

HUMAN RIGHTS REPORT 2010

ODHIKAR REPORT ON BANGLADESH



01 JANUARY, 2011

Human Rights Report



In this report, Odhikar, a human rights organisation of Bangladesh, has compiled the state of human rights in Bangladesh in 2010, highlighting critical areas that require immediate and urgent national and international action. Odhikar is committed to upholding human rights by promoting civil, political, economic, social, cultural and collective values that constitute a cohesive and just community. Odhikar 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.

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Notes:

- Odhikar seeks to uphold the civil, political, economic, social and cultural rights of the people.
- Odhikar documents and records violations of human rights and receives information from its network of human rights defenders and monitors media reports in twelve national daily newspapers.
- Odhikar conducts detailed fact-finding investigations into some of the most significant violations.
- Odhikar is consistent in its human rights reporting and is committed to remain so.

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Introduction

Bangladesh was under the State of Emergency from January 11, 2007 to December 16, 2008. It was not an easy achievement of the peoples of Bangladesh to oppose the unelected caretaker government backed by the army and make the transition to a government that they could vote to power. The 9th Parliamentary Election was held on December 29, 2008 where the Grand Alliance, led by the Bangladesh Awami League, won a landslide victory and formed government along with the Jatiya Party of General H.M. Ershad on January 06, 2009.

However, the overwhelming lack of political tolerance, absence of necessary and effective institutions to ensure a democratic polity and blatant violations of human rights still remain the biggest hurdles for democracy in Bangladesh. The present reality of Bangladesh proves again that while a representative government is essential for democratic practice, is not enough if the Executive, Judiciary and the Legislative fail to play their respective roles to ensure constitutional and international norms of human rights. In such situation an undemocratic and dictatorial nature of power manifests in many different ways and abuses the state machinery for partisan and narrow political gain.

The Bangladesh Awami League, in its election manifesto promised to ensure good governance, transparency and accountability. It also promised to stop extra-judicial killings. The Foreign Minister made commitments of 'zero tolerance' regarding extrajudicial killings in the Human Rights Council on March 01, 2010 and at the Universal Periodic Review Session (UPR) in Geneva in February 2009 and also when Bangladesh got elected for a 2nd term to the UN Human Rights Council on May 12, 2009. However, these are now mere words without action.

Immediately after coming to power the present (Awami League) government, failed not only to stop extra judicial killings and torture, but also was unable to contain the violence and human rights abuses perpetrated by its youth and student wings, who were mainly involved in intra party clashes, tender manipulation, extortion and violence in educational institutions. It broadly reflects the political culture of major political parties.

What is singularly worrisome for the democracy and human rights of Bangladesh is the politicisation of the Judiciary. Judiciary has been formally separated from the executive, but has still failed to convince the citizens its independence and vulnerability from extrajudicial manipulation. Violence against journalists; interference in electronic and print media; extra-judicial killings; custodial torture; violence against women and children is still continuing. Despite the tripartite agreement on minimum wage in the garment sector it could not be implemented causing unrest in ready made garments sector. Oppression against ethnic and religious minorities; and other human rights concerns marred 2010. Apart from all these, confrontational politics between the two major political parties and the non

existence of a consensus regarding major national issues have all made the political and human rights situation in Bangladesh more vulnerable. The Opposition MP's have remained absent from Parliament for various reasons, but have enjoyed all the facilities they are entitled to. Corruption continued unabated, negatively affecting the life and livelihood of people. During 2009 the government passed an Act to put Upazillas under the control of Parliament Members. Furthermore, in 2009 the Anti-Terrorism Act was also passed mainly, it seems, to suppress dissenting voices. Such 'controlling' laws started a trend that continued into 2010.

The laws governing the activities of the National Human Rights Commission and the Information Commission restrict the independent functioning of these two institutions and the Judiciary is becoming more and more bound in a web of politicisation. Law enforcement agencies engaged in torture and ill treatment, in total confidence that their actions would be over looked. Government representatives in 2010 publicly denied the occurrence of extrajudicial killings. The practice of torture and degrading treatment by the law enforcement agencies is nothing new and the indifference shown by successive government regimes regarding this practice, have only strengthened their use. In 2010, Odhikar's statistics show that the Rapid Action Battalion (RAB) was the main perpetrator of extrajudicial killings this year, while the police were the main perpetrators of torture.

This annual report of 2010 will also show that acts of violence against women are nowhere near decreasing. Despite special criminal laws to ensure justice for acts of violence against women, lack of implementation, corruption, economic hardship and social/family programme interfere to prevent justice from being done. 2010 also show a rise in incidents of harassment and physical abuse of young women and girls.

In 2010, Odhikar also came under the harsh scrutiny of the government. On April 28, 2009, the NGO Affairs Bureau under the Office of the Prime Minister authorised Odhikar to carry out programmes relating to the prevention of torture as well as the protection of human rights under the project titled, 'Human Rights Defenders Training and Advocacy Programme in Bangladesh'. Under this project, the organisation held a 'Tribunal against Torture' in June 2009. Later, the NGO Affairs Bureau sent Odhikar a letter dated August 17, 2009 directing it to close down its torture related programme, citing reservations expressed by the Ministry of Home Affairs as the reason. In response, Odhikar filed a writ petition before the High Court Division of the Supreme Court. On October 11, 2009, the High Court Division issued a Rule Nisi against the Government and suspended the order directing Odhikar to close down its programme. As a result, Odhikar completed its programme on torture in December 2009. On January 17, 2010 Odhikar applied to the NGO Affairs Bureau for a 3-months extension of this programme, to end in March 2010. The NGO Affairs Bureau, by a letter dated 11 February 2010 refused to grant the extension, basing its refusal on the 2009 Home Ministry reservation. Furthermore, since October 2010, members of the National Security Intelligence (NSI) and Special Branch of the Police

(SB) have been monitoring the Odhikar office and seeking information regarding its Secretary and Director.

In all, 2010 has been an 'eventful' year for perpetrations of human rights abuses, which cover all the sectors of human rights - social, political, economic and cultural. It has also been a worrying year for human rights defenders, even more so due to the lack of accountability and acts of impunity, which persisted and prevented the redress of such violations.

It is sincerely hoped by Odhikar that the information contained in this report will act as a catalyst for all those interested in Bangladesh and its people, in order to combine efforts to combat such human rights violations.

CHAPTER I

STATE OF DEMOCRACY

A. Assessment of elections held in 2010

Democracy is one of the founding pillars of Bangladesh and elections are the process through which people participate and legitimize those who are elected. As such, all elections should not only meet strict requirements of laws, but should make free the participation of the voters; and results should reflect the aspirations of the majority. As a part of its commitment to democracy, Odhikar considers that holding a free, fair and unimpeded election is paramount, and as such, has been routinely monitoring elections. In 2010, a by-election to elect the Member of Parliament of the constituency Bhola-3 was held. The said seat was declared vacant by the Election Commission. An election for the Mayor of the Chittagong City Corporation was also held.

○ *By-election in Bhola*

The by-elections to the Bhola-3 constituency were marred by violence, irregularities, and attacks on political opponents. Intimidation of voters; forced eviction; rape and gang rape also occurred. According to Odhikar documentation, a total of 218 people were reported injured during the Bhola-3 election violence. Among them, 109 were injured in pre-election violence, 46 on Election Day and 63 in post-election violence.

Incidents of attacks on and intimidation of voters were observed outside the polling stations. The journalists covering the by-polls noted widespread reports of voter intimidation. Opposition polling agents were forced to remain out of the fray.¹ Violence to drive away polling agents and to prevent people from casting their votes was reported; including alleged incidents that the polling agents of the BNP candidate were driven out from various polling centres. In one such incident reported a group of Awami League activists chased voters with sticks while they were going to the Banglabazar polling centre in Charbhuta Union under Lalmohon Upazila.² In another incident at the Lalmohon Public Library Centre, about 300 meters from the Lalmohon Police Station, no BNP polling agent was allowed to function. At this centre, according to an election official, the total number of votes cast was more than the number of voters.³

The Election Commission suspended the polling process in nine centres, due to allegations of various irregularities and violence. The Returning Officer said, polling at the nine centres— Lalmohan Public Library Centre, Azharuddin Registered Primary School, Karimganj Senior Madrassah, Satani Government Primary School, Kishoreganj Government Primary School, Maheshkhali Ashrafia Government Primary School, Uttar

¹ The Daily Star: 25/04/2010

² The daily Prothom Alo, 25/04/2010

³ The daily New Age Magazine Xtra, 30/04/2010

Annadaprasad Government Primary School, Lord Hardinge Fazil Madrassah and Syedabad Forkania Madrassah centres were cancelled as instructed by the Election Commission, due to intimidation, rigging and violence.⁴

In another reported violent incident on April 26, 2010, a disabled girl was molested and beaten up by a group of criminals in Keyamulla village of Chadpur Union under Tajumoddin Upazila. The criminals also attacked the girl's mother and left her seriously wounded when she tried to protect her daughter. According to the mother, a group of criminals identified themselves as Awami League supporters and beat them up because they voted for the BNP candidate.⁵ Six BNP activists were allegedly beaten by unidentified assailants as well.

It has been learnt that incidents of forced eviction allegedly took place at Char Zahiruddin under Tajumoddin Upazila. Mohibullah Nagor, Convener, Upazila BNP unit, claimed that more than 50 BNP activists were beaten and forcefully evicted from Char Zahiruddin by the ruling party cadres.⁶ Moreover, the incidents of election violence had also sparked in different places in Lalmohan Upazila. The violence seemed to be an act of revenge over the BNP who allegedly committed similar violence after winning the 8th Parliamentary Election in 2001.⁷

The Election Commission, the constitutional body that conducts all elections, took a number of measures including the use of video cameras, to record events and collect evidence. The Election Commission also directed the Deputy Commissioner of Bhola to employ five persons and a Magistrate to ensure the security of each rural candidate, the Election Commission also deployed two officials in each union of the constituency and gave directives to law enforcers to set up posts in the area, including at bus terminals.⁸

Despite the measures and an extended presence of law enforcement agencies until 28 April 2010, attempts to stall violence failed. It was reported that the wife and daughter of an opposition BNP activist, Shafi Majhi, from Kochuakhali village of South Charumed union under Lalmohon Upazila, were raped by Awami League activists on April 24, 2010. According to Shafi Majhi, Awami League activists Siraj, Saiful, Shohag, Abdul and Jewel entered his house at midnight and tied him up. Saiful and Jewel raped his daughter, a student of class nine. His wife was also raped by Shohag and Abdul when she tried to save her daughter. Later they threatened Shafi Majhi not to disclose this matter.⁹

A female leader of the local BNP unit at Chachra Union in Tozumoddin Upazila was allegedly gang raped by a group of criminals who as reported, belonged to the Jubo League¹⁰. The victim stated that on the night of April 26, 2010, Jubo League activists

⁴ The daily Shamokal, 25/04/2010

⁵ The daily Amader Shomoy, 27/04/2010

⁶ The daily Kaler Kantho, 27/04/2010

⁷ Four Party Alliance led by the BNP won the 8th Parliamentary election in 2001.

⁸ The Daily Star, 19/04/2010

⁹ The daily Amar Desh, 26/04/2010

¹⁰ Youth wing of Awami League

Rakib, Safiullah, Sohel, Nozu, Abbas and Al-Amin kidnapped her from her house at gun point and raped her.¹¹ She was rescued, unconscious, from a field the next morning.

It must be noted here that all such acts of violence are both human rights abuses and are violation of not only the laws governing the election process but also the Penal Code and other prevalent criminal laws of Bangladesh.

On April 24, 2010 the Election Commission declared ruling Awami League candidate Mr. Nurunnabi Chowdhury Shawon, the official winner of the Bhola-3 by-election. The BNP rejected the by-election as a 'farce' and demanded the resignation of the Chief Election Commissioner and fresh polls.¹²

The Chief Election Commissioner Dr. A.T.M Shamsul Huda, after the election, reportedly said, "It was a successful election, though not one hundred percent. The election can be termed fair, except for some isolated incidents. We have not heard about the use of firearms anywhere, but knives and sticks were used in some places."¹³

○ *Chittagong City Corporation Mayoral Election*

The 4th Chittagong City Corporation election for the post of Mayor went off comparatively peacefully, where an Opposition candidate defeated the sitting Mayor belonging to the ruling party. The election was held on June 17, 2010, where the voters' turnout was considerably low.

Odhikar monitored 48 polling centres out of 673 with its 3 mobile election observer teams. The team also reported some irregularities. For example, the polling booths at the Technical Training Centre were seen unsecured and open at 7.45 am. The areas designated for secret ballots included only benches. The Assistant Presiding Officer of this centre was absent, with the electoral materials. The polling started late in Purba Nasirabad M A Jalil Primary School, as the appointment process of the polling agents was not completed till 8.20 am. A Polling Agent of a councilor candidate was seen with the party allocated symbol¹⁴ of an 'elephant' at polling booth no. 7 of this centre. Two polling agents of a Mayor candidate (allocated the symbol of a 'ship') were observed in the same room in Shukur Bahar Ahmadiya Primary School at 8.45 am, in violation of the Election Rules.

A private television channel was seen making a special election bulletin by gathering 15 to 20 voters in Angkur Society Girls High School at 9.10 am which disrupted the regular flow of voting for 20 minutes. Two polling agents, Yeasmin Akhter and Hasina Begum

¹¹The daily Kaler Kantho, 28/04/2010

¹²The Daily Star, 25/04/2010

¹³The daily Prothom Alo, 25/04/2010

¹⁴The law provides for the printing of ballot papers indicating the names of the candidates and the symbols allocated to them by the Returning Officer. The symbol enables voters to identify the candidate of their choice whom they want to vote at the time of voting. Hence, the importance of symbol cannot be underestimated in the contest of poll in Bangladesh. http://femabd.org/index.php?option=com_content&view=article&id=205:allocation-of-symbols&catid=25:the-project&Itemid=68

were seen at the polling booth No. 1 on behalf of a Councilor candidate, Zabedul Alam Masud at Nasirabad Government High School. A voter was seen to mark his ballot paper in front of the Assistant Presiding Officer at the same polling booth.

A voter named Bibi Moriam (voter serial No. 790) could not cast her vote at the Fateyabad Degree College as her vote had allegedly been cast by someone else. Councilor candidate Syeda Kashpia Nahar brought an allegation of rigging at the same polling centre. Police arrested two people named Bakhtiar and Azim for allegedly motivating voters in an open manner in contrary to the regulations.

Police arrested two supporters of a Councilor candidate (with the electoral symbol 'peacock') from the BCSIR Laboratory High School for campaigning at the centre and influencing voters, which is a violation of the Electoral Code of Conduct. No polling agents were seen at the Jamia Ahmadiya Sunniya Madrassa at 7.40am. There was a poor turnout at this polling centre, which may have been due to the lack of polling agents. Three polling centres were created in the same compound at Rahmania High School. However, there was no adequate preparation and voters faced difficulties in identifying the correct polling centre.

Odhikar's election observers did not find appropriate voting preparations at Nazirpara Govt. Primary School. No voters came to the centre until 8.20 am, much later than the expected start time. Two polling centres had been prepared at Zahur Ahmed City Corporation Primary School. Female voters faced difficulties voting at the centres due to space constraints, narrow passages and the overwhelming presence of male voters and too few women - only polling booths. Voters at Shah Habibullah Govt. Primary School also faced difficulties identifying the correct booth, as polling centres No. 51, 52 and 53 were all in the same building.

Odhikar observers also faced obstruction in conducting monitoring activities. The Presiding Officer Dilip Kumar, did not allow Odhikar observers to visit the polling at Probortak Bidyapith polling centre. Similarly, the Presiding Officer and the police officer at the Amirunnesa Primary and Kindergarten polling centre did not allow Odhikar to enter the premises.

There were eight Mayoral candidates and 255 candidates contested for 41 Ward Councilors, out of which, 59 female candidates contested for the reserved seats for female Ward Councilors. Total number of voters was 1,688,676, out of which 873,165 were male and 815,511 were female voters. This election was a major test case for the Election Commission.

Comments: Odhikar has constintently demanded the integrity of the polling process, maximum participation of voters, and that all concerned stakeholders - primarily the Election Commission, the Government, law enforcement agencies, political parties and others - ensure that voters can express their views freely, and choose their preferences. Compared to the by-election at Bholra-3, violence and irregularities in Chittangong City Corporation Election were low, but violence free elections still seem to be far off. One reason of continued violence during elections has always been the high degree of

impunity linked to so-called 'politically motivated' violence, which election related violence is often considered as. There were no visible consequences or legal actions taken for the incidents of rape that allegedly took place in Bhola during the by-elections.

B. Local Government:

Local governments are key component of any democratic state. The Constitution of Bangladesh obliges the State to promote representative local Government institutions and that the local government, in every administrative unit of the republic, shall be composed of persons elected under the law with powers to impose taxes for local purposes, to prepare their budgets and to maintain funds.¹⁵

Moreover, during the parliamentary election, the Awami League, which is now in Government, made a specific pledge that if elected, the Union, Upazilla and District Councils will be strengthened through decentralisation of power. District Councils will be transformed into centres for implementation of programmes on education and health and all other development plans, and programmes, and for maintenance of law and order. Every union will be made the Headquarter for development and administration of the area and will be developed as a planned rural township. Every Upazilla headquarter will be developed as an industrial growth centre and a planned township. The power and sphere of responsibility of City Corporations and municipalities will be enhanced; the standard and quality of civic facilities will be improved.¹⁶

However, in 2010, the strengthening of the local government through a decentralisation of powers has not made any progress.

○ *Municipal Polls*

Key local government institutions, the Municipalities, have not had any recent elections and are behind the schedule by two years. The Election Commission announced Municipal polls which are now scheduled on January 12, 13, 17 and 18 in 2011. So far, out of 310 Municipalities in seven Divisions, schedules of 269 have been announced.

○ *Upazila Parishad¹⁷:*

Upazila Elections were held on January 22, 2009 but since then, the functions of elected Upazilla representatives have been hampered. The Local Government (Upazilla Parishad) Act of 2009, passed by the Parliament, gave Parliamentarians extensive authority and power over Upazila Parishads in their respective constituencies. According to this law, the Members of Parliament have delegated power as 'advisors' and it has been made mandatory for the Parishads to accept their suggestions. By this law, an

¹⁵ See Articles 9, 59 and 60 of the Constitution of the People's Republic of Bangladesh.

¹⁶ See, Election Manifesto of Bangladesh Awami League-2008.

¹⁷ Sub-districts.

Upazila Parishad is obliged to communicate with the government through a Member of Parliament.

On March 9, 2010, the Government sanctioned Taka 15 crore¹⁸ for Parliamentarians under a project ending in June 2014. The Parliamentarians are expected to spend this money in development activities in their local constituencies. This decision by the Government has further weakened the local government, whose assigned role was to oversee and implement local development activities, now appropriated by the local Member of Parliament. On October 5, 2010, the Parliament approved amendments to the Local Government (Upazila Parishad) Act 2009, empowering the government to declare vacant any position of Chairman or Vice Chairman of the Upazila Parishad, if other members of the Council express 'no confidence' in him/her.

The government's move to change the law comes at a time when the Upazila Chairmen and Vice Chairmen of 481 upazilas across the country have been campaigning to run the local administration. This administration has been virtually run by the Upazilla Nirbahi Officer¹⁹ for the last 22 months.

Comments: The culture of not holding elections on time create a negative impact on the local development work and democratic polity of the country. Moreover, according to the Constitution of the People's Republic of Bangladesh (Article 59 and 60), Upazila Parishads elected by direct vote of the citizens for their locality should not be placed under the control of the Member of Parliament, since Upazila Parishads have been elected specifically for local government, while the role of MP's are to represent the constituents and legislate. Local governance should be best left to locally elected representatives; otherwise unnecessary tension between the elected Upazila Chairmen and the Parliament Members will lead to unrest. To create sustainable development from a grass-roots level, independent and strong local governments are needed.

C. Political parties:

Political parties are the main institutions of democracy, and often the functioning of the State, Government and other institutions depend on how political parties operate. In Bangladesh, political parties play paramount roles in shaping the governance, and often, instead of acting as forces for good, intense rivalry both between the parties, and internal conflicts vitiate all aspects of governance.

o *Inter- and Intra-party violence*

Odhikar monitored internal conflicts reported within factions of different political parties and clashes between two or more parties during the report period. Political violence rose immediately after the present regime came to power in 2009. The majority of such violent acts were committed by the members or supporters of the

¹⁸ One crore is a quantity equivalent to 10 million

¹⁹ Upazila Nirbahi Officer is a civil servant, appointed by the government, to act as a chief executive in the upazila.

ruling political party, the Awami League. During the violence, the activists affiliated engaged in clashes with lethal weapons. The main causes of violence were; tender manipulation; extortion; land grabbing; exerting power in the different institutions/offices; and enmity. In these conflicts, incidents of attacks on police by the Awami League-backed Chattra League also took place.

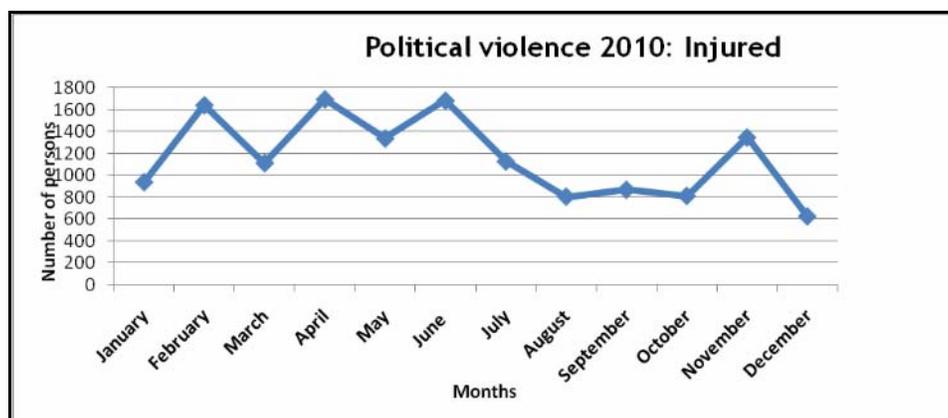
Information gathered by Odhikar notes that, a total of 220 persons were killed and 13,999 injured in political violence from January to December 2010. There were also 576 incidents of intra party clashes in the Awami League and 92 within the BNP recorded during this period. In addition, 38 people were killed in Awami League intra party clashes while 5614 were injured. Seven people were killed and 1146 injured in BNP's intra party clashes.

