



Human Rights Monitoring Report

January – March 2010

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Odhikar has been working to preserve the civil, political, social and cultural rights and as part of its work agenda has been observing the human rights situation of Bangladesh. In line with this campaign, an account of the human rights situation of Bangladesh covering the period of January - March 2010 is given below.

Government (in) actions regarding ‘extra-judicial killings’

1. On March 1, 2010, Dr. Dipu Moni, the Bangladesh Foreign Minister at a high-level meeting of the UN Human Rights Council at Geneva, stated that Bangladesh was fully committed to stopping extra-judicial killings.¹ Despite this message being conveyed from the Foreign Minister, extra-judicial killings in Bangladesh still continue.
2. During the period of January – March 2010, 24 people have been killed extra-judicially. It has been further alleged that of these people, 12 were killed by RAB, 09 by Police. In addition to this, 03 were killed during joint drives of the RAB and Police. Of these 24 casualties, 05 passed away while they were in custody of the law enforcement agencies.

Crossfire/Encounter/Gun fight:

3. It has been alleged that of these extrajudicial killings, 20 were killed in ‘crossfire/encounters/gun fights’. It has been alleged further that 11 of these persons were victims of ‘crossfire/encounter/gun fights’ involving the RAB, 06 were victims

¹ Amader Shomoy, 02/03/2010

of ‘crossfire/encounter/gun fights’ which involved the Police, 03 were victims of ‘crossfire/encounter/gun fights’ jointly involving the RAB and the Police.

Death Caused by Torture:

4. Of the 24 persons killed, 01 was allegedly tortured to death by the RAB and 03 by the Police.

Identities of the Deceased:

5. Of the 24 deceased, 02 were members of the Purbo Banglar Communist Party (Red Flag), 01 belonged to Gono Mukti Fouz, 01 from GanoBahini, 01 was a leader of the cultural wing of BNP, 01 belonged to the Islami Chattra Shibir, 01 was an employee of the Apollo Hospital, 02 youths, 01 was an alleged gangster, 01 was an alleged car hijacker, 10 were alleged criminals and 03 were alleged dacoits.

Disappearance

6. Md. Selim, a fruit vendor, disappeared after being picked up with Moinul Islam and Mohammad Ali on 19 February 2010 by a group of people who identified themselves as the members of RAB-4 from Kapashia, Gazipur.² Although RAB-4 confirmed the arrest of Moinul Islam and Mohammad Ali, it denied the arrest of Md. Selim. Moinul was handed over to the Cantonment Police Station while Mohammad Ali was released. The whereabouts of Md. Selim are unknown.

The Government Shut Down the Photo-exhibition on ‘crossfire’

7. The photo-exhibition titled ‘Crossfire’ organised by Drik Gallery has finally been opened on March 31, 2010. The police shut down this photo-exhibition on March 22, 2010. The event was organised with the objective of upholding the many inconsistencies of alleged ‘crossfire’ carried out by the law enforcement agencies. The police shut down the exhibition on its inaugural day on the pretext that the event was being held without permission from the Government.
8. Such forms of obstacles imposed by the Government amounts to interference in freedom of thought, conscience and speech which are guaranteed in Article 39 of the Bangladesh Constitution.
9. Odhikar expresses dissent and grief over the shut down of the exhibition, without any written order or reason and urges the Government to refrain from engaging in such kinds of repressive activities.

Odhikar Rejects the Statement of the Director General of RAB

10. The Director General of Rapid Action Battalion Hassan Mahmood Khandkar in a press briefing on 29 March 2010 at the RAB Headquarters in Uttara refuted the allegations of extra-judicial killing by RAB. He claimed, “RAB members never get involved in any activity which is extra-judicial. RAB follows a legal framework and is aware of human rights”. On the same day in the evening, Home Minister Sahara Khatun said, “RAB members are left with no option but to open fire when criminals shoot at them”.³
11. However, the DG of RAB claimed that a total of 622 people have been killed in ‘crossfire’ during shoot-outs between the RAB and criminals since its inception on 26 March 2004.

