

## **Odhikar's Monthly Report 1-31 July, 2009**

**Police repression on anti-Tipaimukh Dam procession violates constitutional rights**

**Statement made by BSF Chief Mahendro Lal Kumawat criminalises innocent victims  
and justifies border killings**

**A Human Rights Commission subservient to the Government is a sham and should be  
reviewed and amended**

**Accelerated political violence must stop**

**Human rights violations of the ethnic minority of Rangamati by the Government are  
unacceptable.**

**Rising unnatural deaths of overseas labourers should be investigated immediately**

**Arrest of three veiled women based on suspicion under Section 54 and taking them  
into remand manifests prejudice**

1. Odhikar defends civil, political, socio-economic and cultural rights of the peoples of Bangladesh and as part of its effort, observes and regularly reports on the human rights situation of Bangladesh. The present report covers the month of July 2009.

### **Repression and Police brutality on anti-Tipaimukh Dam procession**

2. On July 5, 2009 'Lamppost', a cultural group in Dhaka, organised a peaceful procession in front of the Indian High Commission. The members of Lamppost were demanding the shutting down of the Tipaimukh hydroelectric project and protesting against the torture and human rights violations committed by the Police at Lalgargh, India; against intrusion into Bangladesh's internal political matters; and the crass remarks made by Pinak Ranjan Chakravarty, Indian High Commissioner. Violation of the Vienna Conventions by the Indian High Commissioner was the issue raised by the group, demanding that the Government of Bangladesh expel him. His remarks demeaned the water specialists and environmentalists of Bangladesh. The Police attacked the participants of the procession, which was also published and televised in the national media. The protestors were beaten brutally and women participants were also assaulted. 30 Lamppost supporters were injured during the incident and two Lamppost leaders named Asish Koraya and Prince Mahmud were arrested by the police. It has been alleged that they were taken into remand and tortured. Most of the injured people were residential students of various universities, who are now leading their lives in hiding and are not even able to take necessary treatment because of the fear of police repression.
3. **Odhikar condemns** the repressive assault on the peaceful demonstrators by law enforcement agencies, the arrest and alleged torture of the people arrested who gathered to exercise their fundamental constitutional rights in a peaceful manner,

respecting the law. Any citizen of the State has the right to take part in a gathering as ensured by Articles 38 and 39 of the Bangladesh Constitution.

4. **Odhikar is concerned** that if the democratic rights of the people, to express their concern over issues that pose threat to their environment, ecology, biodiversity, life and livelihood are denied, that will cause serious problems in governance, making the state increasingly repressive and violent.
5. **Odhikar demands** that the arrested persons are immediately released.

## **'Criminalisation' of Bangladeshi citizens by BSF Chief Mahendro Lal Kumawat**

6. During the period from July 1 to July 31, 2009, 12 Bangladeshis have reportedly been killed by the BSF. In addition to this, 1 Bangladeshi has been injured and 1 has been abducted by the BSF in the past month.
7. On July 14, 2009, after the conclusion of the three-day meeting between the BDR and BSF authorities, the BSF Chief Mahendro Lal Kumawat stated, 'The BSF opened fire on the Bangladeshis when they tried to cut the barbed wire fence along the border at night. It caused their death. In many instances the BSF challenge and open fire in self-defence'<sup>1</sup>. Odhikar expresses its concern over such a statement because such remarks only justify the bloodshed and human rights violations committed by the BSF. Such remark that killed persons are cutting barbed wire is not based on any evidence and could never be verified, since the victims are already dead. This is a blatant attempt to criminalise people who may or may not cross borders for various reasons, including desperate livelihood crisis caused by environmental and ecological degradation and economic hardship.
8. Odhikar has consistently been monitoring incidents relating to the human rights violations, including killings and torture, committed by the BSF and carrying out fact finding missions. The fact findings have shown that all killings and human rights violations by the BSF have been inflicted upon apparently innocent and unarmed victims. Killing innocent people intentionally is an extreme violation of all norms of human rights and international law. It is indeed a crime under international law.
9. **Odhikar urges** the Bangladesh Government to take concerted steps with the Indian Government in order to bring an end to the unjustified BSF killings and to provide protection to its citizens who reside along the border.
10. **Odhikar recommends** that Bangladesh Government demand from the Indian Government proper investigations into the BSF killings and bring the human rights violators to the court of law and punish them, if found guilty of killing innocent people. It is imperative that adequate compensation is provided to the family members of the victims.
11. **Odhikar condemns** the lack of initiative in both India and Bangladesh to categorically stop extrajudicial killing. We also condemn the 'criminalisation' of apparently innocent people to justify such killing. This is an issue that the international community of human rights defenders must take up immediately.

