

---

**Human Rights Report 2009**

**ODHIKAR REPORT ON BANGLADESH**



**01 January, 2010**

---

House No. 35 (3<sup>rd</sup> Floor), Road No. 117, Gulshan, Dhaka-1212, Bangladesh  
Tel: 880-2-9888587, Fax: 880-2-9886208,  
E-mail: [odhikar@citech-bd.com](mailto:odhikar@citech-bd.com), [odhikar.bd@gmail.com](mailto:odhikar.bd@gmail.com)  
Website: [www.odhikar.org](http://www.odhikar.org)

---

**Human Rights Report 2009**

# **ODHIKAR REPORT ON BANGLADESH**

In this report, Odhikar, a human rights organisation of Bangladesh, has compiled the state of human rights in the year 2009, highlighting critical areas that require immediate and urgent national and international action. Odhikar is committed to uphold human rights by promoting civil, political, economic, social, cultural and collective values that constitute a cohesive and just community. Odhikar also monitors and creates awareness about the obligations of the Government prescribed by the national Constitution as well as the International Covenant on Civil and Political Rights, the International Covenant on Socio, Economic and Cultural Rights, the Convention on Torture, CEDAW and other relevant principles.

# Table of Contents

<b>I Introduction</b>	5
<b>II Elections and Political Violence</b>	7
i. An Elected Government	7
ii. Post Parliament Election Violence	7
iii. Role of the Police	7
iv. Vandalising Property	8
v. Control of Halls of Residence	8
vi. Upazila Election Violence	8
vii. Political Violence	9
<b>III The UN Human Rights Council</b>	11
i. The Universal Periodic Review Hearing	11
ii. Bangladesh Elected a Member of the UNHRC	12
<b>IV The National Human Rights Commission</b>	13
<b>V Repression</b>	14
i. Intelligence Agencies	14
ii. Custodial Torture	14
iii. Extra-judicial Killings and Impunity	17
iv. The Pattern of Death	21
v. Identity of Victims	21
vi. Interference in Freedom of Thought and Expression	22
vii. Censorship of Websites	23
viii. The Media Hindered	23
ix. The Lamppost Incident	27
x. Banning Hizb-ut-Tahrir Bangladesh	28
xi. Odhikar Torture Prevention Project	29
xii. Human Rights Defenders	30
<b>VI Mutiny at the Bangladesh Rifles Headquarters</b>	31
i. The Incident	31
ii. Confined BDR Members Allegedly Tortured to Death	31
iii. Torture in Custody	33
iv. Retraction of Confessions	33
v. Completion of Investigation	34

vi. The Trials	34
<b>VII Workers Rights</b>	<b>35</b>
i. Unnatural Deaths of Migrant Bangladeshi Workers	35
ii. Ready-Made Garment (RMG) Workers	36
<b>VIII The Police and Prisons</b>	<b>38</b>
i. Eviction of Landless Families	38
ii. Police Attack on a Procession of the National Committee to Protect Oil, Gas, Mineral Resources, Power and Ports	38
iii. Deaths in Prison	39
<b>IX Laws and Justice</b>	<b>40</b>
i. Anti-Terrorism Law	40
ii. Imposition of Strict Conditions for the Registration of Political Parties	40
iii. Legal Steps Taken Against Begging	41
iv. State Minister for Law Censures a Judge for Speaking in Favour of the People	41
<b>X Women and Children</b>	<b>43</b>
i. Deaths of Children due to Adulterated Medicine	43
ii. Dowry Related Violence	43
iii. Incidents of Rape	45
iv. Acid Violence	48
v. Illegal Fatwa	48
vi. Three Women Arrested on Suspicion	49
<b>XI Rights of Minority Communities</b>	<b>51</b>
i. Repression on Religious Minority Communities	51
ii. Repression on Ethnic Minority Communities	54
<b>XII Our Neighbour, India</b>	<b>57</b>
i. Border Violence	57
ii. Criminalisation of Bangladeshi Citizens	61
iii. Abduction of ULFA Leaders	61
<b>XIII Suggestions and Recommendations</b>	<b>63</b>
<b>XIV Fact findings on Deaths due to Crossfire and Torture,     Conducted by Odhikar in 2009</b>	<b>65</b>
<b>XV About Odhikar</b>	<b>70</b>

# Introduction

The human rights agenda never seems to be a very big issue with the governments of Bangladesh. Despite the multitude of human rights abuses and deprivations of guaranteed rights, each and every regime in Bangladesh has carried out its term in blissful ignorance, denial or suppression. 2009 has not been an exception, despite the present government emerging after a repressive State of Emergency. Ironically, human rights violations in the country continue despite the fact that Bangladesh is in its second term in the UN Human Rights Council.

The Parliamentary Elections of December 2008 and the following upazila<sup>1</sup> elections were marked with violence before, during and after the polls and the present regime emerged victorious after winning a landslide victory and by a huge margin. The small Opposition refuses to attend Parliament, despite the fact that the Opposition is possibly the most important voice in Parliament, and the medium through which injustices are brought to the Parliament floor on behalf of the 'common people'.

Quoting Lord Acton, 'power tends to corrupt, and absolute power corrupts absolutely', the present government, which is now in absolute power, given the no-show of the Opposition, seems to be in steadfast denial that there are gross violations of human rights being perpetrated in the country. Ministers - even the Minister for Home Affairs - refuse to acknowledge that extra-judicial killings and deaths in fabricated 'cross-fire' exist - despite glaring evidence and stories from the families of victims and witnesses. The brand new National Human Rights Commission has been reduced to a toothless tiger and the print and electronic media are being persecuted and monitored. Nothing is being done to settle the matter regarding the deaths and violence perpetrated by the BSF<sup>2</sup> on Bangladeshi nationals along the Bangladesh-India border and to add insult to the injury, the Indian High Commissioner was allowed to make derogatory remarks about Bangladeshi water experts and environmentalists- and get away with it.

---

<sup>1</sup> Upazila: A tier of local government in Bangladesh.

<sup>2</sup> BSF: Border Security Force – the Indian border guards.

This Annual Human Rights Report 2009 is a compilation of information and reports received by Odhikar from its human rights defenders in 40 districts; by scanning reported incidents published in national dailies; and information received from victims and their families. It has been prepared emphasising on international standards for the protection of human rights and the Constitution of the People's Republic of Bangladesh. Apart from analysing the activities of the recently elected regimes, the government's influence on civil and political rights have also been scrutinised.

Odhikar expresses its solidarity with all those who have been suppressed, violated and oppressed by illegal acts carried out by both government and private agents. It would like to remind the readers of this report that the suppression of the truth and the repression of human rights defenders only highlight the suspicion that the one suppressing has something to hide.

Notes:

1. Odhikar seeks to uphold the civil, political, economic, social and cultural rights of the people.
2. Odhikar documents, records and highlights violations of human rights and receives information from its network of human rights defenders. It monitors the media reports of 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.

# Elections and Political Violence

## *An Elected Government*

Bangladesh returned to an elected system of government through the 9<sup>th</sup> Parliamentary Elections held on 29 December 2008. The Military backed 'Caretaker' regime handed power over to the new government, led by Sheikh Hasina, on 06 January 2009. The people of Bangladesh expected that the electoral mandate declared by Sheikh Hasina and her Grand Alliance would be kept and their commitment for the promotion of human rights will be upheld without any deviation whatsoever.

## *Post Parliament Election Violence*

According to Odhikar's documentation, 17 persons (9 from BNP and 8 from AL) were reportedly killed and over 500 persons were injured in post-election violence in different places across the country. In most cases, activists and supporters of the Awami League (AL) led Grand Alliance, and the Bangladesh Nationalist Party (BNP) led Four-Party Alliance were found to be involved in such clashes. In many districts, AL activists attacked the houses and shops of the BNP and Bangladesh Jamaat-e-Islami supporters and vandalised their property.

## *Role of the Police*

The security forces or police were rarely recorded as being perpetrators or victims of the violence during this post-election period. While on one hand this suggests that the security forces were not acting as agents fostering election-related violence, on the other hand this also suggests that they may not have been playing an effective role in trying to counter the violence (on the assumption that more security forces would have been recorded as victims if this was the case). This seems to suggest that the security forces should have been more active in countering incidents of violence, particularly in the case of the reaction-counter-reaction type of violence observed between supporters of the two major political blocs.

While the Inspector General of Police, Nur Mohammad, claimed that there were only 13 incidents of violence in the whole country<sup>3</sup>, hundreds of incidents of post-election violence were reported in the media throughout the country.

---

<sup>3</sup> The Daily *Amar Desh*, 03.01.2009

### *Vandalising Property*

A number of incidents of vandalising property were recorded during this reporting period. This included damaging cars, homes and shops and a warehouse for storing jute. In many cases, incidents of rivalry attacks took place targeting properties of the opposition party.

### *Control of Halls of Residence*

Ignoring the instructions of the newly elected Prime Minister Sheikh Hasina and concerns made by the university teachers, pro-government political activists caused unrest in the educational institutions.

- General students were found vacating halls of residence to avoid conflict and a house tutor and a provost faced threats from the BCL<sup>4</sup>.
- In Ziaur Rahman Hall of the University of Dhaka; Rajshahi University of Engineering and Technology; Shahjalal University of Science and Technology; University of Rajshahi; Jahangirnagar University; and Jagannath University, there were intra-group clashes in the BCL reported, which left a number of injuries.
- A number of casualties were also recorded in Dinajpur Haji Danesh Science and Technology University; Netrokona Govt. College; Jagannath University's Residential Halls; Bangladesh University of Engineering and Technology; Khulna Medical College; Narail Govt. Victoria College; Feni Govt. College and Dhaka Polytechnic Institute due to clashes between the BCL and the JCD<sup>5</sup> and Islami Chatra Shibir<sup>6</sup>.

### *Upazila Election Violence*

- **Pre-election:** As a continuation of the violence after the national Parliamentary Elections, the Upazila Parishad election campaigns faced incidents of violence. Before the Upazila elections of 22 January 2009, a total of 4 persons were reportedly killed and more than 800 persons were reported wounded.
- **During and After:** Because of the clashes and anomalies by political activists as well as government officials, in many places, the polling processes were stopped. In the violence, 14 persons (10 from BNP and 4 from AL) were

---

<sup>4</sup> BCL: Bangladesh Chattra League, student wing of the Bangladesh Awami League, popularly known as Awami League.

<sup>5</sup> JCD: Jatiyotabadi Chattra Dal, student wing of the Bangladesh Nationalist Party (BNP)

<sup>6</sup> Islami Chattra Shibir, student wing of Bangladesh Jamaat-e-Islami



reportedly killed and about two thousand persons were injured due to retaliatory attacks by the supporters of the Four Party Alliance and Grand Alliance and, in particular, supporters of Awami League and BNP.

### *Political Violence*

In Bangladesh, political violence between rival groups is a common phenomenon over establishing supremacy and gaining power. On 29 March 2009 an altercation occurred between Md. Babul, Secretary of Sechhasebak League<sup>7</sup> and Rahat Ahmed Noni, Convener, Upazila Chattra League, over a previous enmity in Banaripara, Barisal. Hearing this, Noni's brother and Banaripara Upazila Vice-chairman, Maolad Hossain Sana came to the place of occurrence. Family members of Babul alleged that Sana and Noni shot a number of bullets at Babul, bringing him to the ground. 11 people from both sides were wounded in relation to this incident.

On May 6, 2009, Awami League activist Tipu and Russel were seriously injured due to a clash between the Awami League and the Jatiya Party in Narayanganj over establishing supremacy in the locality. The three were stabbed and cut by Jatiya Party activists Bachchu, Ismail and Potu.

On September 24, 2009, an altercation took place when the Awami League activists attacked BNP activists and beat Abdul Bari of the BNP in Harinakundu. About 20 people from both sides were injured during the clash. It was learnt that a rivalry continued between BNP leader Sirazul Islam Master and AL leader Motiar Rahman over establishing supremacy in Bahadurpur village of Harinakundu upazila in Jhenaidhah district, which often spark political confrontations in the area.

According to facts gathered by Odhikar, a total of 251 persons have reportedly died and 15,559 persons have been injured in political violence in 2009. Most of the deaths have been due to clashes between followers of the Awami League and BNP or internal party clashes. During this period, 38 people were reportedly killed and 6092 were injured due to internal conflicts within the Awami League while 02 were killed and 865 injured due to clashes between factions of the BNP.

---

<sup>7</sup> Sechhasebak League: The volunteer wing of the Bangladesh Awami League

*Table 1: Political Violence: 2009*

<b>Month(s)</b>	<b>Killed</b>	<b>Injured</b>	<b>Arrested</b>	<b>Other</b>	<b>Total</b>
January	36	2140	0	24	<b>2200</b>
February	12	998	2	1	<b>1013</b>
March	14	1125	38	4	<b>1181</b>
April	28	1145	30	2	<b>1205</b>
May	28	1219	64	12	<b>1323</b>
June	28	1136	2	22	<b>1188</b>
July	34	1026	30	38	<b>1128</b>
August	22	1035	13	18	<b>1088</b>
September	18	1692	35	53	<b>1798</b>
October	11	1356	1	40	<b>1408</b>
November	9	1421	33	151	<b>1614</b>
December	11	1266	2	26	<b>1305</b>
<b>Total</b>	<b>251</b>	<b>15559</b>	<b>250</b>	<b>391</b>	<b>16451</b>

*Table 2: Intra-party clash: 2009*

<b>Month</b>	<b>Injuries: Intra-party clash</b>			<b>Total Incidents of Intra-party Clash</b>			<b>Killed: Intra-party Clash</b>		
	<b>AL</b>	<b>BNP</b>	<b>Total</b>	<b>AL</b>	<b>BNP</b>	<b>Total</b>	<b>AL</b>	<b>BNP</b>	<b>Total</b>
<b>January</b>	572	5	577	63	1	64	3	0	3
<b>February</b>	499	7	506	42	3	45	8	0	8
<b>March</b>	566	2	568	56	3	59	2	1	3
<b>April</b>	643	0	643	69	0	69	6	0	6
<b>May</b>	449	8	457	43	2	45	1	0	1
<b>June</b>	472	36	508	71	3	74	3	0	3
<b>July</b>	430	30	460	48	5	53	3	0	3
<b>August</b>	299	280	579	47	11	58	2	0	2
<b>September</b>	785	67	852	79	8	87	8	1	9
<b>October</b>	577	68	645	62	10	72	1	0	1
<b>November</b>	329	319	648	38	20	58	0	0	0
<b>December</b>	471	43	514	45	9	54	1	0	1
<b>Total</b>	<b>6092</b>	<b>865</b>	<b>6957</b>	<b>663</b>	<b>75</b>	<b>738</b>	<b>38</b>	<b>2</b>	<b>40</b>

# The UN Human Rights Council

## *The Universal Periodic Review Hearing*

Odhikar attended the Universal Periodic Review hearing in Geneva on 3 February, 2009.

The Bangladesh Report, under the Universal Periodic Review mechanism of the United Nations Human Rights Council, must reflect the true prevailing status of the human rights situation, without distortion or half-truths. On 3 February 2009, the Bangladesh report was discussed by the Human Rights Council in Geneva.

Odhikar believes that the imposition and continuation of the State of Emergency for a long time was the single most important incident of human rights violation. The Emergency deprived the people of their fundamental rights.

UPR recommendations from the Odhikar and FIDH<sup>8</sup> joint submission are given below:

- Rein in the security forces and stop all extrajudicial killings and refrain from using murder as a policing tool.
- Set up an independent body to deal with complaints against members of security forces for violation of rights, with adequate powers to investigate and where necessary, recommend prosecution.
- Stop the use of torture in all its forms by law officers once an individual is in custody or under effective control of a member of the law enforcement agencies.
- Ratify the Rome Statute of 1998 establishing the International Criminal Court that Bangladesh is a signatory to and adopt implementing legislations.
- Legislate the outlawing of torture in line with the Government's obligation as a Party to the UNCAT, on a priority basis and put in place lawful interrogation procedures including the interrogation of people remanded in custody in glass-partitioned rooms and in the presence of relatives or lawyers, as ordered by the High Court in April 2003 and amend the Code of Criminal Procedure accordingly.
- Provide compensation to victims of torture.
- Incorporate and ensure fundamental rights and freedoms in counter terrorism legislation including guaranteeing internationally recognised fair trial rights.

