

BANGLADESH

POLITICAL VIOLENCE ON ALL SIDES

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I. SUMMARY

The fierce struggle for power between Bangladesh's main political parties has fostered a situation of lawlessness and civil strife in which wanton acts of violence and intimidation by both the former ruling party, the Bangladesh Nationalist Party (BNP), backed by security forces, and the opposition parties, have become routine features of the political process. While in power, the BNP deployed the police, the paramilitary Bangladesh Rifles (BDR), and the army to counter the opposition's two-year campaign of anti-government agitation, with grave human rights abuses taking place in the process, including torture, arbitrary detention and excessive and indiscriminate use of force in confrontations with demonstrators. Both the BNP and the opposition parties, led by the Awami [People's] League, have used crude "cocktail" bombs, knives, and guns against one another and the police, causing scores of casualties. These abuses escalated in the months leading up to and following the February 1996 elections, polls that were rigged by the BNP despite an opposition boycott.

There is reason to believe that the political violence may recur as the country's political parties prepare for new polls on June 12, 1996 or after the outcome of the election becomes clear. NOTHING HAS BEEN DONE SINCE THE DISCREDITED AND VIOLENCE-MARRED FEBRUARY ELECTION TO ACCOUNT FOR SERIOUS HUMAN RIGHTS ABUSES COMMITTED BY BANGLADESH'S POLICE, ARMY AND OTHER SECURITY FORCES. AT THE SAME TIME, NEITHER THE BNP NOR THE AWAMI LEAGUE HAS TAKEN AFFIRMATIVE STEPS TO ENSURE THAT THEIR SUPPORTERS AND PARTY CADRES DESIST FROM THE KIND OF VIOLENCE THAT CHARACTERIZED THEIR EARLIER POLITICAL FEUDING. THE HEAD OF AN INTERIM GOVERNMENT FORMED WHEN BEGUM KHALEDA ZIA OF THE BNP FINALLY STEPPED DOWN ON MARCH 30, 1996 HAS WARNED THAT A FAIR POLL IS POSSIBLE ONLY WITH THE RESTORATION OF LAW AND ORDER WHICH, IN TURN, DEPENDS ON THE COOPERATION OF THE POLITICAL PARTIES.

IN RELEASING THIS REPORT ON THE EVE OF THE JUNE 12 ELECTION, WE HOPE TO PRESSURE PARTY LEADERS TO HOLD THEIR ORGANIZED CADRES ACCOUNTABLE FOR ACTS OF POLITICAL VIOLENCE AND TAKE CONCRETE STEPS TO END SUCH ACTS BY IMMEDIATELY AND PERMANENTLY DISARMING THEIR YOUTH AND STUDENT WINGS. PARTY AUTHORITIES SHOULD FULLY COOPERATE WITH INVESTIGATIONS AND PROSECUTIONS OF CADRE MEMBERS AND SUPPORTERS RESPONSIBLE FOR MURDER, ASSAULT, ARSON, INTIMIDATION, DESTRUCTION OF PROPERTY AND OTHER CRIMES. HUMAN RIGHTS WATCH CALLS UPON ALL POLITICAL PARTIES TO RESPECT THE RIGHTS OF CITIZENS TO FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION GUARANTEED BY INTERNATIONAL LAW. PRESIDENT BISWAS AND THE POLITICAL PARTIES SHOULD EXTEND THEIR FULL COOPERATION TO THE CARETAKER GOVERNMENT TO ENSURE THAT MEANINGFUL AND FAIR ELECTIONS TAKE PLACE ON JUNE 12. THE INTERIM AUTHORITY AND THE GOVERNMENT FORMED PURSUANT TO THE JUNE POLLS MUST ALSO ENSURE THAT POLICE AND MEMBERS OF OTHER SECURITY FORCES ACT WITHIN THE LAW; LAW ENFORCEMENT PERSONNEL WHO PARTICIPATED IN OR REFUSED TO PREVENT VIOLENT ATTACKS, OR ABUSED THEIR AUTHORITY IN ANY WAY DURING THE RECENT POLITICAL CRISIS, MUST BE BROUGHT TO JUSTICE. IN HIS CAPACITY AS HEAD OF THE DEFENSE MINISTRY, PRESIDENT BISWAS SHOULD DEMONSTRATE THE SAME COMMITMENT WITH RESPECT TO THE ARMED FORCES, AND MAKE CERTAIN THAT ARMY PERSONNEL WHO HAVE COMMITTED HUMAN RIGHTS VIOLATIONS ARE PUNISHED FOR THEIR ACTIONS AND NOT GRANTED FURTHER CAREER PROMOTIONS.

THE INTERNATIONAL COMMUNITY ALSO HAS A ROLE TO PLAY IN PRESSING THE CHIEF CONTENDERS FOR POWER — THE BNP AND THE AWAMI LEAGUE — TO DISARM THEIR MILITANT CADRES TO ALLOW FOR A FREE POLL. At the annual meeting of the donor consortium for Bangladesh, scheduled for July 1996, donor countries and the World Bank should urge whichever party comes to office pursuant to the June poll to impartially investigate all reports of abuse and violence and punish the perpetrators as required by law. Whichever party attains power must also be prepared to ensure that the police and other security forces consistently abide by international human rights law.

Human Rights Watch has concluded that in the election-related violence, the BNP, the security forces and the opposition parties all violated their obligations under domestic and international law. Specifically, the election-related violence is the sort of situation addressed by the Declaration of Minimum Humanitarian Standards adopted by a group of experts in Turku-Abo, Finland in 1990. The Declaration applies to situations of "internal violence, disturbances, tensions and public emergencies" and specifically holds not only governments but "all persons, groups and authorities, irrespective of their legal status" responsible for protecting individuals against, among other things, murder, torture, mutilation, rape, cruel and inhuman or degrading treatment or punishment, pillage, deliberate deprivation of access to necessary food, drinking water or medicine, and unacknowledged detention. The Declaration is meant to codify many existing international law standards and to clarify their applicability to "gray area" situations not adequately covered by peacetime human rights law but that also fall short of the definition of armed conflict. Its importance derives not only

from the recognition enjoyed by the jurists who drafted it, but by the fact that it was endorsed by the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities in October 1994 and by the Budapest review meeting of the Conference on Security and Cooperation in Europe in December 1994. The U.N. Commission on Human Rights has asked governments to comment on it with a view to its adoption soon. For these reasons, although this Declaration is not a binding instrument at this time, Human Rights Watch believes that it constitutes an authoritative guideline by which to judge the conduct of governments and non-state actors in situations of civil strife.

Both ruling party and opposition leaders and supporters have violated these minimum standards. Both sides have used and sometimes armed their youth wings to perpetrate violence against opponents. Just before the February polls, gun battles and other armed confrontations broke out frequently in the streets of Dhaka, the capital, and other cities. Several newspaper offices were attacked in the main cities, and journalists and news photographers reporting on the violence were assaulted and threatened. Mobs organized by opposition leaders in Chittagong engaged in arson attacks that destroyed millions of dollars worth of property and endangered dozens of individuals.

Although acts of intimidation and violence by the opposition clearly required a government reaction, the response by the police and other security forces to most of these acts of violence was both disproportionate to the threat and partisan. Although the police and paramilitary Bangladesh Rifles (BDR) responded to serious armed clashes with tear gas and rubber bullets, on some occasions they also fired indiscriminately at demonstrators in violation of the U.N. Code of Conduct for Law Enforcement Officials and the U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Subsequent to such clashes, the police and paramilitary also resorted to indiscriminate arrests of suspected opposition supporters, in some cases arresting children. On the pretext of searching for illegal arms, the police conducted a brutal raid at Dhaka University, beating and arresting minority students, many of whom were not politically active. The police also assaulted journalists who attempted to report on or photograph police abuses, and while they arrested opposition activists for acts of violence, they failed to arrest BNP militants who had engaged in similar crimes. During an arms recovery drive ahead of the February election, the army engaged in indiscriminate beating of villagers, arbitrary arrest and torture.

Two of the most serious incidents of brutality by the security forces were a military raid on Charsayedpur village in Narayanganj district in which army troops terrorized the entire village and a police/BDR raid on Jagannath Hall, a Dhaka University dormitory for religious minority students, in which approximately 150 students were injured. During the Charsayedpur raid — carried out on February 4 in retaliation for an attack by some villagers on a small group of military personnel the previous day — army troops stormed over a hundred houses, destroying property and indiscriminately beating villagers. Three villagers were arbitrarily detained, and one of them was severely tortured in custody. The police/BDR raid on Jagannath Hall, a stronghold of the Awami League's student front, the Bangladesh Chhatra League (BCL), followed a shoot-out on the university campus between BCL activists and the police. Police detained ninety-five students after forcibly entering student rooms and dining halls, beating students with rifle butts and *lathis* (wooden batons), and cursing them with anti-Hindu epithets. The government failed to hold abusive forces accountable for illegal actions.

