



October 01, 2010

## **Human Rights Monitoring Report January - September 2010**

**Every 03 days 01 person reported killed extra judicially;  
Freedom of media and incidents of government interruption;  
Arrests under the Anti-Terrorism Act 2009 and torture;  
Government and Politics;  
Human rights violation by the Indian BSF: Odhikar rejects the statement of the  
DG, BSF;  
Violence against women;  
Arrest of leaders struggling for self-determination and hand over to the Indian  
authorities;  
Government refuses to extend Odhikar's torture prevention programme;  
Allegation of enforced disappearances and killings following arrest by law  
enforcement agencies;  
Human rights of religious and ethnic minority communities;  
Trial of the BDR mutiny case – updates  
Situation in the ready-made garments sector**

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 nationwide 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, presented here is an account of the human rights situation of Bangladesh covering the period of January – September 2010.

### **On an average every 03 days 01 person is reported killed extra judicially**

1. During the period of January – September 2010, 90 people were reportedly killed extra-judicially. It has been further alleged that of these people, 40 were killed by RAB, 33 by Police, 08 persons were killed by the joint operation of RAB and police, 03 were killed by the

RAB- Coast guard jointly, 05 persons were killed by the operations of RAB- Police- Coast guard and 01 person was killed by BDR.

2. On September 5, 2010, the newly appointed Director General of Rapid Action Battalion (RAB) Mokhlesur Rahman said, “RAB never supports extrajudicial killings. RAB is not involved with these incidents and RAB will operate its duty upholding the human rights.”<sup>1</sup> Abdur Rashid (60), Rajshahi divisional commander of Purba Banglar Communist Party (Led Flag) was killed by RAB at Sathia in Pabna on the same day when the DG RAB has given statement to the journalists.
3. Looking back to the records of government’s statement on crossfire, one finds that on March 28, 2010, Home Minister Sahara Khatun said, “RAB members are left with no option but to open fire when criminals shoot at them.”<sup>2</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>3</sup> On July 8, 2010, he further said, “Action will be taken against the perpetrators if any further incident of extrajudicial killing occurs.”<sup>4</sup>
5. It should be noted that 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 *suo motu* 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. In the early morning on July 1, 2010, a businessman named Mizanur Rahman died in police custody at Gulshan Police Station. Taslima Begum, his wife, alleged that police picked up Mizanur Rahman on June 29, 2010 from the Nayanagar area in Baridhara in the city. After that, police demanded Taka one hundred thousand from her. Police allegedly shot and killed her husband upon failure to realise that money.<sup>6</sup>
7. On July 3, 2010, some plain-clothes police of the Darus Salam Police Station at Mirpur allegedly picked up one person named Mojibar. His body was recovered from the Turag river

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<sup>1</sup> The Daily Kaler Kantho, 06/09/2010

<sup>2</sup> The Daily Star, 27/03/2010

<sup>3</sup> The New Age, 29/05/2010

<sup>4</sup> The Daily Manabzamin, 12/07/2010

<sup>5</sup> The Daily Jai Jai Din, 14/01/2010

<sup>6</sup> The Daily Jugantor, 02/07/2010

the next day. It has been learnt that Mojibar's 7-year old son Iqbal was with him when Mojibar was picked up and beaten by police.<sup>7</sup>

## **Types of death:**

### ***Crossfire/encounter/gun fight:***

8. Of the 90 extrajudicial killings reported, 71 persons were killed in 'crossfire/encounters/gun fights'. It has been reported further that 36 of these persons were victims of 'crossfire/encounter/gun fights' involving the RAB, 19 were victims of 'crossfire/encounter/gun fights' which involved the Police, 08 were victims of 'crossfire/encounter/gun fights' jointly involving the RAB and the Police, 03 were allegedly killed in crossfire/encounter/gun fights' by RAB and Coast Guard 05 were victims of 'crossfire/encounter/gun fights' jointly involving the RAB, Police and Coast Guard.

### ***Death caused by torture:***

9. On September 1, 2010, one Mokles Madbor (40) of Shariatpur district died in custody during police remand at the Goshairhat Police Station. The family members of the deceased claimed that police killed him when he was taken into remand for questioning.<sup>8</sup>
10. On July 11, 2010, a rickshaw puller Nurul Huq (35) was arrested by Shibpur Police Outpost in Charge, Sub-Inspector Md. Nurunnabi from Bidyakut village under Nabinagar Upazila in Brahmanbaria district. He was taken to Shibpur Police Outpost and died in custody the same night. The family members of Nurul Huq alleged that he died due to torture in police custody.<sup>9</sup>
11. On May 12, 2010, one Rabiul Islam Khokon (23) was allegedly tortured while in custody by Sub Inspector Abdul Mannan of the Chatkhil Police Station, Noakhali, who had taken Rabiul into remand. The next day Rabiul died at the Dhaka Medical College Hospital.<sup>10</sup>
12. The Court 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 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

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<sup>7</sup> The Daily Prothom Alo, 03/07/2010

<sup>8</sup> The Daily Shamokal, 02/09/2010

<sup>9</sup> The Daily Manabzamin, 12/07/2010

<sup>10</sup> Odhikar's Fact Finding Report

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 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>11</sup>

13. The then IGP Nur Mohammad commented on July 17, 2010, in a meeting with local journalists of Sylhet at the office of the Sylhet Metropolitan Police Commissioner that “Many of those being picked up or arrested by police become sick. If anyone dies due to illness or disease it is mentioned that the arrested persons died in police custody due to torture.”<sup>12</sup>
14. During January – September 2010, a total of 17 persons were allegedly tortured to death. Of them, 03 were allegedly tortured to death by the RAB and 13 by the police and 01 by BDR.

***Identities of the deceased:***

15. Of the 90 deceased, it has been reported that 01 was the member of Purbo Banglar Communist Party, 06 were members of the Purbo Banglar Communist Party (Red Flag), 01 was Purbo Banglar Communist Party (Marxist- Leninist), 10 belonged to Gono Mukti Fouz, 04 from Gono Bahini, 02 was from Biplobi Communist Party; 01 was a leader of the cultural wing of BNP, 02 belonged to the Islami Chattra Shibir, 01 was a former AL activist from Khulna, 01 was an employee of the Apollo Hospital, 02 were businessmen and another 01 was a night guard, 02 were drivers, 01 rickshaw puller, 01 was a transport worker, 02 farmers, 01 a sweeper, 02 youths, 01 a mason, 01 was an alleged gangster, 01 was an alleged car hijacker, 01 a drug dealer, 32 were alleged criminals and 07 were alleged dacoits while 06 were pirates.

