



01 February, 2009

## MONTHLY HUMAN RIGHTS MONITORING REPORT ON BANGLADESH

Dates covered: 01-31 January 2009

Post Election Violence Continues

Extrajudicial Killings Go On

Border Violence Remains

Odhikar, a human rights organisation, is committed to uphold the civil, political, economic, social and cultural rights of the people and as part of its commitment, monitors the human rights situation in Bangladesh. Odhikar presents below a report on the state of human rights during 01-31 January, 2009.

Bangladesh has returned to the elected system through the 9<sup>th</sup> Parliamentary Elections held on 29 December 2008. The Military backed 'Caretaker' regime handed power over to the new government, led by Sheikh Hasina, on 06 January 2009. People of Bangladesh expect that the electoral mandate declared by Sheikh Hasina and her Grand Alliance will be kept and their commitment for the promotion of human rights will be upheld without any deviation whatsoever.

### Post Parliament Election Violence Continues

According to Odhikar's documentation, 17 persons were reportedly killed and over 500 persons were injured in post-election violence in different places across the country this year, which is a continuation of the violence that commenced after the 9th Parliamentary Elections on 29 December 2008. In most cases, activists and supporters of the Awami League (AL) led Grand Alliance, and the Bangladesh Nationalist Party (BNP) led Four-Party Alliance were found to be involved in such clashes. In many districts, AL activists attacked the houses and shops of the BNP and Jamaat-e-Islami supporters and vandalised their property. This section of the report reflects the incidents of post-election violence that took place during the reporting period.

#### Type of violence

- a. **Killed-Injured:** 17 persons (9 from BNP and 8 from AL) were reportedly killed and over 500 persons were injured due to retaliatory attacks by the supporters of the Four Party Alliance and Grand Alliance and, in particular, Awami League and BNP. From the BNP side, the deceased were Samsul Haque (Polling agent), Sohel, Nur Kalam, Nazrul Islam, Obaidul Islam, Fosir Uddin, Yunus Miah, Khokon Majhi and Bashir Uddin; and from the AL the deceased were Parabashi Begum (mother of an AL candidate), Abdur Razzak, Parvez Hawlader, Sabuj, Bilkis Begum Laily (wife of an AL leader), Shohor Ali, Mir Mobarok Hossain and Shahin.
- b. **Role of the Police force:** The security forces or police were very rarely recorded as being perpetrators or victims of the violence during this reporting period. While on the one hand this suggests that the security forces were not acting as agents fostering election-related violence, on the other hand this also suggests that they may not be playing an effective role in trying to counter the violence (on the assumption that more security forces would have

been recorded as victims if this was the case). This seems to suggest that the security forces should be more active in countering incidents of violence, particularly in the case of the reaction-counter-reaction type of violence observed between supporters of the two major political blocs.

While Inspector General of Police Nur Mohammad claimed that there were only 13 incidents of violence in the whole country<sup>1</sup>, hundreds of incidents of post-election violence were reported in the media throughout the country.

- c. **Minorities faced problems:** A BNP activist, Nityalal, was injured over post-election violence on 30 December 2008 and on 04 January 2009, his mother Shuvashini Das, who could not take the strain, died of shock over what happened to her son.
- d. **Vandalising property:** A number of incidents of vandalising property were recorded during this reporting period. This included damaging cars, homes and shops and a warehouse for storing jute.
- e. **Capturing residential halls in the public university and colleges:** Ignoring the instructions of the newly elected Prime Minister Sheikh Hasina and concerns made by the university teachers, the situation of unrest among the students and political activists continued throughout the month.
  - I. General students were found vacating residential halls to avoid conflict and a house tutor and a provost faced threats from the BCL<sup>2</sup>.
  - II. Intra group clash of the BCL: In Ziaur Rahman Hall of the University of Dhaka and Rajshahi University of Engineering and Technology, Shahjalal University of Science and Technology, University of Rajshahi, Jahangir Nagar University, Jogonnath University, there were intra-group clashes reported, which left a number of injuries.
  - III. Clash with rival parties: A number of casualties were also recorded in Dinajpur Haji Danesh Science and Technology University, Netrokona Govt. College, Jagannath University's residential halls, Bangladesh University of Engineering and Technology, Khulna Medical College, Narail Govt. Victoria College, Feni Govt. College and Dhaka Polytechnic due to clashes between the BCL and the JCD<sup>3</sup> and Islami Chatra Shibir<sup>4</sup>.