---

<sup>8</sup> FIDH: International Federation for Human Rights, based in Paris, France

- Reorganise the justice system to make it women friendly, including legislation on victims and witness protection.
- Amendments should include making recommendations of the UN Human Rights Commission binding, and awarding the Commission its “right” to be consulted by the Government in legislations with human rights implications.

### *Bangladesh Elected a Member of the UNHRC*

Bangladesh has been elected a member of the UN Human Rights Council twice. Once on 9 May 2006 and for the second time on 12 May 2009. Several incidents of human rights violations, including extrajudicial killings, took place after the UNHRC election in 2006, which was a violation of the electoral undertakings of the Human Rights Council. During its first bid, Bangladesh made several pledges to uphold human rights. These included ensuring that no extrajudicial or extra-constitutional methods are applied in dealing with persons accused of any criminal activities, and follow a policy of zero tolerance for any extrajudicial or extra-constitutional methods; working towards further strengthening and consolidating the institutional structures, including the National Human Rights Commission, the Anti-Corruption Commission, the Election Commission and the local government institutions, which promote good governance, democracy, human rights and the rule of law; overall development of its people, with particular attention to the eradication of poverty, the provision of universal primary education, the curbing of corruption and the empowerment of women, children and other vulnerable sections of the population, primarily through the application of home-grown concepts; enhancing efforts to ensure the provision of basic necessities to its people, including food, clothing, shelter, education and primary health care as a means of effectively enjoying all human rights; and preserve and further the independence of the judiciary and freedom of the press.<sup>9</sup>

---

<sup>9</sup> [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/63/842&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/63/842&Lang=E)

# The National Human Rights Commission

The Government of Bangladesh passed the National Human Rights Commission Bill on July 9, 2009. The Bill provides for a selection procedure of members to the National Human Rights Commission by a seven-member Selection Committee. This will allow direct intervention by the Government, since four members of the Selection Committee have come from the ruling party. The three remaining members are - a Government nominated retired Justice, who is also the Chair of the Law Commission and another is a Secretary of the Cabinet. Keeping room for only one member from the Opposition party has reduced the proposed National Human Rights Commission (NHRC) into an entity subservient to and controlled by the Government. The National Human Rights Commission will be a toothless tiger, as it has not been given the power to take measures against an accused person or against law enforcement agencies.

While the Commission itself should be given the power to file cases against human rights violators, the provision in the Bill only allows the NHRC to make suggestions to the Government to take steps against persons against whom accusations have been proven. The Commission has no visible functional capacity. It is a caricature of what the human right defenders have been demanding for a long time and therefore totally inadequate and unacceptable.

Odhikar is concerned over the passing of a National Human Rights Commission Bill in the Parliament in the absence of and without the participation of the Opposition, with hardly any power and jurisdiction to function as an independent entity defending the human rights of the people.

# Repression

## *Intelligence Agencies*

On 29 January 2009, Abdul Jalil, the then General Secretary of Bangladesh Awami League demanded, in Parliament, for a Parliamentary Committee to probe 'acts of torture perpetrated on him' by the personnel of the DGFI<sup>10</sup>. He also demanded that the Parliament should take initiatives to limit the operation of the DGFI within the Armed Forces so that 'general people, businessmen and politicians are not subjected to intolerable torture'<sup>11</sup>.

During the last 23 months or so of the military controlled 'Caretaker' regime, a cross-section of people, politicians, businessmen, teachers, students and journalists, became the victims of threats, intimidation and torture by various intelligence agencies including the DGFI, which played an active role in redrawing the political landscape of the country under the 'Caretaker' regime.

Odhikar demanded that a Parliamentary Committee be formed to take an account of the role of various intelligence agencies, including the DGFI, during the military controlled 'Caretaker' regime and to monitor their activities on a regular basis. The proposed Committee should also limit the area of work of the DGFI.

Odhikar also encourages participation of the citizens to debate the role and limit of the various intelligence agencies within the paradigm of democratic polity and national sovereignty.

## *Custodial Torture*

It is alleged that a leader of BNP's youth wing named Ziaul Haq of Sreenagar under Munshiganj district was blindfolded, tied up and tortured by police. He was arrested by police over a land dispute on 28 April, 2009.

On June 11, 2009, standing in Court, Former MP Nasir Uddin Ahmed Pintu, who was arrested in connection with the Pilkhana killings case, stated that the Criminal Investigation Department (CID) had severely tortured him after taking him into remand and told him that if he did not provide a confessional statement during remand, he would end up being killed in 'crossfire'.

---

<sup>10</sup>DGFI: Directorate General of Forces Intelligence, intelligence agency comprising of army, navy, and air-force personnel.

<sup>11</sup>The Daily New Age, Editorial, 31.01. 2009

At around 11.00pm on June 18, 2009, Manjur Morshed Shipu (41), son of late Abul Hossain and the owner of house 24/8, Bijli Maholla, Block 'F' of Mohammadpur Joint Quarters, under the Mohammadpur Police Station, was abducted by 7-8 people from the gate of his rented house located on road number 1 in the Mohammadia Housing Limited area. At around 4.30am on June 19, 2009, his dead body was found in the playing field of Kisholoy Girls School and College. Shipu's family and witnesses stated that his body bore a lot of marks of beating. His family believe that he was not abducted by miscreants. They allege that members of the law enforcement agency picked him up and tortured him and then shot him, leaving his body in the field.

On July 14, 2009, Md. Liakot Ali Babul from 178/2 Bangshal Road, Lalbagh, Dhaka, was arrested by members of RAB-10 from the 'Milu Auto' shop on the Ponchayet Koborsthan Road near the Bangshal crossroads. It has been alleged that after being taken to the Dholpur camp of RAB-10, Babul was tortured by Major Abu Mohammad Siddique Alam throughout the day.

At around 10.00 am on August 24, 2009, Morshed Habib Bhuiyan Jewel (32), President of the Atpara Unit Chatra Dal of Netrokona District, went to the Khadda Bhaban<sup>12</sup> at Abdul Gani Road, Dhaka, to submit tender related documents concerning the renovation of food warehouses. On the same day at around 11.30 am, the police of the Shahbagh Police Station arrested Jewel. At around 10.00 pm, Jewel was taken to the Netrokona Model Police Station by the Netrokona Police. It has been alleged by Jewel's family members that the police of Netrokona Police Station, with the objective of harassing and filing a false case against him, had taken Jewel into remand for a total of seven days in three separate cases and tortured him.

At around 8.00 pm on September 1, 2009, Abul Bashar Tuhin (40), a resident of No. 3 Nasima House at Lauyai area under North Surma Police Station of Sylhet, was arrested by police of Kotwali Police Station from House No. 158 at Baghbari area of Sylhet Metropolitan area. Tuhin was allegedly tortured by police while in custody the whole night. He was first admitted to Osmani Medical College Hospital with sever injuries. When his condition deteriorated, he was shifted to the National Institute of Traumatology and Orthopaedic Rehabilitation in Dhaka where doctors had to amputate his right leg.

---

<sup>12</sup> Khadda Bhaban: Government food administration office

On October 13, 2009, Khondokar Mahbub Hossain, the lawyer of Abdus Salam Pintu, an accused in the August 21, 2004 grenade attack case, filed a plea before the High Court which stated, 'October 8 was supposed to be the hearing of Pintu's bail petition. This was deferred because the State asked for time. In this context Pintu was taken into a three-day remand on 11 October 2009. Attempts are being made to torture Pintu in remand so that he gives a confessional statement. Pintu has been taken into remand to frustrate the bail petition.'<sup>13</sup> Pintu's lawyer stated further that the practice of taking someone into remand while the fate of his bail petition remains pending, is derogatory towards the Court.

On October 22, 2009, a Staff Reporter of the New Age<sup>14</sup>, F M Masum was arrested by the RAB from his rented house at Jatrabari and tortured. Officers of RAB-10 in plain clothes went to the house rented by Masum. Upon their arrival they called on Masum to open the main collapsible gate. Flight Lt. Anisur Rahman led the other RAB officers to beat Masum because he delayed in opening the gate. When Masum told them that he was a journalist, the RAB officers tied up his hands and legs and beat him even more. Later on, the RAB officers took the injured Masum to the RAB-10 office where they locked him up in a small room and tortured him further.

On October 30, 2009, three officers of Joydebpur Police Station arrested Parvez Zakaria, resident of 154/17 of North Chayabithi in Gazipur, from Alam Auto Engineering Workshop located at Shibbari Old Bus Stand area, where he went to repair a mass-transport vehicle. He was taken to the police station, his hands and legs tied and he was allegedly tortured while blindfolded.

---

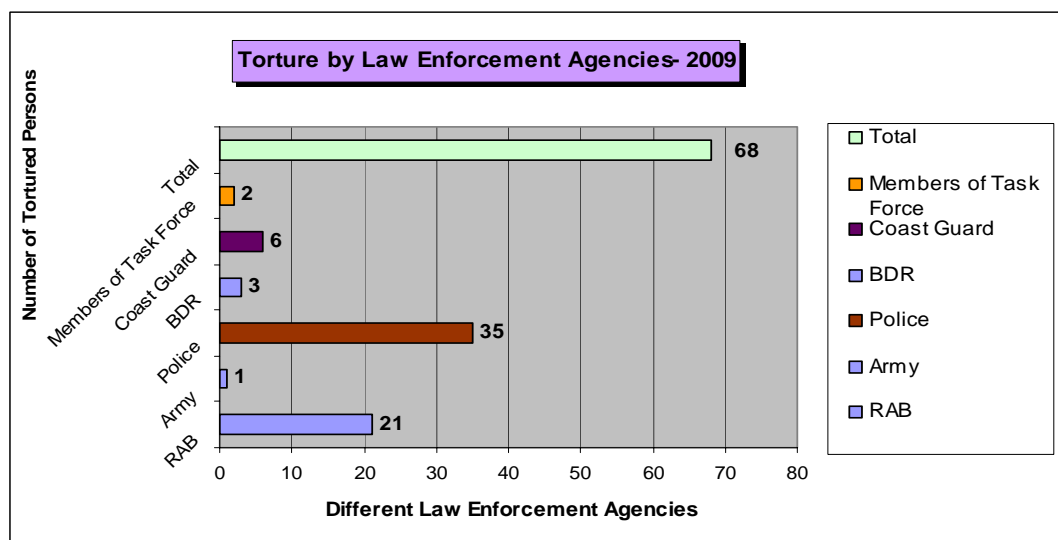
<sup>13</sup> The Daily *Manabzamin*, 14.10. 2009

<sup>14</sup> One of the leading English daily newspapers in Bangladesh



*Table3: Torture by law enforcing agencies: 2009*

Month (s)	RAB	Army	Police	BDR	Coast Guard	Members of Task Force	Total
January	0	0	4	2	0	0	6
February	0	0	0	1	0	0	1
March	0	0	0	0	0	0	0
April	13	0	1	0	0	0	14
May	1	0	4	0	0	0	5
June	0	0	10	0	0	0	10
July	5	0	2	0	1	0	8
August	0	0	1	0	0	0	1
September	1	0	4	0	4	2	11
October	1	0	3	0	0	0	4
November	0	0	6	0	0	0	6
December	0	1	0	0	1	0	2
<b>Total</b>	<b>21</b>	<b>1</b>	<b>35</b>	<b>3</b>	<b>6</b>	<b>2</b>	<b>68</b>



### *Extra-judicial Killings and Impunity*

On 3 February 2009 Bangladesh came under a Universal Periodic Review for the first time at the UN Human Rights Council in Geneva. In the review meeting, Bangladesh Foreign Minister, Dr. Dipu Moni said the Awami League Government has ‘zero tolerance’ for extra-judicial killings. On 11 February 2009, Bangladesh Prime Minister Sheikh Hasina said in Parliament that “The criminals must be brought to justice according to the law, so

there should be no extra-judicial killings in any circumstance” and added “legal action would be taken against those guilty of such killing.”<sup>15</sup>

On 5 May 2009, LGRD and Cooperative Minister Syed Ashraful Islam said “the government will not allow the law enforcing agencies to use ‘crossfire’ as a tool. The establishment of rule of law is a must for a democratic country and for this; no extra-judicial killing will be allowed.”<sup>16</sup> The day after this statement, the then State Minister for Home Affairs, Tanzim Ahmed Sohel Taj<sup>17</sup> said, “the Awami League government will not allow any kind of extra-judicial killing, but the law enforcers have the right to self-defence as per the Constitution. They can do whatever is needed in accordance with law for self-defence against armed criminals”<sup>18</sup>.

However, immediately after such claims from the upper echelon of the government, on 16 May 2009, the Minister for Home Affairs, Sahara Khatun said, “the law enforcers should have the right to save themselves when they come under attack. Incidents of encounter occur only when members of the law enforcing agencies come under attack from criminals”<sup>19</sup>.

On September 12, 2009, the State Minister for Home Affairs, Advocate Shamsul Hoque Tuku stated, ‘There is no such thing as ‘crossfire’. The incidents which are supposed to be relevant to ‘crossfire’ are in fact not even related to crossfire. While the law enforcement agencies carry out missions against criminals, they act in self-defense which leads to the deaths of the criminals.’<sup>20</sup>

At the BBC Bangladesh Talks held at the Bangabandhu International Convention Centre on October 3, 2009, the Shipping Minister Shahjahan Khan stated, ‘extra-judicial killings or crossfire are taking place because crime is not being tackled properly. It is taking place as an alternative way to stop crimes. A time will come when crime will come to an end on its own. There will no longer be a need for extra-judicial killings.’<sup>21</sup> The Shipping Minister stated again at Fatulla, Narayangaj on October 8, 2009, that ‘If a criminal dies in an encounter for the sake of establishing peace in the nation, it does not amount to a human rights violation. Currently, the incidents of extortion and crimes have come to an end due

---

<sup>15</sup> The Daily *New Age*, 12.02. 2009

<sup>16</sup> The Daily *Manabzamin*, 06/05/2009

<sup>17</sup> He resigned from his position in June 2009

<sup>18</sup> The Daily *Amader Shamoy*, 07/05/2009

<sup>19</sup> The Daily *Amar Desh*, 17/05/2009

<sup>20</sup> The Daily *Prothom Alo*, 13.09.2009

<sup>21</sup> The Daily *Jajaidin*, 04.10.2009

to encounters.<sup>22</sup> Contradictory statements by such Ministers holding the highest profiles, demonstrate the ambivalence of the present government with regard to extra-judicial killing. As a result, extra-judicial killings continue.

The hypocritical position of the government that has contributed to the alarming violation of human rights is a cause for concern. Extra-judicial killings continue in Bangladesh because of the indemnity granted by the State to law enforcement agencies and because the criminal justice system has not been able to effectively deliver justice. The statements delivered by the Ministers of the Government are causing concern over the fact that, despite the declared policy of the government, it has been made clear by the Ministers that the Government has taken a position to kill its citizens outside the purview of the law and judicial process.

There is a dangerous erosion in the condition of human rights in Bangladesh. Article 31 of the Constitution of the People's Republic of Bangladesh is absolutely clear on the fact that, 'to enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law.' In addition to this, Article 32 states, 'No person shall be deprived of life or personal liberty save in accordance with law.' The comments made by the Ministers are inspiring the law enforcement agencies to engage in unconstitutional activities. The attempt to give validity to this practice of killing is, in deed, worthy of condemnation.