**Death in custody**

16. During this period a total number of 87 persons allegedly died while in custody. Among them 05 persons were allegedly killed in crossfire, 16 were tortured to death and one was shot while in custody and 14 BDR mutineers died while in custody. During this period 47 persons died while in jail custody mostly due to alleged ‘sickness’. During this period 02 persons died in court custody, 01 died in police station and 01 died in RAB custody.

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<sup>11</sup> The Daily Amar Desh, 13/05/2010

<sup>12</sup> The Daily Manabzamin, 18/07/2010

## **Torture in custody**

17. Between January and September 2010, 35 persons were reported tortured by law enforcement agencies. Among them 04 were allegedly tortured by RAB and 31 by police.
18. On August 14, 2010, Al-Amin, son of late Abdus Salam, residing at Chondiborti village in Shibpur Upazila under Norshingdi district, was tortured for three days while he was detained in Shibpur Police Station on the allegation of stealing. Al-Amin's mother Rubi Begum filed a case at the Court of Senior Judicial Magistrate on September 19, 2010, accusing the Officer-in-Charge of Shibpur Police Station Mojibur Rahman Majumder and Sub Inspector Sohrab Al-Hossain for misuse of power and allegedly torturing her son in custody through illegal detention.<sup>13</sup>
19. On June 15, 2010, Billal Hossain, a peasant residing at Bakra village in Ashashuni Upazila under Satkhira district, went to the police station to file a complaint regarding the demand for ransom following abduction of his son Shubha (6). He had been detained and allegedly tortured by Sub Inspector (SI) Ziaur Rahman by being suspended him by his hands in the lock-up on the pretext of filing a fabricated case. Abducted Shubha's body was found in a local river (Morichchap) on June 16, 2010. SI Ziaur Rahman has only been 'closed' in relation to this incident.<sup>14</sup>

## **The Government shut down a photo-exhibition on 'crossfire'**

20. On March 22, 2010, Drik Gallery organised a photo-exhibition titled 'Crossfire' with the objective of upholding the many inconsistencies of alleged 'crossfire' carried out by the law enforcement agencies. The police shut down this photo-exhibition on March 22, 2010, the exhibition's inaugural day, on the pretext that the event was being held without permission from the Government. The photo-exhibition was finally opened on March 31, 2010 due to public pressure and a Writ Petition filed in the High Court Division of the Supreme Court.

## **Freedom of media and incidents of government prohibition**

21. Several Ministers and Members of Parliament criticized the role of the media in Parliament on September 21, 2010. They said, "The media is committing terrorism on information in the country." Some parliamentarians opined that the journalists should be called on in the Parliament and asked for clarification in this regard. The MPs in Parliament spoke against the

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<sup>13</sup> The Daily Jugantor, 20/09/2010

<sup>14</sup> The Daily Kaler Kantho, 17/06/2010

press media for about two hours. The Speaker of the Parliament Abdul Hamid also criticized the press.<sup>15</sup>

22. On September 20, 2010, the Prime Minister's Advisor on Health, Syed Modasser Ali said that the government is not bound to give information to the journalists.<sup>16</sup>
23. Odhikar expresses its deep concern over the statements given by some parliamentarians and the Speaker regarding media. Odhikar also fears that the government will take a more hard line position towards the media and journalists on their work, which will curtail democratic culture.

### **Contempt of Court - Amar Desh Acting Editor Mahmudur Rahman and journalist Oliullah Noman**

24. At around 4 am on June 2, 2010 Mahmudur Rahman, the Acting Editor of *Amar Desh*, was arrested by police from the newspaper office under a case filed by Md. Hashmat Ali at the Tejgaon Industrial Area Police Station. Police raided *Amar Desh* office at midnight and resorted to baton charging the protesting journalists in order to arrest Mahmudur Rahman. 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.
25. 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 papers and was then allowed to leave the office of that agency. 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. Apart from these two cases, a total of 47 cases including cases under the Anti Terrorism Act of 2009 and the Anti Corruption Commission Act of 2004 have been filed against Mahmudur Rahman.
26. 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, to six months in

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<sup>15</sup> The Daily Shamokal, 22/09/2010

<sup>16</sup> The Daily Star, 21/09/2010

prison and fined him Taka one hundred thousand (USD1 1449.27) for Contempt of Court. This punishment was given beyond the limits of the Contempt of Court Act of 1926 and in the name of inherent jurisdiction of the Court, under Article 108 of the Constitution. The Court also sentenced Oliullah Noman, staff reporter of the Daily *Amar Desh*, to one month imprisonment for preparing the report 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’ only means stay order in favour of the Government), where the role of the Attorney General's Office was criticized. Others accused in the case – Abdal Ahmed, Deputy Editor and Mustahid Farooqui, News Editor of the Daily *Amar Desh* – have been acquitted.

27. Mahmudur Rahman was arrested on June 2, 2010 after the government cancelled the publication 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 to serve one month imprisonment.

### **‘Channel 1’ closes down**

28. The government shut down the transmission of a private television channel supported by the Opposition party, Channel 1 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 Gushan and switched off its transmission on the charge of using rented broadcasting equipment.<sup>17</sup>

29. More than 400 staff, including journalists, technicians and administrative officials had been working in the Channel 1. 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 by the military-backed ‘Caretaker’ government in August 2007 after massively covering the student uprising of August 2007 by the Dhaka University students.

### **Government blocks Facebook**

30. Despite the rhetoric of ‘Digital Bangladesh’, the government blocked access to Facebook, a popular social networking tool on 29 May 2010. The decision came after the uploading of

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<sup>17</sup> New Age, 28/04/2010

satiric images of some leading politicians, including the Prime Minister and Leader of the Opposition. A team of RAB-10 arrested Mahbub Alam Rodin (30) from Old Dhaka in this regard. 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 was mentioned. The government finally withdrew its restriction on Facebook on June 5, 2010 due to public criticism.<sup>18</sup>

### **Attacks on journalists**

31. During the nine months between January and September 2010, journalists have been harassed in various ways. During this time, 03 were killed, 66 journalists were injured, 42 threatened and 33 were assaulted. 17 journalists were attacked, 02 were arrested and cases filed against 12 journalists.
32. On September 25, 2010, Mahbub Rahman, Rangpur bureau chief of the daily Jugantor was indiscriminately stabbed with sharp weapons by some criminals near the Rangpur Press Club, who left him seriously wounded. He was admitted to a local hospital in critical condition. Apparently, an influential group had become annoyed with journalist Mahbub Rahman due to publishing reports on tender bids in the newspaper. It is believed that he was attacked due to this reason.<sup>19</sup>
33. On September 1, 2010, M Zahid, Rajshahi University correspondent of the Daily Star was beaten up by Awami League-backed Chattra League leader Dulal alias Raihan Dulal due to publishing reports on the activities of Chattra League in the University. Dulal also threatened with a pistol the other journalists who were present at the scene and who tried to impede him.<sup>20</sup>
34. On May 21, 2010, the President of the Gazipur Municipality 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>21</sup>
35. Sayyed Nur, Farid Ullah and several other Awami League-backed 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>22</sup>