² Prothom Alo, 28/02/2010

³ See The Daily Start at <http://www.thedailystar.net/newDesign/news-details.php?nid=132056>

12. Odhikar rejected the statement of the RAB DG regarding extra-judicial killings. Odhikar is alarmed by the statement because of the clear indication that the Government is taking a completely opposite position in contrast to the commitment it made in its election manifesto and the international community to completely halt all extra-judicial killings.
13. The Director General's statement amounts to saying that the killings are not 'extrajudicial', since they took place within the 'legal framework' of RAB. This statement literally undermines the role of the judiciary and by passes the necessity of independent investigation of each and every incident of extra-judicial killing. It also raised serious debate about the so called 'legal framework' within which RAB can kill a person including persons who are already in their custody.
14. The statement of the Home Minister also validates the activity of RAB, endorsing extrajudicial killing by saying RAB has no option but to open fire if criminals shoot at them.

Bangladesh and India: Border and Water

15. Prime Minister Sheikh Hasina went to India on a state visit from January 10 to 13, 2010. The people of Bangladesh had expected the Prime Minister to protest against the killings, abductions and other forms of torture carried out by the BSF on the Bangladeshi people along the India-Bangladesh border so that this issue of human rights violations carried out by the BSF would be prominently raised. Unfortunately, this issue was totally ignored during the State visit.
16. On February 14, 2010, the Indian BSF shot Nayek Mujibur Rahman and captured him from the marshy area of Dibi at Nijpat Union of Jointapur, Sylhet. In addition to this, on February 26 and 28, the members of the BSF had entered Bangladeshi territory and opened fire on Bangladeshi citizens.
17. On March 11, 2010, the Indian BSF carried out an attack at the Jointapur border of Sylhet and injured at least 15 Bangladeshi citizens. This indiscriminate attack by the BSF had forced the inhabitants of that particular area to flee for safety.
18. The BSF is continuing to engage in anti-humanitarian activities which are undermining the assurance provided in the joint agreement between the Bangladesh and Indian Prime Ministers for stopping border violence and also the similar assurance provided in this regard at the meeting between the Director General's of the two border forces held during March 7-11, 2010.
19. Human rights violations have continued during the period between January and March 2010 along the India-Bangladesh border. During these three months, the Border Security Force (BSF) has reportedly killed 20 Bangladeshis. Of the 20 deceased, 09 were beaten and 11 were shot to death. Furthermore, 24 have been injured. Of the 24 injured, 20 were shot and 04 were allegedly tortured. During this time frame, 04 persons were abducted by the BSF.
20. Furthermore, India has not seen through the agreement it had previously entered into with Bangladesh. For instance, the issues concerning the enclaves and the demarcation of the border between the two nations stated within the Mujib-Indira Treaty of 1974 have not seen any mentionable progress. The status of Bangladesh regarding its deserved share of 54 rivers with a common source is yet to be conclusively determined either.

BDR Trial Updates

21. The Home Ministry constituted an Investigation Committee on May 14, 2009 following the deaths of BDR members at the Peelkhana. The Committee was

constituted with Zakir Hossain, Deputy Secretary of the Home Ministry (currently Joint Secretary) as the Committee Head. Although the Committee was directed by the Government to submit its report by June 4, 2009, it delayed its submission till October 2009. The report discussed the deaths of 40 BDR members. As per the contents of the report, two murder cases were filed by the police at the New Market Police Station on October 28, 2009. The police are currently investigating the deaths of Lance Nayek Mobarak Ali and Habildar Mohiuddin.⁴ Although the report states that two persons were tortured to death, figures gathered by Odhikar indicate that the number of deaths caused by torture is in fact 6. The report does admit that Lance Nayek Mobarak Ali and Habildar Mohiuddin were tortured to death. However the allegations of BDR member Monir Hossain, Habildar Kazi Saidur Rahman, Habildar Rezaul Karim and Assistant Habildar Zakir Hossain Bhuiyan being tortured to death were not addressed in the report.

