



1 September 2008

MONTHLY HUMAN RIGHTS MONITORING REPORT

IGP's statement is threat to rule of law Phone tapping violates human rights

Odhikar's report on the human rights status in August 2008 reveals a dark picture. Instead of improving, human rights situations in some key areas have markedly deteriorated. The report is based on Odhikar's monitoring of the state of human rights and information received from its nationwide network of human rights defenders and various other sources. Monitoring human rights is part of its commitment to uphold civil, political, social, economic and cultural rights of the people.

- **End extra-judicial killings:**

Odhikar condemns the reported statement of the Inspector General of Police Mr. Nur Mohammad on 27 August, he was reported saying: "We will not give the Shorbohara people any chance to surrender to the law enforcers. We will pull out their roots so that they cannot reorganise themselves" in a meeting recently in Rajshahi. His statement that so-called Shorboharas would not be given chance to surrender to law is a direct threat to rule of law, which mandates that all persons be treated in accordance with law. It violates Article 27 of the Constitution, that guarantees equal protection of law to all citizens. It is shocking that the highest police officer of the country could make such a statement to undermine law.

Equal protection of law applies to all citizens regardless of their alleged crimes. As chief law enforcement officer, the IGP has to ensure that crimes and criminals are all treated only in accordance with law. In total, according to documents compiled by Odhikar, 12 persons were extra judicially killed.

Odhikar is deeply alarmed that despite national and international concerns, extra-judicial killings are being carried out with impunity. Odhikar demands that such killings must be stopped immediately and that the Government set up an Independent Authority to receive and deal with complaints against security forces.

Extrajudicial killings statistics

Between 1 and 31 August 2008, a total of 12 people were allegedly killed by law enforcement agencies, among them 4 persons were reportedly killed in custody. It was reported that Rapid Action Battalion (RAB) killed 3 persons; while Police killed 6, RAB-Police jointly killed 1 and Coast guard killed 2.

In addition, one alleged extortionist fell ill and died in hospital just after the day of his arrest. He was arrested by RAB and handed over to police and police sent him to the hospital where he died.

Circumstances of deaths

Odhikar also recorded the circumstances under which these persons were killed extra-judicially. All 12 were killed in "crossfire/ encounter/ gunfight/ shootout".

Political allegiance of the victims

According to reports, political affiliations of some of the victims of extra-judicial killings were as follows: 4 were leaders of Purbo Banglar Communist Party (M.L. Red Flag).

Other characteristics of the victims

One alleged gangster of Emon group and another an alleged gangster of Amal Bahini, two were pirates of Motaleb Bahini and four were alleged to be dacoits.

- **Telephone tapping contravenes constitutional rights:**

Odhikar is deeply worried about Government's decision to monitor and coordinate the tapping of telephone calls through a national monitoring centre under the Home Ministry. The monitoring centre will reportedly be made up of representatives from the law enforcement and intelligence agencies and a brigadier general of the Directorate General of Forces Intelligence (DGFI) will head the centre. The previous political government led by BNP on February 16, 2006 amended the Telecommunication Act 2001 using 'national security' a pretext and made it easier for the law enforcement agencies to monitor and record conversations and communications including emails.

The latest decision and the amendment violates Article 43 (b) of the Constitution that guarantees a person's right to the privacy of his correspondence and other means of communications. The amendment was challenged by Odhikar and the Editor of the Daily New Age on May 15, 2006, which is still pending in High Court for decision. Odhikar firmly believes that the amendment and the latest decision are unconstitutional and therefore illegal and contravene rights guaranteed under the Constitution and international law. Odhikar demands the Government rescind its decision and refrain from denying fundamental rights to all citizens.

- **India Bangladesh border violence:**

Despite of having a number of dialogues and conferences between the Bangladesh Rifles (BDR) and Indian Border Security Force (BSF) and expressing serious concern and appeal to the Indian Government, BSF has continued killing of Bangladeshi nationals in the border areas. Odhikar is deeply alarmed at the aggressive attitude of BSF towards Bangladeshi nationals.

Between 1 and 31 August a total of 5 persons were killed by BSF, 1 was injured, while 4 were reported abducted.

- **Freedom of Expression:**

In August, 5 incidents of human rights violation against journalists were recorded. In these incidents, 3 journalists were reportedly injured, 2 were sued.

