

**HUMAN RIGHTS MONITORING REPORT ON BANGLADESH
1-31 MAY, 2009**

**EXTRAJUDICIAL KILLING CONTINUES: ONE KILLED EVERY TWO DAYS
CONCERN OVER ARRESTS AND IMPEDIMENTS ON POLITICAL ACTIVITY
'UNNATURAL DEATHS' OF MIGRANT WORKERS
PROTEST AGAINST TORTURE ON BDR MEMBERS
MASS ARREST EVEN AFTER GENERAL AMNESTY
QUESTION REGARDING THE LIST OF FUGITIVE BDR JAWANS**

1. Odhikar 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 human rights monitoring report covering 1 to 31 May, 2009.

EXTRAJUDICIAL KILLING CONTINUES DESPITE GOVERNMENT ASSURANCE

2. Until 31 May 2009, a total of 29 people have reportedly been extra-judicially killed after the Awami League-led alliance assumed office on 6 January 2009. Among them, 15 people were killed in May 2009 alone. During the Universal Periodic Review of Bangladesh, at the 3 February 2009 Human Rights Council in Geneva, the Foreign Minister Dr. Dipu Moni assured all present that the government would show 'zero tolerance' towards extrajudicial killings, torture and custodial deaths.
3. On 5 May 2009, LGRD and Cooperative Minister Syed Ashraf Islam said "the government will not allow the law enforcing agencies to use 'crossfire' as a tool. The establishment of rule of law is a must for a democratic country and for this; no extrajudicial killing will be allowed.¹" The day after this statement, the State Minister for Home Affairs, Tanzim Ahmed Sohel Taj said, "the Awami League government will not allow any kind of extrajudicial killing, but the law enforcers have the right to self-defence as per the Constitution. They can do whatever is needed in accordance with law for self-defence against armed criminals²."
4. Meanwhile on 16 May 2009, the Home Minister Sahara Khatun said, "the law enforcers should have the right to save themselves when they come under attack. Incidents of encounter occur only when members of the law enforcing agencies come under attack from criminals³." Contradictory statements by such Ministers holding the highest profiles, demonstrates the ambivalence of the present government with regard to extrajudicial killing. As a result, extrajudicial killings continue. Odhikar expresses

¹ The daily Manabzamin, 06/05/2009

² The daily Amader Shamoy, 07/05/2009

³ The daily Amar Desh, 17/05/2009

deep concern over the contradictory statements and the continuous practice of extrajudicial killing by the law enforcement agencies.

5. Among other reasons, such as eliminating political opponents of the government, extrajudicial killings have been taking place due to the failure of the criminal justice system. To address the gap, Odhikar believes international opinion should be raised to convince the government of Bangladesh of the seriousness of the matter. Bangladesh has been elected a member of the UN Human Rights Council for the second time on 12 May 2009. Several incidents of human rights violations, including extrajudicial killings, took place after the UNHRC election in 2006, which was a violation of the electoral undertakings of the Human Rights Council. Odhikar appeals to the present government to take immediate measures to implement the UNHRC electoral undertakings and stop human rights violations, including extrajudicial killings and torture.
6. In May 2009, 15 persons were reportedly killed by law enforcement agencies. Among them, 10 were killed by RAB, 1 by police, 1 by RAB-police jointly, 2 were killed by Army and 1 by Ansar⁴. Among those 15 killed, 3 died in custody.

Circumstances of death

7. It was reported that of the 15 persons killed, 14 were killed in crossfire/ encounter/ gunfight/ shootout⁵. Among them, 10 were killed in crossfire/ encounter/ gunfight/ shootout⁶ by RAB, 1 by police and 1 by RAB-police jointly and 2 were killed by Army. Furthermore, 1 was reportedly killed by Ansar.

Identity of Victims

8. Among those killed, 2 were students, 1 was from Purbo Banglar Communist Party (Jonojuddho), 2 were from UPDF, 1 was from Jubo League, 1 a youth, 1 an alleged mugger, 1 belonged to an alleged gangster group 'Gangchil Bahini' and 6 were alleged criminals.

