



July 01, 2010

## **Human Rights Monitoring Report**

**January 01 – June 30, 2010**

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judicially**

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Odhikar defends civil, political, social, economic and cultural rights of the people and as part of its mission, observes, reports and analyses the human rights situation of Bangladesh. Odhikar documents, and records violations of human rights and receives information from its network of human rights defenders as well as from monitoring media reports in twelve national daily newspapers. Odhikar conducts detailed fact-finding investigations where serious violations occur.

In line with this campaign, an account of the human rights situation of Bangladesh covering the period of January – June 2010 is given below.

## **Extrajudicial killings continue**

1. On March 1, 2010, Dr. Dipu Moni, the Bangladesh Foreign Minister at a high-level meeting of the UN Human Rights Council at Geneva, stated that Bangladesh was fully committed to stopping extra-judicial killings.<sup>1</sup> Despite this message being conveyed from the Foreign Minister, extra-judicial killings in Bangladesh continue.
2. The Director General of Rapid Action Battalion Hassan Mahmood Khandkar claimed, “RAB members never get involved in any activity which is extra-judicial.”<sup>2</sup> On March 28, 2010 the Director General of Rapid Action Battalion in a press briefing at the RAB Headquarters in Uttara refuted the allegations of extra-judicial killing by RAB.
3. On the evening of the same day, Home Minister Sahara Khatun said, “RAB members are left with no option but to open fire when criminals shoot at them.”<sup>3</sup>
4. On May 28, 2010, Law Minister Shafique Ahmed claimed that crossfire killings have stopped. “No more crossfire incidents are taking place in the country. It has stopped.”<sup>4</sup>
5. Following the crossfire killings of two brothers Lutfor Khalashi and Khairul Khalashi from Madaripur on November 15, 2009, a bench of the High Court Division consisting of Justice A F M Abdur Rahman and Justice Imdadul Huq Azad issued a suomoto Rule on the Government. The High Court Division asked the Government as to why the High Court Division should not declare the crossfire killings of the two brothers illegal. When the Government prayed for time on the date of hearing on December 14, 2009, the Bench issued a direction to stop crossfire killings until the Rule was disposed of. Later on when the Chief Justice reconstituted the concerned Bench, the hearing of the Rule issued did not happen.<sup>5</sup>
6. On June 1, 2010, a Division Bench of the High Court Division consisting of Justice AHM Shamsuddin Chowdhury and Justice Md. Delwar Hossain during the hearing of a Contempt of Court case against Chittagong Police Commissioner Moniruzzaman, stated “Incidents of torture and death in custody will not be tolerated. The judges have taken Constitutional pledge to protect the rights of the people.”<sup>6</sup>
7. On May 11, 2010, Md. Manik (38), a night-guard of Anjuman Residential Hotel at Reyajuddin Bazaar, 116 Station Road, Chittagong, died while he was in custody at the Kotowali Police Station in Chittagong. Family members of the deceased Manik alleged to the fact finding officer of Odhikar that SI Yunus Miah arrested Manik on May 10, 2010 and

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<sup>1</sup> The Daily Amader Shomoy, 02/03/2010

<sup>2</sup> New Age, 29/03/2010

<sup>3</sup> See The Daily Start at <http://www.thedailystar.net/newDesign/news-details.php?nid=132056>

<sup>4</sup> New Age, 29/05/2010

<sup>5</sup> The Daily Jajaidin, 14/01/2010

<sup>6</sup> The Daily Prothom Alo, 02/06/2010

tortured him during interrogation which caused Manik's death. Manik came from the village of Chorpaborti of Companyganj under Noakhali district.<sup>7</sup>

8. During the period of January – June 2010, 61 people have been killed extra-judicially. It has been further alleged that of these people, 29 were killed by RAB, 25 by Police. In addition to this, 04 were killed during joint drives of the RAB and Police. Of these 61 casualties, 13 passed away while they were in custody of the law enforcement agencies.

**Crossfire/Encounter/Gun fight:**

9. It has been alleged that of the extrajudicial killings, 52 were killed in 'crossfire/encounters/gun fights'. It has been alleged further that 27 of these persons were victims of 'crossfire/encounter/gun fights' involving the RAB, 18 were victims of 'crossfire/encounter/gun fights' which involved the Police, 04 were victims of 'crossfire/encounter/gun fights' jointly involving the RAB and the Police and 03 were allegedly killed in crossfire/encounter/gun fights' by RAB and coast guard.

**Death Caused by Torture:**

10. On May 13, 2010, a man named Rabiul Islam Khokon (23) died while in custody at the Chatkhil Police Station, Noakhali. The family members of the late Rabiul Islam alleged to the fact finding team of Odhikar that Rabiul was admitted to the Noakhali General Hospital in a critical state after he was physically tortured by SI Abdul Mannan of the Chatkhil Police Station who had taken Rabiul into remand. When Rabiul's condition deteriorated, he was admitted to the Dhaka Medical College Hospital where he passed away. Rabiul Islam Khokon came from the village of Mojjotpara under Noakhali district.<sup>8</sup>
11. The Court has issued arrest warrants against 19 persons including 12 Police Officers from Natore after allegations were raised regarding the torturing to death of a man named Ansar. On May 10, 2010, the verdict was passed by the Additional Chief Judicial Magistrate Mohammad Akhtaruzzaman. On July 27, 2009, ASI Jasimuddin of the Shingra Police Station had filed a murder case which stated that when a police patrol team was passing the Kakiyan forest, Ansar and other dacoits opened fire on the police. The police returned fire which caused Ansar's death. Ansar's father Rojob Ali alleged that his son had been killed in a pre-planned manner and filed a complaint case at the Court of the Chief Judicial Magistrate at Natore on August 17, 2009. Magistrate Mohammad Akhtaruzzaman took cognizance of the

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<sup>7</sup> Odhikar's Fact Finding Report

<sup>8</sup> Odhikar's Fact Finding Report

case and directed Judicial Magistrate Mahmudul Hasan to carry out a judicial inquiry into the incident. Magistrate Mahmudul Hasan submitted his report following completion of the inquiry. His report stated that Ansar died while he was in custody and his body was left inside the Kakiyan forest. The report stated further that Ansar had not been killed in crossfire but was tortured to death while he was in custody following arrest.<sup>9</sup>

12. During January – June 2010, a total of 09 persons were allegedly tortured to death. Of them, 02 were allegedly tortured to death by the RAB and 07 by the Police.

### **Identities of the Deceased:**

13. Of the 61 deceased, it has been reported that 01 was the member of Purbo Banglar Communist Party, 02 were members of the Purbo Banglar Communist Party (Red Flag), 07 belonged to Gono Mukti Fouz, 04 from Gano Bahini, 01 was from Biplobi Communist Party; 01 was a leader of the cultural wing of BNP, 02 belonged to the Islami Chattra Shibir, 01 was an employee of the Apollo Hospital, 01 was a businessman and another 01 was a night guard, 02 were drivers, 02 youths, 01 was an alleged gangster, 01 was an alleged car hijacker, 26 were alleged criminals and 05 were alleged dacoits, 03 were pirates.

### **Government shuts down photo-exhibition on ‘crossfire’**

14. On March 22, 2010, Drik Gallery organised a photo-exhibition titled ‘Crossfire’. The event was organised with the objective of upholding the many inconsistencies of the alleged ‘crossfire’ carried out by the law enforcement agencies. The police shut down the photo-exhibition on its inaugural day on the pretext that the event was being held without permission from the Government. The photo-exhibition had finally been allowed to open on March 31, 2010, by the government following a writ petition filed in the High Court Division of the Supreme Court and on public demand.

### **Torture while detained in Police Station**

15. On June 15, 2010, Billal Hossain, a peasant residing at Bakra village in Ashashuni Upazila under Satkhira district, was allegedly tortured for a whole night by Sub Inspector Ziaur Rahman while he was detained in the police station. Billal Hossain had been detained when he went to the police station to file a complaint regarding the demand for ransom following abduction of his son Shubha (6). However, SI Ziaur Rahman tortured him by suspending him by his hands in the lock-up on the pretext of filing a fabricated case. Abducted Shubha’s body

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<sup>9</sup> The Daily Amar Desh, 13/05/2010

was found in a local river (Morichchap) on June 16, 2010. SI Ziaur Rahman has only been closed in relation to this incident.<sup>10</sup>

16. Between January and June 2010, 26 persons were tortured by law enforcement agencies. Among them 2 were allegedly tortured by RAB and 24 by police.