- **Rape:**

According to Odhikar records, in August, 41 women and girls became victims of rape, out of which 18 were gang raped. Amongst those victims, 15 were adults and 26 were girls¹. Out of these 15 women, 3 were reportedly killed after being raped and 9 became victims of gang rape. On the other hand, of the 26 girls, 3 were reportedly raped and then killed, while 9 became victims of gang rape. During this period one woman was raped by a police officer at Savar, Dhaka.

- **Acid Violence:**

Acid throwing is a dreadful and gruesome form of violence in Bangladesh. The number of incidents of acid violence was still relatively high in the month of August. In August 15 people became the victims of acid attacks. Among them 5 were women, 6 men and 4 children (3 girls and 1 boy).

- **Dowry Violence**

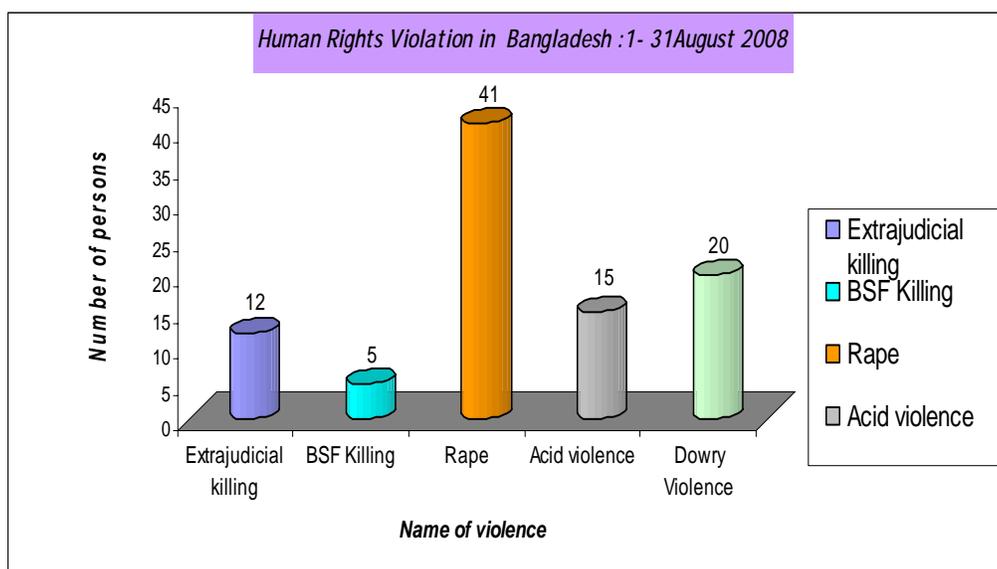
Another serious form of violence against women occurs due to dowry² demands. Between 1 and 31 August, a total of 20 women became victims of dowry demands. Due to dowry related violence, a total of 14 women were reported killed and 6 were tortured.

1 As per the **Children's Act 1974**, an adult is a person above the age of 16 years.

2. **The Dowry Prohibition Act 1980** enacted for prohibits dowry and makes provision that giving or taking/demanding of dowry is an offence punishable with imprisonment and/or fine.

Statistics of Human Rights violations August 08

Name of the violation	Number of violence
Extrajudicial killing	12
BSF Killing	5
Rape	41
Acid violence	15
Dowry Violence	20



Odhikar Recommendations

- Odhikar condemns the statement made by the Inspector General of Police on not offering protection of law to so-called Shorboharas and demands its retraction as it undermines establishment of rule of law.
- The Government must immediately bring an end to the practice of extra-judicial killings and impunity enjoyed by those involved in decisions of extrajudicial killings. All such killings, including those carried out in this month, must be thoroughly investigated and those found responsible must be brought to justice.
- Odhikar demands setting up an independent authority to investigate complaints against members of security forces. The authority should be a civilian authority with powers to entertain complaints, investigation and ordering of appropriate awards including recommending criminal actions, payments of compensation and reparations to victims of security forces.
- The Government should take immediate and effective initiatives to stop the killing, injuring and abduction of Bangladeshi citizens by the Indian Border Security Force (BSF).
- The perpetrators of rape, acid and dowry violence must be brought before the law for punishment. Victims of gender violence must be ensured of necessary support, compensation and reparation. Odhikar demands the setting up of a fund specifically for victims of gender violence and law for the protection of victim/witness.

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Notes:

1. Odhikar seeks to uphold the civil, political, economic, social and cultural rights of the people.
2. Odhikar documents and records violations of human rights and receives information from its network of human rights defenders and monitors media reports in twelve national daily newspapers.
3. Odhikar conducts detailed fact-finding investigations into some of the most significant violations.
4. Odhikar is consistent in its human rights reporting and is committed to remain so.