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## **Human Rights Monitoring Report: 1-31 January 2011**

**Bangladeshi girl killed and hung on barbed wire fence by the BSF**

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

In line with this campaign, an account of the human rights situation of Bangladesh covering the month of January 2011 is presented below:

### **Bangladeshi girl killed and hung on barbed wire fence by the BSF**

1. In 2010, a total of 74 Bangladeshi citizens were reportedly killed by the Indian Border Security Force (BSF). Human rights violations by the BSF at border areas continues in 2011. The BSF are killing unarmed women, men and children either by shooting at them or torturing them. BSF kill farmers at work in the fields by intruding into Bangladesh territory. On January 7, 2011, 15-year old Felani Khatun, was shot and killed by the Indian BSF while she was entering Bangladesh from India near the international 947 pillar of the Anantapur border in Phulbari Upazila under Kurigram district. The BSF took down Felani's body after 5 hours.<sup>1</sup>
2. According to the Memorandum of Understanding and related treaties signed between the two countries, if citizens of the two countries illegally cross the border, it would be considered trespass and as per law those persons should be handed over to the civilian authority. However, we have repeatedly noticed that India has been violating treaties, shooting at anyone seen near the border or anyone trying to cross the border, which is a clear violation of international law and human rights.
3. Odhikar believes that the Government of Bangladesh has the responsibility to ask its Indian counterpart for an explanation regarding such killings of Bangladeshi civilian citizens residing at the border areas. Odhikar urges the Bangladesh Government to take effective steps with the Indian Government to ensure the prevention of further firing and killings by the BSF.
4. The BSF are killing Bangladeshi civilians at the border without any justification and as a result, they do not bother about the protests that Bangladeshi authorities are raising. Despite the issue being raised by Bangladeshi authorities at the regular meetings between the two countries and the border guards, it remains merely an assurance without result; which means that the BSF have not stepped back from its shoot to kill policy. Killing of a 15-year old girl, Felani, and hanging her body on the fence was just a continuation of such action.
5. According to information gathered by Odhikar, in January 2011, along the India-Bangladesh border, the BSF reportedly killed 04 Bangladeshis. Of the deceased, 03 were allegedly shot and 01 tortured to death. Furthermore, 02 persons were reported abducted by the BSF during this period.

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<sup>1</sup> Fact finding report of Odhikar, 16/01/2011

## **Criminal cases withdrawn out of ‘political’ consideration’**

6. The Government is withdrawing cases of murder, rape, robbery, corruption, extortion and for keeping illegal arms, by considering those ‘politically motivated cases’ bypassing the judiciary or any judicial process. Those cases have been withdrawn under political consideration and kept for ‘future consideration’; most of them were filed against ruling party leaders and activists. Furthermore, some cases have also been withdrawn where the plaintiff and accused were not even involved in politics. Considered as ‘politically motivated’ on January 11, 2011 a total of 1479 cases were proposed for withdrawal at the 25<sup>th</sup> meeting of the ‘National Committee on reviewing the cases for withdrawal’. Of them, 900 cases have no recommendations from the District Committees. According to the government rule, no case can be proposed for withdrawal at the National Committee without recommendations from the District Committees. However, these cases have been proposed with the influence of Ministers, Parliamentarians and leaders of the ruling party, without recommendations of the District Committees. 56 out of 1479 cases have been recommended for withdrawal and 837 cases were kept for later consideration. It has been reported that about 6750 cases were withdrawn under political consideration in the last two years since the present Awami League led Grand Alliance government assumed power. Among them, 5303 cases have been fully withdrawn while the names of the accused have been partly withdrawn in 1444 cases. It is to be noted that between 2001 and 2006, during the tenure of the four party alliance led by BNP, 5888 cases were withdrawn under ‘political consideration’ and a several numbers of accused persons had been acquitted from 945 ‘politically motivated’ cases. A total of 73,541 accused persons had been acquitted in this process.<sup>2</sup>
7. Odhikar expresses deep concern over withdrawing significant cases in the name of ‘political consideration’, which were filed against ruling party activists. Odhikar believes it would be contrary to the rule of law, if the criminal cases are withdrawn randomly under ‘political consideration’ which will further extend the culture of impunity in Bangladesh and bring injustice to the victims.

## **Political violence continues**

8. In January 2011, according to information gathered by Odhikar, 22 persons were killed and 1191 injured in political violence. Of them, 02 were killed and 515 injured during Pourashava (Municipality) Elections held on 12, 13, 17, 18 and 27 January 2011. Furthermore, 37 incidents of internal violence in the Awami

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<sup>2</sup> The daily Prothom Alo, 11/01/2011, Reported by Rozina Islam, 1<sup>st</sup> page, <http://www.prothom-alo.com/detail/date/2011-01-11/news/122536> / The daily Amar Desh, 12/01/2011, staff reporter, Back page <http://www.amardeshonline.com/pages/details/2011/01/12/62771>

League and 06 in the BNP were also recorded during this period. In addition to this, 434 people were injured in Awami Leagues internal conflicts while 68 persons were injured in BNP's internal conflicts.