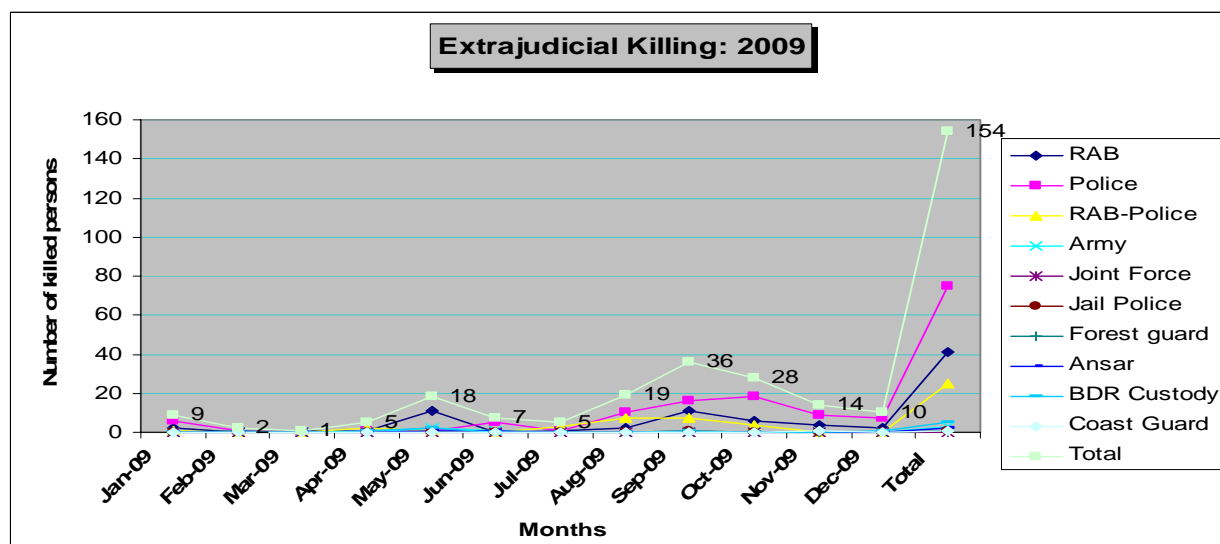
During the year 2009, 154 people have reportedly been killed extra-judicially by law enforcement agencies. It is alleged that of these people, 41 were reportedly killed by RAB, 75 by police, 25 jointly by the RAB-Police, 3 by Army, 2 by Ansar, 1 by Jail Police and 1 by Forest Guards, 5 were under the custody of BDR and 1 was a coast guard. Of the 154 killed, 35 were killed while they were in custody of the law enforcement agencies.

---

<sup>22</sup> The Daily *Prothom Alo*, 09.10.2009

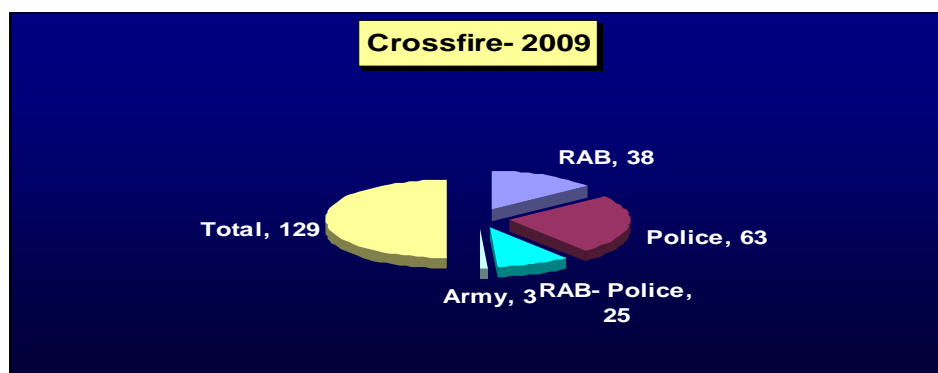
*Table 4: Extra-judicial killings by law enforcing agencies: 2009*

Month (s)	RAB	Police	RAB-Police	Army	Joint Force	Jail Police	Forest Guard	Ansar	BDR Custody	Coast Guard	Total
January	2	6	1	0	0	0	0	0	0	0	9
February	0	1	0	0	0	0	1	0	0	0	2
March	1	0	0	0	0	0	0	0	0	0	1
April	1	1	2	0	0	0	0	0	1	0	5
May	11	1	1	2	0	0	0	1	2	0	18
June	0	5	0	1	0	0	0	1	0	0	7
July	1	1	3	0	0	0	0	0	0	0	5
August	2	10	7	0	0	0	0	0	0	0	19
September	11	16	7	0	0	1	0	0	1	0	36
October	6	18	4	0	0	0	0	0	0	0	28
November	4	9	0	0	0	0	0	0	0	1	14
December	2	7	0	0	0	0	0	0	1	0	10
<b>Total</b>	<b>41</b>	<b>75</b>	<b>25</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>1</b>	<b>154</b>



### *The Pattern of Death*

It has been further alleged that of the extra-judicial killings, 129 were killed in 'crossfire/encounters/gun fights/shootout'<sup>23</sup>. Of them, 38 were reportedly killed by RAB, 63 by police, 25 jointly by the RAB-Police, 3 by Army. During this period, 21 persons were allegedly tortured to death. Among them, 3 by RAB, 11 by Police and 1 allegedly died due to torture by jail police, 1 was by coast guards and 5 were allegedly tortured while under BDR custody.



### *Identity of victims*

The political affiliation of some of the victims of extra-judicial killings were as follows: 2 from Awami League, 1 from BNP, 2 from UPDF<sup>24</sup>, 6 BDR Jawans, 19 from Purbo Banglar Communist Party (Jonajuddho), 3 from Purbo Banglar Communist Party, 6 from Purbo Banglar Communist Party ( Red Flag), 11 from Gono Mukti Fouz, 6 from Biplobi Communist Party, 3 from New Biplobi Communist Party, 8 from Gono Bahini, 5 from Shorbohara Party, 2 from Sromojibi Mukti Andolon, 1 from Pahari Chattra Parishad (PCP). Two of those killed were students of the Polytechnic Institute, 2 were villagers, 2 garment workers, 1 was a Union Parishad<sup>25</sup> Chairman, 2 were young men, 1 was a Madrasa student, 1 a petty trader, 1 a labourer, 1 a freedom fighter, 1 farmer and 1 a shopkeeper. One person was an under trial prisoner, one a clearing and forwarding agent, 38 were alleged criminals, 13 alleged dacoits, 3 were alleged muggers, 1 an alleged drug dealer, 1 was from the alleged gangster group 'Lalchand Bahini', 1 from the Bahini group, 1 from Panna Bahini and 3 were from the alleged gangster group 'Gangchil Bahini'.

<sup>23</sup> Reports in the press have increasingly used more than one of the terms "crossfire", "encounter", "gunfight" and "shootout" in one article to describe the same incident. It is, therefore, no longer possible for Odhikar to determine which of these descriptions best describes an incident of extra-judicial killing. Odhikar has, therefore, grouped these incidents together.

<sup>24</sup> UPDF: United People's Democratic Front, a political group in the Chittagong Hill Tracts.

<sup>25</sup> Union Parishad: The lowest tier of the local government in Bangladesh.

### *Interference in Freedom of Thought and Expression*

At least 31 members of Hizb-ut-Tahrir Bangladesh<sup>26</sup> were arrested from different areas across the country, including Dhaka, while distributing leaflets on March 1 and 2, 2009. Members of Hizb-ut-Tahrir Bangladesh distributed leaflets with the headline “Resist the Indian Plot to Destroy the Army-BDR and Protest against Government Inaction”. This was to articulate their own analysis of the BDR events and their right to protest against what they considered an ‘Indian plot’, in the massacre.

Odhikar believes that any citizen or group of citizens can make a comment and publish an opinion on any topic under the fundamental rights guaranteed by Article 39 of the Constitution of Bangladesh. According to Article 39, the right of every citizen to freedom of thought and conscience, speech and expression are guaranteed. As a political organisation, the Hizb-ut-Tahrir should have the right to express an opinion on any topic. However, the members of the Hizb-ut-Tahrir were shown as arrested under Section 54 of the Code of Criminal Procedure<sup>27</sup> and later cases have been filed under sections 153(ka) and 505 of the Penal Code after police remand. Meanwhile, on March 27, 2009, police baton charged members of the Hizb-ut-Tahrir, who had gathered near the Baitul Mokarram mosque in Dhaka to demand the release of their detained members. More than 50 members were wounded and 10 were arrested.

On 9 May 2009, a police force from Badda Police Station arrested seven members of the Hizb-ut-Tahrir during a political programme. The Officer-in-Charge of Badda Police Station, Wazed Ali informed that they were arrested under section 54 of the Code of Criminal Procedure on suspicion of militant activities. The government alleged that some anti-government leaflets were recovered from them, which contained ‘provocative statements’ blaming the government for the BDR mutiny at Pilkhana.<sup>28</sup> Meanwhile, on September 4, 2009, a group of policemen dressed in plain clothes, obstructed members of the Hizb-ut-Tahrir from bringing out a procession after the Jumma prayer at the Baitul Mukkaram mosque. When unrest spread into the area, the police arrested 30 members of the Hizb-ut-Tahrir and took them to the Paltan Police Station. Sub-Inspector Rafatara Sultana informed Odhikar that cases had been filed against the arrested activists.

The Constitution allows any citizen of the State the right to form a political party or an organisation and organise political activities in a peaceful manner. These political parties

---

<sup>26</sup> Hizb ut-Tahrir Bangladesh: a political organisation

<sup>27</sup> Section 54 allows police to arrest persons without a warrant

<sup>28</sup> More about this incident is detailed later in this report

or organisations also hold the right to criticise the Government. Furthermore, all citizens have the right to organise and take part in meetings and associations as guaranteed in Articles 38 and 39 of the Constitution. Such political repression limits the space for democracy and provokes resentment.

Furthermore, on March 21, 2009, former Deputy Speaker of the Parliament, Akhtar Hamid Siddiqui, was arrested by Naogaon district Detective Branch (DB) police over an allegation made by the Officer in Charge (OC) of Mohadebpur Police Station, Ilias Ali Fakir. In a general dairy, OC Ilias Ali Fakir stated that the former Deputy Speaker had threatened him. He was given a one month detention order under the Special Powers Act of 1974. The imposing of the Special Powers Act to restrain Opposition leaders and activists is one of the ways this law has been misused in the past. Odhikar believes that if a person commits a crime, he should be brought to justice under a specific case. This repressive Act of 1974 has been used frequently to oppress political activists and for violating human rights.

### *Censorship of Websites*

The government imposed a rigid censorship in March 2009 on the browsing of some websites, including youtube.com, for Bangladeshi nationals. The Bangladesh Telecommunication Regulatory Commission prohibited the visiting of some of websites on the pretext of protecting 'national security'. However, the government did not officially specify what kind of content and information should be forbidden in the name of 'national security'.

It has been assumed that the government wanted to impose a ban on the citizen's use of audio-visual information relating to the BDR mutiny and its consequences. If this is true, and if the audio-visual information contains very sensitive matter, which could cause threats to the country's security, then why was it only restricted for the people in Bangladesh? The Government's justification regarding this matter, that Bangladeshi citizens can emerge as a threat to national security, is not acceptable. What about foreign entities? The government has failed to give a public explanation regarding the censorship imposed in the name of 'national security'.

### *The Media Hindered*

On January 31, 2009, a group of journalists from different national daily newspapers and the electronic media were denied permission to enter Parliament to cover two meetings of the Special Committee and the House Committee, even after showing their

seasonal passes and accreditation cards to the security personnel. Asadullah Chowdhury, a deputy sergeant at arms, told the journalists that they had a 'special order' from the Speaker of the Jatiya Sangsad (National Parliament) not to allow journalists entry into the Parliament building unless the Parliament was in session.

The supporters of Gias Uddin, a Member of Parliament representing Gaforgaon, Mymensingh, attacked and severely injured Abdullah Al-Amin Biplob, a district correspondent of the daily *Shamokal* of the said area on April 13, 2009, in consequence of a news he published. Biplob's hands and legs were broken. He was admitted to Mymensingh Medical College Hospital in critical condition the same day. After the incident, the MP threatened all journalists of the area saying "I am the MP of Gaforgaon, nothing can be written against me in the next five years. If you do, you will face serious consequences".<sup>29</sup>

On September 1, 2009, in reaction to a report published in the daily *Amar Desh*<sup>30</sup> against the Awami League MP of Chuadanga, Solayman Huq Joardar and his brother Pouroshava<sup>31</sup> Mayor Reazul Islam, the activists of Chattra League and Jubo League<sup>32</sup> attacked and ransacked the 'Janata Store' owned by Ariful Islam Dalim, Chudanga representative of the daily *Amar Desh*. The activists then set fire to the store using petrol and burnt copies of *Amar Desh*. In the evening, the activists of Chattra League and Jubo League went to Dalim's house and assaulted its inhabitants, including his wife and children and ransacked and looted valuables. In relation to the same incident, the members of the Chattra League and Jubo League also attacked the business enterprise of Rajib Ahmed Kochi, the daily *Janakantha*<sup>33</sup> representative and the home of Shah Alam, the daily *Prothom Alo*<sup>34</sup> representative in Chuadanga. On the same day, a clash took place between the BNP and Awami League activists. A case was filed in relation to the altercation and the names of Ariful Islam Dalim and Shah Alam, the representatives of *Amar Desh* and *Prothom Alo*, were tagged into the case as accused persons.

On September 30, 2009, some miscreants attacked the car of Mahmudur Rahman, Chairman and Acting Editor of the *Amar Desh* publications. Two persons on a motorbike

---

<sup>29</sup> The Daily Amar Desh. 12.04. 2009

<sup>30</sup> The Daily *Amar Desh* is a Bangla language newspaper

<sup>31</sup> Municipality

<sup>32</sup> Jubo League: The youth wing of the Awami League

<sup>33</sup> A Bangla language newspaper

<sup>34</sup> A Bangla language newspaper



chased his car on the airport road and threw what seemed to be a hand-bomb, targeting his car.

Kazi Jesin, a well known journalist and a talk show presenter on Bangla Vision, a private television channel, has alleged that she received threats over her cell phone and email. She subsequently filed a General Diary at the Mohammadpur Police Station in this connection. The persons making the threats have been demanding that her show 'Point Of Order' be taken off the air. 'Point of Order' is a television talk show where Kazi Jesin raises critical questions and concerns conducive to create awareness about human rights and constitutional rights of the people of Bangladesh. It should also be mentioned here that Jesin also received death threats several months ago.

On December 6, 2009, Abdul Jabbar, a representative of the daily *Amar Desh* in Puthia, Rajshahi, was abducted by local Jubo League activists. He was abducted and taken to an unknown place by a group of 8-10, led by Puthia Jubo League President Awlad Hossain, due to a published news item titled 'Jubo League activist fined for sexual harassment in Puthia'.

On December 16, 2009, four journalists were wounded when attacked by Chhatra League activists over the publication of a report on extortion in Bishwanath, Sylhet. The attackers forcibly took three cameras from the journalists. The injured journalists were - Tofazzul Hossain Bhandari, Bureau Chief of the local daily *Manchitra*; photo journalist Saleh Ahmed Shanto; Ashique Ali and Fazal Khan; reporters of the daily *Jugobheri* and *Mukto Khabor* respectively.

The Code of Criminal Procedure (Amendment) Act 2009 has, on principle, been approved at a Cabinet meeting on December 7, 2009. It was mentioned in the draft amendment that a warrant of arrest could not be issued against any editor, publisher, journalist and writer, for a defamation case file against them<sup>35</sup>.

On December 17, 2009, *Amar Desh* Acting Editor Mahmudur Rahman was openly threatened by the Agriculture Minister and Presidium Member of the Awami League (AL), Matia Chowdhury; the State Minister for LGRD<sup>36</sup> and Organising Secretary of the Awami League, Jahangir Kabir Nanak and Joint General Secretary of the Awami League, Mahabub-ul Alam Hanif, at a discussion meeting organised on the occasion of victory day, December 16, over a news report published in the daily *Amar Desh* against Sajib Wajed

---

<sup>35</sup> The Daily Star. 08.12.2009

<sup>36</sup> LGRD: Local Government and Rural Development

Joy, son of the Prime Minister Sheikh Hasina and Dr. Toufique-E-Elahi, the Energy Adviser, about sanctioning work amounting to Taka 3.7 billion for establishing Gas Compressors without bids and in exchange of bribes. It was alleged that, as a result of this report, an attack took place on December 19, 2009, on M Abdullah, Special Correspondent of the daily *Amar Desh* and his car was damaged. The attack occurred while he was coming to his office from his residence at Tongi. Police refused to accept his complaint.