CONCERN OVER ARRESTS AND IMPEDIMENTS ON POLITICAL ACTIVITY

9. Police arrested seven members of the Hizb-ut Tahrir Organisation on 9 May 2009 during a political programme. The arrested persons were Abdur Rakib, Shahadat Hossain, Fakhru Hassan, Abdulla-Al-Mamun, Noman Sikdar, Arifuzzaman and Mir Salehin. The Officer-in-Charge of Badda Police Station, Wazed Ali informed Odhikar that they were arrested under section 54 of the Code of Criminal Procedure⁷ on suspicion of militant activities. The government alleged that some anti-government leaflets were recovered from them, which contained 'provocative statements' blaming the government for the BDR mutiny at Pilkhana. Every citizen has the right to

⁴ Ansar: An auxiliary force

⁵ 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.

⁶ Ibid

⁷ A police officer can arrest anybody without a warrant of arrest under 'reasonable' suspicion under this section.

freedom of association, assembly and speech as guaranteed in Articles 38 and 39 of the Constitution of Bangladesh. Such political repression limits the space for democracy and provokes resentment.

10. Odhikar expresses deep concern regarding such arrest and urges the government to refrain from impeding in and shrinking democratic space. The government must also refrain from suppressing political activists because they believe in a different ideology.

‘UNNATURAL DEATHS’ OF MIGRANT WORKERS

11. Bangladeshi workers have been dying while working in different countries across the world. In the last four months, a total of 904 deceased migrant workers⁸ were returned home from different countries. Of them, 32 were women workers. The deceased workers’ families alleged that most of the workers died due to illness resulting from torture, though the death certificates showed them as having had ‘heart attacks’. Workers of this country go abroad through brokers and recruiting agencies many of which do not have proper licenses. Given this fact, a large number of workers fall victim to cheating by the recruiting agencies, and cannot seek legal redress for fear of being victimised by the police.
12. Odhikar believes that the remittance sent by migrant workers is one of the prime sources of national income, and plays a significant role in enhancing the economy and GDP of the country as well as family stability. Unfortunately, their labour and working conditions were hardly ever appreciated during any regime.
13. Odhikar urges the government to form a special cell immediately in Bangladeshi missions abroad where there is a Bangladeshi labour market. This should be monitored by the Ministry of Foreign Affairs. Odhikar believes that it is the moral responsibility of the government to monitor recruiting agencies, taking action against unscrupulous and unlicensed recruiting agencies and to arrange compensation for victims of torture and the families of deceased migrant workers.

PROTEST AGAINST TORTURE ON BDR MEMBERS

14. Almost everyday detained BDR jawans⁹ are being weeded out through investigation under suspicions of involvement in the mutiny at Pilkhana. After scrutiny, they are being sent to different barracks before arrest. They are then handed over to the police station where they agree to give statements after interrogation. It was alleged that the BDR jawans fall victim to torture while giving confessional statements. In court, BDR members Zafur Ali, Masud, Sohrab, Yusuf Ali and Nayek Sheikh Monirul Islam alleged that they were tortured in custody.
15. Odhikar would like to recall that the obtaining of a confession through torture is a grave violation of human rights and as a rule, such confessional statements should not be accepted by the court. Bangladesh ratified the Convention against Torture on 5 October 1998. Odhikar expresses its deep concern about the allegations of torture and death of detained BDR members in custody. Odhikar urges the government to respect treaty obligations and ensure that the BDR jawans are not tortured in custody.

⁸ The Daily Star, 17 May 2009

⁹ Jawan: BDR soldier

MASS ARREST EVEN AFTER GENERAL AMNESTY

16. A total of 1720 BDR members from outside Dhaka have reportedly been arrested so far under sedition cases. The family members of the arrested BDR jawans alleged that the government has broken its promise to not carry out mass arrests and despite a general amnesty declared by the Prime Minister.
17. Odhikar demands transparency and accountability, in particular, during arrest and investigation. Odhikar also believes that through the mass arrest of BDR jawans across the country, the government has contravened its commitment after general amnesty. Odhikar recalls again that the government should protect human rights of BDR jawans and try them in civilian court under the existing laws.