The government also initiated a spate of arrests of key opposition figures in an attempt to dampen the opposition's anti-government agitation, which had intensified in the wake of the February 1996 election denounced as "farce" by Awami League leader Sheikh Hasina. Anwar Hossain Manju and Moudud Ahmed of the Jatiya Party and Mohammad Nasim and Matia Choudhury of the Awami League were arrested on February 24. Another two leaders, Abdul Kader Mollah of the Jamaat-e-Islami and Tofayel Ahmed of the Awami League were picked up on February 27. All six, who were held for about two weeks and released, were arrested under the Special Powers Act of 1974¹ which authorizes the government to detain any person for up to four months without charge or trial. Police reportedly raided

¹ The Special Powers Act provides for detention on broadly-defined grounds that include such activities as committing or "being likely to commit" a "prejudicial act" likely or intended to "endanger public safety or the maintenance of public order." The SPA has been used by successive governments against persons engaged in peaceful protest and against members of the press.

the homes of Awami League leaders Amir Hossain Amu, Abdur Razzak and Suranjit Sengupta on February 24 but were unable to locate them. Also in February, at least one journalist was arrested and detained for over a month under the Special Powers Act.

Since mid-1994 opposition parties led by the Awami League had waged their political campaign and street agitation to force then prime minister Begum Khaleda Zia to hold early parliamentary polls under a neutral interim government. The success of the opposition's political campaign depended in significant measure on acts of violence and intimidation by members of its youth and student wings. All the major political parties have well-armed youth wings and student fronts whose criminal activities are tolerated and even encouraged by party leaders. The BNP sponsors the Jatyabadi Jubo [Youth] Dal and the Jatyabadi Chhatra [Student] Dal (JCD) while the Bangladesh Jubo League and the Bangladesh Chhatra League (BCL) are affiliated with the Awami League. During the long-running stand off between the opposition and the government, militant cadres of all political parties engaged in factional fighting, sabotaged their rivals' political rallies and meetings, and carried out bomb and arson attacks on party bureaus, newspaper offices, government buildings, and polling centers.

In their efforts to bring pressure to bear on the government, opposition political parties organized a series of strikes all over the country, frequently relying on intimidation and violence to keep people and transport off the roads. The opposition also orchestrated massive street demonstrations, marches and sieges of government offices that frequently turned violent, leading to loss of life, thousands of casualties, and extensive property damage. The port city of Chittagong, whose powerful mayor is an influential Awami League leader, suffered widespread destruction at the hands of opposition protesters; on February 28, 1996, marauding crowds rampaged through the city ransacking offices, gutting buildings and damaging vehicles in protest at the mayor's arrest under the SPA earlier that day. (The mayor, A.B.M. Mohiuddin Ahmed, was released on March 11.)

The press was victimized by all sides during the prolonged political stalemate and related disturbances. Newspaper offices were attacked by partisans of all stripes, journalists were imprisoned by the government, and reporters and news photographers on the job were frequently beaten up by the police or by political activists with various affiliations. Newspaper editors reported stiff pressure to engage in self-censorship from all sides. Certain papers loyal to the Awami League told Human Rights Watch that they were intimidated into self-censorship by their own party.

This report is based on an investigative mission to Bangladesh by two Human Rights Watch/Asia researchers in April and May 1996. It documents a few of the many instances of abuse by police, army and other security forces that took place between January and March 1996. The report also documents violent actions by activists of major political parties that were tolerated or encouraged by senior party officials.

II. RECOMMENDATIONS

Human Rights Watch makes the following recommendations for action to be taken prior to June 12 by all of Bangladesh's political parties, President Biswas, the caretaker government and the international community, as well as after June 12 by the government to address the incidence of human rights violations in the country.

To All Political Parties

- Political parties should hold their own cadres accountable for acts of political violence and take concrete steps to end such acts by immediately and permanently disarming their student and youth wings and bring to justice members known to have participated in acts of murder, assault, arson, intimidation, destruction of property and other crimes. Political parties should fully cooperate with investigations and prosecutions of those responsible for criminal acts.

- Political parties should desist from engaging in violent acts of political protest that contravene the Declaration of Minimum Humanitarian Standards, endorsed by the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities in October 1994, and Bangladesh law.
- Political parties should fully respect the rights to freedom of peaceful assembly and association, as described under Articles 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR) and ensure that fair elections take place on June 12 in accordance with Article 25 of the ICCPR and Article 21 of the Universal Declaration of Human Rights.

To the Future Elected Government

- The government should ensure that the police and paramilitary forces are instructed in non-lethal methods of crowd control, in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and those methods should be made available. The government should also institute mechanisms to review such training on a regular basis.
- The government should require that police register all criminal cases, regardless of the political affiliation of the perpetrators, and enforce this regulation through appropriate disciplinary measures. During periods of heightened political tension, the government should establish a non-party civilian board, which would include representatives for a range of political groups and headed by a magistrate or other competent judicial authority, mandated to review police registers and conduct spot inspections of lock-up and jail facilities.
- The government should institute measures to end the practice of torture. At a minimum these should include swift prosecutions and punishments for all members of the police, paramilitary forces and army responsible for torture; frequent inspections of all lock-ups by judicial magistrates; and the elimination of all temporary detention centers. Detainees should be allowed immediate access to lawyers, family members and medical care.
- The government should bring to justice members of all state security forces, including the police, BDR and army, who participated in or refused to prevent violent acts or abused their authority in any way during their deployment to restore civic peace in the country. The steps the government has taken in this regard should be made public.
- The government should investigate and prosecute in a nonpartisan and even-handed manner all acts of politically-motivated violence and intimidation committed during the recent political crisis.
- The government should repeal the Special Powers Act of 1974 and immediately review the cases of all those detained under it with a view to releasing them.
- The government should demonstrate its commitment to human rights by ratifying or acceding to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

To President Biswas

- In his capacity as head of the Defense Ministry, President Biswas should ensure that members of the armed forces are held accountable for abusive actions. He should set up an independent and impartial review board to make certain that personnel who have committed human rights violations are not granted career promotions.

To the Caretaker Government

- The caretaker government should immediately release all persons arbitrarily arrested and detained during the opposition's anti-government agitation.

- The caretaker government should order a prompt and independent inquiry into cases pending against Jagannath Hall students, Charsayedpur villagers, journalists and others indiscriminately rounded up during the recently-concluded security crackdown and order the withdrawal of all unwarranted and unfounded charges. The findings of the inquiry should be made public.

To the International Community

- The international community should press both parties with aspirations to govern the county — the BNP and the Awami League — to disarm their militant cadres and to be prepared, if elected to office, to fully investigate all reports of violence and abuse and punish those responsible as required by law. These concerns should also be forcefully raised by donor countries and the World Bank at the annual meeting of the donor consortium for Bangladesh scheduled for July 1996.

III. POLITICAL BACKGROUND

Political violence has marred Bangladesh's history as an independent nation. In its twenty-five years of existence the country has experienced nineteen reported coup attempts, two full-scale military takeovers and two assassinations of supreme leaders. The area today known as Bangladesh was part of the British dominion of India from 1772 to 1947 when it became the eastern wing of an independent Pakistan. In December 1971, after a bloody nine-month war with West Pakistan, Bangladesh became a sovereign nation. Independence leader Sheikh Mujibur Rahman emerged as the new country's first president and, later, prime minister after his Awami League won an overwhelming mandate in a general election in 1973. Mujib, along with most of his family, was killed in a coup led by young army officers on August 15, 1975. A turbulent period followed with the assassination of other political leaders and further coups until November 1975, when Deputy Chief of Staff Maj. Gen. Ziaur Rahman consolidated power as chief martial law administrator of Bangladesh. In 1979 Zia became president as leader of the BNP — which he had founded the previous year — and he remained at the helm until he was assassinated in an abortive military coup in 1981.² The country was rocked by yet another coup in 1982 that brought Army Chief of Staff Lt. Gen. Hossain Mohammad Ershad to power. In 1984 Ershad launched the Jatiya [National] Party and ruled as president until he was toppled in 1990 by a united opposition movement led by the BNP and the Awami League.

In 1991 parliamentary democracy was restored following a legislative election hailed as the country's first fairly held poll.³ The widow of Ziaur Rahman and leader of the BNP, Begum Khaleda Zia, formed a government with the support of the rightist Islamic party, the Jamaat-e-Islami; the Awami League, headed by Mujib's daughter Sheikh Hasina, became the largest opposition party followed by Ershad's Jatiya Party.

Bangladesh's incipient democracy soon ran into trouble, however, as the BNP and an alliance of the major opposition parties — including the Jamaat-e-Islami, which withdrew its initial support from the government — became involved in a bitter and frequently violent political standoff that devastated the economy and culminated in Zia's ouster after two strife-torn years. The crisis began when the opposition MPs (predominantly from the Awami League, Jatiya Party, Jamaat-e-Islami and some marginal parties) walked out of parliament on March 1, 1994. The walk-out was triggered by the parliament speaker's refusal to table for discussion the opposition's corruption allegations against several cabinet ministers and by a skeptical comment by Information Minister Nazmul Huda impugning the Muslim credentials of the main opposition.

The row deepened when a BNP candidate won a key parliamentary by-election on March 20 in the Magura (2) constituency, made vacant by the death of the Awami League incumbent who had held the seat for four consecutive terms. The poll was marred by violence between supporters of rival candidates and by the opposition's allegations of

² Zia had first declared himself president in 1977 and held a referendum to confirm the appointment.

