

**Odhikar's 9-Month Human Rights Monitoring Report
01 January- 30 September 2009**

Despite the Government's declaration of zero tolerance, numbers of extra-judicial killings were extremely high in September - 97 in the past 9 nine months;

BDR members tortured in custody;

The Government has closed down Odhikar's project concerning prevention of torture

Odhikar condemns police attacks at a procession of the National Committee to Protect Oil, Gas, Mineral Resources, Power and Ports;

Indian Border Security Force continues to kill Bangladeshis at will;

Journalists have been attacked and false cases have been filed against them;

Political violence continues.

1. Odhikar stands to uphold the dignity and life of persons and civil, political, economic, social and cultural rights. As a part of this commitment, it monitors the human rights situation of Bangladesh on a regular basis through monthly reports and other occasional publications. In line with this campaign, a report on the state of human rights of Bangladesh, covering the period of January-September, 2009 is given below.

Despite the Government's declaration of zero tolerance, 97 have been killed extra-judicially in the past 9 nine months

2. It is alarming that the present government has failed to keep up with its commitment of 'zero tolerance' to extra-judicial killing. The situation of human rights in Bangladesh was reviewed at the Universal Periodic Review (UPR) of the Human Rights Council 2009 at Geneva on February 3, 2009. The Foreign Minister of Bangladesh, Dr. Dipu Moni informed that the Awami League government maintains a 'zero tolerance' position towards 'extra-judicial' killings. On February 11, 2009, the Prime Minister of Bangladesh, Sheikh Hasina, stated at the Parliament that, 'those who are involved in extra-judicial killings will be brought to justice.'¹ The Prime Minister, furthermore, stated at a meeting with Bangladeshi journalists in New York on 27 September 2009 that "we do not believe in extra-judicial killing. However, it is also not expected that law enforcement agencies will die indiscriminately in the hands of criminals".²
3. On September 12, 2009, the State Minister for Home Affairs, Advocate Shamsul Hoque Tuku stated, 'There is no such thing as 'crossfire'. The incidents which are supposed to be relevant to 'crossfire' are in fact not even related to crossfire. While the law enforcement agencies carry out missions against criminals, they act in self-defense which leads to the deaths of the criminals.'³
4. All these statements by the Prime Minister and State Minister for Home Affairs indicates clear shifts from the commitment to the international community with regard to extra-judicial killings. The incidents of such killings commonly take place in the name of crossfire, encounter and gun-fights. The reported number of extra-judicial killings are increasing rapidly due to such statements made by the government. The rhetoric and the language to justify extra-judicial killing is a major concern that Odhikar appeals to international community to take into account.

¹ The Daily Ittefaq, 12.02.2009

² The Daily Amar Desh, 29.09.2009

³ The Daily Prothom Alo, 13.09.2009

5. Since 1-30 September 35 persons have been allegedly extra judicially killed which is highest in 9 months. During the period of January 1 to September 30, 2009, it is alleged that 97 persons were killed by the law enforcement agencies. Among them 28 have reportedly been killed by RAB⁴, 41 by Police, 21 jointly by RAB-Police, 03 by the Army, 02 by Ansar⁵, 01 by the Jail police and 01 by Forest Guards. Out of 97 people, 20 died while in custody of various law enforcement agencies.

Types of death

6. Out of the 97 extra-judicial killings, 83 were allegedly killed in 'crossfire/encounter/ shootout/gunfights'.⁶ Among these people, 27 were killed by RAB, 32 by police, 21 jointly by RAB-Police and 03 by the Army. Moreover, 10 persons have allegedly died due to torture. Among them it is alleged that 01 have died due to torture by RAB, 8 by police and 01 by jail police. It has also been learnt that 02 people were shot by the Ansar, 01 by the police and 01 by the Forest Guards.
7. Odhikar demands that the perpetrators of the extra-judicial killings be brought to justice, subject to neutral and unbiased investigation into the killings.