### **Death in Jail/Court Hajat/ RAB Custody**

17. On June 16, 2010, a 4-year-old child named Mustafa, who was detained in Dhaka Central Jail with his parents, died at the Dhaka Medical College Hospital whilst receiving treatment. Mustafa's parents were convicted of a murder case. Mustafa had to live in various prisons as both of his parents were convicted. He has been suffering heart and kidney disorders since his birth. Mustafa's condition deteriorated due to lack of treatment and he died, as a result.<sup>11</sup>

18. It has been found that 38 people reportedly died in jail. Among them 37 died due to 'illness' and one committed 'suicide' and it is further reported that 02 persons died in court custody and 02 died in RAB custody during January – June 2010.

### **Government imposes ban on media**

#### ***Arrest and torture of Mahmudur Rahman, Acting Editor, Amar Desh***

19. The publication of the Bangla-language daily Amar Desh has been closed as the government cancelled the declaration of the newspaper on June 1, 2010. The police sealed off the press of Amar Desh at about 11.00 pm that night.

20. On June 10, 2010, a bench of the High Court Division consisting of Justice Nazmun Ara Sultana and Justice Sheikh Hasan Arif ordered the continuation of the Amar Desh publication. But the police did not allow the press to be opened for publication, despite the directive from the High Court Division. On June 15, 2010, the Chamber Judge of the Appellate Division of the Supreme Court, Justice Surendra Kumar Sinha, has stayed the order of the High Court Division for four weeks following an appeal to the Appellate Division of the Supreme Court by the Attorney General for Bangladesh against the stay order granted by the Division Bench in this regard.

21. About 400 journalists and technical staff were working at the daily Amar Desh at the time of its closure.

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<sup>10</sup> The Daily Kaler Kantho, 17/06/2010

<sup>11</sup> The Daily Shamokal/Jugantor, 18/06/2010

22. At about 4 am on June 2, 2010 Mahmudur Rahman, the acting Editor of Amar Desh, was arrested by armed police from the newspaper office under a case filed by Md. Hashmat Ali at the Tejgaon Industrial Area Police Station. Police resorted to baton charging the protesting journalists in order to arrest Mahmudur Rahman.
23. After arresting Mahmudur Rahman, a case was filed accusing over one hundred journalists and other office staff on the allegation of beating Sub Inspector Md. Shafiqul and obstructing government duty. Apart from Mahmudur Rahman, other accused persons were Sanjeeb Chowdhury, Abdal Ahmed, Zahed Chowdhury and Alauddin Arif.
24. Earlier at around 9:00 am on June 1, 2010 the publisher of the newspaper, Md. Hashmat Ali, was allegedly picked up from his residence by the members of the National Security Intelligence (NSI). It is alleged that while sitting in the office of the NSI, Md. Hashmat Ali signed some blank sheets of paper and was then allowed to leave the office of that agency.
25. The papers signed by Md. Hashmat Ali, now mention that although he handed over his shares of the newspaper sometime back to Mahmudur Rahman, the latter was still publishing Md. Hashmat Ali's name as the publisher; and due to this he was sued for publishing certain reports along with Mahmudur Rahman. However, earlier an application had been submitted by Mahmudur Rahman to the Deputy Commissioner of Dhaka, to include his name as the publisher of Amar Desh by replacing the name of Md. Hashmat Ali. But the district administration cancelled his application after keeping it pending for a long time as per government instructions.
26. It has been alleged that Mahmudur Rahman was taken to an unknown destination after his arrest. He was produced before the Court of the Chief Metropolitan Magistrate following his arrest and the Court granted bail on the case filed by Hashmat Ali. The Court also ordered the police to question Mahmudur Rahman at the jail gate while police prayed for a five day remand. On June 2, 2010, the police baton charged an agitated group of people at the time of producing Mahmudur Rahman before the Magistrate Court. A case was filed with Kotwali Police Station on the same day of the allegation for beating policemen and accordingly the prosecution asked for seven-day remand by showing Mahmudur Rahman arrested under the same case. The Court granted three day remand under the Tejgaon Police Station case and one day remand under the Kotwali Police Station case.
27. On June 6, 2010, Mahmudur Rahman was shown arrested in a pending case filed at Uttara Police Station under sections 6(1) of (kha)/8/9(1)/11/13 of the Anti-Terrorism Act, 2009 and also in a sedition case filed at the Airport Police Station under sections 121/ka, 124/ka and 114 of the Penal Code. The prosecution applied for a 20-day remand under Uttara and Airport

Police Station cases and the Court granted a four-day remand in the Anti Terrorism Case under Uttara Model Police Station and another four day remand in the sedation case lodged at the Airport Police Station. Thus, Mahmudur Rahman was taken into remand for a total period of 12 days.

28. On June 8, 2010, Mahmudur Rahman said in the Court that, “I have been tortured. I wanted to eat when I was hungry. But the police did not provide any food or even a drop of water. This government wants to kill me. I might not be able to survive.”<sup>12</sup> He was again produced before the court on June 9, 2010 and was directed to be sent to Tejgaon Police Station under a three day remand however, he was taken to the Cantonment Police Station. On June 12, 2010, after being in remand for three days in relation to case No. 2 (6) 2010, under the Tejgaon Police Station, Mahmudur Rahman, was brought before the Court of Metropolitan Magistrate Kamrunnahar Rumi. He informed the Court that on the night of 10 June, 2010 at around 1.45 am, five men entered into his cell and forcefully removed his clothes. They then proceeded to jab him very hard with their elbows in his chest and back, whereupon he lost consciousness. When he regained his senses, he found himself lying in the room of the Second Officer of the Cantonment Police Station. He was sent to jail as the investigating officer at the Tejgaon Police Station did not appeal for further remand.
29. Meanwhile the Metropolitan Magistrate Rashed Kabir ordered that the police take Mahmudur Rahman into remand after court custody under the case filed under the Anti-Terrorism Act, 2009 following a prayer for remand on June 9, 2010. He was then taken to the Detective Branch office for interrogation and produced before the Court on June 16, 2010. The Court ordered that Mahmudur Rahman be sent to jail and undergo a full medical check-up as per the Jail Code. He then became ill in jail. On June 20, 2010, while undergoing treatment, Mahmudur Rahman was taken to the Detective Branch office again from the Dhaka Central Jail by the Detective Branch Police Inspector Manzur Murshed, who is investigating a sedation case lodged at the Airport Police Station, for interrogation. It was observed that when Mahmudur Rahman was going towards the van he could not walk properly and looked pale. Sources from the jail informed that Mahmudur Rahman has been suffering severe pain to his neck, head and feet due to torture.<sup>13</sup>
30. On June 23, 2010 at about 6.30 in the morning, Mahmudur Rahman was taken to an unknown location for 'interrogation' in the custody of the investigating officer of the Detective Branch of Police Inspector Manzur Murshed. He was produced before the Metropolitan Magistrate

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<sup>12</sup> June, 09, 2010- Manabzamin

<sup>13</sup> The Daily Naya Diganto, 21/06/2010

Court of Mustfa Shahriar on June 24, 2010 where he mentioned that he was blindfolded and kept in a very small and dark room, handcuffed to the window bars from 7 am to 5 pm at the office of RAB-1. He questioned the court, "What is the definition of torture?" When he was detained in RAB-1 for interrogation he was forced to put his signature and thumb impression on blank papers. He was sent to the Dhaka Central Jail on June 24, 2010. On June 29, 2010, when his lawyer met him at the Dhaka Central Jail, he found him thin and ill. He was also complaining of pain at various parts of his body. His lawyer demanded his proper treatment at a specialized hospital.

31. It is to be mentioned that five cases have been filed against Mahmudur Rahman after his arrest and he was shown arrested into a pending case.
32. Odhikar is gravely concerned by the manner in which the cases have been filed against Mahmudur Rahman and the use of coercive techniques to break into the printing press to seal off the press and a newspaper office and to arrest an editor of a daily newspaper, allegedly without any arrest warrant. Odhikar also believes that the arrest of Mahmudur Rahman on such grounds will only add to the continuation of the suppression of the media by the State.
33. Odhikar has been protesting against the Anti Terrorism Act of 2009 from the very beginning. Odhikar has always expressed its concern regarding the use of this repressive law to suppress dissenting voices.
34. Torture in custody is a stern violation of human rights. Article 35(5) of the Constitution of Bangladesh states, "No person shall be subject to torture or cruel, inhuman or degrading punishment or treatment". On October 5, 1998, Bangladesh ratified the UN Convention against Torture. But the government does not follow the obligations under this international convention.

#### **Channel 1: closes down**

35. A private television channel, Channel 1 was shut down by the government on April 27, 2010. A three-member team of the Bangladesh Telecommunications Regulatory Commission led by S M Shahiduzzaman, Director (Legal and Licensing) went to the Channel 1 office at Uday Tower in Gulshan and switched off its transmission on the ground that it used rented broadcasting equipment. The Post and Telecommunications Minister Rajiuddin Ahmed Raju said, that Channel 1 had mortgaged its broadcasting equipment although the telecommunications law prohibited the transfer of frequency ownership and broadcasting



equipment. As the owners failed to pay back the loan, its broadcasting equipment had been auctioned.<sup>14</sup>

36. Meanwhile Channel 1 authority claimed that the bank auctioned its equipment and a company won the bid, although the auction winner had not yet made the payment. Thus the channel still owned the equipment.

