.<sup>54</sup> “Two teams of RAB and DB rushed to Diakhali with Hannan on information that the gang members were there in a meeting,” Bari said. “As soon as the law-enforcers reached the place, the criminals started to shoot away.”<sup>55</sup> But a journalist reporting on the killing found no record at the Savar police station of an armed fight. Doctors at the Dhaka Medical College Hospital said Hannan might have been shot point-blank and that all the bullet wounds came from the front.<sup>56</sup>

Hannan’s death after 41 days in RAB custody raised suspicions about the force, which was already gaining a reputation for its aggressive approach. According to one analysis, Hannan’s death “shook the criminals for the first time.”<sup>57</sup>

On August 9, then-RAB Director General Anwarul Iqbal said the police would investigate all deaths in RAB custody and hold accountable those found to have violated the law. “If

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<sup>52</sup> “Criminals Rap RAB,” *Daily Star*, June 26, 2004, <http://thedailystar.net/2004/06/26/d4062601022.htm> (accessed December 1, 2006).

<sup>53</sup> “Pichchi Hannan Sent to Jail,” *Daily Star*, June 28, 2006, <http://www.thedailystar.net/2004/06/28/d4062801055.htm> (accessed December 1, 2006).

<sup>54</sup> “Pichchi Hannan Killed in RAB Custody at Savar,” *Bangladesh Observer*, August 7, 2004.

<sup>55</sup> “‘Pichchi’ Hannan Killed in ‘Crossfire,’” *Daily Star*, August 7, 2004, <http://www.thedailystar.net/2004/08/07/d4080701011.htm> (accessed December 1, 2006).

<sup>56</sup> *Ibid.*

<sup>57</sup> Abul Kalam Azad and Arif Newaz Farazi, “Change of Underworld Guard,” *New Age*, July 9, 2005, <http://www.newagebd.com/2005/jul/09/front.html> (accessed October 2, 2006).

autopsy or forensic reports show the people were killed in custody, unnatural death (UD) cases will be turned into murder cases,” he said.<sup>58</sup> But no one is known to have been held accountable for Pichchi Hannan’s death.

United Nations principles on the prevention and investigation of extrajudicial executions provide detailed guidelines for governments, which Bangladesh has not adopted. They include the need for “thorough, prompt and impartial investigations” of all suspected unlawful killings to determine the cause of death and the person responsible. Independent and impartial physicians should perform autopsies in cases of possible unlawful killings, and bodies should be kept until an adequate autopsy is carried out and the family informed of the findings. Where the established investigative procedures are inadequate because of lack of expertise or impartiality, investigations of possible unlawful killings should be pursued through an independent commission of inquiry.<sup>59</sup>

Throughout 2004 the number of deaths in RAB custody, usually by “crossfire,” continued to rise, reaching roughly 60 by year’s end.<sup>60</sup> RAB frequently publicized the deaths in press releases and by speaking to the media. The stories were shockingly the same: RAB arrested a “top criminal” and took him with them to retrieve illegal arms or to arrest cohorts, and the person was killed when the RAB unit came under armed attack.

Lawyers, human rights groups, and some media outlets began to complain, as did the opposition parties, led by the Awami League.<sup>61</sup> They began to speak about extrajudicial killings at the hands of the state.

The government defended RAB by saying that the people it killed were criminals who threatened law and order. “Criminals cannot have any human rights,” said State Minister for Home Affairs Lutfozzaman Babar at the celebration of RAB’s first anniversary

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<sup>58</sup> “Police to Probe All RAB Custodial Deaths,” *Daily Star*, August 9, 2004, <http://www.thedailystar.net/2004/08/09/d4080901055.htm> (accessed November 4, 2006).

<sup>59</sup> See generally, Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, E.S.C. res. 1989/65, annex, 1989 U.N. ESCOR Supp. (No. 1) at 52, U.N. Doc. E/1989/89 (1989).

<sup>60</sup> “Moudud Rejects HR Violation Allegations,” *Daily Star*, December 1, 2004, <http://www.thedailystar.net/2004/12/01/d4120101077.htm> (accessed October 4, 2006). According to the database compiled by Human Rights Watch, RAB killed 82 people in total through December 31, 2004.

<sup>61</sup> “AL Leaders Slate Deaths in RAB ‘Crossfire,’” *Daily Star*, November 30, 2004, <http://www.thedailystar.net/2004/11/30/d41130011515.htm> (accessed October 4, 2006).

in March 2005. He attacked human rights organizations for criticizing the force: “When criminals are being killed in encounters, human rights organizations speak out. But when policemen get killed by the criminals, no one speaks about human rights.”<sup>62</sup>

Other government officials echoed his words. “A certain quarter does not raise its voice for human rights when a terrorist kills ten to twelve innocent persons,” Finance Minister Md. Saifur Rahman said. “But this quarter is very active to uphold human rights of a terrorist in crossfire with the law enforcers,” he added.<sup>63</sup>



Ten suspected gang members killed by RAB-7 in front of a Chittagong police station in September 2004. RAB often leaves persons it kills outside for the public and media to see. © 2004 Zobaer Hossain Sikder

By early 2005 RAB’s role in custodial deaths was not in dispute. According to media and human rights groups, by March of that year at least 200 people had died in custody, many in “crossfire.”<sup>64</sup> Still the government defended RAB’s work. On March 26 RAB won

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<sup>62</sup> Shamim Ashraf, “Extra-judicial Killings Call for Unbiased Probe,” *Daily Star*, May 21, 2005, <http://www.thedailystar.net/2005/05/21/d5052101033.htm> (accessed October 4, 2006), and Sultana Fauzia, “Extra-judicial Killing: a Dissection,” *Weekly Holiday* (Dhaka), June 10, 2005, <http://www.weeklyholiday.net/2005/100605/mis.html> (accessed October 4, 2006).

<sup>63</sup> “Bangladesh Family Challenges New Security Force Over Son’s ‘Crossfire’ Death,” Agence France-Presse, July 30, 2005.

<sup>64</sup> On March 27, 2006, the Supreme Court Bar Association demanded judicial investigations into 204 extrajudicial killings by RAB attributed to “encounter” and “crossfire” over the previous two years. See “Supreme Court Bar Association Demands

the prestigious Swadhinata Padak, an award to commemorate Bangladesh's day of independence.<sup>65</sup>

RAB continued to publicize these deaths, usually in "crossfire," through press releases, the vast majority of which followed the same pattern. In many cases RAB left the body of its victim on the street for bystanders and the media to see. The apparent intent was to terrify criminals and citizens alike into respecting the law.

One such case took place on June 16, 2005, when RAB arrested a 16-year-old boy accused of theft and apparently shot him on a Dhaka street. Human Rights Watch spoke with a woman who lives in the area where the incident took place, Uttara, and who had known the victim since he was born. She said the boy, Samsul Haq, studied at a madrasa and was not involved in crime.<sup>66</sup>

According to the woman, who requested anonymity, she was at home in the evening when gunshots rang out. She saw people running in the street and then the police with a boy in handcuffs, whom people said had been caught for a theft. It was Samsul Haq. A van with six RAB members soon arrived, followed by two police vans, members of the CID, and then more RAB. She told Human Rights Watch what happened next:

I saw them take Samsul to the main road. Within five minutes I heard shooting. I heard four shots. Two were smaller and two were louder. They waited 10 minutes and then they opened the road for people to see. I went to look. My mother fainted, she was very upset. I saw a bone in his chest. His hands were tied behind his back. He was not blindfolded. There was a bucket of water and something inside it was wrapped in scotch tape. They said it was a bomb.

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Judicial Probe," *The Independent*, March 28, 2006, and "SC Bar Demands Judicial Probe into 'Crossfire' Killings," *Bangladesh News*, March 28, 2006.

<sup>65</sup> Nurul Kabir, "National Award Won't Rubber Stamp Notional Legitimacy," *New Age*, March 27, 2006.

<sup>66</sup> Human Rights Watch interview, name withheld, Dhaka, May 20, 2006.



Samsul was wearing trousers but no shirt. There was a lot of blood. I saw a bullet wound in his chest and I could see the bone. There were two small wounds from both sides of the head and lots of blood that had already congealed.

Near the bucket was a pistol and a small bag with some [fake] jewelry. I was right next to the body. The police allowed everyone to see.<sup>67</sup>

The body stayed on the street until 1 a.m., the woman said. The police called the press, and television journalists interviewed people about the crime but no one accused RAB of killing Samsul Haq. “I couldn’t say anything because I have a brother and he could be crossfired too,” the woman said.

The Uttara area of Dhaka is under the jurisdiction of RAB-1.

In other cases of “crossfire,” RAB did not want the public to see the body. On November 28, 2004, in Chittagong, for example, RAB arrested Mahimuddin Mohim, age 35, a businessman and assistant secretary of the Awami League’s student wing, the Chattra League. According to Mahimuddin Mohim’s family, who spoke with Human Rights Watch, the arrest took place at the Chittagong airport around 8:30 p.m., when Mohim returned from a business trip to Dubai. Around 11 p.m. a local television station reported that Mohim had been killed in crossfire.

According to RAB, after questioning Mahimuddin Mohim at RAB-7 headquarters, the force took him with them to search for illegal weapons, and he was killed in crossfire when Mohim’s gang attacked.<sup>68</sup>

The family got the body around 5 p.m. the following day. “A police van brought the body so the family could take a look,” the victim’s brother, Giashuddin Mohim, told

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<sup>67</sup> Ibid.

<sup>68</sup> “Ctg BCL Leader Killed in Crossfire by RAB,” *Bangladesh Observer*, November 30, 2004, <http://www.bangladeshobserveronline.com/new/2004/11/30/front.htm> (accessed October 4, 2006), “BCL Central Leader, Two Others Killed in Crossfire,” *Daily Star*, November 29, 2004, <http://www.thedailystar.net/2004/11/29/d41129011818.htm> (accessed October 4, 2006), and “BCL Agitates at Ctg to Protest Mohim Killing,” *Daily Star*, December 5, 2004, <http://www.thedailystar.net/2004/12/05/d41205012824.htm> (accessed October 4, 2006).

Human Rights Watch. “But we had to promise that only the family would look and no one else. They brought the body in the back of a police van.”<sup>69</sup>



On November 28, 2004, RAB-7 in Chittagong arrested Mahimuddin Mohim. About two hours later he died in “crossfire.” © 2004 Private

The body was covered in plastic but Giashuddin Mohim could see some of the wounds. “I saw the left elbow was broken and the ring finger on one hand was smashed,” he said. Giashuddin Mohim later saw the autopsy report and said that his brother’s body had seven or eight bullet wounds.

In a well-known “crossfire” case from Chittagong, on November 30, 2004, RAB-7 arrested a local leader of the BNP’s student wing, Jatiyatabadi Chhatra Dal, and a notorious suspected criminal, Iqbal Bahar Chowdhury, age 33. The police wanted Chowdhury, known as Iqbialla, for murder, extortion, and rape.

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<sup>69</sup> Human Rights Watch interview with Giashuddin Mohim, Chittagong, May 26, 2006.

Undercover RAB members working as street vendors arrested Iqbiulla in the early evening and, according to a witness who spoke with Human Rights Watch, led him away blindfolded and with hands bound. “One-and-half hours later I heard he had been killed in Fatehabad, Hathajari, about 20 kilometers outside of town,” the witness said. “RAB said it was an ‘encounter,’” meaning an armed clash between security forces and an armed group.<sup>70</sup>



Iqbal Bahar Chowdhury, killed by RAB “in crossfire,” lying in front of the Chittagong morgue on December 1, 2004. © 2004 Zobaer Hossain Sikder

According to RAB they arrested Iqbiulla after a gun fight (the witness who saw RAB leading Iqbiulla away said he had seen no evidence of a fight). After Iqbiulla was in custody, RAB took him with them to search for illegal weapons held by his gang. RAB reported its forces came under attack near Kali Mondir and Iqbiulla died in the crossfire as he tried to run away.<sup>71</sup> RAB sources told the press that cohorts of Iqbiulla opened fire on them when they took Iqbiulla to the Fatiyabad area in search of arms.

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<sup>70</sup> Human Rights Watch interview, name withheld, Chittagong, May 26, 2006.

<sup>71</sup> “JCD Leader Killed in Crossfire at Hathazari,” *Bangladesh Observer*, December 1, 2004, <http://www.bangladeshobserveronline.com/new/2004/12/02/national.htm> (accessed October 4, 2006), and “‘Crossfire’ Kills 4,” *Daily Star*, December 1, 2004, <http://www.thedailystar.net/2004/12/01/d4120101033.htm> (accessed October 4, 2006).