### **Pourashava (Municipality) Elections 2011**

9. About two years after the scheduled time, elections held in 252 Pourashavas out of 310, on 12, 13, 17, 18 and 27 January 2011 in seven divisions across the country. Pourashava Elections were marked by attacks on opponents, irregularities, intimidation of voters, violence and snatching of ballot boxes. Incidents of attacks and intimidation of voters had been observed outside the polling stations, despite measures taken by law enforcement agencies. The Returning Officers cancelled the polling processes in two centres, at Borhanuddin in Bhola and Mehendiganj in Barisal, due to allegations of various irregularities and violence. The polling process was also suspended in eight centres at Kaliakoir Pourashava under Gazipur district due to errors in the voters' list. Furthermore, the result of a polling centre at Ghatail Pourashava under Tangail district was suspended. The Election Commission suspended polling at Senbagh Pourashava in Noakhali due to allegations of snatching ballot papers and ballot boxes while the declaration of results were suspended due to suspension of polling in two centres at Kabirhaat under Noakhali district and Nangolkot under Comilla district.

### ***Rajshahi-Rangpur Division***

10. Awami League backed Chattra League activists snatched ballot papers from Polashbari Kabirajpara polling centre during Kurigram Pourashava elections held on January 12, 2011. Due to this reason, polling was suspended for a while. Police arrested two Assistant Presiding Officers, named Abdus Salam and Liakat Ali for negligence of duty.<sup>3</sup>
11. Incidents of chases occurred between the supporters of the BNP and the Awami League at Choupukuria in ward no. 4 of Durgapur Pourashava under Rajshahi district. A total of five people from both sides were injured due to this clash. An Awami League activist named Ayub Ali was arrested by RAB and handed over to the mobile court.<sup>4</sup>

### ***Khulna-Barisal Division***

12. On January 13, 2011, one hundred ballot papers with stamps of election symbol "Anarash" (Pineapple) of the Awami League supported Mayor candidate Rafiqul Islam, were recovered from Momen Hossain, Presiding Officer of a polling centre at Borhanuddin Pourashava under Bhola district. The Presiding Officer Momen

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<sup>3</sup> The daily Naya Diganta, 13/01/2011,  
[http://dailynayadiganta.com/2011/01/13/fullnews.asp?News\\_ID=255826&sec=2](http://dailynayadiganta.com/2011/01/13/fullnews.asp?News_ID=255826&sec=2)

<sup>4</sup> Ibid

- Hossain, Assistant Presiding Officer Rabiul Alam and Polling Officer Azizul Islam were arrested by the police and the polling process of this centre suspended by the Returning Officer.<sup>5</sup>
13. Awami League supporters stamped ballot papers by taking over the Uttar 13 Char Registered Primary School centre at Muladi Pourashava under Barisal District. The polling agents of other candidates were driven out from the centre by them.<sup>6</sup>
  14. Supporters of the Awami League supported Mayor candidate, Emdadul Huq, tried to snatch the ballot box at around 1.30 pm from AC Laha High School centre at Morolganj Pourashava under Bagerhaat District. A clash took place between the two groups when supporters of Awami League's revolting candidate Manirul Huq Talukdar protested. Seven persons were injured in this incident.<sup>7</sup>

### ***Dhaka Division***

15. Pourashava elections under Dhaka division held on January 17, 2011. The President of Ward (No 9.) unit Jubo League, Monwar Hossain Monu along with his associates tried to influence the voters at the Borabo Adorsho Bidyaniketon centre at Tarabo Pourashava under Narayanganj district. Police arrested Monwar Hossain Monu. The polling was suspended for 20 – 25 minutes in this centre due to this.<sup>8</sup>
16. Eight polling centers at ward no. 7 and 8 of Kaliakoir Pourashava in Gazipur district were suspended due to errors in the voters' list. The Election Commission suspended the result of a polling centre at Ghatail Pourashava under Tangail District.

### ***Chittagong-Sylhet Division***

17. Pourashava elections under Chittagong and Sylhet Divisions were held on January 18, 2011. The polling process was suspended in 17 centres at Noakhali Pourashava due to irregularities and snatching of ballot boxes. Incidents of vandalizing the vehicles of the Returning Officer and journalists, arson and attack at the office of the District Awami League took place. One of the Councilor

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<sup>5</sup> The daily Manabzamin, 14/01/2011, Bhola correspondent,  
[http://www.mzamin.com/index.php?option=com\\_content&view=article&id=635:2011-01-13-17-04-19&catid=48:2010-08-31-09-43-22&Itemid=82](http://www.mzamin.com/index.php?option=com_content&view=article&id=635:2011-01-13-17-04-19&catid=48:2010-08-31-09-43-22&Itemid=82)

<sup>6</sup> Ibid

<sup>7</sup> The daily Kaler Kantha, 14/01/2011, Reported by Amitosh Pal and Sunil Das,  
[http://www.kalerkantho.com/?view=details&archiev=yes&arch\\_date=14-01-2011&type=gold&data=Tourist&pub\\_no=400&cat\\_id=1&menu\\_id=43&news\\_type\\_id=1&index=2](http://www.kalerkantho.com/?view=details&archiev=yes&arch_date=14-01-2011&type=gold&data=Tourist&pub_no=400&cat_id=1&menu_id=43&news_type_id=1&index=2)