Torturing of BDR members in custody must stop

8. BDR Jawans⁷ of the 5th Battalion, Reazul Islam (25) (Badge No. 72956) and Arafat Ali (25) (Badge No. 66265) of the 13th Battalion were arrested under the Peelkhana killings case and admitted to the Dhaka Medical College Hospital on September 14, 2009 from the Task Force Interrogation Cell due to severe illness. On September 10, 2009, 16 BDR Jawans were arrested from the BDR Headquarters at Peelkhana under the mutiny and murder case.⁸ All of the arrested persons were taken into remand for interrogation later on. It was learnt from sources at the Dhaka Medical College Hospital, that marks of beatings appeared on the bodies of both Jawans. They seem to have been tortured in many ways, which included electric shocks.
9. Extracting confessional statement through torture is a severe violation of human rights but common practice in Bangladesh. Although Bangladesh ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on October 5, 1998, the laws are not being followed. According to this Convention, no person shall be subjected to physical or mental torture, or any forms of inhuman or degrading treatment or punishment. In addition to this, Article 35(5) of the Constitution of Bangladesh reiterates this.
10. In the past 9 months, 55 people (among them 14 BDR members) were allegedly tortured by the law enforcement agencies. Among them, 25 were tortured by police, 20 by the RAB, 05 by coast guard, 03 by BDR and 02 by the members of Task Force.

Odhikar torture prevention programme has been stopped by the Government

11. The Government abruptly brought an end to the torture prevention project of Odhikar, where Odhikar was to provide training to human rights defenders and carryout mass-awareness raising programmes. The NGO Affairs Bureau under the Prime Minister's Office, approved the programme and gave permission to launch

⁴ Rapid Action Battalion

⁵ Ansar: an auxiliary law enforcement agency

⁶ 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

⁷ Jawans: Soldiers

⁸ 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.

the project titled 'Human Rights Defenders Training and Advocacy Programme in Bangladesh' on April 28, 2009. After the permission was granted, Odhikar provided training to Human Rights Defenders as to how human rights could be upheld; how human rights violations could be prevented; how one could assist the tortured; along with providing training as to how public awareness could be raised against torture and to enact a domestic law criminalising torture as an offensive crime and carry out advocacy programmes to inspire the Government to sign the Optional Protocol to the Convention Against Torture. In line with these programmes, Odhikar had already organised workshops and rallies related to a campaign to stop of torture, at Satkhira, Jessore, Kushtia, Sirajganj and Rajshahi. Local MPs, District Commissioners, Police Superintendents, representatives of various political parties, representatives of local government institutions, and the media along with victims of torture and human rights defenders, took part in the events. Odhikar also organised a Tribunal against Torture and a roundtable discussion on June 27, 2009, in relation to the incidents of torture during the State of Emergency in Bangladesh. Then Odhikar received a letter dated August 17, 2009, from the NGO Affairs Bureau ordering it to shut down its torture prevention programmes. The letter reached Odhikar on August 31, 2009. The letter which was signed and stamped by the NGO Affairs Bureau authority stated that the project has been cancelled because of objections expressed by the Ministry of Home Affairs.

12. There was no prior notification or valid reason to shut the programme, given by the government.
13. The decision of the government indicates that government intends to suppress the voice of Odhikar against extra-judicial killings and torture in custody. This decision indicates that the Government is not willing to bringing an end to torture and extra-judicial killings at all. Recent events indicate a drastic decline in the overall human rights situation of Bangladesh.

Odhikar condemns the police attacks at a procession of the National Committee to Protect Oil, Gas, Mineral Resources, Power and Ports

14. On August 24, 2009, the Government decided to enter into Production Sharing Contracts (PSC) with Conoco Phillips and Tallo Oil, whereby the contracting companies could commence oil exploration in three sites in the Bay of Bengal, and consequently giving scope for 80% of the extracted oil to be exported. In protest of this decision and demanding the Government to not to enter into such a contract, the National Committee to Protect Oil, Gas, Mineral Resources, Power and Ports organised a procession with a view to surround the Petro Bangla office on September 2, 2009. It was alleged that the police tried to prevent and also attacked the procession. Member-Secretary of the National Committee, Professor Anu Mohammad, General Secretary of the Biplobi Workers Party Saiful Huq along with 70 others were injured due the baton-charge by the police. 30-35 persons were severely wounded. The female participants of the procession were not spared the police brutality.
15. Odhikar believes that the model PSC formulated by an unelected Government, does not take into consideration the fact that oil and gas can be used to develop the power sector of Bangladesh along with a growth of the readymade garments sector.
16. Odhikar believes that the attacks on a peaceful procession against an anti-state decision, taken by the Government and in the process trying to establish the sovereign right of the people over its resources, is a clear violation of the democratic and constitutional rights of the citizens and remains as an example of violence inflicted by the State. According to Articles 38 and 39 of the Constitution of Bangladesh, any citizen of the State is guaranteed the right to engage a procession in a peaceful manner.