“Iqbal was caught in the crossfire and died on the spot trying to escape from the cordon,” RAB-7 then-commander Lt. Col. Emdadul Haq said.<sup>72</sup>

In a third case from Chittagong, on September 10, 2004, RAB-7 arrested Ahmadul Haq Chowdhury, known as Ahmudya, along with his bodyguard, known as Minhaz. Both died from crossfire the next day. According to media accounts, human rights reports, and Human Rights Watch interviews in Chittagong, Ahmudya’s problems began when he defected from the Jama’at-e-Islami party to the BNP on July 15, 2004, bringing with him about one thousand supporters.<sup>73</sup>

Around Chittagong, the tall and charismatic Ahmudya was known as a kingpin of the underworld.<sup>74</sup> According to Lt. Col. Haq, Ahmudya stood accused of “at least 100 murders over the years in the district.”<sup>75</sup> But the timing of his death, after his defection from Jama’at-e-Islami to the BNP, raised questions about RAB’s relationship to Jama’at-e-Islami. Human rights activists and journalists who cover Chittagong told Human Rights Watch that RAB-7 has close ties to Jama’at-e-Islami and some of the local armed Islamic groups. According to Ain o Salish Kendra, which investigated Ahmudya’s death, Ahmudya’s family believes that Jama’at-e-Islami orchestrated the murder through RAB. “They point to the invisible but close relationship between the JI and RAB in Chittagong as the factor behind Ahmadul’s death,” the report said.<sup>76</sup>

## Killing of Debashish Kumar Das

On June 26, 2004, RAB forces in Dhaka arrested a 32-year-old father of two, Debashish Kumar Das, a fish trader at Dhaka’s Karwan Bazar, along with two other men suspected of criminal acts. About six hours later RAB brought Das to the hospital, where doctors pronounced him dead.

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<sup>72</sup> “RAB-Killing,” United News of Bangladesh, December 1, 2004.

<sup>73</sup> “RAB Nabs Ctg Top Terror,” *Daily Star*, September 11, 2004, <http://www.thedailystar.net/2004/09/11/d4091101077.htm> (accessed October 5, 2006).

<sup>74</sup> Human Rights Watch interviews, Chittagong, May 26-27, 2006.

<sup>75</sup> “Eight Bullets Put End to Ahmudya Episode,” *Daily Star*, <http://www.thedailystar.net/2004/09/12/d4091201033.htm> (accessed October 5, 2006).

<sup>76</sup> Sheikh Nasir Ahmed, “Former Jamaat Leader’s Death in RAB Custody,” published in Ain o Salish Kendra, “RAB: Eradicating Crime or Crimes of the State?” 2005, [www.askbd.org/RAB/RAB.htm](http://www.askbd.org/RAB/RAB.htm) (accessed December 6, 2006).

The day before, RAB in the Uttara area of Dhaka had tried to arrest Pichchi Hannan (see above). Hannan and his cohorts escaped after a shootout but he sustained injuries and reportedly went for treatment at Savar hospital on the outskirts of Dhaka.<sup>77</sup> The next day, two associates of Hannan, Shaheb Ali and Debashish Kumar Das, went to visit Hannan in the hospital. Around 6 p.m. RAB arrived and arrested all three men.<sup>78</sup>

Das was reportedly not injured during the arrest, but around 11:45 that night RAB brought him to the Dhaka Medical College Hospital, where he died.<sup>79</sup> An acquaintance of Das's who saw the body at the hospital said he noticed no injury other than a wound, possibly from a bullet, on the side of the right knee.<sup>80</sup> But one journalist reported that, according to sources at the morgue, both of Das's hands and legs were broken.<sup>81</sup> The man arrested with Das, Shehab Ali, was reportedly taken to hospital with serious injuries.<sup>82</sup>

According to Das's father, Gajendra Kumar Das, his son first learned about Hannan's shooting from the television around 8 p.m. on June 25.<sup>83</sup> Das left home and called around 11 that night to say he would be back late because of heavy rain. The family heard nothing more from him, and the next evening a friend informed them that, according to the television news, Das was dead and his body was at the Dhaka Medical College Hospital.

When the family arrived at the hospital they saw lots of police, RAB members, and journalists, Gajendra Das said. A police officer from Uttara told him that he had seen RAB members beating his son. The hospital prepared the body for funeral so the family could only observe Das's face, where they saw no wounds or marks. The authorities never provided the family with an autopsy report, nor did they inform

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<sup>77</sup> "Criminals Rap RAB," *Daily Star*, June 26, 2004, <http://thedailystar.net/2004/06/26/d4062601022.htm> (accessed December 1, 2006).

<sup>78</sup> "Pichchi Hannan Sent to Jail," *Daily Star*, June 28, 2004, <http://www.thedailystar.net/2004/06/28/d4062801055.htm> (accessed December 1, 2006).

<sup>79</sup> "Mystery Shrouds Death of 2 Alleged Criminals," *Bangladesh Observer*, June 28, 2004.

<sup>80</sup> Human Rights Watch interview with Gazi Siddiquee, Dhaka, April 30, 2006.

<sup>81</sup> "Mystery Shrouds Death of 2 Alleged Criminals," *Bangladesh Observer*, June 28, 2004.

<sup>82</sup> Ibid.

<sup>83</sup> Human Rights Watch interview with Gajendra Kumar Das, Dhaka, April 30, 2006.

anyone of the cause of death. On the advice of family and friends, the family decided not to file any criminal case against RAB.

## **Killing of Sumon Ahmed Majumder**

On July 15, 2004, members of RAB arrested Sumon Ahmed Majumder, a garment trader and activist in the Awami League's youth wing, the Jubo League. He died after approximately 10 hours in custody, apparently from wounds sustained in custody.

Age 23, Majumder was vice president of the Jubo League's ward No. 10 in Tongi. He was also a witness to the May 7, 2004 murder of Awami League parliamentarian and well known trade union leader Ahsan Ullah Master.<sup>84</sup> Opposition parties said that RAB had killed Majumder to hide the government's involvement in Ahsan Ullah Master's death.<sup>85</sup>

According to three members of Majumder's family, the victim spent the morning and early afternoon of July 15 campaigning for Jahid Ahsan Russel, the Awami League candidate in the Gazipur by-election, which was held after Ahsan Ullah Master died.<sup>86</sup> Russel was Master's son.

Majumder arrived home around 2:30 p.m., and shortly thereafter a policeman the family identified as Assistant Sub Inspector Monir from Tongi and a BNP activist named Abdul Ali came to the house. Abdul Ali, the family said, is the brother of one of the main suspects in the Ahsan Ullah Master murder.<sup>87</sup>

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<sup>84</sup> See Waliur Rahman, "Top Bangladeshi Politician Killed," *BBC News Online*, May 7, 2004, [http://news.bbc.co.uk/2/hi/south\\_asia/3693035.stm](http://news.bbc.co.uk/2/hi/south_asia/3693035.stm) (accessed September 27, 2006). The gunmen also killed another man, Omar Faruq Ratan, and wounded 17. See Chaitanya Chandra Halder, Shamim Ashraf, and Shameem Mahmud, "22 to Walk Gallows for Killing Ahsanullah," *Daily Star*, April 17, 2005, <http://www.thedailystar.net/2005/04/17/d5041701011.htm> (accessed October 5, 2006).

<sup>85</sup> "Suman's Killing Protested," *Bangladesh Observer*, July 18, 2004, [www.bangladeshobserveronline.com/new/2004/07/18/front.htm](http://www.bangladeshobserveronline.com/new/2004/07/18/front.htm) (accessed October 3, 2006), and "Ahsanullah Murder Witness Dies in Police Custody," *Weekly Holiday*, July 23, 2004, [www.weeklyholiday.net/2004/230704/met.html](http://www.weeklyholiday.net/2004/230704/met.html) (accessed October 3, 2006). In April 2005 a Dhaka judge sentenced 22 people to death for Ahsan Ullah Master's murder, including a leader of the BNP youth wing. See "22 Sentenced to Death for Killing Ahsanullah Master," *Weekly Holiday*, April 22, 2005, [www.weeklyholiday.net/2005/220405/met.html](http://www.weeklyholiday.net/2005/220405/met.html) (accessed November 9, 2006).

<sup>86</sup> Human Rights Watch interview with Solema Ahmed Majumder, Dhaka, March 20, 2006.

<sup>87</sup> One of the 22 men sentenced to death for Ahsan Ullah Master's murder was Mohamed Ali, but it is not clear whether he is the brother of Abdul Ali. See "22 Sentenced to Death for Killing Ahsanullah Master," *Weekly Holiday*.



According to Majumder's mother, Monir suggested that Majumder stop his political activities with the Awami League and join the BNP. If he did, Abdul Ali would pay him 2,000 taka per day (about US\$30). Majumder responded that he would not switch sides and Monir warned that this decision would cost him a great price. The two men left the house, but Abdul Ali returned a few minutes later to tell Majumder that Monir wanted to speak with him again. Majumder and Monir spoke briefly outside the house.

Five or ten minutes later, around 3 p.m., two unknown men in civilian clothes arrived at the door and asked if Majumder lived in the house. The family said yes and one of the men made a phone call to an unknown person, saying that they had located Majumder. Very quickly, a large group of armed men arrived. All of them wore civilian clothes except for one man in a RAB vest, Majumder's mother said. The man in charge identified himself to her as Sub Inspector Shahjahan from RAB.

Majumder was taking a shower when the men arrived but they arrested him right away and took him to a minibus waiting outside. The family saw him being blindfolded. According to the human rights group Odhikar, which reported on the case in its 2004 annual report, RAB asked Majumder if he was a witness to the murder of Ahsan Ullah Master. Odhikar also reported that one RAB official told Majumder, "You will be killed by BNP supporters, now we are going to do the same thing."<sup>88</sup>

At the same time as RAB arrested Majumder, the force arrested two other men from the area: Akbar Hossain Pinku, age 20, and Majumder's cousin, known as Lokman, age 22. RAB blindfolded these men as well, and took them together in the minivan.

Inside the van, someone put a gun to Lokman's head, Lokman told Human Rights Watch.<sup>89</sup> Another person said they were going to kill Majumder and that they could also kill Lokman, dumping his body on the road. According to Lokman, the van drove to the RAB-1 headquarters in Uttara. Around 8 p.m. RAB members took the blindfolds off Lokman, Majumder, and Pinku, and brought them to an outhouse in the middle of a field inside the compound.

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<sup>88</sup> Odhikar, "Report 2004, Project on Investigation, Research and Publication of Human Rights Violations," 2004, p. 59.

<sup>89</sup> Human Rights Watch interview with Lokman, Dhaka, March 20, 2006.

Around this time, Majumder's father, Monir Ahmed Majumder, learned of his son's arrest. He contacted the police but they claimed to have no information about the arrest.<sup>90</sup>

Inside the outhouse, RAB members made all three men sit on the floor. Three RAB officials then started beating them with large batons as they asked them who had killed Assan Ullah Master. In total, RAB beat Lokman, Majumder, and Pinku for about three hours. One of the RAB members then received a phone call and Lokman could hear the man responding, "Sir, the people you were talking about have been found. We have them here and will give them a treatment."

After the phone call, some RAB members got a large electric drill with a bit as thick as an index finger, Lokman said. They drilled into the side of Majumder's right calf. They connected electric wires to the same socket as the drill and put these live wires on the wound.

Around 11 p.m. RAB members took Majumder, Pinku, and Lokman to a white minivan. Majumder had lapsed into unconsciousness and a RAB member poured water on his face to wake him up. Majumder partially woke up.

The van drove to the Tongi police station, Lokman said, but the officer in charge refused to take the three men because of their physical state. RAB took them to the Tongi Hospital, where doctors bandaged Majumder's leg.

This account was confirmed by the human rights group Odhikar, which spoke with the policeman on duty in Tongi that night, Sub Inspector Rafiq. The policeman told Odhikar that RAB officials led by Sub Inspector Shajahan brought Majumder, Pinku, and Lokman to the station at 9:45 p.m. but he refused to accept them due to their poor medical condition. RAB took them to Tongi Hospital, Sub Inspector Rafiq said, and brought them back to the police station with medical certificates around 11:20 p.m. At that time, they filed a complaint of extortion against the three, on behalf of a businessman named Tajul Islam. Around 12:05, Sub Inspector Rafiq learned that

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<sup>90</sup> Human Rights Watch interview with Monir Ahmed Majumder, Dhaka, March 20, 2006.

Majumder's condition had worsened, so he sent him to the hospital for a second time. At 1:30 a.m. Sub Inspector Rafiq learned that Majumder had died.<sup>91</sup>

"Sumon's [Majumder's] condition deteriorated after the RAB officials left the police station and we sent him to Tongi Health Complex where he died at 1:30 a.m.," an unnamed officer at the Tongi police station told the press.<sup>92</sup>

The human rights group Ain o Salish Kendra (ASK) also conducted an investigation into Majumder's death and viewed hospital records that confirm Majumder's treatment that night. Case number 3116 in the Tongi Hospital registry shows that Majumder was treated around 10:30 p.m. for assault and shock, a deep laceration on the right leg, and swelling on different parts of the body. ASK also saw the police report from that night, which said that the police had charged Majumder and two accomplices with extortion under the Speedy Trial Act. Majumder was injured while resisting arrest, the report said.<sup>93</sup>

The ASK investigation looked at other documents, including an unnatural death case (number 17/04, July 16, 2004) filed by Sub Inspector Rafiqul Islam after Majumder's death.<sup>94</sup> RAB Sub Inspector Shahjahan and other members of RAB-1 arrived at Tongi police station at 9:25 p.m. to hand over Majumder, Lokman, and Pinku, ASK reported. According to Odhikar, the unnatural death case named several RAB officials.<sup>95</sup>

The family learned of Majumder's death around 8 a.m. the following day. Majumder's father, who saw the body, said he observed a deep cut under one of the knees. Under one foot he saw wounds that looked as if they were made by a drill. There were deep holes on several places on the legs, he said, as well as a bruise on the right cheek.<sup>96</sup>

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<sup>91</sup> Odhikar, "Report 2004, Project on Investigation, Research and Publication of Human Rights Violations," 2004, p. 59.