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<sup>18</sup> The Daily Star, 06/06/2010

<sup>19</sup> The Daily Jugantor, 26/09/2010

<sup>20</sup> The Daily Amader Shomoy, 03/09/2010

<sup>21</sup> Source: 23 May 2010 Amader Shomoy

<sup>22</sup> Source: 3 May 2010 Amar Desh



36. Senior journalist and regional correspondent of the Shaptahik 2000 in Sylhet Foteh Osmani, who was stabbed by a group of criminals on April 18, succumbed to his injuries at the Apollo Hospital in Dhaka on 28 April 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 his friend.<sup>23</sup>
37. The supporters of the Awami League-backed Chattra League attacked two journalists in the Dhaka University campus. On April 4, 2010, a group of Awami League-backed Chattra League activists led by Sajid Jahan Saikot, President of S M Hall<sup>24</sup> unit Chattra League beat up Fayez Ahmed, reporter of the weekly Budhbar and Anis Raihan, reporter of Shaptahik in front of the Public Library in the university campus.<sup>25</sup>
38. On March 1, 2020, Monirul Islam, the Sharsha representative of the Daily Lokshamaj of Jessore was beaten with a hammer and severely injured by 10-12 persons which included Rashed, Monir, Samaul, Hamaj and Yunus who were all members of the Jubo League<sup>26</sup>. The Daily Lokshamaj had published a series of articles disclosing the criminal activities and smuggling that went on in Sharsha. Monirul Islam was initially threatened over the phone and subsequently attacked in this connection.<sup>27</sup>
39. 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>28</sup> unit of the Kushtia Government College, when they had gone to the scene to report the shutting down of the admissions process by the members of the Chattra League.
40. Odhikar expresses deep concern over the attacks and threats by politically partisan groups on journalists trying to do their job and demands that those responsible be immediately brought before justice and punished.

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

41. According to reports, from March 1 to April 10, 2010, cases were filed against over 200 leaders and activists of various groups at the Dhaka Courts under the Anti-Terrorism Act 2009. The police were the Petitioners in these cases. The accused in these cases are members of 'anti-Government' political organisations. Allegations have been raised against the police that they

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<sup>23</sup> The Daily Manabzamin, 20/04/2010

<sup>24</sup> A residential hall of the Dhaka University

<sup>25</sup> The Daily Kaler Kantho, 05/04/2010

<sup>26</sup> Youth wing of Awami League

<sup>27</sup> The Daily Amar Desh, 02/03/2010

<sup>28</sup> Student wing if Awami League

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 had met with an objective to carry out illegal activities.<sup>29</sup> It is to be mentioned that a case had also been filed against Mahmudur Rahman, Acting Editor of the daily *Amar Desh* under this Act.

42. 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. Meanwhile, the Joint Coordinator of Hizb ut-Tahrir, Kazi Morshedul Huq was arrested on April 21, 2010 while Professor Syed Golam Mawla, teacher of Dhaka University, who is also a supporter of Hizb ut-Tahrir was arrested on July 8, 2010 under 'suspicion of anti-state activities'. Cases under the Anti-Terrorism Act 2009 have been filed against them.
43. 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 and the present Government after taking power on January 6, 2009, passed the said Ordinance as an Act in the very first session of Parliament.
44. Odhikar believes that the Anti-Terrorism Act 2009 will always be used to violate human rights and the prime targets of this law will be journalists, human rights defenders and the people who believe in opponent political ideology.

## **Government and Politics**

### ***President's clemency for death-row prisoners***

45. President Zillur Rahman pardoned 20 prisoners who were on death row; they were sentenced in the Sabbir Ahmed Gama murder case. The jail authority received the pardon order in this regard on September 6, 2010. Gama was stabbed and shot dead on February 7, 2004 at Ramsharkazipur Amtali Bazar under Naldanga Upazila in Natore and he was the nephew of former State Minister for Land and BNP leader Ruhul Quddus Talukdar Dulu. Gama's father Rafiqul Islam filed a case on February 8, 2004 in this connection with Naldanga Police Station

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<sup>29</sup> Source: 17/5/2010 Amar Desh

against 16 people, including ruling Awami League's Naldanga Upazila unit General Secretary SM Feroz Shah. The police submitted a charge sheet against 21 persons after investigation. Though the case came to the Session Judges Court in Natore, however, later it was shifted to Dhaka's Speedy Trial Tribunal via Rajshahi due to an appeal by the accused. A judge of Dhaka's Speedy Trial Tribunal gave the verdict on August 24, 2006. 21 accused were sentenced to death. The accused persons have appealed in the High Court Division challenging this verdict. But they withdrew the appeal before completion of the hearing and appealed for mercy to the President through the Home Ministry on April 15, 2010. On September 2, 2010, the President signed the mercy petition. 14 prisoners have been released from the jail following the general amnesty given by the President. Other 6 prisoners could not be released as they were involved in other cases<sup>30</sup>

46. Odhikar stands against capital punishment. Nevertheless, this kind of clemency for convicted prisoners undermines the judicial process and demonstrates injustice to the victims. It appears as paradoxical with the criminal justice system. Such practice will hinder the justice delivery system and people will lose their confidence in Judiciary if clemency is given before trial. Furthermore, the President of Bangladesh has also given mercy to Sadab Akbar, son of the Deputy leader of the ruling party Sajeda Chowdhury, who was sentenced to 18 years of imprisonment and fined 1 crore 60 lac Taka (USD 230,547.55) in four cases filed by the Anti Corruption Commission.

