



HIGH COMMISSION FOR THE PEOPLE'S REPUBLIC OF BANGLADESH

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No. BHC/Lon/Pol/80/06

Date 08 August 2008

My dear Mr. Adams,

The concerned authority of the Government of Bangladesh has gone through your Report for the year 2007 regarding the Human Rights situation in Bangladesh with care. They have certain observations, reservations and contradictory comments on the findings of the report and have come up with a reply based on the scrutiny they conducted into the records, concerning incidents and data mentioned by you.

I have the pleasure of forwarding herewith the reply from the Ministry of Home Affairs in Dhaka, which, we believe is based on sufficient evidence to contradict with the findings of your report to a substantial extent.

Yours sincerely,

(M. Allama Siddiki)
Deputy High Commissioner

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RECEIVED 13 AUG 2008

Report of Bangladesh Government in response to Human Rights Watch Report of Bangladesh Events 2007

The Constitution of Bangladesh, embodies the principles and provisions of the Universal Declaration of Human Rights and guarantees the fundamental human rights, e.g. Democracy and human rights, provision of basic necessities, free and compulsory education, non-discrimination, equality of opportunity, equality before law, protection of right to life and personal liberty, prohibition of forced labour, freedom of movement, of assembly, of association, of thought and conscience, of speech, of profession or occupation, and of religion, rights to property, among others, to all its citizens without any discrimination.

The present Caretaker government of Bangladesh came into office in January 2007 amidst a political impasse. During the last few years, pervasive corruption weakened the base of democracy in Bangladesh. Surge of political violence badly interrupted ordinary life and people's confidence in the possibility of holding credible elections was trampled. In this context, a State of Emergency was necessary to be declared on January 11, 2007 in order to end the ongoing chaos and to restore law and order situation. Bangladesh Army wholeheartedly supported the assumption of present caretaker government to power and extended necessary help to salvage the nation and its economy.

Vital institutions form the foundation of democracy. These institutions gradually eroded during the rule of previous governments. They are being reconstituted and empowered to perform their constitutional role. Re-building public institutions and restoring public confidence through meaningful reforms have been the priority of this government. The Caretaker Government has already over-hauled the Election Commission, guaranteeing its independence and giving it a broader mandate so that it can make a level playing ground for a free and fair parliamentary election. Substantive reforms have been brought in Police Force. Government has re-organized the Anti-Corruption Commission to ensure that it can effectively lead the fight against corruption. To ensure efficiency and professionalism in public service, the government has reconstituted Bangladesh Public Service Commission. Moreover, revision of the Police Act with adherence to human rights principles and standards, introduction of special training courses on human rights for the members of the law enforcing agencies etc. demonstrate this Government's commitment to uphold human rights.

The Judiciary has been separated from the Executive to ensure the rule of law in the country. The government has meanwhile ensured all possible measures to meet the standards of fair trial amongst which counseling with the lawyers in a congenial atmosphere and the appearance of the lawyers in the court for the accused are worthwhile.

However, in carrying forward all these reform programs, the government had earned displeasure of the people having vested interest who subsequently got themselves engaged in propagating and misfeeding half truth or even fabricated piece of information to the outside world.

The present government is not working on the basis of any theoretical approach for resolving national crisis and for restoration of and consolidating the democratic institutions. Neither does it believe in "Minus two" theory. The arrest of the two ex-Prime Ministers was the culmination of an utmost effort to establish the rule of law.

Although a State of Emergency is in place in the country, the current Caretaker Government in Bangladesh is fully committed to upholding and promoting human rights. The current State of Emergency in Bangladesh does not, under any circumstances, condone or justify any violation of the human rights. Rather, this government has put emphasis more than ever before to promote and protect human rights. The government has always put its best efforts to ensure fair trial in all possible means. Directorate General of Forces Intelligence has no interrogation cell of its own but conducts interrogation works in the Joint Interrogation Cell (JIC) in cooperation with other law enforcing agencies and security forces. The government and its law enforcing and security forces are always respectful to the Court's orders and verdicts as a result of which prominent business men like Mr. Abdul Awal Mintoo, Mr. Babul of Jamuna Group etc. have been released on bail.

So far, there is no allegation of torture by DGFI. Professor Anwar Hossain was detained by the Police for violation of emergency rule and DGFI did not have any link with this detention. Mr. Hossain was involved in the dirty politics of Dhaka University and he opposed this government for his own vested interests. His allegations were baseless. Similarly, DGFI had no knowledge about alleged torture of the journalist Tasneem Khalil. Rather, the present government is respectful to human rights because of which formation of the National Human Rights Commission is in the offing. No political government before had taken initiative to do so although they always pledged this before acceding to power.

The Rapid Action Battalion (RAB) was formed by the then elected government of Four Party Alliance in view of the rapid escalation of gruesome killings and crimes. It may be mentioned that this force has earned laurels from the people of all walks of life as they could not run their business without being subjected to extortion by the political hoodlums and miscreants.

It is undeniable that the emergency rules do not permit assemblies of any kind. Yet the government has taken a very lenient position with regard to implementation of the rules. Political parties often observe their political programmes with prior permission of the government. Media is free and working without any hindrance. The live talk shows are being telecast regularly in about a dozen of private television channels daily. The live talk shows and the press are very critical of the government if any lapses are there on the government's part. The government welcomes the constructive criticisms coming out of those programmes. However, the government needs to be reasonably vigilant about the conspirators who may exploit the electronic and print media to unseat the government and to deviate the government from the promised road map of democracy.

The assistance and the trainings received by the Bangladesh Army from several foreign governments including the US and UK are a matter of routine works for bilateral interests. There is no point in suspecting anything else in that matter. Rather we believe that such assistance and trainings improve the understanding of Human Rights issues of the Army personnel by comprehending the way these are dealt by these countries or by the law-enforcing agencies in these countries that include the USA and the UK.

In Bangladesh, arrest without warrant is done in accordance with provisions of CrPC. The obligatory clause that the arrestees are to be produced before the Court within

24 hours is being adhered to. In the courts, Ms. Sigma Huda is represented by several leading Advocates such as Barrister Ajmalul Hossain Q.C, Barrister Rafiqul Haque and others. This proves that the allegation of not following legal process duly as regards the arrestees is not true.

In 2007, total 93 criminals died during gunfight between RAB Forces and the armed criminals. In all those cases, firing of RAB Forces were carried out in exercising the right of self defence and to save government property as provided under section 96, 97, 99, 100, 103 and 106 of the penal code 1861 of Bangladesh. Those who died because of injury during gunfight were taken to nearby hospitals for proper treatment and medical investigation (vide Police Regulations of Bengal Rule 312) without any delay.

After the incidents, legal actions have been taken by the concerned RAB Battalions. In most of the cases, executive/Judicial inquiries as per PRB-157, CrPC-176 and DMP Rule (10) 2006 have been declared justified. Moreover, in most of the cases, Final Report True (FRT) has been submitted by Police after proper investigation and the same have been accepted by the concerned Courts.