<sup>92</sup> "Witness to Ahsanullah Murder Dies Hours After RAB Arrest," *Daily Star*, July 17, 2004, <http://www.thedailystar.net/2004/07/17/d4071701022.htm> (accessed December 1, 2006).

<sup>93</sup> Sheikh Nasir Ahmed, "Main Witness in Ahsanullah Master Murder Case Killed by RAB," published in Ain o Salish Kendra, "RAB: Eradicating Crime or Crimes of the State?" 2005. Sections of the report are available in English at [www.askbd.org/RAB/RAB.htm](http://www.askbd.org/RAB/RAB.htm) (accessed December 6, 2006).

<sup>94</sup> Sub Inspector Rafiqul Islam mentioned by ASK and Sub Inspector Rafiq mentioned by Odhikar are probably the same person.

<sup>95</sup> Odhikar, "Report 2004, Project on Investigation, Research and Publication of Human Rights Violations," 2004, p. 60.

<sup>96</sup> Human Rights Watch interview with Moher Asman Majumder, Dhaka, March 20, 2006.

Majumder's uncle, Abdus Salam, prepared the body for funeral. He said that Majumber had deep wounds on his legs, shins, and calves. He had a 15 centimeter cut on the back of his neck, although that might have been from the autopsy. He also saw bruises all over the body, in particular on the upper parts of the arms.<sup>97</sup>

In a statement, RAB said that Majumder was killed when an angry mob beat him after he was caught collecting extortion money with two accomplices from a local businessman.<sup>98</sup>

After the death, Majumder's father received anonymous warnings not to file a complaint. He tried to file a case with the local police nevertheless, but a police official named Tharikul Islam told him that no complaints could be filed against RAB.

To date, no RAB members are known to have been held accountable for Majumder's death. According to Lokman, a court sentenced him to three years in prison and Pinku to two. Both were acquitted on appeal and released in July 2005.

On April 16, 2005, a Dhaka court sentenced 22 people to death and six others to life imprisonment for murdering the Awami League MP Ahsan Ullah Master—the highest number of capital punishments ever handed down at one time in Bangladesh. Twelve of the convicted men were in custody, while the 16 others were tried in absentia and remained at large.<sup>99</sup>

## Killing of Anisur Rahman

On October 1, 2004, in Dhaka, members of RAB-4 arrested Anisur Rahman, a local leader of the Jatiyatabadi Chhatra Dal (JCD), the BNP's student wing, together with two friends. RAB released the two friends after a brief detention but transferred Rahman to the hospital on October 2, where he died from wounds apparently suffered in detention.

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<sup>97</sup> Human Rights Watch interview with Abdus Salam, Dhaka, March 20, 2006.

<sup>98</sup> "Death of Sumon Creates Serious Resentment," *Bangladesh Observer*, July 18, 2004. According to this article, RAB complained that on June 18 a gang led by Mojumder, Lokman, and Pinku beat the employees of Alfa Engineering Products in Tongi to extort money from the owner, Tazul Islam Akanda.

<sup>99</sup> Chaitanya Chandra Halder, Shamim Ashraf, and Shameem Mahmud, "22 to Walk Gallows for Killing Ahsanullah," *Daily Star*, April 17, 2005, <http://www.thedailystar.net/2005/04/17/d5041701011.htm> (accessed October 5, 2006).

The 27-year-old Rahman was an organizing secretary of the JCD's ward No. 47 unit and a Dhaka City Corporation contractor from the area of Mohammadpur. The reasons for his arrest and apparent death in custody remain unclear. RAB claimed he was a criminal, but a local member of parliament and the victim's relatives said he was innocent of any crime.<sup>100</sup> According to Ain o Salish Kendra, which investigated the case, RAB was actually searching for Anisur's older brother Soheli, who is a businessman and central committee member of the JCD.<sup>101</sup>

The arrest took place around 2:30 a.m. as Rahman and his friends Rubel and Jahangir were leaving the Chhata mosque near Rahman's home in Mohammadpur. The RAB-4 team proceeded to Rahman's home, two witnesses said, where they searched the premises without a warrant.<sup>102</sup> RAB found nothing and left.

Relatives began to search for Rahman later that day. Guards at RAB-4 in Mirpur Paikpara confirmed they were holding Rahman but they did not allow anyone to visit.

On October 2, RAB conducted a second search of the Rahman home, with Rubel and Jahangir in tow, again without a warrant. A witness said he overheard a RAB-4 officer, Sub Inspector Ali Hossain, tell a family member that Rahman would be "taken out."<sup>103</sup> The officers found nothing in the house and left.

That afternoon, around 5:45, RAB transferred Rahman to the Dhaka Medical College Hospital. According to a press report, Sub Inspector Ali Hossain stated at the time that Rahman was a criminal and that he had passed out from fear.<sup>104</sup>

When relatives and friends visited Rahman at the hospital on October 3, they found him guarded by RAB members in the intensive care unit.<sup>105</sup> Doctors said he had

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<sup>100</sup> "City JCD Leader Dies in RAB Custody," *Daily Star*, October 5, 2004, <http://www.thedailystar.net/2004/10/05/d41005011513.htm> (accessed December 1, 2006).

<sup>101</sup> Shah Alam Faruk, "Former Student Leader Dies in RAB Custody," published in Ain o Salish Kendra, "RAB: Eradicating Crime or Crimes of the State?" 2005, [www.askbd.org/RAB/RAB\\_eng.htm](http://www.askbd.org/RAB/RAB_eng.htm) (accessed December 6, 2006).

<sup>102</sup> Human Rights Watch interviews, Dhaka, March 29, 2006.

<sup>103</sup> Ibid.

<sup>104</sup> "City JCD Leader Dies in RAB Custody," *Daily Star*, October 5, 2004, <http://www.thedailystar.net/2004/10/05/d41005011513.htm> (accessed December 1, 2006).

suffered brain damage and an injured kidney and that they could do nothing to save his life. According to one man who was present, a doctor said that Rahman was injured from torture.

RAB prevented visitors from approaching Rahman, but one visitor told Human Rights Watch that he saw bruises on several parts of Rahman's body, in particular on the legs, and swelling of the fingers.

Rahman died around 10 p.m. on October 4. Following his death, a witness who spoke with Human Rights Watch said he observed RAB Sub Inspector Ali Hossain and Captain Iqbal remove Rahman's documents from the hospital file.

The hospital gave the family the body on October 5. An autopsy had been conducted and the body was in a plastic bag. The family has not filed a criminal complaint about the death.

On December 21, 2004, the United Nations special rapporteur on extrajudicial, summary or arbitrary executions requested information about Rahman's death. As of November 2006, the Bangladeshi government had not replied.<sup>106</sup>

### **Killing of Abul Kalam Azad Sumon**

On May 30, 2005, RAB forces arrested three young men in Dhaka. They released two of the men 30 days later but killed the third, Abul Kalam Azad Sumon, an active member of the Awami League's student wing. According to RAB, he was a notorious criminal who died in "crossfire" with an armed gang. His family and local human rights groups allege that RAB extrajudicially executed him in detention.

According to witnesses and the victim's family, Sumon, age 22, left his home around 9 p.m. to go to work. Sumon was an accountant at a local cable operator called Lorel

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<sup>105</sup> Human Rights Watch interviews, Dhaka, March 29, 2006.

<sup>106</sup> Commission on Human Rights, Civil and Political Rights, Including the Question of Disappearances and Summary Executions, Extrajudicial, Summary or Arbitrary Executions, Report of the Special Rapporteur, Philip Alston, E/CN.4/2006/53/Add.1, March 27, 2006.



International in East Goran of Dhaka's Khilgaon district, and he went to the office every night to close the books.

Shortly after Sumon arrived, one of his colleagues said, three men in civilian clothes came to his office on the first floor.<sup>107</sup> Two of the men revealed guns and asked the four employees and two visitors present to identify themselves. One of the men took three vests with "RAB" printed on the back from a shoulder bag, and the three men put them on. They handcuffed Sumon and two other employees, Hanif and Bidyut. The RAB forces blindfolded Sumon and Hanif, but not Bidyut, and took the three men outside, saying they had been searching for the men in relation to hidden arms.

Around 10 p.m. Sumon's parents got information that RAB had arrested their only son, and Sumon's father Abdul Hakim and his mother Amela Khatun set out to find him.<sup>108</sup> They visited the local police station in Khilgaon and the head office of the Detective Branch near Minto Road, where officers suggested they contact RAB-3, the RAB unit in charge of Khilgaon.

Around 2:30 a.m. the parents reached the RAB-3 office at Tikatuli where, while talking to the guard, they saw their son sitting in the back of a white minibus about five meters inside the compound. He was blindfolded, Abdul Hakim told Human Rights Watch, and he looked semi-conscious.

A RAB-3 official initially denied that RAB had Sumon in custody, but he then said that RAB would transfer Sumon to the Khilgaon police station in the morning. Shortly thereafter, Sumon's parents saw the RAB vehicle leave the station and drive south towards Sayedabad. Around 5:00 a.m. Abdul Hakim went to the Khilgaon police station, where he saw a police van with the dead body of his son lying in the back. The police handed the body over to the family that night around 8 a.m. The body had several bullet wounds in the chest, as well as signs of torture, Abdul Hakim said.

A relative of Sumon who was present when an autopsy was conducted at Dhaka Medical College and who prepared Sumon's body for funeral told Human Rights Watch that he

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<sup>107</sup> Human Rights Watch interview, name withheld, Dhaka, March 22, 2006.

<sup>108</sup> Human Rights Watch interview with Abdul Hakim, Dhaka, March 22, 2006.

saw severe bruises on Sumon's legs, under his feet, and on his back. He saw a gash on his forehead, and the cheek bones were broken on both sides. There were six bullet wounds in his chest and upper abdomen, and two more in the right arm.<sup>109</sup>

Human Rights Watch viewed a copy of the magistrate's body exam that was largely consistent with the relative's claim, reporting six bullet wounds, a half-inch cut above the nose and a quarter-inch cut above the left eyebrow.

On May 31 RAB issued a statement saying that, in a fierce gun battle around 3:30 that morning, RAB forces had shot and killed a notorious criminal named Goailya Sumon, who had murdered two men in Khilgaon. RAB struck the victim with bullets three times in the head and chest when he tried to escape the scene during a shootout.<sup>110</sup> Some media, however, suggested that Goailya Sumon and Abul Kalam Azad Sumon were two different people, with the former being the criminal. The officer in charge at the Khilgaon police station, for example, said his station had no cases against any Sumon and the Sabujbagh police said Goailya Sumon was accused of three cases, including one for murder.<sup>111</sup>

The family questioned how RAB could have killed their son at 3:30 in the morning when they had arrested him from his office around 9 the previous night. "RAB has just cooked up a reason for killing him," Sumon's mother told the press. "They arrested him at 9:30 p.m. and I saw him in the jeep at 2:30 a.m., so how could he commit a robbery the same night at 3 a.m.?"<sup>112</sup>

After Sumon's death, his parents attempted to file a complaint with the Khilgaon police station, but officers at the station refused to register the case, they said.<sup>113</sup> On July 6, Sumon's mother instead filed a case with the Dhaka court against Home

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<sup>109</sup> Human Rights Watch interview, name withheld, Dhaka, March 22, 2006.

<sup>110</sup> "2 Alleged Gangsters Killed in Encounters with RAB-Police," *Bangladesh Observer*, June 1, 2005, and Shariful Islam and Shaheen Mollah, "Rab's 'Shootout' Claim Shrouded in Questions," *Daily Star*, June 1, 2005, <http://www.thedailystar.net/2005/06/01/d5060101022.htm> (accessed December 1, 2006).

<sup>111</sup> Shariful Islam and Shaheen Mollah, "Rab's 'Shootout' Claim Shrouded in Questions," *Daily Star*, <http://www.thedailystar.net/2005/06/01/d5060101022.htm> (accessed December 1, 2006).

<sup>112</sup> "Bangladesh Family Challenges New Security Force Over Son's 'Crossfire' Death," *Agence France-Presse*, July 30, 2005.

<sup>113</sup> See also "Khilgaon Police Refuse to Register Case Against RAB," *Daily Star*, June 5, 2005, <http://www.thedailystar.net/2005/06/05/d50605012920.htm> (accessed December 1, 2006).

Minister Babar, Home Secretary Safar Raj Hossain, RAB Director General Abdul Aziz Sarkar, several RAB-3 officers and a leader of Jatiyatabadi Chhatra Dal (the BNP's student wing). The judge ordered a judicial inquiry into Sumon's death.<sup>114</sup> The case was ongoing at this writing.

According to Sumon's father, the family has received repeated threats from visitors in civilian clothes, and anonymous phone calls. They warned him not to pursue the case and that he would face the same fate as his son if he does. On March 18, 2006, Abdul Hakim said, the police detained him without explanation and beat him with a large baton. Four days later he showed Human Rights Watch dark and large bruises on both legs and the right arm.

According to Sumon's parents, their son was killed because he had recently switched from the youth league of the BNP to the Awami League. On May 6, they said, while distributing leaflets about a proposed overpass being built in their neighborhood, a local Jatiyatabadi Chhatra Dal leader threatened Sumon that he would teach him "a good lesson." "But even if he had been a criminal, he should have been judged by a court—not by RAB," Sumon's mother said.<sup>115</sup>

The other two men arrested with Sumon, Hanif and Bidyut, were released without charge after having spent about a month in detention.