22. Odhikar demands a reinvestigation into the deaths of BDR member Monir Hossain, Habildar Kazi Saidur Rahman, Habildar Rezaul Karim and Assistant Habildar Zakir Hossain Bhuiyan.
23. 80 BDR members accused in the Peelkhana BDR mutiny trial have retracted their confessional statements. Their applications for retraction stated that they were tortured and forced to provide confessional statements.⁵
24. The BDR mutiny trials commenced at Rangamati district on November 24, 2009. Subsequently, trials were also initiated at Satkhira, Feni, Panchagar, Thakurgaon and Dhaka.
25. The local human rights defenders of Odhikar have been observing the proceedings of the trial process. They have also spoken with the family members of those BDR members who are on trial. Both the men and their families have stated that they are spending their days in great insecurity. The legal counsels taking part in the Feni trials came out during the lunch recess to inform Odhikar that of the 62 accused, only 8 BDR members had employed them. However, those BDR members are losing interest in keeping them employed because the legal counsel is not granted any opportunity to take part in cross-examinations. Financial incapacity of the BDR members is also another reason behind the disinterest.
26. It has been learned from the human rights defenders of Odhikar at Thakurgaon that on the first day of the trials at the 20 Rifles Battalion, 39 new BDR Jawans were held accused.
27. On February 4, 2010, i.e. on the second day of the Thakurgaon trials, 51 BDR members who were accused and arrested following the mutiny were brought before 'Special Tribunal – 2'. The Tribunal stated that the legal counsels of the accused would not be given the opportunity to cross-examine the witnesses and that the accused themselves would have to carry out the cross-examinations.
28. It has been learned from the human rights defenders of Dhaka that the trial process at the Peelkhana began on February 23, 2010 at the Darbar Hall, the very place where the BDR mutiny had sparked off. A total of 86 Jawans have been accused at the Dhaka trials.
29. On March 15, 2010, the BDR mutiny trial resumed at Peelkhana, Dhaka. The Plaintiff of the case pleaded that 69 BDR members from the 36th Battalion be arrested. Later on the Tribunal directed the arrest of those men.

⁴ The Daily Ittefaq, 13/01/2010

⁵ Manab Zamin, 21/01/2010

Clashes between the Bangali Settlers and Ethnic Minority Communities of Rangamati and Khagrachori

30. The Bangali settlers and the ethnic minority people engaged in a clash that stemmed from underlying tensions at the villages of Gongaram and Betchori of Baghaichori, Rangamati. The clash resulted in the burning down of almost 200 homes. The bodies of two persons have been recovered so far. It has been claimed that a total of 14 persons remain without trace in the period following the clashes.⁶
31. Similar clashes between the Bangali settlers and people belonging to the ethnic minority communities took place on February 23, 2010 at Khagrachori. An employee of the Khagrachori Pouroshabha was killed in the clash. A total of 66 homes were burned down and 50 people were injured.⁷ The district administration declared a two day long curfew at Khagrachori. Section 144 of the Code of Criminal Procedure was enforced for 6 days by the district administration.⁸

Government and Politics

32. According to information gathered by Odhikar, 52 have reportedly been killed and 3741 injured in political violence during the period of January – March, 2010. There were also 154 incidents of internal violence of the Awami League and 27 of the BNP. In addition to this, 08 people were allegedly killed in Awami Leagues internal conflict while 1586 were injured. On the other hand, 320 people were injured in the BNP initiated violence.
33. On March 11, 2010, Shaharul Islam, an Organising Secretary of the Awami League along with his followers used hammers to grievously wound three teachers of the Baliya Bhukutiya Secondary School at Jessore and also the father of one of those teachers following the development of an internal conflict regarding the school. The teachers were Abdul Kader, Jahangir Alam and Yusuf Ali. Jahangir Alam's father who was also beaten was called Abu Hanif. The delinquents then destroyed the doors and windows of the school and left after locking it up. Abdul Kader and Jahangir Alam have been admitted to a 250 bed hospital at Jessore.
34. On March 9, 2010, the Government sanctioned Taka 15 crore for Parliamentarians under a project spanning till June 2014, at a meeting of the Executive Committee of the National Economic Council (ECNEC). The Parliamentarians are expected to spend this amount of money in developmental activities in their local constituencies. This decision taken by the Government has further weakened the already shaky local government existing in Bangladesh. Under the current arrangement, the Upazila Chairman shall be unable to contribute to the local development of his/her constituency.
35. Article 65 of the Bangladesh Constitution states that the duty of Parliamentarians is to enact laws. Article 56 prescribes that local development will be carried out by the local government.
36. Odhikar expresses its deep concern over this unconstitutional decision and urges the Government to reconsider this decision and work to strengthen the local government system.