<sup>8</sup> Election observation team of Odhikar

- candidates threw the ballot box into a pond over enmity between two Councilors at booth number 4 in Police line Primary School centre in ward no. 1.<sup>9</sup>
18. The Election Commission cancelled the polling of Senbagh Pourashava due to the snatching of ballot papers, fake votes, intimidation and various types of irregularities. Incidents of snatching away ballot papers have taken place at Senbagh Pilot School, Kadra Hamidia Madrassa, Senbagh Senior Madrassa, Senbagh College and Austradron Primary School polling centres.<sup>10</sup>
  19. Elections were marked by violence and the taking over of polling centres at Feni, Porshuram and Sonagazi Pourashava. Rashel Bhuiyan, a polling agent of BNP supported Mayor candidate, Faruque Harun, was forcibly driven out from Feni Girls High School centre. A group of unauthorized people beat Shah Alam Patowari, Presiding Officer at Feni Girls High School centre. The Returning Officer Altaf Hossain Chowdhury cancelled the polling of Baharipur Government Primary School as instructed by the Election Commission due to rigging and snatching of two ballot boxes and ballot papers.<sup>11</sup>
  20. Over two hundred unauthorised people tried to capture Bashpadua Government Primary School centre at around 9.00 am in presence of Army and police at Porshuram Pourashava. During this time, they beat the Assistant Presiding Officer, Saad Ahmed and took away some ballot papers. Two Councilor Candidates, Nurul Islam and Mainuddin Bhuiyan were injured due to attacks from outsiders.<sup>12</sup>
  21. Voters at Sonagazi Pourashava alleged that some unidentified persons visited the homes of the voters at different villages and threatened them from voting. Sirazul Huq, Councilor candidate of the Ward no. 5 and his supporters were injured by an attack from his rival group at the Court area. Moreover, another Councilor candidate Abu Taher, and some others, were injured in the High School centre. 67 votes in Chaber Pilot School and 157 votes in the Pre-cadet Institute polling centres were cancelled due to allegation of irregularities.<sup>13</sup>
  22. It has been alleged that the supporters of Abu Taher, Awami League supported Mayor candidate, bound the voters into casting their votes in favour of Abu Taher through undue influence at Lakkhipur Pourashava.<sup>14</sup>

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<sup>9</sup> The daily Kaler Kantha, 19/01/2011,  
[http://www.kalerkantho.com/?view=details&archiev=yes&arch\\_date=19-01-2011&type=gold&data=Economics&pub\\_no=405&cat\\_id=1&menu\\_id=13&news\\_type\\_id=1&index=0](http://www.kalerkantho.com/?view=details&archiev=yes&arch_date=19-01-2011&type=gold&data=Economics&pub_no=405&cat_id=1&menu_id=13&news_type_id=1&index=0)

<sup>10</sup> Ibid

<sup>11</sup> Ibid

<sup>12</sup> Ibid

<sup>13</sup> The daily Kaler Kantha, 19/01/2011,  
[http://www.kalerkantho.com/?view=details&archiev=yes&arch\\_date=19-01-2011&type=gold&data=Economics&pub\\_no=405&cat\\_id=1&menu\\_id=13&news\\_type\\_id=1&index=0](http://www.kalerkantho.com/?view=details&archiev=yes&arch_date=19-01-2011&type=gold&data=Economics&pub_no=405&cat_id=1&menu_id=13&news_type_id=1&index=0)

<sup>14</sup> Ibid

23. About 20/25 unauthorised people entered the female booth and assaulted Assistant Presiding Officer, Tofazzal Hossain and put the stamp on the Awami League supported Mayor candidate's electoral symbol "Dewal Ghori" (Wall Clock) by snatching away ballot papers in Dhatishwar Government Primary School centre at Nangolkot Pourashava under Comilla District. At 11:45 am outsiders attacked the same polling centre and snatched the ballot boxes. RAB arrested Awami League backed Chattra League Jodda Union unit Convener, Shahjahan Saju and handed him over to the Mobile Court. The court sentenced him to three years imprisonment. The Returning Officer, Mohammad Rohan Uddin suspended the polling of this centre due to this incident.<sup>15</sup>
24. An incident of shooting took place during the snatching of ballot papers at Charhasan-Hossain Government Primary School under Ramgoti Pourashava. Ruhul Amin, Shahin, Selim and Azad shot and injured and were admitted to hospital.<sup>16</sup>
25. Some criminals snatched away 43 ballot papers (Ballot No. 313301 – 313358) of Councilor candidates during polling at Town Model Government Primary School in Habiganj Pourashava. The polling restarted after being suspended for half an hour. Later, the Presiding Officer Abdul Khalique officially suspended voting in this centre by notification.<sup>17</sup>

### **Hartal**

26. Dawn to dusk Hartal<sup>18</sup> called by the local BNP, was observed in Noakhali, Lakhipur and Feni on January 19, 2011 after the election day, due to the capturing of polling centres by supporters of the ruling party during Pourashava elections. Incidents of bomb explosions on buses and vandalism took place during the Hartal.<sup>19</sup>

### **Attacks on religious minority communities in post election violence**

27. Post election violence took place in Shailkupa under Jhenaidah district on January 13, 2011 after the Pourashava election. At least 20 persons were injured in this incident. The supporters of Awami League backed candidate Toiyabur Rahman attacked people at different areas, physically assaulted businessmen and forcefully locked up their shops after Toiyabur Rahman lost the election. It has been alleged that shops that were under attack, mostly belonged to businessmen from the religious minority community. Most of the jewelry shops, owned by religious