## Upazila Election Violence

a. **Pre-election:** As a continuation of the post-election violence after the national Parliamentary Elections, the Upazila Parishad election campaigning faced incidents of violence. Before the upazila elections of 22 January 2009, a total of 4 persons were reportedly killed and more than 800 persons were reported wounded.

On 15 January 2009 Abu Jafor Mohammad Khalil, a chairman candidate from Jatio Shomajtantrik Dol (JSD) was killed by some miscreants in Kahalu, Bogra.

In Ukhiya at Cox's Bazar, Mohammad (30) was killed on 21 January 2009 when police opened fire on a clash between the supporters of AL candidate Mahmudul Haq Chowdhury and AL candidate Hamidul Haq Chowdhury.

In Rajshahi, Matiur Rahman Babu, a Jubadal<sup>5</sup> leader was killed by unknown miscreants on 17 January 2009.

Moreover, in Rangamati, Santosh Kumar Chakma, an Awami League-backed chairman candidate, was abducted on 20 January 2009 by a group of unidentified miscreants.

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<sup>1</sup> AmarDesh 03.01.09

<sup>2</sup> BCL: Bangladesh Chattra League, student wing of the Awami League

<sup>3</sup> JCD: Jatiyotabadi Chattra Dal, student wing of Bangladesh Nationalist Party (BNP)

<sup>4</sup> Islami Chattra Shibir, student wing of Jamaat-e-Islami

<sup>5</sup> Jubadal: Youth wing of BNP

**During and After:** Because of the clashes and anomalies by political activists as well as government officials, in many places the polling processes were stopped. In the violence, 14 persons (10 from BNP and 4 from AL) were reportedly killed and about two thousand persons were injured due to retaliatory attacks by the supporters of the Four Party Alliance and Grand Alliance and, in particular, supporters of Awami League and BNP. From the BNP side, the deceased were Abdul Jabbar, Muksedur Rahman Babu, Rezual Islam Rezul, Ramjan Ali, Didar, Nizam Uddin, Khalilur Rahman, Shahabuddin, Abu Daud Hossain and Idris Mollah; and from the AL the deceased were Md. Ibrahim, Akkas Matobbor, Oli Miah and Abdul Hamid.

## Universal Periodic Review (UPR) Hearing at UNHRC

Odhikar will be attending the Universal Periodic Review hearing in Geneva on 3 February, 2009.

The Bangladesh Report under the Universal Periodic Review mechanism of the United Nations Human Rights Council, of which Bangladesh is a member, must reflect the true prevailing status of the human rights situation, without distortion or half-truths. On 3 February 2009, the Bangladesh report will be discussed by the Human Rights Council in Geneva.

Odhikar believes that the imposition and continuation of the State of Emergency was the single most important incident of human rights violation. The Emergency deprived the people of their fundamental rights.

UPR recommendations from Odhikar and FIDH are given below:

- a) *Rein in the security forces and stop all extrajudicial executions and refrain from using murder as a policing tool.*
- b) *Set up an independent body to deal with complaints against members of security forces for violation of rights, with adequate powers to investigate and where necessary, recommend prosecution.*
- c) *Stop the use of torture in all its forms by law officers once an individual is in custody or under effective control of a member of the law enforcement agencies.*
- d) *Ratify the Rome Statute establishing the International Criminal Court, that Bangladesh is a signatory to and adopt implementing legislations.*
- e) *Legislate outlawing torture in line to the Government's obligation as a Party to the CAT on a priority basis, and put in place lawful interrogation procedures including the interrogation of people remanded in custody in glass-partitioned rooms and in the presence of relatives or lawyers, as ordered by the High Court in April 2003 and amend the Criminal Procedure Code accordingly.*
- f) *Provide compensation to victims of torture.*
- g) *Incorporate and ensure fundamental rights and freedoms in counter terrorism legislation including guaranteeing internationally recognized fair trial rights.*
- h) *Implement laws already in place considered adequate for counter terrorism measures.*
- i) *Reorganise the justice system to make it women friendly, including legislating on victims and witness protection.*
- j) *Amendments should include making recommendations of the Human Rights Commission binding, and awarding the Commission its "right" to be consulted by the Government in legislations with human rights implications.*

## Intelligence Agencies:

On 29 January 2009, Abdul Jalil, General Secretary of Bangladesh Awami League demanded, in Parliament, for a Parliamentary Committee to probe 'acts of torture perpetrated on him' by the personnel of the DGFI<sup>6</sup>. He also demanded that the Parliament should take initiatives to

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<sup>6</sup>DGFI: Directorate General of Forces Intelligence, intelligence agency comprising of army, navy, and air-force personnel.

limit the operation of DGFI within the Armed Forces so that 'general people, businessmen, politicians are not subjected to intolerable torture'<sup>7</sup>.