Police attacks on the procession against the Tipaimukh Dam

17. On July 5, 2009, members of Lamppost, a cultural organisation, were attacked by police when they took part in a peaceful protest in front of the Indian High

Commission. The procession was organized to demand the shut down of construction of the Tipaimukh Dam at Monipur, India, and in protest against police atrocity at Lalgar, India, along with the violations of human rights and interference of India in Bangladeshi politics. The procession was also organised to demand that the Indian High Commissioner Pinak Ranjan Chakraborty, be sent back to India after he had made defamatory comments regarding the environmentalists and water specialists of Bangladesh, which was a clear violation of the Vienna Convention. The baton-charge of the police left the participants injured. Around 30 people - both men and women - were injured and two Lamppost leaders named Ashish Koroa and Prince Mahmud were arrested. It has been alleged that the arrested persons were tortured in custody while under police remand.

18. It is a matter of serious concern when the State attempts to terrorise those who speak against or express opinions about matters concerning life-nature-environment. Such acts shrink democratic space and create obstacles toward protecting democratic rights.

Attacks and cases against journalists continue

19. From January 1 to September 30, 2009, journalists have been subjected to harassment, attacks and cases have been filed against them. During this period, 02 journalists have reportedly been killed, 52 injured and 48 have been threatened. In addition to this, 01 journalist have allegedly been abducted and 22 have been assaulted, while cases were allegedly filed against 13 journalists.
20. On September 1, 2009, in reaction to a report published in the daily *Amar Desh*⁹ against the Awami League MP of Chuadanga, Solayman Huq Joardar and his brother Pouro Mayor Reazul Islam, the activists of Chattra League¹⁰ and Jubo League¹¹ attacked and ransacked the Janata Store owned by Ariful Islam Dalim, Chudanga representative of the daily *Amar Desh*. The activists then set fire to the store using petrol and burnt copies of *Amar Desh*. In the evening, the activists of Chattra League and Jubo League went to Dalim's house and assaulted its inhabitants including his wife and children and ransacked and looted valuables. In relation to the same incident, the members of the Chattra League and Jubo League attacked the business enterprise of Rajib Ahmed Kochi, the Daily *Janakantha*¹² representative and the home of Shah Alam, the daily *Prothom Alo*¹³ representative in Chuadanga. On the same day, a clash took place between the BNP and Awami League activists. A case was filed in relation to the clash and the names of Ariful Islam Dalim and Shah Alam, the representatives of *Amar Desh* and *Prothom Alo*, were tagged into the case as accused persons.
21. The supporters of Gias Uddin, a Member of Parliament representing Goforgaon, Myemensingh, attacked and severely injured Abdullah Al-Amin Biplob, a district correspondent of the daily *Shamokal* of the said area on April 13, 2009, in consequence of a published news. A man named Rajon was arrested in connection to this incident, yet no measures were taken against Gias Uddin, alleged to be the real culprit.
22. There is now a growing tendency to attack the person and property of journalists who are carrying out their professional duties.

Barriers to political activities and arrests

23. On September 4, 2009, a group of policemen dressed in plain clothes, obstructed members of Hizbut Tahrir¹⁴ from bringing out a procession after the Jumma prayer at the Baitul Mukkaram mosque. When unrest spread into the area, the police

⁹ The Daily *Amar Desh* is a Bangla language newspaper

¹⁰ Chattra League: Student wing of the Awami League, one of major political parties, now in power.

¹¹ Jubo League: A youth wing of the Awami League

¹² A Bangla language newspaper

¹³ A Bangla language newspaper

¹⁴ Hizbut Tahrir: a political organisation

arrested 30 members of the Hizbut Tahrir and took them to the Paltan Police Station. Sub-Inspector Rafatara Sultana informed Odhikar that cases had been filed against the arrested activists of Hizbut Tahrir.

24. Any citizen of the State has the right to form a political party or an organisation and organise political activities in a peaceful manner. These political parties or organisations also hold the right to criticise the Government. Furthermore, all citizens have the right to organise and take part in meetings and associations as guaranteed in Articles 38 and 39 of the Constitution.

Political violence

25. From January 1 to September 30, 2009, 185 people have reportedly died in political violence while 10468 have been injured. It is alleged that most of the deaths occurred due to clashes between the BNP and Awami League or due to intra party clashes. Amongst these, the deaths during clashes following the Upazila elections are notable.¹⁵ It has also been alleged that supporters and activists of the Awami League at the various educational institutions were behind the political violence. During this period, 36 people were reportedly killed due to internal conflicts within Awami League while 02 were killed due to clashes between factions of the BNP.