Local Awami League leaders filed a number of defamation cases in Dhaka, Natore, Khulna, Jessore, Khagrachari, Jamalpur, Narail, Sirajganj, Pabna, Chittagong, Joypurhat and Magura against *Amar Desh* Acting Editor, Mahmudur Rahman; Publisher of *Amar Desh*, Hashmat Ali and its Special Correspondent M. Abdullah due to publishing of the said report. As a result, the Chief Judicial Magistrate Court in Magura, issued an warrant of arrest against Mahmudur Rahman, Hashmat Ali and M Abdullah on December 21, 2009.

On December 18, 2009, Dhunot Upazila representative of the daily *Jugantor* and *Prothom Alo*, Rafiqul Alam and Masud Rana, were physically assaulted in Bogra and confined in the political party office by the activists of Chhatra League and Jubo League, over publishing a report.

The Government has drafted guidelines in order to control TV talk shows. According to the draft guidelines, persons who have 'different' or alternative opinions cannot be invited to the talk shows. The guidelines state that a negative impact had been created on the socio-economic condition of the country due to unplanned and uncontrolled talk show presentations. All the TV channels have to give undertakings following the guidelines on talk shows and to maintain a regular communication with the authority before conducting any talk show. The draft guidelines also state that any 'provocative' statement, favouritism or biased opinion, which can create disturbances against the government, may cause the closure of the show.<sup>37</sup>

---

<sup>37</sup> The Daily *Amar Desh*, 24.12.2009

**Table 5: Freedom of the media: 2009**

Month (s)	killed	Injured	Assaulted	Attacked	Arrested	Abducted	Threatened	Sued	Other violence	Total
January	0	13	2	2	0	0	3	0	8	28
February	0	1	2	1	0	0	2	0	0	6
March	0	4	1	0	0	0	0	0	1	6
April	0	7	4	0	0	0	8	0	0	19
May	0	9	0	2	0	0	23	0	0	34
June	0	7	1	2	0	1	2	0	1	14
July	1	4	1	6	0	0	2	3	0	17
August	1	2	0	0	0	0	3	0	0	6
September	0	6	11	2	0	0	5	10	4	38
October	1	9	10	0	0	0	12	1	2	35
November	0	9	4	1	0	0	8	2	3	27
December	0	13	9	0	1	1	5	7	0	36
Total	3	84	45	16	1	2	73	23	19	266

### ***The Lamppost Incident***

The members of the cultural organisation 'Lamppost' are trying to avoid arrest and police harassment after they had taken part in a peaceful gathering in front of the Indian High Commission to protest the defamatory remarks made by the Indian High Commissioner Pinak Ranjan Chakravarty on the qualifications of the water resources specialists and environmentalists of Bangladesh. These remarks had directly intervened into Bangladeshi politics and went against the accepted norms of diplomacy. A member of Lamppost informed Odhikar that he and others were spending their days in constant fear since the Government had blacklisted the organisation.

The July 5, 2009 procession was organised to demand the shut down of construction of the Tipaimukh Dam at Monipur, India, and the violations of human rights and interference of India in Bangladeshi politics. The procession was also organised to demand that the Indian High Commissioner Pinak Ranjan Chakraborty, be sent back to India after he had made derogatory comments regarding the environmentalists and water specialists of Bangladesh, which was a clear violation of the Vienna Convention. The baton charge of the police left the participants injured. Around 30 people - both men and women - were injured and two Lamppost leaders named Ashish Koroa and Prince Mahmud were arrested. It has been alleged that the arrested persons were tortured in custody while under police remand. Most of the members of Lamppost are residential students of Dhaka University. They have been under watch by the security forces since the incident took place.

Odhikar believes 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 processions. The practice of taking refuge against police harassment and the application of fear in consequence of citizens' rights to uphold national interests and honour will surely create a sense of apathy to the existing democratic system. Such acts shrink democratic space and create obstacles toward protecting democratic rights.

### ***Banning of the Hizb-ut-Tahrir, Bangladesh***

The Government has banned all activities of the Hizb-ut-Tahrir, Bangladesh. The news of the banning was conveyed through a press note on October 22, 2009, which was signed by the Joint Secretary (Political) of the Ministry of Home Affairs, Dr. Md. Kamal Uddin. The press note stated that the government had banned the organisation named Hizb-ut-Tahrir, Bangladesh from October 10 because it posed as a threat to the security of the public in general. Ironically, the issue of public security was used in the past by the Home Ministry to prevent Sheikh Hasina from returning to Bangladesh. Also, the same excuse was used to install a pseudo civilian Government, in reality a military Government, through the events of 1/11<sup>38</sup>.

The Hizb-ut-Tahrir in its various written statements and meetings has conveyed its dissent over terrorist activities and had been expressing its views under the fundamental rights guaranteed by the Constitution of Bangladesh. Under the international, regional and domestic sphere of politics, if the State and the Government bar expressing ones thoughts and opinions, it will lead to instability and intolerance in the society, which may be difficult for a weak State and Government like Bangladesh to handle.

The banning of the Hizb-ut-Tahrir without showing any evidence goes against the traditional norms of normal and peaceful political activities and unveils an undemocratic side of the Government and proves that the Government has taken a stand against the fundamental rights of the citizens, as guaranteed under Articles 37, 38 and 39 of the Constitution.

---

<sup>38</sup> On November 1, 2006, political confrontations took place between the supporters of Awami League and BNP over appointing the chief advisor to the caretaker government. A number of people died in the streets due to clashes between the two rival political parties. On January 11, 2007, the President of Bangladesh imposed the State of Emergency, as a result.

Article 37 of the Constitution guarantees freedom of assembly while Article 38 guarantees freedom of Association. Article 39 guarantees freedom of thought and conscience and speech. The act of banning an organisation that has no proven link to any violence or any anti-state activity, contravenes the Constitution.

On October 22, 2009, Mohiuddin Ahmed, who heads the Hizb-ut-Tahrir and is an Associate Professor of the Institute of Business Administration (IBA) of Dhaka University, was forced to go on leave and put under house-arrest without any formal charges by the law enforcement agencies. This infringes upon his civil and Constitutional rights.

### *Odhikar Torture Prevention Project*

The Government abruptly brought an end to the torture prevention project being implemented by Odhikar, where Odhikar was to provide training to human rights defenders and carryout mass-awareness raising programmes. The NGO Affairs Bureau under the Prime Minister's Office, approved the programme and gave permission to launch the project titled 'Human Rights Defenders Training and Advocacy Programme in Bangladesh' on April 28, 2009. After the permission was granted, Odhikar provided training to Human Rights Defenders as to how human rights could be upheld; how human rights violations could be prevented; how one could assist the tortured persons; along with providing training as to how public awareness could be raised against torture and to enact a domestic law criminalising torture as an offensive crime and carry out advocacy programmes to inspire the Government to sign the Optional Protocol to the Convention Against Torture.

In line with these programmes, Odhikar had already organised workshops and rallies related to a campaign to stop torture, at Satkhira, Jessore, Kushtia, Sirajganj and Rajshahi before the project was cancelled. Local MPs, Deputy Commissioners<sup>39</sup> (DCs), Superintendents of Police<sup>40</sup> (SPs), representatives of various political parties, representatives of local government institutions, and the media, along with victims of torture and human rights defenders, took part in the events. Odhikar also organised a symbolic Tribunal against Torture and a roundtable discussion on June 27, 2009, in relation to the incidents of torture during the State of Emergency in Bangladesh.

Odhikar then received a letter dated August 17, 2009, from the NGO Affairs Bureau ordering it to shut down its torture prevention programmes. The letter reached Odhikar

---

<sup>39</sup> Deputy Commissioner (DC): Head of the civil administration of a district.

<sup>40</sup> Superintendent of Police (SP): Head of police administration of a district.

on August 31, 2009. The letter, which was signed and stamped by the NGO Affairs Bureau authority, stated that the project had been cancelled because of objections expressed by the Ministry of Home Affairs. No prior notification or valid reason to shut the programme was given by the government.

Odhikar filed a Writ Petition (No. 6550) challenging the cancellation of its project by the Government. On October 11, 2009, the High Court Division of the Supreme Court of Bangladesh issued a rule against the Government and at the same time stayed the impugned order of the NGO Affairs Bureau.

Odhikar believes that it has become the Government's target due to its reporting of extra-judicial killings and torture. It seemed that the Government wanted to suppress the voice of Odhikar against extra-judicial killings and torture in custody. This decision indicates that the Government is not willing to bring an end to torture and extra-judicial killings.

### *Human Rights Defenders*

Odhikar has, throughout the year, been monitored by intelligence agencies, who have even visited the office 'for a cup of tea and a chat'. In 2007, the Director of Odhikar, ASM Nasiruddin Elan was picked up by Navy Intelligence and taken to the Navy Headquarters where he was physically and verbally assaulted and threatened with death. Odhikar's human rights defenders have not been spared either. Those who have been threatened and questioned were those investigating allegations of extra-judicial killings and torture.

Korban Ali, Fact-finding Officer of Odhikar, was threatened over the telephone in July and September 2009, over his conducting of fact-finding missions on extra-judicial killings. He was also threatened with dire consequences if he did not stop further fact-findings into the incident of torture on Liyakat Ali Babul and the extra-judicial killing of Manjur Morshed Shipu.<sup>41</sup>

---

<sup>41</sup> Liyakat Ali Babul was tortured by RAB on 14 July 2009, while Manjur Morshed Shipu was killed by police on 19 June 2009

# Mutiny at the Bangladesh Rifles Headquarters

## *The Incident*

On the morning of February 25, 2009, during the ongoing 'BDR<sup>42</sup> Week', a group of protesting members of the BDR attacked senior officers coming from the Army, at the BDR Headquarters. In the incident, the mutineers killed 74 high ranking army officers, BDR members, including the Director General of the BDR and his wife and civilians indiscriminately. A number of family members of the army officers were confined at Pilkhana by the mutineers. BDR jawans<sup>43</sup> claimed that BDR members fell victim to injustice and have been deprived of their rights by the army officers who command and control the BDR and as a result, the mutiny took place. BDR jawans had submitted a 50-point demand to the authority stating that BDR jawans are under the command of army officers which led to the exploitation and deprivation of BDR jawans. They demanded that the BDR be directed by its own officers. Furthermore, it was suggested that the BDR officers could be appointed under public service examinations and that discriminations in pay-scale be removed in order to modernise the BDR.

## *Confined BDR Members Allegedly Tortured to Death*

On February 26, 2009, the Prime Minister declared a general amnesty for the BDR members who revolted, in order to quell the ongoing mutiny. Following this declaration, the BDR mutineers laid down their arms. As per the declaration made by the Government, many BDR members reported to the BDR Headquarters. They were confined by RAB<sup>44</sup> and taken blindfolded to unknown destinations. Since the laying down of arms, the BDR mutineers were screened out from the whole group of BDR members that were inside the Pilkhana during the revolt. After the conclusion of the screening process, the BDR members against whom there were specific allegations, were sent to different places for questioning, prior to being arrested. During the questioning, those who agreed to give confessional statements were handed over to police. It has been alleged - and in many cases, it was evident - that during the questioning process, the BDR Jawans were tortured. During this period of time, a number of BDR members died while in custody. Family members of the deceased Monir Hossain, Mobarak Hossain, Kazi Saidur Rahman,

---

<sup>42</sup> BDR: Bangladesh Rifles. The Bangladeshi border force

<sup>43</sup> Jawans: Soldiers

<sup>44</sup> RAB: Rapid Action Battalion

Mohiuddin, Zakir Hossain Bhuiyan and Rezaul Karim alleged that they had died due to torture inflicted upon them.

BDR Sepahi<sup>45</sup> Monir Hossain and Lance Nayek Mobarak Hossain died due to torture while in the custody of Rapid Action Battalion on March 17 and 22, 2009, respectively. Family members of Monir Hossain alleged that he died due to torture. In the inquest report, the Magistrate mentioned that the palms and the nails of the body were black and the back of the right palm was swollen.

The family members of Mobarak Hossain said that there were signs of beating, bruises from punches on his face and small punctures of needles in his fingers. According to hospital morgue source, the left side of Mobarak Hossain's chin was dislocated and there was evidence of injury on both the backs of the palms which were covered with tape, and his wrists and neck broken. Knee joints and ankle joints were dislocated due to which his legs were swollen.

On April 16, 2009 BDR Habildar<sup>46</sup> Kazi Saidur Rahman of 13 Rifles Battalion passed away at the Dhaka Medical College Hospital. According to a hospital morgue source, marks of injuries were found on several parts of deceased's body. Family members of Saidur Rahman alleged that Saidur had been tortured to death. While preparing an inquest report, Saidur's body was turned over which gave deceased's family the opportunity to see many marks of beating on his body. All these observations were stated in the report. The back of his head was swollen and a puncture wound was seen on his right thigh. There were also bruises in his back and marks of beating onto his legs.

On May 26, 2009, Zakir Hossain Bhuiyan, Assistant Habildar, 19 Rifles Battalion of BDR died. It was reported from the BDR Headquarters that Zakir Hossain had committed suicide. However, the deceased's brother Kamal Uddin alleged that Zakir was tortured to death when in interrogation.

On December 11, 2009, Habildar Rezaul Karim of 44 Rifles Battalion died in the Bangabandhu Sheikh Mujib Medical University. It was mentioned in the inquest report that marks of injuries were found on the deceased man's shoulders, back and lower abdomen. His right leg was also swollen. Nephew of the deceased, Md. Liton informed Odhikar that while meeting his uncle at Dhaka Central Jail, Rezaul Karim said that he had been tortured during remand, adding that he might no longer survive.

---

<sup>45</sup> Sepahi: Lower ranking officer

<sup>46</sup> Habildar: a non-commissioned officer (lower-ranking BDR member).



Meanwhile, eleven cases of unnatural death were filed in the New Market Police Station in this connection. Two of those cases, which were regarding deaths of Habildar Mohiuddin and Lance Nayak Mobarak Hossain, had been turned into murder cases. On October 2, 2009, police filed the case in the New Market Police Station. However, nobody had been accused in these murder cases. It was mentioned in the FIR<sup>47</sup> that two BDR members were killed by unidentified people.

According to Odhikar documentation, a total of 51 BDR members have died since the February 2009 BDR Headquarters mutiny till 31 December 2009. Among them, 26 BDR members died while in custody, of which 6 have allegedly died due to torture.

### *Torture in Custody*

From a source at Dhaka Medical College Hospital, Odhikar human rights defenders learnt that some BDR members, who were being taken to the Hospital, were found to have been tortured. BDR jawan Jafur Ali, Masud, Sohrab, Yusuf Ali and Nayek Sheikh Monirul Islam stated before the court that they were tortured into giving confessional statements. On April 17, Deputy Assistant Director of the BDR, Nasiruddin and BDR member Nasir were brought to Dhaka Medical College Hospital for treatment and evidence of torture were found on their bodies. On April 22, Harunur Rashid Mia, a BDR soldier, alleged in front of the court that he was taken into RAB custody on April 15 and since then he had been tortured in various ways, including the application of electric shocks on his body. He appealed to the judge to give necessary direction for his treatment. Instead, the judge put him in remand for 5 days, violating the directives of the Supreme Court in this regard, given in 2003.