QUESTIONS REGARDING THE LIST OF FUGITIVE BDR JAWANS

18. The government published a list of 25 fugitive BDR members with their photographs on 20 May 2009, who were directly involved in the mutiny and killing at the BDR headquarters. It was learnt that two of them, Abdus Samad and Ayub Ali, are presently in jail, and therefore, cannot be labeled as fugitive.
19. Odhikar believes that the government suffers from serious lack of transparency and accountability in almost all aspects, including the manner of carrying out the investigation of the BDR mutiny. Odhikar demands the government publish yet again the list after expunging the names of those two BDR jawans from the fugitive list and create an opportunity that allows their families to meet them in jail.

OTHER FORMS OF HUMAN RIGHTS VIOLATIONS

Illegal Fatwa

20. Some village people, including a so-called 'religious' man Abul Kashem and one Ruhul Amin ordered that unmarried mother, Rahima Akhtar be punished by whipping in a *salish*¹⁰ in the name of fatwa. This incident took place at Noagaon village in Daudkandi Upazial of Comilla district on 22 May 2009. Rahima Akhtar suffered serious wounds due to her punishment.
21. Rahima has been demanding that Abdul Karim of the same village acknowledge her six-year-old son Ramjan as his son too. Rahima had to suffer unreasonable punishment by the influential villagers, while Karim denied that Ramjan was his son. After the incident, police arrested Abul Kashem, Abdul Karim and one Shah Alam. Rahima has been admitted to the Dhaka Medical College Hospital. However, the Prime Minister has ordered the concerned authority to ascertain the identity of Ramjan's father through a DNA examination.

Rape

22. Between 1 and 31 May 2009, a total of 33 women and girls reportedly fell victim to rape. Among them, 16 were women and 17 were children, aged below sixteen. Out of the 16 women, 3 were reportedly killed after rape, 5 were victims of gang rape while out of the 17 girls 2 were reportedly killed after rape and 5 were victims of gang rape.

¹⁰ Salish is an informal form of mediation.

Dowry Related Violence

23. The most common reason for domestic violence occurs due to dowry¹¹ demands. In May 2009, a total of 19 women reportedly became victims of dowry demands. Among them, 16 women were reportedly killed by their husbands and in-laws and 2 were tortured. Besides, one woman committed suicide due to unbearable torture during this period.

Acid Violence

24. During the period 1-31 May, 2009 reports show that a total of 11 persons became victims to acid violence. Of them, 5 were women, 3 men and 3 children (2 girls and 1 boy).

India-Bangladesh border violence

25. In May 2009, the Indian Border Security Force (BSF) reportedly killed 10 Bangladeshis, 7 were injured and 3 Bangladeshi nationals were allegedly abducted and 8 were missing. Besides, 11 Bangla speaking people were allegedly pushed-in by the BSF during this time.

26. Human rights violations continued at the border areas, perpetrated by the BSF, which violates international laws.

27. Odhikar demands that the government take effective action to stop the killing of Bangladeshi people by the Indian BSF and also urges the government to demand compensation for the victims and/or their families.

Death in Jail

28. During this reporting period 5 persons reportedly died in jail allegedly due to illness.

Freedom of the Press

29. Between 1 and 31 May 2009, several journalists were harassed and intimidated in various ways. It is reported that 9 journalists were injured and 23 were threatened.

Political Violence Continues

30. During this reporting period, a total of 27 people were reported killed and 1210 people were injured due to political violence.

31. A total of 41 incidents were recorded, perpetrated mainly by activists and supporters of the Awami League (AL) and its front organisations while BNP¹² was involved in 2 incidents. One person was allegedly killed and 448 injured during intra party clashes in the Awami League.