37. The channel had more than 400 staff, including journalists, technicians and administrative officials.

38. It is to be mentioned that Focus Multimedia Company Limited (CSB News) had been shut down for allegedly filing forged documents to obtain frequency allocation from the military-backed 'Caretaker' government in August 2007.

39. Although the regulatory control of the telecommunication sector is an issue, it is also linked to the constitutional rights of freedom of speech and conscience. Due process of law should be followed in a transparent manner.

### **Government blocks Facebook**

40. Despite the rhetoric of 'Digital Bangladesh', on May 29, 2010, the Bangladesh government blocked access to Facebook. The decision came after the arrest of Mahbub Alam Rodin (30) for uploading satiric images of some leading politicians, including the Prime Minister and Leader of the Opposition. A team of the Rab-10 detained Rodin at Ranking Street in Wari, Old Dhaka, at about 00:30 in the morning. Moreover, the government was embarrassed when the report of the Anisuzzaman Inquiry Commission regarding the BDR mutiny was put up in Facebook, where the names of some high ranking government officials were mentioned. On June 5, 2010, the government withdrew its restriction on Facebook due to negative public reaction.

### **Journalists under Attack**

41. Between January and June 2010, journalists have been attacked, assaulted and harassed in various ways. During this time, 02 journalists were killed, 52 were injured, 35 threatened and 29 were assaulted. 15 journalists were attacked.

42. On May 21, 2010, the President of the Gazipur Pouro Awami League, Advocate Waziuddin Miah and several others attacked Sohrab Hossain, a physically disabled editor of the local Daily Mukto Khobor over the publication of a certain news item.<sup>15</sup>

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<sup>14</sup> New Age, 28/04/2010

<sup>15</sup> The Daily Amader Shomoy, 23/05/2010

43. Sayyed Nur, Farid Ullah and several other Chattra League activists led by the President of the Naikhongchori Chattra League, Taslim Iqbal, attacked Abul Bashar Noyon, the Naikhongchori, Bandarban representative of the Dailies Amardesh and Karnafuli. The Chattra League members also ransacked Noyon's office located at 'Media Palace' adjacent to the Union Parishad, where Noyon was working when the attack took place. The attack was related to the publication of a certain news item on May 1, 2010.<sup>16</sup>
44. Senior journalist and regional correspondent of the Shaptahik 2000 in Sylhet Foteh Osmani, who was stabbed by a group of criminals on April 18, 2010, succumbed to his injuries at the Apollo Hospital in Dhaka on April 28, 2010. He was attacked with sharp weapons by criminals in front of the Eidgah in Sylhet while he was returning home from the Doladoli area of the city with a friend.
45. The supporters of the Awami League-backed Chattra League attacked two journalists in the Dhaka University campus. On April 4, 2010, a group of activists of Awami League-backed Chattra League led by Sajid Jahan Saikot, President of S M Hall<sup>17</sup> unit of Chattra League beat up Fayeze Ahmed, reporter of the weekly 'Budhbar' and Anis Raihan, reporter of 'Shaptahik' in front of the Public Library on the Dhaka University Campus.
46. On March 1, 2020, Monirul Islam, the Sharsha representative of the Daily Lokshamaj of Jessore was beaten with a hammer and was severely injured by 10-12 persons including Rashed, Monir, Samaul, Hamaj and Yunus who were all members of the Jubo League<sup>18</sup>. The Daily Lokshamaj published a series of articles disclosing the criminal activities and trade that went on in Sharsha.
47. On February 23, 2010, Nurul Kabir, the Editor of New Age received death threats from an unidentified person.
48. On February 14, 2010, Touhodi Hasan, the Kushtia representative of the Daily Prothom Alo and Sharif Biswash, the Kushtia representative of Desh TV were beaten in front of the police by the Chattra League<sup>19</sup> of Kushtia Government College unit, when they had gone to the scene to report the shutting down of the admission process by the members of the Chattra League.
49. Odhikar expresses deep concern over the attacks and threats by the political activists, mostly supported by the government party on journalists who are engaged in their job. It demands that those responsible be immediately brought before justice and punished.

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<sup>16</sup> The Daily Amar Desh, 03/05/2010

<sup>17</sup> A residential hall of the Dhaka University

<sup>18</sup> Youth wing of Awami League

<sup>19</sup> Student wing of Awami League

## **Disappearances after being arrests by Law Enforcement Agencies**

50. A recent trend in human rights violations in Bangladesh is plain clothed men claiming to be members of law enforcement agencies, making arrests. Afterwards many of the arrested persons are nowhere to be found. Sometimes their dead bodies are discovered after a few days. The families of the victims claim that the members of the law enforcement agencies are making these arrests.
51. On April 27, 2010, Mizanur Rahman Shumon, a businessman, was arrested by RAB members in plainclothes from Mohimganj of Gaibandha district and was brought to Dhaka. He has disappeared since his arrest. His wife Shurovi Akhter has been searching for him, and has been unable to locate him. She also organised a press conference at the Crime Reporters Association on April 30, 2010 and made the abduction of Shumon by RAB public. Shumon had been vocal about the criminal activities at the Kafrul area in Dhaka.
52. It has been alleged that at 4.30 pm on March 19, 2010, members of RAB-5 arrested Md. Akbar Ali Sardar (28), a wood merchant who did contractual work for Chan Miah, from Shalmondor Noula of Thakurgaon; and Bipin Chandra Sarkar (36) coming from the same village. Both Bipin Sarkar and Akbar were picked up by RAB from the road in front of the Salendar Biswa Islami Mission mosque. Although Bipin Sarkar was released by RAB at 10.00 am on March 20, 2010, the whereabouts of Akbar are still unknown. The police of the Thakurgaon Police Station have so far refused to accept any General Diary entry from the members of Akbar's family. Later on when Akbar's family inquired about Akbar at RAB-5 through the Police Superintendent of the Thakurgaon Police Station, the RAB-5 authorities denied arresting Akbar.<sup>20</sup> On May 17, 2010, Ayub Ali, brother of Akbar and his business partner Abdur Rahman have also disappeared. Their whereabouts are unknown after Akbar's disappearance.
53. Md. Selim, a fruit vendor, disappeared after being picked up with Moinul Islam and Mohammad Ali on February 19, 2010 by a group of people who identified themselves as members of RAB-4 from Kapashia, Gazipur.<sup>21</sup> Although RAB-4 confirmed the arrest of Moinul Islam and Mohammad Ali, it denied the arrest of Md. Selim. Moinul was handed over to the Cantonment Police Station while Mohammad Ali was released. The whereabouts of Md. Selim are unknown.
54. Odhikar expresses deep concern over such incidents of arrest and disappearance and urges the Government to search for the untraced persons and issue a statement on this state of affairs.

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<sup>20</sup> Human Rights Defender of Odhikar at Thakurgaon

<sup>21</sup> The Daily Prothom Alo, 28/02/2010

## **Government and Politics**

### ***Political violence continues***

55. A countrywide dawn to dusk general strike called by BNP on June 27, 2010, was marred with violence, arrest of BNP activists and baton charges by the police. During the general strike a clash took place between the activists of Awami League-backed Chattra League and activists of BNP at Shahbagh area of the city. Furthermore, incidents of police chases occurred between police and supporters of BNP at Kaptan Bazar, Mohakhali Wireless Gate and Shahjahanpur. 167 picketers, including BNP's Standing Committee Member Mirza Abbas, Parliament Member Shahiduddin Chowdhury Annie and Shamsheer Mobin Chowdhury, Vice-Chairperson of BNP were arrested by police from different parts of Dhaka city. RAB raided the residence of Mirza Abbas after his arrest. Afroza Abbas, his wife, alleged that some plain clothed and armed people in the presence of RAB entered into their house by breaking the main gate and beat the inmates indiscriminately which left at least 50 injured. Furthermore, furniture and other belongings had been ransacked and old women were also beaten up by them.<sup>22</sup>
56. At least 25 activists of Chattra Dal were injured on June 21, 2010, when Awami League-backed Chattra League activists attacked them. The leaders and activists of Chattra Dal were gathered at Modhu's Canteen and were discussing political affairs at their table. A group of Awami League-backed Chattra League activists came to know the reason why Abdul Motin, Convener of Dhaka University Chattra Dal Unit, did not withdraw the case filed against Chattra League activists. Motin earlier assured them he would withdraw the case after mutual discussion between the two groups. Hearing this, the activists of Awami League-backed Chattra League became furious and asked them to leave the canteen. Chattra League activists attacked the Chattra Dal activists with sticks and iron bars as they did not leave Modhu's Canteen.<sup>23</sup>
57. The supporters and activists of Chattra Dal have been expelled from the Rajshahi University Campus by Awami League-backed Chattra League activists. On June 15, 2010, fifteen Awami League-backed Chattra League activists including Roni, Arif, Tarek, Nayan, and Sohel verbally abused Chattra Dal activists and asked them to leave the campus when they were discussing organisational matters sitting in their tent. Later Chattra Dal activists left the campus.<sup>24</sup>