³ In a September 1991 referendum, voters approved a constitutional amendment that ended sixteen years of presidential rule and re-established a parliamentary system of government.

massive vote-rigging by the ruling party. The by-election had strategic significance for both the Awami League and the BNP as it came on the heels of the BNP's stunning loss to the Awami League of the two key mayoralties of Dhaka and Chittagong in local elections. Opposition leaders demanded a new vote under a caretaker authority, declaring that the flawed Magura election proved that the BNP government could not be trusted to hold free and impartial polls.

The fallout over Magura became the basis for the opposition parties' intensified accusations of corruption and incompetence against the BNP government and for their related demand that Begum Zia hand over power to a neutral interim government to oversee early legislative elections. Begum Zia consistently labeled the opposition's call "unconstitutional and undemocratic." The opposition's prolonged boycott of parliament and simultaneous anti-government agitation led to legislative paralysis, economic disruption and civil strife that, according to Begum Zia, derailed her government's efforts to liberalize and reform the economy and attract much-needed foreign investment. On December 28, 1994, opposition legislators resigned en masse from parliament in a bid to heighten pressure, after the collapse of a last-minute compromise deal over procedures for the next election due in 1996.⁴ The departing MPs also vowed to boycott, and hence delegitimize, any future by-elections held by the government to fill their recently vacated seats.

On November 25, 1995, when it became clear that the opposition would not participate in by-elections for over 140 parliamentary seats planned for December 15, President Abdur Rahman Biswas dissolved parliament on the advice of Prime Minister Zia, whom he asked to remain in office as head of the executive branch. Fresh legislative polls were announced for February 15, 1996, within the constitutionally mandated ninety-day period for new elections following the dissolution of parliament. Opposition parties pledged to boycott the polls unless Zia resigned beforehand; they stepped up their campaign of strikes and street protests to force the government to accede to their demands. As the February polls approached, the political deadlock led to widespread human rights violations at the hands of supporters, youth wings and student fronts of all political parties as well as the police, paramilitary Bangladesh Rifles (BDR) — both under the control of the Home Affairs Ministry — and the army, which had been called in by the Election Commission to retrieve illegal arms ahead of the election. At a protest rally in front of the Jatiya Press Club in Dhaka prior to the election, a speaker from the Awami League warned, "Anyone who goes to vote will come back dead." On and immediately before election day, several hundred polling stations across the country were gutted by opposition militants.

The polls themselves were marred by violence among rival political factions, intimidation of voters, and attacks on polling centers by opposition activists and credible allegations against the ruling party of vote-rigging in the uncontested election. Nationwide, an estimated sixteen people were killed and 500 injured in violent incidents over the two weeks leading up to the polls, forcing authorities to postpone voting in several areas. The BNP won all but two of the 207 seats for which results were declared; new voting was ordered in the remaining ninety-three constituencies because of various irregularities and charges of vote-tampering against the government. The opposition, led by Sheikh Hasina, declared the election "illegal" and "farcical" and organized strikes and protests throughout the country in an effort to create economic and political pressures to force a new election on its terms. After several effective "non-cooperation" drives in the wake of the February election, the opposition on March 9 declared an indefinite non-cooperation movement that lasted, except for a few minor interruptions, until the end of the month, bringing the economy to the brink of collapse. The country's emerging export-oriented garment-manufacturing industry suffered a heavy toll from lost production and from the closure of Chittagong port. Moreover, in the first three months of 1996 alone, the fighting among supporters of rival parties, encounters between protestors and the police, BDR and army, and bomb and arson attacks by various political groups led to an estimated 120 deaths, thousands of casualties and widespread property damage.

⁴ Zia reportedly agreed to step down thirty days before the next election to allow for the installation of a neutral interim government, but she could not get the combined opposition's assurance on a pivotal point: that they would not orchestrate street protests and political strife ahead of the polls.

Zia was sworn in as prime minister for a second term on March 19 and proceeded to appoint her cabinet while the opposition's non-cooperation movement gathered momentum. Meanwhile, on March 26, the newly elected parliament enacted the thirteenth constitutional amendment bill paving the way for the appointment of an interim caretaker government. On March 28 President Abdur Rahman Biswas signed the bill into law,⁵ as thousands of civil servants staged a sit-in at the main government secretariat building in Dhaka where the civil administration is centered, demanding a resolution of the political crisis through the installation of a caretaker authority. On March 30, as the opposition prepared to orchestrate a siege of the presidential palace by thousands of supporters, President Biswas dissolved the newly-elected legislature and, as Zia stepped down, appointed ex-Chief Justice Habibur Rahman as chief adviser to head an interim government that is now poised to preside over fresh national elections on June 12, 1996. Already, however, the sacking of army chief Lt. Gen. Abu Saleh Mohammad Nasim by President Biswas on May 20, allegedly as a consequence of Nasim's refusal to accept the forced early retirement of two senior army officers, has triggered new fears and doubts about Bangladesh's return to democracy. As this report went to print, it was unclear whether rising political tensions surrounding the army shake-up would disrupt plans for the June 12 election.

Despite charges of favoritism by both the BNP and Awami League, the measures enacted by Chief Adviser Habibur Rahman and his staff to date appear designed to prevent the abuses that accompanied the previous election: a new election commissioner has been appointed, and the police and civil administration have been reshuffled. However, the chief adviser cannot conduct a fair poll without the cooperation of the political parties, which have taken no steps as yet to account for past acts of violence by their cadres or to ensure that they abide by the law in the future. Unless all the political parties commit themselves to holding their supporters and organized cadres accountable for acts of violence and intimidation in the run-up to and after the elections, the potential for renewed politically motivated violence remains strong. President Abdur Rahman Biswas, who retains control of the Defense Ministry under the thirteenth constitutional amendment, must demonstrate the same commitment with respect to the armed forces.

Although this report documents but a fraction of the abuses that occurred from January to March 1996 in the context of the government-opposition political feuding, Human Rights Watch was able to investigate a number of the most serious incidents and determine the general pattern of criminal acts and human rights violations that characterized this period.

IV. VIOLATIONS BY THE ARMY AROUND THE FEBRUARY ELECTIONS

Village of Charsayedpur, Narayanganj District: February 3 and 4, 1996

On February 3, at about 3:30 p.m., an army jeep with a uniformed driver and four plainclothes personnel arrived at the village of Charsayedpur in Narayanganj district, near Dhaka. In their custody they had a man suspected of murder who had reportedly confessed to having associates and an arms cache in the village. The suspect led the military personnel — who were conducting arms recovery drives in many areas in the run-up to the impending February 15 legislative elections — to the house of one of his associates, who fled at their approach shouting for help. A group of villagers gathered in response to his cries, and in an ensuing violent confrontation the army personnel were badly injured. A press release issued by army headquarters on February 8 stated that three injured personnel were later admitted to the Combined Military Hospital in critical condition.

According to eyewitnesses, at about 3:45 a.m. on February 4, a convoy of approximately twenty army vehicles carrying at least 200 uniformed soldiers armed with guns and lathis arrived at the village. The soldiers conducted indiscriminate raids in the Purbapara, Uttarapara and Madyapara sections of the village for about five hours, terrorizing

⁵ The amendment provides for an eleven-member caretaker administration —appointed by the president and headed by a chief adviser who must be a retired Supreme Court chief justice — that would be responsible for holding elections within ninety days of the dissolution of parliament. The caretaker administration would exercise only routine executive functions until the election takes place and a new prime minister is appointed. The advisers would not be eligible to contest elections, and must not belong to or represent a political party or affiliated body. The amendment also provides for all future elections to be overseen by caretaker governments following the dissolution of parliament.

the villagers. They took three villagers into custody, rounded up and interrogated scores of others, beat and injured at least 200 residents, including women and children, and raided over one hundred houses.

The Purbapara section was the worst affected; about thirty-three houses in this part of the village were completely ransacked and looted. Household fixtures, furniture and articles were destroyed or badly damaged, and stores of rice and grains were mixed with sand.

The army personnel detained three villagers: Yusuf Ali, a student of about eighteen years of age, Abdur Rahim, a laborer, and Inamul Haq, a truck driver, both in their thirties. Human Rights Watch interviewed Abdur Rahim and Inamul Haq in Charsayedpur village.

Abdur Rahim

When the army contingent arrived at Charsayedpur, Abdur Rahim was finishing his *sehri* (a pre-dawn meal eaten during the fasting month of Ramadan). As he set out for the village mosque to offer the *fajr* or dawn prayer, he saw about twenty-five soldiers in the street outside his home. When they saw him, they roughed him up, blindfolded him, dragged him to the road and forced him into a truck. After some time Rahim was driven to an undisclosed location, where he was beaten, tortured and kept blindfolded and in incommunicado detention for five days. He was repeatedly asked if he was among the villagers who had attacked the plainclothes army personnel on February 3. When he denied his involvement in the incident, he was interrogated about the identity of the attackers and asked if he knew anything about illegal arms stored in the village. During the first day of his detention, Rahim was punched on the head, kicked and beaten with lathis on the soles of his feet and given electric shock treatment at least four times. He was made to sit in an electrified chair; when the chair was activated his whole body would shake and convulse violently, and he would lose consciousness. The soldiers also used pliers to pinch his flesh and squeeze his finger tips, causing him excruciating pain. After the first day of detention the torture ceased, but the beatings continued; he was beaten with lathis three times a day for the duration of his detention.