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<sup>15</sup> The daily Jugantor, 19/01/2011,

<sup>16</sup> The daily Kaler Kantha, 19/01/2011

<sup>17</sup> The daily Jugantor, 19/01/2011

<sup>18</sup> Hartal: a general strike

<sup>19</sup> The daily Amar Desh, 20/01/2011, Page 1,

<http://www.amardeshonline.com/pages/details/2011/01/20/64058>

minority communities, in Shailkupa town have shut down after this incident. A victim of this attack, Kajjol Dey, Propriator of Priyanka Jewelers, was treated at the Shailkupa hospital. Kajjol Dey informed Odhikar that he had never been involved in politics. He was allegedly attacked for casting his vote. Police arrested three persons in connection with this incident.<sup>20</sup>

### **By-elections in two constituencies**

28. On January 27, 2011 by-elections was held in Brahminbaria-3 and Habiganj-1 constituencies. Clashes and chases occurred between the activists of Awami League and BNP over providing voter slips to the voters at Chot Shakua Madrassa polling centre of Korgaon village under Nabiganj Upazila in the Habiganj-1 constituency. Ten people were reported injured in this incident. The supporters of BNP and Awami League got involved in an act of violence over establishing influence at the Muraora Government Primary School polling centre in the same upazila. At least ten persons from both sides were injured. Voting was interrupted for a long time in this regard. Furthermore, five people were injured due to a clash between the activists of Awami League and BNP over providing slips to the voters at Shibpasha Government Primary School centre in Lamatashi Union under Bahubal Upazila.<sup>21</sup>
29. The Returning Officer did not pay heed to the application for suspending pollings in eight polling centres over allegations of rigging and intimidation at Brahminbaria. Two persons, including a journalist, were wounded during an attack by Awami League backed Chattra League supporters outside the polling centre. Furthermore, leaders and activists of the Awami League ran after the leaders and activists of the BNP in many places including Chinair, Chapoir, Monipur and Basudev. The polling agents of BNP backed candidates were allegedly driven out from most of the polling centres in these areas.<sup>22</sup> Polling was interrupted for a while as the presiding officer was delayed in supplying ballot papers. Supporters of Awami League and voters in queue at Chinair Anjumanara School and College became agitated for this reason. Policemen chased away people who gathered around the polling centre several times.<sup>23</sup>
30. Meanwhile, BNP demanded an immediate re-election by opposing the election results of by-elections in Brahminbaria-3 constituency. On January 30, 2011 BNP also observed a dawn to dusk hartal due to rigging in by-elections in Brahminbaria-3 constituency and demand the resignation of the Chief Election

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<sup>20</sup> Report from local human rights defender of Odhikar at Jhenaidah, 14/01/2011

<sup>21</sup> The daily Amader Shomoy, 28/01/2011, <http://www.amadershomoy.com/>

<sup>22</sup> The Daily Ittefaq, 28/01/2011, <http://ittefaq.com.bd/content/2011/01/28/news0250.htm>

<sup>23</sup> Report from election observation team of Odhikar

Commissioner. Police baton charged at the supporters of the hartal during their picketing on streets. Three persons were reported injured in this incident.<sup>24</sup>

### **Request of the Election Commission for deploying army rejected**

31. On January 10, 2011, the Election Commission decided to deploy the army in order to strengthen security measures in the by-elections to Brahminbaria-3 and Habiganj-1 constituencies. The Armed Forces Division high-ups present at the meeting also agreed on the need for army deployment. Accordingly a letter was sent to the Armed Forces Division, which is under the Prime Minister's Office, asking it to arrange for army deployment in the said constituencies. Later, the EC asked the government to deploy the army in five of the 12 Municipalities. But it did not get any response from the government. As a result, the army could be not deployed in the by-elections to two constituencies and the polls to five municipalities.<sup>25</sup>
32. It is a constitutional provision that the government should assist the Election Commission as per its requirements for conducting a free, fair and peaceful election. Article 126 of the Constitution stipulates that "It shall be the duty of all Executive authorities to assist the Election Commission in the discharge of its functions." However, the government ignored a constitutional provision by refusing the EC's request for army deployment. Odhikar believes that if the Election Commission cannot be created as an independent and effective institution, it would not be possible to create transparency in the election process and conduct credible elections.