Table-1: Political Violence -2010

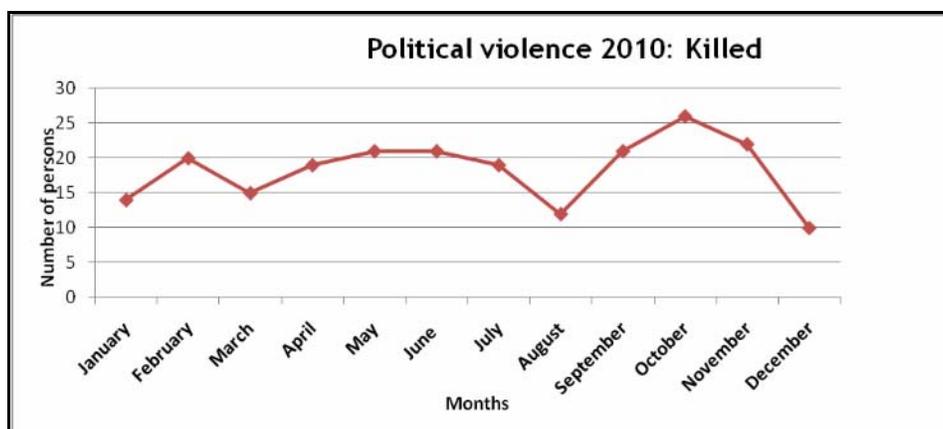
Political violence: 2010					
Month(s)	Injured	Killed	Arrested	Other*	Total
January	938	14	0	20	972
February	1644	20	47	14	1725
March	1113	15	0	13	1141
April	1697	19	69	23	1808
May	1339	21	130	0	1490
June	1684	21	1752	22	3479
July	1127	19	19	6	1171
August	805	12	13	1	831
September	868	21	0	6	895
October	812	26	0	4	842
November	1348	22	980	2	2352
December	624	10	0	4	638
Total	13999	220	3010	115	17344

*Other includes vandalizing properties, assaulting, abduction, etc.

Graph-1: Political Violence (Injured) -2010



Graph-2: Political Violence (Killed)-2010



Examples of some significant incidents monitored-

- 1) The activists of Chattra League²⁰ of the Rajshahi Polytechnic Institute attacked and killed Rezwanul Islam Choudhury Sunny, a student leader of Chattra Moitree²¹. On January 7, 2010, Chattra League leader Nizam led a group of his people, armed with sharp objects, and attacked Kazi Motaleb Hossain, President of the Chattra Moitree unit of Rajshahi Polytechnic Institute, Vice-President of the same organisation Rezwanul Islam Choudhury and Serafot Ali Bulbul. The attack left Rezwanul dead, and Motaleb and Serafot severely injured. The Police arrested four activists of the Bangladesh Chattra League, namely, Nobin, Shoriful, Nahid and Manik, for their involvement in the incident. Charge sheet was been submitted to the Speedy Trial Tribunal on August 2010 and the four accused were arrested. The case is still pending at the Tribunal.
- 2) A student of Dhaka University named Abu Bakar, was killed in a clash between two groups of the Awami League-backed Chattra League²² at the Dhaka University on February 1, 2010. The clash took place between Chattra League's A F Rahman Hall²³ Unit President Saiduzzaman Faruk and its General Secretary Mehedi Hasan, over establishing political supremacy in the University. Both groups attacked each other with long knives, cleavers, canes and hockey sticks. During the clash, Abu Bakar was severely injured in front of his room on the third floor of A F Rahman Hall. He died in Dhaka Medical College Hospital on February 3, 2010.²⁴ The prosecution could not collect the correct names of the witnesses, so no charge sheet was filed to the court till the end of December 2010.
- 3) On April 19, 2010, hundreds of Awami League-backed Chattra League activists attacked the police station at Swarupkathi in Pirozpur, against the arrest of eight Chattra League activists. At least 30 persons, including nine police officers were

²⁰ Student wing of Bangladesh Awami League

²¹ Student wing of the Workers Party of Bangladesh

²² Student wing of Bangladesh Awami League

²³ Male students' dormitory in Dhaka University

²⁴ The daily Prothom Alo, 04/02/2010

injured during this attack. The police arrested 12 suspected Chattra League activists and filed charge sheets at the Court against 22 other persons for vandalising the police station.

- 4) At least eight students were injured as rival groups of the ruling Awami League-backed Bangladesh Chattra League (BCL) clashed at Maulana Bhasani Hall of Jahangirnagar University on May 24, 2010. According to reports, the clash was over establishing supremacy on the campus. Witnesses said supporters of Asghar Ali, joint secretary of the newly formed JU unit of BCL, attacked the activists backing its vice-president Rashed Reza Diken while they were asleep. The University authorities on the same day expelled Asghar from the University for three months. About 20-25 supporters of Asghar divided into several groups, entered different rooms and attacked the activists of Diken group with machetes, iron rods and hockey sticks, leaving at least eight of them injured. A contingent of police was deployed on the campus after the incident.²⁵ Police filed a case but they were not able to arrest anyone.
- 5) On September 17, 2010, activists of the Jubo League²⁶ and Chattra League went on a rampage forcing the administration to postpone the recruitment examination for the Deputy Commissioner's office in Pabna. 15 people were injured including teachers and Additional Deputy Commissioner (General) Bijoy Bhushan Pal. The official car of the Rajshahi Divisional Commissioner and four other vehicles, which included the official vehicles of the Additional District Magistrate, Additional Deputy Commissioner and Pabna Sadar Upazila Nirbahi Officer, were vandalised. The activists also broke the windows of Pabna District School and Government Girls High School burning scripts, and admission cards. Two cases were filed with Pabna Sadar Police Station in this regard and police arrested 2 persons in connection to this incident. 30 other persons named in the FIR, including Ahmed Sharif Dablu, President of the Chattra League of Pabna District unit and also the former President of the same unit, surrendered before the court.²⁷

On September 27, 2010, HT Imam, Advisor for the Prime Minister; and the State Minister for Home Affairs Shamsul Haque Tuku sat with the district administration to discuss the incident. HT Imam rebuked the officials of the district administration for narrating the incident before the press without taking permission from the higher authorities. Blaming the media for the entire incident, he said, "Media is responsible for creating enmity between the ruling party and the district administration. Awami League was not involved in the incident of attack on the recruitment examination conducted by Pabna district administration."²⁸

²⁵ The daily New Age, 25/05/2010

²⁶ Youth wing of Awami League

²⁷ The daily Naya Digonta/Kaler Kantho, 18/09/2010

²⁸ The Daily Ittefaq, 28/09/2010

On September 28, 2010, Deputy Commissioner Dr. ASM Manjur Kader and Police Superintendent Jamil Ahmed were removed from Pabna. Dr. ASM Manjur Kader was transferred to the Ministry of Establishment while Jamil Ahmed was transferred to the Police Headquarters. Furthermore, Additional Police Super Mosharraf Hossain Miajee was transferred to the police headquarters, while Pabna Sadar Upazila Nirbahi Officer Abdul Halim was transferred to Monpura Upazila in Bhola.²⁹

- 6) On October 8, 2010, there was a scheduled rally of the BNP in Bonpara, Natore. Former General Secretary of the Awami League-backed Chhatra League³⁰ and former Information and Research Secretary of the District Awami League Professor Zakir Hussein led a group of miscreants, including Awami League-backed Chhatra League General Secretary of Boraigraam Upazila Shafiqul Islam, Jubo League leaders Rakib, Jamil and Babu, on an attack on the political procession. Sanaullah Noor Babu (40), Boraigraam Upazila Chairman and the President of the Boraigraam Municipality BNP, was beaten to death in public. During the attack, another 35 people were injured. Later a video footage of this incident was released and aired on television. In spite of these attacks by the Jubo League and Chhatra League of the Awami League, on October 12, 2010, Prime Minister Sheikh Hasina commented on the death of Sanaullah Noor Babu that “The BNP’s internal-conflicts are responsible for the killing of the Chairman of Boraigraam Upazila in Natore. They have murdered their own man and are now filing cases.”³¹

Police arrested 4 out of 27 persons named in the First Information Report (FIR). Seven others surrendered before the court. No charge sheet has been submitted till the preparation of this report. Odhikar believes, such statements are unhelpful and interfere with the investigation of a brutal murder. It also hinders independent functioning of the administration and the judicial process.

Moreover, on October 13, 2010, the Awami League Parliament Member of Boraigram-Gurudashpur constituency, Abdul Quddus, in a meeting at Bonpara, made a statement reassuring the individuals charged with the murder of Sanaullah Noor Babu that “There is nothing to be scared of. Awami League is currently governing the state. Nothing will happen to those who have been accused of being involved in this murder case.”³²

On October 19, 2010, Mahua Noor, wife of the deceased Sanaullah Noor Babu, said at a press conference at the National Press Club that “My husband’s murderers are not content with having just killed him. Now they are threatening me to withdraw the case that has been filed against them.”³³ Though a case has

²⁹ The Daily Ittefaq, 29/09/2010

³⁰ Youth wing of Awami League

³¹ The Daily Amader Shomoy, 13/10/2010

³² The Daily Star, 14/10/2010

³³ The Daily Manabzamin, 20/10/2010

been filed against 27 people allegedly involved in this incident, police arrested only one person.³⁴

- 7) Six people died and about 200 were injured in Sirajganj, as a high-speed train ran over members of the public who gathered over a railway track in order to listen to a speech delivered by the Opposition leader Begum Khaleda Zia. The incident took place on October 11, 2010, 20 yards away from the designated place of meeting at Mulbari rail-crossing area on the eastern adjoining road to the Bangabandhu Jamuna Bridge. After the incident, an angry mob torched the train. A clash broke out between the police and the public at that time.³⁵ Police have filed 5 cases with the Jamuna Police Station and 3 cases with the Railway Police against 15,000 anonymous people including 38 BNP leaders. 77 people have been arrested so far. Meanwhile, authorities informed that it was against the provisions of the railway laws to hold a meeting at the designated place (on the railway tracks).³⁶

o *Section 144*

During 2010, the authorities applied section 144 of the Code of Criminal Procedure 114 times, to stop political gatherings. Section 144 of the Code of Criminal Procedure allows a Magistrate to give a temporary order for the cessation of activities if he/she considers such activity to be, among other things, disruptive of public tranquillity or endanger human life or be a danger to health or deems such activity to be a riot or an affray.

Table-2: Section 144 applied in 2010

Divisions	Number of incidents
Dhaka	20
Chittagong	24
Rajshahi	28
Khulna	19
Sylhet	5
Rangpur	14
Barisal	4
Total	114

Comments: These statistics and examples are the reflections of the whole year's political situation, where two features are noticeable- impunity: if crimes are committed by the members of the party in power, the police tend to look the other way, and the message given to the government officials, to tolerate misdeeds of the supporters of the present regime's political party, or else the government's wrath will befall on them.

³⁴ The Daily Star, 11/10/2010

³⁵ The daily Kaler Kantho, 12/10/2010

³⁶ The daily Jugantor, 14/10/2010 and the Prothom Alo, 23/10/2010

In 2010, the occurrence of a number of sensitive incidents brought new volatility to the political situation towards the end of the year- this is a symptom of social and political instability. The situation is rendered more volatile as the leaders at the top of the hierarchy of the two major political parties, Awami league and BNP, engage in verbal battles over levying blame and responsibility for the incidents upon each other. The confrontational political environment between two major political parties impeded the democratic atmosphere of the country in 2010.

- *Hartals (Strikes)*

Hartals are often declared by political parties, imposing the shutting down of daily activities, to protest against the government. Hartals in Bangladesh disrupt the rights of others, but are employed as a tool to pressurise the government. In 2010, three countrywide day-long hartals were observed. All three were called by the BNP and took place on June 27, November 14 and 30. A scheduled hartal on December 26 was called-off, reportedly following discussions with the government and the group of Ulema Mashayek. Grave human rights violations take place often before and during the hartals.

The first countrywide dawn to dusk general strike was called by BNP on June 27, 2010, allegedly to protest the power, water and gas shortages; oppression on opposition leaders and activists; closing down of media houses; tender manipulation; land grabbing by ruling party members; harassment of girls in educational institutions, politicisation of the administration; and signing of deals with foreign countries 'compromising national interests'. The night before the hartal, criminals doused a car with petrol, which caused the death of Faruk Hossain (30). 60% of his body was burnt. The hartal was marred by violence, arrest of BNP activists and baton charges by the police. 167 picketers, including BNP's Standing Committee Member Mirza Abbas, Parliament Member Shahiduddin Chowdhury Annie and Shamsheer Mobin Chowdhury, Vice-Chairperson of BNP were arrested by police from different parts of Dhaka city. RAB raided the residence of Mirza Abbas after his arrest. Afroza Abbas, his wife, alleged that some plain clothed and armed people in the presence of RAB, entered their house by breaking the main gate and beat the residents, which left at least 50 injured. Furthermore, furniture and other belongings were ransacked and older women were also injured in the attack.³⁷ After a few days Mirza Abbas and Shamsheer Mobin Chowdhury were released.

On November 14, 2010, the BNP called the next dawn to dusk hartal³⁸ to protest the eviction of the Leader of the Opposition Begum Khaleda Zia from her Cantonment house by the government the day before. Incidents of chases and counter chases took place between law enforcement agencies and activists of BNP all over the country, including Dhaka city during the hartal. According to Odhikar documentation 143 people, including hartal supporters were wounded across the country. Hartal supporters vandalized vehicles and set them on fire the day before and during the hartal.³⁹

³⁷ The Daily Ittefaq/Amader Shomoy/Human rights defender of Odhikar, 28/06/2010

³⁸ A general strike

³⁹ The daily Prothom Alo, 15/11/2010

The last hartal of the year was enforced on November 30, 2010. Alleged hartal supporters again vandalized and set fire to public vehicles. During this time, police also baton charged the BNP supporters and arrested many of them. On November 30, 2010, police attacked the picketers during the hartal hours. 212 people were reported injured during this time.

To oppose the Opposition-called hartal, government leaders often organise counter programmes. Guardians and students in different parts of the city alleged that school students were forced to attend human chains on important roads to campaign against hartals which were called on November 30, 2010, on the day before. The children had to stand for a long time in the sun. School teachers also alleged that local Members of Parliament belonging to the ruling party had asked authorities of different schools to take classes on November 30, 2010, risking the lives of the students.⁴⁰

Comments: As a human rights organisation, Odhikar has always been concerned about widespread violations of rights in hartals. To enforce hartals, supporters of hartals sometime cause mayhem and havoc, disrupt the enjoyment of rights of others, especially of those who do not want to be involved, while the law enforcement agencies attack picketeers and use excessive force including lethal force, with serious consequences. Government supporters engage with picketeers on pitched street battles, damaging private and public property.

D. The Parliament:

The Parliament is regarded as the 'house of democracy', as this is where the elected members discuss national issues, resolve differences and legislate, but in Bangladesh, in 2010, the House remained empty of Opposition MPs. The Parliament, known as 'Jatiya Shangshad' was elected in December 29, 2008.

The BNP-led Opposition that includes Jamaat-e-Islami and the Bangladesh Jatiya Party (Andalib group) has been boycotting Parliament since the inaugural day of the Fifth Session on June 2nd, 2010. The Opposition MPs walked out of the House protesting the arrest of the acting editor of Daily Amar Desh, Mahmudur Rahman. They did not return to the sixth session of Parliament on October 6. The Opposition Chief Whip, Zainul Abdin Farroque MP, announced that the BNP would not be attending the seventh Parliamentary Session either and stated that "The Speaker has not met a single demand of the Opposition. He [Abdul Hamid] has failed to place our demands before the government."⁴¹

In fact, since the inaugural session of the ninth Parliament, the Opposition MPs joined in on 21 out of 39 working days of Parliamentary sessions, while the Opposition leader Khaleda Zia, attended only three sittings.⁴² The lawmakers of BNP, Jamaat-e-Islami and

⁴⁰ The daily New Age, 30/11/2010

⁴¹ The Daily Star, 30/11/2010

⁴² The Daily Star, 14/07/2010

Bangladesh Jatiya party (Andalib group), have only attended one out of 80 sittings in the three sessions- second, third and fifth.

Comments: Boycott of Parliament by Opposition MPs has denied the electorate from having a well thought-out and accountable legislation. The Opposition is a vital tool to check and balance arbitrary use of power by the ruling party. That is now not possible because of the continued absence of Opposition MPs from Parliament.

However, the current Opposition party, the BNP, in its election manifesto, promised that if elected, it would maintain certain standards of behaviour and cooperation with the would-be Opposition. In manifesto promise number 15, titled - 'National Parliament', the BNP promised to do the following:

- In deciding on important national issues, it would partake in discussions with the opposition party and bring forth bipartisan solutions to problems.
- The Standing Committee of the Parliament would be created within the second parliamentary session and members of the opposition party would also be made chairmen of such committees.

Except for walkouts on particular issues or motions, no party or alliance would be allowed to leave a parliamentary session or meeting. Any Parliament Member absent from Parliament for a period of over 30 days, without the express permission of the Parliament, would have his/her seat be considered vacant from then on.⁴³

Odhikar feels that the BNP has not honoured its election promises in relation to Parliament by its persistent absence from the Parliament. Odhikar also urges the Government to address the concerns of the BNP and other opposition parties, to facilitate their participation for the greater good of democracy and the nation.

The Opposition is a crucial component of a parliamentary democracy and without it, checks and balances on arbitrary use of power in the Parliament (by the ruling party), is not possible to keep. However, such practice of recurrent absence, by the main opposition party, has been prevalent for some time. The Awami League, now the ruling party, also responded to its landslide defeat in the 2001 election by announcing a similar boycott of Parliament. Sheikh Hasina along with her 55 MPs remained absent for 77 sitting days in a row. At that time, Awami League had stayed away from Parliament for 223 of the 373 sittings in the eighth Parliament.

Aside from mirroring each other in their attitude towards parliamentary presence when not in the leading role, both the Awami League and BNP have iterated silent consensus to the act of collecting allowances without attending the House. Neither party, while in the governing role, has questioned such practices. Though there is no constitutional or legal provision prohibiting the taking of such allowances, it clearly gives rise to a moral contention and is considered by many as being tantamount to exploitation of taxpayers' money, under the thin guise of 'remuneration' for a service never provided.

⁴³ Election Manifesto 2008 of the Bangladesh Nationalist Party

CHAPTER II

VIOLATIONS OF HUMAN RIGHTS

A. Right to life:

o *Extrajudicial Killings*

Incidents of extra-judicial killings continued despite the government's repeated assurance that this would be stopped. The law enforcement agencies have continued killing suspected 'criminals'; members of the radical left political parties; or simply innocent people 'by mistake' without due process of law. In 2010, 127 people were killed extra-judicially. The data collected by Odhikar shows that on average 1 person was killed extrajudicially every 3 days. Out of those killed, 68 were killed by RAB, 43 by the police, 09 persons jointly killed by RAB and police; 03 by the joint operation of RAB and Coast Guard; 03 by the joint operation of RAB, Police and Coast Guard and 01 by BDR.

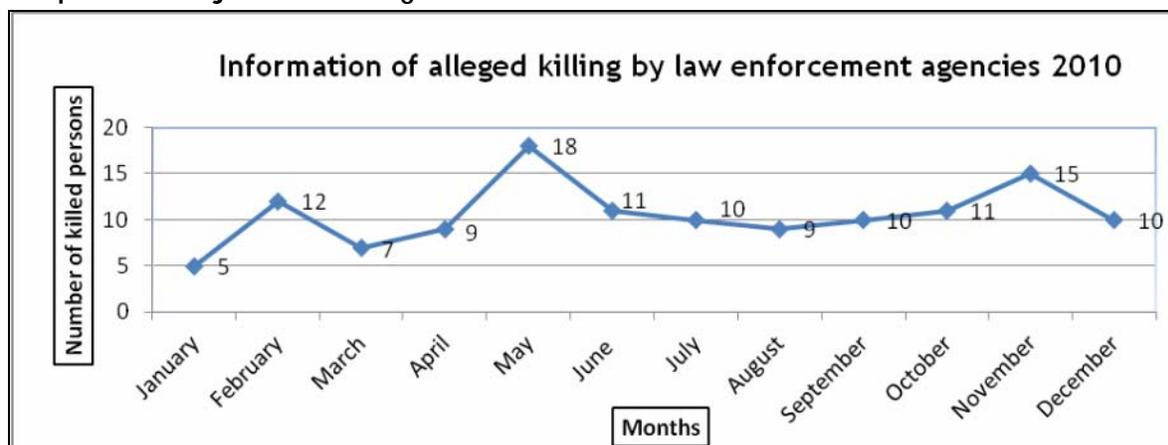
Odhikar documents all reported incidents of extrajudicial killings that includes those killed in so-called 'crossfire' as well as those tortured to death and custodial killings. It does not include custodial deaths, where the causes of deaths are not regarded, on the face of it, as illegal.

The chart below illustrates the state of extrajudicial killings in 2010. Of those 127 killed in this year, one was a leader of the cultural wing of BNP; two belonged to the Islami Chattra Shibir; one was an expelled Awami League leader; 10 reportedly belonged to Purbo Banglar Communist Party (Red Flag); 02 from Purbo Banglar Communist Party (Jonajuddho); 02 from Purbo Banglar Communist Party (Marxist - Leninist); 01 from Purbo Banglar Communist Party; 10 were from Gono Mukti Fouz; 05 from Gono Bahini; 02 from Biplobi Communist Party; 01 was from New Biplobi Communist Party; 03 were petty business men; 02 were drivers; one a street sweeper and two farmers; one a rikshaw pullar; one a transport worker; and another one was a powerloom worker; one was a mason; one night guard; 02 detainees in police custody; an employee of Appollo Hospital; 09 youths; a father of an alleged drug peddler; and 64 were alleged criminals.

Table-3: Extrajudicial Killings-2010

Information of alleged killing by law enforcement agencies 2010							
Month (s)	RAB	Police	RAB-Police	BDR	RAB-Coast Guard	RAB-Police - Coast Guard	Total
January	1	3	1	0	0	0	5
February	7	3	2	0	0	0	12
March	4	3	0	0	0	0	7
April	5	4	0	0	0	0	9
May	7	10	1	0	0	0	18
June	5	3	0	0	3	0	11
July	2	4	1	0	0	3	10
August	6	2	0	1	0	0	9
September	4	3	3	0	0	0	10
October	9	1	1	0	0	0	11
November	10	5	0	0	0	0	15
December	8	2	0	0	0	0	10
Total	68	43	9	1	3	3	127

Graph-3: Extrajudicial Killings-2010



- *Crossfire*

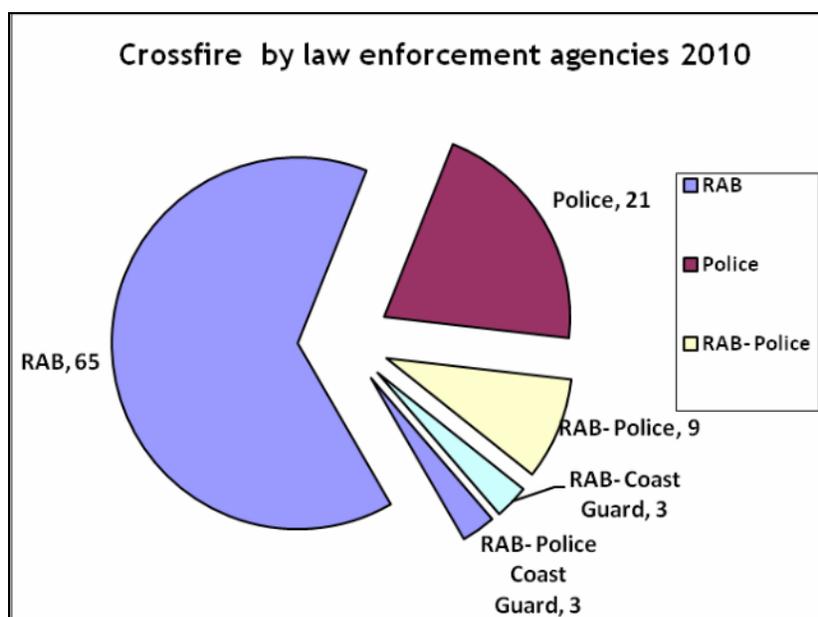
It has been reported that of these 127 reported killed extra-judicially, 101 were killed in ‘crossfire/encounters/gun fights’⁴⁴. The data shows that RAB took the top position of killing in ‘crossfire/encounters/gun fights’

⁴⁴ 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.