Odhikar observed that during the last 23 months or so of the military controlled 'Caretaker' regime, a cross-section of people- politicians, businessmen, teachers, students, journalists became the victims of threats, intimidation and torture by various intelligence agencies including DGFI, which played an active role in redrawing the political landscape of the country under the 'Caretaker' regime.

Odhikar demands that a Parliamentary Committee should be formed to take an account of the role of various intelligence agencies, including the DGFI, during the military controlled 'Caretaker' regime and to monitor their activities on a regular basis. The proposed Committee should also limit the area of work of the DGFI.

## Extrajudicial Killings

The trend of extrajudicial killings, as in previous years, is continuing and the law enforcement forces continue to strike suspects of crime without any judicial process. On 16 January 2009, as a casualty of 'crossfire' the family members of a deceased were also injured, including the deceased's two-year old child and female family members. From 01 to 31 January 2009, 8 persons were reportedly killed by law enforcement agencies, of which 3 persons were killed in custody. Of the 8 persons, 2 were reportedly killed by the Rapid Action Battalion (RAB), Police killed 5 and 1 was killed by the joint operation of RAB-Police.

### ➤ Circumstances of death

It was reported that among the 8 persons killed, two were killed in RAB crossfire/ encounter/ gunfight/ shootout<sup>8</sup>. Three were killed in Police crossfire/ encounter/ gunfight/ shootout and one person was killed in crossfire/encounter/gunfight/shootout by RAB-police jointly. During this time, two persons were allegedly tortured to death by police.

### ➤ Political allegiance of the victims

It was reported that of the 8 persons who were killed, one was a member of Gono Mukti Fouz (GMF).

### ➤ Other characteristics of the victims

It was reported that of the 8 persons who were killed, 3 were alleged criminals, 2 were alleged robbers, one was a labourer and another one was a petty trader.

## India-Bangladesh Border Violence

In January, in the Bangladesh and Indian border region, human rights violations continued like in previous years. From 01 to 31 January 2009, the Indian Border Security Force (BSF) reportedly killed 13 Bangladeshis, 14 were injured and 2 Bangladeshi nationals were abducted by them during this reporting period.

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<sup>7</sup> The Daily New Age, Editorial, 31 January 2009

<sup>8</sup> Reports in the press have increasingly used more than one of the terms "crossfire", "encounter", "gunfight" and "shootout" in one article to describe the same incident. It is, therefore, no longer possible for Odhikar to determine which of these descriptions best describes an incident of extra-judicial killing. Odhikar has, therefore, grouped these incidents together.

## Repression on Ethnic Minority Communities

Shaktipada Tripura (42), an Organising Secretary of the Parbatya Chattagram Jana Samahati Samiti (PCJSS), a traditional leader (Headman) and former UP<sup>9</sup> chairman was arrested on 22 January 2009 from a house at Mirpur in Dhaka without being informed of any charge or warrant against him during the arrest.

Meanwhile, Ranglai Mro, a leader of the ethnic minority community and a chairman of Sualock Union Parishad of Bandorban, who was arrested on 23 February 2007 over leading a movement to protect land rights of the ethnic minority people, was kept in chains in hospital recently.

## Freedom of Expression

From 01 to 31 January 2009 it is reported that 13 journalists were injured, 3 were threatened, 2 were reportedly attacked and 2 were assaulted. 6 journalists were forced to leave Sher-e-Bangla Krishi University campus and dormitory by BCL activists.

BCL activists threatened journalists of Dhaka University at the resident halls.

In Bogra, Nandigram Press Club has been reportedly 'captured' by pro-AL journalists.

A group of journalists from different national daily newspapers and the electronic media were denied permission to enter parliament to cover two meetings of the Special Committee and the House Committee, even after showing their seasonal passes and accreditation cards to the security personnel. Asadullah Chowdhury, a deputy sergeant at arms, told the journalists that they had a 'special order' from the Speaker of the Jatiya Sangsad (National Parliament) not to allow journalists entry into the parliament building unless the parliament was in session.

## Rape

During 01 to 31 January 2009 a total of 16 women and girls reportedly became victims of rape. Among them, 11 were women and 5 were children aged below sixteen. Out of these incidences 6 were gang raped. Of the 11 women, 5 were reportedly killed after rape and 4 were victims of gang rape. Out of the 5 girl, 3 were reportedly killed after rape and 2 were victims of gang rape.

