

**Odhikar Report  
August 2009**

**Extra-judicial killings are on the rise**  
**Supreme Court should ensure human rights and a fair trial of the accused in BDR mutiny case**  
**Concern over the deaths of children after consuming adulterated medicine**  
**Crisis in the ready-made garment sector**  
**Illegal 'fatwa' & violence against women continues**

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 August, 2009.

**Extra-judicial killings are on the rise**

2. Members of law enforcement agencies are involved in killing criminal suspects extra-judicially ignoring the due process of law.
3. Odhikar is concerned about the rise of such killings. Odhikar believes that 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. Furthermore, there is a certain level of lack of political will to wipe out this practice.
4. In the month of August 2009, it has been alleged that 19 persons have been killed by the law enforcement agencies. Among them 2 have been killed by RAB<sup>1</sup>, 10 by Police, 7 jointly by RAB-Police. Out of 19 people, 1 died while they were in custody of the law enforcement agencies. This is to note that in July 2009, 5 persons were killed by law enforcement agencies.

**Types of death**

5. Out of 19 extra-judicial killings, it has been alleged that 19 were killed in 'crossfire/encounter/gunfights'<sup>2</sup>. It has been further alleged that of these people, 2 were killed by RAB, 10 by Police, 7 jointly by RAB-Police.

**Identity of the deceased**

6. Out of 19 killed, 3 were members of the Purba Banglar Communist Party (ML-Jonajuddho), 1 from Purba Banglar Communist Party (Lal Pataka), 1 from Sorbohara Party, 1 from New Biplobi Communist Party, 2 were of the Gono Mukti Fouz, 2 were members of the 'Gono Bahini', 1 from an unnamed outlawed organisation, 2 were members of the 'Gangchil Bahini', 2 were muggers and 4 were alleged criminals.

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<sup>1</sup> Rapid Action Battalion

<sup>2</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

## **Odhikar appeals to the Supreme Court to ensure human rights and a fair trial of the accused in BDR mutiny case**

7. Odhikar has been consistently campaigning as a principle that the trial of crimes committed during the BDR mutiny<sup>3</sup> should take place in a transparent and open manner and be held in a civilian Court to ensure first of all the human rights of the accused and fair delivery of justice. The event has created a serious deterioration of relations between Army officers and the BDR jawans<sup>4</sup> and it is very difficult to assess to what extent the accused BDR jawans will get justice in a Military Court. Odhikar is concerned that the fundamental questions of human rights and justice are being overtaken by partisan interpretation and politicisation of the mutiny. It is crucial to distinguish between the subject of law and justice as against a social, economic, psychological and political interpretation of this tragedy, a shocking event that caused loss of life and political instability.
8. Odhikar is concerned that, violating institutional discipline, the incumbent BDR chief has refused to wear BDR uniform expressing his hatred against BDR jawans in general and the institution of BDR, in particular, undermining the dignity of an Army officer.
9. Since the mutiny has been silenced, as per Odhikar record, a total of 31 BDR Jawans and Non Commissioned officers have died. Many of them died due to torture as has been reported and claimed by the members of their families.
10. In this context Odhikar welcomes the decision of the Government to send the BDR mutiny matter to the Supreme Court to seek opinion under Article 106<sup>5</sup> of the Constitution of the People's Republic of Bangladesh, regarding the law under which the trial should take place; signifying the jurisdiction of the Supreme Court not only in interpreting constitution but its authority to deliver juridical observation on an event of 'such nature and of such public importance'. This is also a challenge for the judiciary as an organ of the republic to demonstrate its capacity to address a crisis that is not purely juridical in nature, but involves the crisis of various institutions of the state and civil society.
11. Odhikar would like to see a fair trial of this tragic event. It would like to draw the attention of the Hon'ble Supreme Court to take notice of (a) the absence of a single coherent report from the government on the event while contradictory reports from various officially conducted investigations have already complicated the process of finding real facts; (b) Absence of mutual trust and respect between Army and BDR expressed in the move to degrade BDR from a defence institution to merely 'border guards' by changing the name and dress, before we know the reasons of the mutiny and who is actually responsible for crimes committed during the tragedy, and (c) need to investigate the deaths of the BDR Jawans, non-commissioned officers and the civilian staff members.

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<sup>3</sup> The incident of BDR mutiny took place on 25-26 February 2009, causing 72 deaths of high ranking BDR officers, who were deputed from the Army and the lower ranking officers of the Bangladesh Rifles (BDR), the border guards.

