

## 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.

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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.