After five days, Rahim became seriously ill: he began vomiting blood and was unable to eat or to move without help. The bones at the back of his right hand were broken, and he had bruises all over his body. At this point he was shifted to Narayanganj Police Station, where his blindfold was finally removed, and his family, who had been unable to discover his whereabouts until then, were able to visit him. After two days in the police lock-up, Rahim was taken to the local courthouse and then to a doctor. He was then returned to the court lock-up for four days before being released on bail. After his release, he was immediately hospitalized at his own expense for eight days. He received blood transfusions and, his hand was put in a plaster cast. When Human Rights Watch interviewed him in April, Rahim still suffered from pain in his knees and could not sit for long periods or walk without assistance for any distance, which curtailed his ability to work as a laborer.

Inamul Haq

When he heard a knock on his door between 4:30 and 5:00 a.m. on February 4, Inamul Haq was not aware that a clash had occurred between some of the villagers and military personnel the previous afternoon. As a truck driver, he had been away on a road trip. He opened the door to two uniformed soldiers armed with rifles and lathis. They asked him to accompany them to meet their "captain" who was present at Charsayedpur Primary School No. 6. When he got there, he found forty villagers already gathered there and a steady stream of others being brought in. The soldiers interrogated all of them about the villagers involved in the February 3 beating of the plainclothes army personnel. Eventually almost all of the villagers were released. Haq was detained because a soldier said he recognized him from the incident. Blindfolded, his hands tied behind his back, Haq was thrown into the back of a truck and driven to an undisclosed location. Rahim and Yusuf Ali, the two other detainees, were in the same truck.

On reaching their destination the three were kept in the same room. Haq was the first of the three to be beaten. His blindfold was removed once when he was taken to the toilet, and he was then taken to a different room in which five soldiers, officers and *sipahis* (enlisted men), were waiting. One of the officers showed Haq a picture of Daulat Husain, a member of the local Union Parishad (local government unit) and asked questions about him. Haq was also shown photographs of other villagers and interrogated about them; the photographs had been seized from homes during

the army raid. During the questioning, Haq was kicked in the stomach at times. Finally, the soldier who had accused Haq of participating in the February 3 attack on the army personnel retracted his accusation. The officer ordered that Haq not be beaten further. He was blindfolded again, and with his hands tied behind his back, he was tied to a pole and made to stand the rest of the day. After several hours, the blindfold was removed, and in the evening he was allowed to sit. He remained tied through the night. The next morning, he was released. The officer on duty gave him Tk.100 (\$2.50) and hired an auto-rickshaw to take him home. When Haq left the detention center he saw that it was located within the premises of the Saidabad office of the Dhaka City Corporation (the municipality).

The army filed criminal charges with Narayanganj Police Station against Rahim, Haq and Yusuf Ali as well as a few other villagers for obstructing and assaulting military personnel. The soldiers responsible for the raid, however, were not punished in any way, and indeed, the army never publicly admitted wrongdoing in the incident. The soldiers responsible for beating and torturing Rahim, Haq and Yusuf Ali have also not been prosecuted.

According to the February 7 issue of the Dhaka-based newspaper, the *Daily Star*, on the evening of February 6 three jeeps and a truck carrying army and paramilitary personnel patrolled the village for about two hours, spreading fresh panic in the village. Villagers told Human Rights Watch/Asia that a large segment of the village population had abandoned their homes to take refuge with relatives elsewhere for fear of further army sweeps. The villagers began returning a week later, after assurances from the district administration that it was safe for them to do so. By way of compensation, the district commissioner for the area distributed a *sari* and a *lungi* (sarong) to each household.

V. CAMPUS VIOLENCE

All the major political parties in Bangladesh organize and support activist and militant youth and student wings. These groups generally have access to firearms but also widely utilize petrol bombs, molotov cocktails and various kinds of crude hand-made bombs made of gunpowder, shrapnel and ground glass, hockey sticks, wooden rods and knives of all kinds. It is not uncommon for college and university campuses to be the location of shoot-outs and running gun battles with automatic weapons between rival student political factions, and educational institutions are frequently forced to close down on account of such outbreaks of violence. Political parties have traditionally relied, as exemplified in the recent conflict, on their student cadres to throw their weight behind party campaigns using violence and intimidation if necessary.

Bangladesh's security forces also have a history of arbitrary attacks on students in colleges and universities. The police attack on Jagannath Hall, described in detail below, targeted students belonging to religious minorities; the vast majority of Jagannath Hall students are Hindus, the remainder are tribals⁶, Christians and Buddhists. The religious minorities of Bangladesh as a rule tend to support the Awami League.

Jagannath Hall Incident: January 31, 1996

On January 31, 1996, some 150 students were injured and about ninety-five arrested as police, backed by BDR, raided Jagannath Hall, Dhaka University's dormitory for religious minority students and a stronghold of the BCL. Approximately thirty students were hospitalized as a result of the police attack. The provost and house tutors of Jagannath Hall resigned in protest against the attack. According to newspaper reports the Vice Chancellor of Dhaka University, Professor Emazuddin Ahmad, confirmed that the police had the university's permission to conduct the raid.⁷

The police raid followed an exchange of fire between BCL and JCD factions on the university campus. The clashes between the rival student fronts were sparked by disagreements over the impending visit to the Bangla

⁶ Bangladesh has many tribal groups who differ ethnically and linguistically from the majority of the population.

⁷ *The Daily Star*, February 1, 1996, pg.1 (Dhaka)

Academy, adjacent to the campus, by then Prime Minister Khaleda Zia to inaugurate an annual month-long book fair. BCL student activists had launched a campaign to thwart the prime minister's proposed visit while JCD members had vowed to resist all moves to prevent Zia from coming. Fighting between the two groups broke out when BCL activists attempted to hoist a black flag on the Bangla Academy premises. Around 12:30 p.m the police intervened and traded fire with BCL militants; the raid on Jagannath Hall began between 2:30 and 3:00 p.m. purportedly to apprehend BCL militants who had reportedly taken refuge there.

Police broke the main gates of the Hall⁸ and burst into students' rooms and the Hall canteens firing rubber bullets and beating and rounding up students. Several rooms were ransacked and looted. Some students attacked the police with sticks and stones, but many students were taken by surprise at the brutality of the police raid. Several canteen workers and guests of students who happened to be on the premises were also beaten severely and detained. The police used epithets against the Hindu and tribal students, calling them *suarer bacha* (son of a pig) and *malauner bacha* (son of an infidel). The police also reprimanded students in the canteens, most of whom were Hindus and some Christian and Buddhist, for eating lunch during Ramadan, the Islamic month of fasting. The students rounded up from Jagannath Hall were detained under section 54 of the Bangladesh Code of Criminal Procedure, which permits arrests without warrant or magisterial order.⁹

The arrested students were kept overnight in Ramna Police Station in a cramped and fetid holding cell. The next afternoon they were taken to a court lock-up where approximately thirty-seven students were released on bail. The remaining students, about fifty-four in number, were moved to Dhaka Central Jail. On February 6 all but fifteen of the students were released on bail. The last batch of fifteen students, detained under the Special Powers Act, were not released until April 2, after the fall of the Zia government. At the time this report went to press, charges remained pending against almost all of the students, who were required to report to the court once a month.

Human Rights Watch interviewed several students injured and detained during the police raid on Jagannath Hall. For reasons of security, only their initials are used.

RS

RS, twenty-three years old and a first-year master's student, stated that at some time after 2:00 p.m. on January 31 he saw, from the verandah outside his room, about 100 uniformed and plainclothes policemen gathered outside the main entrance to Jagannath Hall. He heard the police beating and kicking on the grilled entrance gate until it gave way. He then heard the police breaking the doors of students' rooms and students crying and shouting, "Don't beat us." Frightened, RS went into his room and closed the door. Three of his roommates were also in the room. When the police reached his door, he was too frightened to open it. RS told Human Rights Watch/Asia:

The police then kicked the door open, and five policemen came into the room. They beat one of my roommates before turning to me. They ignored my pleas and assurances that I was not involved in politics. They hit me with a heavy lathi on my shoulder blades; they tried to beat me on my head but I blocked the blows with my arms. Consequently my arms and shoulders got badly beaten, cut up and swollen. Four policemen beat me simultaneously, on my back, front, left and right sides — I was surrounded. The police kept asking me to bring out the arms, guns and revolvers in my possession, but I had none. The police dragged me and two of my roommates down the stairs by our collars. My third roommate managed to slip under a bed and hide. A crowd of students was gathered outside the

⁸ Jagannath Hall is the only dormitory for students belonging to religious minorities on the Dhaka University Campus. It is a large dormitory, comprising four buildings: North, South, East and October Memorial Buildings. Three of the four buildings have dining halls or canteens for the students.