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<sup>1</sup> Staff reporter: 'When attempts were made to cut the barbed wire fence, the BSF opened fire', Daily Amar Desh 15/07/2009

## **A Human Rights Commission subservient to the Government will fail to protect human rights**

12. The Government of Bangladesh passed the National Human Rights Commission Bill on July 9, 2009. The Bill provides for a selection procedure of members of the National Human Rights Commission by a seven-member Selection Committee, which allows direct intervention by the Government, since four members of the Selection Committee have come from the ruling party. The three remaining members are - a Government nominated retired Justice, who is also the Chair of the Law Commission and another is a Secretary of the Cabinet. Keeping room for only one member from the Opposition party has reduced the proposed National Human Rights Commission into an entity subservient to and controlled by the Government. The National Human Rights Commission will be a toothless tiger, as it has not been given the power to take measures against an accused person or against law enforcement agencies.
13. While the Commission itself should be given the power to file cases against human rights violators, the provision in the Bill only allows the National Human Rights Commission to make suggestions to the Government to take steps against persons against whom accusations have been proven. The Commission has no visible functional capacity. It is a caricature of what the human right defenders have been demanding for a long time and therefore totally inadequate and unacceptable.
14. **Odhikar is concerned** over the passing of a National Human Rights Commission Bill in the Parliament in the absence of and without the participation of the Opposition, with hardly any power and jurisdiction to function as an independent entity defending the human rights of the people.
15. **Odhikar rejects** the Human Rights Commission in its present form.
16. **Odhikar recommends** the National Human Rights Commission Bill be thoroughly reviewed again and amended to create an independent, neutral and powerful Commission.

## **Increase in political violence**

17. From July 1 to 31, 2009, 34 people allegedly died in political violence while 1062 were injured. 3 people were reported killed due to internal conflicts in the Awami League while 430 were injured. Odhikar expresses its concern over the increase in political violence.
18. **Odhikar is concerned** about the steady rise of political violence and demands that the government should take appropriate actions to stop this political violence and maintain a democratic atmosphere.

## **Harassment and human rights violations committed upon the ethnic minority of Rangamati by the Bangladesh Army**

19. Eight representatives of the ethnic minority groups organised a press conference on July 2, 2009, at the Dhaka Reporters Unity to report the arrests, torture and incidents of land grabbing that took place in the locality of Sajek of Baghaichori in Rangamati. It has been alleged that later, on July 5, a group of the Bangladesh Army from the Baghaihat Zone took into their custody, Ajit Chakma, village Chief of the village of Kojoichori of Gongaram Dor; and the next day Manekdhon Chakma, the village Chief of the village of Hogeietli was taken and both were questioned about their press

conference in Dhaka. Priyo Shanti Chakma from the same village was also taken into custody at the Army camp and interrogated on the same matter. The Army also carried out raids at the houses of those who had gone to Dhaka to take part in the press conference on July 2. The participants of the press conference are currently in hiding out of fear of the Army. It has been alleged that at 8.30 pm on July 8, 2009, Habildar Rafikul Islam from the Gongaram Post led an army group to the Gongaram area where they took into their custody 30/35 members from 8/10 families and kept them confined at the Post for the night and released them the following day.