### **Government disperses meetings/assemblies of Lamppost, Chattra Gonomancha and Arial Beel Rakkha Committee**

33. In 2010, several meetings organised by Opposition political parties were attacked and disrupted by the activists of student and youth wings of the ruling party and by the imposition of section 144 of the Code of Criminal Procedure by the administration. This trend has also been seen in the beginning of 2011. On January 9, 2011, a discussion meeting organised by Lamppost to demand the release of garments workers leader Moshrefa Mishu, at the Dhaka University campus, was stopped by Dhaka University Proctor KM Saiful Islam Khan and Awami League-backed Chattra League activists. Chattra League activists alleged that Lamppost was a banned organisation on the campus. Ashish Koraya, General Secretary of Lamppost informed Odhikar that Lamppost is not a banned organisation and when the Proctor was asked this question, he could not give an

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<sup>24</sup> The daily Amar Desh, 31/01/2011

<sup>25</sup> The Daily Star, 29/01/2011, Govt. refusal to deploy army in by-polls irks EC, <http://www.thedailystar.net/newDesign/news-details.php?nid=171973>

- answer.<sup>26</sup> Most of the members of Lamppost are residential students of Dhaka University. Lamppost has been under watch by the security forces since the 5 July 2009 incident regarding a Lamppost procession in front of the Indian High Commission against the Tipaimukh dam in India and Indian interference in Bangladesh politics.
34. On January 22, 2011, Chattra Gonomoncha (Student Platform) organised an open study circle at the Dhaka University Central Student Union (DUCSU) building to protest against the killing and torturing of Bangladeshi citizens by the Indian BSF. About 50 Awami League-backed Chattra League activists led by Zahurul Huq Hall unit President of Chattra League, Reaz Uddin Chowdhury Shumon, attacked and blocked the programme. 15 activists of Chattra Gonomoncha were injured in this attack.<sup>27</sup>
35. On January 26, 2011 a procession organised by Arial Beel Rakkha Committee (Arial Lake Protection Committee) to protest against the establishing of an airport at the Arial Lake, was disrupted when police obstructed it. According to its specified programme, when the activists of the committee gathered at the Muktangaon in Dhaka in the evening, police rushed to the spot and took away their banner and imposed a blockade. Later the committee shifted to the National Press Club and tried to make a human chain in front of the press club, but the police spoiled that initiative as well. The people who gathered for a human chain took shelter at the press club when police chased them. Arial Beel Rakkha Committee alleged that police spoiled their peaceful programme despite having written permissions from the Dhaka City Corporation and Dhaka Metropolitan Police. They also complained that three protestors received bullet injuries.<sup>28</sup>
36. The Constitution guarantees that any citizen of the State has the right to form groups or organisations and carry out activities through peaceful means and also criticize the Government. Article 38 and 39 of the Constitution also guarantee the rights of the citizens to organise meetings and peaceful processions.

### **Clashes between police and protestors against building airport at Arial Beel in Munshiganj**

37. On January 31, 2011, clash took place between the local people and police when the local people blocked the Dhaka-Mawa highway and organised a human chain to protest against constructing a new airport at Arial Beel. Sub Inspector Matiur Rahman was killed and about 100 people including 10 policemen and 5

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<sup>26</sup> Sumen Chakma, human rights defender of Odhikar, 09/01/2011

<sup>27</sup> The daily Naya Diganta, 23/01/2011,

[http://dailynayadiganta.com/2011/01/23/fullnews.asp?News\\_ID=257813&sec=2](http://dailynayadiganta.com/2011/01/23/fullnews.asp?News_ID=257813&sec=2)

<sup>28</sup> The Daily Ittefaq, 27/01/2011, <http://ittefaq.com.bd/content/2011/01/27/news0262.htm>

journalists were injured in clashes during a protest against the proposed Bangabandhu Sheikh Mujibur Rahman International Airport.<sup>29</sup> It is to be mentioned that the processions, agitations, road blocks and human chain programmes were organised to protest against the establishment of an international airport on the agricultural land and swamp area full of biodiversity.

### **Odhikar rejects the statement of the Home Minister regarding extrajudicial killings**

38. Despite the Government's repeated assurance to stop extrajudicial killings, the incidents of such killings continue in January 2011. A total of 286 people have reportedly been extra judicially killed by law enforcers since the present government assumed power on January 6, 2009. Law enforcement agencies have killed suspected people, fugitive radical left party activists and innocent people by violating domestic law and international humanitarian law.
39. On January 26, 2011, the Home Minister Advocate Sahara Khatun said, "the law enforcement agencies will continue their work, regardless of whatever is being said about extrajudicial killings. The criminals are supposed to be killed when law enforcers shoot at them in self defense."<sup>30</sup>
40. Odhikar rejects the statement of the Home Minister regarding extrajudicial killing. Odhikar also expresses its deep concern that the government has taken a negative position to stop extrajudicial killings.
41. On January 11, 2011, Imtiaz Hossain Abeer (19), a student of Northern College, was shot dead by police at the Pallabi area in Dhaka city. The family of the deceased alleged that Abeer was called out through phone calls by police of Pallabi Police Station, led by Assistant Sub Inspector Ismail. He was shot dead by police who claimed he was a member of a gang of robbers. There was no case or General Diary against Abeer in any police station.<sup>31</sup>
42. During January 2011, 07 people were extra judicially killed by law enforcement agencies. These killings occurred allegedly in the hands of RAB and police.

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

43. It has been alleged that all 07 persons killed extra-judicially were killed in 'crossfire/encounters/gun fights'. Of these deaths, 05 were by RAB and 02 by police.