## **Killing of Iman Ali**

On March 8, 2006, RAB forces in Dhaka arrested Md. Masudur Rahman (known as Iman Ali), a businessman and local leader of the Jubo League (youth wing of the Awami League). His body was found the next morning in a field near his home with bullet wounds and signs of torture.

According to Iman Ali's uncle, who witnessed the arrest, Iman Ali was leaving the Dhaka court around noon on March 8 when a man with a black beard, wearing a

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<sup>114</sup> "Mother Files Murder Case Against Ministers, RAB men," *Daily Star*, June 7, 2005, <http://www.thedailystar.net/2005/06/07/d5060701044.htm> (accessed December 1, 2006).

<sup>115</sup> "Bangladesh Family Challenges New Security Force Over Son's 'Crossfire' Death," Agence France-Presse.

white punjabi (long shirt) and a cap, told Iman Ali that he had to come with him.<sup>116</sup> Iman Ali replied that he was in a hurry but the man opened the top buttons of his punjabi and showed something that the uncle assumed was an ID. Six or seven other men gathered and Iman Ali went with them into a white minibus parked nearby.

Concerned for Iman Ali's safety, the uncle and other family members visited the police stations in Kotwali and Savar, near their home, as well as the offices of RAB-1, RAB-2, RAB-3, RAB-10, and, finally, RAB-4. At each station they were only able to speak with the guard, who said he had no information about the apparent arrest. At RAB-4 the guard said the family should return between 7 and 8 that evening.

According to Iman Ali's brother, Md. Nazrul Islam, who was part of the group visiting the stations, around 7 p.m. the family returned to RAB-4, which was then under the command of one Lt Col. Humayun.<sup>117</sup> Officers at the station said the family should return in one hour. The family returned at 8 p.m. and 11 p.m., but the station still had no information.

Around 6 the next morning workers from the nearby Panna Textile Mill in the Savar district, about 30 kilometers northwest of Dhaka, arrived at the family's home. According to Nazrul Islam, they said that RAB had murdered Iman Ali and RAB forces were guarding his body near the mill, about one kilometer from the house.

The family went to the mill and saw a group of agitated people yelling at approximately 10 policemen and 16 members of RAB. Some were screaming that they had killed Iman Ali. The RAB forces were yelling back at the people, and hitting some of them with fists or their rifle butts. They arrested one man and tied him up but released him after an hour. As the crowd grew, up to 60 RAB members arrived.

Nearby, in an open field a few hundred meters from the nearest house and road, the family saw Iman Ali's dead body lying face up. Nazrul Islam did not inspect the body closely but he saw bullet wounds in Iman Ali's chest, and blood on his shirt.

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<sup>116</sup> Human Rights Watch interview with Ishaq Miah, Dhaka, March 16, 2006.

<sup>117</sup> Human Rights Watch interview with Nazrul Islam, Dhaka, March 16, 2006.

Others who saw the body gave a consistent account. “There were three bullet hits in Iman’s chest, but surprisingly none of the bullets went through the shirt he was wearing,” an unnamed security guard at the textile mill who saw the body told the press.<sup>118</sup> There was no sign of a struggle in the area, the guard said, suggesting that Iman Ali had been killed somewhere else.

Human Rights Watch interviewed one non-family member who saw the body. He said that, in addition to the bullet wounds, Iman Ali had no skin on the left side of his back, as if he had been burned. His fingers looked broken and swollen and he had a hole in his right big toe.<sup>119</sup>

The police took the body to the Dhaka Medical College Hospital and returned it to the family later that day, although the police did not provide a copy of the autopsy report. While preparing the body for funeral, Nazrul Islam said, the family saw three bullet wounds in Iman Ali’s chest, as well as other wounds that they attributed to torture. The body had no skin on the back, shoulders, and part of the right arm. There were holes in the tips of both big toes, as if someone had hammered a nail. The left cheek was black and blue around the eye and ear. Except for the thumbs, all of the fingers were swollen and bruised.

RAB issued a press release giving its side of the story. Acting on a tip-off, a team of RAB-4 had arrested the “top terror Iman Ali” around 2:15 p.m. on March 8, the statement said. During interrogation, Iman Ali confessed to having a large cache of arms and ammunition and that his accomplices were preparing “some major kind of crime.” The statement continued,

A team of RAB-4, on March 9, 2006, around 4:35, with Iman Ali, went near Akraim Panna Textiles Mill in Birulia Union under Savar Thana when a group of unidentified criminals started indiscriminately shooting at RAB members who, in self defense and in order to save public property, started firing back. At one point while the shootout

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<sup>118</sup> Shariful Islam, “Jubo League Leader’s Death; Intact Shirt Saps Crossfire Claim,” *Daily Star*, March 13, 2006, <http://www.thedailystar.net/2006/03/13/d60313012116.htm> (accessed December 1, 2006).

<sup>119</sup> Human Rights Watch interview, name withheld, March 16, 2006.

was going on terrorist Iman Ali tried to use the chance and escape, thus he came in the line of fire of both the shooting parties. After the exchange of fire was over, RAB searched the area and saw Iman Ali bullet ridden and dead.<sup>120</sup>

Human Rights Watch spoke with two people from the area who said they heard several shots in the early morning of March 9. One of the people, a guard at a nearby factory, said that RAB officers came to the factory around 5:50 a.m. and asked the guards to identify the body.<sup>121</sup>

According to Nazrul Islam, RAB forces had yet to return some items Iman Ali had in his possession at the time of arrest, including two gold rings, a gold chain, a mobile phone, and about 20,000 taka (about US\$300) that he was carrying to pay for his son's schooling. A RAB-4 official, Maj. Samad (identified as the acting director), told the press that his forces would return all of Iman Ali's belongings.<sup>122</sup>

The reason for Iman Ali's apparent murder remains unknown, but it is possibly due to his political activity in the Awami League's youth wing, and in particular his advocacy on behalf of poor villagers engaged in a land dispute. In Miton and Rajason villages near Iman Ali's home the government had recently leased 10 acres to a man named Mirza Hafizur Rahman, who is a cousin of State Minister of Home Affairs Lutfozzaman Babar.<sup>123</sup> According to Rahman, the property was without title but residents said they owned the property because they and their forebears had been living there for more than 100 years. Facing eviction, in February the local residents held rallies, with a big demonstration on February 21, at which Iman Ali spoke. "He spoke very strongly against the injustice the government was perpetrating against minorities," said one person who heard Iman Ali

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<sup>120</sup> "Listed Gangster, Extortionist, Killer and Land Grabber Md. Iman Ali aka Masud Pervez Dies in a Shootout with RAB-4; Arms and Ammunition Recovered," RAB press release, March 2006.

<sup>121</sup> Human Rights Watch interviews, names withheld, March 16, 2006.

<sup>122</sup> Shariful Islam, "Jubo League Leader's Death; Intact Shirt Saps Crossfire Claim," *Daily Star*, March 13, 2006, <http://www.thedailystar.net/2006/03/13/d60313012116.htm> (accessed December 1, 2006).

<sup>123</sup> According to one press account, Mirza Hafizur Rahman owns a company called Bangladesh-Thai Multiple Agro-Fisheries Private Ltd. State Minister Lutfozzaman Babar denied any involvement in the affair. See "Villagers Feel Helpless Before Cops, Goons," *Daily Star*, February 20, 2006, <http://www.thedailystar.net/2006/02/20/d6022001108.htm> (accessed December 1, 2006).



speak.<sup>124</sup> About 35 families in Miton are Christian, the person said.<sup>125</sup> According to press reports, about 500 families in Miton face eviction, 30 of whom are members of the Dhaka Catholic Archdiocese's Dharendra Church.<sup>126</sup>

Iman Ali had had problems with the authorities before, family members said. In recent years, the police had charged him with 12 different crimes, and he had been acquitted of 11. He was dealing with the final case on the day he was arrested, his uncle and brother said. The RAB press release on his death mentions 10 cases dating back to 1994, including three for murder. According to the family, the frequent charges were the government's attempt to harass and intimidate Iman Ali. Iman Ali also had a previous history of encounters with RAB. On November 15, 2005, RAB officers from the Magbazar unit of RAB-2, under the command of Maj. Kurban Ali, detained Imam Ali on charges of illegal possession of arms, the family said. They held him for two days before transferring him to the police, who detained him for another 20 days.

Iman Ali's family tried to file a complaint about his death with the Savar police station, but the police refused to accept the complaint, Nazrul Islam said. Instead, Islam brought charges against State Minister for Home Affairs Babar, his cousins Mirza Hafizur Rahman and Mirza Nurul Islam, Director General of RAB Adbul Aziz Sarker, and 49 others, including Khoda Baksh, then an additional inspector general in the Criminal Investigation Department (who became RAB director general on October 31, 2006).<sup>127</sup> A lower court dismissed the case on March 22 due to a technicality, but a second court accepted the case after the family re-filed.<sup>128</sup> Two

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<sup>124</sup> Human Rights Watch interview, name withheld, Dhaka, May 20, 2006.

<sup>125</sup> On February 10, 2006, the police arrested another local activist, Nurul Haq, accusing him of links to the banned Jama'atul Mujahideen Bangladesh. They released him about 10 days later. See "Villagers Feel Helpless Before Cops, Goons," *Daily Star*, <http://www.thedailystar.net/2006/02/20/d6022001108.htm> (accessed December 1, 2006). Around the same time, police searched the home of two other men, Amol Palma and Atul Palma, who had challenged the lease in court. According to the press, villagers complained that police and hired goons patrolled the area at night, forcing men in the villages to sleep away from home.

<sup>126</sup> "Bangladesh Eviction Protest Crosses Religious Lines," Catholic News Service, March 6, 2006, [http://www.catholic.org/international/international\\_story.php?id=18948](http://www.catholic.org/international/international_story.php?id=18948) (accessed October 5, 2006).

<sup>127</sup> "Court Does Not Accept Case Against Babar," *Daily Star*, March 23, 2006, <http://www.thedailystar.net/2006/03/23/d60323012116.htm> (accessed November 8, 2006).

<sup>128</sup> "Dhaka Court Takes Up Murder Case Against Babar," *Daily Star*, March 29, 2006, <http://www.thedailystar.net/law/2006/04/01/week.htm> (accessed December 1, 2006).

months later the court set a June 5 date for a hearing on the acceptability of the case.<sup>129</sup> Human Rights Watch has no information on the case's current status.

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<sup>129</sup> "Hearing on Acceptability of Case June 5," *Daily Star*, May 24, 2006, <http://www.thedailystar.net/2006/05/24/d60524061686.htm> (accessed December 1, 2006).

## IV. Torture by RAB

RAB has become notorious in Bangladesh for committing unlawful killings, but RAB members have also been implicated in hundreds of cases of torture. As in cases detailed in the previous chapter, many “crossfire” victims have also shown signs of physical abuse.<sup>130</sup>

Torture methods attributed to RAB include beatings with batons on the soles of the feet (*falanga*) and other parts of the body, boring holes with electric drills on the legs and feet, and applying electric shock to open wounds.

In at least one case (detailed below), medical workers were present during the torture to revive and attend to the victim. According to the UN Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, “it is a gross contravention of medical ethics, as well as an offense under applicable international instruments, for health personnel ... to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment.”<sup>131</sup>

In one documented case from early 2006, members of RAB-2 in Dhaka arrested four men and severely beat three of them. The fourth man, who requested anonymity, told Human Rights Watch,

In the beginning they treated us very roughly. The first night in RAB office we were in a small room. We were handcuffed to rings on the wall near the ground. We were four people in a room about 8 x 8 feet.

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<sup>130</sup> According to the human rights group Odhikar, law enforcement agencies in Bangladesh tortured 1,868 people in 2005 alone, leading to 21 deaths. The group did not disaggregate these cases between RAB, the police, and other groups. See Odhikar, “2005 Annual Human Rights Report on Bangladesh,” 2006.

<sup>131</sup> Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 37/194, annex, 37 U.N. GAOR Supp. (No. 51) at 211, U.N. Doc. A/37/51 (1982), principle 2.

It had no window, one fan, and an iron door. They put us in the cell and they took us one by one for interrogation. Three of them were beaten badly. When they called me, they asked if I knew about the heroin trade or if I knew the other three guys. They threatened me. When they arrested me I asked where they were taking me. They said, “Keep quiet or we’ll crossfire you!”... They had no name tags. It was RAB-2.

They took and beat all three guys. One had been in prison for about 10 years [in the past]. They beat him on the legs with a cane. The others were beaten on their hand. This I saw but I think they were also beaten on their legs.<sup>132</sup>

According to the interviewee, RAB kept asking whether he knew the other three men. “They put a pistol to my head and said if I don’t admit my crimes I’ll get crossfired,” he said. “They threatened me with an 18-inch electric prod.”

RAB-2 members interrogated the man four times for about 10 minutes each time. The four men spent that night in a cell, each with one hand tied to a metal ring on the wall, about one foot above the floor. The following afternoon RAB handed all four men over to the police. The interviewee said he was released after one month and he does not know what happened to the other men.

