

Human Rights Monitoring Report

1-31 August, 2010

Amar Desh Acting Editor Mahmudur Rahman and journalist Oliullah Noman imprisoned for Contempt of Court;
Arrests of Trade Union leader, NGO activists and garment workers;
Odhikar rejects the statement of DG, RAB regarding extrajudicial killings;
Youth released by RAB after a long detention;
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Attack on religious minority communities;
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Police baton charge at students of Chittagong University;
Verdict of the BDR mutiny case at Sylhet;
Violence against women continues

Odhikar has been working to defend the civil, political, social, economic and cultural rights of the people and as part of its work, has been observing the human rights situation in Bangladesh. In line with this campaign, an account of the human rights situation in Bangladesh covering the period of August 2010 is given below.

Amar Desh Acting Editor Mahmudur Rahman and journalist Oliullah

Noman imprisoned for Contempt of Court

1. On August 20, 2010, the Appellate Division of the Supreme Court passed a verdict relating to the protection of the image of the Judiciary, sentencing Mahmudur Rahman, Acting Editor of the Daily *Amar Desh*, to six months in prison and fined him Taka one hundred thousand (USD¹ 1449.27) for Contempt of Court. The Court also sentenced Oliullah Noman, staff reporter of the Daily *Amar Desh*, to one month imprisonment for preparing the report

¹ 1 USD equals to Taka 69.00

and fined him Taka ten thousand (USD 144.92). The Court also fined the publisher of the Daily *Amar Desh*, Hashmat Ali Taka ten thousand (USD 144.92). In case of failure to pay the fine, Mahmudur Rahman will have to serve one more month in jail and Oliullah and Hashmat seven days each. The Appellate Division gave this verdict following a notice of Contempt of Court brought by two lawyers of the Supreme Court for a report published on April 21, 2010 under the headline "*Chamber Judge Manei Sarkarer Pokkhe Stay*" ('Chamber Bench' means stay order in favour of the Government), where the role of the Attorney General's Office was criticized. Other accused of the case, Abdal Ahmed, Deputy Editor and Mustahid Farooqui, News Editor of the Daily *Amar Desh* have been acquitted from the case.

2. During the hearing of the case, Mahmudur Rahman defended himself and stated that "*Amar Desh* had published the truth. The report was published correctly for the sake of the State, Judiciary and for the public interest. If the Court's reputation is wrecked then it was done by the Attorney General's Office that had provided misleading information to the Court. A case should be initiated against them, if any Contempt of Court has been committed." Mahmudur Rahman said, "I feel proud that *Amar Desh* is playing a role in favour of human rights, rule of law and national interest under my supervision. The fight for truth is costly and I am ready to pay for establishing truth."²
3. Mahmudur Rahman was arrested by police from his newspaper office in the early morning of June 2, 2010 after the government cancelled the declaration of the Daily *Amar Desh* on June 1, 2010. Since then he has been in jail and was allegedly tortured in remand. Meanwhile, on August 25, 2010, Oliullah Noman surrendered himself to the jail authority as per direction of the Appellate Division of the Supreme Court.
4. Odhikar believes that a new constitutional and legal history on the role of the Judiciary has been unleashed with this case and the conflict between the inherent power of the Judiciary and freedom of thought, conscience and expression has been highlighted in this verdict. "Truth is no defence" has also been sharply placed against the freedom of speech and expression.

² The Daily Ittefaq, 21/08/2010

While the human rights consequences in this matter are clear, it will also carry political overtones, the consequence of which is yet uncertain.

5. Odhikar also believes that the Court will take a positive initiative to resolve the conflict between the Court and freedom of thought and conscience and of speech guaranteed by the Constitution and will review this judgment.

Freedom of media

6. In the month of August 2010, several journalists became victims of abuse and assault. During this period, 01 journalist was killed, 02 journalists were injured, 04 threatened and 02 journalists were attacked and cases were filed against 03 journalists.