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<sup>29</sup> Report from Jahangir Hossain Akash, human rights defender of Odhikar, Munshiganj, 31/01/2011

<sup>30</sup> The Daily Ittefaq, 27/01/2011, <http://ittefaq.com.bd/content/2011/01/27/news0254.htm>

<sup>31</sup> Fact finding report of Odhikar/ the daily Manabzamin, 12/01/2011, page 4, [http://www.mzamin.com/index.php?option=com\\_blog\\_calendar&&year=2011&month=01&day=12&modid=98](http://www.mzamin.com/index.php?option=com_blog_calendar&&year=2011&month=01&day=12&modid=98)

### *Identities of the deceased:*

44. Of the 07 killed, 01 was a first year student of Northern College, Dhaka, 01 was from Awami League and 05 were alleged criminals.

### **Death in Jail**

45. During this time 04 persons died in prison custody. Among them a 1 and a half year old child who was incarcerated with her mother, died in jail. It is alleged that due to of lack of care, she died with in 12 days of her arrival in jail.

### **Public lynching**

46. In the month of January 2011, reports show that 08 persons were killed by mob violence.

### **Torture in remand**

47. In 2010, 4829 persons were granted bail in different periods by the Judicial Magistrate Court in Dhaka Metropolitan City. On an average, 13 people were taken in remand everyday in Dhaka Metropolitan city.<sup>32</sup> Money has been extracted from accused persons by threatening them with torture in remand and many persons were allegedly tortured in remand due to political reasons.

48. According to section 167 of the Code of Criminal Procedure, police can take the accused in their custody with the permission of Judges or Magistrates for the sake of questioning. This 'questioning' turns into police torture of accused persons in custody. Torture inflict on accused persons in remand is mainly for two reasons – extract money by threatening to torture in remand; and to hurt the political opponents. The High Court Division of the Supreme Court gave directives in the matter of BLAST vs Bangladesh regarding questioning in remand. The High Court Division says, in its directives, that the lower court should examine the medical report before granting and after remand. The relatives of the accused should be informed after taking him into custody. The accused should be allowed to talk with his lawyer and he will be interrogated in the presence of his lawyer. He would be questioned in a room which has glass walls. But the police and lower courts are violating such directives of the High Court. The lower courts do not examine medical reports of the accused before and after remand and police inflict torture upon the accused in remand.<sup>33</sup>

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<sup>32</sup> The daily Amar Desh, 13/01/2011, 1<sup>st</sup> page, reported by Oliullah Noman, <http://www.amardeshonline.com/pages/details/2011/01/13/62958>

<sup>33</sup> Ibid

49. Torturing people in the name of questioning in remand, by ignoring directives of the High Court Division, is contrary to human rights. Odhikar expresses deep concern over this incident. The directives in BLAST vs Bangladesh were given by the Court in 2003. Even after eight years, there has been no action to follow them.

### **Freedom of the media**

50. Journalists have been victims of attacks and physical assault in the beginning of year. On January 7, 2011 supporters of the Awami League-backed Chattra League and Jubo League brought out a procession in favour of Awami League backed Mayor candidate SM Moyeen in Thakurgaon. The supporters of Moyeen attacked the polling camp of BNP supported Mayor candidate Golam Sarwar while the procession crossed College Para in the town. Hearing this news, Ahsan Habib, staff reporter of the daily Kaler Kantha; Lutfar Rahman Mithu, District representative of NTV; and Harun-ar-Rashid, District correspondent of Diganta TV rushed to the spot to collect information. The supporters of Awami League-backed Chattra League and Jubo League attacked the journalists and beat them. Ahsan Habib was admitted to a clinic in Rangpur with serious wounds. A case was filed with Thakurgaon Sadar Police Station accusing 20 people, including Md. Sohel and Helal, in connection with this incident.<sup>34</sup>

51. In January 2011, 18 journalists were injured, 05 were threatened and 01 journalist was assaulted.

### **Workers rights**

#### ***Situation at the readymade garment sector***

52. Year 2010 was full of workers unrest in the readymade garments factories which were followed by 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. Wages in many factories are kept due. On January 10, 2011 RAB and police baton charged and threw tear gas shells at 750 workers of Highlane Sweater factory in Adamzi EPZ when they demanded their due wages. At least 50 workers were injured in the attack by RAB and police. The workers alleged that on January 4, 2011 the authority abruptly declared a shut down of the factory without notice to the workers or paying their wages.<sup>35</sup>

53. Garments workers leader Moshrefa Mishu is still behind bars since her arrest on December 13, 2010 for agitating the workers and fueling the protests and violence. Odhikar demands her immediate release.

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<sup>34</sup> Report from Zakir Mustafizur Milu, human rights defender of Odhikar at Thakurgaon, 13/01/2011

<sup>35</sup> The daily Amar Desh, 11/01/2011, report from Siddirganj (Narayanganj) representative, <http://www.amardeshonline.com/pages/details/2011/01/11/62587>

54. During the period of January 2011, 01 worker was killed, 114 workers were injured while protesting and 20 were injured while fire broke out in a factory, and 04 have been arrested.

### ***An agitated worker shot dead by police in Narayanganj***

55. One died and over 50 workers have been injured when a clash took place between the workers, in agitation for their 6-point demand at the ACI Pharmaceuticals Company; and the police in Siddirganj under Narayanganj District. On January 21 and 22, 2011, workers stopped their work and demanded an increase in wages and permanent jobs<sup>36</sup> and in protest against the termination of a worker named Gopal. The workers, on January 23, 2011, stopped their work as no result came out of the meeting between workers and the authority. An argument occurred between the workers and Ishtiaque Ahmed, General Manager of the company. At one stage workers became annoyed and a clash commenced when the General Manager asked police to intervene. A worker named Enamul Huq (25) died in police firing and at least 50 workers were injured with rubber bullets shot during this clash.<sup>37</sup>
56. Odhikar demands government take action against the persons who were responsible for this incident and to force the owner of the company to compensate the family of the deceased worker and the injured workers.