<sup>4</sup> Jawans: Soldiers

<sup>5</sup> According to Article 106, "if at any time it appears to the President that the question of law has arisen, or is likely to arise, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court upon it, he may refer the question to the Appellate Division for consideration and the division may, after such hearing as it thinks fit, report its opinion thereon to the President."

12. Odhikar appeals to the Supreme Court that these contexts must be taken into account before it makes any opinion on reference, without which trial in the military Court will seriously be questioned by the human rights defenders around the world and will seriously undermine the role of the judiciary to deliver justice to the citizens of the country.

### **Odhikar expresses its concern over the deaths of children following consumption of adulterated medicine**

13. Recently, a total of 28 children reportedly died after consuming contaminated medicine. The Investigation Committee formed by the Government has placed the blame on the production of adulterated and substandard medicines on a pharmaceutical company known as Rid Pharmaceuticals Ltd.
14. Odhikar is concerned that the whole process of production of medicines in pharmaceutical sector at all levels, starting from raw materials used by the pharmaceutical companies to marketing, is not monitored. Date expired materials as well as unrefined raw materials are used to produce medicines and produced medicines are not preserved at the right temperature to ensure shelf life.
15. The lack of regulatory regimes and the lack of capacity of the Drug Administrative Authority are of serious concern for life of the health product consumers.

### **Immediate steps need to be taken in order to resolve the crisis in the ready-made garment sector**

16. Odhikar expresses its deep concern over the consistent closing down of ready-made garment industries, one after another.
17. A report published in the print media has quoted the Bangladesh Garments Manufacturers and Exporters Association (BGMEA)<sup>6</sup>, stating that from 1<sup>st</sup> January to 3<sup>rd</sup> August, 2009, a total of 82 ready-made garment factories have been shut down, which has caused unemployment for at least 60,000 labourers<sup>7</sup>. A fall in export orders due to an insufficient supply of electricity and gas, along with the adverse affects of the global financial crisis, are among the reasons that the BGMEA authorities have identified as causes of this situation. Anwar Ul Alam Chowdhury Parvez, former President of the BGMEA, has stated that the Bangladesh Government has not offered any encouraging package to the garments sector to tackle the affects of the financial crisis, as has been done by China and Sri Lanka, rivals of Bangladesh in this sector.
18. Odhikar expresses its concern over the possibility of a humanitarian catastrophe and the creation of various social crisis due to the unemployment of thousands of workers in the ready-made garment industries.
19. On August 16 and 17, 2009, the workers of several ready-made garment factories expressed dissent and took resort to destruction of property in demand of an end to repression, the need for an Eid bonus equivalent to that of their wages; repealing of the regulation of cutting three days wages for one days absence at work; for keeping the factories closed on Government holidays; and establishment of trade union rights. During the protests, clashes

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<sup>6</sup> BGMEA: An association for the entrepreneurs of the ready-made garment sector

<sup>7</sup> The statement of the BGMEA was published on 4 August 2009 in the *Amar Desh*, a national Bangla daily newspaper

between the police and the labourers resulted in over 100 people being injured including the police. In addition to the above incident, on August 19, 2009, the workers of Mirpur Unique, a ready-made garment factory located in Dhaka, took siege of a road in protest of not receiving their due wages on time. After a new date was declared by the factory owning authorities, following a settlement done by the police, the labourers brought an end to their siege and returned to work.

20. There have also been further clashes between the police and the labourers in the industrial area of Fatulla of Narayanganj on August 25, 2009, in demand of payment of due wages and in protest of labour cuts. The clashes left 5 police officers and 70 labourers injured.

### **Incidents of issuing illegal 'fatwa'<sup>8</sup> continue**

21. On August 5, 2009, the self proclaimed members of 'civil society' from North Mondua of Sadullahpur, Gaibandha, tied the hands and legs of a rape victim (45), tortured and cut off her hair, while setting the accused rapist free. Afterwards, Mostafizur Rahman, the leader of these 'civil society' elements led a group of people and declared that they would arrange for the seclusion of the rape victim family from the society. The police have arrested Hafez Anwar Hossain, the rapist in this incident.
22. Since January 2009 to date, 27 incidents of illegal fatwa allegedly took place across the country.
23. Odhikar expressed its deep concern over the continuous issuing of such illegal fatwas.