⁹ The use by police of section 54 to indiscriminately detain the Jagannath Hall students has been questioned by commentators. Section 54 specifies nine grounds on the basis of which police can arrest a person without a warrant and in the absence of an order from a magistrate. These grounds include the existence of reasonable suspicion that a person has committed a cognizable offence. However, the police detained students indiscriminately, making no effort to assess whether there was reasonable suspicion of criminal involvement against them. The remaining eight grounds specified in section 54 also appear inapplicable to the circumstances of the arrests.

hall, many of the students were crying, including me. The police stuffed us into two police vans, we were jammed in, I could hardly breathe. It was suffocating. We were taken to Ramna Police Station, where we were put into two cells. There were about forty-five people in my cell. The condition of the cell was horrible. There was human excrement and urine in the cell, and a terrible smell, very little light, a tiny window and only a little corner to use as a bathroom.

At 3:30 p.m. the following day the students were taken to a court lock-up, and later RS and some fifty-three others were shifted to Dhaka Central Jail. They were kept in a temporary holding cell, the *amadani kokho*, for six or seven days after which RS was granted bail. According to RS, conditions at the *amadani kokho*, although uncomfortable, were a huge improvement on Ramna police station.

AT

AT, aged twenty-four, a fourth-year law student, told Human Rights Watch/Asia that at about 2:45 p.m. on January 31, he was on his way back to his room after lunching at one of the Hall's canteens when he saw police break down the East Gate of the campus, near Jagannath Hall, and enter the compound. He saw the police with guns drawn and heard the sound of firing. Afraid, he returned to the canteen and met up with his friends. Soon after, tear gas filled the canteen and the police could be seen outside. When the canteen manager went to close the door of the canteen, the police fired rubber bullets at him; he started bleeding above one of his eyes. A little later three plainclothes men carrying shotguns and revolvers along with some uniformed policemen came into the canteen. The plainclothes men cursed the students in the canteen and had the uniformed policemen search them. They threw plates of food off the tables and shouted, "This is the month of Ramadan. Why are you taking meals? You should fast this month." AT told Human Rights Watch/Asia:

The uniformed policemen started beating the students and even the canteen boys with lathis; some of my friends were severely beaten. I ran to the far corner of the room to save my back. A plainclothes man and a uniformed policeman came and tied my hands to those of another student and dragged us outside. I was hit on my knee with a lathi and punched on the temple. Then all of us were gathered outside the Hall and pushed into police vans, we were completely crushed in the van. We were taken to Ramna Police Station and about forty-five of us were put into a miserable, stinking cell with no light, no fan, no bathroom. Half the room was covered with urine. One of my friends got drenched in urine when he lay down to sleep in the dark. I was not badly injured, but two students in the cell were seriously wounded. One was lying unconscious with a severe head wound.

AT was among the students released on February 6 from Dhaka Central Jail.

MS

MS, twenty years old and a first-year student, told Human Rights Watch/Asia that he was on his way to class when he heard the noise of the police raid and decided to return to his room. From the verandah outside his room he saw that police were gathered outside the East Gate of the campus and were throwing tear gas over the gate. After a while the area around Jagannath Hall became a "sea of blue," the color of the police uniform. He and four other students took refuge in his room, but soon afterwards the room door was forced open by the police. A policeman brandishing a gun entered the room and began beating the students; MS was hit several times with a lathi on his back and head. After the policeman herded the students out to the verandah, they slipped off to the third-floor canteen for safety. Many students were still eating in the canteen. Ten minutes later about thirty policemen entered the canteen. According to MS:

The police scolded the students for taking food in the month of Ramadan. They also ordered the students to chant "*jai Bangla*" (the slogan of the Awami League) so as to indirectly admit that they supported the Awami League. The students fled to the corner of the room and the police started beating the stronger and better-built students with lathis. First they tied each student's hands together and then roped about five or so students together; they gathered the students outside the October

Memorial building and stuffed them into police vans. It felt as though there were a hundred students in the compact and closed-up van. It was an unbearable situation. I was virtually senseless; I could not take breath. We were taken to Ramna Police Station. What happened there was also unbearable. We were divided into two cells; the one I was in was cramped, dark, airless, with an overpowering bad odor, and a dirt floor drenched in urine and excrement. One of the students in the cell was unconscious, he looked dead. The next day I ended up in Dhaka Central Jail, where conditions were a little better but still terrible.

PC

PC, aged twenty-five, a physics student from Sirajganj, resides in the East Building of Jagannath Hall. PC was in his room with five other students during the afternoon on January 31, when he heard loud shouts and noise and became aware of tear gas inside his residence hall. PC's room is near the front gate of the East Building; he heard the gate break and almost immediately policemen broke the door of his room and entered. They pushed PC roughly and then beat him with lathis. He was hit with lathis along the entire left side of his body as he lay on his bed. He was also hit hard on his left temple with metal handcuffs; his head and parts of his body became bloodied from the resultant wound. He pointed out a deep scar on his temple to Human Rights Watch/Asia. The other students in the room were also badly injured. After beating up the students, the police left the room. They returned after half an hour to take him to the waiting police vans. He was "barely conscious and could not walk." He was carried down and laid on the ground in front of the Hall before being thrown into a police van; at that point he lost consciousness. He regained consciousness in a cell in Ramna Police Station. After about six hours he received medical attention. PC could not walk without help for several days and he suffered from throbbing headaches for at least a month. Through the intercession of a political leader, PC spent several weeks in the jail hospital at Dhaka Central Jail before his release on April 2, 1996. About his condition at present he told Human Rights Watch/Asia, "My brain is not okay, I cannot concentrate for any length of time."

BS and Others

BS, aged twenty-four, a final year master's student and general secretary of the BCL for Jagannath Hall, resides in the October Memorial Building of the Hall. On January 31 he was confined to bed with chicken pox. The police entered his room and dragged him from the bed and beat him with lathis on the back, sides and legs. He was shoved into a police van along with the other students and taken to Ramna Police Station. He spent over two weeks in the pox ward at Dhaka Central Jail, along with several other students who had contracted the disease in detention, until he was released on April 2, 1996.

BKD, a twenty-three-year-old Hindu student in his final year at Dhaka University, told Human Rights Watch that on January 31 he was in his room at about 1:00 p.m., in bed with a cold. Frightened by the noise of the police raid, he remained in his room until 3:00 p.m. when the police began kicking in his door and breaking the windows. One policeman fired through the door and window, and the bullet that went through the door hit BKD in the leg just above the ankle. The police then broke through the door and entered the room. The other students in the room told the police to take BKD to the hospital, and a police officer who arrived a few minutes later allowed the students to take BKD to the Dhaka Medical College. He had sustained a linear fracture; when Human Rights Watch/Asia interviewed him three months after the incident, he stated that the injury had slowed his walking and he continued to have some swelling.

RC, a twenty-three-year-old marketing student, told Human Rights Watch/Asia that he was in the canteen having lunch when he saw police firing tear gas on the campus. They entered the canteen, where about fifty students were eating, and searched them. The police struck RC on the back and accused him of being a member of the "Shanti Bhahini" — a tribal guerrilla group which has been fighting for the autonomy of the Chittagong Hill Tracts. After about five minutes, RC was taken with the others to the Ramna police station, where he was kicked by a policeman. He was released on February 6.

AKB told Human Rights Watch/Asia that he was sleeping in his room when the police began pounding on the door. When he opened the door, four policemen entered. They took his watch and cursed him, calling him *malauner*

bacha (son of an infidel) among other things. One policeman picked him up by his collar, beat him on his head and arms, and took him down to the police van. At the police station he was given first aid, but he continued to have pain for weeks after the incident. Human Rights Watch interviewed six other students who described events on January 31 along the same lines as the students whose testimony is given above.

Despite threats from BCL activists, Prime Minister Zia went to the campus on February 1 under tight security to open the book fair. According to newspaper reports, at least twenty-five students were injured in sporadic clashes between police and students. A series of handmade bombs were detonated and several rounds of bullets fired by opposition students during the prime minister's visit. Police lobbed tear gas shells and used wooden batons to disperse the student protestors. After the inauguration ceremony, the protests spread to several areas of Dhaka city where crowds damaged and set ablaze vehicles.

On February 4, rival student groups fought a campus gun battle precipitated by an attack by pro-government students on opposition students conducting a black-flag demonstration against police violence on the university campus. Both sides used automatic guns in the clash, which was diffused by police using tear gas and batons.

VI. FACTIONAL FIGHTING

Uttara Incident: March 2, 1996

On March 2, 1996 S.M. Khaliq, the BNP leader for Uttara district on the outskirts of Dhaka, was scheduled to address a rally in Uttara at 11 a.m.. Many of his supporters had come out into the streets to participate in the rally. Uttara area also has a large contingent of Awami League supporters and the two sides clashed with lathis and knives. Khaliq's approaching motorcade had to turn back because it was blocked by the crowd. His escort reportedly fired into the crowd injuring two people in the thigh and shin respectively.