Table-4: Crossfire-2010

Crossfire, 2010						
Months	RAB	Police	RAB-Police	RAB-Coast Guard	RAB-Police Coast Guard	Total
January	1	2	1	0	0	4
February	6	2	2	0	0	10
March	4	2	0	0	0	6
April	5	4	0	0	0	9
May	6	6	1	0	0	13
June	5	2	0	3	0	10
July	2	0	1	0	3	6
August	5	0	0	0	0	5
September	4	1	3	0	0	8
October	9	1	1	0	0	11
November	10	0	0	0	0	10
December	8	1	0	0	0	9
Total	65	21	9	3	3	101

Graph-4: Crossfire-2010



After lengthy investigations, the Ministry of Home Affairs, in two cases, concluded that the deaths caused by RAB-Police were extra-judicial killings. Mohiuddin Arif was killed on February 3, 2010 at Pallabi in Mirpur and Kaiser Mahmud Bappi on September 10, 2009 at Rampura both in Dhaka City. On the basis of allegations made by the victims' families, two separate investigations were conducted by two Investigation Committees led by the Deputy Secretary, Law Section of the Ministry of Home Affairs. The investigation revealed that Arif had died in RAB custody due to torture, while Bappi did

not die in crossfire, as reported in the media, but was shot by the RAB. The Investigation Committees also made recommendations to punish the perpetrators under the law.⁴⁵ Such investigations however are not routine, but an exception and demonstrate that the government has the capacity to investigate to determine the true cause of death, given the political will.

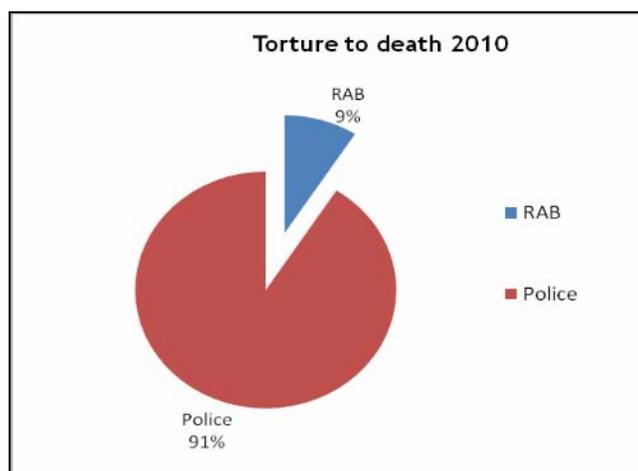
- *Tortured to Death*

In 2010, 22 persons were reportedly tortured to death by different law enforcement agencies. As per Odhikar documentation, police topped the torture list this year.

Table- 5: Tortured to Death 2010

Tortured to Death 2010			
Months	RAB	Police	Total
January	0	1	1
February	1	1	2
March	0	1	1
April	0	0	0
May	1	4	5
June	0	1	1
July	0	3	3
August	0	1	1
September	0	2	2
October	0	0	0
November	0	5	5
December	0	1	1
Total	2	20	22

Graph- 5: Tortured to Death 2010



⁴⁵ The daily Amar Desh, 25/11/2010

After a suspect/accused is arrested, he must be presented before a Magistrate within 24 hours. At this time, police routinely seek 'remand' of the accused/suspect for further questioning. The remand sought can be for a period of 3 to 15 days - occasionally more. Once taken into remand, the physical and mental abuse and torture begins. Families have been known to pay police not to torture an accused in remand. Often in remand, police carry out different degrees of torture for various reasons, including extracting a confessional statement, implicating others, and also to extract money. Although remand has now become synonymous to torture, Magistrates still allow remand with no warning to the police and still record the statements of accused persons who show mental and/or physical effects of torture or who claim to have been tortured.

The police are currently investigating the deaths of Lance Nayek Mobarak Ali and Habildar Mohiuddin.⁴⁶ Although the report states that two persons were tortured to death, figures gathered by Odhikar indicate that the number of BDR deaths due to torture is six. However, the report found that Lance Nayek Mobarak Ali and Habildar Mohiuddin were indeed tortured to death. Allegations that other BDR members, Monir Hossain, Habildar Kazi Saidur Rahman, Habildar Rezaul Karim and Assistant Habildar Zakir Hossain Bhuiyan were also tortured to death were ignored in the report.

- *Beaten to death*

Two persons were allegedly beaten to death by RAB and BDR.

- *Shootings*

During this period it is alleged that two persons were shot dead by police in Dhaka and Habigonj district. These incidents fall outside crossfire/ encounter/ gunfight/ shootout, as the two victims were reportedly shot point blank.

Comments: Throughout the year, killings in so-called 'crossfires' drew most attention, nationally and internationally. The crossfire typifies the appalling state of human rights, where security forces kill with impunity. Reports from international human rights organisations have demanded an end to the practice of crossfire and other forms of extrajudicial killing in Bangladesh. The High Court too has issued a directive to stop crossfire killings, following the 'crossfire' killing of two brothers from Madaripur on November 15, 2009. A bench of the High Court Division (HCD) consisting of Justice A F M Abdur Rahman and Justice Imdadul Huq Azad issued a *Suo Moto* Rule on the Government asking it as to why the HCD should not declare the crossfire killings of the two brothers illegal. When the Government prayed for time on the date of hearing on December 14, 2009, the Bench issued the direction to stop crossfire killings until the Rule was disposed of. Later on, when the Chief Justice reconstituted the concerned Bench, the hearing of the Rule issued was disposed of. Nonetheless, killings in the name of 'crossfire' continue in violation of the HCD directive.⁴⁷

⁴⁶ The daily Ittefaq, 13/01/2010

⁴⁷ The daily Jaijaidin, 14/01/2010

On May 28, 2010, Law Minister Shafique Ahmed claimed that crossfire killings had stopped.⁴⁸ On July 8, 2010, he further said, “Action will be taken against the perpetrators if any further incidents of extrajudicial killing occur.”⁴⁹ On June 1, 2010, a Division Bench of the High Court Division consisting of Justice AHM Shamsuddin Chowdhury and Justice Md. Delwar Hossain during the hearing of a Contempt of Court case against Chittagong Police Commissioner Moniruzzaman stated “Incidents of torture and death in custody will not be tolerated. The judges have taken a Constitutional pledge to protect the rights of the people.”⁵⁰

Despite repeated and consistent assurances by the Government, extrajudicial killing did not end in 2010, rather, members of the law enforcement agencies continued to kill so-called ‘criminal suspects’ and others outside the purview of the judicial process. Odhikar has, at every possible opportunity, demanded that the culture of extrajudicial killings must come to an end, and rule of law be restored. Odhikar also has demanded that the Government should constitute an independent Commission to investigate all reported extrajudicial killings, and those involved and responsible, be brought before law. Determined steps must be taken before rule of law crumbles further, affecting the entire fabric of the society.

Recent leaks by the whistleblower website Wikileaks, and reports in UK daily The Guardian, highlights US Embassy cables sent by the US Ambassador about a discussion between the US Embassy with the UK High Commission in Dhaka on issues of counter-terrorism. The cable reveals the involvement of these governments with RAB, and in particular, that the “British have been training RAB for 18 months in such areas as investigative interviewing techniques and rules of engagement.” The cable also said that the training had been widely disseminated within RAB.⁵¹

Considering the number of extrajudicial killings attributed to RAB, it raises serious questions about the nature and content of such trainings, and whether trainings on ‘rules of engagement’, ‘interviewing techniques’ have helped improve RAB’s practice or contributed in violating rights. Odhikar’s position on counterterrorism is very clear: that all such measures must be conducted in full compliance to rights guaranteed under the Constitution and international human rights instruments and in no way should such training contribute in violating human rights.

⁴⁸ The daily New Age: 29/05/2010

⁴⁹ The daily Manabzamin, 12/07/2010

⁵⁰ The daily Prothom Alo, 02/06/2010

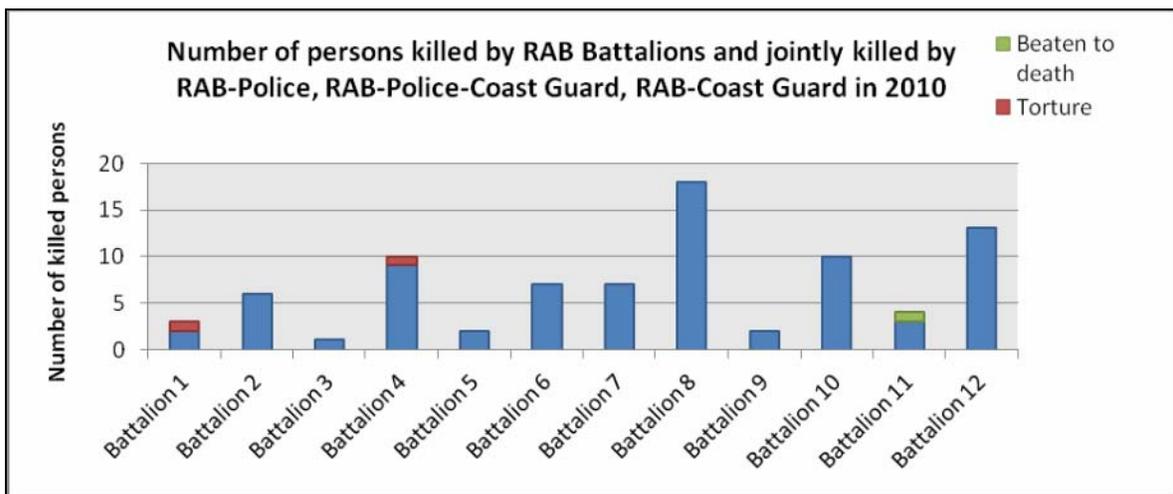
⁵¹ For more information, visit <http://www.guardian.co.uk/world/us-embassy-cables-documents/20693..>

Table-6: Killed by RAB and RAB with other law enforcement agencies jointly- Battalion wise

Number of persons killed by RAB Battalions and jointly killed by RAB-Police, RAB-Police-Coast Guard , RAB-Coast Guard- 2010																										
RAB Battalion Name	Jan		Feb		Mar		Apr		May		Jun		Jul		Aug			Sep		Oct		Nov		Dec		Total
	*C	*T	C	T	C	T	C	T	C	T	C	T	C	T	C	T	B*	C	T	C	T	C	T	C	T	
Battalion 1										1										1		1				3
Battalion 2											2				1						1		1		1	6
Battalion 3																								1	1	
Battalion 4	1		3	1							1											3		1		10
Battalion 5														1				1								2
Battalion 6											1							2		1		2		1		7
Battalion 7	1						1		1				2					1		1						7
Battalion 8			1				1		2		4		4		2						3			1		18
Battalion 9							1																1			2
Battalion 10			2		3		1		2						1							1				10
Battalion 11					1												1			1		1				4
Battalion 12			2				1		2									3		2				3		13
Grand Total	2		8	1	4		5		7	1	8		6		5	0	1	7		10		10		8		83

*Crossfire indicates “C”, Torture to death indicates with “T” and Beaten to death indicates with “B”

Graph-6: Killed by RAB and RAB with other law enforcement agencies jointly- Battalion wise



○ *Custodial Deaths*

Odhikar recognises that all deaths occurring in custody are not always due to violent causes. At times, death could have been due to natural causes or due to inadequate medical facilities or medical attention and diagnosis; or the negligent behaviour of authorities or may even be due to physical abuse and torture.

Odhikar monitors only incidents of abuse and torture in custody as Odhikar believes prisoners too have legally recognised human rights that those involved must uphold. For the purpose of reporting, custodial deaths are considered as extrajudicial killings, which are what illegal custodial deaths are, under the law. However, that is not to say deaths of prisoners and those in custody, due to poor or lack of medical attention, and due to negligence, must go unnoticed. These, too, are criminal offences and violations of the right to life and need to be investigated too.

As per Odhikar's documentation, in 2010 a total of 109 persons died in custody. 29 died custodial deaths in reported extrajudicial killings, 05 persons died in crossfire while in custody of RAB, 02 were allegedly tortured to death while in custody of RAB; 01 person died in crossfire, 20 were to death in police custody while one person was shot dead by police custody. In 2010 15 BDR jawans died while in custody. One person 'committed suicide' while in RAB custody, another one also committed suicide in court custody; 02 persons died in police station and 01 person died in court custody under unknown circumstances. 60 persons also died in Jail custody.

In addition to monitoring reported instances of custodial deaths, Odhikar conducts its own fact finding to assess the veracity of reports in the media and to reveal facts pertaining to reported incidents. These fact finding reports on deaths in custody are then sent to the Government, the National Human Rights Commission and to the relevant agencies to take further action. However, there are no significant progresses to report to. Following are the summarised reports of Odhikar's own investigations:

1. On March 4, 2010 at around 12.05 pm, Senior Assistant Police Commissioner of the Detective Branch, Mohammad Mokhlesur Rahman arrested Md. Zakir Hossain (42) from his rented house at Shahidnagar residential area in Fatulla under Narayanganj district. Zakir Hossain was taken on a 2-day remand by the DB⁵² police. He was sent to Court on March 8, 2010 after his remand period. When he was produced before the Court, police of the Ramna Model Police Station sought for remand by claiming he was arrested as an accused as part of a car stealing case. The Court granted 1-day remand. The family of the victim alleged that Zakir had been tortured to death on March 09, 2010 at around 6.00 a.m. while under police custody.⁵³ Zakir's brother-in-law filed a complaint case at the Court of the Chief Metropolitan Magistrate, Dhaka against the Officer in Charge of Ramna Police Station, Shibly Noman and Sub Inspector MA Aziz. According to family sources, the Court dismissed the case based on a report produced by the CID.

⁵² Detective Branch of Police

⁵³ Odhikar's fact finding report. See: www.odhikar.org for more.

2. Mohammad Manik (38), a night guard of Anjuman Residential Hotel in Reazuddin Bazar, 116 Station Road, under the Chittagong City Corporation, died in the Kotwali Police Station of Chittagong, on 11 May 2010 at around 7.00 a.m, while he was in police custody. The family alleged that Sub Inspector Yunus Mia arrested Manik on 10 May 2010 and tortured him during interrogation which caused his death. Manik, son of Ziaul Haq, came from Charparbati village of Kompanigonj Police Station under the district of Noakhali.⁵⁴ Manik's brother Mohammad Jashimuddin filed a murder case at the Chief Metropolitan Magistrate's Court, Chittagong. It is now pending with the Criminal Investigation Department for investigation. Accused Sub Inspector Yunus Mia is now free on bail.
3. Rabiul Islam Khokon (23), a mechanic in Majjatpara village in Chatkhila, Noakhali, was taken into remand on the 12th of May, 2010 at 1.00 am in the morning. His parents Md. Shahjahan and Rawshan Akhter accused Sub-Inspector Abdul Mannan of having tortured their son in remand. Khokon was brought to Dhaka Medical College Hospital on the morning of the 13th of May, where he died while under medical care. The family accused Sub-Inspector Abdul Mannan of torturing Khokon in police custody at the station and thereby bringing about his death. The accused, Sub-Inspector Abdul Mannan was detained at the Noakhali district jail at the time of preparing this fact finding report.⁵⁵ Khokon's mother Rawshan Akhtar filed a murder case at the Chatkhil Police Station. The case is pending for hearing at the Court in Noakhali.
4. Mohammad Idris Ali (35) of Burma Colony, Baizid Bostami, Chittagong metropolitan, died on the morning of 26h September, 2010, while receiving treatment in ward number- 13 of Chittagong Medical College Hospital. As per the allegations of his family, it is thought that his death was caused due to the torture inflicted upon him at the Baizid Bostami police station lockup and at the central jail. At 8:00pm on the evening of 13th September, 2010, Sub-inspector (SI) Priton Sharkar arrested Mohammad Idris Ali and Dipok Kumar Dash (45), on a charge of stealing an energy saving light bulb.

Another case of custodial death, shows how difficult it is to pursue perpetrators if all systems concerned, including those involved in forensic determinations, do not work properly to determine the exact cause of death.

On June 29, 2010 a CNG-run auto rickshaw driver, Babul Gazi, died in police custody. Police claimed that he got hurt falling on the road while escaping from the police van, which resulted in his death. Family members of the deceased alleged that RAB had recovered two CNG auto-rickshaws from Babul Gazi and also demanded Taka two hundred thousand from him. However, Babul could manage to pay Taka seventy thousand. He was then tortured to death by police upon failure to pay all the money.⁵⁶ Babul's post-mortem had been carried out on the basis of an un-natural death. Dr.

⁵⁴ Ibid

⁵⁵ Ibid

⁵⁶ Odhikar documentation. See www.odhikar.org for more information.

Pradeep Biswas, who conducted post-mortem of the body, mentioned the cause of death as “accidental” in the autopsy report. The autopsy report did not appear to be consistent before the High Court Division. Later a Bench of the High Court Division of the Supreme Court gave an order to form a special committee to examine the authenticity of the post-mortem report. Following this order, Dr. Kazi Din Mohammad, Principal of Dhaka Medical College, formed a three-member forensic science expert committee. The special committee mentioned in their report that the nature of the death of Babul Gazi was found to be homicidal. However, the cause of death mentioned in the post-mortem report was “accidental”, which is not true. After this report, Dr. Pradeep Biswas admitted that marks of hitting were apparent on Babul’s body.⁵⁷

Punishment of Police Officers: The year also witnessed a few instances where police officers were brought to justice. This happened when the Court issued arrest warrants against 19 persons including 12 Police Officers from Natore, following allegations of torturing to death a man named Ansar. The verdict was passed on May 10, 2010, by the Additional Chief Judicial Magistrate. A murder case was filed by ASI Jasimuddin of the Shingra Police Station on July 27, 2009 which stated that when a police patrol team was passing the Kakiyan forest, Ansar and other dacoits (armed robbers) opened fire on the police. The police returned fire which caused Ansar’s death. Ansar’s father Rojob Ali alleged that his son had been killed in a pre-planned manner and filed a complaint case at the Court of the Chief Judicial Magistrate at Natore on August 17, 2009. Magistrate Mohammad Akhtaruzzaman took cognizance of the case and directed Judicial Magistrate Mahmudul Hasan to carry out a judicial inquiry into the incident. Magistrate Mahmudul Hasan submitted his report following completion of the inquiry. His report stated that Ansar died while he was in custody and his body was dropped off inside the Kakiyan forest. The report stated further that Ansar had not been killed in crossfire, but was tortured to death while he was in custody following arrest.⁵⁸

- *Deaths in prisons*

In 2010, according to Odhikar documentation, 60 prisoners reportedly died while in prison. Prisons are vastly overcrowded in Bangladesh and afflicted with various other problems. The cells are small and often cramped, with poor sanitation and inadequate ventilation. The low quality food and lack of medical facilities help the spread of various kinds of diseases. Each year many prisoners die due to lack of treatment and the abysmal conditions that they are forced to live in. These conditions are worsened as 57 out of the 67 prisons across the country are running without a single doctor, while convicts with rigorous imprisonments are tasked with nursing the patients as no prison has a serving nurse.⁵⁹ These conditions need to be improved for inmates and basic human rights need to be respected for people who are being held in custody. It has to be noted that prison walls and cells cannot stop human rights, since human rights are available for both the free as well as the prisoners.

⁵⁷ The daily Ittefaq, 06/11/2010

⁵⁸ The daily Amar Desh, 13/05/2010

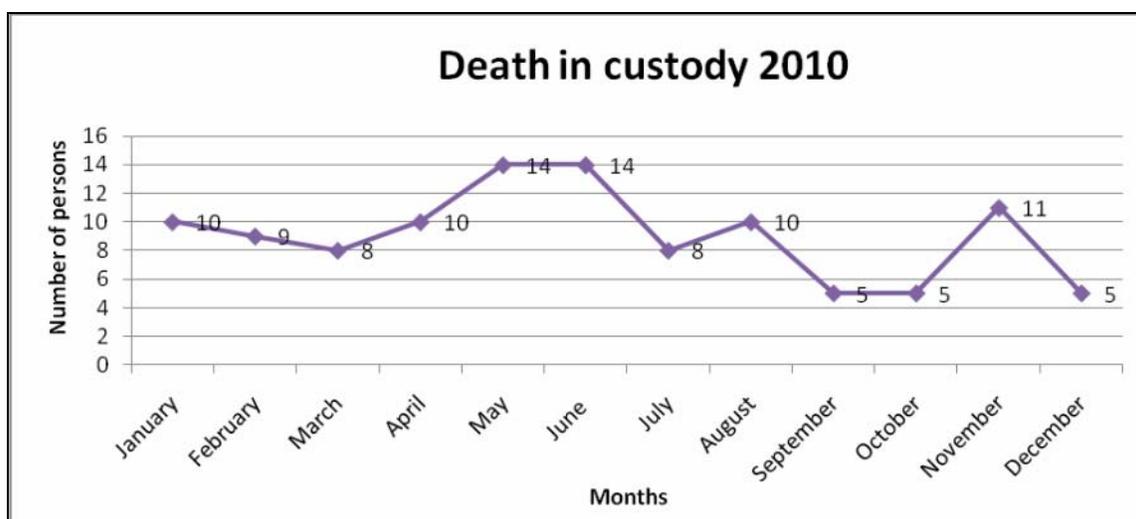
⁵⁹ The Daily Star, 16/06/2010

Comments: Odhikar has routinely demanded that the Government must bring an end to custodial deaths. It has repeatedly expressed concern over incidents relating to custodial death. It appears that despite national and international concern regarding deaths in custody, there have been no effective steps from the government to stop such occurrences. Also, Odhikar has demanded maintainance of integrity of the post-mortem examination processes. In all such cases, the impunity for crimes such as custodial deaths, or falsifying forensic results etc, should be duly investigated and prosecuted.

