

Half-Yearly Report of Odhikar (January-June) 2009

State Minister's comment on 'crossfire' is a cause for concern
Custodial torture must stop
BDR revolt and human rights violations
Restrictions imposed on political activities
Repression on ethnic minority people
Incidents relating to illegal 'fatwas'

Odhikar has been working to preserve civil, political, social, economic and cultural rights and as part of that has been observing the human rights situation in Bangladesh. In line with this campaign, a half yearly account of the human rights situation of Bangladesh covering the period of January-June 2009 is given below.

1. State Minister's comment on 'crossfire' is a cause for concern

On June 7, 2009, the State Minister for Home Affairs Tanzim Ahmed Sohel Taj said, "There is no such thing called crossfire in this country. The law enforcement agencies are doing what they can in line with what is permissible under self-defense while trying to catch criminals".¹ Odhikar is concerned that statement made by the State Minister for Home Affairs will provide justification for the ongoing extra-judicial killings.

It is important to note that since the current Government assumed power, 28 persons have been killed in 'crossfire'. Odhikar carried out fact finding missions into 6 of these incidents. It was understood from the fact finding done by Odhikar that all 6 persons were killed extra-judicially. Extra-judicial killings continue in Bangladesh because of the indemnity granted by the State to law enforcement agencies and because the criminal justice system has not been able to effectively deliver justice. Odhikar has also reason to believe that persons responsible in the government encourage the violators when they make such statements of denial. Odhikar demands that unbiased investigations be carried out regarding all extra-judicial killings and that the concerned killers be brought to trial.

It has been alleged that from January 01 - June 30 2009, from amongst the 38 persons killed by the law enforcement agencies, 14 were killed by RAB, 13 by police, 4 by RAB-Police, 3 by the Army, 2 by Ansars², 1 by Detective Branch of police and 1 by Forest guards. From the 38 persons, 10 of them died while they were in the custody of law enforcement agencies.

Type of death

It has been alleged that out of the 38 persons, 28 of them died in 'crossfire/encounter/gunfights'.³ From amongst these 28 persons, it has been alleged that

¹ Published in the Daily *Amader Shomoy* dated 8 June 2009

² Ansar: An auxiliary law enforcement force in Bangladesh.

³ 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.

14 persons were killed by RAB, 6 by the Police, 4 by RAB-Police, 3 by the Army and 1 by Detective Branch (DB) of Police. During this time, 6 persons were allegedly tortured to death by the police. In addition to these figures, 2 persons were shot by the Ansar, 1 person by the Police and 1 by the Forest guards.

Identity of victims

The political affiliation of some of the victims of extrajudicial killings were as follows: 2 from UPDF⁴, 2 from Purbo Banglar Communist Party (Jonojuddho), 1 from Gono Mukti Fouz, 1 from Biplobi Communist Party, 1 from Pahari Chattra Parishad (PCP) and 1 was an Awami League youth wing leader who was expelled from his party earlier. There were also 2 students of the Polytechnic Institute, 2 villagers, 2 garments workers, 1 youth, 1 was a madrasa student, 1 petty trader, 1 labourer, 1 farmer, 12 alleged criminals, 4 alleged dacoits, 1 alleged mugger, 1 from gangster group 'Lalchand Bahini', 1 from gangster group 'Gangchil Bahini'.

2. Torture in custody must be stopped

Standing in Court, Former MP Nasir Uddin Ahmed Pintu, who was arrested in connection with the Pilkhana killings case⁵ stated that the Criminal Investigation Department (CID) had severely tortured him after taking him into remand and told him that if he did not provide a confessional statement during remand, he would end up being killed in 'crossfire'. Odhikar believes that extracting confessional statements by such means clearly violates fundamental human rights and legally, such confessions are not admissible in Court. Although Bangladesh ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on October 5, 1998, the laws of the Convention are not being followed. According to this Convention, physically or mentally torturing someone or cruelly, inhumanly or degradingly treating a person is prohibited. Article 35(5) of the Bangladesh Constitution also prescribes the same standard. Odhikar demands the Government bring an end to activities relating to extracting confessional statements through torture.

It has been alleged that from January 01-June 30 2009, 23 were reportedly persons tortured by the law enforcement agencies. Among them 2 was tortured by Rapid Action Battalion (RAB), 16 by Police, 3 by Bangladesh Rifles (BDR) and 2 by Detective Branch of Police.