BDR Jawans of the 5 Battalion, Reazul Islam (25) (Badge No. 72956) and Arafat Ali (25) (Badge No. 66265) of the 13 Battalion were arrested under the Pilkhana killings case and admitted to the Dhaka Medical College Hospital on September 14, 2009 from the Task Force Interrogation Cell due to severe illness. On September 10, 2009, 16 BDR Jawans were arrested from the BDR Headquarters at Pilkhana under the mutiny and murder case. All of the arrested persons were taken into remand for interrogation later on. It was learnt from sources at the Dhaka Medical College Hospital that marks of beatings appeared on the bodies of both Jawans. They seem to have been tortured in many ways, including the application of electric shocks.

---

<sup>47</sup> FIR: First Information Report. Written complaint registered at the police station.

### *Retraction of Confessions*

Some BDR members accused of causing bloodshed in the Pilkhana incident of February 2009, retracted confessions they made previously under Section 164 of the Code of Criminal Procedure. On November 2, 2009, Deputy Assistant Director (165) Abdul Jalil, Junior Commissioned Officer Nayeb Subedar (5349) Alauddin, Nayek (62505) Dulal Gazi, Habildar (42185) Yusuf Ali, Sepoy (68435) Al Mamun and again on November 11, 2009, BDR jawan Zulfikar, Abdul Jalil, Mizanur Rahman, Zillur Rahman, Zakir, Golam Mostafa, Alim Reza, Md. Saiful, Sajjad Hossain, Saifur Rahman, Habibur Rahman, Abul Hossain, Mazharul Islam, Sekandar Ali, Habildar Nazrul Islam and Nayek Abdur Razzak, all filed applications for retracting their previously made confessional statements. The applications stated that the confessional statements had been extracted from them by applying electric shocks and other forms of torture during the remand period.

### *Completion of Investigation*

The investigation of BDR mutiny case has been completed and the charge sheet is currently under process. According to newspaper reports, allegations of killing have been proved against six hundred BDR members. The task of interrogation and taking confessional statements is over. A total of 3084 witnesses have given their testimonies. The CID<sup>48</sup> has recovered 2223 types of evidence during investigation under this case. To date, 2132 BDR members have been shown arrested under this case after interrogating 9174 persons. Apart from BDR members, 33 civilians were arrested, of them 31 were taken into remand. Furthermore, 597 BDR members have given their confessional statements before the Court. A total of 108 BDR members have applied for retracting their confessional statements.

### *The Trials*

The trial of those allegedly involved in the February 2009 BDR mutiny commenced outside Dhaka, in Rangamati on November 24, 2009, in Satkhira on December 7, and in Feni on December 20, 2009. A total of 6 Courts have been formed to carry out the trials, but to date, trials have commenced in these three Courts. As per the BDR law, each Court constitutes of three members. Major General Moinul Islam, the Director-General of the BDR, is the head of the three-member panel. Local human rights defenders of Odhikar at the district level are monitoring the trial process. According to their reports, the accused BDR members were produced before the Court in uniform. Though the relatives and families of the accused BDR members were allowed to be present at the court in

---

<sup>48</sup> CID: Criminal Investigation Department

Rangamati and Satkhira, family members of the accused BDR jawans were not permitted to be present at the court in Feni during trial.

# Workers Rights

## *Unnatural Deaths of Migrant Bangladeshi Workers*

The bodies of a total of 2003 Bangladeshi migrant workers have been returned to the country in the year 2009.<sup>49</sup> According to their death certificates, they all died of 'heart attack'. However, in most cases, the relatives of the deceased alleged that they had died due to torture and/or ill-treatment. In most cases, those seeking work overseas sell even their homestead to collect enough money to go abroad for work with the help of middle men and recruiting agents. After reaching foreign lands, they are usually betrayed by the recruiting agencies and have to live in hiding from the police, till they can return to Bangladesh. In consequence, the workers often suffer from torture and ill-treatment by the foreign police and others. It is alleged that they are also tortured in the homes and places they work.

The remittance sent home by migrant workers is one of the most important sources of national earnings of Bangladesh and contributes to the overall economic progress of the country. Unfortunately, no Government has ever valued their contribution or assisted them. Being illegal migrants and undocumented by the government, many have no protection from any authority.

Special cells must be formed in the Bangladesh embassies of those countries where Bangladeshi labourers work in order to monitor the companies and homes employing Bangladeshi workers and to offer legal and financial assistance to Bangladeshi workers. Those cells must remain under the constant supervision of the Foreign Ministry of Bangladesh.

A policy and system must be in place that allows Bangladeshi workers to go abroad easily and with minimum cost, preventing harassment of workers by middle-men. The Government must also be active in obtaining compensation for the families of the deceased and tortured workers. It is the responsibility of the Government to keep the recruiting agencies under supervision, to take steps against faulty and unlicensed recruiting agencies and to ensure compensation for the families of workers who died or were tortured abroad.

---

<sup>49</sup> Source: IMA Research Foundation

### *Ready-Made Garment (RMG) Workers*

The ready-made garment sector in Bangladesh contributes a large amount to the country's economy and provides employment to thousands. It has also been a gateway for the independence and empowerment of women, as a large majority of the workforce is female. Unfortunately, many owners and managers of the RMG factories fail to recognise this and their practice of withholding wages, not paying wages on time, withholding festival bonuses and bad leave policies, are destroying this vital sector.

At Ashulia in Savar, workers of Suhi Sweater Factory, belonging to the Preeti Group of companies had been demanding a raise. Three worker leaders - Mintu, Manjurul and Bakkar – were fired from their jobs on June 27, 2009 upon the allegation that they were inciting workers. When the news spread among the workers, thousands staged a demonstration and, at one point, they were locked in clashes with the Ansars<sup>50</sup>. The Ansar officers opened fire during the clashes, which hit garment workers Al Amin, Nasrul, Rony and Bilkis. Al Amin succumbed to his injury at the hospital. When the workers were staging demonstrations in the Jamgara area of Savar on June 28, 2009 in protest of the previous day's incident, there were clashes between the police and the workers. During the clashes, the police fired on the workers, killing one named Akhter Hossain and injured more than two hundred persons, including some journalists.

On August 16 and 17, 2009, the workers of several ready-made garment factories expressed dissent and took resort in the destruction of property in demand of an end to repression, the need for an Eid bonus equivalent to one month's wage; repealing of the regulation of cutting three days wages for one day absence; for keeping the factories closed on Government holidays; and for the establishment of trade union rights. During the protests, clashes between the police and the labourers resulted in over 100 people being injured, including the police. In addition to the above incident, on August 19, 2009, the workers of Unique, a ready-made garment factory located at Mirpur in Dhaka, imposed a road blockade in protest of not receiving their wages on time. After a new date was declared by the factory authorities, following a settlement done by the police, the workers lifted the blockade and returned to work.

There were clashes between the police and the garment workers in the industrial area of Fatulla of Narayanganj on August 25, 2009, in demand of payment of due wages and in protest of labour cuts. The clashes left 70 workers injured, including 5 police officers.

---

<sup>50</sup> Ansar: An auxiliary force assisting major law enforcement agencies i.e. police, RAB, Army, Navy, etc.

On October 21, 2009, the workers of Munnu Fabrics, a garment manufacturing factory at Manikganj, blocked the Dhaka-Aricha highway and protested against the slashing of jobs and the demand of three months pay to those who had lost their jobs. They also demanded that ill-treatment of workers be stopped. When the police tried to baton charge the gathering, a clash occurred between the police and the protesting workers. At least 10 people, including some police were injured in the clash.

On October 31, 2009, the garment manufacturing factory, Nippon Garments in Tongi closed its gates to its workers, citing global recession. This sparked off a demonstration by the workers, who had their wages and overtime unpaid for several months. Police attacked the demonstration and shot at the demonstrators, allegedly killing two and injuring over 100 of which 11 were critically injured. The police used rubber bullets, tear gas shells and shot guns in an attempt to quell the angry demonstration.

In 2009, there were numerous incidents of workers unrest in the readymade garments sector among which most were related to the demand of overdue wages. Odhikar demands the cancellation of the licenses of those garments factories that are not observing the tripartite agreement and are sustaining the workers' unrest.

*Table 6: Ready Made Garment Worker's Human Rights Violation: 2009*

Month	Injured	Killed	Arrested	Looted	Raped	Property Damage	Miscellaneous	Total
January	93	0	0	0	0	0	4	97
February	20	0	0	0	0	0	2	22
March	100	1	0	0	0	0	5	106
April	74	0	0	0	0	0	6	80
May	185	0	0	0	0	0	3	188
June	260	2	0	0	0	1	2	265
July	30	0	0	0	0	0	6	36
August	200	0	1	0	0	0	5	206
September	31	1	0	0	0	0	7	39
October	150	3	14	0	0	0	5	172
November	130	0	0	0	0	0	1	131
December	28	0	0	0	0	0	3	31
<b>TOTAL</b>	<b>1301</b>	<b>7</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>49</b>	<b>1373</b>

## The Police and Prisons

### *Eviction of Landless Families*

On April 19, 2009 in the village of Par Borail of Sadar Upazila in Dinajpur, 113 landless families were evicted by the police and the land they had settled on was handed over to landowners. During the eviction drive the houses were set on fire. The evicted families were left under the open sky. Odhikar would like to remind the government that without rehabilitation plans, no one can be evicted. Forced eviction is illegal and a gross violation of human rights.

### *Police Attack on a Procession of the National Committee to Protect Oil, Gas, Mineral Resources, Power and Ports*

On August 24, 2009, the Government decided to enter into Production Sharing Contracts (PSC) with Conoco Phillips and Tallow Oil, whereby the contracting companies could commence oil exploration in three sites in the Bay of Bengal, and consequently give scope for 80% of the extracted oil to be exported. In protest of this decision and demanding that the Government not enter into such a contract, the National Committee to Protect Oil, Gas, Mineral Resources, Power and Ports organised a procession with a view to surround the Petro Bangla office on September 2, 2009. It was alleged that the police tried to prevent its advance and also attacked the procession. Member-Secretary of the National Committee, Professor Anu Mohammad; General Secretary of the Biplobi Workers Party, Saiful Huq, along with about 70 others, were injured due to the baton-charge by the police. 30-35 persons were severely wounded. The female participants of the procession were not spared by the police brutality.

Odhikar believes that the model PSC does not take into consideration the fact that oil and gas can be used to develop the power sector of Bangladesh along with a growth of the readymade garments sector.

The attacks on a peaceful procession that took a stand against an anti-State decision taken by the Government and was trying to establish the sovereign rights of the people over their country's resources, is a clear violation of the democratic and constitutional rights of the citizens and is an example of violence inflicted by the State. According to Articles 38 and 39 of the Constitution of Bangladesh, any citizen of the State is guaranteed the right to engage in a procession in a peaceful manner.

### *Death in Prisons*

The prisons of Bangladesh are afflicted with various problems, which do nothing to improve the situation of their inmates. One of the main factors is the condition of the prison buildings. The cells are small and cramped, with poor sanitation and inadequate ventilation. Many of the buildings are dilapidated and are, throughout the years, accommodating prisoners beyond cell capacity; supply of low quality food; lack of adequate medical facilities; crime; the spread of various kinds of disease and torture have all led to deaths of the prisoners in Bangladesh.

In Bangladesh, there are altogether 67 jails, of which 12 are central jails. The capacity of these jails is 27,150, but there are approximately 85,000 inmates currently in the jails.<sup>51</sup> However, problems exist not only for the convicted and those under trail, but also for related employees and jail guards as corruption and wastage make their jobs more of a challenge.

During the year 2009, it has been reported that a total of 50 persons have passed away in prisons due to alleged illnesses.

*Table 7: Death in prisons*

<b>Month (s)</b>	<b>Prison custody</b>
January	4
February	1
March	3
April	0
May	5
June	3
July	3
August	3
September	10
October	11
November	5
December	2
<b>Total</b>	<b>50</b>

<sup>51</sup> Directorate of Prisons <http://www.prison.gov.bd/index5.phpcategory=15>



## Laws and Justice

### *Anti-Terrorism Law*

On February 19, 2009, the Government, in a Cabinet meeting, approved the Anti-Terrorism Bill to be made into law, without due considerations or feedback from the people. This Bill was later passed by the Parliament in 2009. An Anti-Terrorism Ordinance 2008 was promulgated by the military-backed 'Caretaker' Government on June 11, 2008, and 'terrorism' and 'terrorist activities' have been redefined.

The given definitions were so wide and unclear that it left scope for the possibility of misuse. Odhikar expressed concern over the Anti-Terrorism Ordinance 2008 when it was promulgated by the CTG, an unelected government. It was prepared without any review or taking due consideration from the people.

The Cabinet of the current Government sanctioned the whole Ordinance and this was later on passed by the Parliament. Odhikar believes that this law might be used as a tool to commit human rights violations.

### *Imposition of Strict Conditions for the Registration of Political Parties*

The government has imposed strict conditions for the registration of political parties. The Cabinet has approved the process of registration for political parties with rigid conditions, which was passed in Parliament as the Representation of People Order (Amendment) Act 2009. According to this new Act, each and every potential political party should have 200 voter-members in each Upazila in order to get registered as a political party.<sup>52</sup>

Odhikar considers that the registration of political parties may be a positive approach if the Government's intention is to ensure the fundamental rights of the citizens as enshrined in Article 37 of the Constitution of Bangladesh. Internal democratic processes of the political parties should be strengthened and transparency should also be reflected in financial matters through this registration process.

Every citizen has the right to form any kind of association including a political party, subject to 'reasonable restrictions' and in the interest of 'public order' and 'morality'. The new Act of 2009 goes beyond the constitutional parameters. Odhikar is concerned that the new Act might curtail the rights of the citizens in order to meet the requirements

---

<sup>52</sup> The Daily New Age, 25.02.2009

of registration as a political party. The provision to have 200 voter-members in each Upazila curtails the fundamental rights of citizens because it may not be possible to have so many people as voter-members and one cannot be forced to join a political party. As a result, a large majority of the political parties will be deprived from registration.

### ***Legal Steps Taken Against Begging***

On March 31, 2009 the Parliament passed Bills regarding the Sylhet Metropolitan Police Act 2009 and the Barisal Metropolitan Police Act 2009. The aforesaid Bills provide imprisonment for up to three months for any person found begging or exhibiting any disability, deformity or ailment in public. Odhikar reminds the government of its constitutional obligation to ensure the protection of life and the right to liberty, stated in Article 32. However, without creating any alternative arrangement for survival, the government has ignored its obligation towards the marginalised and deprived sections of the society. According to Constitution, any law that contravenes fundamental rights of the people will be declared void.

Odhikar believes that due to abject poverty and huge unemployment, impoverished people find no option for earning a living except by begging. It can only be eliminated through ensuring the fundamental rights by the government. This kind of Bill, without ensuring the rehabilitation and employment opportunities to those who are involved in begging, reveals the indifference and irresponsibility of the government towards poor people. Odhikar urges the government to review the Bills and create an enabling society to ensure employment opportunities for all, and a safety net for the poorest of the poor.