Arrests of Trade Union leader, NGO activists and garment workers

7. On July 29, 2010, the Minimum Wage Board declared Taka 3,000.00 (USD 43.47) per month as the minimum wage for garments workers. However, the garments workers have been demanding Taka 5,000.00 (USD 72.46) per month to be declared as the minimum wage.
8. The garments workers refused the minimum wage of Taka 3,000.00 (USD 43.47) and made a public protest with their demand that Taka 5,000.00 (USD 72.46) minimum wage be effective from August. On July 30, 2010, several thousand garments workers staged a protest against the decision of the Minimum Wage Board and protested angrily in the Tejgaon, Mohakhali and Gulshan areas of Dhaka city. Due to the same reason, agitated garment workers in Fatullah, under Narayanganj district, blocked the Dhaka-Narayanganj link road and the workers in Ashulia area also blocked the Dhaka-Tangail highway on July 31, 2010 and similarly brought out an angry protest. Police charged on the agitated workers with batons. At least 50 people including 2 policemen were injured in Narayanganj while more than 200 workers including police and journalists were injured in Ashulia during the clash between the garments workers and police.³

³ The Daily Shamokal, 01/08/2010

9. On August 1 and 2, 2010, garments workers at Fatulla and Sonargaon, under Narayanganj district; Ashulia in Savar of the Dhaka district; and Kaliakoir under Gazipur district blocked roads and staged protests.
10. Two separate cases were filed in Fatulla and Ashuliya Police Stations accusing four thousand garments workers in this connection. In Fatulla Model Police Station, police filed a case mentioning the names of 46 workers along with three thousand unknown people while in Kaliakoir Police Station 500 unknown workers have been accused in the case.⁴ Due to workers unrest, that allegedly caused vandalization of properties, police arrested 61 garments workers including worker's leader Montu Ghosh and Hazi Md. Shahidul Islam; and Kalpona Akhter and Babul Akhter, executives of two NGOs, which deal with ready-made garments workers. Montu Ghosh was arrested on July 31, 2010 and was shown arrested in five cases since August 3, 2010. He was taken into 9-day remand for interrogation.⁵ Furthermore, another leader Moshrefa Mishu alleged that police have been calling her on her cell phone and threatening to kill her in 'crossfire'.⁶
11. Meanwhile, on August 22, 2010, about two thousand workers of Sikdar Apparels Factory at Moikuli area of Rupganj under Narayanganj district, blocked the Dhaka-Sylhet highway for three hours to demand over 3 months of overdue wages. Police opened fire and threw tear-gas shells at them. At least 30 people were injured, including 8 policemen, due to a clash between police and workers. Of them, four were found to have been shot.⁷
12. The workers have been demanding the increase of their minimum wages up to Taka 5,000.00 (USD 72.46) and Odhikar believes that their demands are reasonable, given the cost of living expenses they have to bear. The minimum wage of Taka 5,000.00 (USD 72.46) should be given.
13. Odhikar demands the immediate release of the trade union leaders, NGO activists and general workers.
14. Odhikar urges the Government to take effective steps for keeping this prospering industry active through positive and constructive discussion.

⁴ The Daily Prothom Alo, 04/05/2010 and 05/08/2010

⁵ Monthly Chinta, August 2010

⁶ Xtra-New Age, 13/08/2010

⁷ The Daily Ittefaq, 23/08/2010

15. During the month of August 2010, 402 have been injured and 60 were arrested while demonstrating the demand for overdue wages and an increase to their wages at the ready-made garments factories.