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<sup>22</sup> The daily Ittefaq, 28/06/2010

<sup>23</sup> The Dail Ittefaq, 22/06/2010

<sup>24</sup> The Daily Kaler Kantha, 16/06/2010

58. The activists of Chattra League attacked the followers of the Shomajtantrik Chattra Front<sup>25</sup> at Noakhali Government College. The attack left 10 persons injured. On May 6, 2010, the female students of the Muktijoddha Wahadur Rahman Ohud Female Hostel organised a human chain demanding a reduction of the hall charge. When the members of the Chattra Front expressed solidarity with the cause and tried to organise a protest procession on the campus, they were attacked by the activists of the Chattra League. The attack left the local President, General Secretary of the Chattra Front and 10 others injured.<sup>26</sup>
59. On May 5, 2010, when members of the BNP were on their way to attend Begum Khaleda Zia's meeting at Rajshahi, they were attacked by Awami League activists at Shingra, Natore. The attack left Zakir Hossain, Joint Convener of the BNP of Gari Doho Union of Sherpur, dead and over a hundred BNP members injured.<sup>27</sup>
60. On May 5, 2010, a group of 10-12 persons led by Nantu, Shaju, Muhit and Farhad of the Chattra Dal attacked the Chattra Dal President of the Sylhet Government College, Abdul Rakib Chowdhury and his brother Abdul Hasib Chowdhury. Hasib was severely injured during the attack and was admitted to the Sylhet Women's Medical College Hospital.<sup>28</sup>
61. Two rival groups of the Chattra League at the Barisal Polytechnic Institute clashed in an attempt to exert presence and control over the campus. The clash left 8 persons seriously injured. On May 4, 2010, members of the Mishu and Anup group of the Chattra League unit of the Polytechnic Institute attacked Nazrul from the group belonging to Abdur Razzak, President of the Polytechnic Institute Chattra League and left him on campus. Nazrul's tendons were severed. On hearing this news, Razzak and his companions entered the campus with sharp weapons after which there was a clash between the two groups. The clash left Shobuj, Shubir and Riaz and eight others, all students of the Institute, seriously injured.<sup>29</sup>
62. An Awami League leader physically assaulted the Head Mistress of Bhitobag High School at Bagatipara, Natore. The Awami League leader Abdul Kuddus and seven of his associates entered the school with canes on May 3, 2010 following a rift that developed from the nomination of the President of the school's Managing Committee. They then attacked Head Mistress Mahmuda Begum. She was admitted to the Puthiya Upazilla Health Complex.
63. A police constable was attacked by Awami League-backed Chattra League activists in Narayanganj on April 16, 2010. Chattra League activists were teasing women who attended

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<sup>25</sup> Student wing of Bangladesher Shomajtantrik Dol

<sup>26</sup> The Daily Amader Shomoy, 07/05/2010

<sup>27</sup> The Daily Ittefaq, 06/05/2010

<sup>28</sup> The Daily Manabjamin, 06/05/2010

<sup>29</sup> The Daily Ittefaq, 05/04/2010 and Human Rights Defender of Odhikar at Barisal

the *Baishakhi Mela*<sup>30</sup>. When the policeman tried to stop them they attacked him and badly injured his head.

64. On March 11, 2010, Shaharul Islam, an Organising Secretary of the Awami League along with his followers used hammers to grievously wound three teachers of the Baliya Bhukutiya Secondary School at Jessore and also the father of one of those teachers following the development of an internal conflict regarding the administration of the school. The teachers were Abdul Kader, Jahangir Alam and Yusuf Ali. Jahangir Alam's father Abu Hanif was also beaten up. The delinquents then destroyed the doors and windows of the school and left after locking the exits. Abdul Kader and Jahangir Alam were admitted to a hospital at Jessore.
65. According to information gathered by Odhikar, 113 have been killed and 8505 injured in political violence during January – June 2010. There were also 320 incidents of internal violence in the Awami League and 53 within the BNP. In addition to this, 21 people were killed in Awami Leagues internal conflict while 3400 were injured. On the other hand, 19 were killed in BNP's internal conflict and 680 persons were injured in BNP initiated violence.

#### **Local government infrastructure**

66. On March 9, 2010, the Government sanctioned Taka 15 crore for Parliamentarians under a project spanning till June 2014, at a meeting of the Executive Committee of the National Economic Council (ECNEC). The Parliamentarians are expected to spend this amount of money in developmental activities in their local constituencies. This decision taken by the Government has further weakened the already shaky local government system existing in Bangladesh. Under the current arrangement, the Upazila Chairman will not be able to take lead in the local development of his/her constituency.
67. Article 65(1) of the Bangladesh Constitution states that the duty of Parliamentarians is to enact laws. Article 59, sub-articles 1 and 2 (c) prescribes that local development will be carried out by the local government.
68. Odhikar expresses its deep concern over this unconstitutional decision and urges the Government to reconsider this decision and work to strengthen the local government system.

#### **Disruption of political assembly**

69. On April 17, 2010, the local Jubo League<sup>31</sup> dismantled a political assembly of the Communist Party of Bangladesh at Natore. The Communist Party of Bangladesh, Natore District unit had

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<sup>30</sup> A fair on the occasion of Bangla New Year

<sup>31</sup> Youth wing of Awami League

organised a public meeting at Moukhora Bazaar under Boraigram Upazila, placing a 12 point demand, including the trial of war criminals, protest against the poor state of law and order situation across the country and price hikes. The meeting could not take place due to actions of the local Jubo League.<sup>32</sup>

### **Chittagong City Corporation Election observed**

70. Although no major violations were marked, the 4<sup>th</sup> Chittagong City Corporation elections concluded with some irregularities at the polling centres. There was little voter's presence in the morning but it increased gradually at the polling centres observed by Odhikar by the afternoon. Adequate numbers of police force were deployed in the electoral area in order to control law and order situation. However, irregularities have been marked in some polling stations.
71. Odhikar covered 48 polling centres out of 673 with its 3 mobile election observer teams. The polling booths were seen unsecured and open in Technical Training Centre at 7.45 am. The secret ballot marking places were covered by benches only. Assistant Presiding Officer of this centre was absent with electoral materials.
72. Polling started late in Purba Nasirabad M A Jalil Primary School as the appointment process of the polling agents were not completed till 8.20 am. A polling agent of a councilor candidate was seen with symbol Elephant at the polling booth no. 7 of this centre.
73. Two polling agents of a mayor candidate (symbol Ship) were observed in the same room in Shukur Bahar Ahmadiya Primary School at 8.45 am. Presiding officer Dilip Kumar, did not allow Odhikar observers to observe the polling at Probortak Bidyapith polling centre.
74. A private television channel made a special election bulletin gathering 15/20 voters in Angkur Society Girls High School at 9.10 am which took about 20 minutes. This has created disturbance and slow in voting.
75. Two polling agents, Yeasmin Akhter and Hasina Begum were seen at the polling booth No. 1 on behalf of Councilor candidate, Zabedul Alam Masud in Nasirabad Government High School. A voter also was seen to mark his ballot paper in front of Assistant Presiding Officer at the same polling booth.
76. A voter named Bibi Moriam (voter serial No. 790) could not vote at the Fateyabad Degree College as her vote had allegedly been given by someone else. Councilor candidate Syeda Kashpia Nahar brought an allegation of rigging at the same polling centre. Police arrested two persons named Bakhtiar and Azim for allegedly motivating voters in an open manner.

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<sup>32</sup> The Daily Amader Shomoy, 18/04/2010

77. Police arrested two supporters of a Councilor candidate (symbol Peacock) from the BCSIR Laboratory High School for campaigning at the centre and influencing voters, which is a violation of the electoral Code of Conduct.
78. No polling agents were seen at the Jamia Ahmadiya Sunniya Madrassa at 7.40 in the morning. The presence of voters was very little in that polling centre.
79. Three polling centres were created in a same compound at Rahmania High School. There was no adequate preparation. Voters had to face difficulties to find out the appropriate polling booths.
80. The Presiding Officer and the on-duty police officer at the Amirunnesa Primary and Kinder Garten polling centre did not allow Odhikar to enter the booth. They also did not cooperate with Odhikar observers.
81. Odhikar's election observers did not find adequate voting preparation at Nazirpara Govt. Primary School. No voter came in this centre till 8.20 am.
82. Two polling centres had been prepared in Zahur Ahmed City Corporation Primary School. Female voters had to face a lot of difficulties at the time of casting their vote due to structural problem.
83. Voters at Shah Habibullah Govt. Primary School also had to face difficulties to find the booths as the polling centre No. 51, 52 and 53 were in the same building.
84. It is to be mentioned that there were 8 Mayoral candidates and 255 candidates contested for 41 Ward Councilors in the 4<sup>th</sup> Chittagong City Corporation election. Furthermore, 59 female candidates were also contested for the reserved Ward Councilors. Total number of voters was 1,688,676. Out of which 873,165 were male and 815,511 were female voters.