Table-7: Custodial Deaths 2010

Death in custody 2010												
Month (s)	Extrajudicial Killing (Custodial Deaths)						BDR Custodial deaths	Jail Custody	Court Custody	Police Station Custody	RAB Custody	Total
	Crossfire		Torture		Shot							
	RAB	Police	RAB	Police	RAB	Police						
January	0	0	0	1	0	0	1	7	1	0	0	10
February	0	0	1	1	0	0	1	6	0	0	0	9
March	1	0	0	1	0	0	1	5	0	0	0	8
April	3	0	0	0	0	0	2	5	0	0	0	10
May	0	1	1	4	0	0	1	7	0	0	0	14
June	1	0	0	1	0	0	1	9	1	0	1	14
July	0	0	0	3	0	1	2	2	0	0	0	8
August	0	0	0	1	0	0	3	5	0	1	0	10
September	0	0	0	2	0	0	2	1	0	0	0	5
October	0	0	0	0	0	0	0	5	0	0	0	5
November	0	0	0	5	0	0	1	4	0	1	0	11
December	0	0	0	1	0	0	0	4	0	0	0	5
Total	5	1	2	20	0	1	15	60	2	2	1	109

Graph-7: Custodial Deaths 2010



- *Public lynching*

Public lynching of an alleged criminal by a mob occurs in societies devoid of rule of law and by those who have no faith in the police system. This is precisely what has been happening in Bangladesh. In 2010, reports indicate that a total of 174 persons were killed by mob violence, while the number was 127 in 2009. The people who were lynched and killed in mob attacks were alleged criminals and petty thieves.

Comments: Mob killings are a public indictment against the Government, law and administration of justice. It is illustrative of the crisis of legitimacy and trust in the entire justice process and administration. Ordinary people take the law in their own hands, out of desperate feelings of helplessness, that the law would and could not protect them. They have no faith in the police, in investigation and prosecution processes, and eventually, in trials. They feel that the only justice they would get is if it is administered by themselves, and not by the existing legal mechanism. This is a message that the authorities must sit up and take seriously.

- *Death penalty*

Bangladesh has executed more than 400 people since the country became independent in 1971, and more than 1,000 others are currently sitting on death row⁶⁰. The authorities hanged five army officers convicted of killing the country's independence leader, taking the number of executions since 1971 to 411, deputy prisons chief Golam Haider said⁶¹. 'At least 36 women have been sentenced to death but none went to the gallows, another prison official said, speaking on condition of anonymity as he is not authorised to reveal figures.' Those hanged were all men," the official said, adding that at least 1,020 convicts were currently on death row.⁶²

According to Odhikar documentation, nine people have been executed by hanging in 2010. It is also reported that 83 persons have been awarded the death sentence by various courts.

An extremely broad range of crimes currently attracts the death penalty in Bangladesh. These include non-lethal crimes such as counterfeiting and smuggling. The imposition of mandatory death sentences for certain crimes deprives the judiciary of discretion to take into account possible extenuating circumstances. Executions are carried out in jail by hanging. Other prisoners are forced into carrying out the executions of their peers without any legal basis in domestic legislation. This practice clearly amounts to an inhuman and degrading treatment.

Comments: Odhikar considers the death penalty cruel, inhuman and degrading treatment and demands a moratorium to all judicial executions as a first step to abolish

⁶⁰ See: <http://www.handsoffcain.info/news/index.php?documento=1330578>

⁶¹ Ibid

⁶² Ibid

the death penalty as a form of punishment. In 2010, the International Federation for Human Rights (FIDH) and Odhikar jointly published a report titled “Bangladesh: Criminal Justice through the Prism of Capital Punishment and the Fight against Terrorism”.⁶³ The report made a number of recommendations, including appointing a high level committee to report on the application and conditions of implementation of the death penalty in the country.

The other recommendations were:

- Examine existing laws, with a view towards diminishing the scope of crimes that attract the death penalty to only those with lethal consequences, in conformity with Art. 6 of the ICCPR.
- All mandatory death penalty sentences should be repealed as unconstitutionally restricting the discretion and independence of the Judiciary, as required under international standards.
- Other prisoners may under no circumstances be delegated to carry out an execution, a practice that is not in conformity with the domestic legal framework and constitutes an inhuman and degrading treatment for concerned prisoners.
- Make public statistics on the number of death sentences and executions to allow an informed public debate on the death penalty.

○ *Disappearances*

There has been an alarming trend that Odhikar monitors, which, if not addressed and reversed immediately, could herald the onset of yet another serious crime, that of ‘disappearance’. In all the incidents of disappearances documented by Odhikar this year, it was reportedly members of RAB who pick a person up, and since then, the person remain untraced. Following are some of the reports recorded:

1. Md. Selim, a fruit vendor, disappeared after being picked up with Moinul Islam and Mohammad Ali on February 19, 2010 by a group of people who identified themselves as the members of RAB-4 from Kapashia, Gazipur.⁶⁴ Although RAB-4 confirmed the arrest of Moinul Islam and Mohammad Ali, it denied the arrest of Md. Selim. Moinul was handed over to the Cantonment Police Station while Mohammad Ali was released.
2. On March 19, 2010, Mohammad Akbar Ali Shorder (28), a resident of Collegepara in Salondo village, Thakurgaon, was arrested by members of RAB-5 as alleged by the wife of Akbar, Mosammat Parvin Akter. It was also alleged that on May 17, 2010 Akbar’s brother Ayub Ali Shorder and his business partner Abdur Rahman also went missing.⁶⁵
3. Md. Chowdhury Alam, a Councilor of Dhaka City Corporation and a member of the National Executive Committee of BNP, was allegedly picked up by RAB members

⁶³ See http://www.fidh.org/IMG/pdf/Report_eng.pdf

⁶⁴ The daily Prothom Alo, 28/02/2010

⁶⁵ Odhikar’s fact finding

in civilian dress while he was on his way to Dhanmondi by car from a relative's house at Indira Road in Dhaka city on June 25, 2010. His son, Abu Sayed Chowdhury Himu, informed Odhikar that after the disappearance of his father on 25 June, no trace has been found of his whereabouts. The vehicle which carried his father was found abandoned.⁶⁶

4. Forkan, son of Nurul Islam, residing at Saudpur village in Rajapur Upazila under Jhalkathi district, returned home after remaining untraceable for a long time. A private television channel 'EkusheTV' transmitted the news on August 12 and 13, 2010. Forkan informed journalists that he was detained in RAB-1 custody. He said that a group of RAB members in civilian dress took him to the RAB-1 office at Uttara in mid April 2010. He was kept blind folded in a dark place and was beaten regularly. He was also informed that he would be released by paying a huge sum of money to RAB officials. He was counting his days in the detention centre by putting marks on the wall. Later, RAB decided to release him for unknown reasons. He was put in a vehicle in blindfolds. After driving a long way, he was thrown out beside the road.⁶⁷
5. The family members of Nazrul Islam, Chairman of Karoldanga Union Parishad and President of Boalkhali unit BNP in Chittagong alleged that he had been picked up by RAB on November 8, 2010 from Gazipur. Hamidul Haque Manna, younger brother of Nazrul Islam informed Odhikar that they came to know from different sources that his brother was in RAB custody, but RAB did not admit to this.

Comments: Odhikar reiterates in strongest terms that the practice of law enforcement agencies to effectively arrest someone and then not announce or even acknowledged this, when approached, should be stamped out firmly before it becomes a norm. The crime of disappearance is a serious crime. Odhikar urges the Government to find and rescue or release those who have been kidnapped. The Government should provide a clear statement on the kidnapping and any killings that follow kidnappings or disappearances, and issue unequivocal instructions not to engage in kidnappings or disappearances, and bring those found responsible, before the law. Odhikar also urges the Government of Bangladesh to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly Resolution 64/167 and recognise the competence of the Special Committee on Enforced Disappearances.

⁶⁶ Odhikar's fact finding

⁶⁷ The daily Shamokal and the daily Amader Shomoy, 14/08/2010

B. Prohibition against torture and other cruel, inhuman or degrading treatment or punishment:

o *Torture*

Torture has a pervasive presence in Bangladesh. In 2010, as per Odhikar's documentation, 67 persons were reportedly tortured by different law enforcement agencies. Among them 22 persons were allegedly tortured to death.

Law enforcement agencies regularly practice torture on suspects and accused persons in order to extract confessional statements. Torture is prohibited by Article 35(5) of the Constitution of the People's Republic of Bangladesh, which states that: "No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment." However, the practice of torture has not been made a criminal offence and there is no definition of it in any law. However, despite this, section 331 of the Penal Code gives some relief stating that it is a criminal offence if someone causes grievous hurt for the purpose of extorting a confession or any information which may lead to the detection of an offence or cause the restoration of property.

Below are some incidents of torture:

Billal Hossain, a peasant residing at Bakra village in Ashashuni Upazila under Satkhira district, went to the police station on June 15, 2010, to file a complaint regarding the demand of ransom following the abduction of his son Shubha, aged 6. He was detained and allegedly tortured by Sub Inspector (SI) Ziaur Rahman by being suspended by his hands in the lock-up on the pretext that he was filing a fabricated case. Abducted Shubha's body was found in a local river (Morichchap) on June 16, 2010. SI Ziaur Rahman has only been 'closed' in relation to this incident.⁶⁸

Shila Mollick, a house wife of Madaripur went to the Superintendent of Police (SP) Tamijuddin on October 05 to complain that her land was being grabbed by her relatives, however the SP allegedly slapped her and beat her until she became unconscious. He also threatened her to kill her husband. Shila Mollick made this public in a press conference in Crime Reporters Unity of Dhaka. However, the SP refuted her allegation.⁶⁹

For the allegation of stealing a motorbike, Mizarul Haq Mirza (15), a student of class eight of Maizbari Abdul Khalek High School of Mymensingh was severely tortured by the Officer in Charge (OC), Khorshed Alam in Kotowali police station of Mymensingh who beat him from 12a.m to 3.00 am, inserted thick needles under the three nails of his right fingers and when Mirza cried for water, the OC compelled him to drink urine. The OC further threatened him that if he did not give him taka 1 and half lac, he would break his hands and legs.⁷⁰

⁶⁸ The daily Kaler Kantho, 17/06/2010

⁶⁹ The daily Kaler Kontho, 18/10/10

⁷⁰ The daily Manabzamin, 03/09/2010

Comments: Although Bangladesh signed the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on October 5, 1998, its principles are not being followed⁷¹. As per this Convention, a person cannot be physically or mentally tortured or subjected to other forms of cruel, inhuman or degrading treatment or punishment. This principle is also guaranteed in Article 35(5) of the Bangladesh Constitution.

Moreover, the Government has yet to legislate to implement the UN Convention against Torture (CAT). Since 2009, a Private Member's Bill⁷² detailing the application of CAT has been pending. Odhikar urges the Government either to speed up adoption of the said Bill, or incorporate or introduce new legislation prohibiting torture. Without specific legislation in place, widespread administration of torture will continue. Odhikar also urges the Government to sign and ratify the Optional Protocol to the Convention against Torture.

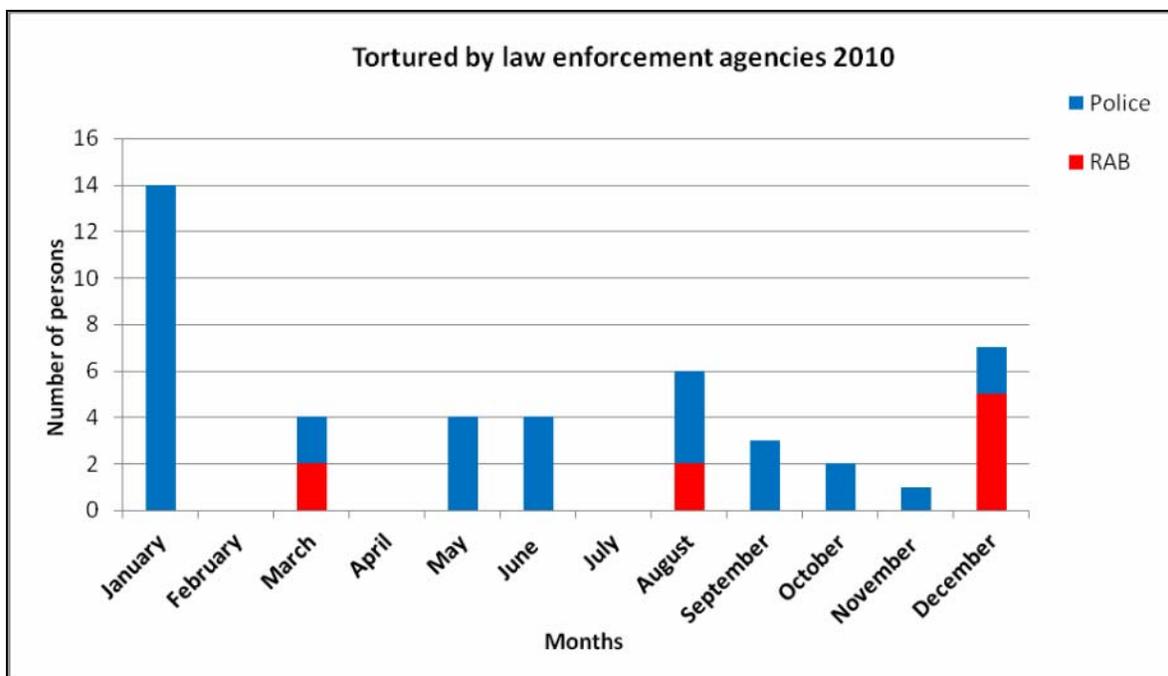
Table-8: Tortured by law enforcement agencies 2010

Tortured by law enforcement agencies 2010			
Month (s)	RAB	Police	Total
January	0	14	14
February	0	0	0
March	2	2	4
April	0	0	0
May	0	4	4
June	0	4	4
July	0	0	0
August	2	4	6
September	0	3	3
October	0	2	2
November	0	1	1
December	5	2	7
Total	9	36	45

⁷¹ Bangladesh has, however, made a declaration against Article 14 (1), which provides for reparations and compensation to victims of torture.

⁷² Proposed by Saber Hossain Chowdhury, M.P

Graph-8: Tortured by law enforcement agencies 2010



C. Fair Trials:

- *BDR Mutinee trials*

Odhikar has monitored the investigation and trials of BDR⁷³ mutineers throughout 2010. The BDR mutiny happened on February 25, 2009, during the ongoing ‘BDR Week’, an annual event of the force, when a group of protesting members attacked senior officers at the BDR Headquarters in Pilkana, Dhaka. The senior officers of the BDR are drafted from the military. During the mutiny, the mutineers killed 74 high ranking army officers, BDR members, including the Director General of the BDR and his wife and civilians. A number of family members of the army officers were confined at Pilkhana by the mutineers, and were abused. BDR jawans⁷⁴ claimed that BDR members fell victim to injustices and had been deprived of their rights by the army officers who command and control the BDR. There were some major issues behind the mutiny. BDR jawans had submitted a 50-point list of demands to the authority.

Although it started in Dhaka, the mutiny spread quickly to other BDR locations around the country. Eventually, the mutineers surrendered and a large number of BDR Jawans were taken into custody.

Trials

After the uncertainty about which law the mutineers should be tried under was resolved by the Supreme Court, the trial commenced under the law that governs the BDR. A

⁷³ BDR-Bangladesh Rifles, now renamed the Boarder Guards Bangladesh (BGB)

⁷⁴ Jawans: Soldiers

number of trials have already been completed. The following is Odhikar's summing up of fact finding reports on the trials at different places.

1. Panchagar: The special BDR Court in Panchagar issued the first verdict on the BDR mutiny trial on April 7, 2010. A total of 31 witnesses gave their testimonies in this case. Six of the 29 accused had appointed three local lawyers as 'friends of the accused' as the law did not allow them to be represented by lawyers, and they had to defend themselves. The legal counsels of the accused did not have an opportunity to cross-examine the witnesses. The accused themselves had to carry out the cross-examinations one by one, using a microphone kept on the witness-box. During examination of witnesses, at the time of trial, many of the accused told the informant of the case: "you have brought false allegations against me and are biased." The accused jawans alleged that the informant himself was involved in the mutiny. He had brought false allegations against them because they had not followed his orders. In response to that, the informant Subedar Major Amirul Huq Sheikh said, "The accused lie, whatever I said was true."⁷⁵

Before delivering the judgment, the Chair of the Court, Moinul Islam said, "All legal processes have been followed. 57 days were given for self-defense instead of 27 days. A BDR officer was appointed for legal assistance. Moreover, six civilian lawyers were also engaged in this process. The prosecution made his statement in the presence of the visitors and journalists. All legal matters have been examined. The charge was framed on April 4, 2010. Seven accused had pleaded for mercy admitting their guilt while 22 accused jawans claimed innocence. No one was willing to give evidence. Examining the prosecution witness, it has been found that a mutiny took place in Panchagar on 26 February 2009. It has been proved that the accused BDR members were involved."⁷⁶

The convicted BDR jawans loudly protested that the verdict was 'unfair' when the judges left the Court after delivering judgement. Some BDR jawans broke into tears. Many said, "The real culprits are roaming around and we are being punished. The informant and witnesses were involved in the mutiny, but they have been spared. We did not get fair justice." The convicted also stated that the internal investigation of the BDR had not been neutral at all.⁷⁷

2. Thakurgaon: It has been learned from the human rights defenders of Odhikar at Thakurgaon that on the first day of the trials at the 20 Rifles Battalion, 39 new BDR Jawans were accused. On the second day, on February 4, 2010, 51 BDR members were accused and brought before the 'Special Tribunal - 2'. The Tribunal declared that the legal counsels of the accused would not be given opportunity to cross-examine the witnesses, and that the accused themselves would have to carry out the cross-examinations. The second judgment of the BDR mutiny case was delivered on April 12, 2010. The BDR jawans who claimed to be

⁷⁵ Report of human rights defender of Odhikar at Panchagar, 08/04/2010

⁷⁶ Ibid

⁷⁷ Ibid

innocent were- Nayek Enamul Huq, Assistant Lance Nayek Siddiquil Islam, Nayeb Subedar Shahidullah Biswas, Sepoy Shahjahan, Sepoy Nahidur Rahman Khan, Habibur Rahman and Saidur Rahman. In a tent next to the Court, before the judgement was passed, the accused BDR members Shahjahan, Nahid and Ziaur told Odhikar: “we are not criminals. If anyone is accused of the offense then all BDR members must be accused. All were physically or mentally involved in that incident.” The convicted BDR jawans stated after the verdict that “a general amnesty declared by the Prime Minister was not considered. They have violated the Prime Minister’s commitment regarding a general amnesty to all.”⁷⁸

It has been observed that BDR members who claimed to be innocent were produced before the Court in fetters while others were in handcuffs. The BDR jawans who claimed to be innocent were; Nayek Enamul Huq, Assistant Lance Nayek Siddiquil Islam, Nayeb Subedar Shahidullah Biswas, Sepoy Shahjahan, Sepoy Nahidur Rahman Khan, Habibur Rahman and Saidur Rahman.

3. Feni: The legal counsels taking part in the Feni trials came out during the lunch recess to inform Odhikar that of the 62 accused, only eight BDR members had employed legal counsel. The eight were reconsidering their decision as the legal counsel was not granted any opportunity to take part in cross-examinations. Financial incapacity of the BDR members was also another reason behind the lack of engaging a legal counsel.

The third verdict of the BDR mutiny case was delivered in Feni on April 18, 2010. Habildar Ruhul Amin, Sepoy Mizanur Rahman, Sepoy Bashir Ahmed and Sepoy Mohiuddin Roni were sentenced to 7-years imprisonment and pleaded ‘not-guilty’ during the prosecution. In this regard, Raju, son of Bashir Ahmed and Mohsin Ali, father of Mizanur Rahman told Odhikar that “it was a farce in the name of trial. We did not get fair justice.” They also stated that the Court acquitted five accused BDR members who had confessed in writing before the Court during the prosecution, whereas those who claimed innocence were given the maximum penalty. They claimed that the accused had no scope for self-defense in the Court. The accused BDR jawans had to cross-examine the witnesses as their lawyers were not allowed to do so and the judge himself replied on behalf of the witnesses.

4. Satkhira: The fourth judgment was pronounced in Satkhira on April 19, 2010 in connection with the BDR mutiny for the 7th Rifles Battalion at the BDR Special Court-1. The BDR Director General, Moinul Islam, before delivery of judgement, warned the accused BDR members that if any BDR jawan was found reacting during or after the pronouncement of the verdict, he would be charged with contempt of Court and his term of imprisonment increased.

While taking the convicted BDR members to the prison, they shouted and said “we were innocent; we have been punished with prejudice. We oppose this verdict.”

⁷⁸ Human rights defender of Odhikar at Thakurgaon

After the judgement, Aklima, wife of one of the convicted BDR jawans, told Odhikar that it had not been a fair trial. Her husband had been punished based on false testimony. The son of a BDR jawan told Odhikar, “My father was innocent. It was a farce trial. Innocent people have been punished.” The BDR Special Court-1 sentenced 56 out of 60 BDR jawans of the 7th Rifles Battalion to different terms of imprisonment. The Court acquitted Sepoy Zahidul Islam, Habildar Golam Masud, Nayek V M Moqbul Hossain, and Sepoy Golam Mostafa Sagir as the charges brought against them were not proven.

5. Rangamati: On May 3, 2010, the second case of the BDR mutiny began at Rangamati. On this day, the Special Tribunal-4 took the confessional statements of 25 eye-witnesses against 75 Jawans of the 9th Marissha Rifles Battalion. Afterwards, the accused were allowed to cross-examine the eye-witnesses. Lt. Colonel Shamimur Rahman, the Prosecutor of this case and the Commander of the 9th Marissha Rifles Battalion applied for the inclusion of 16 more eye-witnesses. This application was granted by the Tribunal. Therefore the total number of witnesses amounted to 101. The Tribunal declared that the next hearing of this case would be on January 10, 2011.

The verdict of the BDR mutiny at the 12 Rifles Battalion, Rangamati was given on May 2, 2010. The then Director General of the BDR Moinul Islam read out the verdict. The local human rights defenders of Odhikar followed the trial process. After the verdict was read out and the sentenced Jawans were on their way to the Rangamati District Jail, some of them tried to shout out claiming their innocence.⁷⁹ One of the brothers of the sentenced Sepoy Md. Shakhawat Hossain told Odhikar, “This is a one-sided trial. Justice was not served here”. Ajmol Hossain, younger brother of sentenced Sepoy Abul Kalam Azad told Odhikar, “My brother joined work on February 23 after spending his holiday at home. He was tagged in this case as part of a conspiracy”.

6. Sylhet: The verdict of the BDR mutiny case at Sylhet was declared on 2nd August, 2010. The special BDR Court-3 declared the verdict of the BDR mutiny case by accusing 14 BDR jawans of the 8-Rifles Battalion stationed at Sunamganj who have been sentenced to different terms of imprisonment. During the trial one of the accused said, “We spent 1 year and 2 months in jail. We were unable to produce any witnesses due to our detention. We did not get any assistance for this purpose.” Md. Abdul Alim, younger brother of convicted BDR jawan Abdul Wahid told *Odhikar* that many people were involved in the mutiny. Those who were prime actors in this incident have been protected. Many of the convicted persons are victims of conspiracy. “My brother did not get proper justice.”⁸⁰

Thirty-nine BDR jawans of the 21-Rifles Battalion, Sylhet, were sentenced to jail terms ranging from four months to seven years. Each of the convicts has also been fined Taka 100. The judgement was passed by BDR special Court-14 on 29th

⁷⁹ The daily Prothom Alo, 3/05/2010

⁸⁰ Human rights defender of Odhikar at Sylhet

December, 2010. Five of the 44 accused have been acquitted. Col SM Farhad, director of communication of BDR Headquarters, was the chief judge while Lt Col Akhtaruzzaman and Major Maksudul Alam were members of the court.