### ***Political violence***

47. On September 17, 2010, activists of the Jubo League<sup>31</sup> and Chattra League went on a rampage forcing the administration to postpone the recruitment examination for the Deputy Commissioner's office in Pabna. 15 people were injured including teachers and Additional Deputy Commissioner (General) Bijoy Bhushan Pal. The unruly local leaders and activists of the Jubo League and Chattra League and its associate bodies vandalized the official car of the Rajshahi Divisional Commissioner and four vehicles, including the official vehicles of Additional District Magistrate, Additional Deputy Commissioner and Pabna Sadar Upazila Nirbahi Officer and also broke the windows of Pabna District School and Government Girls High School. They set fire to answer scripts and admit cards and snatched mobile sets, wristwatches and money from the examinees. Two cases have been filed with Pabna Sadar

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<sup>30</sup> The Daily Prothom Alo/Amar Desh, 07/09/2010

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

Police Station against 150, mentioning 30 person's name, including Ahmed Sharif Dablu, President of the Chattra League of Pabna District unit; and former President of the same unit.<sup>32</sup> On September 27, 2010, HT Imam, Advisor of the Prime Minister; and the State Minister for Home Affairs Shamsul Haque Tuku sat with the district administration to discuss situation. HT Imam rebuked the officials of the district administration for a conducting press conference without taking permission from the higher authority. Blaming the media for the entire incident, he said, "Media is responsible for creating enmity between the ruling party and the district administration. Awami League was not involved in the incident of attack on the recruitment examination conducted by Pabna district administration."<sup>33</sup> On September 28, 2010, Deputy Commissioner Dr. ASM Manjur Kader and Police Superintendent Jamil Ahmed have been removed from Pabna. Dr. ASM Manjur Kader has been transferred to the Ministry of Establishment while Jamil Ahmed was transferred to the Police Headquarters. Furthermore, Additional Police Super Mosharraf Hossain Miajee was transferred to the police headquarters while Pabna Sadar Upazila Nirbahi Officer Abdul Halim has been transferred to Monpura Upazila in Bhola.<sup>34</sup>

48. On September 11, 2010, at least 30 persons were injured during a clash between the supporters of Awami League and BNP, which took place at Kalapaharia village in Araihasar Upazila under Narayanganj district. A few days ago, a child named Ashik who is known to Araihasar Upazila Chattra Dal leader Farid, was beaten by Awami League-backed Chattra League activist Shipon over a trivial matter. An argument occurred between the two groups who came for prayer on the Eid day. The two groups engaged in a clash with locally made arms in the evening of Eid day. Among the wounded, Rahman and Kabir were admitted to Dhaka Medical College Hospital<sup>35</sup>
49. 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 an altercation took place between the activists of Awami League-backed Chattra League and activists of BNP at Shahbagh area of the city. Furthermore, incidents 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

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<sup>32</sup> The Daily Naya Digonta/Kaler Kantho, 18/09/2010

<sup>33</sup> The Daily Ittefaq, 28/09/2010

<sup>34</sup> The Daily Ittefaq, 29/09/2010

<sup>35</sup> The Daily Amar Desh, 14/09/2010

Abbas after his arrest. Afroza Abbas, his wife, alleged that some plain clothed and armed people in the presence of RAB entered 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>36</sup>

50. On May 6, 2010, 10 supporters of the Somajtantrik Chattra Front were injured when Awami League-backed Chattra League attacked them at the Noakhali Government College.<sup>37</sup>
51. 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>38</sup>
52. On May 4, 2010, members of the Mishu and Anup group of the Chattra League unit of the Barisal Polytechnic Institute stabbed Nazrul from the group belonging to Abdur Razzak, President of the Polytechnic Institute Chattra League and left him on campus. Nazrul's ankle tendons were severed.<sup>39</sup>
53. The Awami League leader Abdul Quddus and seven of his associates entered the school with canes on May 3, 2010 and attacked Mahmuda Begum, Head Mistress of Bagatipara-Bhitorbagh High School of Bagatipara Upazila under Natore district following a rift that developed from the nomination of the President of the school's Managing Committee.
54. 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 the Baishakhi Mela.<sup>40</sup> When the policeman tried to stop them they attacked him and badly injured his head.
55. 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.
56. According to information gathered by Odhikar, a total of 165 persons have been killed and 11302 injured in political violence during January – September 2010. There were also 476 incidents of internal violence in the Awami League and 75 within the BNP. In addition to this,

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<sup>36</sup> The Daily Ittefaq/Amader Shomoy/Human rights defender of Odhikar, 28/06/2010

<sup>37</sup> The Daily Amader Shomoy, 07/05/2010

<sup>38</sup> The Daily Ittefaq, 06/05/2010

<sup>39</sup> Human rights defender of Odhikar at Barisal

<sup>40</sup> Bangla New Year fair

31 people were killed in Awami League internal conflict while 4582 were injured. On the other hand, 07 were killed in BNP internal conflict and 938 persons were injured in BNP initiated violence.

### **Disruption of political assembly**

57. On September 15, 2010, a local club 'The Young Star' organised a cultural programme at Gopalpur High School in Tarakanda union of Phulpur Upazila under Mymensingh district. The supporters of the local Awami League stopped the cultural event as the organisers had not invited the local Awami League leader as chief guest. The programme had been organised with the students of the school.<sup>41</sup>
58. Obstruction by police and consequent violence occurred in many places during human chain programmes organised by the opposition Bangladesh National Party (BNP) across the country, including Dhaka, from 11.00 am to 12.00 pm on July 7, 2010 demanding the release of its leaders and activists during the general strike; withdrawal of false cases; and ending torture and custodial deaths. The main opposition party BNP alleged that at least 15 leaders and activists had been injured in police attacks and over 100 leaders and activists had been arrested.
59. On April 17, 2010, the local Jubo League dismantled a political assembly of the Communist Party of Bangladesh at Natore. The Communist Party of Bangladesh, Natore District unit had 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>42</sup>

### **Human rights violations by Indian BSF: Odhikar rejects the statement of the DG, BSF**

60. The Director General of the Indian Border Security Force (BSF) Raman Srivastava said that people killed by BSF personnel in the border areas were 'criminals,' and almost half of them were Indian nationals. The BSF chief made the remarks at a press briefing on the conclusion of the 5-day BDR-BSF DG level conference at the Bangladesh Rifles headquarters at Pilkhana in the capital on September 29, 2010.<sup>43</sup>

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<sup>41</sup> Human rights defender of Odhikar