### ***State Minister for Law Censures a Judge for Speaking in Favour of the People***

While speaking as a Special Guest at a discussion meeting on 'Repression of Media and Political Violence: State Responsibility and Democratic Culture' organised by Odhikar on December 19, 2009, Justice Nozrul Islam Chowdhury, a judge of the High Court Division of the Supreme Court, said that every citizen has the right to life and right to property along with other rights. It is a fundamental responsibility of the Government to ensure security and safeguard the rights of the people. He said, "I am talking about the need for a parliament, which will debate for hours before putting a coma, changing a word. I am not talking about a parliament where clerks draft the law and the parliament members pass the law just by applauses. I am talking about a need for a Parliament, which thinks a hundred times before passing a law." He emphasised on section 167 of the Code of Criminal Procedure, which needs to be amended. He said, "It will not bring any welfare, if the laws are amended without debate in the Parliament". He commented that the

lawmakers did not get into serious discussions before passing laws. 'Laws are passed in the Parliament but a large number of lawmakers do not go through the texts of the laws.'<sup>53</sup>

While commenting on extra-judicial killings, Justice Chowdhury said, "If anybody kills anyone, he/she shall be tried in the court opening an appeal to the Supreme Court. If the person is found guilty, then he/she can be punished even by a death penalty. This law exists in our country. But some members of law enforcing agencies do not bother with the law. They often pick up people and say that he is 'dreadful criminal' and he should be killed. This decision given to them is suicidal for society as well as for the government. As a human being nobody is beyond mistake."<sup>54</sup>

On December 20, 2009, State Minister for law, Quamrul Islam said that Justice Nozrul Islam Chowdhury made a derogatory remark against Members of Parliament by saying that clerks prepare the laws, and the MPs pass them without discussion or debate and applauses and the thumping of tables in the House. He said, Justice Nozrul Islam Chowdhury had violated the jurisdiction of a judge. The jurisdiction of a Judge is very large, but his hand cannot touch the parliament. It was unbecoming of a sitting judge to make such comments in an 'indecent manner', which, he said, should not be tolerated. Quamrul Islam threatened to complain to a Supreme Judicial Council against Justice Nozrul Islam Chowdhury for making public comments against lawmakers and the Parliament.<sup>55</sup>

Odhikar believes that Justice Nozrul Islam Chowdhury has rightly taken position in favour of the rights of the people. Justice Chowdhury gave his own opinions based on observations made and what was common knowledge.

---

<sup>53</sup> Transcription of Justice Nazrul Islam Chowdhury's speech at the inaugural session of the programme – translated from original Bangla.

<sup>54</sup> Ibid

<sup>55</sup> Published in the daily newspapers on 21 December 2009 and also on the news broadcasts

## Women and Children

### *Deaths of Children due to Adulterated Medicine*

A total of 28 children reportedly died after consuming adulterated medicine in August 2009. The Investigation Committee formed by the Government has placed the blame on the production of adulterated and substandard medicines on a pharmaceutical company known as Rid Pharmaceuticals Ltd.

The whole process of production of medicines in pharmaceutical sector at all levels, starting from the raw materials used by the pharmaceutical companies to their marketing, should be monitored. Expired materials as well as unrefined raw materials are used to produce medicines and medicines are not preserved at the right temperature to ensure shelf life.

The government must impose against the using of unrefined raw materials and also that produced medicines be marketed after proper inspection. No drug manufacturers should be able to market their products without such inspection. Regulatory regimes and the institutional capacity, such as workforce and monitoring capacity must be immediately reviewed to protect the consumers from malpractice. The registration of Rid Pharmaceutical Ltd. must be cancelled. The families of the children who died must be provided with adequate compensation and this should be realised from the entity that has produced the adulterated and substandard medicines.

### *Dowry Related Violence*

The most common reason for domestic violence in Bangladesh occurs due to dowry<sup>56</sup> demands. A total of 319 women reportedly became victims of dowry demands during this reporting period. However, Odhikar believes that the actual number of victims of dowry demands could be more, because it is believed that there are lot of incidents which are not taken into account and many women do not talk about dowry-related abuse. In the socio-economic context of Bangladesh, most of the women are dependent on their husbands. Many do not open their mouth and they tolerate torture silently. Furthermore, women in Bangladesh have to live with dowry-related violence due to socio-political pressure and lack of legal support. Due to dowry related violence, a total of 227 women

---

<sup>56</sup> The Dowry Prohibition Act 1980 makes the giving or taking/demanding of dowry an offence, punishable with imprisonment and/or fine

were reportedly killed and 81 were tortured and 11 allegedly committed suicide after failing to tolerate the dowry related torture.

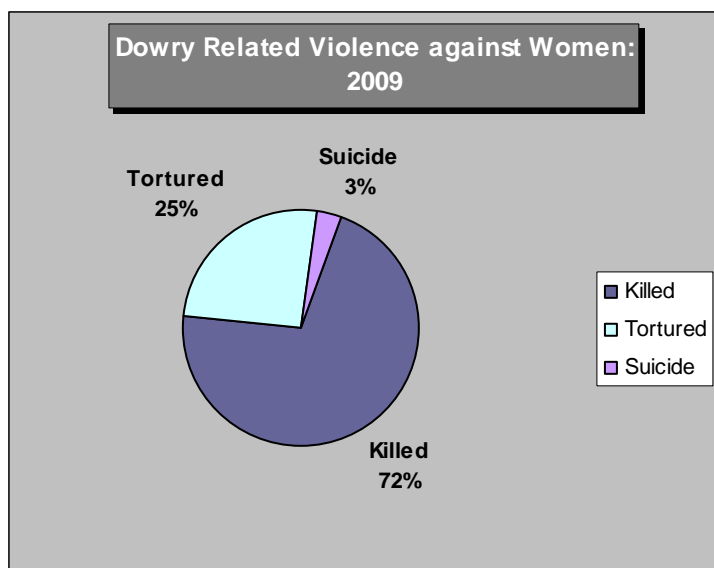
A housewife named Dulali was burnt to death due to dowry demands in Chatkhil, Noakhali. Family members of Dulali informed that Dulali had been tortured by her husband and in-laws very soon after her marriage. On February 22, 2009, Dulali's husband Mojibur Rahman and his parents set her on fire pouring kerosene onto her body as she failed to bring money from her father. Dulali was admitted to Dhaka Medical College Hospital in critical condition where she succumbed to her injuries on 25 February 2009.

On May 9, 2009 Shefali was killed by her husband and brother-in-law due to dowry demands in Kaulibera village under Bhanga upazila of Faridpur district. Shefali's husband Momin Hawladar and his brother Amin Hawladar killed her after hitting her with a crowbar in front of her four-month old daughter, Sadia.

Dr. Tamanna, a young physician, was allegedly killed by her husband and in-laws who had demanded an apartment as dowry, on 29 August 2009 at Jatrabari, Dhaka.

*Table 8: Dowry related violence*

<b>Dowry Related Violence from January 1 to December 31 2009</b>				
<b>Months</b>	<b>Killed</b>	<b>Tortured</b>	<b>Suicide</b>	<b>Total Incident</b>
January	9	6	0	<b>15</b>
February	14	3	1	<b>18</b>
March	13	10	0	<b>23</b>
April	17	1	0	<b>18</b>
May	18	3	2	<b>23</b>
June	28	9	1	<b>38</b>
July	39	16	1	<b>56</b>
August	24	11	1	<b>36</b>
September	14	8	2	<b>24</b>
October	18	7	2	<b>27</b>
November	22	4	1	<b>27</b>
December	11	3	0	<b>14</b>
<b>Total</b>	<b>227</b>	<b>81</b>	<b>11</b>	<b>319</b>



### *Incidents of Rape*

There were a number of incidents of rape, which took place under ‘political shelter’ during this reporting period. Odhikar expresses its deep concern over incidents of ‘politically sheltered’ rape, and again urges the government to take effective steps to stop such abuse. In protest, the local human rights defenders of Odhikar had demanded the arrest of the guilty parties and placed pleas before the Deputy Commissioner, Superintendent of Police and RAB seeking justice for the victims.

On September 24, 2009, a school girl in Jessore was kidnapped by Awami League activist Shishir Ghosh, son of Boidyanath Ghosh of Shasthitola area of the city. Following her abduction, she was raped by Shishir several times and he forcibly put *sindur*<sup>57</sup> onto her forehead, violating her religious freedom.

On 25 September 2009, an adolescent was gang-raped following her abduction, by 10 activists of Bangladesh Chattra League while she was returning from a *Puja Mandop*<sup>58</sup> in Kolapara upazila in Patuakhali district. The rapists threatened the victim’s family against taking any legal measures and Rafiqul Islam, General Secretary of Kolapara upazila Awami League made the victim and her father sign a blank sheet of paper. Police did not arrest anyone in this regard.

A school girl has been raped by being trapped in a love affair in Pirojpur and the rape was video taped. Later on, the rapists circulated the video footage in the CD market which resulted in the video spreading through mobile phones and also the internet. It was

<sup>57</sup> Sindur is worn by married Hindu women.

<sup>58</sup> A temporary Hindu temple set up for worship on the occasion of the major religious festivals of the Hindus.

learnt that Ahsan Kabir Mamun alias Tiger Mamun, Information and Research Secretary of Pirojpur District Awami League, raped the school girl and his associate Monir Hossain taped the scene.

On October 3, 2009, a newly wedded lady from Fatulla, Narayangaj had gone to Nurbagh in Pagla with her husband, where the local Jubo League leader Abdul Huq alias Hokka and his group consisting of Sharif, Amjad, Swapon, Tajul Islam, Osman Mollah and Sumon, kidnapped and gang raped her in the nearby house of Chan Miah. The police arrested three of the rapists Amjad, Tajul Islam and Osman Mollah. However, the prime accused Abdul Huq alias Hokka was not arrested.

On November 17, 2009, 12 activists of the Jubo League raped a 12 year old girl, a student of Class VI at the Kobirhat Madrasa in Noakhali. The Police arrested Jubo League activists Hedayetullah and Jahir Uddin following the incident.

Furthermore, three women were reportedly raped by the police in 2009. An ethnic minority woman was gang raped by the 4 police constables Prasad Garo, Sumon Chakma, Sanchay Chakma and Rabi Chakma in the Chittagong Metropolitan Area on 28 February 2009.

On September 21, 2009, a student (17) was raped by DB police constable Hasem Ali in Rajshahi.

DC Monjurul forcibly abducted a girl, Shilpi, from the Adabor area of Dhaka city and he and two other policemen raped her in the Adabor Police Station throughout the night on November 7, 2009.

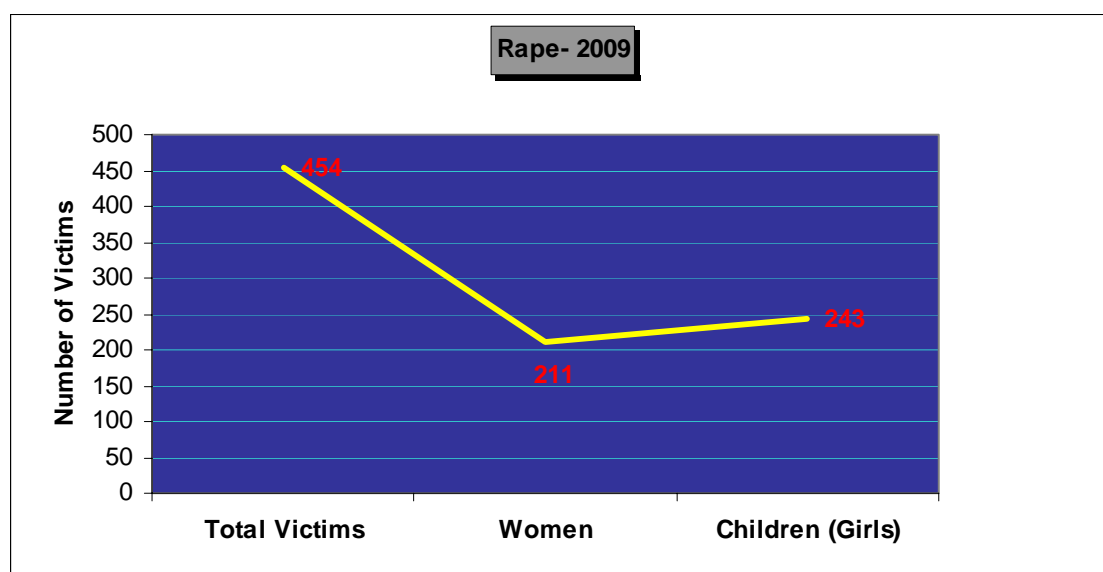
Rape is another form of violence perpetrated against women in Bangladesh. In most cases, the victims or their family members remain silent due to the social stigma or in fear of the rapist. The rape victims have to undergo severe mental and social problems. From January 1 to December 31, 2009, a total of 454 women and girls were reportedly raped, where 211 were adults and 243 were children<sup>59</sup>. Of the 211 adult women, 64 were killed after being raped and 97 were subjected to gang raped. Of the 243 female children raped, 33 were killed after being raped and 79 were victims of gang rape. Furthermore, 4 women and 4 children committed suicide after being raped.

---

<sup>59</sup> 'Children' are those below 16 years of age, as per the Children's Act, 1974

*Table 9: Incidents of Rape*

Month (s)	Total Victims	Women	Children (Girls)	Gang Rape		Killed after being raped		Committed suicide after being raped	
				Women	Children	Women	Children	Women	Children
January	18	11	7	4	2	5	3	0	0
February	32	12	20	5	4	3	2	0	0
March	33	16	17	7	3	6	4	0	0
April	44	19	25	11	11	5	0	2	0
May	37	18	19	6	5	4	2	1	0
June	34	18	16	5	5	6	2	1	1
July	62	25	37	12	10	8	2	0	0
August	46	26	20	11	7	8	3	0	1
September	46	19	27	10	9	6	5	0	2
October	47	26	21	14	10	5	4	0	0
November	30	11	19	6	7	4	4	0	0
December	25	10	15	6	6	4	2	0	0
<b>Total</b>	<b>454</b>	<b>211</b>	<b>243</b>	<b>97</b>	<b>79</b>	<b>64</b>	<b>33</b>	<b>4</b>	<b>4</b>





### *Acid Violence*

One of the most dangerous forms of violence against women is the acid attack. In most cases, the perpetrators throw acid on women when they did not agree to marry the perpetrator or refuse to have sexual or illicit relations with him. Other reasons for acid violence include land disputes, personal feuds, jealousy and dowry. The consequences of an acid violence are disfiguration, loss of sight and permanent marks of injury on the body. Acid may even melt teeth and bones.

On May 3, 2009, Kakoli Singh (31), a housewife of an ethnic minority community was attacked with acid by some unknown miscreants over a previous enmity at Khirpouta village (an area for ethnic communities) in Tarash Upazila of Sirajganj district.

On October 29, 2009, some unknown miscreants threw acid on two sisters Shila and Shimuli while they were sleeping at Kamalapur village in Khoksha upazila of Kushtia. Their face, eyes, throat and some parts of their body were burnt due to acid. Moreover, Shimuli's 21-month daughter Jyoti was also burnt as she was sleeping with her mother. The family of the women alleged that the police did not arrest the persons named in the FIR.

As per a report from the Ministry of Women and Children Affairs, 172 women became victims of acid violence in 2009. Acid violence continues due to lack of implementation of the Acid Control Act of 2002 and the Acid Crime Control Act of 2002. Acid is frequently sold, ignoring the law (the Acid Control Act, 2002) and without licence. According to the Acid Control Act, 2002, whoever produces, imports, transports, stores, sells and uses acid without licence could be sentenced to 3 to 10 years' rigorous imprisonment with fine. People who possess equipment used for producing acid without having the licence to do so could be sentenced to 3 to 15 years' rigorous imprisonment with fine.

### *Illegal Fatwa<sup>60</sup>*

Some village people, including a so-called 'religious' man Abul Kashem and one Ruhul Amin ordered that unmarried mother, Rahima Akhtar be punished by whipping in a *salish*<sup>61</sup> in the name of fatwa. They gave the order to apply 39 lashes on Rahima Akhtar. This incident took place at Noagaon village in Daudkandi Upazila of Comilla district on 22 May 2009. Rahima Akhtar suffered serious wounds due to her 'punishment'.

---

<sup>60</sup> 'Fatwa' is the name (wrongly) given to informal arbitration decisions made by some Imams/Muslim clerics, based on usually extreme or misinterpretation of Islamic principles. Fatwas are illegal in Bangladesh

<sup>61</sup> Salish is an informal form of mediation.

On June 12, 2009, societal 'elites' of Companyganj, Noakhali, while arbitrating a rape case, acquitted the perpetrator without any sort of admonishment and decided that the rape victim and her mother be whipped. The police have arrested 5 persons connected to this incident.

On June 27, 2009, the 'community leaders' in the village of Dakshmin Khaiyar under the Rasulpur Union in Debidwar Upazila in Comilla charged a widow named Piara Begum (40) and Mamun Mia (25) with 'unethical acts' and whipped them. The police have arrested 6 people including Moulana Manirul Islam, Dudh Mia, Mamun, Ibrahim, Wahed and Jalil in this connection.