Fifty-nine BDR jawans of the 38-Rifles Battalion, Sylhet, were sentenced to jail terms ranging from four months to seven years. Each of the convicts has also been fined Taka 100. The judgement was passed by BDR special Court-14 on 30th December, 2010. Two of the 61 accused have been acquitted.

7. Lalmonirhat: On July 27, 2010, the trial of BDR mutiny case of 31 Rifles Battalion of Lalmonirhat commenced. The trial had begun at the Special Court 2 built in the Headquarters of the Battalion under the BDR Director General Major General Rafiqul Islam. The allegation brought against 24 arrested BDR jawans under a case filed by Junior Commissioned Officer (JCO) Subedar Habibur Rahman of 31 Rifles Battalion was presented before the Court.⁸¹

The judgement of the BDR mutiny case had been delivered in Lalmonirhat on November 23, 2010. Dinajpur BDR Sector Commander Col. Saleh Ahmed announced the verdict in the Special Court. 23 of the accused BDR jawans of the 31st Rifles Battalion were sentenced to different terms of imprisonment from 5 years to 4 months along with a fine of Taka 100. The Court acquitted one BDR jawan named Abu Bakkar Siddique.

8. Bandorban: The trial of the BDR mutiny case began at Balipara, Bandorban on April 22, 2010. Outgoing Director General of the BDR, Moinul Islam chaired the panel as Judicial Head. Human rights defenders of Odhikar, from Bandorban have informed that Md. Sultan Ahmed, acting Subedar Major of the battalion, submitted allegations before the 'Special Court-4' against 35 accused BDR members out of 110 arrestees belonging to the 10 Rifle Battalion.

The verdict of the BDR mutiny at the 10-Rifles Battalion, Bandorban was given on November 9, 2010. Col. Mohammad Bashirul Islam read out the verdict at the BDR Special Court-16. The Court sentenced 35 accused BDR jawans of the 10-Rifles Battalion to different terms of imprisonment from the highest imprisonment of 7 years to a minimum 6 months. All of them have been fined with 100 Taka. 12 out of 35 BDR jawans have admitted their involvement in the mutiny. The Court decreased their punishment as per the BDR Act of 1972 for admitting their crimes. The Court ordered to hand the convicted BDR Jawans over to police and to keep them in Bandorban District Jail.

9. Joypurhat: The verdict of the BDR mutiny at Joypurhat-3 Rifles Battalion, was given on December 23, 2010. Special Court- 13 headed by Dinajpur Sector Commander Col Saleh Ahmed, announced the verdict at the BDR headquarters in Joypurhat. The two other members of the court were Lieutenant Colonel Mahafuj

⁸¹ Human rights defender of Odhikar at Lalmonirhat

Alam and Major Didar Al Latif. Deputy Attorney General Bishwajit Roy assisted the Court as the Attorney General's representative while the Joypurhat Battalion Commander Lieutenant Colonel Mehedi Hasan was the prosecutor in the case. The special court jailed 20 soldiers of the Joypurhat-3 Rifles Battalion to different prison terms from the highest imprisonment of 5 years and six months to a minimum of 4 months. All the convicted were also fined Tk 100 each. In the trial, 13 soldiers out of 20, confessed to their involvement in the mutiny. Seven convicts, however, claimed innocence. They were taken to the Joypurhat Central Jail immediately after the verdict. The charge framing hearing began on November 29th and continued till December. The court recorded the deposition of 18 witnesses.⁸²

Table-9: Sentencing for BDR mutiny trials

SENTENCING FOR BDR MUTINY TRIALS											
Conviction	Panchagar (25- Rifles Battalion)	Thakurgaon (20- Rifles Battalion)	Feni (19- Raifles Battalion)	Satkhira (7- Rifles Battalion)	Rangamati (12- Rifles Battalion)	Sunamganj (8- Rifles Battalion)	Lalmonirhat (31- Rifles Battalion)	Bandorban (10- Rifles Battalion)	Joypurhat (3- Raifles Battalion)	Sylhet (21- Rifles Battalion)	Sylhet (38- Rifles Battalion)
Fine	One hundred taka each	One hundred taka each	One hundred taka each	One hundred taka each	One hundred taka each	One hundred taka each	One hundred taka each	One hundred taka each	One hundred taka each	One hundred taka each	One hundred taka each
Seven years (maximum penalty)	13	2	4	24	1			4		1	12
Six years and 6 months											2
Six years	1	5			3	1		2			7
Five years and 6 months		2							1		
Five years		5		4	1	1	2	8	1	1	3
Four years and six months			3	3				1			
Four years three months			1								
Four years	1	-	2	5		2	1	4	1	4	2
Three years and nine months									1		
Three years and six months										1	7

⁸² The daily New Age, 24/12/10 and the Daily Star, 24/12/10

Three years and three months									1		
Three years	6	2	6	3	1	3		6	2	3	5
Two years and six months			15	1		2	1			2	1
Two years	2	4	9	4	3	1	2	4	3	3	1
One year and six months			4	3		1	9		2	5	1
One year and three months							1				
One year and one month	5	3		5							
One year			5			1	3	1	1	10	7
Nine months							2		1		
Six months		14	2	1			1	5	4	1	10
Four months	1	13	6	3		2	1		2	8	1
Acquitted	-	1	5	4			1			5	2
TOTAL	29	51	62	60	9	14	24	35	20	44	61

10. Dhaka: The trial of the BDR mutiny started again at Dhaka on April 12, 2010. As per the Court order, 293 BDR jawans from jail and 330 jawans from different units of the Rifles Battalion were produced before the Special Court. Of them, Nayek Subedar Helal, Habildar Shafiqul Islam and Sepoy Mizanur Rahman, who were sick, were kept in the ambulance with prison guards in front of the main gate. The Court heard the statement of the prosecutor and 623 BDR members standing in the witness-box were given more than 27 days for self-defense under the BDR Ordinance, 1972. The Court fixed May 19, 2010 as the next date for hearing.

BDR members accused in the Pilkhana BDR mutiny trial have retracted their confessional statements. Their applications for retraction stated that they were tortured and forced to provide confessional statements.⁸³ 256 alleged mutineers of the BDR hospital unit were taken before the Special Court-6 set up at the BDR Headquarters at Pilkhana. On April 29, 2010, the three-member Court, presided over by the outgoing BDR Director General, Moinul Islam, set the date for framing of charges on November 22, 2010 after prosecutor Lt. Col. SMA Al-Muid had read out the charges against the accused BDR members. It ordered the arrest of 166 of the alleged mutineers as they were still in service. The 90 others were already in

⁸³ The daily Manabzamin, 21/01/2010

jail. The Court also ordered the prosecutor to produce all 256 accused BDR members in court on November 22, 2010.⁸⁴

It has been learned from the human rights defenders of Dhaka that the trial process at the Pilkhana began on February 23, 2010 at the Darbar Hall, the very place where the BDR mutiny had sparked off. A total of 86 Jawans were accused at the Dhaka trials. On March 15, 2010, the BDR mutiny trial resumed at Pilkhana, Dhaka. The Plaintiff of the case pleaded that 69 BDR members from the 36th Battalion be arrested. Later on the Tribunal directed to arrest of those men. On May 3, 2010, the process of the Dhaka BDR mutiny trials resumed. The Tribunal directed the 187 BDR members of the Peelkhana Signals Sector and 113 members of the Rifles Security Unit to appear before it on the date of framing of charges. The BDR- DG Moinul Islam carried out the examination-in-chiefs of Subedar Major Ansar Ali Bir Protik of the Signals Sector and several others. The Tribunal set December 5, 2010 as the date for the charge framing of the BDR members of the Signal Sector and December 19, 2010 for the members of the Rifles Security Unit.

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

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

On September 5, 2010, 150 out of 667 accused BDR members of 24 Rifles Battalion have been cross examined by Junior Commissioned Officer (JCO) Motiur Rahman at the special court set up in the Darbar Hall of the BDR Headquarters. On September 6, 2010, Dhaka Sector Commander of the BDR Col. Aziz Ahmed said that there were 64 witnesses. Of them, two have given their testimonies. The chair of the court, BDR Director General Major General Rafiqul Islam along with panel of Judges Lt. Col. Golam Rabbani, Major Saeed Hasan Taposh and a representative of the Attorney General, Mohammad Sohrawardi were present at the Court.⁸⁵

Meanwhile, on July 12, 2010, the Criminal Investigation Department of Police (CID) submitted a charge sheet of 132 pages against 824 accused persons in connection with the Pilkhana BDR mutiny case. BNP leader Nasiuddin Ahmed Pintu, Awami League leader Torab Ali and 23 other ordinary citizens were

⁸⁴ The daily New Age, 30/04/2010

⁸⁵ The daily Amader Shomoy, 06/09/2010 and the daily Shamokal, 07/09/2010

included in the list. Among the BDR members, 6 Deputy Assistant Directors, 44 Subedars, 80 Habildars, 60 Nayaks, 68 Lance Nayaks, 504 soldiers, 14 chefs, 1 office clerk, 1 peon and 1 hospital boy, 2 caretakers, 18 sweepers and 2 carpenters. A total of 1285 witnesses, including Ministers, Parliament Members and Army officers have been identified. It has been stated in the charge sheet that the incident of mutiny basically occurred in relation to the demands placed by the members of the BDR.⁸⁶

Trials are still continuing for those accused with involvement in the BDR mutiny case of Naogaon 46 and 43 Rifles Battalion; Bandorbon 15 Rifles Battalion; Rangamati 18 Rifles Battalion; Satkhira 41 Rifles Battalion; Brahmanbaria Sorai 1 Rifles Battalion; Sylhet 14 Rifles Battalion; Rajshahi 37 Rifles Battalion; Khagrachori Khedachhra²⁹ and Panchhari 30 Rifles Battalion; Khulna 23 Rifles Battalion; Cox's Bazar 17 Rifles Battalion; Jessore 22 Rifles Battalion; Kushtia Mirpur sector 32 Rifles Battalion and 35 Rifles Battalion; Chapainabaganj 39 Rifles Battalion; Mymensingh 45 Rifles Battalion; Netrokona 16 Rifles Battalion; Dinajpur 2 Rifles Battalion; Kurigram 27 Rifles Battalion; Satkania 10 Rifles Battalion and the Headquarters of the BDR at Pilkhana.

Charges under the Explosives Act 1884

The CID has submitted a charge sheet on July 27, 2010 in relation to the BDR mutiny case under the Explosives Act, 1884. A total of 808 BDR jawans and a civilian named Zakir Hossain have been accused in a 112-page charge sheet under sections 3, 4 and 6 of the Explosives Act, 1884.

Comments: Odhikar demands that all the trials be fair, where accused should have access to all information, and proper facilities to defend themselves. Odhikar further demands that the reports of the Inquiry Committees one initiated by the Ministry of Home Affairs and the other initiated by the Bangladesh Army should be made public.

D. Discrimination on grounds of ethnicity or religion:

o *Ethnic Minorities*

The Constitution of Bangladesh prohibits discrimination on grounds of religion, race, caste, sex or place of birth.⁸⁷ However, in 2010, Odhikar documented numerous violent attacks, and discriminatory practices against ethnic minorities. A few examples of targeted attacks against minorities have been described below:

1. Two ethnic minority persons were killed as army opened fire on a group of agitated ethnic minority people feuding with settlers in Gongaram Mukh area in Baghaichori Upazila at Rangamati on 20th February, 2010. Seven persons were injured and 200 houses were torched.⁸⁸

⁸⁶ The daily Kaler Kantho, 13/07/2010

⁸⁷ Article 28, the Constitution of the People's Republic of Bangladesh

⁸⁸ The Daily Star, 21/2/10

2. Similar clashes occurred on February 23, 2010 at Khagrachori. An employee of the Khagrachori Pouroshabha was killed in the clash. A total of 66 homes were burned down and 50 people were injured.⁸⁹ The district administration declared a two day long curfew at Khagrachori. Section 144 of the Code of Criminal Procedure was enforced for six days by the district administration.⁹⁰
3. People belonging to the ethnic minority community were allegedly attacked over a land dispute belonging to a Church at Mithapukur in Rangpur on March 20, 2010. There were calls for action after the dispute, including calls for legal action against the attackers, a rally that demanded that the attackers withdraw the criminal case filed against the Christians, and that the Government ensures security of the religious minority groups.

Comments: 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. It is essential that human rights abuses against ethnic minority communities are stopped and that the State performs its responsibility to end incidents relating to torture, abuse and harassment of ethnic minorities.

In this regard, the Judiciary's role is critical. Odhikar commends those Judges who not only apply laws in given situations, but through their judgments, send strong messages to others not to discriminate on ethnic and other grounds. Vigilant judiciaries in all societies are the only hope to protect the rights of vulnerable communities.

Table-10: Repression on ethnic minorities

Repression on ethnic minorities 2010					
Month	Injured	Killed	Land grabbing	Rape	Total
January	11	0	0	1	12
February	57	2	1	1	61
March	20	1	1	0	22
April	0	0	0	0	0
May	0	2	0	0	2
June	33	0	0	0	33
July	10	1	0	1	12
August	0	0	0	0	0
September	5	0	0	0	5
October	0	0	0	0	0
November	0	0	0	1	1
December	4	0	0	0	4
Total	140	6	2	4	152

⁸⁹ The Daily Star, 24/02/2010

⁹⁰ The daily Juganto, : 26/02/2010

○ *Religious Minorities*

The Penal Code criminalises the defilement or destruction of a place of worship or publication of any material disrespectful of a religious group, with punishments, on top of the Constitutional prohibition to discriminate or otherwise violate rights of religious minorities, but still, in 2010, there were numerous reported incidents of repression on religious minority communities. Some incidents are noted below:

1. Ohid and his gang, on May 10, 2010, attacked a group of Hindus due to previous enmity. Eight people, including women, were injured in the attack at Akhaura.⁹¹
2. Dhaka City (Ward 11) Awami League leader Hazi Islam and Sutrapur Thana Awami League President Abul Hossain, on August 11, 2010, attacked a Hindu temple 'Shree Shree Radhakanto Thakurani Lokkhi Janordhon Chokro Jiobigroho' at Lalmohon Saha Street, Sutrapur in Dhaka. The criminals used pistols, hockey sticks, and daggers and ransacked the doors and windows and allegedly vandalised 5 idols at the temple. Justice (Retired) Gouragopal Saha and Molchanda Ghosh, President and Secretary of the Mondir Committee (Temple Committee) respectively, alleged that local Awami League leaders were involved in vandalizing temples by using their armed cadres and were trying to occupy the temple's property. Many people went into hiding in fear of the criminals.
3. An idol of the Hindu goddesses, Durga, was allegedly ransacked by a group of criminals at Kali Madir (temple) in Shreenagar upazila under Munshiganj district on September 17, 2010. The leaders of the temple committee said that on September 16, 2010, Alek Mia, Mizanur and Ashiqur with their associates came to grab the temple's land. The criminals threatened to kill the men when they tried to oppose them. Police arrested Mizanur in this connection.⁹² The assailants were released on bail from the cases filed against them and, on October 18, 2010 reportedly carried out another attack. It has been alleged that the group of miscreants are affiliated with the ruling political party Awami League, and therefore no action has been taken against them.⁹³
4. On October 18, 2010, a group of miscreants in Ghatail Upazila under Tangail district attacked members of the Ahmadiyya community. Six people of the Ahmadiyya community, including women, were injured in this attack. A group of criminals have been attacking the Ahmadiyya community at Chantara village since June 2010. In these incidents, the assailants have vandalized a mosque of the Ahmadiyya community, houses of many of the members of the group and have also injured a large number of them. Furthermore, they have abducted a girl, approximately 10 years old, of the Ahmadiyya community and have attempted to rape her. The spokesperson of the Ahmadiyya community, Ahmed Tabsir

⁹¹ The daily Jugantor, 12/05/10

⁹² The daily Amader Shomoy, 19/09/2010

⁹³ Ibid

Chowdhury, made a written complaint to human rights organisations, informing them that the community, has on several occasions, contacted the higher government authorities regarding these incidents. Even after their repeated assurances that these attacks would stop, there has been no improvement in the situation. Moreover, the assailants have been released on bail and, on October 18, 2010 conducted another attack. It has been alleged that the group of miscreants are affiliated with the ruling political party Awami League, and therefore no action has been taken against them.

One positive development this year was when a Bench of the High Court Division of the Supreme Court of Bangladesh directed that the members of religious minority communities be rehabilitated on their own land at Mothbariya, Pirojpur - the land from where they had been forcefully displaced. The Bench, constituting of Justices A H M Shamsuddin Chowdhury and Md. Delwar Hossain, gave this direction on May 6, 2010.⁹⁴

Comments: One key barometer of the state of rule of law of any society has always been how minority groups are treated there and the nature and extent of discriminations suffered on religious, ethnic or other grounds. Bangladesh seems not be faring very well on this count. The country still has not got a robust mechanism to counter discrimination on the targeted violence to dispossess minorities. This must be addressed in earnest, and prevailing impunity in this regard must come to an end.

Table-11: Repression on religious minority rights

Repression on religious minority rights 2010									
Month	Injured	Killed	Grabbing		Attack		Looted	Rape	Total
			Land	House	Property	Temple attack			
January	6	0	0	0	1	3	1	0	11
February	7	0	0	0	0	1	0	0	8
March	16	0	1	0	1	1	0	0	19
April	43	1	1	1	0	3	0	0	49
May	24	0	3	0	1	0	1	0	29
June	21	1	0	0	1	1	1	3	28
July	2	0	2	0	1	3	1	0	9
August	12	0	0	0	10	2	0	0	24
September	5	0	0	0	1	3	0	0	9
October	77	0	1	0	4	5	0	2	89
November	28	0	0	0	0	1	0	1	30
December	3	0	1	0	0	0	0	0	4
Total	244	2	9	1	20	23	4	6	309

⁹⁴ The Daily Ittefaq, 07/05/2010

E. Freedom of thought and of speech:

In Bangladesh, in 2010, the spaces of freedom of thought and conscience, and of speech have shrunk significantly. Attacks on journalists, the press, newspapers, television- all these happened this year - as well as the shutting down of a photo exhibition and the social network site Facebook. A few notable incidents are recorded as follows:

1. The photo-exhibition titled 'Crossfire' organised by Drik Gallery, was due to be opened on March 22, 2010. The police shut down the photo-exhibition about an hour before it was due to open. The event was organised with the objective of upholding the many inconsistencies of alleged 'crossfire' carried out by the law enforcement agencies. The police shut down the exhibition on the pretext that the event was being held without permission from the Government.

This act was in clear violation of freedom of thought and conscience, which are guaranteed in Article 39 of the Constitution. The High Court declared on March 29, 2010 that the Crossfire Exhibition must be allowed to reopen. The High Courts decision compelled the government to remove all obstruction to the proceedings of the exhibition.

2. Over the twelve months in 2010, it has been reported that a total of 04 journalists were killed, 118 injured, 49 threatened, 43 assaulted and 17 attacked.
3. On March 1, 2010, Monirul Islam, the Sharsha representative of the Daily Lokshamaj of Jessore was beaten with a hammer and severely injured by ten to 12 persons which included Rashed, Monir, Samaul, Hamaj and Yunus who were all members of the Jubo League⁹⁵. The Daily Lokshamaj had published a series of articles disclosing the criminal activities and trade that went on in Sharsha. It was in this connection that Monirul Islam Monir was initially threatened over the phone and subsequently attacked.
4. Senior journalist and regional correspondent of the Shaptahik 2000 in Sylhet Foteh Osmani, who was stabbed by a group of criminals on April 18, succumbed to his injuries at the Apollo Hospital in Dhaka on 28 April 2010. He was attacked with sharp weapons by criminals in front of the Eidgah in Sylhet while he was returning home from the Doladoli area of the city with a friend. Fateh Osmani, journalist of saptahik 2000, was killed by miscreants on April 28, 2010.
5. M Zahid, Rajshahi University correspondent of the Daily Star was beaten on September 1, 2010, by Awami League-backed Chattra League leader Dulal alias Raihan Dulal due to publishing reports on the activities of Chattra League in the University. Dulal also threatened with a pistol the other journalists who were present at the scene and tried to stop the incident.⁹⁶

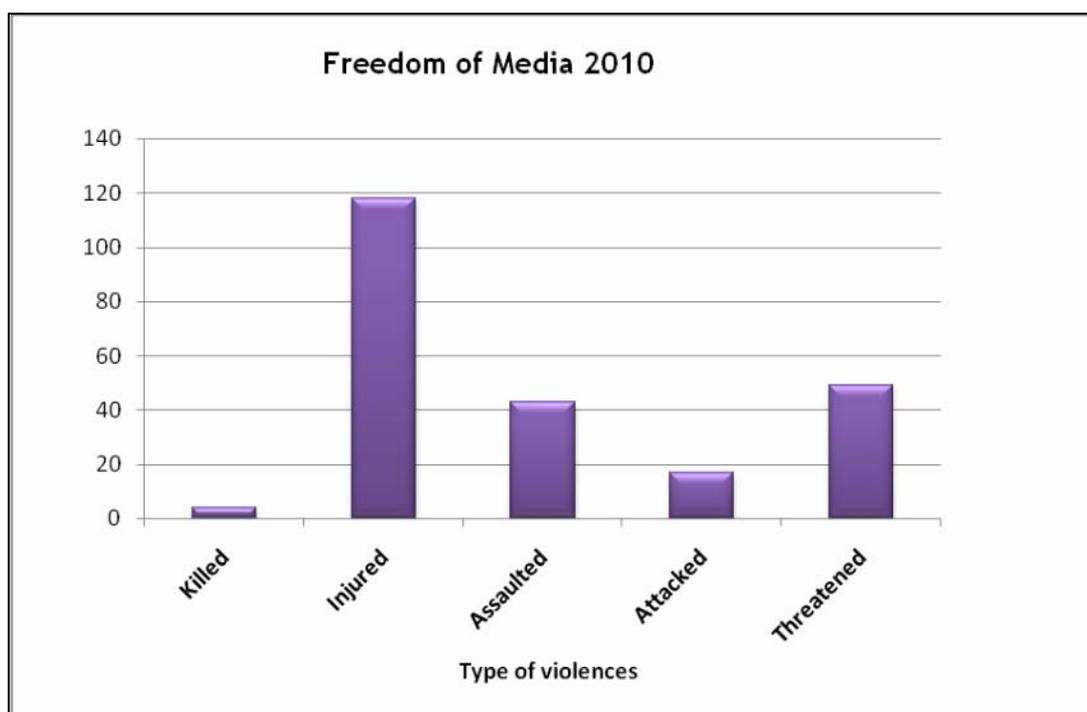
⁹⁵ Youth wing of Awami League

⁹⁶The daily Amader Shomoy, 03/09/2010

Table- 12: Freedom of the Media: 2010

Freedom of Media 2010						
Month (s)	Killed	Injured	Assaulted	Attacked	Threatened	Total
January	0	18	1	0	5	24
February	0	14	8	3	8	33
March	0	6	8	6	13	33
April	1	1	8	3	5	18
May	1	6	4	1	3	15
June	0	7	0	2	1	10
July	0	2	3	0	3	8
August	1	2	0	2	4	9
September	0	10	1	0	1	12
October	0	11	5	0	2	18
November	0	32	2	0	3	37
December	1	9	3	0	1	14
Total	4	118	43	17	49	231

Graph- 9: Freedom of the Media: 2010



- The Bangladesh Telecommunications Regulatory Commission (BTRC), on April 27, 2010, shut down a leading television channel, Channel-1 on the ground that it was using the broadcasting equipment illegally. However, Channel-1 claimed that

they owned the equipment. The channel had more than 400 staff, including journalists, technicians and administrative officials. The channel was known as a pro-Opposition television channel.