<sup>42</sup> The Daily Amader Shomoy, 18/04/2010

<sup>43</sup> The Daily Star, 28/09/2010

61. Odhikar rejects the statement of the BSF Director General regarding the killing of Bangladeshi citizens. Odhikar expresses its deep concern that the statement of the BSF chief will justify the killings and human rights violations perpetrated by the BSF personnel. The BSF often intruded into Bangladesh territory and shot at peasants and general people living at the border areas. They also kidnapped Bangladeshis and tortured them. According to information gathered by Odhikar, among the deceased and wounded almost all are Bangladeshi citizens. If any Bangladeshi citizen is involved with alleged smuggling in the border areas, in that case legal action needs to be taken. Extra judicial killing is not an answer.
62. On September 19, 2010, Fatik (26), a farmer, died at Rajshahi Medical College Hospital, allegedly tortured by the BSF in Mokshedpur village under Shibpur Upazila under Chapainawabganj district. Fatik had been tortured by the BSF members at Mokshedpur border area while he was grazing his cows near an international pillar. It was learnt that both his kidneys had been damaged.<sup>44</sup>
63. On July 23, 2010, five Bangladeshi children went to Nagor river to fish near the border pillar no. 345, located at Minapur village under Thakurgaon district. The BSF members of Molda Khongaon camp entered Bangladesh territory and surrounded them. In the mean time, the farmers who were working nearby rushed to the spot hearing the screams of the children. The BSF kidnapped Dania Ali (15), son of Daniul Islam; Shahabuddin (13), son of Abdul Quddus; Montu (8), son of Nazrul Islam; Raihan (8), son of Atabuddin; and Setabul (9), son of Joyal Abedin by threatening to shoot the farmers.<sup>45</sup> Among the five kidnapped children, the BSF returned Setabul, Raihan and Montu on August 9, 2010.<sup>46</sup>
64. On July 4, 2010, the Border Security Force (BSF) of India and Indian 'intruders' attacked Bangladeshi citizens at Jointapur border in Sylhet. Several rounds of bullets were fired during this attack which led to 10 Bangladeshis being injured, including 4 with gun shot wounds. Among those shot were Kamal, son of Abdul Karim of Jointapur Adarsha village; Abdul Mannan, son of Nurul Islam; and Koyes son of Kona Mia of Kendi village who have been admitted to the Osmani Medical College Hospital in Sylhet. The annoyed villagers raised a barricade on Sylhet-Tamabil Road near Shreepur BDR camp for one and half hours in protest against the inactive role of the BDR in this regard. The villagers also attacked BDR bunkers at Pagla Tila and chanted slogans against the BDR.<sup>47</sup>

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<sup>44</sup> The Daily Amar Desh, 20/09/2010

<sup>45</sup> The Daily Naya Digonta, 25/07/2010

<sup>46</sup> The Daily Prothom Alo, 10/08/2010

<sup>47</sup> The Daily Jugantor/Kaler Kantho, 05/07/2010

65. 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 countries 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.
66. Between January and September 2010, the Border Security Force (BSF) has reportedly killed 49 Bangladeshis. Of the 49 deceased, 14 were beaten and 35 were shot to death. Furthermore, a total of 61 have been injured by BSF and 10 were injured by Indian intruders. Of the 61 injured by BSF, 32 were shot and 29 were allegedly tortured. During this period, 25 Bangladeshis were abducted by the BSF, 02 persons were missing; there was 01 incident of looting and 05 Hindi speaking Indian Muslim citizens were pushed into Bangladesh as well.

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

67. At least 28 leaders of the United Liberation Front of Asam (ULFA) were handed over to the Indian BSF on September 24, 2010. They were arrested on September 22 and 23, 2010. An Indian daily newspaper the Telegraph and a news agency IANS have reported this. IANS also reported that they had been taken to Gowahati in Asam on September 25, 2010. The Telegraph quoted police reports that 15 mid level ULFA leaders were handed over to India by Bangladesh. Wives and children of some of them were handed over to India as well.<sup>48</sup>
68. On July 17, 2010, Ranjan Chowdhury alias Major Ranjan, Military Commander of the United Liberation Front of Asam (ULFA) along with his Bangladeshi associate Prodeep Marak were arrested by the intelligence unit of the RAB Headquarters and a special team of RAB-9 from Laksmipur area of Bhoirab under Kishoreganj district. RAB recently submitted charge sheets into three cases filed against them.
69. 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.<sup>49</sup>
70. 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. On April 17, 2010, the Indian media stated that a joint drive of the Indian and Bangladeshi

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<sup>48</sup> The Amar Desh, 26/09/2010

<sup>49</sup> The Daily Shamokal, 07/06/2010



intelligence led to the arrest of Ranjan and two of his associates from Jhinaigati under Sherpur district.<sup>50</sup>

71. 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’.

### **Violence against women**

72. Incidents of violence against women continued during the nine month period between January and September 2010. Many women and children were raped, were victims of acid attacks and dowry demands were made often resulting in violence. Women are becoming victims of violence and ill-treatment due to social attitudes, lack of access to justice, corruption of law enforcement agencies, lack of protection for victims and witnesses, financial crisis, ignorance of the law and poor administration.

### ***Incidents of rape***

73. On September 27, 2010, Home Minister Sahara Khatun told the Parliament that a total of 1586 incidents of rape took place between January 1, 2010 and June 30, 2010.<sup>51</sup> Odhikar observes with concern that the incidents of rape has increased severely and a several number of the incidents of rape also took place during the three months between July and September 2010.
74. On July 5, 2010, a female student of class IX went to a local shop to buy an exercise copy in Kaharta village under Shokhipur Upazila of Tangail. On her way back home she was kidnapped by Shokhipur Upazila Awami League backed Chattra League Joint Convener, Habibullah Etihas alias Habib; Upzalia Chattra League leader Arif Ahmed; Babul Azaz and Ariful Islam Akash, nephew and grandson respectively of Shokhipur Upazila Chairman Showkat Sikdar. They forcefully took her to a hostel at Hazipara in Shokhipur where Habibullah Etihas alias Habib allegedly raped her while his associates filmed the incident on a

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<sup>50</sup> The Daily Amar Desh, 03/05/2010

<sup>51</sup> The Daily Kaler Kantho, 28/09/2010

video camera. Although police have arrested Ariful Islam Akash, the prime accused has not been arrested yet. The police of the Shokhipur Police Station submitted a charge sheet on September 9, 2010, after investigation. The Officer-in-Charge of Shokhipur Police Station informed Odhikar that the names of Arif Ahmed, Babul Azad and Ariful Islam Akash have been omitted from the charge sheet as they did not find their involvement with this incident. Only Habibullah Etihas alias Habib has been named in the charge sheet as accused. Habibullah was granted bail from the High Court Division. The High Court Division asked him to appear before the lower court by October 10, 2010.<sup>52</sup>

75. 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 girl 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 release.<sup>53</sup>
76. Police and other law enforcement agencies have a duty and obligation to protect citizens and investigate incidents of crime, not perpetrate them. However, it is alleged that a housewife from 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 Obaidul Huq at Jhenaidah; and a housewife was raped by Sub Inspector Mosharraf Hossain at Bagerhat. Furthermore, an 8 year old girl from Joypurhat was raped by a members of the village police during this period.