About 1:30 a.m. that night about fifty policemen arrived in the area; according to eyewitnesses a group of local BNP activists (Babul Husain, Abul Husain and Khoka) directed the police to the houses of Awami League supporters, most of whom had already fled the area fearing a reprisal from the BNP-controlled police. One witness, K¹⁰, who was not in the area during the day's disturbances, told Human Rights Watch that the police knocked on his door shortly after 1:30 a.m and asked for his sons, who had gone into hiding. Only his youngest son, A, aged fourteen, was sleeping in the house. The police arrested A and put him in a police lock-up. He was finally released on March 6 and sent to stay with a relative. In view of the ongoing tension in the area between rival political groups, K also stayed away from home until March 20 (he was unable to be at his mother's bedside when she died on March 14). On March 21 K's house and attached electronics shop as well as four other houses in the neighborhood were ransacked and looted by BNP activists. K's wife, the only family member at home at the time, locked herself in one room when the attack occurred; the attackers tried to break the door of the room down but failed. K told Human Rights Watch, "The BNP people were able to do this because all the male supporters of the Awami League had left the area on account of the frequent police raids targeting them. They broke everything in my house: pots, pans, rice box, lights, furniture, fixtures, everything. They broke into my electronics shop and stole VCRs, VCPs, satellite receivers and other electrical devices. They broke the dish antenna set up at my house. The damage to my shop alone was about Tk.133,500 [about \$ 3,300]." His wife and neighbors identified the looters as Hanif Ali, Javed Ali, Sabid Ali, Abid Ali, Babul Husain, Abul Husain and Akther Husain. The police, citing pressure from "higher ups," refused to register the complaints of representatives of the five affected households. At the police's suggestion, the complainants reported the incident to a magistrate who forwarded the complaint to the local police station. The police then investigated the incident, but no one has been apprehended or charged in connection with it.

¹⁰ Names have been withheld for security reasons.

Tongi and Sherpur Incidents: February 26, 1996

Hundreds of anti-government demonstrators from the major opposition parties attempted to disrupt rail services at the important railway junction of Tongi in the suburbs of Dhaka on February 26, 1996. Demonstrators blocked rail tracks with boulders, broke or damaged certain segments of the tracks and tried to set a signal system on fire. Bomb- and stone-throwing protestors clashed with police and BDR troops called in to guard the junction, who responded with tear gas shells and rubber bullets. Eyewitnesses reported that the police also fired at the crowd with rifles, killing one demonstrator, Bangkusha, on the spot. A news photographer present at the time told Human Rights Watch that the shooting shocked both the police and the demonstrators: "Before the shooting, the demonstrators, including Bangkusha, were enjoying the melée and even the police were joking around. Afterwards the crowd dispersed quickly and the police also withdrew. I have pictures of a laughing Bangkusha in the middle of the fray and then a picture of his dead body."

Another two people were killed in the northern district of Sherpur when hundreds of opposition activists attacked the home of the local BNP leader, Habibur Rahman. Habibur Rahman's grandson Suman was brutally killed by the attackers. The leader of the attack, Abdul Rashid, also died in the incident.

Narayanganj Incidents

On June 5, 1995, Mohammad Afzal Husain, a local leader of the BCL, aged twenty-three, was stabbed and axed to death in the town of Narayanganj near the Bangladesh capital. Husain's father, Habibur Rahman, told Human Rights Watch that his son was a victim of the ongoing political clash between the BNP and the Awami League. He said that the suspects in his son's murder were local BNP activists Aizza, Bizza, Ratan, Sharifuddin and Sumon. The police conducted a limited investigation into the murder; Aizza was arrested but released on bail. According to news reports one other BCL leader, Mohammad Murad, also died in the attack and ten others were wounded.

At about 9:30 a.m. on March 8 some fifty or sixty Awami League supporters were picketing on the main road outside the Narayanganj Awami League office when twenty or twenty-five JCD militants armed with sawed-off rifles and revolvers approached and began shooting in the direction of the picketers. Two of the Awami League demonstrators were killed: Abul Kasim, a Sramik [Volunteer] League member in his early twenties was shot in the chest and died on the spot; George Mian, a Jubo League member aged about nineteen was shot in the back and died just after admittance to the local hospital. Most of the Awami League activists were able to escape through the back door of the office. One of the Awami League workers present during the incident told Human Rights Watch, "We did not have the chance to respond; we were caught unprepared because we were at the Awami League office and we cannot keep arms in our own office." A First Information Report (FIR)¹¹ about the attack was registered at the Narayanganj Police Station but to date no arrests have been made in connection with the case.

On February 27 a Jubo League member, Sayed Ahmed Mukhul, aged twenty-eight years, was killed in a late afternoon attack on the home of Shaheedullah, secretary general of the Awami League for Paikpara, near Narayanganj town. Mukhul's father is an influential Awami League organizer for the neighboring Fatullah area. Mukhul's father, Abdur Rasheed, told Human Rights Watch that for some time prior to Mukhul's death, the family had been harassed by mercenaries hired by a local BNP leader, Mohammad Ali. At 2:00 a.m. on February 22, BNP mercenaries had attempted to burn the family home; family members scared off the arsonists and controlled the fire but one of Abdur Rasheed's daughters sustained burns on her leg from the incident. On February 23, at 5:30 p.m., Mukhul's cousin, Habibur Rahman Ripon, was attacked and shot in the leg by the same band of mercenaries. Ripon himself supports the BNP, but the rest of his family play leadership roles in the local network of the Awami League. The family identified Suman, Farid and Aslam as the culprits in the attacks on Mukhul and Ripon. Suman was arrested and taken into custody in connection with both attacks; Farid and Aslam remain at large.

¹¹ A FIR is the first police record of a crime and the starting point of any investigation.

Shaheen Chawdhury, aged thirty, leader of the Siddirganj Jubo League, was shot to death on March 15 reportedly by a rival BNP faction led by Abol Kasim, in Siddirganj near Narayanganj town. Chawdhury's mother, Shaheena Begum, head of the local Mohila [Women's] Awami League, told Human Rights Watch that Shaheen was abducted from outside the family home at 6 a.m. that morning. His family rushed to Abol Kasim's house at 7:00 a.m. after they were alerted to the kidnapping by a neighbor. They found Shaheen and his armed assailants Abol Kasim, Pandu Mian, Jalal, Rahman and another Rahman, en route; Shaheen had been shot in the right eye and Abol Kasim and Pandu Mian were stabbing him on his chest and stomach. Shaheen's family members made immediate arrangements to take him to the Dhaka Medical College Hospital, but he died on the way. Although the police investigated the incident no one has been charged or arrested in the case.

Arson Attacks by Awami League Activists in Chittagong: February 28, 1996

On February 28, the day A.B.M. Mohiuddin Chowdhury, the powerful mayor of Chittagong, was arrested, mobs of Awami League activists attacked several major businesses in commercial districts of Chittagong. During the attacks, the Chittagong police did nothing to prevent the attacks even though there were clear indications that the mayor's supporters might respond to the arrest with violence. In the days before his arrest, Chowdhury had made inflammatory statements inciting his supporters to take extreme measures to paralyze the city. It was clear that his actions were endorsed by senior Awami League leaders. The police ignored appeals for assistance by employees of the businesses under attack, as did the fire brigade, in part out of fear of the armed mobs.

Attack on Biman Airlines

The offices of Biman Airlines, Bangladesh's national airline, suffered extensive damage at the hands of the opposition protestors. An employee of Biman told Human Rights Watch/Asia that the Awami League had called a *hartal* (general strike) earlier that day. As an essential service, the office had conducted a small amount of business during the hartal and had opened after 2:00 p.m. At 6:40 p.m., just after Biman staff had locked the front doors, the employee noticed that a huge mob was closing in on the building through the surrounding streets. At the time, several employees and a few customers remained in the building. People in the mob began throwing molotov cocktails and other handmade bombs at the building. The employee assisted the remaining staff and customers to flee out the back of the building. No one was injured.

The employee called the fire brigade and the police department, and was told, "We are taking measures—whatever is required." In fact, police who were normally stationed in the area had been withdrawn at about 3:00 p.m., shortly after the mayor was arrested. The employee also spoke with authorities in Dhaka, who similarly stated that they were taking action, although nothing at all was done to prevent the mob from destroying the building. The crowd, protected by gunmen, looted virtually everything movable from the building. When Human Rights Watch/Asia visited the site in April, the building's ground floor was stripped bare and littered with chunks of concrete and broken glass. According to the employee several computer monitors, thirty-four telephones, a modem, a ticket machine and a photocopier as well as other equipment and furniture had been looted. The walls and ceiling were scorched, all the windows were broken, and the hulks of burned cars surrounded the building.

The attack appeared to have been organized in advance as members of the crowd carried molotov cocktails and clearly arrived at the office with the intention of burning it. The building appeared to have been targeted because Biman is a government-run enterprise. Some in the crowd also shouted slogans accusing Biman of staying open during the strike.

Attack on the James Finlay Company

Employees at James Finlay PLC, a British-owned tea-processing, shipping and insurance company, told Human Rights Watch/Asia that at about 4:45 p.m. a large crowd assembled around the building and a small group of young men began throwing bricks through the windows. About sixty members of the staff were in the building at the time. They assembled on the first floor [one above ground level]. The group set twelve company cars on fire and then set ablaze the ground floor, where the offices of City Bank were located. When the Finlay employees attempted to leave,

the group of young men ordered them back inside the building. The building was equipped with fire escapes from the upper floors but the employees were unable to get them open, so they returned to the first floor. Seeing that the young men had left, they exited the building. The employees contacted the police, but received no response. The fire brigade did not arrive until seven hours later, long after the damage had been done. That damage was extensive: the ground floor was gutted and the first floor partially burned; equipment, including fax machines and computers, was looted from the bank offices on the ground floor. There were no serious injuries.