7. The publication of the Bangla-language daily Amar Desh was closed as the government cancelled the declaration of the newspaper on June 1, 2010⁹⁷. The police sealed off the press of Amar Desh at about 11.00 pm that night. At about 4am on June 2, 2010 Mahmudur Rahman, the acting Editor of Amar Desh, was arrested by armed police from the newspaper office. Police resorted to baton charging the protesting journalists in order to arrest him. A case was filed accusing over 100 journalists and other office staff on the allegation of beating Sub Inspector Md. Shafiqul and obstruction of justice. Apart from Mahmudur Rahman, the accused included; Sanjeeb Chowdhury, Abdal Ahmed, Zahed Chowdhury and Alauddin Arif.

Earlier on June 1, 2010 the publisher of the newspaper, Md. Hashmat Ali, was allegedly picked up from his residence by the members of the National Security Intelligence (NSI). It was alleged that while there, he signed some blank papers. The papers signed by Md. Hashmat Ali, now mention that although he has handed over his shares of the newspaper sometime back to Mahmudur Rahman, the latter was still publishing his name as the publisher of the paper; and for this he was also sued for publishing certain reports along with Mahmudur Rahman. However, an application had already been submitted by Mahmudur Rahman to the Deputy Commissioner of Dhaka, to include his name as the publisher of Amar Desh, as part of the handing-over process. Two cases were filed against Mahmudur Rahman on that date under the Tejgaon Industrial Area Police Station. On June 6, a third case was filed against him, at the Kotwali Police Station. He was charged for obstructing government officials from carrying out their functions - while he was already in custody.

Mahmudur Rahman was placed under four-day remand on June 7, 2010, by two Metropolitan Magistrates in two separate cases. A three-day remand was given in the Tejgaon Police Station Case and a one-day remand was granted in the Kotwali Police Station Case. In the meantime he was also implicated in two more cases, which were in Uttara Model Police Station, under Section 6(1) of the Anti Terrorism Act 2009 and also in a sedation case at the Airport Police Station, under sections 121A, 124A and 114 of the Penal Code. The Metropolitan Magistrate Ismail Hossain on June 8, 2010, placed Mahmudur Rahman under a four-day remand in the Anti Terrorism Case at Uttara Model Police Station and under another four day remand in the sedation case lodged at the Airport Police Station.

⁹⁷ Every newspaper needs the 'declaration' of the Deputy Commissioner prior to commencing its printing and publications activities.

On June 9, 2010, even though the Magistrate Court had ordered that he was to be taken in remand to the Tejgaon Police Station, in contravention to these orders, he was kept in the Cantonment Police Station, inside the Cantonment area. According to Mahmudur Rahman, on the night of June 10, 2010 at around a 1:45, five or six men entered his cell and removed his clothes. They then proceeded to jab him very hard with their elbows in his chest and back, whereupon he lost consciousness. When he awoke, he found himself lying in the room of the Second Officer of the Cantonment Police Station. He was not questioned that day.

On June 10, 2010, a bench of the High Court Division consisting of Justice Nazmun Ara Sultana and Justice Sheikh Hasan Arif, ordered the continuation of the Amar Desh publication, but the police did not allow the press to be opened for publication.

After having been being in remand for three days, on June 12, 2010, Mahmudur Rahman was brought before the Court of Magistrate Kamrunnahar Rumi. He was taken into remand for further questioning in relation to case 2 (6) 2010, lodged at the Tejgaon Police Station. At the Magistrates Court, Mahmudur Rahman told the Magistrate of the inhuman and degrading treatment he had been subjected to. He was unable to stand on the dock and the Magistrate allowed him to sit. Magistrate Kamrunnahar Rumi ordered that Mahmudur Rahman be sent to jail and be given a full medical check -up as per jail regulations. On the same day, the police of the Detective Branch of Dhaka Metropolitan area submitted an application seeking a 4-day remand to question Mahmudur Rahman regarding case filed at the Uttara Police Station under the Anti-Terrorism Act 2009. The remand was granted by Magistrate Rashed Kabir. Mahmudur Rahman was taken to the Detective Branch offices in Dhaka the same day, without any medical check-up earlier ordered by the Court. On June 15, 2010, the Chamber Judge of the Appellate Division of the Supreme Court, Justice Surendra Kumar Sinha, stayed the Order of the High Court Division for four weeks following an appeal to the Appellate Division of the Supreme Court by the Attorney General for Bangladesh, against the stay order granted by the Division Bench.

Furthermore, following a report, published in the daily Amar Desh on April 21, 2010 under the headline “*Chamber Judge Manei Sarkarer Pokkhe Stay*”⁹⁸- where the role of the Attorney General's Office was criticised; a notice of Contempt of Court was brought by two lawyers of the Supreme Court. The Appellate Division of the Supreme Court, on August 20, 2010, passed a verdict in the contempt of court case to protect the image of the Judiciary, and sentenced Mahmudur Rahman, to six months in prison and fined him Taka one hundred thousand (USD1 1449.27). This punishment was unique as the relevant law, the Contempt of Court Act of 1926, does not provide such sentences, but the Supreme Court invoked inherent jurisdiction of the Court, under Article 108 of the Constitution. The Court also sentenced Oliullah Noman, staff reporter of the Daily Amar Desh, to

⁹⁸ The sentence can be translated to: ‘*Chamber Bench*’ only means stay order in favour of the Government.

one month imprisonment for preparing the report and fined him Taka ten thousand (USD 144.92). The Court also fined the publisher of the Daily Amar Desh, Hashmat Ali Taka ten thousand (USD 144.92). Furthermore, to date, the judgement of the Appellate Division has not been written, which prevents Mahmudur Rahman from filing a Review Application against this judgement. His co-accused has already served his sentence of one month's imprisonment⁹⁹.

8. The government of Bangladesh blocked access to Facebook on May 29, 2010. The decision came after the arrest of Mahbub Alam Rodin (30) for uploading satiric images of some leading politicians, including the Prime Minister and Leader of the Opposition. A team of the RAB-10 detained Rodin at Old Dhaka. Moreover, the government was embarrassed when the report of the Anisuzzaman Inquiry Commission regarding the BDR mutiny was put up on Facebook, where the names of some high ranking government officials were mentioned. Protests over this block came from people from many different backgrounds including editors of some national dailies. The block was eventually lifted on June 06, 2010.
9. It was reported that the government had ordered the private TV station 'Banglavision' to take off the air a programme on a hangman, a convicted prisoner, who got 18 months' off for working as a hangman. According to BBC, on December 28, 2010, the government ordered the three-part show off air because it could 'frighten children'. The former hangman, who has hanged nine people in his 21 years in prison, told BBC that the programmes were mainly about his lifestyle. So far, only one part of the series has been broadcast.¹⁰⁰

The TV channel said that the motive of the programme was not a campaign against or in favour of capital punishment. According to them, it was an offbeat story about the lifestyle of a hangman inside the jai. An official of the TV station said, "A released man cannot be stopped from talking to the media - it is against the freedom of media and his freedom of rights."¹⁰¹

Comments: The state of freedom of thought, conscience and of speech now prevailing in Bangladesh is cause for concern. Whether it is the closing down of a daily newspaper, or a television station, or shutting down of a photo exhibition, or a television show, or filing several cases against an editor of a daily, use of law of defamation etc- all these indicate shrinking space for dissenting voices, a situation, which if not reversed soon, would irreparably damage growth of democracy and of a tolerant society, where critical views are freely expressed. Moreover, despite having a law on right to information in place, it is more worrying when the Prime Minister's Advisor on Health, Syed Modasser Ali, said on September 20, 2010, that the government is not bound to give information to the journalists.¹⁰²

⁹⁹ Odhikar has been campaigning for the release of Mahmudur Rahman ever since his arrest.

¹⁰⁰ See: <http://www.bbc.co.uk/news/world-south-asia-12086212>

¹⁰¹ Ibid,

¹⁰² The Daily Star, 21/09/2010

In the election manifesto of Awami League-2008, the government party promised that it would ensure the freedom of all types of mass media and flow of information. The government has a long way to go to fulfill its pledge to the people.

F. Freedom of association:

Odhikar faces Government's non cooperation:

It is highly regrettable that the organisation Odhikar, duly established under the laws of Bangladesh, which always operates respecting national and international laws and whose main vocation is to defend universal human rights, will have to write about its situation in its own annual human rights report. In 2010, the present government has been tightening its noose around Odhikar. Examples of how the government has treated Odhikar in 2010 are narrated below:

1. Odhikar had been funded by the Finnish NGO Foundation for Human Rights (KIOS) for a project on '*Promotion of Human Rights in Bangladesh through Documentation, Fact-finding and Advocacy*'. The project duration was for 12 months (August 2010 - July 2011). The project (with specified format - FD6) was submitted to the NGO Affairs Bureau (NGOAB) on 7 July 2010. After submission, the NGO Affairs Bureau (NGOAB) sent a number of queries to Odhikar for clarification. Odhikar submitted responses to the queries made by the NGOAB. The NGOAB then sent the proposal to the Ministry of Home Affairs and National Human Rights Commission (NHRC) for their opinion on 9 September 2010. The NHRC sent its comment to the NGOAB on 12 October 2010. The Home Ministry asked the National Security Intelligence (NSI) and the Special Branch of Police to investigate the matter. SB Police is investigating the project at Dhaka while NSI is investigating at the district level. The project is still pending with the NGOAB for its approval and clearance. When contacted, an official of the NGOAB said that they have nothing to do unless a clearance comes from the Home Ministry.
2. The Embassy of the Kingdom of the Netherlands agreed to fund Odhikar for a project on '*Human Rights Research and Advocacy*'. The duration of the project was for 2 years 9 months (October 2010 - June 2013). The project (with specified format - FD6) was submitted to the NGO Affairs Bureau (NGOAB) on 12 July 2010. After submitting the project to the NGO Affairs Bureau, the Bureau sent a number of queries to Odhikar for further clarification. Odhikar submitted responses to the queries made by the NGOAB. NGOAB sent the proposal to the Ministry of Home Affairs and National Human Rights Commission for their opinion on 27 September 2010. The Ministry of Home Affairs asked the National Security Intelligence (NSI) and the SB of the police to investigate the matter and the project is still under investigation. The project is still pending with the NGOAB for its approval and fund clearance. When contacted, an official of the NGOAB said that they have nothing to do unless a clearance comes from the Home Ministry.

However, according to the Rules of Business of the NGOAB, gazette notification No. 22.43.3.1.046.93-478 dated 27.07.1993, NGOAB will decide on the proposed project within 45 days after receiving all relevant information relating to the project. The bureau will send the proposed project to the relevant Ministry after scrutinizing the project and the relevant Ministry will provide its comments regarding the project within 21 days. If the relevant Ministry fails to send its comment within the specified period, it will be considered that the Ministry has no objection regarding the project.

It is to be noted that the NGOs and other voluntary organisations that work in Bangladesh with foreign donations/funds, have to take fund clearance from the NGOAB under the Foreign Donations (Voluntary Activities) Regulation Rules, 1978 and the Foreign Contributions (Regulation) Ordinance, 1982.

3. On January 17, 2010 Odhikar applied to the NGO Affairs Bureau for a 3-month extension of its torture prevention programme, due to end in March 2010. The funding partner for the programme extended the programme for three more months. The NGO Affairs Bureau, by a letter dated 11 February 2010 refused to grant the extension, basing its refusal on the 2009 Home Ministry reservation.¹⁰³

Comments: In sixteen years of its existence, Odhikar likes to believe that it has worked hard to uphold and defend human rights, with all sincerity and dedication. Odhikar has also earned a high degree of credibility because of its unbiased reporting and statements. It has always defended human rights with the same devotion, disregarding political affiliation of the government. It has consistently opposed military and quasi-military regimes and argued for democratic government. During the so-called 'Caretaker Government', nurtured by the military by using Emergency laws, Odhikar was virtually the sole voice against military influence and the State of Emergency, when other human rights organisations either directly supported the military regime, or toed their line.

Such an organisation now faces high degrees of non-cooperation from the government, to carry out its human rights activities¹⁰⁴. Odhikar urges the government not to obstruct human rights activities, which are sine qua non for a democratic society.

¹⁰³ In 2009, The NGO Affairs Bureau sent Odhikar a letter dated August 17, 2009 directing it to close down its torture related programme. The letter stated that Odhikar's programme had to be shut down following reservations expressed by the Ministry of Home Affairs. Odhikar filed a writ petition before the High Court Division of the Supreme Court. On October 11, 2009, the High Court Division issued a Rule Nisi against the Government and suspended the order directing Odhikar to close down its programme. As a result, Odhikar completed its programme on torture in December 2009. Previously, on April 28, 2009, the NGO Affairs Bureau had authorised Odhikar to carry out programmes relating to the prevention of torture as well as the protection of human rights under the project titled, 'Human Rights Defenders Training and Advocacy Programme in Bangladesh'.

¹⁰⁴ More on this in the concluding chapter.

G. Anti-terrorism measures:

Application of the Anti-Terrorism Act

The Army- supported Caretaker Government first promulgated the Anti-Terrorism Ordinance on June 11, 2008. The present Government, after taking power on January 6, 2009, passed the said Ordinance as an Act in the very first session of Parliament on February 24, 2009. They passed this law without due consideration or feedback from the people. The definitions included in the Act are wide, unclear, and with scope for possible misuse and violation of human rights. Odhikar monitors the application of the Anti-Terrorism law, some of which are mentioned below:

1. From March 1 to April 10, 2010, cases were filed against over 200 leaders and activists of various groups, at the Dhaka Courts, under the Anti-Terrorism Act 2009. The police were the Petitioners in these cases. The accused in these cases are members of anti-Government political organisations. Allegations have been raised against the police that they are taking the accused into remand and torturing them in the name of interrogation. The only accusations against the arrested persons are that they were either distributing leaflets or had met with an objective to carry out illegal activities.¹⁰⁵
2. In one particular case, Professor Mohiuddin Ahmed, Chief Coordinator of the banned Hizb ut-Tahrir and teacher of Dhaka University, was arrested on April 20, 2010, after six months under house arrest. He had been taken into remand for three days following his arrest. He was shown as arrested under a case, which was filed at the Uttara Police Station on February 24, 2010 under the Anti-Terrorism Act of 2009. He had no lawyer to represent him during an appeal for remand in the Court. In his statement before the Court, he said that he was kept under house arrest for the last six months after the organisation had been declared forbidden.¹⁰⁶ Police have seized his cell phone and computer.¹⁰⁷ Mohiuddin Ahmed had been interrogated in the Joint Interrogation Cell during police remand. Meanwhile, the Joint Coordinator, and second in command of Hizb ut-Tahrir, Kazi Morshedul Huq was arrested on April 21, 2010 under ‘suspicion of anti-state activities’. A case under the Anti-Terrorism Act, 2009 was also filed against him. While Professor Syed Golam Mawla, teacher of Dhaka University, who is also a supporter of Hizb ut-tahrir, was arrested on July 8, 2010 under ‘suspicion of anti-state activities.’ Cases under the Anti-terrorism Act 2009 have been filed against them. All of them have been refused bails and are in prison.

Comments: Odhikar had been steadfast in strongly protesting against repressive measures and laws, particularly the Anti-terrorism Act 2009 from its very inception. The

¹⁰⁵ The daily Amar Desh, 17/05/2010

¹⁰⁶ On October 22, 2009, Hizb ut-Tahrir was banned by the government under a press note signed by Dr. Md. Kamal Uddin, Joint Secretary (Political) of the Ministry of Home Affairs. The press note stated that the government has declared Hizb ut-Tahrir, Bangladesh as outlawed on October 10, 2009, considering it as a threat to public security.

¹⁰⁷ The daily Prothom Alo: 21/04/2010

said law is against human rights norms and has all the potential of being abused by the government in power. Such law seriously undermines the democratic aspirations of the people and may eventually breed politics of repression and violence, bringing instability to the country.

Odhikar also opposes the taking of anyone to the Joint Interrogation Cell in the name of interrogation, as the arrested persons are allegedly tortured while there, often to extract false confessional statements.

H. Workers rights:

In 2010, numerous violations of workers rights were reported. Some of the incidents reported included strikes over the new wage structure for water transport workers¹⁰⁸, private jute mill labourers submitting a memorandum to the Prime Minister pushing for demands including an increase on the 1985 set minimum wage,¹⁰⁹ and shrimp workers not being paid the minimum wage.¹¹⁰ Dangerous working conditions were also reported, including one report of 30 workers killed in accidents in different shipyards in Chittagong in the last 11 months, raising the death toll of such accidents in the industry to more than 1,300 in the last 12 years.¹¹¹

On June 9, 2010, eight workers of a steel re-rolling mill at Fatulla in Narayanganj were injured seriously after a massive explosion in its furnace. The explosion ripped through the Rajdhani Casting factory at Aliganj with a big bang due to low voltage of electricity at around 6.30am, workers said.¹¹²

o *Ready-Made Garment workers*

The ready-made garment sector in Bangladesh contributes a large amount to the country's economy and provides employment to thousands. The industry has been a gateway for independence and empowerment of women, due to the high rates of female employment. Unfortunately, the industry has many challenges to overcome, including the many owners and managers of the factories, who fail to pay wages on time, withholding of wages, withholding festival bonuses, and bad leave policies. This coupled with the terrible conditions and unsafe state of the buildings, results in the industry being unstable which may lead to a destruction of this vital sector.

In 2010, 07 workers died and 2538 persons were injured while protesting in demand of either overdue wages or for an increase in wages and against other work related violence in the readymade garments sectors.

¹⁰⁸ The Daily Star, 11/05/2010

¹⁰⁹ The daily New Age, 10/05/2010

¹¹⁰ The daily New Age, 03/05/2010

¹¹¹ The daily New Age, 31/01/2010

¹¹² The Daily Star, 10/06/2010

Safety of ready-made garment factories

The ready-made garments industry, over the years, has developed in buildings constructed in an unplanned manner. This creates the scope for various accidents involving workers. The locking or blocking of emergency exits often leads to the workers not being able to evacuate in time.

The factories of the ready-made garments industries must be developed in a planned manner and the authorities need to take appropriate measures so that accidents do not take place. The Home Ministry Inquiry Committee asked for legal action under the Code of Criminal Procedure against building owners not complying with fire safety measures.¹¹³ The fire service has asked the owners to set up hydrant points, build underground reservoirs with a capacity of one lakh gallons water with an appropriate pump. Abdur Rashid, Deputy Director of Fire Service and Civil Defence said that “We had also asked the owners to install smoke and heat detectors” In February 2010, it was reported that since 1990, more than 240 people had lost their lives in nine major fire incidents at different garment factories.¹¹⁴

One recent tragedy occurred on February 25, 2010. A fire inside the factory of Gorib and Gorib Sweater at Bhogra, Gazipur, left 21 workers dead due to suffocation among whom 15 were women. In another fire incident, on April 23, 2010 a fire broke out on the ground floor of the seven-storey building of Tung Hi Knit and sweater factory at Zirani in Gazipur injuring at least 20 people.¹¹⁵

Labour unrest of ready-made garments factory workers

Throughout the period, there were numerous incidents of workers unrest in the ready-made garment sector, amongst which many were related to the demand of overdue wages. Some are noted below:

1. On April 10, 2010, a clash took place between the workers and factory owners over unpaid wages at the Opex Knitwear Limited, a sister concern of the Sinha Group at Kanchpur of Sonargaon in Narayanganj. One person named Ziaur Rahman Khan was killed and at least 15 were injured.
2. At Kolma in Savar, on April 12, 2010, men supporting the factory owner of Navana Textile Ltd. reportedly attacked a procession brought out by workers. The workers brought out this procession over their 15-point demand which included unpaid wages. At least 50 people, including the Officer-in-Charge of Savar Police Station, were injured.

¹¹³ The Daily Star, 05/04/2010

¹¹⁴ The Daily Star, 27/02/2010

¹¹⁵ The Daily Star, 24/04/2010

3. 50 people were injured and scores of vehicles vandalised on April 28, 2010, as the police clashed with garment factor workers, who were rallying for increase in wages and other benefits in Rupganj, Naryanganj and Mirpur, Dhaka.¹¹⁶
4. Hundreds of ready-made garment workers put up barricades on May 4, 2010, on the road at Mirpur-11 in Dhaka, bringing traffic to a halt for about one hour. The workers were demanding a pay hike. Police brought the situation under control.¹¹⁷
5. At least 50 persons, including ten policemen, were injured on May 25, 2010, in a series of clashes between garment workers and law enforcers in Kachpur area of Narayanganj. The ready-made garment workers were demanding that the house rent in local areas be lowered and that the supply of gas and water to be ensured.¹¹⁸
6. On June 1, 2010 At least 50 people including 12 law enforcers were injured in a clash between police and workers over the re-instatement of fellow workers who were recently terminated. The clash erupted when the workers of SA Fashion and Apparels Ltd blocked the Dhaka-Chittagong Highway. They vandalised 10 to 12 vehicles and burnt a bus. The workers, armed with sticks, iron rods and bricks, vandalised rooms, furniture, windows, computers and other official equipment. Police fired 25 rounds of teargas shells and 20 blank shots to disperse the workers and to bring the situation under control.¹¹⁹
7. A clash took place on June 13, 2010, between the agitated garments workers and police due to a demand to increase wages in three factories of Envoy Group owned by the BGMEA President Salam Murshedi at Ashuliya. Chase and counter-chase took place between the police and workers. Police also baton charged the workers, which left 30 injured.
8. Workers of five ready-made garments factories of Nassa Group at Nishchintopur, Ashuliya were engaged in an argument with the authorities on June 20, 2010, in a bid to increase the minimum wage to Taka 5,000. At one point, workers tried to make a barricade on Dhaka-Tangail Highway which resulted in a clash with the police. Over 100 garment workers and some police were injured and police arrested two workers in relation to the incident.
9. On July 30, 2010 several thousand garments workers staged a protest against the decision of the Minimum Wage Board and vandalized property in the Tejgaon, Mohakhali and Gulshan areas of Dhaka. Agitated garment workers in Fatullah under Narayanganj district blocked the Dhaka-Narayanganj link road and the workers in the Ashulia area also blocked the Dhaka-Tangail highway on July 31, 2010 and vandalized property. Police charged with batons on the protesting

¹¹⁶ The daily New Age, 29/04/2010

¹¹⁷ The daily Jugantor, 05/05/10

¹¹⁸ The Daily Star, 26/5/2010

¹¹⁹ The daily New Age, 02/06/2010

workers. At least 50 people, including 2 policemen, were injured in Narayanganj while more than 200 workers, including police and journalists were injured in Ashulia.