### **Bhola-3 by-election**

85. On April 24, 2010, by-elections to the Bhola-3 constituency was marked by violence, irregularities, attacks on political opponents and intimidation of voters. Despite the measures taken by law enforcers, incidents of attacks and intimidation of voters were observed outside polling stations. Furthermore, it has been alleged that the polling agents of the BNP<sup>33</sup> candidate were driven out from various polling centres. A group of Awami League activists chased voters with sticks while they were going to the Banglabazar polling centre in Charbhuta union under Lalmohon Upazila.<sup>34</sup> At the Lalmohon Public Library Centre, about 300 meters from the Lalmohon Police Station, no BNP polling agent could be present. At this

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<sup>33</sup> Bangladesh Nationalist Party, main opposition party in the Parliament

<sup>34</sup> The Daily Prothom Alo, 25/04/2010



centre, according to an election official, the total number of votes cast, was more than the number of voters.<sup>35</sup>

86. The Election Commission suspended the polling process in nine centres, due to allegations of various irregularities and violence. The Returning Officer said, polling at the nine centres: Lalmohan Public Library Centre, Azharuddin Registered Primary School, Karimganj Senior Madrassah, Satani Government Primary School, Kishoreganj Government Primary School, Maheshkhali Ashrafia Government Primary School, Uttar Annadaprasad Government Primary School, Lord Hardinge Fazil Madrassah and Syedabad Forkania Madrassah centres were cancelled by the Election Commission due to intimidation, rigging and violence.<sup>36</sup>

### **Post-election violence**

87. Post-election violence commenced soon after the by-election to the Bhola-3 constituency. The activists and supporters of the opposition BNP were beaten up by the pro-government activists. On April 26, 2010, a disabled girl was molested and beaten up by a group of criminals in Keyamullah village of Chadpur Union under Tajumuddin Upazila. The criminals also attacked the girl's mother, Shoyful, and left her seriously wounded when she tried to protect her daughter. Shoyful said, a group of criminals identified themselves as Awami League supporters beat them up because they voted for the BNP candidate.<sup>37</sup> Furthermore, five BNP activists, including Ayub, Morshed, Hanif, Siraj of the same village and Nur Nabi of Golakpur village were allegedly beaten up by unidentified assailants.
88. It has been learnt that incidents of forced eviction have allegedly taken place at Char Zahiruddin under Tajumuddin Upazila. Mohibullah Nagor, Convener of the Tajumuddin unit of BNP, claimed that more than 50 BNP activists were beaten up and forcefully dispossessed from Char Zahiruddin by the ruling party activists.<sup>38</sup>
89. Moreover, the incidents of election violence sparked in different places in Lalmohan Upazila. The violence seemed to be an act of revenge over the BNP winning the 8<sup>th</sup> Parliamentary Election in 2001.<sup>39</sup> It has been alleged that the wife and daughter of a BNP activist, Shafi Majhi, from Kochuakhali village of South Charumed union under Lalmohon Upazila, were raped by Awami League activists on April 24, 2010. According to Shafi Majhi, Awami League activists Siraj, Saiful, Shohag, Abdul and Jewel entered his house at midnight and tied him up. Saiful and Jewel raped his daughter, a student of class IX. His wife was also raped by

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<sup>35</sup> New Age Magazine Xtra, 30/04/2010

<sup>36</sup> The Daily Shamokal, 25/04/2010

<sup>37</sup> The Daily Amader Shomoy, 27/04/2010

<sup>38</sup> The Daily Kaler Kantho, 27/04/2010

<sup>39</sup> Four Party Alliance led by the BNP won the 8<sup>th</sup> Parliamentary election in 2001.

Shohag and Abdul when she tried to save her daughter. Later they threatened Shafi Majhi not to disclose this matter.<sup>40</sup>

90. A woman leader of the local BNP unit at Chachra union in Tozumoddin Upazila was allegedly gang raped by a group of criminals who allegedly belong to Jubo League<sup>41</sup>. The victim alleged that on April 26, 2010, at night Jubo League activists Rakib, Safiullah, Sohel, Nozu, Abbas and Al-Amin kidnapped her from her house at gun point and raped her.<sup>42</sup> She had been recovered unconscious from a field next morning.

### **Human rights violations by BSF: India's unwillingness to implement the 1974 Agreement**

91. On May 14, 2010, members of the BSF opened fire on the members of a farming family of the village of Rotnai Barasa near Pillar No. 381/2, when they brought their cows and sheep for grazing at the Rotnai border of Baliyadangi, Thakurgaon. The firing resulted in the deaths of Bangladeshi citizens Mujibur Rahman (25) and Parul Akhtar (13). In addition, Saiful (26) and Khaleda Khatun (20) were seriously injured.<sup>43</sup>
92. On March 14, 2010, the Indian BSF carried out an attack at the Jointapur border of Sylhet and injured at least 15 Bangladeshi citizens. This indiscriminate attack by the BSF had forced the inhabitants of that particular area to flee for safety.
93. On February 14, 2010, the Indian BSF shot Nayek Mujibur Rahman and captured him from the marshy area of Dibi at Nijpat Union of Jointapur, Sylhet. In addition to this, on February 26 and 28, the members of the BSF entered Bangladeshi territory and opened fire on Bangladeshi citizens.
94. The BSF is continuing to engage in anti-humanitarian activities which are undermining the assurance provided in the joint agreement between the Bangladesh and Indian Prime Ministers for stopping border violence and also the similar assurance provided in this regard at the meeting between the Director General's of the two border forces held during March 7-11, 2010.
95. Prime Minister Sheikh Hasina went to India on a state visit from January 10 to 13, 2010. The people of Bangladesh had expected the Prime Minister to protest against the killings, abductions and other forms of torture carried out by the BSF on the Bangladeshi people along the India-Bangladesh border so that this issue of human rights violations carried out by the

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<sup>40</sup> The Daily Amar Desh, 26/04/2010

<sup>41</sup> Youth wing of Awami League

<sup>42</sup> The Daily Kaler Kantho, 28/04/2010

<sup>43</sup> Report by human rights defender of Odhikar at Thakurgaon

BSF would be prominently raised. Unfortunately, this issue was totally ignored during the State visit.

96. Human rights violations have continued during the period between January and June 2010 along the India-Bangladesh border. During these six months, the Border Security Force (BSF) has reportedly killed 35 Bangladeshis. Of the 35 deceased, 10 were beaten and 25 were shot to death. Furthermore, 41 have been injured. Of the 41 were injured, 26 were shot and 15 were allegedly tortured. During this period, 09 persons were abducted by the BSF.
97. Furthermore, India has not implemented the agreements it had previously entered into with Bangladesh. For instance, the issues concerning the enclaves and the demarcation of the border between the two nations stated in the Mujib-Indira Agreement of 1974 have not seen any progress. The status of Bangladesh regarding its deserved share of 54 rivers with a common source is also yet to be conclusively determined.

#### **Arrests under the Anti-Terrorism Act, 2009**

98. On April 20, 2010, Professor Mohiuddin Ahmed, Chief Coordinator of the banned Hizb ut-Tahrir, was arrested after six months under house arrest. He had been taken into remand for 3-days following his arrest. He was shown as arrested under a case which was filed at the Uttara Police Station on February 24, 2010 under the Anti-Terrorism Act of 2009. He had no lawyer to represent him during the prayer for remand by the prosecution in the Court. In his statement before the Court, he said that he was kept under house arrest for the last six months and was not allowed to leave his house after the organisation had been declared banned. Police had also seized his cell phone and computer.<sup>44</sup> Mohiuddin Ahmed had been interrogated in the Joint Interrogation Cell during police remand. Meanwhile, the Joint Coordinator of Hizb ut-Tahrir, Kazi Morshedul Huq was arrested on April 21, 2010 under 'suspicion of anti-state activities'. A case under the Anti-Terrorism Act, 2009 was also filed against him.
99. From March 1 to April 10, 2010, cases were filed against over 200 leaders and activists of various groups under the Anti-Terrorism Act 2009. The accused in these cases are members of anti-Government political organisations. Allegations have been raised against the police that they are taking the accused into remand and torturing them in the name of interrogation. The only accusations against the arrested persons are that they were either distributing leaflets or that they had allegedly met with an objective to carry out illegal activities.<sup>45</sup> Moreover, a

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<sup>44</sup> The Daily Prothom Alo, 21/04/2010

<sup>45</sup> The Daily Amar Desh, 17/05/2010

case has also been filed against Mahmudur Rahman, Acting Editor of the daily Amar Desh under this Act.