A Human Rights Commission obedient to the Government can not protect human rights

26. 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, where 6 out of the 7 members belong to the ruling party and are Government officials. Keeping only one member from the Opposition transforms the proposed National Human Rights Commission into an entity subservient to Government will. The National Human Rights Commission shall also remain an institution without effect because it has not been given the power to take action against accused persons or against law enforcement agencies.
27. Odhikar believes that the provision of the Bill prescribing the National Human Rights Commission to merely make suggestions to the Government to take steps against those who have been proven guilty of crimes is not merely enough. It is rather important that the Commission itself possesses the power to file cases against such persons on its own. Under the current law, the Commission has been deprived of such powers.
28. Odhikar demands the Government to take appropriate steps to review the National Human Rights Commission Bill and amended it after discussions in the Parliament in order to create an independent, neutral and powerful Commission.

Anti-terrorism law is a tool for committing human rights abuses

29. On February 19, 2009, the Government, in a Cabinet meeting, approved the Anti-Terrorism Bill to be made into law, without due considerations or feedback from the people. This Bill was later passed by the Parliament. An Anti-Terrorism Ordinance 2008 was promulgated by the military-backed 'Caretaker' Government on June 11, 2008, and 'terrorist' and 'terrorist activities' have been redefined.
30. The given definitions were so wide and unclear that it left scope for the possibility of misuse. Odhikar expressed concern over the Anti-Terrorism Ordinance when it was promulgated by the CTG, an unelected government.
31. The Cabinet of the current Government sanctioned the whole Ordinance and this was later on passed by the Parliament. Odhikar believes that this law might be used as a tool to commit human rights violations.

Violence along the India-Bangladesh border

¹⁵ The Upazila elections were held on January 22, 2009

32. The Indian Border Security Forces (BSF), have attacked Bangladeshis along the border area and committed human rights violations. From January 1 to September 30, 2009, it has been learned that 82 Bangladeshi citizens have reportedly been killed by the Indian BSF. Moreover, 59 Bangladeshis have been injured, 92 missing, 18 abducted, and 11 Bengali speaking Indian citizens have been pushed into Bangladesh.
33. Odhikar observes with concern that despite consistently placing forth the incidents of human rights violations along the border, no signs are yet to be seen of bringing an end to these violations or provide any sort of compensation to the victims or their families.

Conditions of workers in the ready-made garments sector

34. A total of 1039 incidents of workers unrest took place in the ready-made garments sector in the last 9 month. Most of these incidents were related to the payment of wages due to the workers or demand for proper wage and in protest of labour cuts.
35. Odhikar demands the cancellation of the licenses of those ready-made garment factories which do not follow the tripartite agreement and inflame the workers' unrest.

Rape

36. From January 1 to September 30, 2009, a total of 338 women and girls were reportedly raped, where 158 were adults and 180 were children¹⁶. Of the 158 adult women, 50 were killed after being raped and 68 were subjected to gang raped. Of the 180 female children raped, 22 were killed after being raped and 51 were victims of gang rape.
37. On 25 September 2009, an adolescent was gang-raped following her abduction, by 10 activists of Bangladesh Chattra League¹⁷ while she was returning from a *Puja Mandop*¹⁸ in Kolapar upazila in Patuakhali district. The rapists threatened the victim's family not to take any legal measures and Rafiqul Islam, General Secretary of Kolapara upazila Awami League made the victim and her father sign a blank sheet of paper. Police did not arrest anyone in this regard.
38. A woman, belong to ethnic minority community, was raped by 4 police Constables on 28 February 2009 in Khagrachari. On 22 April 2009, Indian BSF raped a Bangladeshi woman and killed her husband in Satkhira.
39. It is observed that the incidents of violence against women, including rape is on the rise due to lack of effective role played by law enforcers.

Dowry¹⁹ related violence

40. From January 1 to September 30, 2009, a total of 247 women were subjected to dowry related violence. 176 of them died due to the violence and 64 of them were tortured in various ways. 07 of these women allegedly committed suicide after failing to tolerate the dowry related torture.

Acid attacks

41. From January 1 to September 30, 2009, a total of 77 persons have been victims of acid attacks, where 45 were women, 12 were girls, 03 boys and 17 were men.

Illegal fatwas²⁰

42. From January 1 to September 30, 2009, there have reportedly been 27 instances of issuing illegal fatwas.

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

¹⁷ The student wing of the Awami League

¹⁸ A temporary Hindu temple set up for worship.