In another case, RAB-7 in Chittagong arrested a man, who also requested anonymity, in late 2004. He told Human Rights Watch what happened after his arrest on a Chittagong street:

They beat me with batons and an iron stick that looks like a spring. And they had an electric stick. A RAB van was nearby and they took electric wires from the van and shocked me. They put the wires around my fingers... The shocks lasted for about five minutes. They beat me for about 20 or 25 minutes all over my body.

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<sup>132</sup> Human Rights Watch interview, name withheld, Dhaka, May 21, 2006.

While beating me they were saying “You must tell us where the arms are.” Ten to twelve people were beating me. The rest were watching the public and keeping control. The assistant superintendent of the police [name withheld], I recognized him, but I did not know the others.<sup>133</sup>



Lt. Col. Emdadul Haq, commander of RAB-7 in Chittagong, at his headquarters in the city's Steel Mill neighborhood, late 2004. © 2004 Zobaer Hossain Sikder

After about 25 minutes, the RAB forces pushed the man into a van and took him to a deserted hill in the city. They put a cloth over his head and the beatings resumed:

They poured water on my head. The cloth got wet and stuck to my face so I could not breathe properly. This lasted two or three minutes, and then they pushed me to the ground and four or five people stood on me with their boots. At that moment, one of their batons broke so another guy brought another baton and they started to beat me. This was before I was blindfolded.

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<sup>133</sup> Human Rights Watch interview, name withheld, Chittagong, May 27, 2006.

They pressed their guns against my head, again asking me about the arms. They said, “If you want to save your life, give us the arms.” They were talking about illegal arms but I did not know what they were talking about.

After this, RAB forces took the man to the RAB-7 headquarters in the area of town called Steel Mill, where the interrogation continued until early evening. The next morning, then-commander of RAB-7 Lt. Col. Emdadul Haq allowed the man to call his family to say that he was alright. That afternoon RAB took the man to the hospital, the man said, where he got x-rays and received first aid. RAB took the medical report and transferred the man to the police. He was subsequently released on bail and is currently facing a host of criminal charges.<sup>134</sup>

Human Rights Watch spoke with a person who visited the man while he was still in RAB detention, the day after his arrest. “I saw he had been beaten badly. His hands were all swollen,” said this witness. “I asked RAB about the signs of torture and they said, ‘Hey, you know we have to rough them up a bit.’”<sup>135</sup>

### **Torture of Sheik Abubakkar Sultan (Bitan)**

On July 15, 2005, RAB-1 members beat, detained, and then tortured Dhaka businessman Sheik Abubakkar Sultan, known as Bitan. They released him after four hours because of the intervention of a top RAB official, who knew the victim’s family. RAB subsequently sent three officials with direct involvement back to their parent organizations and gave 10 others disciplinary measures but, to date, no one has faced criminal charges.

The incident began when Bitan, executive director of Relic Label Industries Ltd, was driving in Dhaka with four friends around 7 p.m. According to Bitan, interviewed by Human Rights Watch, and media reports, the five men got stuck in traffic on a side road near Jasimuddin Road in Uttara, and Bitan got out to see what had caused the jam.<sup>136</sup> Three men traveling in a jeep had pulled an elderly man from his car, and

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<sup>134</sup> Details of the case are withheld to protect the man’s identity.

<sup>135</sup> Human Rights Watch interview, name withheld, Chittagong, May 27, 2006.

<sup>136</sup> Human Rights Watch interview with Sheik Abubakkar Sultan (Bitan), Dhaka, April 3, 2006.



they were pushing him, beating him, and forcing him into a stream of sewage, Bitan said. Bitan asked the men to stop abusing the old man.

According to Bitan, he wanted the elderly man to move his car so he and his friends could proceed, but one of the men from the jeep had confiscated the keys. Bitan grabbed them and the man punched Bitan in the face. Bitan struck back and hit one of the other men, who later identified himself as RAB Additional Superintendent (ASP) Ashraf Islam. Bitan said he later learned that the other two men were Islam's driver, Nazmul Huq, and his bodyguard, Mohammad Manik. Inside the Jeep sat Islam's wife Farida Jasmin.

A few minutes later two pickup trucks with approximately two dozen RAB members arrived, Bitan said. The men surrounded Bitan, pointed their guns at him and the crowd that had gathered, and started to kick Bitan and hit him with their rifle butts. They pulled Bitan's t-shirt off, ripped it into pieces, and used it to cover his eyes and tie his hands. At this point, Bitan lost consciousness.

When Bitan awoke, he was in the back of a pickup truck at the headquarters of RAB-1 in Uttara. His face was wet, and he thought someone had poured water over him to wake him. RAB members took him off the truck and beat him with batons on his legs and back. They dragged him into a long and narrow room in the main building with a table and desk. A badly injured man was lying on the floor in the room, Bitan said, as well as a man with his hands and legs tied.

A group of between eight and ten RAB members tied Bitan's hands and feet, blindfolded him, and took turns beating him, Bitan told Human Rights Watch. At one point they held him upside down and beat him on the soles of his feet with a baton. "It felt as if they were hitting straight on my brain and my eyeballs were going to fall out," he said. Later they beat him on the lower parts of his legs with an iron bar before Bitan again lost consciousness.

When Bitan awoke again, a RAB medical officer was giving him first aid. But the beatings resumed. The medical officer did not take part in the torture, Bitan said, but he remained in the room.

Over the next few hours, Bitan fell in and out of consciousness. At one point he remembered ASP Ashraf entering the room with his driver, bodyguard, and wife. The driver and bodyguard kicked Bitan a couple of times, and Ashraf's wife Farida Jasmin asked, "Is he not dead yet?" A RAB official in the room replied they did not have to worry because he "will be taken care of."

At some point, RAB members sprinkled sand on Bitan's back and beat him with batons, Bitan said. They also beat him with a heavier baton on the right ankle and kicked him on the chin.

Around 11 p.m. RAB officers blindfolded Bitan and tied him to a tree inside the RAB compound. He heard one person (possibly talking on a mobile phone) say, "Sir, shall we take him out?" He then heard a gun shot, but felt no bullet. After about 15 minutes, someone removed the blindfold and released Bitan from the tree. They carried him back into the building to a room where he found the elderly man whom Bitan had tried to help earlier in the evening. RAB had also beaten the old man, Bitan said, but less severely.

Shortly before midnight RAB suddenly released Bitan, gave him food and water, and allowed his family to take him to the hospital. Bitan later learned that his release was due to the intervention of a family member, a high-ranking member of the Dhaka police. The family member had contacted the RAB director of intelligence, Lt. Col. Gulzar Uddin Ahmed, who knew the family and secured the two men's release.

Bitan spent more than a month in two different hospitals. During his first days under treatment he said he received four or five anonymous phone calls warning him not to talk about what had happened or to file any complaints. He began to speak with the media nevertheless and the threats stopped. He subsequently received treatment in Calcutta, India, at great personal expense.

According to Bitan, his left leg was broken in three places and his right leg in two; he was unable to walk without crutches for more than six months. He received an operation for his left knee and doctors have recommended that he get another operation on his kneecap. When Human Rights Watch interviewed Bitan in April 2006 he still complained

of pain in his feet from having been beaten on the soles, and he was unable to wear shoes. He also had pain in the back of his head.

RAB's initial reaction to the incident was to claim that Bitan had assaulted a RAB member and acted like a "goon."<sup>137</sup> RAB filed a so-called General Diary against Bitan with the Uttara police, saying that RAB had saved Bitan from an angry mob.<sup>138</sup> One unnamed official told the press that Bitan had punched a RAB officer who was performing his duties. "We just gave him a small lesson for his interference into our affairs," one official said.<sup>139</sup>

A few days after the incident, however, RAB established a special committee to investigate what had taken place. On July 20, the committee led by RAB Director for Finance and Administration Mokhlesur Rahman submitted its report.<sup>140</sup> It concluded that RAB members had tortured Bitan, but that RAB could not take any action against them due to the absence of relevant internal regulations. As punishment, RAB sent ASP Ashraf Islam (from the Dhaka police), his driver (also a policeman), and Nazmul Huq and his bodyguard Mohammad Manik (both from the Bangladesh Rifles) back to their respective organizations with recommendations that they face further punishment. RAB issued warnings and censures to 10 others involved in the case, as well as show-cause notices, which require them to explain why punitive measures should not be taken.<sup>141</sup>

Bitan's family also filed a general diary with the Uttara Police, which appointed Sub Inspector Abu Syed to investigate. In July 2005, he informed the press that he was waiting for the court's permission to pursue the case.<sup>142</sup> As far as Human Rights

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<sup>137</sup> "Awful Cost of Protest," *Daily Star*, July 17, 2005, <http://www.thedailystar.net/2005/07/17/d50717011914.htm> (accessed December 1, 2006).

<sup>138</sup> "4-member Body Formed to Probe RAB Torture; Police Yet to Start Investigation," *New Age*, July 19, 2005, and "Police to Seek Court Permission to Probe RAB Allegation," *Daily Star*, July 18, 2005, <http://www.thedailystar.net/2005/07/18/d50718060461.htm> (accessed December 1, 2006).

<sup>139</sup> "Businessman Falls Victim to RAB Excesses," *New Age*, July 17, 2005.

<sup>140</sup> According to press reports, the other members of the committee were intelligence deputy director Zafrul Haq, senior assistant director Ainul Bari, and deputy assistant director Mohsin Kabir. See "13 RAB Men Suspended for Torturing Businessman," *New Age*, July 24, 2005.

<sup>141</sup> "Torture of Bitan: ASP Among 3 RAB Men Withdrawn," *New Nation* (Dhaka), July 23, 2005.

<sup>142</sup> "4-member Body Formed to Probe RAB Torture; Police Yet to Start Investigation," *New Age*, and "Police to Seek Court Permission to Probe RAB Allegation," *Daily Star*, July 18, 2005, <http://www.thedailystar.net/2005/07/18/d50718060461.htm> (accessed December 1, 2006).

Watch is aware, as of November 2006 the police have taken no further steps to investigate or punish the policemen involved.

## V. Statistics

The analysis in this chapter is derived from a database compiled by Human Rights Watch of 367 RAB killings.<sup>143</sup> It is based on three sources, in order of frequency: Bangladeshi media reports, Bangladeshi human rights organizations, and Human Rights Watch interviews.<sup>144</sup> All records included in the database are of killings that have either wholly or partially been attributed to the RAB and that occurred between the start of RAB operations in June 2004 and the end of September 2006.<sup>145</sup> For the sake of clarity, all percentages have been rounded to the nearest whole number.

### Limitations of the data

Since its creation, RAB has consistently announced its killings, often in the form of press statements. Nevertheless, as these data are compiled primarily from newspaper and human rights reports, it is possible that they do not capture all RAB

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<sup>143</sup> The statistical analysis was conducted and presented by Romesh Silva, statistician with the Benetech Human Rights Data Analysis Group. Patrick Ball, director of Benetech's Human Rights Data Analysis Group reviewed the work.

Benetech's Human Rights Data Analysis Group (HRDAG) develops computer software, data collection strategies, and statistical techniques to measure the patterns and magnitude of acts of violence and human rights violations. HRDAG's technology and quantitative analysis is used by truth commissions, international criminal tribunals, and nongovernmental human rights organizations around the world to identify the trends and patterns that may be evidence of crimes of policy. See [www.benetech.org/human\\_rights/](http://www.benetech.org/human_rights/).

<sup>144</sup> The killings data collated by Human Rights Watch came from newspaper sources, the Bangladeshi human rights organizations Ain o Salish Kendra, Odhikar, and Hotline Human Rights Bangladesh, and Human Rights Watch field interviews and research. The newspaper sources were the main English-language papers in Bangladesh: *Daily Star*, *Bangladesh Observer*, *The Independent*, *New Age*, and *Weekly Holiday*. Information from Bangladeshi human rights groups came from their statements and reports, as well as databases the groups had compiled based on media reports (the Bangla-language newspapers *Prothom Alo*, *Inquilab*, *Jugantor*, *Bhorer Kagoj*, *Jonokhonto*, *Ittefaq*, *Janakantha*, *Dinkaal*, and *Sangbad*).

One data source with the victim's name, place of death, and incident date was enough for entry into the database; 76 percent (279/367) of reported killings were documented in one data source, while 19 percent (68/367) of reported killings were documented in two data sources. The number of entries documented in more than one source is undoubtedly higher; Human Rights Watch generally stopped searching after an initial source was found.

A total of 367 individual cases of killings were identified out of a total of 441 reported killings that are documented in the database. Hence, 74 duplicate records of killings were identified in the database. These duplicate records were identified by examining the victims' names and locations of incidents in the database and comparing records to each other. Records which contained the same victim name, age (within a margin of five years), the same geographic division of incident, and the same date (within a margin of three days) were deemed likely duplicates and controlled for when carrying out the statistical analysis. When duplicates were identified and more precise data existed in one of the records than the other matching record(s), the more precise data values were used in the statistical analysis.