100. There is no internationally agreed definition of 'terrorism'. Anti-terrorism laws have been passed in various countries and through their application; human rights are being grossly violated. The military-backed 'Caretaker' Government first promulgated the Anti-Terrorism Ordinance on June 11, 2008. The present Government after taking power on January 6, 2009 passed the said Ordinance as an Act in the very first session of Parliament.
101. Odhikar believes that the Anti-Terrorism Act, 2009 will always be used to violate human rights and the rights of political opponents, journalists and human rights defenders.

### **Anti-Corruption Commission under government's control**

102. On April 26, 2010, following a cabinet meeting, the government approved the proposed amendments to the Anti-Corruption Commission Act of 2004, making it directly controlled by the government. As per amendments, the Anti-Corruption Commission (ACC) will be accountable to the President; it has to seek the government's permission before filing a case against any government official; senior government officers can not be asked questions by junior officers; five years imprisonment with fine will be given if anyone makes false allegations. Furthermore, the Secretary of the Commission will be appointed by the government and he will also perform as the Chief Officer.
103. It is to be mentioned that under the present law, the ACC is not accountable to anyone and it can sue anyone on allegations of corruption. At present, the ACC is independent regarding the appointment of its Secretary. Though it has been used by the military-backed 'Caretaker' government from January 12, 2007 to December 28, 2008.
104. Odhikar believes that the ACC will lose its authority, neutrality and independence, if the approved amendments are passed in Parliament. The Executive division of the State will influence its activity.

### **Arrest of leaders who are struggling for self-determination**

105. On June 6, 2010, Ranjan Chowdhury alias Masud Chowdhury, Military Commander of United Liberation Front of Asam (ULFA), was arrested by plain clothed law enforcers from a clinic at Mymensingh. He was admitted to Rumpa Nursing Home at Trishal, Mymensingh for his treatment. A police source informed that he might be handed over to the Indian authority.<sup>46</sup>

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<sup>46</sup> The Daily Shamokal, 07/06/2010

106. It has been revealed that Ranjan Doimari, Chairman of the National Democratic Front of Boroland has been handed over to the Indian authorities. On May 1, 2010, Ranjan Doimari was handed over to the Indian BSF across the Dauki international border along Meghalaya, India. The Indian media revealed that Ranjan Doimari was taken into 12 days police remand after being brought before the Kamrup Court by the Assam Police. On April 17, 2010, the Indian media stated further that a joint drive of the Indian and Bangladeshi intelligence led to the arrest of Ranjan and two of his associates from Jhinaigati, Sherpur.<sup>47</sup>
107. The leaders who were engaged in the struggle for self-determination took shelter in Bangladesh to protect their life. Article 25(1) (C) of the Bangladesh Constitution states, ‘The State shall base its international relations on the principles of respect for national sovereignty and equality, non-interference in the internal affairs of other countries, peaceful settlement of international disputes, and respect for international law and the principles enunciated in the United Nations Charter, and on the basis of those principles shall –(c) support oppressed peoples throughout the world waging a just struggle against imperialism, colonialism or racialism.
108. Odhikar expresses concern over the political stand taken by the Government of Bangladesh regarding the liberation struggles of oppressed people.

### **Violence against women**

109. During January – June 2010, many women and children were raped, were victims of acid attacks and dowry demands were made often resulting in violence.
110. On May 17, 2010, Mizanur Rahman, a Health Assistant of a village community clinic at the village of Aliyara of Nangolkot, Comilla raped a mentally impaired female who had come to the clinic to take an injection. The cries of the girl resulted in the gathering of the local residents who confined Mizanur. On hearing the news, the police arrived at the crime scene and struck a compromise by imposing a Taka 50,000/- fine on the rapist Mizanur in exchange for his freedom.<sup>48</sup>
111. During six months, it has been reported that a total of 291 females were raped, where 124 were adults and 167 were children. From the adult females, 31 were killed after being raped and 59 were gang raped. From the 167 female children who were raped, 14 of them were killed after being raped and 49 were victims of gang rape. Three girls allegedly committed suicide after being raped. Amongst these women and children, it is alleged a housewife from

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<sup>47</sup> The Daily Amar Desh, 03/05/2010

<sup>48</sup> The Daily Jugantor, 19/5/2010

Chuadanga was raped by Assistant Sub Inspector of Police, a housewife from Jessore was raped by an Ansar member, a housewife was raped by an Assistant Sub Inspector Obaydul Haq at Jhenaidah, a housewife was raped by SI Mosharaf Hossain at Bagerhat while an 8 year old girl from Joypurhat was raped by a member of the village police.

112. Shima (15) who was set on fire for dowry fought death for 23 days, after which she passed away at the Dhaka Medical College Hospital. Her drug addict husband Delwar Hossain, set fire to the sleeping Shima on April 28, 2010 after she could not meet his dowry related demands. Shima came from Munshipara under Rangpur district.<sup>49</sup>
113. Between January and June 2010, a total of 163 women were subjected to dowry related violence. Of these women, it has been alleged that 104 were killed because of the dowry and 50 were tortured in various other ways. Of these women 09 allegedly committed suicide after failing to come to terms with the dowry related torture.
114. A housewife was burnt with acid, doused with petrol and set on fire after she filed a suit for divorce. Aruna Parvin, a housewife from the village of Ilishpur of Kolarowa, Satkhira divorced her husband Asadul Islam on the grounds of torture he inflicted upon her. Following this Asadul Islam, his brother Emdadul Islam, neighbor Saiful Islam led a group of 5-6 persons to throw acid on Aruna Parvin. They then wrapped a mosquito net around her and spilled petrol over it which they subsequently set on fire. Aruna Pavin was admitted to the Khulna hospital where she eventually succumbed to her horrific injuries. A case has been filed at the Kolarowa Police Station. Although the police have been able to arrest Emdadul Islam and Saiful Islam, they are yet to arrest the main perpetrator Asadul Islam.
115. During the last six months, 63 persons were victims of acid violence of which 38 were women, 17 men, 03 boys and 05 girls.

#### **Human rights violations on minority communities**

116. On June 14, 2010, a group of criminals demolished a tin shade temporary mosque of Ahmadiya Jaamat at Chantara village in Ghatail Upazila under Tangail district. They also attacked the house of an Ahmediya community member Mokaddes Ali. Construction materials were also looted by the criminals at the same time. Moreover, a group of people organised a meeting for declaring Ahmadiya Jaamat a non-Muslim before ransacking and looting. Later they submitted a memorandum to the Upazila Nirbahi Officer in order to stop

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<sup>49</sup> The Daily Amar Desh, 23/5/2010

- the construction of a mosque by Ahmadiya Jaamat. Police arrested three students in connection with the incident but later they were released.<sup>50</sup>
117. On June 12, 2010, Parbotya Chattagram Mahila Samity<sup>51</sup> and Hill Women's Federation of Rangamati organised a protest meeting at the auditorium of Shilpakala Academy on the 14<sup>th</sup> anniversary of the abduction of the former Organsing Secretary of Hill Women's Federation, Kalpana Chakma. The Deputy Commissioner of Rangamati imposed prohibition on the meeting on the pretext of law and order situation. Furthermore, Hill Women's Federation and Sajek Nari Shomaj jointly brought out a procession. But police put up barriers and disbursed the procession.
118. A Division Bench of the High Court Division of the Supreme Court of Bangladesh has directed that the members of the ethnic minority communities be rehabilitated on their own land at Mothbariya, Pirojpur - the land from where they had been forcefully displaced. The Bench, constituting of Justices A H M Shamsuddin Chowdhury and Md. Delwar Hossain gave this direction on May 6, 2010.<sup>52</sup> On April 19, 2010, Shongkor Mitro at a press conference at the Dhaka Reporters Unity, alleged on behalf of the ethnic minority communities, that they are feeling helpless due to the harassment and ill-treatment of Mujibur Rahman Sayed, General Secretary of the Amragachiya Union Awami League and his henchmen; Amir Hossain Manik, Hasan Hossain and Topa, Hares and Tajul. These men were not allowing the minorities to stay on their own land. Shongkor Mitro stated that Sayed and his associates had taken control of 500 bighas of their land and subsequently ousted them from it.<sup>53/54</sup>
119. On February 20, 2010, the Bangali settlers and the ethnic minority people engaged in a clash that stemmed from underlying tensions at the villages of Gongaram and Betchori of Baghaichori, Rangamati. The clash resulted in the burning down of almost 200 homes. The bodies of two persons have been recovered so far. It has been claimed that a total of 14 persons remain unidentified since the clashes.<sup>55</sup>
120. Similar clashes between the Bangali settlers and people belonging to the ethnic minority communities took place on February 23, 2010 at Khagrachori. An employee of the