Odhikar rejects the statement of DG, RAB regarding extrajudicial killings

16. On August 8, 2010 the Director General of the Rapid Action Battalion (RAB), Hassan Mahmood Khandker, in a meeting with journalists on RAB's activities in order to protect law and order, said, "There is nothing called 'extrajudicial killing'. If anything happens out of the purview of law that is called extrajudicial. Nothing has happened so far in this manner. If any incident of death occurs within a legal framework in order to protect public security, RAB is not responsible for that incident. Incidents of gun-fight take place when the RAB members try to prevent the attackers. These are not extrajudicial killings at all."⁸

17. Odhikar rejects the statement of the Director General of the Rapid Action Battalion regarding extrajudicial killings. Odhikar is alarmed by the statement because of the clear indication that the Government is taking a completely opposite position in contrast to the commitment it made before the international community and human rights defenders to ensure human rights and completely halt all extra-judicial killings.

18. The Director General's statement amounts to saying that the killings are not 'extrajudicial', since they took place within the 'legal framework' of RAB. This statement literally undermines the role of the judiciary and by passes the necessity of independent investigation of each and every incident of extrajudicial killing. It also raises serious debate about the so called 'legal framework' within which RAB can kill a person, including persons who are already in their custody, without any judicial process and trial.

19. On August 30, 2010, the Director General of RAB Hassan Mahmood Khandker was promoted to Inspector General of Police and Mukhlesur Rahman, Deputy Inspector General (DIG) of Police, Rajshahi range has been made the new DG of RAB.

⁸ The Daily Kaler Kantho, 09/08/2010

20. During the month of August 2010, 08 people have been killed extra judicially. It has been further alleged that of these people, 06 were killed by RAB, 01 was killed by Police and 01 was killed by BDR.

Crossfire/Encounter/Gun fight:

21. It has been alleged that of the extrajudicial killings, 05 were killed in 'crossfire/encounters/gun fights'. It has been alleged further that all 05 of these persons were victims of 'crossfire/encounter/gun fights' by RAB.

Death caused by torture:

22. In this month, a total of 02 persons were allegedly tortured to death. 01 was allegedly tortured to death by the RAB and another by BDR.

Identities of the deceased:

23. Of the 08 deceased, it has been reported that 03 were members of Purbo Banglar Communist Party (Red Flag), 01 was a farmer and 04 were alleged criminals.

Death in jail / police custody

24. In August 2010, 05 persons reportedly died in jail custody due to illness. In a separate incident Aminul Islam Khalek who was in the custody of police on August 29 in Narayanpur Investigation Cell under Jalmalpur district, allegedly became 'sick' on the same day, was transferred to the Mymensingh Medical College Hospital where he died on August 30th.⁹

Youth released by RAB after a long detention

25. On April 27, 2010, bodies of three youths were recovered from the bank of the Turag river near Chandrima Real Estate at Mohammadpur area of Dhaka city.¹⁰ The bodies had been identified. Among the three, one Forkan, son of Nurul Islam, residing at Saudpur village in Rajapur Upazila under Jhalkathi district, regained consciousness. A private television channel 'Ekushe TV' transmitted news on August 12 and 13, 2010 in this regard. Forkan informed

⁹ Jugantor, 1.9.2010

¹⁰ The Daily Naya Digonta, 13/08/2010

journalists that he was detained in RAB-1 custody. He said that a group of RAB members in civilian dress took him to the RAB-1 office at Uttara in mid April 2010. He was kept in a dark place in blindfolds all time and was beaten up regularly. He was also informed that he would be released by paying a huge sum of money to RAB officials. He was counting days in the detention centre by putting marks on the wall. Later, RAB decided to release him for unknown reasons. He was put in a vehicle in blindfolds. After driving a long way, he was thrown out beside the road.¹¹

26. A recent trend of human rights violations in Bangladesh is men claiming to be members of law enforcement agencies, making arrests. There are allegations of several incidents of enforced disappearances that took place after arrests by law enforcement agencies. Sometimes the dead bodies of the arrestees are found after few days. The families of the victims claim that members of the law enforcement agencies are making these arrests. RAB has been refuting these allegations from the beginning. Nevertheless, many questions have arisen regarding arrests made by RAB and extrajudicial killings after Forkan's statement.
27. Odhikar believes that such incidents occur due to lack of transparency and impunity of law enforcement agencies.
28. Odhikar urges the government to immediately identify those involved with these incidents and bring them to justice.