⁶ The Daily Ittefaq, 22/02/2010

⁷ The Daily Star, 24/02/2010

⁸ The Daily Jugantor, 26/02/2010

Violence against Women

Rape

37. During the period of January – March, 2010, a total of 122 females were allegedly raped, where 53 were adults and 69 were children. From the adult females, 11 were killed after being raped and 26 were gang raped. From the 69 female children who were raped, 05 of them were killed after being raped, 24 were victims of gang rape and 01 committed suicide after rape. Amongst these women and children, it is alleged a housewife from Chuadanga was raped by Assistant Sub Inspector of Police, a housewife from Jessore was raped by an Ansar member while an 8 year old girl from Joypurhat was raped by a member of the village police.

Dowry violence

38. During the period of January – March, 2010, it has been reported that a total of 68 women were subjected to dowry related violence. Of these women, it has been alleged that 46 were killed because of the dowry and 20 were tortured in various other ways. 02 of these women allegedly committed suicide after failing to come to terms with the dowry related torture.

Acid Throwing

39. During the period of January – March, 2010, 40 persons were victims of acid violence. Of these people, 22 were women, 14 men and 04 children. Among these children 03 were girls and a boy.

Journalists Under Attack

40. During the three months between January and March 2010, journalists have been tortured and harassed in various ways. During this time, 38 journalists were injured, 26 threatened and 17 were assaulted. 08 journalists and 01 newspaper office were attacked.
41. On February 11, 2010, the Editor-In-Charge of the Daily Amar Desh, Mahmudur Rahman, was attacked by criminals. The attacked shattered the windshield of Rahman's car.
42. On February 14, 2010, Touhodi Hasan, the Kushtia representative of the Daily Prothom Alo and Sharif Biswash, the Kushtia representative of Desh TV were beaten in front of the police by the Chattra League⁹ unit of the Kushtia Government College, when they had gone to the scene to report the shutting down of the admissions process by the members of the Chattra League.
43. On February 23, 2010, Khalilur Rahman Shumon, Staff Reporter of the Daily Probaho and also a human rights defender of Odhikar was grievously wounded by several criminals.
44. On February 23, 2010, Nurul Kabir, the Editor of New Age received death threat, from an unidentified person.
45. On March 1, 2020, Monirul Islam, the Sharsha representative of the Daily Lokshamaj of Jessore was beaten with a hammer and severely injured by 10-12 persons which included Rashed, Monir, Samaul, Hamaj and Yunus who were all members of the

⁹ Student wing of Awami League

- Jubo League¹⁰. Only recently had the Daily Lokshamaj published a series of articles disclosing the criminal activities and trade that went on in Sharsha. It was in this connection that Monirul Islam Monir was initially threatened over the phone and subsequently attacked.
46. On March 12, 2010, two journalists studying at the Dhaka University were attacked by members of the Chattra League. Al Amin, a Chattra League activist had directed his subordinate members to remove Ramimul Hasan, Staff Reporter of ABC Radio and Munir Momtaj, reporter of the Shaptahik 2000 from their rooms in Shurja Sen Hall and beat them up.
 47. On March 20, 2010, when Asaduzzaman Khan Johnny, Joint Secretary of the Upazila Chattra League led a group of Chattra League students to the Police Station of Tongi, Gazipur, to free a gambler who had been arrested, Nurul Islam, the sentry on duty at the police custody stood in the way. When the Chattra League activists began to behave aggressively with Nurul Islam, Azizul Huq, the Tongi representative of the daily Naya Diganto took photos of the incident. When Johnny realized what had happened, he led the other Chattra League activists into the Officers room at the Police Station and beat Azizul Huq.
 48. On 31 March 2010, senior reporter of Channel – 1 (a private TV channel), Salahuddin Mahmud (34) was on a rickshaw in front of the Ramna Model Police Station. When he reached the traffic stop just after the police station, a policeman, Abdul Khaleq, stopped his rickshaw. When Salahuddin Mahmud asked the policeman why he had stopped the rickshaw, instead of replying, Abdul Khaleq began to slap and punch the reporter in the face and forehead, gravely injuring him.