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<sup>50</sup> Human right defender of Odhikar at Tangail

<sup>51</sup> Chittagong Hill Tracks Women Association

<sup>52</sup> The Daily Ittefaq, 07/05/2010

<sup>53</sup> The Daily Shamokal, 26/04/2010

<sup>54</sup> The Daily Amar Desh, 10/05/2010

<sup>55</sup> The Daily Ittefaq, 22/02/2010

Khagrachori Pouroshabha was killed in the clash. A total of 66 homes were burned down and 50 people were injured.<sup>56</sup>

### **Readymade Garments Sector**

121. A volatile situation has been created between the workers and owners of the ready-made garments factories following the recent violence in this sector. Most of the violence and clashes have taken place due to unpaid wages, or demands for an increase in wages. In order to develop the garments sector, the implementation of Tripartite Agreement is a must and livings of the workers should be developed. The present minimum wage of a garment worker is Taka 1662 per month (USD 23.96). The workers have been demanding for increasing their minimum wages of up to Taka 5000 (USD 72.09).
122. On June 20, 2010, workers of five ready-made garments factories of Nasa Group at Nishchintopur, Ashuliya were engaged in argument with the authorities for increasing the minimum wage to Taka 5000. At one point, workers tried to make a barricade on Dhaka-Tangail Highway which resulted in a clash with the police. Over 100 garment workers including police were injured and police arrested two workers in relation to the incident.
123. On June 13, 2010, a clash took place between the agitated garments workers and police due to the demand to increase their wages in three factories of Envoy Group owned by BGMEA President Salam Murshedi at Ashuliya. Chase and counter-chase took place between the police and workers. Police also baton charged the workers which left 30 injured.
124. On April 12, 2010, men supporting the factory owner attacked a procession brought out by workers of Navana Textile Ltd. at Kolma in Savar. The workers brought out this procession over their 15-ponit demand, including unpaid wages. At least 50 people, including the Officer-in-Charge of Savar Police Station, were injured.
125. On April 10, 2010, a clash took place between the workers and factory owners over unpaid wages at the Opex Knitwear Limited, a sister concern of the Sinha Group at Kanchpur of Sonargaon in Narayanganj. One person named Ziaur Rahman Khan was killed and at least 15 were injured.
126. On February 25, 2010, a fire inside the factory of Gorib and Gorib Sweater at Bhogra, Gazipur, left 21 garments workers dead due to suffocation among whom 15 were females.
127. During the period of January – June 2010, 02 workers had died and 983 have been injured in most cases while protesting in demand for overdue wages and an increase to their wages at the ready-made garments factories.

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<sup>56</sup> The Daily Star, 24/02/2010



### **Government declines Odhikar's application for programme extension**

128. On April 28, 2009, the NGO Affairs Bureau under the Office of the Prime Minister authorised Odhikar to carry out programmes relating to the prevention of torture as well as the protection of human rights under the project titled, 'Human Rights Defenders Training and Advocacy Programme in Bangladesh'. As part of the programme, Odhikar organised rallies at Satkhira, Jessore, Kushtia, Sirajganj and Rajshahi under the theme of prevention of torture.
129. The NGO Affairs Bureau sent Odhikar a letter dated August 17, 2009 directing it to close down its torture related programme. The letter stated that Odhikar's programme had to be shut down following reservations expressed by the Ministry of Home Affairs.
130. Odhikar filed a writ petition before the High Court Division of the Supreme Court. On October 11, 2009, the High Court Division issued a Rule Nisi against the Government and suspended the order directing Odhikar to close down its programme. As a result, Odhikar completed its programme on torture in December 2009.
131. The funding partner for the programme was satisfied enough with Odhikar's performance and extended the programme for 3 more months. On January 17, 2010 Odhikar applied to the NGO Affairs Bureau for a 3-months extension of this programme, to end in March 2010. The NGO Affairs Bureau, by a letter dated 11 February 2010 refused to grant the extension, basing its refusal on the 2009 Home Ministry reservation.

### **Sons of BDR jawans cannot be admitted to the BDR College**

132. It has been alleged that sons of the BDR jawans who are arrested on charges of BDR mutiny, were not allowed to take admission at the BDR Headquarters Pilkhana Noor Mohammad Rifles Public School and College and Bir Shrestha Abdur Rauf School and College. On May 7, 2010, sons of arrested BDR jawans went to the college for getting admission in class XI with certificates from the concerned Battalion. The college authority asked about their fathers and after learning of their father's identity, the applications of many students were refused.
133. Odhikar condemns this incident and demands that the admission of the sons of arrested BDR jawans into the concerned educational institutions immediately.
134. Odhikar believes that sons of the BDR members should study in the BDR College as per regulation. This is a clear violation of the rules and regulations.

### **Updates on BDR mutiny cases**

135. The Special Court 5 established at Pilkhana framed charges against 667 accused BDR jawans of 24 Rifles Battalion. Among them 29 BDR jawans pleaded guilty before the Court and prayed for mercy. The Court has been adjourned till September 4, 2010.

136. On June 28, 2010, the Special Court 3 in Sylhet framed charges against 14 BDR jawans of 8 Rifles Battalion at Sunamganj. 20 witnesses have deposed before the Court.
137. The special BDR Court in Panchagar issued the first verdict on the BDR mutiny trial on April 7, 2010. 29 accused members of the 25<sup>th</sup> Rifles Battalion have been sentenced to different terms of imprisonment. Of them the maximum penalty of 7 years of imprisonment with 1 hundred Taka fine, has been awarded to 13 BDR jawans. One BDR jawan has been convicted to 6 years of imprisonment, one jawan received 4 years, six jawans got 3 years each, two jawans got 2 years each, five jawans got 1 year and 1 month and one was convicted to 4 months of imprisonment. Furthermore, all of them were fined 1 hundred taka each. A total of 31 witnesses gave their testimonies in this case. Six of the 29 accused had appointed 3 local lawyers as ‘friends of the accused’. However, the legal counsels of the accused did not have an opportunity to cross-examine the witnesses. The accused themselves had to carry out the cross-examinations one by one using a microphone kept on the witness-box. At the time of examination of the witnesses many of the accused told the informant of the case that “you have brought false allegations against me and these are biased.” The accused jawans alleged that the informant himself was involved in the mutiny. He had brought false allegations against them because they had not followed his orders. In response to that, the informant Subedar Major Amirul Huq Sheikh said, “The accused are lying, whatever I said is true.”<sup>57</sup>
138. Before delivering judgement, the Chair of the Court, Moinul Islam said, “All legal processes have been followed. 57 days were given for self-defense instead of 27 days. A BDR officer was appointed for legal assistance. Moreover, six civilian lawyers were also engaged in this process. The prosecution made his statement in the presence of the visitors and journalists. All legal matters have been examined. The charge was framed on April 4, 2010. Seven accused had pleaded for mercy admitting their guilt while 22 accused jawans claimed innocence. No one was willing to give evidence. Examining the prosecution witnesses, it has been found that a mutiny took place in Panchagar on 26 February 2009. It has been proved that the accused BDR members were involved.”<sup>58</sup>
139. After the judges left the Court delivering judgement, the convicted BDR jawans loudly protested that the verdict was ‘unfair’. Some BDR jawans broke into tears. Many said, “The real culprits are roaming around and we are being punished. The informant and witnesses were involved in the mutiny, but they have been spared. We did not get fair justice.” The convicted also stated that the internal investigation of the BDR had not been neutral at all.<sup>59</sup>

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<sup>57</sup> Odhikar’s Human Rights Defenders at Panchagar who are monitoring the trial