Several buildings in the Agrabad commercial area of Chittagong suffered similar damage, notably NIB House, where former BNP MP Amir Khasru Mahmood has an office. In other parts of the city several banks and shops were attacked, looted and gutted. Chittagong's newly-constructed railway station also came under attack.

VII. ATTACKS ON THE PRESS

In several incidents during the weeks before and after the February 15 election, journalists were assaulted, harassed or arrested either because of their suspected ties to the opposition, or because they were reporting on or photographing police firings and other abuses. We describe a few such incidents below.¹² To our knowledge there has been no official investigation into these cases, nor has any member of the police been punished for attacks on the press.

Rajshahi Incident

On February 10, 1996, a planned election meeting at Madrasah Math in Rajshahi district to be led by then Prime Minister Khaleda Zia prompted the combined opposition to call for a general strike that day and resist Zia's visit to the area. According to eyewitnesses, police and picketing opposition activists were present at the meeting site from early that morning, several hours before the scheduled meeting time. The latter were menacing supporters of the prime minister by throwing "cocktails" —crude, hand-made grenades made of gunpowder, ground glass and shrapnel — and pelting stones. After noon, tensions between the opposition activists and the police escalated, and the police increasingly came under attack by the crowd. The police lobbed tear gas shells as a few people in the crowd opened fire toward the police with sawed-off rifles. The police also fired sporadically in the general direction of the activists. One of the opposition activists hurled a handmade bomb at the police; shrapnel from the bomb blew off part of a policeman's head. The policeman was rushed to hospital but succumbed to his injuries. Eyewitnesses attributed this attack to members of Islami Chhatra Shibir, the student wing of the Jamaat-e-Islami. A small number of policemen were injured in separate attacks. Eyewitnesses described the atmosphere as extremely tense. One said, "The police were terrified. They did not know where the next attack would come from."

The opposition activists retreated when about seventy or eighty BDR paramilitary troops led by Major Abdul Bari arrived at the site. On the assumption that the opposition activists had taken refuge nearby, the BDR personnel stormed houses and buildings in the neighborhood, indiscriminately beating residents, including children. One eyewitness told Human Rights Watch/Asia:

From one house a ten-year-old boy was dragged out by a BDR soldier and beaten mercilessly with the butt of a rifle. The boy's mother came to rescue him, but Major Bari's bodyguard put the barrel of his sub-machine gun on her arm and, using foul language, warned her that if she did not stay away he would shoot.

The boy was forced inside a BDR vehicle. Three photojournalists — YKJ, TR and SI — attempting to take photographs of his weeping mother and sister were severely beaten by BDR personnel.

¹² For security reasons only journalists' initials are used.

YKJ, Photojournalist, Janakantha

As YKJ, a photojournalist for the Dhaka-based daily newspaper *Janakantha*, attempted to take a picture of the detained boy's mother and sister, Major Bari threatened him. YKJ refrained from taking the picture and requested that he be allowed to leave. YKJ told Human Rights Watch/Asia:

Major Bari punched me directly on the mouth, causing my gums and lips to bleed. I again requested that I be let go. Major Bari then punched me several times on the mouth splitting my gums and breaking four of my front teeth. Other BDR personnel came up; they grabbed and smashed one of my cameras.

When YKJ resisted their attempts to take his other camera, the BDR troops began kicking him on his back and legs and beating his upper body with the butts of their rifles while threatening to shoot him. Later he discovered that both his wrist and elbow had been fractured in the encounter. Major Bari himself then took YKJ's remaining camera. The police arrived on the scene at this point. An assistant police commissioner helped Joy to his feet and prepared the way for him to leave the area. As he fled YKJ was again surrounded by BDR personnel who kicked and beat him severely with their rifle butts; they smashed his glasses and took his watch, zoom lens and other photographic equipment, camera jackets, wallet and organizer. When YKJ was finally able to escape, he saw a separate group of BDR personnel brutally beating another photojournalist, SI of the daily *Banglarbani*; he saw them smash one of SI's cameras and confiscate the other. After emergency medical treatment in Rajshahi, YKJ spent twenty-six days in a Dhaka hospital recovering from his injuries. Despite dental treatment, he can no longer eat anything hard or brittle.

TR, Photojournalist, Independent

TR managed to take photographs of the detained boy's mother and sister. When he saw Major Bari of the BDR assault YKJ, he quickly offered his own camera to the major out of fear. Junior BDR personnel took the camera from him and smashed it in the street. Then, on Major Bari's orders, five or six of them started punching and beating TR with the butts of their rifles. When the BDR personnel turned to beat the third photojournalist, SI, TR attempted to escape. He was chased by two BDR soldiers who beat him further, cursed him, and threatened to shoot him. He was eventually let go after the intervention of a BDR officer who was a passing acquaintance. TR told Human Rights Watch/Asia that his fellow photojournalist SI was very badly beaten; his injuries, however, were not as serious as YKJ's.

Feni Incident

Following an election meeting attended by Prime Minister Khaleda Zia on February 7, 1996 at Mahipal in Feni district, at approximately 11:30 a.m., a procession of about fifty activists of the Bangladesh Chhatra League entered the meeting enclosure carrying black flags and armed with bricks and cocktails. When the opposition activists attempted to disrupt the meeting by chanting slogans, a fight broke out between them and Jatyabadi Chhatra Dal members in the audience, who were also armed with hockey sticks and cocktails. One of the Chhatra League processionists was injured in the clash and had to be carried away by BDR personnel. After several minutes the Chhatra Leaguers detonated five cocktail bombs and left the arena. Eyewitnesses reported that the prime minister restrained the police and her supporters from retaliating at the time.

Eight newsmen were injured in the incident: HRH of *Ajker Kagoj*, SI and HA of *Banglar Bani*, MA of *Ittefaq*, MAM of *Janakantha*, MHN of *Sangbad*, DA of *The Daily Life*, MK of *Karnaphuli*.

MAM, Photojournalist, Janakantha

A photojournalist with the pro-Awami League daily *Ajker Kagoj*, HRH, took pictures of members of the Jatiyabadi Chhatra Dal clearing away black flags left behind by the Chhatra League activists. The Chhatra Dal members accused HRH of photographing them while deliberately refraining from catching on film the disruption caused by the Chhatra Leaguers. When MAM intervened to rescue HRH from the Chhatra Dal activists who were beating him, the latter turned on MAM, punching him in the nose and attacking him with lathis. Eventually both MAM

and HRH were saved by BDR personnel who made a protective human wall around them until the Chhatra Dal activists dispersed.

HRH, Photojournalist, Ajker Kagoj

In addition to being beaten by Jatybadi Chhatra Dal members at the Feni meeting site, the following day HRH was more severely beaten at the hands of the police. HRH was taking photographs of a clash between violent Awami League supporters and the police who were seeking to contain them when Additional Superintendent of Police (ASP) Ghaffoor of Feni police station threatened to shoot him for taking pictures and grabbed HRH's camera. Other policemen beat HRH with their lathis on his head and all over his body. After sustaining a deep wound on his head, HRH was taken to Feni City (Saddar) Police Station and locked up for the night. Although he was in great pain and bleeding from the head wound, he received no medical attention for several hours. Eventually he was taken to hospital where he received three stitches on the head; he was then brought back to the police station lock-up and was not released until the next evening after the intercession of his colleagues. Upon his return to Dhaka, HRH was hospitalized for seven days for a number of infected wounds. He still suffers from pain in his head. The police never returned his camera and obstructed his efforts to register a complaint about it with at the Feni police station.

MHN, Photojournalist, Sangbad

MHN was attacked by supporters of Khaleda Zia when he took pictures of the clash between them and the Chhatra League demonstrators. They tried to get his camera, but he resisted. He was beaten with hockey sticks and kicked on the back; when he was threatened with a big sickle-shaped knife (*ramdao*) he was protected by the BDR patrol guarding the meeting site. MHN saw pro-Zia activists attack HRH, MAM and one other journalist.

Ajker Kagoj Newspaper

Ajker Kagoj is a pro-Awami League Dhaka-based daily newspaper. The newspaper's editor told Human Rights Watch that *Ajker Kagoj* had suffered various forms of harassment from the BNP government since 1992, such as the withholding of government advertising, reductions in its newsprint quotas, and the filing of numerous libel suits against it.

On February 29, about 1:30 a.m. about one hundred policemen surrounded the family home of Kazi Shahid Ahmed, editor of the *Ajker Kagoj*, as well as the adjacent block. Using a locksmith to open up the locked gates of the house, the police roughed up the private security guard and entered the home. They told the editor's son, Kazi Nabil Ahmed, that they had a warrant for his father's arrest. They searched the house and interrogated Nabil Ahmed about the whereabouts of his father and details about various family members. Plainclothes policemen watched the house for several days following the incident. Kazi Shahid Ahmed remained in hiding from February 29 until March 31 when the BNP government handed over power to the caretaker authority.