Police disperse meetings and human chains

29. On August 6, 2010, police stopped a meeting organised by Sacheton Nagorik Committee (Conscious Citizens Committee) in Gazipur. Human rights defenders of Odhikar at Gazipur district reported that police obstructed the meeting presided by Sacheton Nagorik Committee convener Advocate Monjur Morshed Prince, when it commenced at an open space in the town to protest against constant load shedding (power cuts) and to demand increased supply of electricity. Advocate Monjur Morshed Prince informed Odhikar that the Committee had announced this meeting through megaphones for the three days in the town. They took permission from the Municipal authority to organise the meeting as per rule. Police stopped the

¹¹ The Daily Shamokal and Amader Shamoy, 13/08/2010

meeting on the pretext of having no approval from the District Special Branch of Police.¹²

30. On August 8, 2010, police imposed a barrier at a human chain prepared by local journalists of Barisal city to demand the releasing a Mahmudur Rahman, Acting Editor of the Daily Amar Desh. Readers of *Amar Desh* and local journalists of Barisal division organised the human chain and a meeting at Awshini Kumar Town Hall in the city. Though the organiser informed police about their programme, later the police ordered the ban on the programme before it started.¹³
31. Odhikar expresses its concern regarding police restriction on peaceful meetings and human chains and demands that the democratic space should not be further narrowed.
32. Odhikar believes that any citizen of the State has the right to organise and take part in meetings and assemblies in a peaceful manner as guaranteed in Articles 38 and 39 of the Constitution.

Attack on religious minority communities

33. On August 7, 2010, a group of criminals attacked a group of people who were constructing a mosque for the Ahmadiyya Jamaat at Chantara village in Ghatail Upazila under Tangail district. The attackers also ransacked several houses and two poultry farms belonging to the Ahmadiyya Jamaat. At least 10 persons belonging to the Ahmadiyya community were injured in this attack. Injured persons were shifted to Tangail and Dhaka for treatment. Police did not arrest any one in this regard. It is to be mentioned that the criminals attacked and vandalized an under construction mosque at the same place on June 17, 2010.¹⁴
34. On August 11, 2010, a group of criminals led by 77 No. Ward Awami League leader of Dhaka City Hazi Islam and Sutrapur Thana Awami League President Abul Hossain, attacked a Hindu temple 'Shree Shree Radhakanto Thakurani Lokkhi Janordhon Chokro Jiobigroho' at Lalmohon Saha Street, Sutrapur in Dhaka. The criminals attacked with pistols, hockey sticks, and daggers and ransacked the doors and windows and allegedly vandalised 5 idols of gods

¹² Reported by Odhikar's human rights defenders from Gazipur

¹³ The Daily Amar Desh, 09/08/2010 and Odhikar's human rights defender from Barisal

¹⁴ The Daily Star, 11/08/2010 and Odhikar's Human Rights defender from Tangail

and goddesses at the temple. Justice (Retired) Gouragopal Saha and Molchanda Ghosh, President and Secretary of Mondir Committee (Temple Committee) respectively alleged that local Awami League leaders are involved in vandalizing temples by using their armed cadres and are trying to occupy the temple's property. Many people are in hiding due to the fear of the criminals.¹⁵

35. Odhikar demands that the Government should take immediate action against perpetrators. Odhikar also urges the government to ensure security of the religious minority communities.