<sup>58</sup> Ibid

<sup>59</sup> Ibid

140. The second judgement of the BDR mutiny case had been delivered in Thakurgaon on April 12, 2010. 50 out of 51 BDR jawans of the 20<sup>th</sup> Rifles Battalion were sentenced to different terms of imprisonment. Nayek Subedar Saiful Islam was released as the allegations against him could not be established. Of these convicted the maximum penalty of 7 years imprisonment was given to two persons. Among others, five got 6 years of imprisonment each, two jawans got 5 years and 6 months, five jawans got 5 years, two jawans got 3 years, four jawans got 2 years, three got 1 year and 1 month, fifteen got 6 months and twelve jawans were sentenced to 4 months imprisonment each<sup>60</sup>.
141. It has been learnt that those BDR members who claimed to be innocent were produced before the Court in fetters while others with handcuffs. The BDR jawans who claimed to be innocent, were: Nayek Enamul Huq, Assistant Lance Nayek Siddiquil Islam, Nayeb Subedar Shahidullah Biswas, Sepoy Shahjahan, Sepoy Nahidur Rahman Khan, Habibur Rahman and Saidur Rahman.
142. The third verdict of the BDR mutiny case had been delivered in Feni on April 18, 2010. The Special Court-3 in Feni sentenced 57 out of 62 BDR jawans of the 19 Rifles Battalion to different terms of imprisonment for the offence of committing mutiny. Habildar Mohammad Ali, Nayek Dulal Mia, Lt. Nayek Sahidul Islam, Sepoy Kazi Saifuzzaman and Sepoy Omar Faruk have been acquitted as the charges brought against them were not proven. Of the convicted, the maximum punishment of 7 years imprisonment was given to four BDR jawans. Three got 4 years and 6 months of imprisonment each, one jawan got 4 years and 3 months, two jawans got 4 years, six jawans got 3 years, eight jawans got 2 years, sixteen jawans got 2 years and 6 months, four got 1 year and 6 months, five got 1 year, two got 6 months and six jawans were sentenced to 4 months imprisonment each. Furthermore, they have been fined one hundred Taka each.<sup>61</sup>
143. Habildar Ruhul Amin, Sepoy Mizanur Rahman, Sepoy Bashir Ahmed and Sepoy Mohiuddin Roni were sentenced to 7-years imprisonment and pleaded ‘not-guilty’ during the prosecution. In this regard, Raju, son of Bashir Ahmed and Mohsin Ali, father of Mizanur Rahman told Odhikar that “It was a farce. We did not get fair justice.” They also stated that the Court acquitted 5 accused BDR members who had confessed in writing before the Court during the prosecution. Whereas those who claimed to be innocent were given the maximum penalty. They claimed that the accused had no scope for self-defense in the Court. The accused BDR

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<sup>60</sup> Odhikar’s Human Rights Defenders at Thakurgaon

<sup>61</sup> Odhikar’s Human Rights Defenders at Feni

jawans had to cross-examine the witnesses as their lawyers were not allowed to do so and that the judge himself replied on behalf of the witnesses.

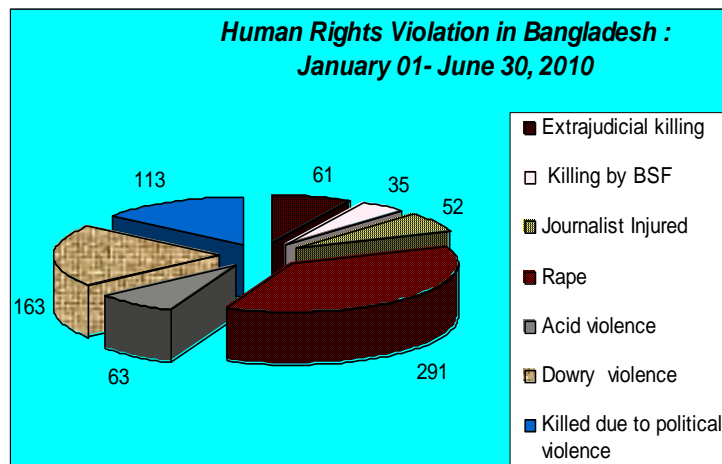
144. The fourth judgment has been pronounced in Satkhira on April 19, 2010 in connection with the BRD mutiny. The BDR Special Court-1 sentenced 56 out of 60 BDR jawans of the 7<sup>th</sup> Rifles Battalion to different terms of imprisonment. The Court acquitted Sepoy Zahidul Islam, Habildar Golam Masud, Nayek V M Moqbul Hossain, and Sepoy Golam Mostafa Sagir as the charges brought against them were not proven. Among the convicted, 24 jawans were given the maximum penalty of 7 years rigorous imprisonment while four jawans were sentenced to 5 years imprisonment, three jawans got 4 years and 6 months, five got 4 years, three got 3 years, one received 2 years and 6 months, four got 2 years, three got 1 year and 6 months, five got 1 year and 1 month, one got 6 months and three were sentenced to 4 months of imprisonment each. They have also been fined one hundred Taka each.<sup>62</sup>
145. The verdict of the BDR mutiny at the 12 Rifles Battalion, Rangamati was given on May 2, 2010. The then Director General of the BDR Moinul Islam read out the verdict. The local human rights defenders of Odhikar followed the trial process.
146. In the verdict, 9 accused BDR Jawans were punished and received various sentences. One was sentenced to the maximum imprisonment of 7 years and fined Taka 100/-. Three of the remaining Jawans were sentenced to 6 years imprisonment, one sentenced to 5 years, another to three years and three Jawans to two years imprisonment. Additionally they were also fined Taka 100/-.
147. After the verdict was read out and the sentenced Jawans were on their way to the Rangamati District Jail, some of them tried to shout out claiming their innocence.<sup>63</sup> One of the brothers of the sentenced Sepoy Md. Shakhawat Hossain told Odhikar, ‘This is a one-sided trial. Justice was not served here’. Ajmol Hossain, younger brother of sentenced Sepoy Abul Kalam Azad told Odhikar, ‘My brother joined work on February 23 after spending his holiday at home. He was tagged in this case as part of a conspiracy’.
148. Local human rights defenders of Odhikar have monitored the proceedings of the trial process at Panchagar, Thakurgaon, Feni, Satkhira and Rangamati.

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<sup>62</sup> Odhikar’s Human Rights Defenders at Satkhira

<sup>63</sup> The Daily Prothom Alo, 03/05/2010

<i>Statistics of Human Rights violations</i>	
<i>January 01-June30'2010</i>	
Human Rights Violation	Total number of victims
Extrajudicial killing	61
Killing by BSF	35
Journalist Injured	52
Rape	291
Acid violence	63
Dowry violence	163
Killed due to political violence	113



### **Recommendations**

149. Extra-judicial killings must come to an end as per the declaration and commitment made by the Government. Those involved in such killings must be brought to justice.
150. Interference on media and attacks on journalists must be stopped. The persons responsible for the attacks on journalists must be arrested and brought to justice.
151. The Anti-Terrorism Act 2009 is a repressive law. It should be repealed immediately.
152. Torture during remand and other forms of custody must end. The Government must practice 'zero tolerance' regarding torture. Implementation of the recommendation made in BLAST vs. Bangladesh (2003) is imperative.
153. The issue of human rights violations at the Bangladesh-India border must be incorporated into the discussions between India and Bangladesh. Entering into another independent country's territory and firing intentionally without adequate reason goes beyond the norms of international law and human rights. Odhikar urges the Bangladesh Government to take effective steps with the Indian Government to ensure the prevention of further unlawful entry, firing and killing by the BSF. Bangladesh should also ensure security of those citizens residing in the border areas. Odhikar also urges the Bangladesh Government to demand from the Indian Government adequate compensation for the families of the victims. Furthermore,

- the incidents of firing and killings by the BSF must be investigated so that those involved are brought to justice.
154. Pressure must be put on India to implement the Mujib-Indira Agreement of 1974 and also to recognise Bangladesh's legitimate share of the water coming from 54 connected and shared rivers.
  155. The trial of the BDR Jawans must be made transparent and accountable.
  156. Odhikar strongly stands against any form of national oppression and human rights violations and supports every effort for peaceful negotiation to resolve political conflicts. Demanding self-determination is a democratic right. However, information about the arrest and handing over of political leaders to India is a serious violation of international norms and human rights. This will inevitably destabilise the region as whole. Arrested political leaders demanding self-determination of their people must be treated with sympathy and compassion.
  157. All land related disputes must be resolved by identifying all illegally acquired land through a Land Commission. Odhikar believes that the issue regarding the rights of the ethnic minority people is related to the ownership of land and the creation of a democratic Constitution. The Bangladesh Constitution does not recognise the concept of community property that has been historically and traditionally owned by a community. The people belonging to the ethnic minority communities are quickly losing control over their property. In the absence of major democratic principles such as right to self-determination and community property rights, in the Bangladesh Constitution, there is no scope for the ventilation of grievances of the ethnic minority population. The "Peace Accord" has been drafted without addressing these key issues. Therefore, despite the signing of the "Peace Accord", enmity and violence prevails in the residential localities of the indigenous peoples and the overall situation has taken a turn for the worse. Odhikar urges the policy makers and political leaders to concentrate on the real issue.
  158. The Government must take appropriate measures to stop violence against women. The offenders must be brought under the purview of the law to ensure that justice is served. Furthermore, the victim must be provided with adequate legal support. Public awareness regarding the rights of women, prevention of violence against women and children as well as related laws must be incorporated into the primary and higher secondary school books.
  159. The local government must be entrusted with developmental activities as per the Constitution.
  160. The Tripartite Agreement should be implemented to ensure minimum wages and facility of the garments workers. The Government must take immediate steps to ensure the physical protection of garments workers.

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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.