<sup>145</sup> Partial attribution to RAB refers to the 10 killings of suspected Indian insurgents on June 12, 2006, reportedly committed by RAB-7 and the army. See "Bodies of Indian Insurgents Handed Over to Baghaichhari Thana Police," *The Independent*, June 13, 2006, <http://independent-bangladesh.com/news/jun/14/14062006cr.htm> (accessed November 7, 2006), and "Army, RAB Raid Kills 10 Indian Insurgents," *Daily Star*, June 13, 2006, <http://www.thedailystar.net/2006/06/13/d60613013120.htm> (accessed November 7, 2006).

killings between June 2004 and September 2006. These data sources may be limited in their ability to report on all killings because:

1. People who live or were killed in remote areas may have a smaller chance of being documented by the media and human rights organizations;
2. The reliability of reporting by the different RAB battalions may vary, thereby creating different probabilities of reporting for a given RAB killing depending on the battalion(s) involved;
3. The RAB, either by policy or practice, may not be reporting certain types of killings (for example, shootings of bystanders).

In addition, the dates of reported killings vary slightly, with some media and human rights groups reporting the day of arrest and others the day of death. In the vast majority of cases the difference is less than one day, so the one-month intervals presented in this chapter mostly capture the period in question.

Many killings were reported by more than one source, and sometimes giving slightly different victim names. But Human Rights Watch took special care to eliminate all potential double-counts, erring on the side of caution when names were close but not the same.

Lastly, Human Rights Watch has not investigated all 367 reported killings. The human rights and press reports on which the database was primarily built strongly suggest that most of the deaths resulted from torture or execution, and Human Rights Watch's own research confirms this trend. But some of the killings may have resulted from a legitimate use of force. Killings that, based on the available information, resulted from what appeared to be a legitimate use of force were excluded.<sup>146</sup>

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<sup>146</sup> For example, in September 2004 RAB in Dhaka reportedly opened fire on a suspected criminal named Abdus Sobhan. Apparently by accident they killed a five-year-old girl, Mayesha Rahman. ("Crossfire Between RAB and Goons Kills 5-year-old," *Daily Star*, September 10, 2004, <http://www.thedailystar.net/magazine/2004/09/02/news.htm> (accessed November 30, 2006).) According to the press account, RAB fire also struck Sobhan and, as he fell, a RAB member continued to fire repeatedly at point-blank range. Both Sobhan and Rahman were excluded from the database.



## Magnitude and temporal pattern of reported RAB killings

Of the 367 RAB killings reported, 77 percent (284/367) were reported by the media, human rights groups, or RAB as “crossfire” killings (in which the victim was allegedly a bystander in a shootout between the police and an armed group), and 11 percent (42/367) were described as “killings during shootouts” (in which the victim allegedly took part in a shootout with the police).

**Figure 1: Reported Killings by RAB, June 2004 – September 2006**

Official Description	Count	Percent
Crossfired	284	77.4
Killed During shootout	42	11.4
Not Reported	26	7.1
Health Problems	9	2.5
Encounter with RAB	4	10.9
Suicide	1	0.3
Torture	1	0.3
<b>Total</b>	<b>367</b>	<b>100.0</b>

Source: Database of RAB Killings Compiled by Human Rights Watch

As shown in Figure 2, reported RAB killings per month in 2004 and 2005 averaged a similar rate: 11.7 per month in 2004 and 10.3 per month in 2005. For the first nine months of 2006, the average monthly rate of documented killings jumped to 17.9, a dramatic increase over the previous two years. This increase may suggest a greater increase in RAB killings, increased reporting of cases, or both. It may also result from the growth of RAB’s force from seven battalions with about 5,000 members in 2004 to twelve battalions with about 8,500 members in 2006.

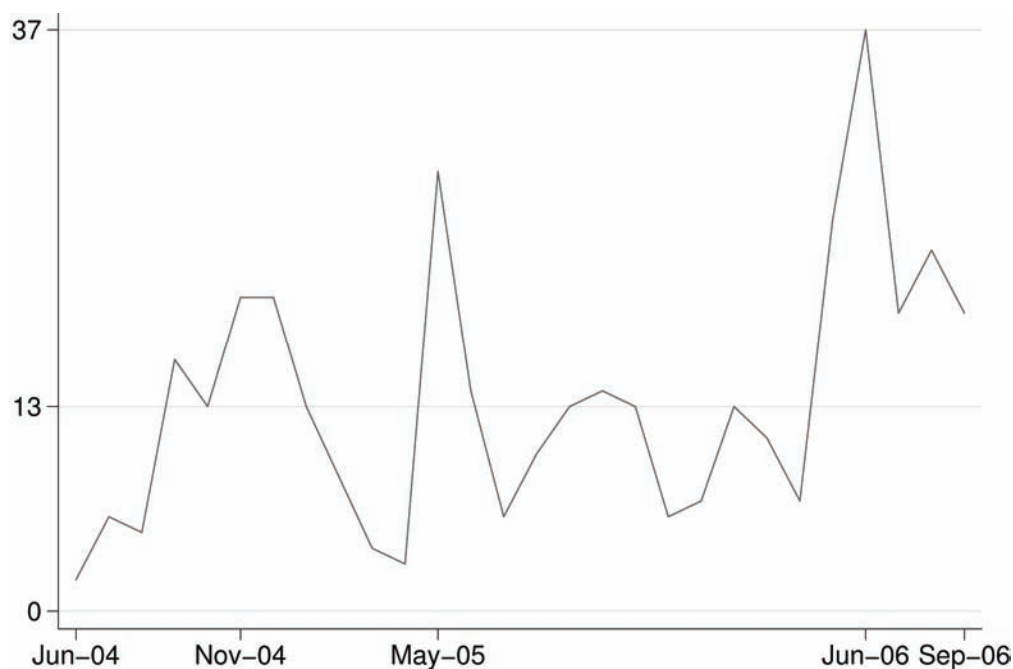
**Figure 2: Monthly Reported Killings by RAB, June 2004 – September 2006**

Temporal Period	Count	Monthly Rate
June 2004 – December 2004	82	11.7
January 2005 – December 2005	124	10.3
January 2006 – September 2006	161	20.7
<b>Total</b>	<b>367</b>	<b>13.6</b>

Source: Database of RAB Killings Compiled by Human Rights Watch  
 Note: from 2004 to 2006 RAB grew from about 5,000 members to about 8,500.

The monthly pattern of documented RAB killings does vary a little over time, as shown in Figure 3, and is centered around a median of 13 killings per month. The high point was in mid-2006: RAB killed 25 people in May and 37 people in June, the highest for any one month.

**Figure 3: Reported Killings by RAB by Month, June 2004 – September 2006**



Source: Database of RAB Killings Document by Human Rights Watch

## Geographic distribution of reported RAB killings

There are 12 RAB battalions, each with a specific area of responsibility.<sup>147</sup> However, reported RAB killings are not uniformly distributed throughout all six geographic divisions of Bangladesh.<sup>148</sup> As seen in Figures 4 and 5, nearly 32 percent (117/367) of reported RAB killings took place in Dhaka division, followed by Khulna division with 29 percent (107/367). This is not surprising because these divisions are by far the most populous in Bangladesh.<sup>149</sup> More telling is the number of RAB killings compared to population, as shown in Figures 6 and 7. This reveals that the division with by far the most reported RAB killings compared to population is Khulna, with one reported killing for every 135,223 people, followed by Dhaka division, with one reported killing for every 330,580 people. Khulna is the principal area of responsibility of RAB-6.

**Figure 4: Reported RAB Killings by Geographic Division,  
June 2004 – September 2006**

Division of Incident	Count	Percent
Dhaka	117	31.9
Khulna	107	29.1
Rajshahi	59	16.1
Chittagong	57	15.5
Sylhet	16	4.4
Barisal	11	3.0
<b>Total</b>	<b>367</b>	<b>100.0</b>

Source: Database of RAB Killings Compiled by Human Rights Watch

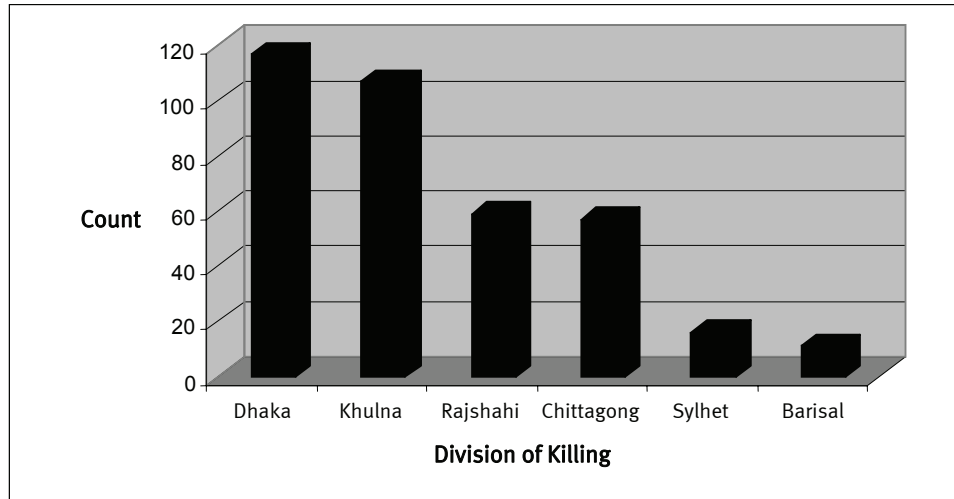
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<sup>147</sup> See above, Chapter II, "Structure of RAB."

<sup>148</sup> The six geographic divisions of Bangladesh are Dhaka, Khulna, Rajshahi, Chittagong, Sylhet, and Barisal. Within these divisions are 64 districts.

<sup>149</sup> According to the 2001 census, the population of Dhaka division was 38,677,876, Rajshahi division 29,992,955, Chittagong division 23,999,345, Khulna division 14,468,819, Barisal division 8,112,435, and Sylhet division 7,899,816. See <http://www.statoids.com/ubd.html> (accessed November 21, 2006).

**Figure 5: Reported RAB Killings by Geographic Division,  
June 2004 – September 2006**



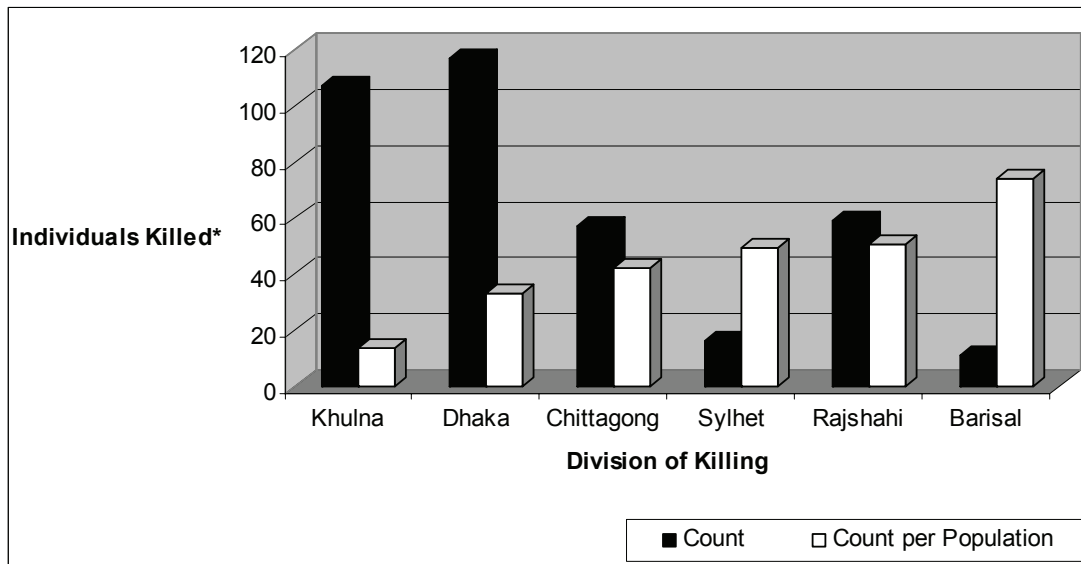
Source: Database of RAB Killings Compiled by Human Rights Watch

**Figure 6: Reported RAB Killings by Geographic Division, per Population,  
June 2004 – September 2006**

Division of Killing	Count	2001 Population	Count per Population
Khulna	107	14,468,819	135,223
Dhaka	117	38,677,876	330,580
Chittagong	57	23,999,345	421,041
Sylhet	16	7,899,816	493,739
Rajshahi	59	29,992,955	508,355
Barisal	11	8,112,435	737,494
<b>TOTAL</b>	<b>367</b>	<b>123,151,246</b>	<b>335,561</b>

Source: Database of RAB Killings Compiled by Human Rights Watch

**Figure 7: Reported RAB Killings by Geographic Division, per 10,000 People, June 2004 – September 2006**



Source: Database of RAB Killings Compiled by Human Rights Watch  
 Note: count per population indicates the ratio of deaths per population of the division.  
 The figure should be read as individuals killed x 10,000.

## Battalion responsibility for reported RAB killings

In some reported incidents, the media or human rights source cited the specific RAB battalion(s) responsible for the killing.<sup>150</sup> In the majority of cases, however, the sources did not report the battalion involved. In these cases Human Rights Watch deduced the battalion based on the respective areas of responsibility (AOR) of the 12 battalions and where the incident took place.<sup>151</sup> The results may not be fully accurate because, in some cases, battalions may have operated outside their specific AOR. In addition, RAB grew from seven to twelve battalions.

As Figures 8 and 9 reveal, more than one-quarter of all RAB killings—25.6 percent—occurred in the current AOR of RAB-6, Khulna.

<sup>150</sup> In six cases, two RAB battalions were reportedly involved. In one incident, RAB was reportedly responsible together with the army.