Continuation of political violence

36. On August 7, 2010 two factions of the Awami League-backed Chattra League in Rajshahi University were involved in a clash over establishing supremacy in the university campus. One group was led by Chattra League President Awal Kabir and the other was led by its General Secretary Majedul Islam. Four people were injured in the clash, of which one was shot.¹⁶
37. On August 10, 2010, one person died and 30 were injured in a clash between the supporters of Nasir Khan, former President of Shailkupa Upazila Jubo League and Panna Khan, former Chairman of Digonghar Union Parishad, who recently joined the Awami League. The altercation took place at Achintapur village in Shailkupa upazila under Jhenaidha district over the upcoming Union Parishad¹⁷ election and also over holding supremacy in the locality, which took life of one Rozdar Ali (30).¹⁸
38. On August 14, 2010, a BNP activist named Hamid (40) was killed by some unidentified criminals who cut his leg tendons at Sharsha upazila under Jessore district. The deceased's elder brother Khaleque filed a case in this regard accusing 16 persons. Police arrested Zahir Molla, one of the accused in this connection. Sheikh Afiluddin, local Parliament Member who belongs to Awami League, called on Md. Enamul Huq, Officer-in-Charge (OC) of Sharsha Police Station on August 15, 2010 at his office. The OC Md. Enamul Huq was attacked by the MP and his party workers when he went there. OC

¹⁵ The Daily Amar Desh, 08/08/2010

¹⁶ The Daily Prothom Alo, 08/08/2010

¹⁷ Union Parishad is lowest tier of local government institution

¹⁸ The Daily Ittefaq, 10/08/2010

Md. Enamul Huq informed journalists that the Member of Parliament slapped him when he entered the MP's room. MP Sheikh Afiluddin told him, "Did people vote for your father to become the peoples' representative? Why did you lodge the case without my permission? How dare you?" Later he was beaten up by one Musa, a listed criminal of Sharsha Police Station, who was present there. He was also verbally abused by them. MP Sheikh Afiluddin gave him an ultimatum to leave the area within 24 hours.¹⁹

39. According to information gathered by Odhikar, 12 persons have been killed and 800 injured in political violence in August 2010. There were also 77 incidents of internal violence in the Awami League and 07 within the BNP. In addition to this, 02 people were killed in Awami Leagues internal conflict while 356 were injured. 01 person was killed and 72 persons were injured in BNP initiated violence.

Police baton charged at students of Chittagong University

40. On August 2, 2010, students of the Chittagong University sparked off an agitation in the campus against increased tuition fees. An altercation took place between the students and police while students were demanding withdrawal of the decision at a protest rally. The police threw tear gas shells, fired rubber bullets and also charged with batons at agitated students, which left 56 people injured including some police. Police arrested 241 students from the university campus.

41. Odhikar condemns the incident of police attack on the students of the Chittagong University. Odhikar demands the release of arrested students and withdrawal of increased tuition fees in order to ensure a pro-people education system.

Verdict of the BDR mutiny case at Sylhet

42. Verdict of the BDR mutiny case at Sylhet was declared on August 2, 2010. The special BDR Court-3 declared the verdict of the BDR mutiny case accusing 14 BDR jawans of the 8th Rifles Battalion stationed at Sunamganj who have been sentenced to different terms of imprisonment. Nayek

¹⁹ The Daily Ittefaq, 16/08/2010

Subedar Signalman Md. Abul Hossain has been awarded the maximum penalty of 6 years of rigorous imprisonment while Sepoy Suman Marma and Md. Toriqul Islam have been awarded a minimum 4 months of imprisonment. Major General Rafiqul Islam, Director General of the BDR gave the verdict at the special BDR Court-3 set up in Sylhet BDR Headquarters.

43. During the trial one of the accused said, "We spent 1 year and 2 months in jail. We were unable to produce any witnesses due to our detention in jail. We did not get any assistance for this reason." Md. Abdul Alim, younger brother of convicted BDR jawan Abdul Wahid told Odhikar that many people were involved in the mutiny. Those who were prime actors in this incident, have been protected. Many of the convicted persons are victims of conspiracy. "My brother did not get proper justice."²⁰

44. The local human rights defenders of Odhikar monitored the trial process.

Trial at Pilkhana BDR Headquarters continues

45. On August 11, 2010 the trial of Pilkhana BDR mutiny case continued at the Special Court 6 set up in the BDR Headquarters. The allegations brought against 448 BDR jawans were presented before the Court. The Tribunal set October 24, 2010 as the date for charge-framing against 337 BDR members of the Unit Offices and October 25, 2010 for 111 BDR members of the Record Wing of the BDR Headquarters. The BDR Director General Major General Rafiqul Islam presided over the Court.²¹