3. BDR revolt and human rights violations

On the morning of February 25, 2009, during the ongoing 'BDR⁶ Week', a group of protesting members of the BDR attacked senior officers coming from the Army at the BDR Headquarters. In the incident, a total of 67 senior officers including the Director General of the BDR (and his wife) and BDR members were killed. On February 26, 2009, the Prime Minister declared a general amnesty over the revolting BDR members in order to quell the ongoing mutiny. Following this declaration, the BDR mutineers laid down their arms. As per the declaration made by the Government, many BDR members reported to the BDR

⁴ UPDF: United People's Democratic Front, a political group in the Chittagong Hill Tracts.

⁵ The 'Pilkhana killing case' is the massacre of high ranking BDR officers by mutinous lower ranking officers of the BDR (Bangladesh Rifles) that took place on 25 February 2009.

⁶ BDR: Bangladesh Rifles. The Bangladeshi border force

Headquarters. They were confined by RAB and taken, blindfolded to unknown destinations. Every day since the laying down of arms, the revolting members of the BDR were screened out from the whole group of BDR members that were inside the Pilkhana during the revolt. After the conclusion of the screening process, the BDR members against whom there were specific allegations were sent to different places for questioning, prior to being arrested. During the questioning, those who agreed to give confessional statements were handed over to police stations. It has been alleged that during the questioning process, the BDR Jawans were tortured. While speaking under oath at Court, BDR Jawan⁷ Jofur Ali, Nayek⁸ Sheikh Monirul Islam, Jawan Masud, Sohrab and Yusuf Ali claimed that they had been tortured in order to provide confessional statements. During this period of time, a number of BDR members died while in custody. Family members of the deceased alleged that the departed had died due to torture inflicted upon them.

As per the information gathered by Odhikar, a total of 25 persons have reportedly died during the investigations of the BDR mutiny at Pilkhana.

4. Political violence

According to facts gathered by Odhikar, a total of 144 persons have reportedly died and 7,733 persons have been injured in political violence in the past 6 months. Most of the deaths have been due to clashes between followers of the Awami League and BNP⁹ or internal party clashes. Violence following the Parliamentary and Local Government elections are worth mentioning. It has been alleged that followers and supporters of Awami League in various educational institutions across the nation were involved in most of the political violence. Clashes between the rival student wings of the Awami League took place in 67 educational institutions during this reporting period.

5. Repression on the ethnic minority people

On June 12, 2009, a group of felons attacked ethnic minority people living in the Chaor Union of Porsha Upazila under Naogaon district and burnt down and looted their homes. 25 persons were injured during these attacks. Norendranath Murmu, a leader of the local ethnic minority community alleged that a man called Noor Hossain had organised the attack on them with the ill-motive of taking control of their land with fraudulent land documents. On June 14, 2009, when local miscreants of the village of Boraitoli of Ramgor, Khagrachori, tried to take possession of 300 acres of land occupied by ethnic minority people, they got into a clash with members of the latter group. 14 persons were injured. Odhikar believes that it is the responsibility of the State to protect the fundamental rights of ethnic minority people along with protecting their land rights and all that rightfully belongs to them. Unfortunately however, such activities have happened in the past and show no sign of stopping. Odhikar demands the arrest of those involved in these activities.

The rights of ethnic minority people have been violated during the period of January 1 to June 30 2009. 2 persons were killed during this time while 22 persons were injured. 2 incidents of land grabbing were also reported.

⁷ Jawan: soldier

⁸ Nayek: lower ranking BDR officer

⁹ BNP: Bangladesh Nationalist Party, now in Opposition

6. Violation of religious minority rights

Several incidents of violation of the human rights of religious minority groups were recorded during the time of January 1 to June 30, 2009. In these incidents, 1 person was reported killed, 367 injured, 4 assaulted and 1 person was abducted. In addition, there were 3 reported incidents of land grabbing, 3 incidents of house grabbing, 1 incident of attack on a house and 7 incidents of attack on a religious facility that occurred during this time. According to the Penal Code, defilement or destruction of a place of worship or publication of any material disrespectful of a religious group are criminal offences.