20. **Odhikar is concerned** over the incident. Odhikar believes that upholding the legitimate rights of the ethnic minority as well as ensuring their land rights and protecting their possessions should be a responsibility taken up by the State. However, the State has failed to properly perform this responsibility and incidents relating to torturing and harassing of ethnic minority people continue. Odhikar expresses its solidarity with the ethnic minority groups whose rights are ensured by the Constitution.
21. **Odhikar demands** that the Bangladesh Army and the law enforcement agencies must stop persecution and harassment of all ethnic minority groups.

### **Unnatural deaths of overseas labourers from Bangladesh are on the rise**

22. The number of unnatural deaths of Bangladeshi labourers, employed in various countries abroad, is on the rise. However, very few families of the deceased receive any compensation. Between January 1 and June 30, 2009, a total of 1154 deceased labourers were returned to Bangladesh<sup>2</sup>. Amongst the deceased were female labourers. Families of only 227 labourers received any compensation. Although the death certificates of the deceased showed the cause of death as being a 'heart attack', their families alleged that most of the labourers died due to illness resulting from torture and mistreatment. On July 11, 2009, a person called Alekjan returned to Bangladesh from Saudi Arabia and passed away upon his arrival at the Zia International Airport. It has been learnt from the airport authorities that Alekjan returned from abroad in a state of illness, after living in inhuman conditions. Alekjan did not have any luggage and his passport was taken away by the Company that employed him. The labourers of Bangladesh sell off their land and pay the money to brokers and recruiting agencies to go abroad. After reaching foreign lands, they are usually betrayed by the recruiting agencies and have to live hiding from the police, till they can return to Bangladesh. In consequence, the labourers often suffer from torture by the police and others. The remittance sent home by labourers is one of the most important sources of national earnings of Bangladesh and contributes to the overall economic progress of the country. Unfortunately, no Government has ever valued their contribution or assisted them.
23. **Odhikar expresses concern** about the deaths of Bangladeshi citizens abroad and lack of government's sensitivity to the issues. We are concerned that this insensitivity reflects apathy to poor working class people who do not enjoy rights as 'citizens' of Bangladesh within and outside Bangladesh.
24. **Odhikar demands** that government takes necessary steps to investigate and understand the overall situation of the life of migrant workers and their working

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<sup>2</sup> Mithun Mahfuz: '1154 Bangladeshi workers came back as dead bodies in the last 6 months. Compensation was received by only 227 families', Amader Shomoy, 10/07/2009

conditions including occupational hazards and deaths. Special cells must be formed in the Bangladesh embassies of those countries where Bangladeshi labourers work and those cells must remain under the constant supervision of the Foreign Ministry of Bangladesh.

25. **Odhikar recommends** that a policy and system must be in place that allows Bangladeshi labourers to go abroad easily and with minimum cost preventing harassment of labourers by the middle-men. The Government must also be active in obtaining compensation for the families of the deceased and the tortured labourers. It is the responsibility of the Government to keep the recruiting agencies under supervision, to take steps against faulty and unlicensed recruiting agencies and ensure compensation for the labourers who died or were tortured abroad.

### **Three women arrested on suspicion under Section 54 and taken into remand**

26. On July 3, 2009, the police arrested two female students and one female teacher, all wearing veils, from Zianagar thana of Pirojpur district, under Section 54 of the Code of Criminal Procedure, on suspicion, despite not finding anything illegal after searching them. The matter did not end there. They were taken to court as ‘terrorists’ and taken into remand for three days and illegally handed over to the Taskforce Intelligence (TFI) for interrogation. The TFI cell did not find the accused women to be associated with the ‘terrorists’. On July 20, the Deputy Attorney General Rajik Al Jalil stated that the allegations against the three veiled women were found to be untrue.
27. **Odhikar strongly condemns** the action of arresting three women and setting a precedence of sending innocent women to 'remand' simply because they were wearing veils. There are many pious women in Bangladesh who wear veils. Personal choice is the democratic right of citizens. The acts by the police of the Zianagar Police Station, such as searching the three women and arresting them, despite not finding anything illegal, and forcing them to take off their veils in order to take their photographs, which were later published in the newspapers, is a gross violation of their human rights. This kind of behaviour of the law enforcement agencies towards citizens is absolutely unacceptable.
28. **Odhikar strongly condemns** that such an incident has already set into motion social discontent and apprehension because of the role of the law enforcing agencies as well as the judiciary at the lower level.
29. **Odhikar demands** that Government must investigate this harassment of genuinely innocent citizens, and the concerned police officers be made accountable so that such incident is not repeated.
30. **Odhikar recommends** that this event and the role of law enforcing agencies and the judiciary must be taken up by the relevant government authorities in order to prevent phobia or prejudice against the veil from a section of the people in Bangladesh, without any proper justification.