10. Garments workers at Fatulla and Sonargaon, under Narayanganj district; Ashulia in Savar of the Dhaka district; and Kaliakoir under Gazipur district blocked roads and staged protests. Two separate cases were filed in Fatulla and Ashuliya Police Stations accusing four thousand garments workers in this connection. In Fatulla Model Police Station, police filed a case mentioning the names of 46 workers along with three thousand unknown people while in Kaliakoir Police Station 500 unknown workers had been accused in the case.¹²⁰ Due to workers unrest, that allegedly caused vandalization of properties, police arrested 60 garments workers including worker's leader Montu Ghosh and Haji Md. Shahidul Islam; and Kalpona Akhter and Babul Akhter, executives of two NGOs, which work with ready-made garments workers. Montu Ghosh was arrested on July 31, 2010 and was shown arrested in five cases since August 3, 2010. He was taken into 9-day remand for interrogation.¹²¹ Furthermore, another leader, Moshrefa Mishu, alleged that police called her on her cell phone and threatened to kill her in 'crossfire'.¹²²
11. About two thousand workers of Sikdar Apparels Factory at Moikuli area of Rupganj under Narayanganj district blocked the Dhaka-Sylhet highway on August 22, 2010, for three hours to demand over 3 months of overdue wages. Police opened fire and threw tear-gas shells at them. At least 30 people were injured, including 8 policemen, due to a clash between police and workers. Of them, four were found to have been shot.¹²³
12. Workers of P M Garments factory on September 2, 2010, staged a protest with their demand for wages and bonus at Godnail area in Siddirganj Upazila under Narayanganj district. A group of criminals hired by the factory owner attacked the agitated workers which left 10 workers wounded.¹²⁴
13. 26 people were killed and 100 more were injured on December 14, 2010 when fire swept the Hameem factory in Ashulia, Savar. Some alleged that out of 06 stair ways, four stair gates were locked and many workers jumped from the 11 storied building, which caused many workers their death. It is to be mentioned that the Managing Director of Hameem group is AK Azad who is also the newly elected President of the Federation of Bangladesh Chambers of Commerce and Industries (FBCCI) from the pro government panel.¹²⁵

¹²⁰ The daily Prothom, 04/08/2010 and 05/08/2010

¹²¹ Monthly Chinta, August 2010

¹²² Xtra-New Age, 13/08/2010

¹²³ The Daily Ittefaq, 23/08/2010

¹²⁴ The Daily Ittefaq, 03/09/2010

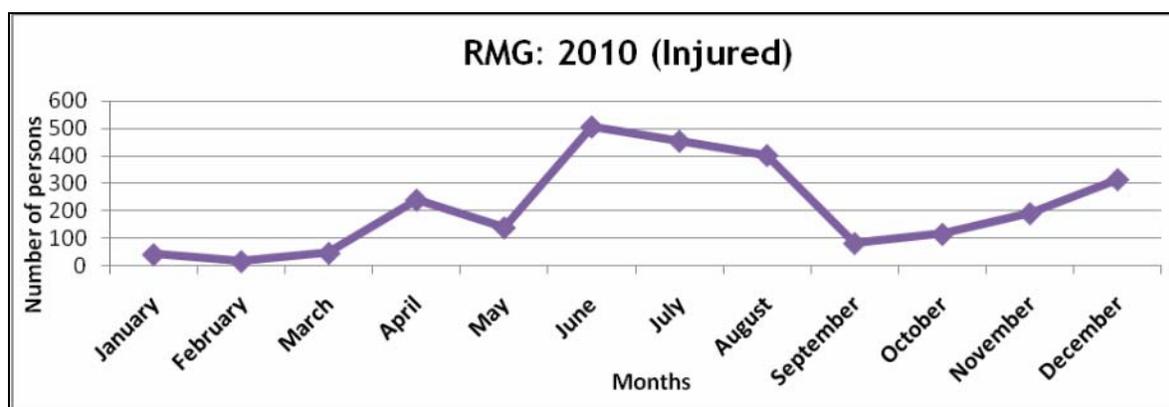
¹²⁵ According to the Fire Service and Civil Defence Department, fires broke out in 213 factories between 2006 and 2009 and number of deaths is 414.

14. Three persons were killed and about 225 injured when the police clashed with apparel workers in Chittagong on December 12, 2010. The workers were out on demonstrations for payment of wages in accordance with the new structure, which came into effect on November 1, 2010 but which they were yet to receive.

Table-13: Readymade garments worker- 2010

RMG: 2010				
Month	Injured	Killed	Arrested	Total
January	40	0	0	40
February	15	0	0	15
March	45	0	0	45
April	239	1	0	240
May	138	1	0	139
June	506	0	9	515
July	454	2	72	528
August	402	0	60	462
September	81	0	1	82
October	114	0	10	124
November	190	0	23	213
December	314	3	84	401
Total	2538	7	259	2804

Graph-10: Readymade garments worker- 2010



Moshrefa Mishu, President of the Garments Workers Unity Forum and General Secretary of the Democratic Revolutionary Party was arrested on December 14, 2010. She was admitted to Dhaka Medical College Hospital (DMCH) on December 19, 2010 in critical condition after being remanded in police custody for the third time since her arrest. The organisers of the Democratic Revolutionary Party alleged that she has been ill treated during police remand. On 17 December, 2010, after completing two days remand, police appealed to take her to remand for another five days and the court granted one day

remand. On December 19, 2010 police applied for 10-day remand and the court granted two days.

It has been reported that Moshrefa Mishu was shown arrested in three different cases where her name did not appear as an accused. She was not given medicine for more than 24 hours while under police custody. Despite being an asthma patient, she was forced to lie on a thin blanket on the cold floor at the Headquarters of the Detective Branch (DB) of Police with a thin quilt as cover. According to information received by an Odhikar source, Mishu was having difficulty in breathing; she was panting and gasping for breath. She informed her lawyer that short of physically beating her, the Detective Branch of police had ill treated her in every possible manner.

On 27 December, 2010, a Dhaka court rejected petitions for bail filed by Mishu in two separate cases against her. Of the two cases filed with Kafrul Police Station, one was on charges of vandalising Outright Fashion Ltd in Shewrapara on June 30 while the other for vandalising National Wool Wear Ltd in Mirpur-14 on December 9. Both accused her of damaging and setting fire to vehicles and obstructing police from duty. Mishu was shown arrested in both the cases and was remanded for two days in one of the cases. Mishu was also shown arrested in another case filed with Khilkhhet Police Station on charges of injuring 20 policemen and damaging 60 vehicles, setting some on fire, in the area on December 12. In the case, she was granted a two-day remand but police could not take her in as she was under treatment at Dhaka Medical College and Hospital¹²⁶.

Comments: A volatile situation has been prevailing between the workers and owners of the ready-made garments factories following recent incidents of violence in this sector. Most of the violence and clashes took place due to unpaid wages, or demands for an increase in wages. Earlier the minimum wage of a garment worker was Taka 1662 per month (USD 23.96). On July 29, 2010, the Minimum Wage Board declared Taka 3,000.00 (USD 43.47) per month as the minimum wage for garments workers. However, the garments workers had been demanding Taka 5,000.00 (USD 72.46) per month to be declared as the minimum wage. Later the garment workers rejected the minimum wage of Taka 3,000.00 (USD 43.47) declared by the Wage Board and came out in the streets with their demand of minimum wage of Taka 5,000.00 (USD 72.46) be effective from August 2010.

Odhikar has demanded that the Government should cancel the licenses of those garments factories, which are not following the tripartite agreement¹²⁷ and thereby causing labour unrest. Moreover, every effort must be made to ensure workplace safety of the workers, and procedures should be rigorously in place to check whether workers safety measures are being observed or not. Odhikar believes that Moshrefa Mishu,

¹²⁶ The Daily Star, 28/12/2010

¹²⁷ The tripartite agreement is a MoU which was signed on 12 June 2006 between employers (BGMEA and BKMEA), factory workers and the government; it contains 10 conditions, including provision of ID cards, overtime allowance, maternity leave, the formation of a wage board, etc. For more information, see Odhikar's report on 'Labour Rights in the Ready Made Garments Industry in Bangladesh: Perspective 2008', at www.odhikar.org.

President of the Garments Workers Unity Forum was arrested unfairly and demands her release.

- *Migrant workers*

Migrant Bangladeshi workers seek employment overseas, often through the use of middle men and recruiting agents. After reaching foreign lands, the workers often find that they have been deceived by the recruiting agents and have to live in fear, hiding from the police until they can return to Bangladesh.

Workers often have to suffer torture and ill-treatment by the police and others in positions of power. Amnesty stated in a report about migrant workers in Malaysia “Migrants many from Bangladesh, Indonesia and Nepal, are forced to work in hazardous situation, often against their will, and toil for 12 hours a day or more, many are subject to verbal, physical and sexual abuse.”¹²⁸

In May 2010, it was reported that Malaysia is considering the issue of legalising all Bangladeshis working in the country.¹²⁹ This was followed by reports that Malaysia will soon offer an amnesty to foreign workers, allowing them to return home without facing any penalties.¹³⁰ This amnesty and potential legalisation of workers is progress in ensuring that Bangladeshis human rights are protected abroad.

The remittance sent home by migrant workers is an important source of national earnings for Bangladesh and contributes to the economic progress of the country. Bangladeshi embassies should monitor employers of Bangladeshi workers and offer legal and financial assistance to support the workers. This would occur under the 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 middlemen. The government must also be active in seeking compensation for the families of deceased and tortured workers. It is the responsibility of the Government to keep the recruiting agencies under supervision and to take steps against illegal or unlicensed activities.

I. Rights of women:

Violence against women

In 2010 many women and children were victims of rape, acid attacks, dowry demands, ill-treatment, and domestic violence. Women are victims of violence due to social attitudes; lack of access to justice; corruption of law enforcement agencies; lack of protection for victims and witnesses; financial crisis; ignorance of the law; and poor administration.

¹²⁸ The Daily Star, 25/03/2010

¹²⁹ The Daily Star, 20/05/2010

¹³⁰ The Daily Star, 24/05/2010

- Rape

Rape is a terrible form of violence perpetrated against women and children. The physical and mental problems from rape is severe and often the victims and their families remain silent due to the social stigma or fear of retaliation from the rapist. The figures reported here are expected to only show a portion of the incidents that occurred throughout the beginning of 2010, with often only the most brutal cases being reported to authorities.

During the period of January to December 2010, reportedly, a total of 556 females were raped, where 248 were adults and 308 were children.¹³¹ From the adults 61 were killed after being raped and 119 were victims of gang rape and 02 committed suicide after being violated. From the children, 30 were killed after being raped, 93 were victims of gang rape and 04 allegedly committed suicide after being raped. This is an increase of reported cases of rape from the same period of January to December 2009, where there were 456 reported victims.

Amongst these cases of rape reported, it is alleged that 06 females were raped by law enforcement agencies. These included: a housewife from Chuadanga who was raped by Assistant Sub Inspector of Police Alim; a housewife was raped by an Assistant Sub Inspector of Police Obaydul Haq at Jhenaidah; a housewife from Jessore was raped by an Ansar member, Shahbuddin; a woman was raped by Sub Inspector Mosharraf Hossin from Bagerhaat; and an eight year old girl from Joypurhat was raped by a member of the village police named Yakub Ali. A garment worker was raped by an army soldier Manik Rana from Asulia.

On September 27, 2010, Home Minister Sahara Khatun told the Parliament that a total of 1586 incidents of rape took place between January 1, 2010 and June 30, 2010.¹³²

Criminals gang-raped a schoolgirl at a remote village in Baufal upazila of Patuakhali district on March 19, 2010. Police arrested Basir (25) and Hanif (30) of Kaina village in the upazila for their alleged involvement in the crime. A class nine student of Dharandi village under Patuakhali Sadar upazila went with her brother Shyamol Chandra to his father-in-law's house at Rajnagar village under Baufal upazila, police and locals said. After several days there, the two siblings started for their house by a hired motorbike on March 19, 2010. When they reached Dhauravanga area a gang of around eight to ten criminals, allegedly led by Forkan and Masun, waylaid them. They assaulted Shyamol, tied his hands and legs, forcibly took the girl to a nearby field and raped her. Hearing her scream, locals informed police who recovered her and took her to Baufal Upazila Health Complex. Police arrested two of the alleged rapists while others managed to flee. A case was filed with Baufal police station.

A 13 year old girl student of Makrail High School under Shal-Nagor union under Lohagara upazila was gang raped by four youths on April 28, 2010. Lohagara police said as the girl came out of the house to go to the outhouse, four youths called Kamal Mollah (28), son

¹³¹ According to Children Act of 1974, 'Children are those under 16 years of age.

¹³² The daily Kaler Kantho, 28/09/2010

of Motaleb, Ibrahim (18) son of Kiam Mollak, Salim Mridha (28) son of Arfin Mridha and Ismail (22) son of Ayub Mollah, who were hiding in a bush, forcibly took her to a nearby place and raped her. Profusely bleeding, local rescuers sent her to Narail Sadar Hospital. A case was filed in this connection with Lohagara police station.

On July 5, 2010, a female student of class IX went to a local shop to buy an exercise copy in Kaharta village under Shokhipur Upazila of Tangail. On her way back home she was kidnapped by Shokhipur Upazila Awami League backed Chattra League Joint Convener, Habibullah Etihas alias Habib; Upzalia Chattra League leader Arif Ahmed; Babul Azaz and Ariful Islam Akash, nephew and grandson respectively of Shokhipur Upazila Chairman Showkat Sikdar. They forcefully took her to a hostel at Hazipara in Shokhipur where Habibullah Etihas alias Habib allegedly raped her while his associates filmed the incident on a video camera. Although police have arrested Ariful Islam Akash, the prime accused has not been arrested yet. The police of the Shokhipur Police Station submitted a charge sheet on September 9, 2010, after investigation. The Officer-in-Charge of Shokhipur Police Station informed Odhikar that the names of Arif Ahmed, Babul Azad and Ariful Islam Akash have been omitted from the charge sheet as they did not find their involvement with this incident. Only Habibullah Etihas alias Habib has been named in the charge sheet as accused. Habibullah was granted bail from the High Court Division. The High Court Division asked him to appear before the lower court by October 10, 2010.¹³³

Heinous crime as it is, rape takes on a particularly horrifying twist when perpetrated on the mentally challenged.

On May 17, 2010, Mizanur Rahman, a Health Assistant of a village community clinic at the village of Aliyara of Nangolkot, Comilla raped a mentally impaired female who had come to the clinic to take an injection. The cries of the girl resulted in the gathering of the local residents who confined Mizanur. On hearing the news, the police arrived at the crime scene and instead of arresting Mizanur, struck a compromise by imposing a Taka 50,000/- fine on the rapist in exchange for his freedom.¹³⁴

On May 31, 2010, a mentally ill girl was raped by Siddiq Mazi when her father and mother were not at home, in Komolnagor, Lakhipure. A case had been filed.¹³⁵

On October 18, 2010 a mentally challenged teenager from Bhuiyanbagh area in Narayanganj city, was raped by 3-4 men while on her way to her father's grocery shop. The men, including one named Rassel, raped her and videotaped the incident. After this, the criminals demanded BDT 20,000 from the victim's family.¹³⁶

¹³³ Report of human rights defender of Odhikar at Tangail, 31/05/2010

¹³⁴ The daily Jugantor, 19/5/2010

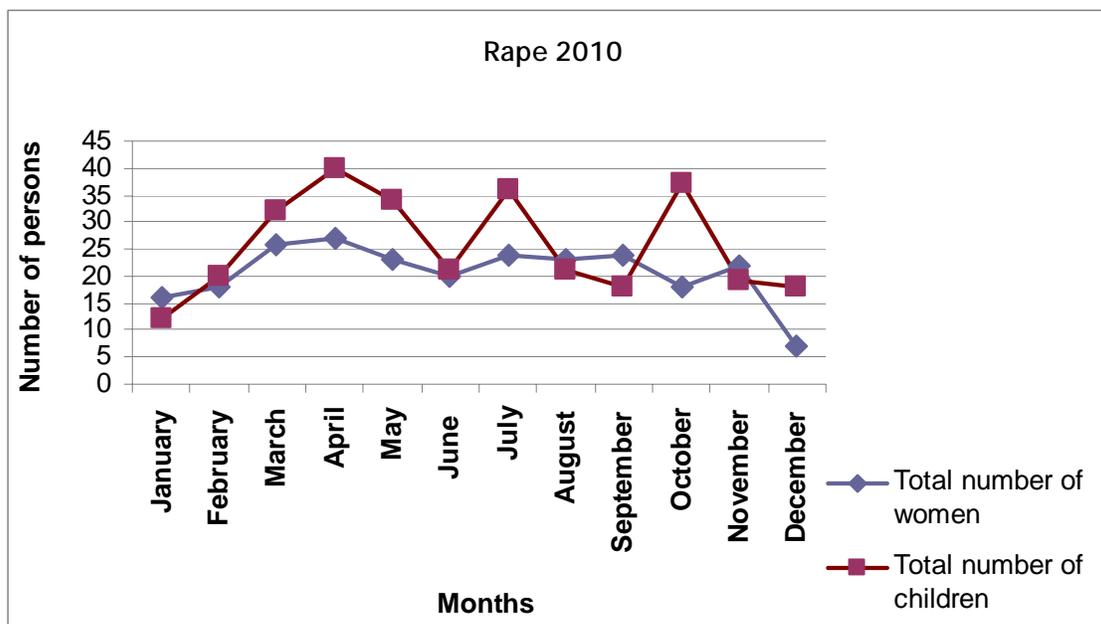
¹³⁵ The daily Manabzamin, 2/6/10

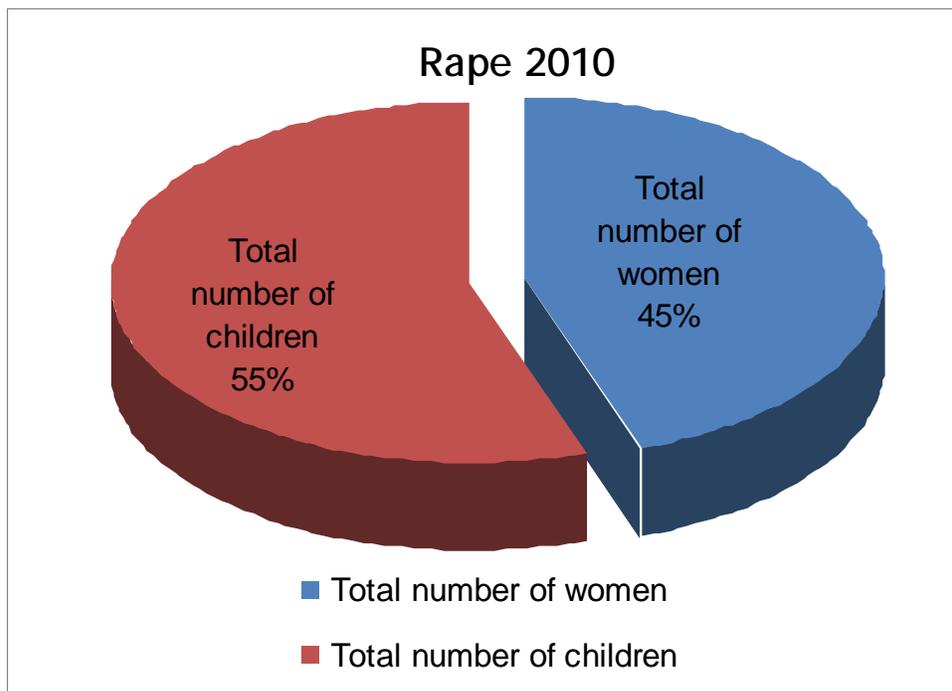
¹³⁶ The daily Manabzamin 21/10/10 and the Daily Star, 22/10/10

Table-14: Rape-2010

Rape 2010									
Month (s)	Total number of victims	Total number of women	Total number of children	Gang Rape		Killed after being raped		Committed suicide after being raped	
				Women	Children	Women	Children	Women	Children
January	28	16	12	8	6	1	1	0	0
February	38	18	20	12	9	3	3	0	1
March	58	26	32	10	13	7	1	0	0
April	67	27	40	14	10	8	2	0	0
May	57	23	34	11	8	6	3	0	2
June	41	20	21	5	5	6	4	1	0
July	60	24	36	8	6	5	4	0	0
August	44	23	21	5	2	5	2	0	0
September	42	24	18	17	8	5	1	0	1
October	55	18	37	11	12	6	2	0	0
November	41	22	19	14	6	7	5	1	0
December	25	7	18	4	8	2	2	0	0
Total	556	248	308	119	93	61	30	2	4

Graph-11: Rape-2010





- Dowry violence

Taking or demanding dowry is an offence, punishable with imprisonment and/or fine according to the Dowry Prohibition Act 1980.

During 2010, a total of 378 women were subjected to dowry related violence. Of these women, it has been alleged that 234 were killed because of the dowry, 122 were ill-treated in various other ways and 22 allegedly committed suicide after dowry related inhuman treatment. In 2009, 319 women were subjected to dowry related violence. Odhikar believes that the actual number of victims of dowry demands is higher, as with many incidents of violence against women, the victim or their family does often not disclose the violence.

In the socio-economic context of Bangladesh, many women are dependent on their husbands and therefore tolerate the violence silently. Furthermore, women in Bangladesh have to live with dowry-related violence due to socio-economic pressure and lack of legal support.