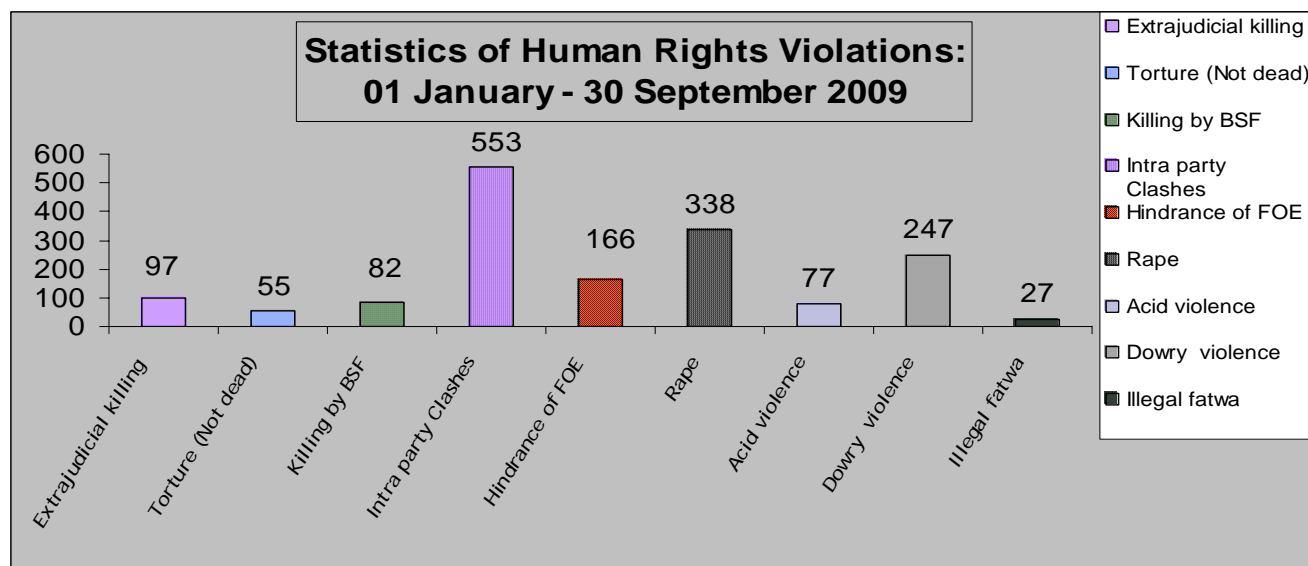
¹⁹ The Dowry Prohibition Act, 1980 makes the giving or taking/ demanding of dowry an offence, punishable with imprisonment and/or fine.

²⁰ 'Fatwa' is the name (wrongly) given to informal arbitration decisions made by some Imams/Muslim clerics, based on usually extreme or misinterpretations of Islamic Principles

Death in jail custody

43. From January 1 to September 30, 2009, it has been reported that a total of 32 persons have passed away in jail custody due to illness.

<i>Statistics of Human Rights violations</i>	
<i>01 January to 30 September 2009</i>	
Name of the violation	Number of violence
Extrajudicial killing	97
Torture (Not dead)	55
Killing by BSF	82
Intra party clashes	553
Hindrance to FOE ²¹	166
Rape	338
Acid violence	77
Dowry violence	247
Illegal fatwa	27



Recommendations

50. As per the election manifesto of the present Government and the UPR declaration of the United Nations, extra-judicial killings must come to an end. The Government must bring before trial those involved in these killings.
51. Torture during remand and custody must stop. Independent and fair investigations must be carried out in relation to the deaths of the BDR members who were in custody.
52. The decision to cancel Odhikar's project must be withdrawn.

²¹ FOE: Freedom of Expression

53. The Government must refrain from narrowing down the path to the practicing of democratic rights and move away from coming down on political groups which hold a different political opinion.
54. The Government must take effective measures to bring an end to political violence and bring those responsible under the purview of the law. The law enforcement agencies must play an active role in curbing political violence.
55. All measures must be taken to ensure that all forms of torture against women and children come to an end and that the guilty parties be brought to justice. Victims of violence in this regard should be adequately compensated and paths to assisting them must be left open and accessible.
56. The Government must take effective steps so that the killings of Bangladeshi citizens by the BSF come to an end.
57. The Anti-Terrorism law, a tool for committing human rights violations must be scrapped.

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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.