On August 5, 2009, 'social leaders' from North Mondua of Sadullahpur, Gaibandha, tied the hands and legs of a rape victim (45), tortured her and cut off her hair, while setting the accused rapist free. Afterwards, Mostafizur Rahman, the leader of these 'civil society' elements led a group of people and declared that they would arrange for the ostracisation of the family of the rape victim from the society. The police have arrested Hafez Anwar Hossain, the rapist in this incident.

On August 25, 2009, the High Court Division of the Supreme Court issued directives regarding *salish* (mediation)<sup>62</sup>. The Court directed the taking of immediate action against those involved in extra-judicial punishment, such as whipping, beating in the name of *salish*. Since January to December 2009, 37 incidents of illegal fatwa allegedly took place across the country.

### ***Three Women Arrested on Suspicion***

On July 3, 2009, the police from the Zianagar Police Station in Pirojpur district arrested on suspicion two female students and one female teacher, all wearing veils, under Section 54 of the Code of Criminal Procedure, despite not finding anything illegal after searching them. The matter did not end there. They were taken to court as 'terrorists' and taken into remand for three days and illegally handed over to the Taskforce Intelligence (TFI) for interrogation. The TFI cell did not find the accused women to be associated with acts of 'terrorism'. On July 20, 2009, the Deputy Attorney General, Rajik Al Jalil stated that the allegations against the three veiled women were found to be untrue.

The action of arresting three women sets a precedence of sending innocent women to 'remand' simply because they were wearing veils. There are many women in Bangladesh who wear veils. Furthermore, personal choice is the democratic right of citizens. The acts

---

<sup>62</sup> The Daily Star. 28.08.2009

by the police of the Zianagar Police Station, such as searching the three women and arresting them, despite not finding anything illegal, and forcing them to take off their veils in order to take their photographs, which were later published in the newspapers, is a gross violation of their human rights. This kind of behaviour of the law enforcement agencies towards citizens is absolutely unacceptable.

Odhikar demands that Government investigate this harassment of genuinely innocent citizens, and the concerned police officers be made accountable so that such incidents are not repeated.

## Rights of Minority Communities

### *Repression on Religious Minority Communities*

On March 27, 2009, a group of people attacked a Hindu family residing near Kazirbag Bazaar under Sadar Upazila of the district of Feni, resulting in the destruction of the victims' house and property and the looting of wealth amounting to Taka 5 hundred thousand in hard cash and valuable ornaments. The Feni Police Station took the case 48 hours after the incident. Sumon, a cadre of Jubo League and his associates Belal Hossain Apple, Mohiuddin, Nurrun Nobil, Anik Biswas, Delu, Md. Ismail, Nizam Uddin, Md. Azad and Abdur Rahim attacked Hira Bonik's house. They also wounded two women of the family who had tried to resist the attackers.

On March 28, 2009, a group of unidentified miscreants set fire to the house of Bimol Chandra Sarker (50), a Hindu residing at the Ponditpur community of Vadsha union under Sadar Upazila of Joypurhat district. A number of cattle were burnt to death and some severely wounded, in the deadly arson attack.

The supporters of the Awami League vandalised a 50-year old temple at Sutrapur in old Dhaka. According to local people, the temple had 31 kathas of land where 68 families, irrespective of religion, lived. On March 30, 2009, Awami League activist Saleh and his two sons Dipu and Asad forcibly occupied the land by evicting 13 Hindu families. They have also demolished the temple idols, all with an ulterior motive to grab the land and estates the homes and the land the temple stood on.

In Brahmanbaria, several Hindu families including some fishermen families lived under potential threat of bodily harm and harm to property by the president of the local Awami League, Muslim Mia and his family members. Among other atrocities that occurred there was a death of a Hindu man named Hira Lal due to torture. The family of the deceased was barred from holding a funeral and was threatened not to take any legal action. One of the oppressed fisherman, Horey Krishna Das stated that amongst other atrocities, the Hindu families were victims of extortion, kidnapping, rape and abuse. They were also forced to execute deeds relating to transfer of land, and harassed with demands of ransom.

Another incident concerns the kidnapping of 9 members of a Hindu family including women and children and robbery at their home at Sutrapur in Dhaka. The crime took place on August 22, 2009 at house No. 95 of Hrishikesh Das Lane. A group of 10-12

kidnappers in the disguise of DB<sup>63</sup> police took away the gold ornaments and other valuables of the family and tied all nine of them up and attach scotch tape over their lips. Afterwards, the family members were rescued from an engineering workshop situated at holding No. 65 of the same area by a police force. Four local Awami League activists were arrested in this connection.

The incident of vandalising the image of a Hindu goddess happened at Mithapukur of Rangpur district. On September 10, 2009, a group of unknown miscreants destroyed an idol of 'Durga' at the 'Krishna Bilash' temple of Chathli Moddopara village under Mithapukur upazila of the district.

On September 25, 2009, eight persons including the shebait (the religious head) of the temple were wounded by a group of miscreants at 'Nagmondir' situated at Balashur village under Sreenagar Upazila of the district of Munshiganj. The joint-secretary of the Upazila Awami League, Hanif Bepari, who is also known for his notorious land-grabbing activities, led the attack.

As per the news reported on September 28, 2009, Sub-Inspector (SI) Kamruzzaman of Madaripur police line, told a female singer, who was performing in the cultural event organised in the pavilion of the Rashmohan Mondol, to sell him her modesty. The incident took place in the area of west Shatpar village under Khalia union of Razori police station in Madaripur district. SI Kamruzzaman was part of the police force deployed to protect the temple. The singer refused the indecent proposal of the policeman. SI Kamruzzaman was annoyed and grabbed the singer by her hair and started to pull her towards the police station, while verbally abusing her as a 'prostitute'. At that time, the worshippers and local inhabitants who were at the scene tried to rescue her from him but policemen started kicking and hitting them. In furtherance of this offence, the other policemen angrily started to baton charge the people, irrespective of age and gender.

At least 300 Hindu families are under eviction threats at Nathpara in Karal village under the Patia Upazila of Chittagong. The Department of Roads and Highways under the Ministry of Communications planned to make a highway in Chittagong-Cox's Bazaar since 1990, which was known as the RNIMP-2 project. Recently, the authority has brought a change in the project. The government has included the land of Nathpara in Karal village under its acquisition in the revised project, where a Hindu community has been living. A 6 Kilometre long bypass road will be made under this project. On September 15, 2009, a

---

<sup>63</sup> DB: Detective Branch

notice has been issued on behalf of the Deputy Commissioner, Chittagong that the people residing at Nathpara have to vacate the area by October 14, 2009, without any plans to rehabilitate and compensate the affected people before issuing such notice. However, a proposal has been given to provide Taka 50 thousand to each victim of the land eviction as compensation for buying new land, which is quite inadequate. Furthermore, there was no written undertaking made by the government in this regard. The Government has decided that Taka 1 hundred thousand is enough to buy 1 acre of land. In reality, the actual price of 1 acre of land is approximately Taka 10 million in the area. Moreover, about 300 ethnic community people are engaged in handicrafts in the same area. The people living at Nathpara believe that they have become target by the government as a minority community.

Several other incidents of violation of the human rights of religious minority groups were recorded between January 1 to December 31, 2009. In these incidents, 1 person was reported killed, 502 injured, 5 assaulted and 1 was abducted. In addition, there were 12 reported incidents of land grabbing, 4 incidents of house grabbing, and 28 incidents of attack on a religious facility that occurred during the year 2009. According to the Penal Code, defilement or destruction of a place of worship or publication of any material disrespectful of a religious group are criminal offences.

*Table 10: Repression on religious minority rights*

Month	Injured	Assaulted	Killed	Arrested	Abducted	Looted	Raped	Land grabbing	Property damage	House grabbing	Temple attack	Miscellaneous	Total
January	2	0	1	0	0	1	0	0	1	2	1	0	8
February	301	0	0	0	0	0	1	1	0	0	1	1	305
March	42	0	0	0	0	1	0	0	0	0	0	1	44
April	26	0	0	0	0	0	0	2	0	0	2	0	30
May	6	4	0	0	0	0	0	0	0	0	2	0	12
June	1	0	0	0	1	0	0	1	0	1	1	0	5
July	10	0	0	0	0	0	0	4	2	0	2	2	20
August	27	1	0	0	0	1	0	1	1	0	2	1	34
September	60	0	0	0	0	1	0	1	1	1	14	0	78
October	15	0	0	0	0	0	0	1	0	0	2	1	19
November	7	0	0	0	0	0	0	0	0	0	0	0	7
December	5	0	0	0	0	0	0	1	0	0	1	0	7
<b>TOTAL</b>	<b>502</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>12</b>	<b>5</b>	<b>4</b>	<b>28</b>	<b>6</b>	<b>569</b>

### *Repression on Ethnic Minority Communities*

Shaktipada Tripura (42), an Organising Secretary of the Parbatya Chattagram Jana Samahati Samiti (PCJSS) and a traditional Headman and former UP<sup>64</sup> Chairman, was arrested on January 22, 2009 from a house at Mirpur in Dhaka without being informed of any charge or warrant against him during the arrest.

Meanwhile, Ranglai Mro, a leader of the ethnic minority community and a Chairman of Sualock Union Parishad of Bandorban, who was arrested on February 23, 2007 over leading a movement to protect land rights of the ethnic minority people, was kept in chains in hospital.

On June 12, 2009, a group of felons attacked ethnic minority people living in the Chaur Union of Porsha Upazila under Naogaon district and burnt down and looted their homes. 25 persons were injured during the attack. Norendranath Murmu, a leader of the local ethnic minority community, alleged that a man called Noor Hossain had organised the

<sup>64</sup> UP: Union Parishad, the lowest tier of the local government institute.

attack on them with the motive of taking control of their land with fraudulent land documents.

On June 14, 2009, when local miscreants of the village of Boraitoli of Ramgor, Khagrachori, tried to take possession of 300 acres of land occupied by ethnic minority people, they got into a clash with members of the latter group. 14 persons were injured in the incident.

Eight representatives of ethnic minority groups organised a press conference on July 2, 2009, at the Dhaka Reporters Unity to report the arrests, torture and incidents of land grabbing that took place in the locality of Sajek of Baghaichori in Rangamati. It was alleged that later, on July 5, a group of the Bangladesh Army from the Baghaihat Zone took into their custody, Ajit Chakma, village Chief of the village of Kojoichori of Gongaram Dor. On the next day Manekdhon Chakma, the village Chief of the village of Hogeietli was taken. Both men were questioned about their press conference in Dhaka. Priyo Shanti Chakma from the same village was also taken into custody at the Army camp and interrogated on the same matter. The Army also carried out raids at the houses of those who had gone to Dhaka to take part in the press conference on July 2. The participants of the press conference have been in hiding out of fear of the Army. It has been alleged that at 8.30 pm on July 8, 2009, Habildar Rafiqul Islam from the Gongaram Post led an army group to the Gongaram area where they took into their custody 30/35 members from 8/10 families and kept them confined at the Post for the night and released them the following day. No reasons were given to those taken away.

It is the responsibility of the State to protect the fundamental rights of ethnic minority people along with protecting their land rights and all that rightfully belongs to them. Unfortunately, such human rights abuses have occurred in the past and show no sign of stopping. The State has failed to properly perform its responsibility and incidents relating to torture, abuse and harassment of ethnic minority people continue.



*Table 11: Repression on ethnic minority communities*

<b>Month</b>	<b>Injured</b>	<b>Assaulted</b>	<b>Killed</b>	<b>Arrested</b>	<b>Abducted</b>	<b>Loot ed</b>	<b>Property damage</b>	<b>Land grabbing</b>	<b>Miscella neous victims</b>	<b>Total</b>
January	0	0	1	1	0	1	0	0	1	<b>4</b>
February	0	0	0	0	0	0	0	0	0	<b>0</b>
March	0	0	0	0	0	0	0	1	0	<b>1</b>
April	0	0	1	0	0	0	0	1	0	<b>2</b>
May	7	0	0	0	0	0	0	1	0	<b>8</b>
June	25	0	0	0	0	0	1	0	1	<b>27</b>
July	0	0	1	0	0	0	0	1	0	<b>2</b>
August	3	0	0	0	0	0	0	0	0	<b>3</b>
September	0	0	0	0	0	0	0	0	0	<b>0</b>
October	0	0	1	0	0	0	0	0	0	<b>1</b>
November	5	0	0	0	0	1	1	1	0	<b>8</b>
December	3	0	1	0	0	0	1	0	0	<b>5</b>
<b>Total</b>	<b>43</b>	<b>0</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>2</b>	<b>61</b>

## Our Neighbour, India

### *Border Violence*

During the period from January 1 to December 31, 2009, 96 Bangladeshis have reportedly been killed by the BSF. In addition to this, 79 Bangladeshi have been injured and 25 abducted, 92 have been missing and 11 Bengali speaking Indian citizens have been pushed into Bangladesh by the BSF during this reporting period.

At 2.00 am on April 23, 2009, Rabindranath Mondol (45) and his wife Kollyani Rani Mondol (38) from the village of Bolabari, Ashashuni, Shatkhira were arrested by BSF officers from India's Ghojadanga Camp as they were returning to Shatkhira from India along Main Pillar Number 4. The BSF officers beat Rabindranath to death and tortured and raped Kollyani Rani. Towards dawn, the BSF officers left the dead body of Rabindranath Mondol and injured Kollyani Rani Mondol near the Main Pillar Number 4 of the Lokkhidari border in Satkhira. Rabindranath and Rani had gone to the Nodiya district of India to undergo treatment 6 months prior to the incident

Bhandorchar is a village at Roumari in the Kurigram district along the Bangladeshi border, opposite the Indian State of Assam. At around 6.00 pm<sup>65</sup> on November 6, 2009, a 12-year-old girl named Monjuara Khatun, a resident of the village of Bhandorchar, was killed by bullets fired by the BSF. It was learned from eye-witnesses that when Monjuara had gone to the area adjacent to Main Pillar No. 1066 of the border to bring her goats home with her neighbours Lucky (12) and Arifa (13), the BSF of the Sahapara Camp of India shot two rounds at them, though Monjuara and her friends had been inside Bangladeshi territory the whole time. Lucky and Arifa managed to flee unscathed. After the incident, the family of Monjuara brought back her body with the help of the BDR.

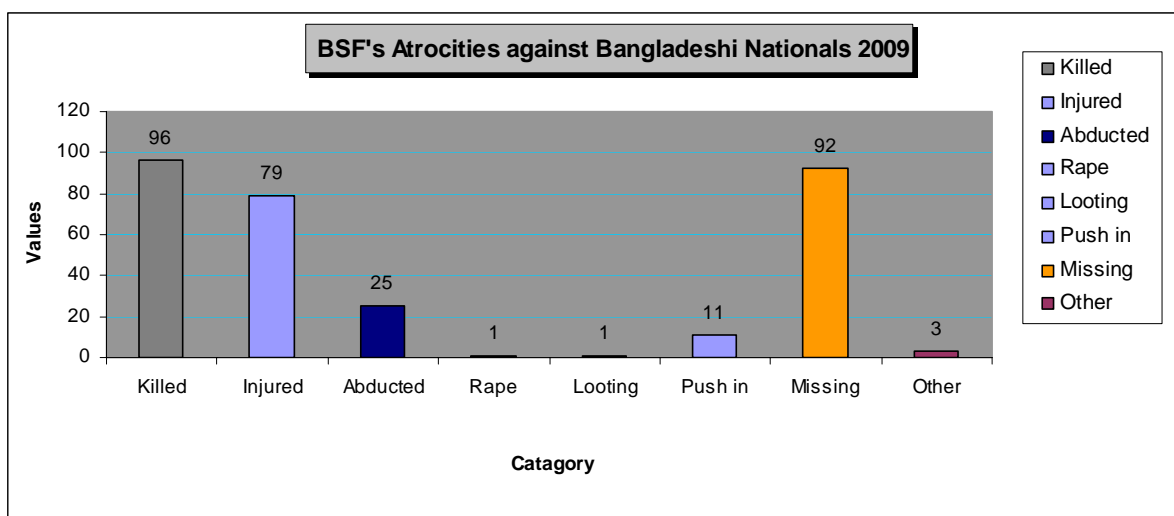
Odhikar notes with concern that despite consistently placing forth the incidents of human rights violations along the border, no signs are yet to be seen of bringing these violators to book or providing any sort of compensation to the injured party or their families.