7. Bar on political activities and arrests

31 members of Hizbut Tahrir Bangladesh were arrested on March 1 and 2, 2009, from Dhaka and various other parts of Bangladesh while they were distributing leaflets relating to the Pilkhana BDR Headquarters incident. They were arrested under Section 54 of the CrPC¹⁰ and taken into remand after which cases were filed against them under Sections 153 (A), 505 and for some under Section 505 (A) of the Penal Code¹¹. On March 27, 2009 when Hizbut Tahrir tried to gather in front of the Baitul Mukkaram Mosque to demand the release of its members, the Police baton-charged them and dispersed the gathering. This injured 50 Hizbut Tahrir followers. 10 of their members were arrested by the Police. On May 9, 2009, Police arrested 7 members from a party meeting of Hizbut Tahrir. Wajed Ali, Officer-in-Charge (OC) of the Badda Police Station, informed that those 7 members of Hizbut Tahrir had been arrested under Section 54 of the CrPC as suspected 'extremists'. The OC claimed that anti-Government leaflets were also found in their possession, containing inciting statements blaming the Government for the Pilkhana incident. According to the Constitution, any citizen has the right to form a political party or publicized and carry out political activities through peaceful means. Identifying weaknesses in the Government is a democratic practice. In addition to this, all citizens have the right to publicize and participate in meetings and gatherings under Articles 38 and 39 of the Bangladesh Constitution.

8. Increase in incidents relating to illegal 'fatwas'¹²

On June 12, 2009, societal 'elites' of Companyganj, Noakhali, while arbitrating a rape case, acquitted the perpetrator without any sort of admonishment and decided that the rape victim and her mother be whipped. The Police have arrested 5 persons connected to this incident. On May 22, 2009, self styled 'religious cleric' Abul Kashem, Ruhul Amin and several others from the village of Noagaon of Daudkandi, Comilla gave the order to apply 39 lashings on Rahima Akhtar. On June 27, 2009, the so-called community leaders in the village of Dakshmin Khaiyar under the Rasulpur Union in Debidwar Upazila in Comilla charged a widower named Piara Begum (40) and Mamun Mia (25) with 'unethical acts' and whipped them. The police have arrested 6 people including Moulana Manirul Islam, Dudh Mia, Mamun, Ibrahim, Wahed and Jalil in this connection. Fatwas are illegal in Bangladesh.

¹⁰ Section 54 of the Code of Criminal Procedure allows police to arrest any person without a warrant under several circumstances, one of them being 'reasonable suspicion'.

¹¹ These sections punish those promoting enmity between classes, statements conducive to public mischief and prejudicial acts by words, etc.

¹² 'Fatwa' is the name (wrongly) given to informal arbitration decisions made by some Imams/Muslim clerics, based on usually extreme or misinterpretation of Islamic Principles.

9. Violence at the Bangladesh-India border

From January 1 to June 30, 2009, the Indian BSF¹³ committed human rights violations on Bangladeshis. During this period of time, it has been reported that 54 Bangladeshis have been killed by the BSF. In addition to this, 52 Bangladeshis have been injured, 11 abducted, 12 still missing and 11 Bengali speaking Indians pushed into Bangladesh.

Odhikar has witnessed that, although incidents relating to human rights violations along the border have been repeatedly publicized, steps have not been taken to bring an end to these activities or to provide compensation to the victims or his/her family.

10. Freedom of the press

On April 13, 2009, the 'cadre group'¹⁴ of Gias Uddin, a local MP, attacked and gravely injured Abdullah Al-Amin Biplob, a Shamokal¹⁵ representative of Goforgaon, Mymensingh, following the publication of a certain news item. From January 1 to June 30, 2009, journalists have been subjected to repression in various ways. During this period of time, 41 journalists have reportedly been injured and 38 have received threats. In addition to these figures, 5 journalists have been attacked due to publishing reports, 1 was abducted and 8 of them were assaulted. All these incidents are in contravention to domestic and international law.

11. Unnatural deaths of migrant Bangladeshi workers

Migrant Bangladeshi workers are returning to the country – but not alive. The bodies of a total of 904 migrant workers have been returned to the country recently.¹⁶ 32 of those workers were female. According to their death certificates, they all died of 'heart attack'. However, in most cases, the relatives of the deceased have alleged that they had died due to torture. In most cases, the poor workers of our country sell even their homestead to collect enough money to go abroad for work with the help of middle men and recruiting agents. Defrauded by both, a large number of migrant workers have to go as illegal workers to foreign countries. It is alleged that once arrested there, they face police torture. They are also tortured in the homes and places they work. Being illegal migrants and undocumented by the government, they have no protection from any authority.

12. Ready-made garment (RMG) workers' Situation

At Ashulia in Savar, workers of Suhi Sweater Factory belonging to the Preeti Group had been demanding a raise. Three worker leaders - Mintu, Manjurul and Bakkar – were fired from their job on June 27, 2009 upon the allegation that they were inciting workers. When the news spread among the workers, thousands staged a demonstration and, at one point, they got locked into clashes with the Ansars. The Ansar officers opened fire during the clashes, which hit garment workers Al Amin, Nasrul, Rony and Bilkis. Al Amin succumbed to his injury at the hospital. When the workers were staging demonstrations in the Jamgara area of Savar on June 28, 2009 in protest of the previous day's incident, there were clashes between the police and the workers. During the clashes, the police fired on the workers,

¹³ The Indian Border Security Force

¹⁴ Armed group of supporters

¹⁵ The Daily Shamokal is a Bangla language newspaper

¹⁶ Death of migrant workers, The Daily Star, 17/05/2009.

killing one named Akter Hossen and injured more than two hundred, including some journalists.