### ***Dowry-related violence***

77. On September 16, 2010, one Mohammad Ali allegedly shaved his wife Amena Akhter Annie's head over dowry demands. Police arrested victim's husband Mohammad Ali in this regard.<sup>54</sup>
78. Delwar Hossain set fire to his sleeping wife Shima (15) on April 28, 2010 after she could not meet his dowry demands. Shima fought against death for 23 days, after which she passed away at the Dhaka Medical College Hospital on May 21, 2010. Shima was from Munshipara under Rangpur district.
79. Between January and September 2010, a total of 297 women were subjected to dowry related violence. Of these women, it has been alleged that 190 were killed because of the dowry and

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<sup>52</sup> Report from Odhikar' human rights defenders from Tangail

<sup>53</sup> The Daily Jugantor, 19/05/2010

<sup>54</sup> The Amar Desh, 18/09/2010

85 were treated inhumanly. Of these women 22 allegedly committed suicide after failing to come to terms with the dowry related ill-treatment and violence. Furthermore, three minor children have reportedly been killed by their fathers while two women committed suicide with their child due to dowry related disputes.

### ***Housewife killed for conceiving girl child***

80. On August 3, 2010, a woman 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 stated 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.<sup>55</sup>

### **Acid violence**

81. On September 13, 2010, Army personnel Shamsul Alam threw acid on Abu Bakkar Siddiqui's wife and his two daughters Rehana and Rina at Protappur village in Gaibandha district over refusal of a marriage proposal.<sup>56</sup>

82. A housewife was burnt with acid, doused with petrol and set on fire after she filed a suit for divorce. Tarun 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 Tarun Parvin on May 9, 2010. They then wrapped a mosquito net around her and spilled petrol over it and subsequently set on fire. Tarun 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. Police arrested Emdadul Islam and Saiful Islam in this case. In August 2010, the Investigating Officer of this case, Sub Inspector Selim informed Odhikar that a charge sheet has been submitted before the Court, accusing 14 persons. Saiful Islam has been acquitted from the charge sheet due to lack of evidence. Three accused persons, including the main culprit Asadul Islam could not be arrested to date.

83. During the last nine months, 104 persons were victims of acid violence of which 62 were women, 29 men, 04 boys and 09 girls.

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<sup>55</sup> The Daily Jugantor, 08/08/2010

<sup>56</sup> The Daily Naya Digonta, 16/09/2010

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

84. 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. 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. In response, 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.
85. 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.
86. It is to be mentioned that the High Court Division of the Supreme Court extended the stay order of the Writ Petition (6550/2009) for six months on May 3, 2010.

## **Allegation of enforced disappearances and killings following arrests by law enforcement agencies**

87. One Forkan, son of Nurul Islam, residing at Saudpur village in Rajapur Upazila under Jhalkathi district, returned home after being untraceable for a long time. A private television channel 'Ekushe TV' transmitted news on August 12 and 13, 2010 in this regard. Forkan informed 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 blind folded in a dark place and was beaten regularly. He was also informed that he would be released by paying a huge sum of money to RAB officials. He was counting his 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.<sup>57</sup>

88. On July 14, 2010 Golam Mortaza (30), a student organiser, was arrested by 6/7 plain clothes men, who identified themselves as Detective Branch (DB) police. The family members of Golam Mortaza alleged that the DB police picked him up from Rabinrda Sarobar at Dhanmondi, Dhaka. The relatives of Mortaza inquired about him at the CID, RAB and Dhanmondi Police Station but found no trace of him.
89. On July 4, 2010 at 12 noon one Mojnu Khan was allegedly picked up by a group of people in a microbus from Nazirpur area under Muladi Upazila in Barisal district. On July 13, 2010, Mojnu's sister Rina organised a press conference at Barisal Press Club in this regard and informed that her family had communicated with Babuganj Police Station and the RAB-8 office to know about the whereabouts of Mojnu. On the same day at 12.00 am, police and RAB informed them that no one named Mojnu had been arrested. However, the next day RAB claimed that Mojnu had been killed in a 'gun fight' with RAB members.<sup>58</sup>
90. On June 25, 2010, Md. Chowdhury Alam, a Councilor of Dhaka City Corporation and a member of the National Executive Committee of BNP, was allegedly picked up by RAB members in civilian dress while he was on his way to Dhanmondi by car from a relative's house at Indira Road in Dhaka city. His son, Abu Sayed Chowdhury Himu, informed Odhikar that after the disappearance of his father on 25 June, no trace has been found of his whereabouts. The vehicle which carried his father was found abandoned on the road side at the Karwan Bazar area, opposite the WASA Bhaban in Dhaka city.<sup>59</sup>
91. 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 remained untraceable since his arrest. His wife Shurovi Akhter told a press conference at the Crime Reporters Association on April 30, 2010 that they were searching for him and was unable to locate Shumon after his arrest by RAB. Shumon had been vocal about the criminal activities at the Kafrul area in Dhaka.
92. It has been alleged that on March 19, 2010, Md. Akbar Ali Sardar (28), a wood merchant of Shalondor Noula village in Thakurgaon; and Bipin Chandra Sarkar (36) coming from the same village, were picked up by members of RAB-5 from the road in front of the Salendar Bissho 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

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<sup>57</sup> The Daily Shamokal/Amader Shomoy, 14/08/2010

<sup>58</sup> The Daily Prothom Alo, 15/07/2010

<sup>59</sup> Fact-finding report of Odhikar

Station rejected attempts made by Akbar's family to file a General Diary (GD) or a case. 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 having arrested Akbar.<sup>60</sup> Meanwhile, Ayub Ali, brother of Akbar and his business partner Abdur Rahman have also disappeared since May 17, 2010.

93. During this period 09 persons 'disappeared' allegedly with the involvement of the law enforcement agencies.
94. Odhikar expresses deep concern over such incidents of arrest and disappearance and urges the Government to search and rescue the untraced persons and also issue a statement about any secret killings.

### **Mob killing**

95. From January to September, 2010, reports show that a total of 119 persons were killed by mob violence.

### **Human rights of the religious and ethnic minority communities**

96. An idol of the Hindu goddesses, Durga, was allegedly ransacked by a group of criminals at Kali Madir (temple) in Shreenagar upazila under Munshiganj district on September 17, 2010. The leaders of the temple committee said that on September 16, 2010, Alek Mia, Mizanur and Ashiqur with their associates came to grab the temple's land. The criminals were threatened to kill the men when they tried to oppose them. Police arrested Mizanur in this connection.<sup>61</sup>
97. On August 11, 2010, a group of criminals led by Ward No. 77 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 at the temple. Justice (Retired) Gouragopal Saha and Molchanda Ghosh, President and Secretary of the Mondir Committee (Temple Committee) respectively alleged that local Awami League leaders were 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.

