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Bangladesh: Fair trials needed to ensure justice for victims of mutiny

The Bangladesh government must ensure justice for the victims of the February 2009 BDR mutiny by ensuring that all suspects receive a fair trial, Amnesty International said in a report released today.

Looking for Justice: Mutineers on trial in Bangladesh carries testimony from family members of the Bangladesh Rifles (BDR) accused of participating in the mutiny. These reports suggest that scores, possibly hundreds of BDR personnel had suffered torture, for possible involvement in the mutiny. Nearly all were denied the opportunity to seek the assistance of a lawyer for weeks or months.

Amnesty International condemns the unlawful killings, hostage taking and other human rights abuses committed during the mutiny and calls for the perpetrators to be brought to justice. The government of Bangladesh has an opportunity to reinforce trust in the rule of law by ensuring the civilian courts, which will be trying the accused, deliver justice.

“The mutiny was brutal and led to the killing of civilians, and army officers who died in horrific circumstances. It’s vital that the government of Bangladesh brings the perpetrators of these crimes to justice in a manner that is compatible with international law,” said Abbas Faiz, Amnesty International’s Bangladesh Researcher.

Following the mutiny, thousands of BDR personnel were confined to barracks and denied all contact with the outside world. Reports soon emerged as family members began to meet the detainees, alleging that scores, possibly hundreds of BDR personnel had suffered human rights violations, including torture, for possible involvement in the mutiny.

“Looking for justice” documents the methods of torture used including depriving suspects of sleep over a number of days, subjecting suspects to beatings and the use of pliers to crush testicles, inserting needles under suspect’s nails and administering electric shocks.

“The reports of torture that Amnesty International has received are consistent with the previously documented torture and ill treatment of detainees in Bangladesh. It’s not good enough for the authorities to deny that torture isn’t taking place. There needs to be greater accountability on this issue.” said Abbas Faiz.

At least 20 BDR personnel died in custody between 9 March and 6 May 2009 alone. BDR sources claimed that four of them committed suicide, seven died of heart attacks and another nine died from diseases. By 10 October 2009, the total number of BDR Personnel who have died in custody has risen to 48.

Amnesty International welcomes the Supreme Court's clarification that army courts martial have no jurisdiction to try BDR personnel accused of mass killings and other criminal offences during the February 2009 mutiny.

The government must also reconsider its decision to use Speedy Trial Tribunal because the time limit these courts impose for the completion of the trial may lead to a miscarriage of justice.

Amnesty International urges the government of Bangladesh to ensure that:

- Those suspected of committing crimes must be brought to justice under internationally recognized fair trial standards which include the right to family visits and access to lawyers.
- All allegations of torture must be investigated and the perpetrators brought to justice in fair trials. Amnesty International opposes the death penalty in all cases, regardless of the nature of the crime, and urges the Bangladeshi authorities not to seek the death penalty.
- the government must examine the capacity of the judicial system and if necessary seek assistance from relevant international bodies, to ensure that the criminal justice system has the competencies and resources – and the judges have the necessary training to conduct the trials of such a large number of BDR defendants in accordance with the international standards of fair trial.
- Bangladesh should ratify the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and designate or establish National Preventive Mechanisms in accordance with the Protocol.

Background

Large-scale mutiny at the Bangladesh Rifles (BDR) headquarters in Dhaka on 25 February 2009 brought fears of an emerging BDR coup and a possible violent counter offensive by the army. The mutineers killed at least 74 people, including six civilians (three women and three men) and 57 army officers seconded to work as BDR commanders, one army soldier, and nine Jawans (lowest BDR rank). Thousands of BDR personnel accused of these killings are now in detention awaiting trial.