### **Rape**

24. Between 1-31 August, 2009, a total of 44 women and girls have been raped. Among these persons, 25 were adults and 19 children<sup>9</sup>. Of the 25 adult women, 8 were killed after being raped and 11 were subjected to gang rape. Of the 19 girl children raped, 3 were killed after being raped and 6 were gang raped.
25. Kalam (30), Tushar (28) along with several other local youths raped a school girl, studying in Class VI, from Chorbhadrashon, Faridpur, and video taped the rape scene. Later on the rapists circulated the video footage in the CD market which resulted in the video spreading through mobile phones and also the internet. Following the incident, the rape victim filed a case with a local police station and the police consequently arrested three persons. After filing the case, the accused parties have been threatening the victim's family. As a result, the father of the rape victim, a rickshaw puller, is on the run and the victim's family suffers from fear and insecurity.
26. Odhikar expresses deep concern and grievance over this incident, and again urges the government to take effective steps to stop such abuse.

### **Dowry related violence**

27. From August 1 to August 31, 2009, a total of 36 women were subjected to dowry related violence. 24 of them died due to the violence and 11 of them

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<sup>8</sup> '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

<sup>9</sup> 'Children' are those below 16 years of age, as per the Children's Act, 1974

were tortured in various ways. 1 of these women committed suicide, unable to tolerate the dowry related torture.

### **Acid attacks**

28. From 1-31 August, 2009, a total of 9 persons have been victims of acid attacks, where 4 were females, 2 girls and 3 were male adults.

### **Political violence continues**

29. According to the data collected by Odhikar, a total of 22 persons were killed and 1029 injured due to political violence. The month of August has recorded 47 incidents as a result of clashes within the Awami League while there have been 11 incidents due to internal clashes of the BNP<sup>10</sup>. Two persons were killed and 299 injured due to the internal clashes within the Awami League.

### **Violence along the India-Bangladesh border**

30. From August 1 to August 31, 2009, there have been 90 reported incidents where the Indian Border Security Forces (BSF), have committed human rights violations on the people of Bangladesh along the border. It has been learned that during this period of time, 7 Bangladeshi citizens have been killed. In addition to this, 1 Bangladeshi has been injured, 3 abducted and 79 Bengali speaking Indian citizens pushed into Bangladesh.

31. Odhikar notes with concern that, despite consistently publicising the incidents of human rights violations along the border, no signs are yet to be seen of bringing an end to these violations or to provide any sort of compensation to the victims or their families.

### **Death in prison**

32. Between 1-31 August, 2009, it has been learned that a total of 3 persons have died in prisons due to illness.

### **Freedom of the press**

33. From August 1 to August 31, 2009, journalists have been subjected to harassment in many ways. During this reporting period, one journalist was allegedly killed, 2 journalists have been injured and 3 have been threatened

### **Recommendations**

34. The Government must bring those involved in extra-judicial killings to justice. Remarks that justify the practice of extra-judicial killing will further deteriorate the situation, and must cease.

35. An enabling political environment must be ensured for the judiciary to deliver its opinion on the reference regarding the BDR mutiny and the crimes committed during the tragic incident.

36. Enabling laws must be enacted to punish drug manufacturers threatening human life and their licenses must be revoked or they should be banned as drug manufacturers. Regulatory regimes and the institutional capacity, such as work force and monitoring capacity, must be immediately reviewed to protect the consumers from malpractice. The registration/license of Rid Pharmaceutical Ltd. must be cancelled and penal measures must be taken

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<sup>10</sup> BNP: Bangladesh Nationalist Party, now in Opposition

against the concerned company and its adulterated and substandard medicines must be taken off the market. The families of the children who died must be provided with adequate compensation and this should be realised from the entity that has produced the adulterated and substandard medicines.

37. The wages of the RMG workers must be paid on time. The Government must monitor whether the ready-made garment factory owners are keeping their word on paying the due wages of workers and upholding the tripartite agreement. The reasons behind the closing down of factories and workers unrest must be identified and a high powered committee must be formed to decide upon the policy to resolve the on going crisis.
38. Odhikar urges the Government to take steps to bring an end to violence against women by issuing of illegal 'fatwas'. The guilty parties must be brought before justice and the victims must be provided with physical and mental assistance along with the realisation of adequate compensation.
39. The Government must take action to bring an end to violence against women.
40. Political violence must be brought to an end. In this regard, the major political parties, in particular, the Awami League and the BNP should come forward and agree to refrain from confrontations. All political parties should be encouraged to come together to stop political violence and the practice of confrontational politics.
41. The Bangladesh Government must take effective measures to bring an end to the killing of Bangladeshi citizens by the BSF.

Tel: 88-02-9888587, Fax: 88-02-9886208,  
Email: [odhikar.bd@gmail.com](mailto:odhikar.bd@gmail.com), [odhikar@citech-bd.com](mailto:odhikar@citech-bd.com)  
Web: [www.odhikar.org](http://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.