### **Verdict of the BDR mutiny cases**

57. The verdict of the BDR mutiny at the 15 Rifles Battalion, Naikkhongchori in Bandarban, was given on January 4, 2011. In the verdict, 35 accused BDR Jawans were punished and received various sentences.<sup>38</sup>
58. The verdict of the BDR mutiny case at Khagrachori was declared on January 13, 2011. The court declared the verdict of the BDR mutiny case by accusing 46 out of 47 BDR jawans who have been sentenced to different terms of imprisonment, with fine.<sup>39</sup>
59. The judgement of the BDR mutiny at the 40 Rifles Battalion of Phulbari in Dinajpur was delivered on January 16, 2011. In the verdict, 23 BDR jawans have been sentenced to different terms of imprisonment and fine.<sup>40</sup>

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<sup>36</sup> There are about 750 temporary workers at ACI Pharmaceuticals Company, according to this report

<sup>37</sup> The daily Jugantor, 24/01/2011, <http://jugantor.us/enews/issue/2011/01/24/index.php> and The Daily Ittefaq, 24/01/2011, <http://ittefaq.com.bd/content/2011/01/24/news0061.htm>

<sup>38</sup> Report from Basu Das, human rights defender of Odhikar at Bandarban, 05/01/2011

<sup>39</sup> The daily Prothom Alo, 14/01/2011, Khagrachori correspondence, <http://www.prothom-alo.com/detail/date/2011-01-14/news/123407>

<sup>40</sup> Report from Wahidul Islam Defence, human rights defender of Odhikar at Dinajpur, 17/01/2011

60. The verdict of the BDR mutiny at the 43 Rifles Battalion at Naogaon was given on January 24, 2011. In the verdict, 25 BDR jawans have been sentenced to different terms of imprisonment with fine.
61. On January 31, 2011, the verdict of the BDR mutiny case at Sylhet was declared. In the judgement, 61 BDR jawans have been sentenced to different terms of imprisonment with fine.<sup>41</sup>

### **Begging by children and protest against expulsion of beggars**

62. On January 2, 2011, the High Court Division of the Supreme Court issued a rule to the government and law enforcement agencies as to why begging would not be stopped as per Dhaka Metropolitan Police Ordinance of 1986, after news titled “Children Begging by Making them Handicapped” was published in the newspapers on 30 December 2010.<sup>42</sup> The High Court Division again on January 9, 2011 issued a set of directives upon the government to stop abduction and maiming of children and forcing them into begging on the streets of Dhaka.<sup>43</sup>
63. A vested interest group forcibly engaged children in begging by first crippling or marring them and sexually harassing them and the police were allegedly involved in supporting this group.
64. Odhikar condemns the cruel and inhuman treatment towards children. The government should take effective steps to stop begging by children and introduce a compulsory food for education programme for the poor children.
65. The Government has decided to temporarily evict beggars in Dhaka City and Chittagong City as a security measure for the World Cup Cricket tournament.
66. Odhikar expresses concern over this decision. Odhikar believes that the eviction of helpless and poor people in the name of security without taking any rehabilitation measure contravenes human rights norms.

### **Violence against women**

67. In January 2011, many women were victims of rape, dowry related violence, acid attacks and sexual harassment. Recently there were several incidents of sexual harassment as well. On January 26, 2011, a Division Bench of the High Court Division of the Supreme Court, comprising of Justice Iman Ali and Justice Sheikh Hasan Arif, ordered every incident of eve-teasing to be considered ‘sexual harassment’ from now on. At the same time, the High Court Division Bench declared the inclusion of stalking of girls and women in section 10 (ka) of the

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<sup>41</sup> Report from Muhibur Rahman, human rights defender of Odhikar at Sylhet, 31/01/2011

<sup>42</sup> The daily Amader Shomoy, 13/01/2011, <http://www.amadershomoy.com/>

<sup>43</sup> The Daily Star, 10/1/2011

Prevention of Repression on Women and Children Act of 2000, by bringing some changes in this section.<sup>44</sup>

### ***Sexual harassment***

68. During the month of January 2011, a total of 56 girls and women were victims of sexual harassment. Among those 56 females, three committed suicide. To protest against sexual harassment against women two men were killed by the stalkers or their families and 21 men and 5 women were injured.

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

69. On January 23, 2011 a group of criminals kidnapped a SSC examinee of Diarbaghail village in Ishwardi under Pabna district. The criminals killed her by breaking arms and legs and uprooting her eyes after rape. Later her body was hung from a tree with her scarf. The father of the deceased alleged that Anwar, son of Polan Sheikh of the same village, deliberately killed his daughter after violating her because they refused to let him marry her. Police did not arrest anyone in this regard.<sup>45</sup>

70. During January 2011, a total of 26 women and girls were reportedly raped, where 14 were adults and 12 were children. Of the adults, 09 were killed after being raped and 10 were victims of gang rape. One woman committed suicide after being raped. Besides, 01 child was killed after being raped and 04 were victims of gang rape.

