

June 8, 2010

Amar Desh Acting Editor Mahmudur Rahman Taken into 12 days remand

On 07 June 2010, Mahmudur Rahman, Acting Editor of the Bengali Daily Amar Desh was placed under four days remand by two Metropolitan Magistrates in two separate cases. A three-day remand was given in the Tejgaon Police Station Case No 2(6)2010 dated 02.06.2010 and a one-day remand was granted in the Kotwali Police Station Case No. 5(6)2010 dated 02.06.2010.

In the meantime he has also been implicated in two more cases, which are an Uttara Model Police Station Case No. 43 dated 19.04.2010 under Section 6(1) of the Anti Terrorism Act 2009 and also in a sedation case at the Airport Police Station No.21(6)2010 dated 07.06.2010 under sections 121A,124A and 114 of the Penal Code.

Today, 08 June 2010, the Metropolitan Magistrate Ismail Hossain of Court No. 7 placed Mahmudur Rahman under a four- day remand in the Anti Terrorism Case at Uttara Model Police Station and under another four day remand in the sedation case lodged at the Airport Police Station. Thus, he will be taken into remand for a total of 12 days.

Mahmudur Rahman was arrested on 02 June 2010 from his newspaper office, at around 4:00 am. Two cases were filed against him on that date - case No 1 (6) 2010 under sections 419, 420, 500 of the Penal Code under the Tejgaon Industrial Area Police Station and case No 2 (6)2101 under sections 143, 342, 332, 353, 186, 506, 114 of the Penal Code under the same police station. On 06 June a third case was filed against him, being case No. 5 (6) 2010 at the Kotwali Police Station. He was charged for obstructing government officials from carrying out their functions - while he was already in custody.

Given the propensity for torture in remand, in the 2003 case of BLAST Vs. Bangladesh, several recommendations were made by the High Court regarding the interrogation of arrested persons, including the fact that their lawyer or a relative must be present and that they must be questioned in a glass room in full view. Unfortunately, such measures are yet to be taken by police and arrestees and suspects are still mistreated and tortured in remand. In Bangladesh, 'remand' is synonymous with 'torture'. Odhikar has repeatedly maintained that placing arrestees under remand is a violation of the Supreme Court decision given in BLAST Vs. Bangladesh. In remand arrestees are tortured for extracting confessions, and even though such confessions legally have no validity in the court, it is common for Magistrates to allow such statements.

Article 35(5) of the Constitution of Bangladesh states, "No person shall be subject to torture or cruel, inhuman or degrading punishment or treatment". On October 5, 1998, Bangladesh has also ratified the UN Convention against Torture. Bangladesh has also been elected to the UN Human Rights Council twice, in 2006 and 2009. The present government has also made repeated statements in national and international forums, that it will have 'zero tolerance' against torture.

Odhikar urges the human rights defenders to write to remind the Government of Bangladesh to deal with the cases against Mahmudur Rahman, Acting Editor of Amar Desh, only in accordance with the prevalent laws and the guarantees enshrined in the Constitution and in the International Instruments. Please also remind the Government of Bangladesh that Article 35 (3) of the Constitution states that 'every person

accused of a criminal offence shall have the right to a speedy and public trial by an independent and impartial court or tribunal established by law' and thus Mahmudur Rahman is entitled to a fair trial and must be given one. As a State Party to the Convention against Torture, Bangladesh must also adhere to treaty obligations.

Please send your appeals to:

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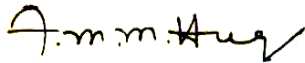
Advocate Sahara Khatun

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Barrister Shafiq Ahmed

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Signed:



Farhad Mazhar
Advisor, Odhikar



Adilur Rahman Khan
Secretary, Odhikar