Ajker Kagoj staff told Human Rights Watch/Asia that the newspaper's office was attacked by unidentified assailants on April 14, 1995. Some seven masked men entered the office premises, pointed guns at the security guards, smashed up a car parked in the compound, shot at the building, broke windows and damaged a bust of Sheikh Mujib located at the building entrance.

SBK, Chief Reporter, Ajker Kagoj

On February 29, 1996, at 1:00 a.m., police, with guns drawn, surrounded the newspaper's office in the Dhanmondi area of Dhaka. The police entered the newsroom, showed an arrest warrant and arrested SBK, the paper's chief reporter. The police also told SBK that they had an arrest warrant for his editor, Kazi Shahid Ahmed.

SBK spent the night in a bare and dirty cell at a police station and was taken to the Special Magistrate Court the next day at 2:30 p.m.. The magistrate has no authority to grant bail, and SBK could not go before a judge since the courts were closed for the weekly Friday holiday. At 7:30 p.m. SBK was shifted to Dhaka Central Jail, to a fetid, windowless and mosquito-infested cell with no light source, a bare dirt floor to sleep on, and a hole in the ground for a toilet. During the night, apparently as the result of some form of deliberate pressure, the toilet hole spewed excrement and sewage all over SBK's cell. He spent the night crouched in a cramped space in the cell that was relatively

unaffected, but the stench was overpowering. The following day he was moved to a dingy and foul neighboring cell where he was interrogated by intelligence officials who wanted to know where to find his editor. He remained in the cell for a week after he was refused bail by the sessions court.¹³ On March 11 he was finally moved to a cell of the division allotted to political prisoners — a comfortable cell with a bed, mosquito-netting and an attached bathroom. When the non-cooperation movement ended on March 31, he got a court order for his release; he was released on bail the following day.

MA, Photographer, Ajker Kagoj

On March 19, at approximately 5:00 p.m., MA was covering a march on parliament organized by the major opposition parties when a confrontation developed between the processionists and the police; the police were trying to obstruct the procession and started beating the public with lathis. The police stopped MA from taking photographs and attacked him with lathis; he was hit on his head and upper body. Some colleagues took him to hospital where he stayed overnight and received stitches for a cut on the head. He recovered fully.

Chittagong Incidents

PR, Photojournalist, Janakantha and Associated Press

After the mayor of Chittagong, an Awami League leader, was arrested on February 28, 1996, his supporters went on a rampage ransacking, gutting and looting a number of shops and offices all over the city. PR, a photojournalist with the Dhaka-based daily, *Janakantha* and the Associated Press, was at the New Market area of the city at about 10:00 a.m. as an Awami League rally filled the streets to protest the mayor's arrest. Police contingents were also present trying to control and disperse the violent and angry mob. PR saw police and BDR personnel shoot into the crowd from three or four police and BDR jeeps that drove by New Market on two occasions; two people were shot and killed. PR took photographs of the bloodied bodies. Police and BDR personnel stationed adjacent to the nearby Chittagong railway station also exchanged fire with armed youths in the crowd. There were no more than ten or fifteen casualties from the cross-fire because the two groups were at considerable distance from each other. PR told Human Rights Watch/Asia:

Initially I lay prostrate in the street to avoid the flying bullets but as soon as I got a chance I ran towards the police holding up my cameras to show that I was a news photographer. A policeman placed the barrel of his gun on my chest while his fellow policemen encouraged him to shoot, since I had taken photographs of the police firing at the crowd. A policeman took one of my cameras and smashed it on the ground — an officer intervened to save my other one. Policemen kicked me on my legs several times before detaining me in the railway station veranda. They emphatically warned me not to touch my remaining camera. The Awami League supporters attacked the railway station by firing and hurling cocktails from the direction of New Market. However, there was no real damage because of the distance between the mob and the railway station. After two hours or so the crowd dispersed, and I was released.

Inqilab Office

¹³ He was unable to appeal to the High Court: the non-cooperation movement began on March 9, 1996 and effectively closed the court for the next three weeks.

H described what happened at the offices of the newspaper *Inqilab* following the arrest on February 28 of the mayor of Chittagong, an Awami League leader.¹⁴ *Inqilab*, a daily newspaper that supports the Jamaat-e-Islami party, has a circulation of 250,000, one of the largest in the country. On March 2, at about 8:00 p.m., about twenty to thirty BNP activists carrying containers of kerosene and guns arrived at the office and asked for H. When told that he was not in, they shouted at his colleagues to tell them where he was and threatened to kill him. The mob complained that *Inqilab* had made too much of the mayor's arrest. Hearing the noise, H hid in the office washroom. After about half an hour, the men left but told H's colleagues that they would return.

About three weeks later, one evening at about 9:00 p.m., ten to fifteen men carrying guns assembled across the street from the office and fired at the building. A few days later, a second mob came to the office. H was not in the office at the time. Members of a BNP procession which passed the office threw stones at the building, breaking the glass in many of the windows along that side of the building. Four or five members of the procession tried to force open the office gate and shouted that H should be killed. On March 27 or 28, stones were again thrown at the office.

After the first incident, H. telephoned the metropolitan police, who told him that they were "helpless" to do anything.

RC, Photojournalist, Purbakone

On February 15, RC, a senior photographer with the Chittagong-based daily *Purbakone*, was assaulted by police after he took a photograph of BNP activists stamping voting papers and stuffing them into ballot boxes at the Collegiate School polling station in Chittagong in the presence of the police. He told Human Rights Watch/Asia:

A police officer stopped me and asked, "What are you doing?" Then he pulled me into the road and I was surrounded by police and BDR who beat me with their rifle butts on my chest and shoulders. They pulled the film out of my camera and threw it to the ground. They cursed me and told me never to take photographs again.

RC identified an assistant commissioner, Motiur Rahman, and a sergeant of the Double Muring police station, among the police beating him. After a short time, other journalists intervened and stopped the assault.

SHR, Photojournalist, Purbakone

SHR, *Purbakone's* chief correspondent and photographer in Rangamati, told Human Rights Watch/Asia that on February 15 he was covering the Kathaltoli polling station in the center of Rangamati when activists of the BNP Jubo Dal armed with lathis and *kirich* [long knives] gathered outside the station as an Awami League procession approached the site. The Awami League activists threw a molotov cocktail at the BNP group, which landed some distance in front of the station. No one was injured. As the BNP activists rushed toward the Awami League group to retaliate and the opposition group fled, SHR took a photograph. He was quickly surrounded by members of the BNP group, who beat him on his legs, back and arms, and stole his wallet and camera. After about ten minutes, a senior leader of the Jubo Dal recognized and rescued him. SHR was treated at a local hospital and released, but it took him one month to fully recover. After he filed a charges against the Jubo Dal members, he was threatened by the Jubo Dal and Chhatra Dal leaders that he had named to drop the case. The police did not begin their investigation into the charges until April, and at the time Human Rights Watch/Asia interviewed SHR, no arrests had been made.

VIII. CONCLUSION

The two-year political impasse between the opposition alliance led by the Awami League and the BNP government plunged Bangladesh into a genuine law and order crisis and economic breakdown during the first three months of 1996. Although the government responded to the concrete threats to internal security by deploying the police and paramilitary and, in some instances the army, it failed to control or punish its own supporters who contributed to the prevailing lawlessness by engaging in violent clashes with their political opponents, attacking rival

¹⁴ For details of the arrest see page 16.

parties' offices and assaulting and intimidating journalists. Similarly the government did not make a serious effort to ensure that state law enforcement bodies used proportionate force, or targeted only actual offenders of the law, or dealt impartially with all offenders regardless of their political affiliation. Consequently state security personnel routinely used excessive and indiscriminate force in raids and in clashes with the opposition's armed militants and unarmed demonstrators, exacerbating the violence and volatility reigning in the country's major cities. Law enforcement personnel, who in many instances did not dispel the threat posed to citizens by opposition militants, further violated their mandate by beating up and harassing journalists and news photographers who covered the near-daily confrontations. In addition, although the police attempted to counter opposition militants, they routinely failed to control BNP activists openly clashing with their political rivals. Abusive members of the security forces were not, in general, prosecuted or punished for illegal actions or dereliction of duty.

The opposition, for its part, effectively authorized its militant cadres to resort to violence and intimidation in enforcing numerous calls for general strikes that paralyzed the country's commercial centers for days at a time. Furthermore, in bringing its anti-government campaign into the streets, the opposition set the stage for acts of murder and assault, sieges of government buildings, disruptions of all modes of transport, destruction of vehicles and attacks and looting of offices and shops in several cities and towns. Throughout the agitation, leaders of opposition parties demonstrated an utter disregard for public safety. No efforts were made to ensure that organized mobs and party cadres confined their protests and demonstrations to the limits of the law, nor to discipline supporters guilty of criminal acts.

All political parties should take concrete steps to ensure that renewed violence does not jeopardize Bangladesh's return to democratic governance following the June 12 election. The international community should also press the main contenders for power to disarm their militant cadres and be prepared, if elected to office, to fully investigate all reports of violence and abuse and punish those responsible as required by law.

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Human Rights Watch/Asia

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