Bangladesh-India border

46. As per Odhikar documentation, during the month of August 2010, there have been several incidents of human rights violations at the border areas by the Indian Border Security Forces (BSF). During this time, 04 Bangladeshi were killed, among them 03 Bangladeshi civilians were reportedly shot dead and 01 person was tortured to death, 08 were injured by BSF among them 06 were tortured and 02 were bullet shot by BSF. During this time 02 persons were abducted by BSF.

²⁰ Reported by Odhikar's human rights defenders from Sylhet

²¹ The Daily Kaler Kantho, 10/08/2010

Violence against women continues

Housewife killed for conceiving girl child

47. On August 3, 2010, a housewife named Taslima (28) was allegedly killed by her in-laws due to conceiving a girl child. This inhuman incident took place at Jatrabari area in Dhaka city. Family members of the deceased alleged that Taslima was 8 months pregnant. Taslima's husband Md. Sohel and his family members killed Taslima by imposing cruel treatment upon her after being informed of a girl child through an ultra sonogram test. Furthermore, she was treated inhumanly from time to time due to dowry demands.²²

Rape

48. In the month of August 2010, it has been reported that 42 women and girls were raped of which 22 were adults and 20 were children²³. Of the 22 female adults raped, 05 were killed after being raped and 05 were gang raped. Of the 20 girls who were raped, 02 were killed after being killed and 02 were subjected to gang rape.

Dowry related violence

49. During August 2010, 49 women 03 children were subjected to dowry²⁴ related violence. It has been alleged that of these 49 women, 32 women and 02 children were killed due to dowry related issues and 11 were treated inhumanly. During this span of time, 07 women allegedly committed suicide after failing to cope with dowry related mistreatment and violence.

Acid violence

50. In the month of August 2010, 15 persons were victims of acid violence. Of these, 08 were women and 03 were men, 02 girls and 02 boys.

Recommendations

51. Freedom of thought, conscience and of speech guaranteed by the Constitution must be ensured by releasing *Amar Desh* Acting Editor Mahmudur Rahman and its journalist Oliullah Noman.

²² The Daily Jugantor, 08/08/2010

²³ 'Children' are those below 16 years of age, as per the Children's Act, 1974.

²⁴ The Dowry Prohibition Act, 1980 makes the giving or taking/ demanding of dowry an offence, punishable with imprisonment and/or fine.

52. The minimum wage of Taka 5,000.00 (USD 72.46) and other benefits of the garments workers must be implemented in order to ensure their rights to food, shelter, employment and health. The arrested trade union leaders, NGO activists and garments workers should be released immediately.
53. An independent Commission regarding extrajudicial killings should be formed and perpetrators of all extrajudicial killings must be brought before justice through proper investigation.
54. The State must restore the fundamental rights of religious minorities and provide physical protection to those who have been abused, along with providing security to their property.
55. The government should refrain from shrinking the space for practice of democracy and also abstain from repression to opponent political activists, which will only provoke resentment.
56. The Government should be responsive in order to stop political violence. It must take effective actions against those involved in violence, irrespective of political beliefs. The law enforcement agencies need to be proactive to stop violence.
57. The trial of the BDR Jawans in the mutiny cases must be made transparent and accountable.
58. Torture in remand and other forms of custodial torture must be stopped. The Government must respect its commitment of 'zero tolerance' for extrajudicial killings, custodial deaths and torture. The Government should also provide a clear statement about those who have been kidnapped by members claiming to be of law enforcement agencies and the secret killings that follow such kidnappings.

59. The Bangladesh Government must take immediate and effective steps to bring an end to the injuring and killing of Bangladeshi citizens by the Indian Border Security Force.

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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.