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

71. In the month of January 2011, a total of 20 women and 03 children were subjected to dowry related violence. Of these women, it has been alleged that 11 were killed because of dowry, 09 were ill-treated in various other ways for dowry demands. During this period three children were victimised in dowry related violence along with their mothers. Among them two were burnt with hot milk and palm syrup and one was buried alive, however this child was recovered afterwards.

### ***Acid violence***

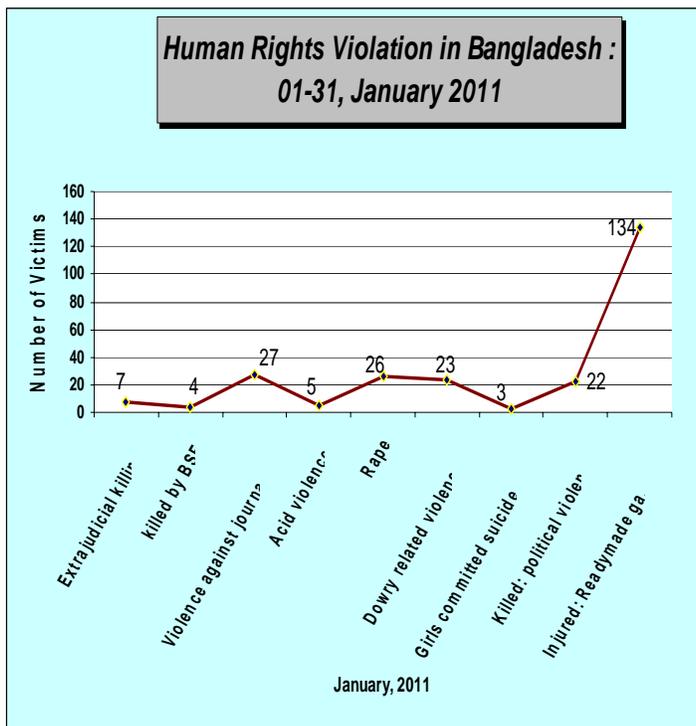
72. In January 2011, it was reported that 05 persons were burnt due to acid violence. Of these affected persons, 04 were women and a boy.

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<sup>44</sup> The daily Amader Shomoy, 27/01/2011

<sup>45</sup> The daily Amar Desh, 25/01/2011

<i>Statistics of Human Rights violations</i>	
<i>01-31 January, 2011</i>	
<b>Human Rights Violation</b>	<b>Victim Persons</b>
<i>Extrajudicial killing</i>	7
<i>killed by BSF</i>	4
<i>Violence against journalists</i>	27
<i>Acid violence</i>	5
<i>Rape</i>	26
<i>Dowry related violence</i>	23
<i>Girls committed suicide due to sexual harrassment</i>	3
<i>Killed: political violence</i>	22
<i>Injured: Readymade garment workers</i>	134



## **Recommendations**

1. The Government of Bangladesh should strongly protest to India for the incidents of unlawful entry, firing and killing of Bangladeshi citizens by the BSF. Odhikar urges the Bangladesh Government to demand from the Indian Government adequate compensation for the families of the victims and trial and punishment for the perpetrators. The Government should also ensure the security of those citizens residing at the border areas.
2. Random withdrawal of criminal cases under 'political consideration' should be stopped and the culture of impunity be abandoned.
3. The Government should be responsive and transparent in order to stop political violence. It must take effective action against those involved in violence, irrespective of political beliefs. The law enforcement agencies need to be proactive to stop violence and carry out their duty in an independent, unbiased manner.
4. The Election Commission must be an independent and vibrant institution.
5. The Government should refrain from shrinking the space for the practice of democracy and also abstain from repression on opponent political activists.
6. Extra-judicial killings and custodial deaths must come to an end as per the election manifesto of the ruling party and the declaration made by the Government at the UPR session in the UN Human Rights Council. Perpetrators of

- all extrajudicial killings must be brought before justice through proper and independent investigation.
7. Torture during remand and other forms of custody must end. Implementation of the recommendations made in the case of BLAST vs. Bangladesh (2003) is imperative.
  8. Freedom of media must be ensured. Interference in the media and attacks on journalists must be stopped. The persons responsible for the attacks on journalists must be arrested and brought to justice. The verdict on contempt of court by Amar Desh Acting Editor Mahmudur Rahman should be made public and Odhikar demands Mahmudur Rahman be released.
  9. Wages of the readymade garment workers must be paid in due time. The government should monitor the implementation of the tripartite agreement so that the owners of the garment factories regularly pay wages to the workers. Garments workers leader Moshrefa Mishu should be released immediately.
  10. Scope must be given to the accused BDR jawans to present statements through their lawyers. Transparency and accountability must be ensured during the trial of the BDR jawans accused of treason and mutiny.
  11. The Government should take steps so that children are not engaged in begging and a stable rehabilitation programme be taken for the poor who engaged in begging. The Government should also ensure a social security for the poor people.
  12. 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 victims must be provided with adequate legal support.
  13. The Judiciary must play an effective and impartial role in order to restore public confidence in the administration of justice.

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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.