



House of Lords

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25 August 2007

PRESS STATEMENT

Statement by Lord Avebury, Chair of the Bangladesh International Foundation & Vice Chair of UK Parliamentary Human Rights Group

The current Bangladesh government should enter into a dialogue with the parties, student leaders and lawyers, on restoring civil rights and the independence of the courts

We repeat the call made five months ago by the Commonwealth Secretary General to the Government of the People's Republic of Bangladesh to lift the state of emergency and restore basic human and political rights to all citizens.

Since then, there has been significant erosion of popular support. The recent outbreak of protests and violence indicates the volatility and uncertainty of a situation in which the government and their military backers are pitted against large sections of civil society and the political parties. The indefinite curfew may have produced a temporary lull, but over the medium term may serve to fuel the resentment of the students and their supporters.

Similarly, the selective use of the ban on political activities against critics of the government is now a main cause of discontent, and makes it impossible for the political leaders who wish to see the holding of free and fair local government and national elections in accordance with the Electoral Commission roadmap, to play a constructive role in the restoration of democracy and the rule of law.

The recent arrest without a warrant of Sheikh Hasina, former Prime Minister and the President of the Awami League, is the most blatant example of how the use of the Emergency Power Rules to illegally detain and harass its opponents of the government.

When the High Court ruled that Sheikh Hasina's arrest and detention on charges of extortion were illegal; that her charges could not be tried under the Emergency Powers, and granted her bail, the government pre-empted the court's decision by arresting her on a further charge of extortion so that she continued to be detained.

The High Court ruled that the use of the Emergency Power Rules in the second case,



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and the continued detention, were both illegal as well. Meanwhile, the government had appealed against the High Court's decision in the first case to the Supreme Court. The second hearing on this appeal was held on August 16 and a third hearing has been set for tomorrow, August 26, while Sheikh Hasina continues to be in detention.

Pressurising the judiciary and misuse of the appeals process the government ensures that for the time being, Sheikh Hasina is silenced, and the same tactics have been used against other critics.

A person convicted in the lower courts is barred from standing as a candidate or political office under the Emergency Power Rules, contrary to the constitution which provides that such a bar does not come into effect until the rights of appeal have been exhausted and the conviction upheld. This means that cases can be rushed through the lower courts to ensure that an opponent of the government will be unable to compete in either the local elections scheduled for January 2008, or the general election to be held by the end of next year.

It is alleged that the evidence against Sheikh Hasina consists only of testimonies extracted through the use of torture. Human Rights Watch report cited the claim by Tasneem Khalil, a journalist and human rights activist who was often critical of the present government, to have been tortured, and they assert that arbitrary arrest and detention and torture are a significant problem in Bangladesh today.

We accept that previous governments of Bangladesh have been riddled with corruption and we applaud the caretaker government's determination not only to bring the criminals who became millionaires at the expense of the people to justice, but to reform the political system so as to make it as hard as possible for crooks to exploit the offices of the state in future. We believe it is not too late for this to be achieved by the government in cooperation with straight politicians and civil society, but as a prerequisite we suggest that the government review the evidence in the cases against Sheikh Hasina and others, and enter into a dialogue with the parties, student leaders and lawyers, on restoring civil rights and the independence of the courts.

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