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<sup>60</sup> Source: Human Rights Defender of Odhikar at Thakurgaon

<sup>61</sup> The Daily Amader Shomoy, 19/09/2010

98. 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. Police did not arrest any one in this regard. It is to be mentioned that the criminals attacked and vandalized an under construction mosque of the Ahmadiyya community at the same place on June 17, 2010.<sup>62</sup>
99. On July 12, 2010, a group of land grabbers led by Shariful Islam, with the support of influential local political leaders of the ruling party, attacked a village of the ethnic minority community at Nak-El under Niyamotpur Upazila of Naogaon district. More than 50 houses belonging to the ethnic minority community people were ransacked and looted in this incident. The attackers also beat the men and women. Members of the ethnic minority community alleged that the attack took place in order to grab their land.<sup>63</sup>
100. On June 12, 2010, Parbotya Chattagram Mahila Samity<sup>64</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 a prohibition on the meeting on the pretext of disruption of law and order situation.<sup>65</sup> Furthermore, Hill Women's Federation and Sajek Nari Shomaj jointly brought out a procession. The police put up barriers and disbursed the procession.<sup>66</sup>
101. A Division Bench of the High Court Division of the Supreme Court of Bangladesh has directed that members of the religious minority community 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>67</sup> On April 19, 2010, Shonkor Mitro at a press conference at the Dhaka Reporters Unity, alleged on behalf of the local ethnic minority community, 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; Kamrul Islam, Habibur Rahman, Jalal, Amir Hossain Manik, Hasan Hossain, Topa, Hares and Tajul. These men were not allowing the religious minorities to stay on their own land. Shonkor Mitro stated

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<sup>62</sup> The Daily Star, 08/08/2010 and human rights defender of Odhikar from Tangail

<sup>63</sup> The Daily Amader Shomoy, 14/07/2010

<sup>64</sup> Chittagong Hill Tracks Women Association

<sup>65</sup> Press release of Hill Women's Federation, dated 12/06/2010

<sup>66</sup> The Daily Manabzamin, 13/06/2010

<sup>67</sup> The Daily Ittefaq, 07/05/2010

that Sayed and his associates had taken control of 500 bighas of their land and subsequently ousted them from it.<sup>68/69</sup>

### **Trial of the BDR mutiny**

102. On September 5, 2010, 150 out of 667 accused BDR members of 24 Rifles Battalion have been cross examined by Junior Commissioned Officer (JCO) Motiur Rahman at the special court set up in the Darbar Hall of the BDR Headquarters. On September 6, 2010, Dhaka Sector Commander of the BDR Col. Aziz Ahmed said that there were 64 witnesses. Of them, two have given their testimonies. The chair of the court, BDR Director General Major General Rafiqul Islam along with panel of Judges Lt. Col. Golam Rabbani, Major Saeed Hasan Taposh and a representative of the Attorney General, Mohammad Sohrawardi were present at the Court.<sup>70</sup>
103. On August 11, 2010 the trial of the 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.
104. The 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 by accusing 14 BDR jawans of the 8th Rifles Battalion stationed at Sunamganj who have been sentenced to different terms of imprisonment. 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. 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.”<sup>71</sup>
105. On July 27, 2010, the trial of BDR mutiny case of 31 Rifles Battalion of Lalmonirhat commenced. The trial had begun at the Special Court 2 built in the Headquarters of the Battalion under the BDR Director General Major General Rafiqul Islam. The allegation

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<sup>68</sup> The Daily Shamokal, 26/04/2010

<sup>69</sup> The Daily Amar Desh, 10/05/2010

<sup>70</sup> The Daily Amader Shomoy, 06/09/2010 and Shamokal, 07/09/2010

<sup>71</sup> Human Rights Defender of Odhikar at Sylhet



brought against 24 arrested BDR jawans under a case filed by Junior Commissioned Officer (JCO) Subedar Habibur Rahman of 31 Rifles Battalion was presented before the Court.<sup>72</sup>

106. Meanwhile, the CID has submitted another charge sheet on July 27, 2010 in relation to the BDR mutiny case under the Explosives Act, 1884. A total of 808 BDR jawans and a civilian named Zakir Hossain have been accused in a 112-page charge sheet under sections 3, 4 and 6 of the Explosives Act, 1884.
107. On July 12, 2010, the Criminal Investigation Department of Police (CID) submitted a charge sheet of 132 pages against 824 accused persons in connection with the Pilkhana BDR mutiny case. BNP leader Nasiuddin Ahmed Pintu, Awami League leader Torab Ali and 23 other ordinary citizens were included in the list. Among the BDR members, 6 Deputy Assistant Directors, 44 Subedars, 80 Habildars, 60 Nayaks, 68 Lance Nayaks, 504 soldiers, 14 chefs, 1 office clerk, 1 peon and 1 hospital boy, 2 caretakers, 18 sweepers and 2 carpenters. A total of 1285 witnesses, including Ministers, Parliament Members and Army officers have been identified. It has been stated in the charge sheet that the incident of mutiny basically occurred in relation to the demands placed by the members of the BDR.<sup>73</sup>
108. On June 28, 2010, the Special Court 3 in Sylhet framed charges against 14 BDR jawans of 8 Rifles Battalion at Sunamganj. 20 witnesses deposed before the Court.
109. 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. 638 other Jawans claimed to be innocent.
110. 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. In the verdict, 9 accused BDR Jawans were punished and received various sentences. 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>74</sup> The sentenced Sepoy Md. Shakhawat Hossain's brother Efayetullah told Odhikar, 'This is a one-sided trial. Justice have not been served here'. Ajmol Hossain, younger brother of sentenced Sepoy Abul Kalam Azad told Odhikar, 'My brother joined work on February 23, 2009 after spending his holiday at home. He was tagged in this case as part of a conspiracy'.
111. The judgment of the 7th Rifle Battalion had been declared 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 7th Rifles Battalion to different terms of imprisonment. The Court acquitted

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<sup>72</sup> Human Rights Defender of Odhikar at Lalmonirhat

<sup>73</sup> The Daily Kaler Kantho, 13/07/2010

<sup>74</sup> The Daily Prothom Alo, 03/05/2010

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.

112. The 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 Shahidul Islam, Sepoy Kazi Saifuzzaman and Sepoy Omar Faruk acquitted as the charges brought against them were not proven.
113. 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 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.
114. The 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. It has been learnt that those BDR members who claimed to be innocent were produced before the Court in fetters while others were in handcuffs.
115. The special BDR Court in Panchagar issued the verdict on the BDR mutiny trial on April 7, 2010. 29 accused members of the 25<sup>th</sup> Rifles Battalion had been sentenced to different terms of imprisonment. A total of 31 witnesses gave their testimonies in this case. 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.
116. 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 jawans also stated that the internal investigation of the BDR had not been neutral at all.

117. Local human rights defenders of Odhikar monitored the proceedings of the trial process at Panchagar, Thakurgaon, Feni, Satkhira, Rangamati, Lalmonirhat and Sylhet.