Odhikar believes that the actual figures are likely to be higher, since all such violations are either not reported to police or that police sometimes do not file rape cases and favour the perpetrators. Another reason is the associated social stigma.

## Dowry related violence

The most common reason for violence against women occurs due to dowry<sup>10</sup> demands. Between 01 to 31 January 2009, a total of 14 women reportedly became victims of dowry demands. Due to dowry related violence, a total of 10 women were reportedly killed and 4 were tortured.

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<sup>9</sup> UP: Union Parishad, the lowest tier of the local government institute.

<sup>10</sup> **The Dowry Prohibition Act 1980** makes the giving or taking/demanding of dowry an offence, punishable with imprisonment and/or fine.

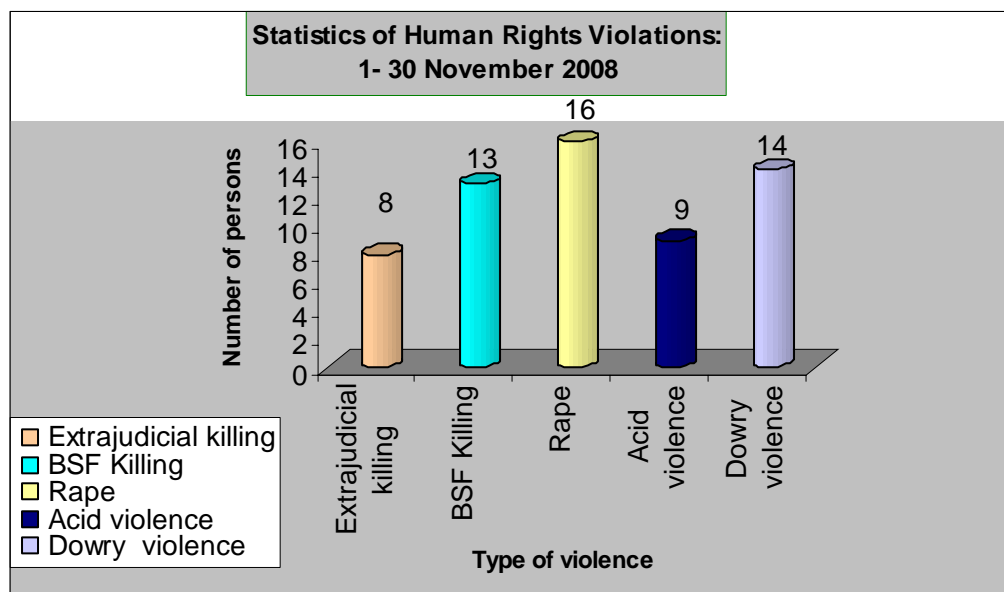
## Acid Violence

During the period 01 to 31 January 2009 reports show that a total of 9 persons fall victims of acid violence. Among 9 victims, 6 were women and 3 were men.

## Death in Jail

During the period 01 to 31 January 2009 4 persons reportedly died in prison due to illness; among these incidents, in one case, the family claimed that he died due to lack of proper treatment.

| Statistics of Human Rights violations |                   |
|---------------------------------------|-------------------|
| 01 -31 January 2009                   |                   |
| Type of violence                      | Number of victims |
| Extrajudicial killing                 | 8                 |
| BSF Killing                           | 13                |
| Rape                                  | 16                |
| Acid violence                         | 9                 |
| Dowry related violence                | 14                |



## Farmers' Rights

The Government has reduced the price of diesel during the Boro cultivation for lessening the production cost of paddy. A nominal reduction of only Tk. 2 per litre will not bring much benefit to the farmers, as they will have to buy diesel at Tk. 44 per litre, whereas the government continues to make a good profit of around Tk. 11 per litre by selling diesel and kerosene. Farmers will continue to wilt under the pressure of production costs. This is frustrating in respect of protecting the socio-economic rights of the farmers. While the developed countries of the world are formulating bail out packages worth billions of dollars for rescuing big companies from economic recession, the new government of Bangladesh has given a token subsidy for agriculture.

## Recommendations

- Odhikar demands an immediate end to the culture of crossfire, absolute impunity and extrajudicial killings.
- The government should take immediate and effective steps to stop killing, injuring and abduction of Bangladeshi citizens by the Indian Border Security Force (BSF).
- The Government should take effective measures to stop violence against women. It must be pro-active in bringing perpetrators under the law and offer practical assistance to victims/survivors. It must ensure that victims and witnesses are protected so that perpetrators cannot intimidate and re-victimise them. In this regard, Odhikar calls upon the government to set up a fund specially to give both physical and psychological support to victims of gender violence and to offer adequate compensation.

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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.