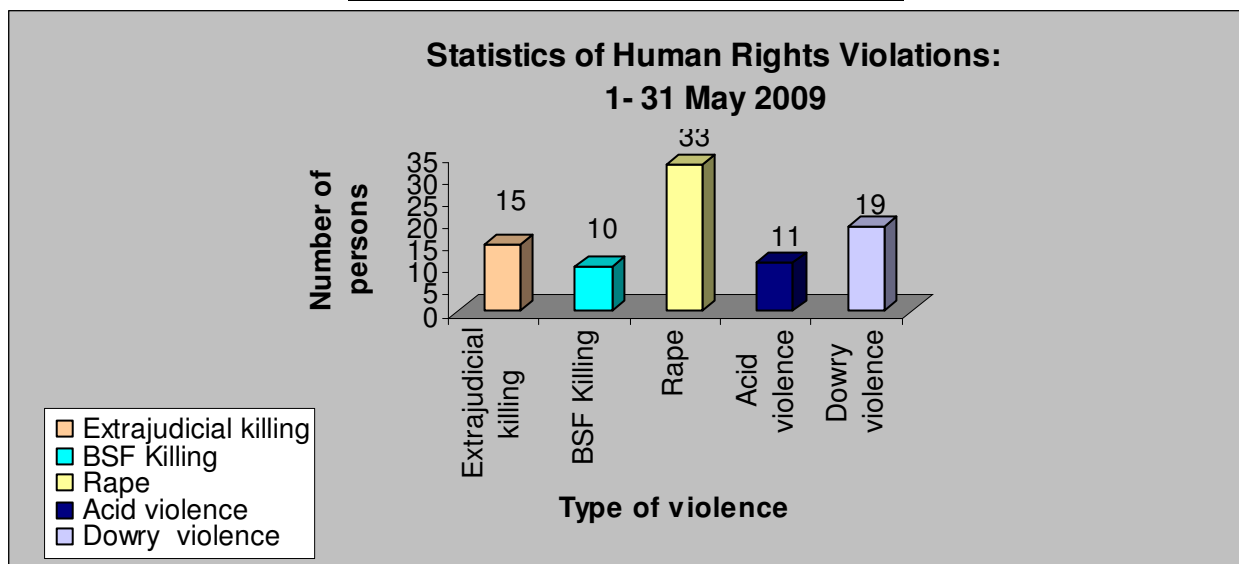
¹¹The Dowry Prohibition Act 1980 makes the giving or taking/demanding of dowry an offence, punishable with imprisonment and/or fine.

¹² BNP: Bangladesh Nationalist Party

Condition of Ready-Made Garment Workers

32. In the last month, worker's unrest was observed in many ready-made garment factories. Most of the incidents took place due to demands of proper wages and dues.
33. Odhikar urges the government to cancel the license of those factories that are not following the tripartite agreement and thereby have contributed in continuing the workers unrest.

| Statistics of Human Rights violations | |
|--|---------------------------|
| 01 -31 May 2009 | |
| Name of the violation | Number of violence |
| Extrajudicial killing | 15 |
| BSF Killing | 10 |
| Rape | 33 |
| Acid violence | 11 |
| Dowry violence | 19 |



Recommendations

1. As per government declaration, extrajudicial killings must be stopped as the present government has promised 'zero tolerance' this practice at both national and international forums. The Government should prosecute the perpetrators in accordance with the law.
2. The government should refrain from impeding in and shrinking the space of democratic exercise, and also abstain from suppressing political activists who believe in a different ideology.

3. The government needs to strictly implement the existing overseas employment policy to ensure protection for migrant workers both overseas and those that return.
4. Torture on BDR members in custody during interrogation must be stopped.
5. The general amnesty for BDR members, declared by the Prime Minister should be implemented.
6. The Government has to ensure transparency and accountability in regard to publishing an accurate list of detained/arrested and fugitive BDR members.

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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.