### **Other forms of human rights violations**

31. **Extrajudicial killings:** In the month of July, it has been alleged that, of the 5 people reportedly killed by the law enforcement agencies, 1 has been killed by RAB, 1 by police and 3 by RAB-Police jointly. It has been alleged that all the 5 victims were

killed in ‘crossfire/encounter/gunfights’<sup>3</sup>. It has been further alleged that out of the 5 deceased, 2 were members of the Purbo Banglar Communist Party (Red Flag), 1 was member of the Purbo Banglar Communist Party (ML Jonojuddho) and 2 were alleged criminals.

32. **Death in jail:** From July 1 to July 31, 2009, documentation shows that a total of 3 persons died in jail custody due to illness.
33. **Rape:** From July 1 to July 31, 2009, a total of 51 women and girls were raped, 23 were adults and 28 were children<sup>4</sup>. Of the adult women, 8 were killed after being raped and 12 were gang raped. Of the 28 girls who were raped, 2 of them were killed after being raped and 6 were victims of gang rape.
34. **Dowry related violence:** From July 1 to 31 a total of 50 women were subjected to dowry related violence. 37 of them died due to the violence and 12 of them were tortured in various ways. 1 of these women allegedly committed suicide after failing to endure the dowry related torture.
35. **Acid throwing:** From July 1 to July 31, 2009, a total of 12 persons were victims of acid throwing, where 9 were female, 1 man and 2 girls<sup>5</sup>.
36. **Independence of the press:** From July 1 to July 31 journalists have been subjected to harassment in many ways. During this period of time, 1 journalist was reportedly killed, 3 were injured, 6 were attacked, 1 was assaulted and 2 received threats.
37. **Odhikar is concerned** with the continuous incidents of police and RAB impunity and other violations to human rights and women’s rights. As a member of the UN Human Rights Council for a second term, Odhikar opines that the Government should make more of an effort to abide by its pledges and not be apparently in denial of all the violations occurring.
38. **Odhikar demands** that the Government abide by its obligations under the Constitution and other national laws as well as under international law. Odhikar also demands that the perpetrators of such human rights violations, many of whom can be identified and named by their living victims or witnesses, be investigated and punished in accordance with the law.

#### **Key Recommendations:**

- 1) The elected government must respect fundamental constitutional rights as well as international norms, regulations and practices related to human rights. The Government must not narrow down and create barriers to the practicing of democratic rights and must avoid the policy of persecution to the dissenting voices.
- 2) Border killings must stop immediately and criminalisation to justify extrajudicial killing by BSF Chief Mahendro Lal Kumawat should be condemned by human rights defenders all over the world.
- 3) The National Human Rights Commission Bill 2009 must be reviewed again and necessary amendments must be incorporated after discussion in the Parliament in order to create an independent, neutral and powerful Human Rights Commission.

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<sup>3</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.

<sup>4</sup> ‘Children’ are those below 16 years of age, as per the Children’s Act, 1974

- 4) The Bangladesh Army and the law enforcement agencies must stop persecution and harassment of the ethnic minority groups.
- 5) A proper policy and system must be in place that allows Bangladeshi labourers to go abroad easily and with minimum cost, preventing harassment by the middle-men. The Government must also be active in obtaining adequate compensation for the families of the deceased and the tortured labourers.
- 6) The incident of arresting three women under Section 54 and taking them to remand must be investigated and the responsible policemen must be punished.

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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.