<sup>151</sup> See Chapter II, “Structure of RAB,” for the 12 battalions and their areas of responsibility.

**Figure 8: Reported Killings by RAB Battalions, June 2004 – September 2006**

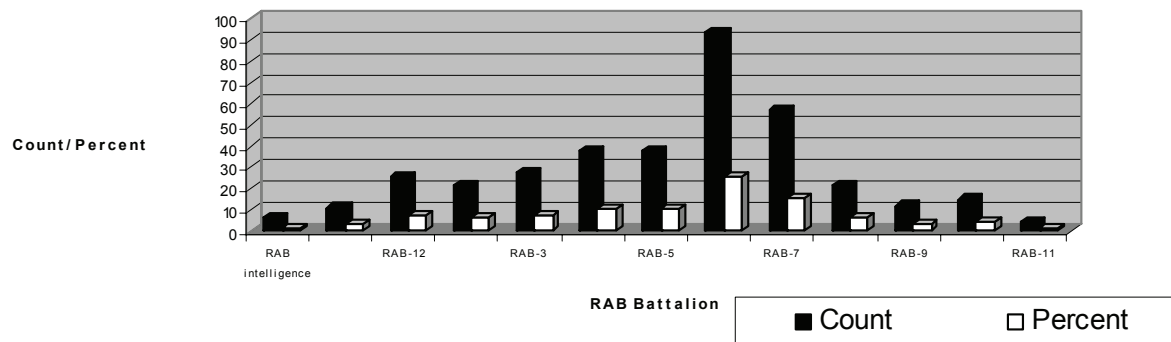
RAB Battalion	Count	Percent
RAB-6	94	25.6
RAB-7	57	15.5
RAB-4	38	10.4
RAB-5	38	10.4
RAB-3	28	7.6
RAB-12	26	7.1
RAB-2	22	6.0
RAB-8	22	6.0
RAB-10	15	4.1
RAB-9	12	3.3
RAB-1	11	3.0
RAB intelligence	6	1.6
RAB-11	4	1.1
<b>Total</b>	<b>373*</b>	<b>101.7*</b>

Source: Database of RAB Killings Compiled by Human Rights Watch

\* Figures above 367 and 100 percent because six cases involved two RAB battalions.

Note: In addition, in RAB grew since 2004 from seven to twelve battalions.

**Figure 9: Reported Killings by RAB Battalions, June 2004 – September 2006**



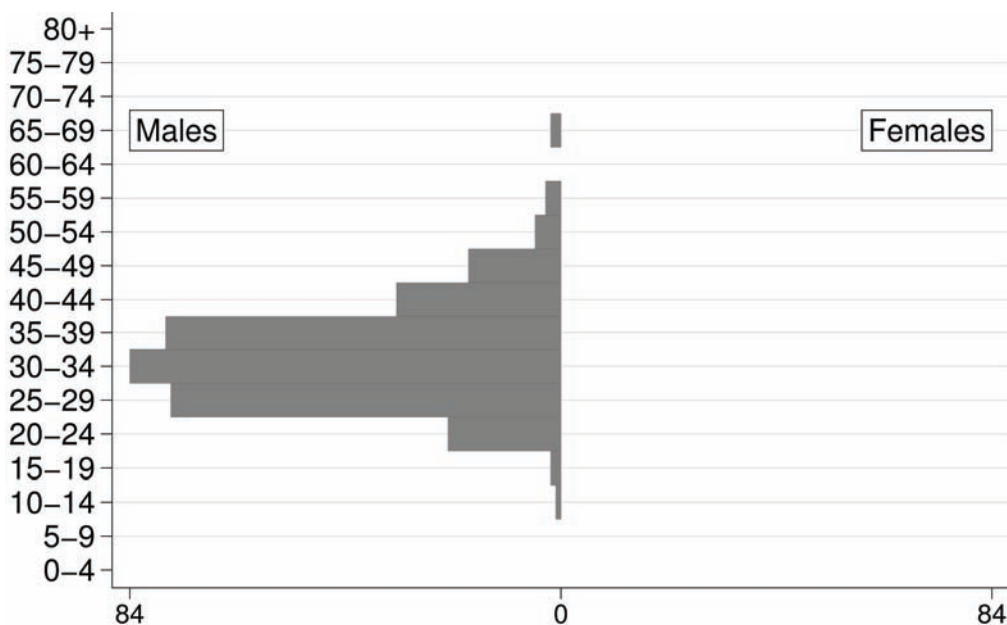
Source: Database of RAB Killings Compiled by Human Rights Watch



## Demographic profile of reported RAB victims

Victims of all reported RAB killings through September 2006 were male. As shown in Figure 10, these victims were overwhelmingly male adults—71 percent (259/367) were between the ages of 20 and 39. The youngest reported victim was 14, Ashiqul Islam Raju, killed in September 2006.<sup>152</sup> The oldest was 65, a deed writer named Mohamad Ali, killed in July 2004.<sup>153</sup>

Figure 10: Reported RAB Killings by Victim's Age and Sex,  
June 2004 – September 2006



Source: Database of RAB Killings Compiled by Human Rights Watch

Note: 12.3% (45/367) of reported killings are missing information on the victim.

<sup>152</sup> "RAB Accused of Killing 14-year-old Boy," *Daily Star*, September 21, 2006, <http://www.thedailystar.net/2006/09/21/d60921060370.htm> (accessed November 5, 2006).

<sup>153</sup> "Pichchi Hannan Killed," *Weekly Holiday*, August 13, 2004, <http://www.weeklyholiday.net/2004/130804/mis.html> (accessed November 7, 2006).

## VI. Impunity

A major reason for widespread RAB abuses is the atmosphere of impunity in which members of the force are allowed to operate. Top officials have at times promised accountability, and RAB does occasionally punish its members, but the punishments are almost always administrative, and usually related to extortion, corruption, or other such misdeeds.<sup>154</sup> Lawyers, journalists, and human rights activists in Bangladesh are not aware of any case for which a RAB member has been successfully criminally prosecuted for using excessive force, torture, or causing an unlawful death. The most serious known punishment for involvement in a “crossfire” death is the administrative sanction of dishonorable discharge.

A major hurdle to accountability lies with the Armed Police Battalions Ordinance, 1979 and its 2003 amendment, on the basis of which RAB was formed. Under section 6(c) of the amendment, an officer of RAB, while conducting an investigation, shall “follow the procedure prescribed in the Code of Criminal Procedure, 1898.” The code of criminal procedure prohibits police from threatening individuals but does not specifically refer to torture.<sup>155</sup> The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Bangladesh is a party, provides that a state must ensure that all acts of torture are offenses under its criminal law.<sup>156</sup>

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<sup>154</sup> In May 2005 State Minister for Home Affairs Lutfozzaman Babar promised an investigation into every “encounter” killing by RAB or the police. “Executive inquiry is being conducted for every incident of encounter by RAB or police accordingly,” he said. “And of course legal action will be taken if there be any wrongdoing in this regard.” (“Crossfire: Executive Inquiry into Every Encounter,” United News of Bangladesh, May 11, 2005. See also Waliur Rahman, “Bangladesh Custody Deaths Probed,” BBC, May 11, 2005, [http://news.bbc.co.uk/2/hi/south\\_asia/4537649.stm](http://news.bbc.co.uk/2/hi/south_asia/4537649.stm) (accessed December 6, 2006).)

<sup>155</sup> Under section 163 (1) of the Criminal Procedure Code, “No police officer or other person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in the Evidence Act, 1872, section 24.”

<sup>156</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, art. 4. Bangladesh ratified the Convention against Torture in 1998. It has not ratified the Optional Protocol to the convention, which allows in-country inspections of places of detention. Bangladesh has failed to submit both its initial report in 1999 to the Committee against Torture and its second periodic report, which was due in November 2003.

Under Bangladeshi law, a confession based on coercion cannot be used in criminal proceedings.<sup>157</sup> However, under section 27 of the Evidence Act, a statement made by the accused in police custody that leads to the recovery of incriminating information is admissible in court. Other corroborative evidence collected as a result of a forced confession may also be admissible.<sup>158</sup> These provisions violate the Convention against Torture, which says that “any statement” given as a result of torture may not be invoked as evidence in a court proceeding.<sup>159</sup>

Section 14 of the Armed Police Battalions Ordinance calls for the issuance of rules to regulate how RAB performs its law enforcement tasks. The government issued the rules in 2005 but never made them public.<sup>160</sup> Human rights advocates complained to Human Rights Watch that, despite repeated attempts, they have never seen the rules and therefore do not know precisely how RAB is mandated to operate when combating crime. “I cannot get them and no one knows what they say,” one human rights lawyer said.<sup>161</sup>

In addition, the ordinance and its amendment created special internal courts similar to a military court martial to adjudicate RAB offenses. As such, RAB performs its duties similar to a police force according to the code of criminal procedure, but it is monitored by an internal military-style tribunal. In other words, RAB performs a civilian police function but is governed largely by military rules.<sup>162</sup>

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<sup>157</sup> Under section 24 of the Evidence Act, 1872, “A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the Court to have been caused by any inducement, threat or promise, having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds, which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.”

<sup>158</sup> Article 27 of the Evidence Act, 1872, and High Court Division, Zillur Rahman vs. The State, 6 MLR (HCD) (2001) 99.

<sup>159</sup> Convention against Torture, art. 15.

<sup>160</sup> On October 25, 2004, two lawyers challenged the constitutionality of the Armed Police Battalions (Amendment) Act on the grounds that there were no rules or procedures to specify how RAB operates. The High Court subsequently issued a show-cause ruling to the government, asking it to explain within four weeks why RAB should not function within the bounds of existing law. (“Government Asked to Reply Why RAB Not Be Run as per Law,” *Daily Star*, November 29, 2004, <http://www.thedailystar.net/2004/11/29/d4112901055.htm> (accessed October 4, 2006).) The government introduced the rules and procedures in 2005 and the lawyers’ challenge failed.

<sup>161</sup> Human Rights Watch interview, Dhaka, May 24, 2006.

<sup>162</sup> The Armed Police Battalions Ordinance draws heavily—in some places verbatim—from the Army Act of 1952, which regulates the armed force. See M.I. Farooqui, “Armed Police Battalions Ordinance, a Hybrid Law,” *The Independent*, March 11, 2005, republished in Ain o Salish Kendra’s report, “RAB: Eradicating Crime or Crimes of the State?” 2005.

Sections 8 and 9 of the ordinance list the offenses that are punishable by a special court and a summary court respectively. Most of the offenses are related to dereliction of duty, such as mutiny, insubordination, or abandoning a post. Only one offense of 12 is a crime under the penal code, and that is for anyone who commits or attempts to commit the rape of a woman. Of the 21 offenses reviewable by the summary court, only extortion may be considered a civilian criminal offense. Sections 8 and 9 fail to include the excessive or improper use of force, torture and other mistreatment of persons in custody, murder, or other crimes under the penal code that are documented in this report.



RAB in Dhaka, February 2006. © 2006 Sohrab Alam

Lawyers and human rights activists have particularly complained about the lack of transparency with the special and summary courts. No one outside RAB seems to know who sits on the RAB courts, how they function, and what decisions they have made. Occasionally RAB announces that a certain number of members have been disciplined but it rarely provides specifics on the individuals or their offenses.

On June 6, 2006, Human Rights Watch asked the BNP-led government about RAB's internal rules and regulations and the process for accountability within the force but,

as of October 27 the government had not replied (see Appendix). Human Rights Watch asked the same question on November 8 to the head of the caretaker government, President Iajuddin Ahmed, who also holds the defense and home portfolios, as well as the new director general of RAB, Khoda Baksh. As of December 1, neither had replied.

Lastly, section 13 of the Armed Police Battalions Ordinance contains a broad indemnity provision, which states that “no suit, prosecution or other legal proceeding shall be against any member of the Force for anything which is done or intended to be done in good faith under this Ordinance.” It is not known how often this provision has been applied.

Another hurdle is Bangladesh’s code of criminal procedure, which hinders aggrieved individuals from pressing charges against government officials. Sections 132 and 197 require sanction by the government for courts to consider any offence by a public servant on official duty, including members of the police and other security forces.<sup>163</sup> The government is often reluctant to provide this sanction. When it does, individuals and families face great difficulty in convincing witnesses to speak. The Convention against Torture requires that a state shall ensure that victims of torture have the right to bring a complaint and have this case promptly and impartially examined by competent authorities.<sup>164</sup>

Even without the legal hurdles, many victims and their families are too intimidated to take legal steps. “We never tried to file any case against RAB. We were too afraid,” the father of one victim told Human Rights Watch. “There has never been any police investigation.”<sup>165</sup> During its research, Human Rights Watch had great difficulty identifying families to talk about their experience with RAB, and those who did requested anonymity. Many of them said they had received threats not to speak.

Human rights organizations in Bangladesh face similar difficulties when researching abuses by RAB. “Fact-finding missions on RAB are very difficult because people shut their

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<sup>163</sup> For a detailed discussion of the barriers to accountability in Bangladesh’s domestic legislation, see Md. Ashrafuzzaman, “Laws Without Order & Courts of No Relief in Bangladesh,” Asian Legal Resource Center, August 21, 2006, [www.articlez.org/mainfile.php/0504/243/](http://www.articlez.org/mainfile.php/0504/243/) (accessed November 30, 2006).

<sup>164</sup> Convention against Torture, art. 13.