### **Situation at the readymade garments sector**

118. A volatile situation has been prevailing between the workers and owners of the ready-made garments factories following recent incidents of violence in this sector. Most of the violence and clashes took place due to unpaid wages, or demands for an increase in wages. Earlier the minimum wage of a garment worker was Taka 1662 per month (USD 23.96). 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 had been demanding Taka 5,000.00 (USD 72.46) per month to be declared as the minimum wage. Later the garment workers rejected the minimum wage of Taka 3,000.00 (USD 43.47) declared by the Wage Board and came out in the streets with their demand of minimum wage of Taka 5,000.00 (USD 72.46) be effective from August 2010.
119. On July 30, 2010 several thousand garments workers staged a protest against the decision of the Minimum Wage Board and vandalized property in the Tejgaon, Mohakhali and Gulshan areas. Agitated garment workers in Fatullah under Narayanganj district blocked the Dhaka-Narayanganj link road and the workers in Ashulia area also blocked Dhaka-Tangail highway on July 31, 2010 and vandalized property. Police charged with batons on the protesting workers. At least 50 people including 2 policemen were injured in Narayanganj while more than 200 workers including police and journalists were injured in Ashulia.
120. 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.
121. 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 had been accused in the case.<sup>75</sup> Due to workers unrest, that allegedly caused vandalization of properties, police arrested 60 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

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<sup>75</sup> The Daily Prothom Alo, 04/08/2010 and 05/08/2010

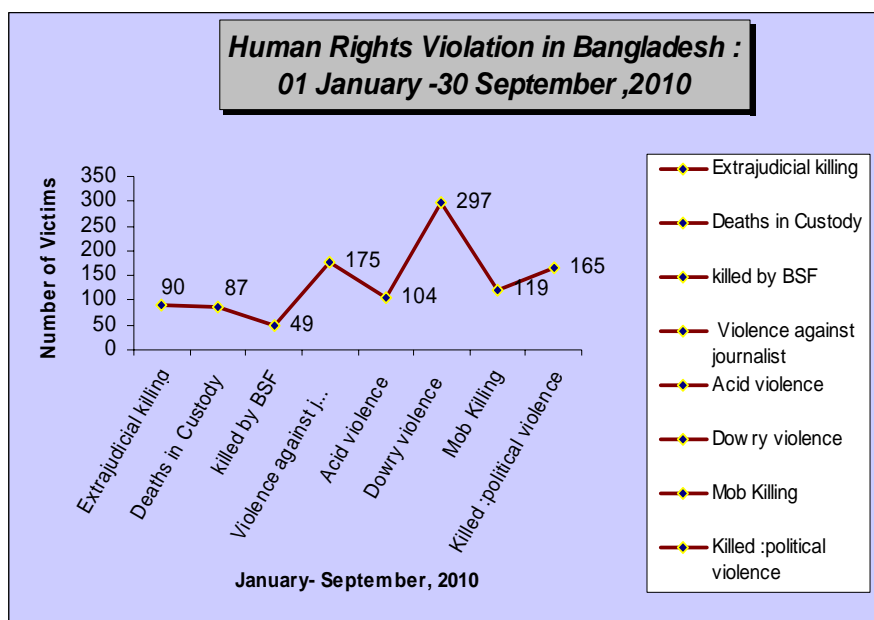
3, 2010. He was taken into 9-day remand for interrogation.<sup>76</sup> Furthermore, another leader Moshrefa Mishu alleged that police called her on cell phone and threatened to kill her in 'crossfire'.<sup>77</sup>

122. 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.<sup>78</sup>

123. On September 2, 2010, the workers of P M Garments factory staged a protest with their demand for wages and bonus at Godnail area in Siddirganj Upazila under Narayanganj district. A group of criminals hired by the factory owner attacked the agitated workers which left 10 workers wounded.<sup>79</sup>

124. During the period of January – September 2010, 04 workers reportedly died, 1920 were injured and 142 have been arrested while protesting and demanding for overdue wages and an increase to their wages at the ready-made garments factories.

<b>Statistics of Human Rights violations</b>	
<b>01 January- -30 September, 2010</b>	
<b>Human Rights Violation</b>	<b>Victim Persons</b>
<i>Extrajudicial killing</i>	<b>90</b>
<i>Deaths in Custody</i>	<b>87</b>
<i>killed by BSF</i>	<b>49</b>
<i>Violence against journalist</i>	<b>175</b>
<i>Acid violence</i>	<b>104</b>
<i>Dowry violence</i>	<b>297</b>
<i>Mob Killing</i>	<b>119</b>
<i>Killed :political violence</i>	<b>165</b>



<sup>76</sup> Monthly Chinta, August 2010

<sup>77</sup> Xtra-New Age, 13/08/2010

<sup>78</sup> The Daily Ittefaq, 23/08/2010

<sup>79</sup> The Daily Ittefaq, 03/09/2010

## Recommendations

1. Extra-judicial killings and custodial deaths must come to an end as per the election manifesto of the ruling party and declaration made by the Government at the UPR session in the UN Human Rights Council. An independent Commission regarding extrajudicial killings should be formed and perpetrators of all extrajudicial killings must be brought before justice through proper and independent investigation.
2. Torture during remand and other forms of custody must end. The Government must practice 'zero tolerance' regarding torture. Implementation of the recommendations made in the *BLAST vs. Bangladesh* (2003) is imperative.
3. 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. Government must ensure the enforcement of Article 39 of the Constitution of the Peoples Republic of Bangladesh.
4. Freedom of thought, conscience and of speech guaranteed by the Constitution must be ensured by releasing *Amar Desh* Acting Editor Mahmudur Rahman.
5. The Anti-Terrorism Act 2009 is a repressive law. It should be repealed immediately.
6. President's clemency for prisoners under political consideration created conflict in the criminal justice system. The government should be cautious before recommending any prisoner for amnesty.
7. The Government should be responsive and transparent 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.
8. The Government should refrain from shrinking the space for the practice of democracy and also abstain from repression on opponent political activists, which will only provoke resentment.
9. The issue of human rights violations at the border areas need to be incorporated into all the discussions between the governments of India and Bangladesh. Entering into another independent country's territory and firing deliberately 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 the 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.

10. 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.
11. 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.
12. The Government must rescue those who have been kidnapped by groups claiming to be law enforcement agencies and also provide a clear statement on the killings that follow such kidnappings.
13. The Government should sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearances, which was adopted at the UN General Assembly on December 18, 2009, and the Optional Protocol of the Convention against Torture.
14. 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.
15. 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 minority communities are 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.
16. The trial of the BDR Jawans must be made transparent and accountable.

17. 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, and garments workers should be released immediately.

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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.