Other violations of human rights

Readymade Garments Sector

49. On February 25, 2010, a fire inside the factory of Gorib and Gorib Sweater at Bhogra, Gazipur, left 21 garments workers dead due to suffocation among whom 15 were females.
50. The ready-made garments industry over the years has developed on buildings constructed in a totally unplanned manner. This creates the scope for various accidents involving workers. The locking up of the emergency exit often leads to the workers from not being able to evacuate in time.
51. Odhikar believes that the factories of the ready-made garments industries must be developed in a planned manner and the authorities need to take appropriate measures so that accidents do not take place. Additionally, wages must be paid to the workers within the due time and developmental steps in favor of the workers must also be taken. Measures must also be taken against those institutions responsible for the deaths of workers.

Human rights defender Abdullah Al Farooq killed

52. Abdullah Al Farooq, a lawyer and a human rights defender of Odhikar was killed by unknown criminals. On March 15, 2010, when Farooq was on his way home after taking part in a meeting with a senior lawyer, unknown criminals stabbed him which caused his death.
53. Odhikar expresses grief over the incident and urges the Government to ensure an investigation to bring the killers to justice.

¹⁰ Youth wing of Awami League

Farmers of Rangpur baton-charged by the Police

54. On March 11, 2010, the potato farmers of Mithapukur, Rangpur and other adjacent areas arrived at the Shah Sultan Cold Storage of Domdom with hundreds of trucks filled with potatoes and began to wait. After waiting out the whole night, the employees stored a small amount of potatoes on the morning of March 12 and their stopped. Despite the demand of the farmers to keep the remaining potatoes inside the cold storage, the storage authorities refused. This created unrest amongst the farmers and caused them to set up a road block along the Rangpur-Dhaka highway. The police baton-charged the farmers after an argument sparked off between them. This left 30 farmers injured.
55. Odhikar expresses strong dissent over the incident and urges the Government to take steps against the persons responsible.