<sup>165</sup> Human Rights Watch interview with father of RAB victim, Dhaka, March 2006.

mouths,” one activist said. “Sometimes people talk and sometimes not, because people are scared.”<sup>166</sup> According to an activist with the organization Ain o Salish Kendra, which published a large report on RAB abuses in 2005, most families were terrified to talk about the force. “They were too scared to talk, let alone lodge complaints or file cases,” wrote Shah Mohammad Mushfiqur Rahman. “Upon hearing that our investigative team was coming to visit them, they even locked up and left their houses.”<sup>167</sup>

Faced with mounting complaints of abuse, RAB has taken some steps. In March 2005 RAB announced that it had taken measures against 107 members, including 10 who faced prison. The deputation orders of at least 72 members were cancelled, RAB said, for unspecified activities against the rules and regulations. Seventy-two people were being sent back to their parent organizations (it is not clear if this was the same 72 people whose deputation orders RAB had cancelled).<sup>168</sup> According to one press report, as of April 22, 2006, RAB had punished 201 of its members for various crimes, including extortion, fraud, drug peddling, and the hiring of sex workers.<sup>169</sup>

According to some reports, RAB members involved in illegal deaths have been held accountable, but the government and RAB provide few details and no members are known to have suffered a punishment worse than dishonorable discharge. According to an article from May 2006, RAB has punished 133 of its personnel for involvement in “crossfire” deaths—41 percent of those were returned to their parent organizations and 22 percent received suspensions; the rest received a dishonorable discharge. No one was criminally punished.<sup>170</sup> An article in the same paper two days later said that 152 “crossfire” deaths were under investigation, but it did not specify by whom.<sup>171</sup>

In one known case, RAB sent three of its members back to their parent organizations for torturing a detainee and 10 others were warned (see case of Sheik Abubakkar

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<sup>166</sup> Human Rights Watch interview with Bangladeshi human rights activist, Dhaka, May 23, 2006.

<sup>167</sup> Shah Mohammad Mushfiqur Rahman, “RAB: Eradicating Crimes or Crimes of the State?” published in Ain o Salish Kendra, “RAB: Eradicating Crime or Crimes of the State?” 2005, [www.askbd.org/RAB/RAB\\_eng.htm](http://www.askbd.org/RAB/RAB_eng.htm) (accessed December 6, 2006).

<sup>168</sup> “Rapid Action Battalion (RAB) Punished Own Men for Corruption,” *Bangladesh Journal*, March 9, 2005.

<sup>169</sup> “RAB Members in New Conspiracy,” *Shomokal*, May 15, 2006.

<sup>170</sup> “Two Years of RAB,” *Shomokal*, May 17, 2006.

<sup>171</sup> “Police Not Far Behind RAB,” *Shomokal*, May 19, 2006.

Sultan, known as Bitan, above). This apparently only happened because the victim's family knew a top official in RAB. And even in this case, the special committee that investigated the incident determined that RAB could not take further action against the perpetrators due to the absence of relevant internal regulations.<sup>172</sup>

The High Court, which is formally independent from the government, has at times issued rulings to keep RAB within the bounds of the law. On August 6, 2006, the court issued a show-cause ruling for the government to explain why it should not be directed to ensure the protection of people it had arrested or detained. The ruling ordered the state minister for home affairs, inspector general of the police, director general of RAB and the commanders of RAB-1, RAB-2, RAB-3, RAB-4, and RAB-10 to reply within three weeks—but they did not. The court issued the order after a petition filed by the nongovernmental organization Human Rights and Peace for Bangladesh. “Surprisingly from the very first day, the activities of RAB were neither within the limits of the constitution nor within the bounds of any law of the land,” the petition said.<sup>173</sup>

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<sup>172</sup> “13 RAB Men Suspended for Torturing Businessman,” *New Age*, July 24, 2005, and “Torture of Bitan: ASP Among 3 RAB Men Withdrawn,” *New Nation*, July 23, 2005.

<sup>173</sup> “Why Should RAB, Cops Not Protect Arrested Persons,” *Daily Star*, August 7, 2006, <http://www.thedailystar.net/2006/08/07/d6080701022.htm> (accessed October 5, 2006). The day Human Rights and Peace for Bangladesh submitted the petition, RAB killed three more people in Dhaka, Chittagong, and Kushtia. See “3 Killed in RAB ‘Crossfire,’” *Daily Star*, August 7, 2006, <http://www.thedailystar.net/2006/08/07/d6080701149.htm> (accessed October 5, 2006).



## **VII. Recommendations**

Human Rights Watch urges immediate and effective measures to end torture and extrajudicial executions by RAB. A caretaker government is currently in place until elections, set for January 2007. The recommendations below address both this interim government and the future government that takes its place, as well as international actors in Bangladesh.

### **To the Caretaker Government of Bangladesh**

- During the election campaign, publicly instruct RAB, the police, and other law enforcement agencies to perform their duties in an objective and professional manner that does not favor any political party or partisan interest.
- Issue immediate orders to the commanders of RAB and the police to treat all persons in custody in accordance with Bangladeshi and international standards that prohibit torture and respect the rights to due process and a fair trial.
- Instruct RAB to respect the order from the High Court that it provide all detainees with adequate security at all times. To guard against self-incrimination, persons in custody should not be returned to “crime scenes” except in the presence of their defense counsel.
- Immediately suspend from RAB, the police, or military any individual for whom there exists credible evidence that he has committed torture or participated in the extrajudicial execution of a detainee, pending investigation.
- Initiate prompt and impartial investigations into all cases of torture or deaths of detainees in the custody of RAB since June 2004. Discipline or prosecute as appropriate all individuals, regardless of rank, found to be responsible for the death or torture of detainees. This includes individuals who ordered such abuses and commanding officers who knew or should have known of such acts, and who failed to prevent or punish them.
- Ban from participation in UN peacekeeping operations any individual from RAB, the police, or military whom the government identifies as having responsibility for serious human rights violations, pending investigation.

## **To the future Government of Bangladesh**

- Make strong and repeated public statements, at the highest institutional level, against unlawful killings and custodial abuse by RAB, and that all those responsible for abuses will be prosecuted.
- Promptly and impartially investigate all deaths in the custody of the police, military, RAB, and other law enforcement agencies.
- Prosecute to the fullest extent of the law all former and current RAB members of whatever rank who are responsible for unlawful killings, torture or other mistreatment. Similarly punish commanding officers who knew or should have known of such abuse, and who failed to prevent or punish it.
- Establish an independent and impartial Commission of Inquiry to investigate the issue of serious human rights abuses by RAB, especially torture and extrajudicial executions, since RAB began full operations in 2004. The commission should:
  - Be composed of respected members of law enforcement, independent judges and lawyers, and members of Bangladesh's human rights community;
  - Include the active participation of independent international experts on law enforcement and human rights;
  - Have full access to RAB records and other relevant government documents, as well as the power to subpoena;
  - Provide witness protection as necessary;
  - Have a time limit of no more than six months to complete its inquiry and present its report, with concrete recommendations on RAB reform;
  - Have the power to make public statements during and after its inquiry, including on the government's response to the commission's recommendations; and
  - Have the power at any time during its mandate to publicly recommend the immediate suspension, pending investigation, of any current or former RAB member implicated in serious human rights violations.
- Duly consider and, wherever possible, promptly implement the recommendations from the Commission of Inquiry on RAB reform.

- Publicly release detailed information on all arrests, prosecutions, and convictions against members of the RAB, the military, the police, and other law enforcement agencies for human rights violations.
- Ban from participating in UN peacekeeping operations any former or current RAB member who has been disciplined or convicted for having committed a serious human rights violation.
- Thoroughly vet all Bangladeshi military and police who apply for UN peacekeeping missions to ensure that they have not committed violations of human rights.
- Adopt legislation that makes torture a specific criminal offense in accordance with article 1 of the Convention against Torture, with punishment that is commensurate with the crime.
- Repeal all legal provisions that provide effective immunity to security forces. These include sections 132 and 197 of the code of criminal procedure, which require sanction by the government for courts to consider any offence by a public servant on official duty, including members of the police and other security forces.
- Amend the Armed Police Battalions Ordinance, 1979 and its 2003 amendment, which form the legal basis for RAB. The law should abolish the special RAB tribunals to allow for greater transparency and accountability.
- Promptly communicate information on persons taken into custody to relatives and legal counsel. Publicly provide information on the location of all places of detention; persons should only be held in officially recognized places of detention.
- Provide detainees prompt access to legal counsel, medical personnel, and family members.
- Allow nongovernmental human rights organizations improved access to stations of RAB and the police.
- Develop a policy to provide compensation to the victims of RAB, police, or military abuse.
- Establish a National Human Rights Commission, approved in April 1999, as the government has promised.
- Establish an Ombudsman for law enforcement affairs, with a mandate to monitor and report on the work of RAB and the police.

- Consistent with membership in the United Nations Human Rights Council, issue a standing invitation to all UN thematic rapporteurs and working groups to visit Bangladesh, particularly to examine torture and extrajudicial executions by RAB, the military, police, and other law enforcement agencies.

### **To Bangladesh's International Partners and Donors**

- Refuse working with RAB on law enforcement or counterterrorism operations until the force ceases its use of torture and extrajudicial executions, promotes transparency, and pursues accountability for violations of human rights.
- Refuse supporting training programs for RAB—unless specifically for human rights—until the force ends the pattern and practice of torture and extrajudicial executions.
- Withhold material and financial assistance to Bangladesh's security forces until RAB and the police take serious measures to end extrajudicial executions and to actively prosecute those implicated in torture and unlawful killings.
- Do more to assist the long-term development of local groups with the capacity for independent monitoring of police and RAB abuses, for educating the public about responsibilities of law enforcement agencies and making vocal public demand for effective and lawful policing, and for helping victims obtain legal and medical services and navigate the public complaint process.
- Continue to support efforts to promote independence of the judiciary.
- Call for the creation of a Commission of Inquiry and support the commission's work.

### **To the United Nations**

- The Department of Peacekeeping Operations (DPKO) should thoroughly review the participation in peacekeeping operations of all Bangladeshi soldiers and police, including commanders, who have worked in RAB to ensure that they have not been responsible for ordering or tolerating serious human rights violations.

## **Acknowledgements**

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Human Rights Watch thanks the many witnesses and victims who took time to share their stories, as well as the Bangladeshi human rights activists, lawyers, and journalists who greatly assisted the work.

## **Appendix: Human Rights Watch Questions for the Government of Bangladesh**

**[No answer received]**

**Submitted on June 6, 2006 to:**

Minister of Home Affairs Lutfozzaman Babar

Minister of Law, Justice and Parliament Affairs Moudud Ahmed

RAB Director General Mohammed Abdul Aziz Sarkar

**Submitted on November 8, 2006 to:**

President Iajuddin Ahmed, head of the caretaker government

RAB Director General Khoda Baksh

For Human Rights Watch's research on RAB, we kindly request answers to the following:

1. What were the reasons for creating RAB in 2004? Why did the government create a new force rather than revamp the police?
2. How successful has RAB been thus far? How many people has it arrested? How many weapons has it confiscated? How are the crime statistics since RAB's creation?
3. How many RAB members have been killed in the line of duty since RAB's creation? What are their names, and how and when were they killed?
4. How many RAB members have been wounded in the line of duty since RAB's creation? What are their names, and how and when were they wounded?
5. How many people has RAB killed in encounter incidents or crossfire since RAB's creation? What are the killed persons' names, and when and where were they killed?
6. How many people has RAB wounded in encounter incidents or crossfire since RAB's creation? What are the wounded persons' names, and when and where were they wounded?
7. How do you explain the high number of encounter and crossfire deaths involving RAB?

8. What precautions does RAB take to protect the suspects it takes on searches for accomplices or arms?
9. Given the frequency of individuals' dying in encounter incidents and crossfire, why does RAB keep bringing arrested individuals to search for accomplices or arms?
10. What is RAB's procedure for an internal investigation after a suspect is killed during an arrest or while in RAB custody?
11. How many investigations into deaths during arrest or in RAB custody has RAB conducted? What were the results of these investigations?
12. How many RAB members or officers have been prosecuted, punished or disciplined since RAB's creation?
13. What offense were these RAB members or officers punished for? When were they punished and what was the punishment?
14. Please provide a copy of the legislation on which RAB's operations are based, including internal regulations.



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## Judge, Jury, and Executioner

### Torture and Extrajudicial Killings by Bangladesh's Elite Security Force

*Judge, Jury, and Executioner* documents torture and extrajudicial killings by Bangladesh's elite anti-crime and anti-terrorism force. Established in 2004, the Rapid Action Battalion—known as RAB—has killed more than 350 people, many of them in so-called “crossfire.” In fact, most were tortured to death or summarily shot.

Some government officials admit the force is killing detainees but claim this is necessary to fight violent crime. With government sanction, RAB has egregiously flouted Bangladeshi and international law.

Human Rights Watch recommends impartial and aggressive investigations into all custodial deaths and accountability for security forces and their commanders who commit, order, or tolerate torture and unlawful killings. RAB must be fundamentally reformed or abolished.

*Iqbal Bahar Chowdhury, a.k.a. Iqbiulla, lying dead in front of the Chittagong morgue on December 1, 2004, one day after his arrest by the Rapid Action Battalion (RAB), Bangladesh's elite security force.*

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