---

<sup>65</sup> The time of the incident was around 6pm DST – then followed in Bangladesh – but 5pm Bangladesh Standard Time.

Table 12: Border Violence

Month(s)	Killed	Injured	Abducted	Rape	Looting	Push in	Missing	Other	Total
January	13	14	2	0	0	0	0	0	29
February	11	6	2	0	0	0	0	0	19
March	7	17	1	0	0	0	0	0	25
April	3	4	1	1	1	0	0	0	10
May	10	7	3	0	0	11	8	0	39
June	10	5	2	0	0	0	4	3	24
July	12	1	1	0	0	0	1	0	15
August	7	1	3	0	0	0	79	0	90
September	9	4	3	0	0	0	0	0	16
October	4	6	0	0	0	0	0	0	10
November	6	5	1	0	0	0	0	0	12
December	4	9	6	0	0	0	0	0	19
<b>Total</b>	<b>96</b>	<b>79</b>	<b>25</b>	<b>1</b>	<b>1</b>	<b>11</b>	<b>92</b>	<b>3</b>	<b>308</b>





### *Criminalisation of Bangladeshi Citizens*

On July 14, 2009, after the conclusion of a three-day meeting between the BDR and BSF authorities, the then BSF Chief Mahendro Lal Kumawat stated, 'The BSF opened fire on the Bangladeshis when they tried to cut the barbed wire fence along the border at night. It caused their death. In many instances, the BSF challenge and open fire in self-defence'<sup>66</sup>. Odhikar expresses its concern over such a statement because such remarks only justify the bloodshed and human rights violations committed by the BSF. Such remarks that the persons shot were cutting barbed wire, is not based on any evidence and could never be verified, since the victims are already dead.

This is a blatant attempt to criminalise people who may or may not cross borders for various reasons, including a desperate livelihood crisis caused by environmental and ecological degradation and economic hardship. Odhikar has consistently been monitoring incidents relating to the human rights violations, including killings and torture, committed by the BSF and carrying out fact-finding missions. The fact-findings have shown that all killings and human rights violations by the BSF have been inflicted upon apparently innocent and unarmed victims. Killing innocent people is an extreme violation of all norms of human rights and international laws.

Odhikar urges the Bangladesh Government to take combined steps with the Indian Government in order to bring an end to the unjustified BSF killings and to provide protection to its citizens who reside along the border. Odhikar recommends that the Bangladesh Government demand from the Indian Government proper investigations into the BSF killings and bring the perpetrators to the court of law and punish them, if found guilty of killing innocent people. It is imperative that adequate compensation is provided to the family members of the victims.

### *Abduction of ULFA Leaders*

On November 1, 2009, a group of men abducted Chitrobon Hajarika and Shoshodhor Chowdhury, the Finance and International Affairs Secretaries respectively of ULFA<sup>67</sup>, from Sector No. 3 of Uttara, Dhaka and took them to India and secretly handed them over to the BSF. After the news of the abduction, Abdus Sobhan, the Home Secretary of Bangladesh Government told the BBC that he was not aware of the arrest of any top ULFA leaders or the handing over of them to India. It must be mentioned here that India and

---

<sup>66</sup> Staff reporter: 'When attempts were made to cut the barbed wire fence, the BSF opened fire', the Daily *Amar Desh*, 15/07/2009.

<sup>67</sup> ULFA: United Liberation Front of Assam, an organisation aspiring the freedom of Assam from India.

Bangladesh do not have an extradition treaty between them. The Home Secretary's statement directly implies that they have been abducted by people who are not part of the Bangladesh law enforcing agencies, alleging that the abduction has been conducted by Indian agencies violating the sovereignty of Bangladesh and contravening international human rights provisions.

Following the statement made by the Home Secretary Abdus Sobhan Sikdar, the arrested leaders were brought before an Assam Court and a photo of that was published in the Indian newspapers. The ULFA leaders told the Court how they had been abducted from Bangladesh in the middle of the night.

The two ULFA leaders are members of the political wing of ULFA, and not involved in military operations. They had taken refuge in Bangladesh to safeguard themselves and their families and to rally the support of the people of Bangladesh for their right to self-determination.

On November 30, 2009, Arobinda Rajkhoa, Chairman, Civil Division, ULFA and Raju Barua, Military spokesman, ULFA, were arrested and handed over to the Indian authority. Nur Mohammad, Inspector General of Police, informed journalists that he did not know about the arrest of the two said ULFA leaders. Meanwhile the Indian media expressed that they had been arrested from somewhere near Dhaka and handed over to India by the Bangladeshi law enforcing agency. However, Home Minister Advocate Sahara Khatun said that news published by the Indian media was false.

Given the situation of the North Eastern States of India and the blatant human rights violations by the Indian army in those areas, the lives of the abducted ULFA leaders are cause for concern.

## Suggestions and Recommendations

2009 has been an 'eventful' year for those who perpetrate abuse on human rights. In order to uphold the rights of the people as guaranteed by the Constitution and the laws of the land, Odhikar has placed here some suggestions for a safer, more democratic Bangladesh.

- A. As per the election manifesto of the present Government and the UPR declaration of the United Nations, extra-judicial killings must come to an end. The Government must bring before trial those involved in these killings.
- B. The Government must refrain from narrowing down the path to democratic rights and cease the practice of coming down on political groups holding a different political opinion.
- C. Torture during interrogation or remand must be stopped immediately and the recommendations placed by the High Court Division in 2003 must be implemented.
- D. Freedom of the media must be ensured. A proper investigation is needed into the incidents of repression and torture towards journalists.
- E. Independent and fair investigations must be carried out in relation to the deaths of the BDR members who were in custody. Transparency and accountability must be upheld in the treason cases involving the BDR Jawans. For the sake of justice and upholding the rights of the accused, the accused in the BDR mutiny should be allowed to be represented by a legal counsel of their choice.
- F. The Government must take effective steps to stop violence against women. Those involved in such violence must be brought under the purview of the law and the victims must also be provided with necessary assistance including adequate compensation. The victims and witnesses must be provided protection so that the perpetrator cannot exert fear upon them or inflict violence on them again. Odhikar also urges the Government to create a special fund for treating the physical and mental consequences of such violence.
- G. The wages of the workers of the readymade garments factories must be paid in time. The Government must watch over the garments factories to ensure that the workers are being paid regularly and that the issues concerning wage raises

are established. The Government must also see to it that the tripartite agreement is being observed diligently. A high-profile committee should also be formed in order to monitor the reason behind close-down of garment factories and workers' unrest so that it could make a strategy identifying problems in relation to stop workers' unrest.


- H. The Government must pay more attention to its citizens working as overseas labourers. The policy on overseas migration and overseas labour must be strictly implemented. Bangladesh Embassies abroad must be more diligent in safeguarding the rights of its workforce in foreign countries.
- I. The Government must also be active in obtaining adequate compensation for the families of the deceased and the tortured labourers.
- J. The government should take immediate steps to stop political violence. Those who are engaged in such violence must be brought to justice. Law enforcement agencies should be strengthened to stop the violence.
- K. The Government must take effective steps so that the killings of Bangladeshi citizens by the BSF come to an end.
- L. The Anti-Terrorism Act 2008, a tool for committing human rights violations, must be scrapped.
- M. Rights of the ethnic and religious minority communities must be guaranteed and security to their property and belongings must also be provided, as per legal and constitutional provisions.
- N. The Government must follow the Paris Principles regarding human rights defenders and their protection.
- O. The decision to cancel Odhikar's project must be withdrawn.






## Summary of Fact findings on Deaths due to Crossfire and Torture, Conducted by Odhikar in 2009

SI No	Picture of Deceased	Description
1		<p>At around 3:30 pm on January 4, 2009, Touhidul Islam Touhid (27) from the village of Shostipur, Kushtia, was arrested at Shenerchatal in the village of Bottoil by police from Kushtia Sadar Police Station. Touhid's family alleged that Touhid was shot and killed by the police near Boriya graveyard in the village of Boriya at around 2:30 am on January 6, 2009.</p>
2		<p>On January 11, 2009 at around 2.30 pm, Nawab Ali (25) of Sarail upazila's Bariakandi village was arrested by a force from Shahbajpur Police Camp of Sarail Police led by the Camp In Charge Sub-inspector (SI) of Armed Police, Md. Nur Ahmed. The force was allegedly accompanied by 3/4 persons who were not policemen. His family claimed that he was beaten and thrown into the River Titas beside his home. On January 14, 2009, 4 days after the incident, his body was recovered from the river.</p>
3		<p>It was unearthed through fact-finding that Md. Habib (18) and Arif (20) were arrested by a group of police officers led by Sub-inspector (SI) Md. Rafique from the Chandgaon Police Station in the Chittagong municipality's Badamtol area at 3.45 am on January 28, 2009. Following the arrest, Md. Habib and Arif were taken to the Chandgaon Police Station. After arrest, they were taken to the hospital twice for primary treatment, at 4.00 am</p>

		and 9.30 am and on both occasions they were returned to the Police Station. They were produced before the Court on the same day. As Habib was sick, the Court ordered that he be brought back after treatment from the hospital. When Habib was transferred to the hospital from the Court, he was declared dead by the Doctor on duty.
4		Samsel Islam Robin (42), from the village of Sreerampur, Magura, was shot and killed by police of the district Detective Branch beside the Kaliganj-Dorshona road near the Kotchandpur bus-stand at 12.00 pm on February 3, 2009.
5		On April 27, 2009, Md. Siddik Mondol (30) of Defolbari village of Jhenaidah Sadar Upazila was killed in an alleged 'encounter' with RAB-6 and the police of Jhenaidah Sadar Police Station.
6		On May 8, 2009, Sayeedur Rahman Sayeed (28) from the village of Khashkorra in Alamdanga, Chuadanga was arrested by officers of the Islamic University Police Station, Kushtia, at Ujangram Bazaar. He was handed over to the authorities of the RAB-6 Camp. It was alleged by the family members of Sayeed that at 2.45 am on May 9, 2009, RAB and the officers of the Alamdanga Police Station took him to Shukur Ali's family graveyard at the eastern end of the village of Khashkorra, Khashkorra Union, where they shot and killed him.
7		On June 4, 2009, the Kahalu Police Station arrested Md. Mozam Ali Pramanik (39), from the village of Bandai Khara under Kahalu Upazila in Bogra district. On June 15, 2009, when the police sought a 7-day remand for questioning Mozam, the learned Senior Judicial Magistrate for the zone

		<p>‘Bogra C’ issued a 3-day remand. According to the police, Mozam was taken to the police station on June 16, 2009, where he committed suicide by hanging, using his shirt, inside the toilet of the lock-up. On the other hand, the family members of the deceased alleged that the police officers killed him with electric shocks and then hung the body to fabricate a story of suicide.</p>
8		<p>At around 11.00pm on June 18, 2009, Manjur Morshed Shipu (41), son of late Abul Hossain and the owner of house 24/8, Bijli Maholla, Block ‘F’ of Mohammadpur Joint Quarters, under the Mohammadpur Police Station, was abducted by 7-8 people at the gate of his rented house located on road number 1 in the Mohammadia Housing Limited. At around 4.30am on June 19, 2009, his body was found in the playing field of Kisholoy Girls School and College. Shipu’s family and witnesses stated that his body bore a lot of marks of beating. His family believed that he was not abducted by miscreants. They alleged that members of the law enforcement agency picked him up and tortured him and then shot him, leaving his body in the field.</p>
9		<p>At around 7.30 pm on August 18, 2009, Mohammad Lutfor Rahman Gazi (32) from the village of Shahapur, Tala was arrested by the police of the Shatkhira Police Station from the house of Advocate Shabuj at Khan Bahadur Ahsanullah Road. It has been alleged by the family of the victim that the police took Lutfor to a butcher shop belonging to one Latif, located at the Choyghoriya crossroads of Shatkhira and shot and killed him at 2:52am on August 19, 2009.</p>

10		<p>At 3.30 pm on August 24, 2009, the Detective Branch (DB) of police in Kushtia arrested Shahinur Rahman Dablu (38) at his house in the village of Shaldoho in Kushtia. It has been alleged by the family members of late Dablu that he was shot and killed by the DB the following day on August 25, 2009 at the Mohashoshan<sup>68</sup> at Dadblu's local town, Chor Millpara.</p>
11		<p>At around 7.30 pm on November 5, 2009, Nazrul Islam, Sub-inspector (SI) of the Pargacha Police Station arrested Mohammad Nurujjaman Mia (56) from the village of Purba Chandipur, Pargacha. It was learned from an eyewitness that Nurujjaman was physically assaulted while he was being arrested. Within an hour of arrest, Nurujjaman died in police custody.</p>
12		<p>On September 10, 2009, at about 12:30 at night, a group of RAB officers, led by Operations Officer Flight Lieutenant Raihan Asghar Khan, conducted an operation at Aftab Tower at 323 East Rampura in Dhaka City. There, RAB arrested Abid Hossain alias Shaikat (30) of Munshiganj district and Masud alias Choshma Masud (27) of Malibagh Chowdhurypara in Dhaka. RAB also picked up Kaiser Mahmud Bappi (24) of 335/6-B, TV Road, Rampura, Dhaka. According to a complaint made by Bappi's family, he was later killed by RAB. It was later revealed that the arrest and death of Bappi was a case of 'mistaken identity' on the part of RAB.</p>

<sup>68</sup> Cremation ground for Hindu funerals.

<p>13</p>		<p>On October 31, 2009, the workers of Nippon Garments at Ouchpara in Tongi, Gazipur District, came to work only to find the factory gates closed and a notice claiming the shutting down of Nippon Garments. The workers tried to meet the factory management, but the police barred their way. An altercation flared up and police used rubber bullets and lobbed tear gas shells at the workers, injuring about 20 of them. Babul Sheikh (30), Shafiq Mistry (50) and Tajul Islam (50), from Ershad Nagar, next to the factory, allegedly died due to injuries received on that day.</p>
<p>14</p>		<p>At 1.00 am on September 18, 2009, the police of the Rupsha Police Station went to the home of Orbindo Mondol Bulu (47), son of late Bhobshindu Mondol from the village of Doba of Rupsha, Khulna to arrest him. The family members of Bulu alleged that the police, after arresting him, had killed Bulu by strangling and beating him.</p>

## About Odhikar

Odhikar, a human rights organisation, is committed to uphold the civil, political, economic, social and cultural rights of the people. Odhikar is monitoring human rights situation in Bangladesh since its inception on October 10, 1994 and advocating and promoting human rights.

As part of its commitment, Odhikar monitors the human rights situation in the light of the protection ensured under international humanitarian laws and the Constitution of the People's Republic of Bangladesh. Odhikar also addresses national and global concerns expressed in various forms that may not have legal bindings but have direct or indirect impact on the dignity of lives and persons of the People's Republic of Bangladesh. Right to life, prevention of torture, freedom of expression, concerns of religious and ethnic minority communities, women and workers, etc., are some of the areas that are directly monitored. Odhikar maintains strong network of human rights defenders and given the difficulty and challenges they are facing, increasingly concentrating on developing the capacity of the human rights defenders coming from all walks of life. Odhikar emphasises on enacting a law based on the UDHR and monitors institutional development in this regard. Fact-finding of incidents of human rights violations and documentation of human rights abuses receive priority in terms of immediate concerns. Odhikar also addresses emergency matters that directly impacts

Odhikar regularly releases special reports, makes statements, press releases and makes specific recommendations analysing the trends of human rights abuses in its every report as per international human rights standard.