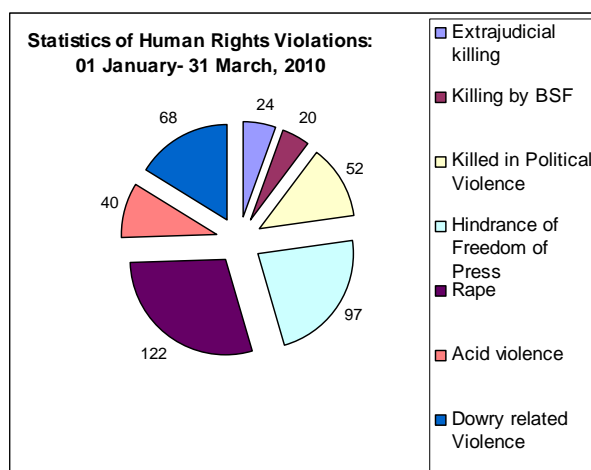
Death in Jail

56. It has been found that 18 people reportedly died in jail custody and 01 in court custody.

The Government Closes Down Odhikar's Torture Prevention Programme

57. On April 28, 2009, the NGO Affairs Bureau under the Office of the Prime Minister authorised Odhikar to carry out programmes relating to the prevention of torture as well as the protection of human rights under the project titled, 'Human Rights Defenders Training and Advocacy Programme in Bangladesh'. As part of the programme, Odhikar organised rallies at Satkhira, Jessore, Kushtia, Sirajganj and Rajshahi under the theme of prevention of torture.
58. The NGO Affairs Bureau sent Odhikar a letter dated August 17, 2009 directing it to close down its torture related programme. The letter stated that Odhikar's programme had to be shut down following reservations expressed by the Ministry of Home Affairs.
59. Odhikar filed a writ petition before the High Court Division of the Supreme Court. On October 11, 2009, the High Court Division issued a Rule Nisi against the Government and suspended the order directing Odhikar to close down its programme. As a result, Odhikar completed its programme on torture in December 2009.
60. The funding partner for the programme was satisfied enough with Odhikar's performance to extend the programme for 3 more months.
61. On January 17, 2010 Odhikar applied to the NGO Affairs Bureau for a 3-month extension of this programme, to end in March 2010. The NGO Affairs Bureau, by a letter dated 11 February 2010 refused to grant the extension, basing its refusal on the 2009 Home Ministry reservation.

<i>Statistics of Human Rights violations 01 January- to 31 March 2010</i>	
Name of the violation	Number of violence
Extrajudicial killing	24
Killing by BSF	20
Killed in Political Violence	52
Hindrance of Freedom of Press	97
Rape	122
Acid violence	40
Dowry related Violence	68



Recommendations

1. Extra-judicial killings must come to an end as per the declaration and commitment made by the Government. Those involved in such killings must be brought to justice.
2. Torture during remand and other forms of custody must end. The Government must practice 'zero tolerance' regarding torture.
3. The issue of human rights violations at the Bangladesh-India border must be incorporated into the discussions between India and Bangladesh. Entering into another independent country's territory and firing intentionally without adequate reason goes beyond the norms of international law and human rights. Odhikar urges the Bangladesh Government to take effective steps with the Indian Government to ensure the prevention of further unlawful entry, firing and killing by the BSF. Bangladesh should also ensure security of those citizens residing in the border areas. Odhikar also urges the Bangladesh Government to demand from the Indian Government adequate compensation for the families of the victims. Furthermore, the incidents of firing and killings must be investigated so that those involved are brought to justice.
4. Pressure must be put on India to establish the terms of the Mujib-Indira Treaty of 1974 and also to recognise Bangladesh's legitimate share of the water coming from 54 connected and shared rivers.
5. It must be ensured that the trial of the BDR Jawans charged with treason be transparent and accountable. For the sake of upholding justice and human rights, the accused in the BDR trials must be allowed to be represented by lawyers of their own choosing.
6. The Government must take effective steps to end political violence and bring those involved to justice. The law enforcement agencies must play an important, unbiased role in this regard.
7. Those responsible for torturing and attacking journalists must be arrested and brought before justice.

8. The Government must take appropriate measures to stop violence against women. The offenders must be brought under the purview of the law to ensure that justice is served. The victim must be provided with adequate legal support. Public awareness regarding the rights of women, prevention of violence against women and children as well as related laws must be incorporated into the primary, secondary and higher secondary school books.
9. All land related disputes must be resolved by identifying all illegally acquired land through a Land Commission. Odhikar believes that the issue regarding the rights of the ethnic minority people is related to the ownership of land and the creation of a democratic Constitution. The Bangladesh Constitution does not recognise the concept of community property that has been historically and traditionally owned by a community. The people belonging to the ethnic minority communities are quickly losing control over their property. In the absence of major democratic principles such as right to self-determination and community property rights, in the Bangladesh Constitution, there is no scope for the ventilation of grievances of the ethnic minority population. The “Peace Accord” has been drafted without addressing these key issues. Therefore, despite the signing of the “Peace Accord”, enmity and violence prevails in the residential localities of the indigenous peoples and the overall situation has taken a turn for the worse. Odhikar urges the policy makers and political leaders to concentrate on the real issue.
10. The local government must be entrusted with developmental activities as per the Constitution.
11. The Government must take immediate steps to ensure the physical protection of garments workers.

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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.