There has been a great deal of unrest in the factories of the Ready-made Garments industries between January 1 and June 30, 2009. Odhikar recorded 60 incidents of worker unrest, most of which were caused due to the workers being denied their salaries and unpaid wages. Odhikar demands the cancellation of the licenses of those factories which have not followed the tripartite agreement and incited the labor unrest.

Other forms of human rights violations

- **Rape**

According to reports, from January 1 to June 30, 2009, a total of 183 females and girls were raped, where 89 were adults and 94 were children¹⁷. From the adult women, 28 were killed after being raped and 36 were gang raped. From the 94 female children who were raped, 13 of them were killed after being raped and 29 were victims of gang rape.

- **Dowry related violence**

From January 1 to June 30, 2009, a total of 128 women were allegedly subjected to dowry related violence. 96 of them died due to the violence and 28 of them were tortured in various ways. 4 of these women committed suicide as a result of dowry related torture.

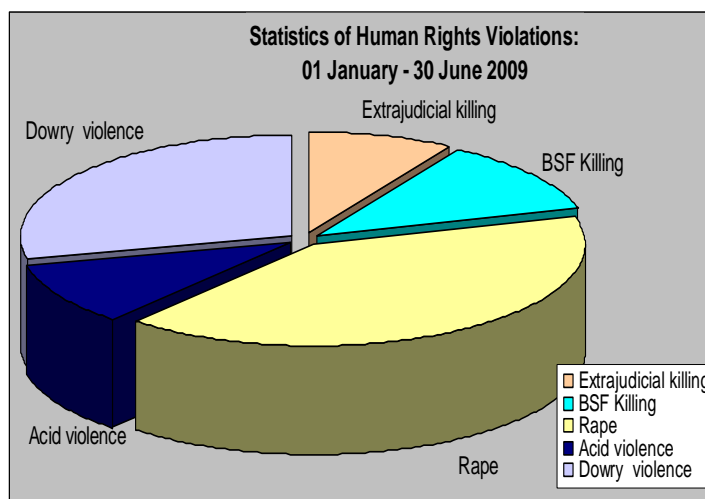
- **Acid violence**

From January 1 to June 30, 2009, a total of 45 persons have been victims of acid throwing, where 24 were women, 7 girls, 2 boys and 12 were men.

- **Death in jail custody**

From January 1 to June 30, 2009, it was reported that a total of 16 persons have 'passed away' in jail custody due to 'illness'.

<i>Statistics of Human Rights violations</i>	
<i>01 January to 30 June 2009</i>	
Name of the violation	Number of violence
Extrajudicial killing	38
BSF Killing	54
Rape	183
Acid violence	45
Dowry violence	128



¹⁷ 'Children' are those below 16 years of age, as per the Children's Act, 1974

Recommendations

1. Extra-judicial killings must stop. The Government must bring those involved in extra-judicial killings to justice. Remarks that justify the practice of extrajudicial killing will further deteriorate the situation, and must cease.
2. Torture during remand and confined questioning must be stopped. An accused person must be questioned by the police in the presence of his lawyer.
3. An independent and fair investigation must be carried out relating to the death of detained BDR members.
4. The Bangladesh Government must take the necessary steps to bring an end to the BSF killing of Bangladeshi citizens.
5. Citizens of the State must be guaranteed the right to be a part of any political party or organisation and practice of the fundamental right of freedom of speech and expression.
6. Rights of the ethnic minority people must be guaranteed and security to their property and belongings must also be provided, as per legal and constitutional provisions.
7. The Government must take effective steps to stop violence against women. Those involved in such violence must be brought under the purview of the law and the victims must also be provided with necessary assistance including adequate compensation. The victims and eye witnesses must be provided protection so that the perpetrator cannot exert fear upon them or inflict violence on them again. Odhikar also urges the Government to create a special fund for treating the physical and mental consequences of such violence.

Tel: 88-02-9888587, Fax: 88-02-9886208,
Email: odhikar.bd@gmail.com, odhikar@citech-bd.com
Web: www.odhikar.org

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.