A housewife was beaten to death, allegedly by her husband, for dowry at Bholadanga village in sadar upazil in Meherpur on May 18, 2010. After the incident her in-laws allegedly tried to portray the killing as a case of 'suicide' by pouring poison in the victim's mouth. According to police, one Salam, son of Abdus Samad of Bholadanga married victim Champa, daughter of Sarfuddin of Mirpur in Kushtia seven months ago. After the marriage, Salam demanded Taka one lakh dowry from Champa's parents. Salam often ill-treated Champa as her father was unable to give the money. On May 18, 2010, the couple got into an altercation and at one stage, Salam hit Champa with a rod, killing her on the spot.¹³⁷

¹³⁷ The Daily Star, 23/5/2010

A housewife who was severely beaten up by her husband, died at Dolhazara Christen Memorial Hospital on May 9, 2010. The victim is Jamin Akter, wife of Mohammad Safi of Taytong, under Pekoua Police Station of the district. The police said Safi had been torturing his wife Jasmin for dowry money for a long time. He beat her severely after an altercation over the issue and put poison in her mouth in a bid to make it look like a suicide. Then he fled from the spot. Relatives of the victim rescued her and took her to the hospital in a critical condition, where she passed away.¹³⁸

Shima (15) from Munshipara; Rangpur was set on fire on April 28, 2010 by her drug addict husband Delwar Hossain, whilst she was sleeping after she could not meet his dowry related demands. She was in the Dhaka Medical College Hospital for 23 days, after which she passed away.¹³⁹

A housewife was burnt to death at Sripur upazila in Magura on April 21, 2010. Rupsha Katun (26) of Majdia village was first brought to Magura Sadar Hospital before being shifted to Faridpur Medical College Hospital where she died on April 22, 2010. Rupsha's father, Abul Kashem of Radhanagar village, said that Rursha's husband Sajjad Khan, and other in-laws beat Rupsha and burnt her to death. Rupsha's in-laws began to torture her for dowry soon after the marriage.¹⁴⁰

On September 16, 2010, one Mohammad Ali allegedly shaved his wife Amena Akhter Annie's head over dowry demands. Police arrested the victim's husband, Mohammad Ali in this regard.¹⁴¹

On August 3, 2010, a woman named Taslima (28) was allegedly killed by her in-laws due to conceiving a girl child. This inhuman incident took place at Jatrabari area in Dhaka city. Family members of the deceased stated that Taslima was 8 months pregnant. Taslima's husband Md. Sohel and his family members killed Taslima by imposing cruel treatment upon her after being informed of a girl child through an ultra sonogram test. Furthermore, she was treated inhumanly from time to time over dowry demands.¹⁴²

¹³⁸ The daily New Age, 12/05/2010

¹³⁹ The daily Amar Desh, 23/5/2010

¹⁴⁰ The daily New Age, 23/04/2010

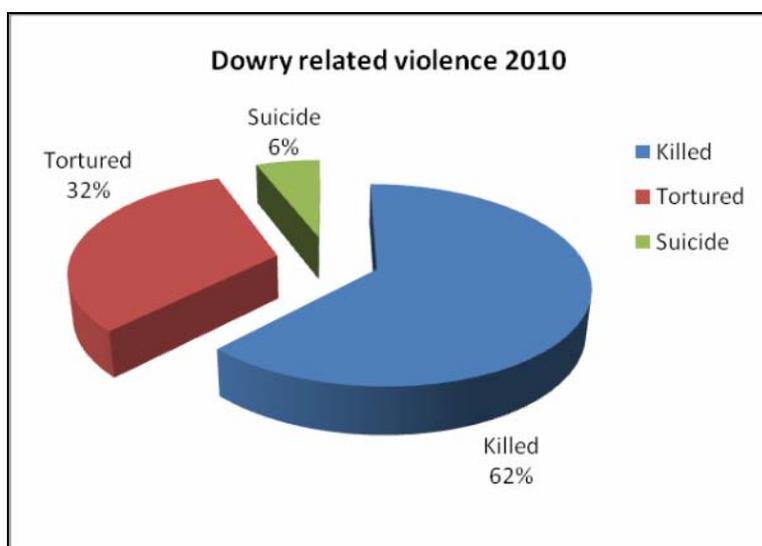
¹⁴¹ The daily Amar Desh, 18/09/2010

¹⁴² The daily Jungantor, 08/08/2010

Table-15: Dowry related violence

Dowry related violence 2010													
Month	Women			Total	Childern			Total	Men			Total	Grand Total
	Killed	Tortured	Suicide		Killed	Tortured	Suicide		Killed	Tortured	Suicide		
January	9	8	1	18	0	0	0	0	0	0	0	0	18
February	18	7	0	25	0	0	0	0	0	0	0	0	25
March	22	5	0	27	0	0	0	0	0	0	0	0	27
April	24	12	5	41	1	0	0	1	0	0	0	0	42
May	19	7	1	27	0	0	0	0	0	0	0	0	27
June	13	12	1	26	0	0	0	0	0	0	0	0	26
July	27	8	4	39	4	0	0	4	0	0	0	0	43
August	34	11	7	52	2	0	0	2	0	0	0	0	54
September	28	17	2	47	0	0	0	0	0	0	1	1	48
October	17	15	1	33	0	0	0	0	0	1	0	1	34
November	17	11	0	28	1	0	0	1	0	1	0	1	30
December	6	9	0	15	1	0	0	1	0	0	0	0	16
Total	234	122	22	378	9	0	0	9	0	2	1	3	390

Graph-12: Dowry related violence



- Stalking

Stalking is extremely detrimental on the wellbeing of the victim and can lead to depression and humiliation that is sometimes so overwhelming that the victim commits suicide. Society and the administration also try to cast aspersions on the character of the victim, instead of condemning or catching the stalker.¹⁴³

¹⁴³ The Daily Star, 9/6/2010

Action needs to be taken urgently against the crime of stalking. On June, 1 2010 the Education Minister Nururl, Islam Nahid, said that “measures against stalking will be incorporated in the school curriculum to raise awareness among students and unite them against it.” The Minister also stated that it was important to create a massive social movement against stalkers as well as strict implementation of law against them.¹⁴⁴

Odhikar documented that 129 female victims were assaulted or injured by stalkers. In addition, 25 women and 127 men were assaulted or injured due to protesting against stalking. Also 25 women and a father of a victim committed suicide and 10 women were saved from the attempts of suicide. 7 women and 14 men were also killed in stalking related incidents.

On April 3, 2010, Umme Kulshum Ilora (14), a student of class eight, committed suicide at Nandipara in Khilgaon, Dhaka due to stalking. It was learnt that one Rezaul had verbally harassed Ilora continually and Rezaul threatened Ilora and her mother a few days before Ilora’s death. She committed suicide following the incident.

On April 5, 2010, a teenager named Pinki was allegedly burnt to death by a youth named Tobarak. The violence occurred when Pinki had refused Tobarak’s proposal to have an affair. Tobarak entered Pinki’s residence and allegedly burnt her by pouring kerosene over her. She succumbed to her injuries at Dhaka Medical College Hospital. It was later learnt that Moriam Pinki (16), resident of Konabhawal village in Tarail Upazila under Kishorganj district, had been harassed by Tobarak, of the same village, for a long time.

Not only are innocent young women being harassed and physically abused by stalkers. Those protesting the incidents also fall into the clutches of the perpetrators.

A group of criminals killed chemistry teacher, Mizanur Rahman Mizan, of Lokmanpur College in Bagatipara Upazila under Natore district as he had been protesting against the continuous stalking of one of his female students. On October 12, 2010, local criminals Asif and Rajon stopped him while he was on his motorcycle and hit him with iron rods. On October 25, 2010, Mizanur Rahman Mizan died while under treatment at the hospital. The police arrested Asif and Rajon in relation to this incident.¹⁴⁵

On October 26, 2010, Chapa Rani Bhoumik (48), mother of a female student at Garakhola under Modhukhali Upazila in Faridpur district was killed by local criminal Debashish Saha Roni and his associates who ran over her on a motorcycle. She had protested against the stalking of her two daughters Hira and Mukta. She was admitted to the local hospital where she later died.¹⁴⁶ Police arrested Debashish Saha Roni in this connection.

¹⁴⁴ The Daily Star, 2/06/2010

¹⁴⁵ The daily Amar Desh, 26/10/2010

¹⁴⁶The daily Kaler Kantho, 28/10/2010

On 17 November 2010 a grandfather, Abdus Sobhan (74) was killed by Mostafa and Ripon, two local young men of Noleya Village in Kurigram. The men had been harassing his granddaughter, Rujina. They beat Abdus Sobhan and strangled him till he died.

- Extrajudicial punishments (Illegal fatwa and arbitration)

Fawtas are extrajudicial pronouncements, generally administered in the guise of ‘punishments ordained by religion’, by Mullahs and other (mainly rural) elite. Still widely practiced, in 2010, 05 women and 04 men were victims of illegal fatwas, and amongst them, there were incidents of whipping, social isolation, etc. In illegal arbitrations 10 women and 06 men were given various ‘punishments’ such as forced marriage, humiliating haircutting, beatings, etc.

On May 19, 2010, three local Imams¹⁴⁷, Abdur Rahim, Abubakar and Mobarak Hossain pronounced ‘fatwa’ on a young girl. According to the ‘fatwa’, Hosna Akhtar (17) would be whipped 101 times and kicked out of her village due to an alleged affair between herself and Shonkor Debnath (22). Both these persons came from the village of Purbohati of Bancharampur, Brahmanbariya. As per the fatwa, Hosna Akhtar’s maternal uncle Md. Moinuddin began to whip Hosna, who lost consciousness after 25 lashes. Golam Gilani, the former UP Chairman and the President of the Fordabad Union Awami League, presided over the arbitration where the fatwa was issue.¹⁴⁸

On a positive note, on May 24, 2010, the High Court Division issued a Rule asking the Government to show why the Court should not declare extra-judicial forms of punishment, in the name of fatwa and Shariya, illegal¹⁴⁹. It has also asked why articles discouraging extra-judicial punishment should not be incorporated into text books at various levels.

Last year too, on August 25, 2009, the High Court Division directed the Government, law enforcement agencies, all Union Parishads and Pouroshabhas to take steps against those who are responsible for beatings, whippings and other forms of extra-judicial forms of punishment; however, the use of unlawful punishment has continued to occur in Bangladesh.

- Acid violence

Acid violence is one of the most dangerous forms of violence used against women and other vulnerable people¹⁵⁰. In a large number of cases, the perpetrators throw acid on women when they do 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

¹⁴⁷ An Imam is the leader of prayers at the local mosque and considered ‘religious elite’, especially in rural Bangladesh.

¹⁴⁸ The daily Prothom Alo, 25/5/10

¹⁴⁹ The Rule was issues in a case brought as a public interest litigation by three lawyer of the Supreme Court, who filed a Writ challenging the issuance of fatwa and seeking action against those responsible.

¹⁵⁰ In past acid violence mainly occurred against women. But presently many men are also victimized, mainly over land and family disputes.

feuds, jealousy and dowry. The use of acid on a person results in disfiguration, loss of sight, permanent scars and in some cases melting of teeth and bones.

During the period January to December 2010, it was reported that there were 137 persons burnt due to acid violence. Of these affected persons, 84 were women, 32 were men and 21 were children, including 16 girls and 05 boys.

Acid violence is a problem in Bangladesh due to the lack of implementation of the Acid Control Act 2002 and the Acid Crime Control Act of 2002. According to the Acid Control Act 2002, whoever produces, imports, transports, stores, sells, and uses acid without license could be sentenced to three to ten year's imprisonment with fine. People who possess equipment used for producing acid without having the license to do so could be sentenced to three to fifteen years rigorous imprisonment with fine.

A housewife suffered burn injuries as miscreants threw acid on her at Shamsuddin Moulavirkandi village under Shibchar Upazila of Madaripur district on April 16, 2010. The victim was identified as Helena Begum (30) wife of Shawkat of the same village. Her family members said four to five miscreants led by Samad Ghorami threw acid on Helena around 10:00 pm over a previous enmity. Hearing her screams, local people rescued her and admitted her to the local health complex. She received burn injuries on her face, throat, chest and other parts of her body. A case was filed accusing three people with Shibchar Police Station in connection with the crime.¹⁵¹

Rozina Begum, a 20 year old woman, was seriously injured with acid in a frenzied attack by her husband following a dowry-related case in a village of Badarganj upazila on May 29, 2010 said the police and hospital sources. Rozina, daughter of freedom fighter Azgar Ali of Amrullbari Asmotpara village, was undergoing treatment at Rangpur Medical College Hospital. The police said Rozina came under attack when she came out of her father's house to go to the outhouse. Rozina's estranged husband Nazmul Haque, was lying in waiting for her, and threw acid on her and disappeared immediately, the police added. The family members and neighbours took Rozina to the upazilla health complex but as her condition deteriorated she was shifted to Rangpur Medical College Hospital on May 30, 2010. Nazmul was released from jail only a few days beforehand, after he had been arrested in a case filed by Rozina for demanding dowry amounting to 50,000 Taka and for torturing her. Rozina, who got married with Nazmul, son of Abdul Baten of the same village two years ago, earlier left her husband's house and took shelter in her father's house following tension between the two families over dowry claims and allegations of torture. The victim's father, Azgar Ali, filed a case with the police in connection with throwing acid; the police were yet to arrest the attacker.¹⁵²

A girl who was gangraped is fighting for life with severe acid burns inflicted by some miscreants at village Boro Bangrail in Saltha upazila of Faridpur. The victim's family sources said some unidentified miscreants had thrown acid on the girl at about 11:30pm

¹⁵¹The Daily Star, 18/04/2010

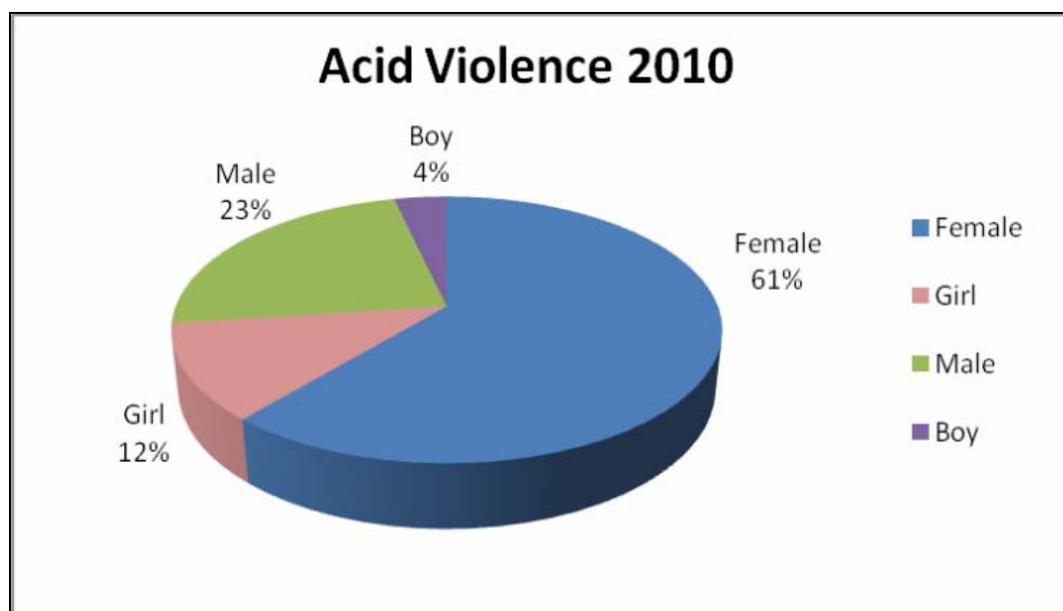
¹⁵²The daily New Age, 31/05/2010

on May 28, 2010 through the window while she was asleep at her house at village Boro Bangrail in Saltha upazila. She was admitted to Faridpur General Hospital in a critical condition. Earlier on August 29, 2008, the girl was gang-raped by some local miscreants. The victim filed a case. The family suspects that the same culprits may have hurled acid at her.¹⁵³

Table 16- Acid Violence

Acid Violence 2010					
Month (s)	Female		Male		Grand Total
	Adult	Girl	Adult	Boy	
January	11	2	8	0	21
February	3	0	3	0	6
March	9	1	3	1	14
April	5	0	1	0	6
May	4	1	0	0	5
June	6	1	1	1	9
July	9	0	4	0	13
August	9	2	4	2	17
September	6	2	5	0	13
October	9	1	1	0	11
November	4	1	0	0	5
December	9	5	2	1	17
Total	84	16	32	5	137

Graph 13- Acid Violence



¹⁵³ The daily New Age, 1/05/2010

Comments: The Government must take appropriate measures to stop violence against women. The offenders must be brought under the purview of the law to ensure that justice is served. Furthermore, the victim must be provided with adequate legal support. For this, an effective law for the protection of victims and witnesses and effective safe homes and trained councillors are vital. Regarding acid violence, the Government monitoring system must be strengthened to stop the selling and buying of acid without licence. The criminal justice system must be strengthened to stop violence against women - including the investigation system- and police must be made more gender-friendly. Public awareness regarding the rights of women, prevention of violence against women and children as well as related laws must be incorporated into the primary and higher secondary school curriculum, so that gender awareness and respect for human rights become early realisations.

J. Rights of child:

Violence against children

Children are not well protected in Bangladesh. Many children become victims of violence, mainly those who are on the streets. Many young children work as domestic help and are also involved in different hazardous sectors such as in ballon and bidi factories. Poverty and lack of socio-economic safety nets are the root cause behind this situation.

Violence against children who work in domestic households is a very common scenario, more often than not; children from rural areas come to the city with the hope of trading in their services for not much more than three full meals a day. One such child was Shohagi Akhter, a 10-year old girl who was regularly ill treated by her employers¹⁵⁴. Methods of ill treatment, among many other things, include pouring boiling water on the child and beatings with the hand or with sticks or the handle of long iron spoons.

Street children are a sadly common sight. Children sell flowers, candy, beg and clean cars for any money they can cajoul from passangers in cars and buses.

The most recent incident that we must highlight in our report is that of the arrest of Korban Ali, by the RAB on 29th December, 2010. Korban Ali was arrested on an accusation of being connected to the chopping off of the genitalia of a young boy. During interrogation, Korban Ali confessed to a myriad of offences relating to child abuse, child trafficking and mutilating children and forcing them to beg on the streets. He confessed to being part of a large-scale syndicate led by Omar Faruk, which abducts children from impoverished families, raping many of the girls and turning them into prostitutes. The others, after enduring recurring episodes of abuse, are released on to the streets to sustain the thriving business of begging.

¹⁵⁴ The Daily Star, 03/11/2010

What is equally disturbing is the fact that, the charge on which Ali has been arrested is one for which the victim's family had tried to file a case with the police. The police not only blew the incident off as having been the result of a feud among peers, but also refused to take any action against anyone who could be responsible. According to the police, they have identified two children who they believe are culpable, but decided that they could ignore the matter. The arrest of Korban Ali only came after a report aired by a private television channel.

It is documented by Odhikar that the number of female children raped is 25% more than the number of adult females raped. Girls are also more prone to become victims of sexual harassment and stalking.

Comments: Odhikar believes that it is the failure of the State to provide a proper socio-economic safety net for the children. Ensuring proper mandatory primary education for children is of utmost importance, but would fail to serve in protecting children, unless it came with the provision of proper meals and nutrition for those children whose families cannot afford it and better law enforcement, with a 'children friendly' attitude. It is clearly the inability to afford such a provision that drives many families to send their children to work in domestic households or in dangerous working environments; exposing them to abuse and exploitation, from which the children cannot escape and have no one to seek help or protection from.

K. Violations in border areas:

Violations of Human Rights at the borders of Bangladesh

Serious forms of violations of human rights have been going on for a long time in and around borders between Bangladesh and India. Indian Border Security Forces (BSF) shoot and kill unarmed (Bangladeshi) civilians in border areas, and on occasion, even deep inside Bangladesh territories.

Human rights violations have continued during the period of January to December 2010 along the India-Bangladesh border. During these 12 months, the BSF reportedly killed 74 Bangladeshis. Of the deceased, 24 were tortured and 50 were shot to death. Furthermore, 72 have been injured. Of the injured, 40 were shot and 32 were allegedly tortured. During this period, 43 persons were also abducted by the BSF.

Some incidents are as follows:

1. On 21 January 2010, Hasnat Halsham Inu, a 15-year-old boy, was tortured by the BSF at the Thakurpur border in Chuadanga district of Bangladesh. Hasnat and his family lived in the Sakolia village which is located next to the Ichamoti River that makes up the border between India and Bangladesh.

2. On the fateful day, at 2.00 in the afternoon, Hasnat was looking after the family ducks along the canal as he did everyday. He crossed the shallow river in order to fetch some of the ducks that had swum over to the Indian side. One detective official of the BSF spotted him and he was arrested as soon as he was on the other side of the river. An hour later, upon his release, he crawled back to the Bangladesh side of the river. His father saw him lying on the bank and carried him home. He had no visible injuries or bruises, but was suffering from excruciating pain and was very weak. That afternoon at 4.00 he was brought to a local doctor in the Kapasdanga Hospital. On 22 January 2010, he was admitted to the Chuadanga District Hospital where he stayed for 12 days. During his time in hospital, he revealed a shocking tale of torture when he was detained for an hour in the BSF camp. He was beaten with bamboo sticks on his feet, hip and loin. Soldiers wearing boots stamped on his chest and lower abdomen. His arms were pulled in different directions and he was dragged on the ground until he collided with a tree stump. On 2 February 2010, he was brought to Dhaka Medical Collage Hospital, where he was declared dead on arrival.
3. On February 14, 2010, the Indian BSF shot Nayek Mujibur Rahman and captured him from the marshy area of Dibi at Nijpat Union of Jointapur, Sylhet in Bangladesh. In addition to this, on February 26 and 28, the members of the BSF had entered Bangladeshi territory and opened fire on Bangladeshi citizens.
4. The Indian BSF on March 11, 2010, carried out an attack at the Jointapur border of Sylhet and injured at least 15 Bangladeshi citizens. This indiscriminate attack by the BSF had forced the inhabitants of that particular area to flee for safety.
5. The BSF of India killed a mentally disabled man who crossed over the border around March 21, 2010. Tozammel Haq, a poor and mentally disabled man aged around 42 of Ekabbarpir village in Shibganj had crossed to India through the porous border of Kiranganj. The BSF held him and physically tortured him, causing his death. When the BDR protested the inhuman action, the BSF said that Tozammel committed suicide by hanging. BDR local commander Lieutenant Colonel Zayed Hossain said the report of the Indian police, sent with the body, amply proved that he died of physical torture.¹⁵⁵
6. BSF members opened fire on Parul (10) and Mojibor while they were grazing cattle near Ratnai border of Baliadangi upazila of Thakurgaon. The dead body of Mojibor was taken into Indian Territory after the incident. Parul died shortly afterwards.¹⁵⁶
7. On July 4, 2010, the Border Security Force (BSF) of India and Indian 'intruders' attacked Bangladeshi citizens at Jointapur border in Sylhet. Several rounds of bullets were fired during this attack which led to 10 Bangladeshis being injured,

¹⁵⁵ The daily New Age, 28/03/2010

¹⁵⁶ The Daily Star, 15/05/10

including 4 with gun shot wounds. Among those shot were Kamal, son of Abdul Karim of Jointapur Adarsha village; Abdul Mannan, son of Nurul Islam; and Koyes son of Kona Mia of Kendi village who had been admitted to the Osmani Medical College Hospital in Sylhet. The annoyed villagers raised a barricade on Sylhet-Tamabil Road near Shreepur BDR camp for one and half hours in protest against the inactive role of the BDR in this regard. The villagers also attacked BDR bunkers at Pagla Tila and chanted slogans against the BDR.¹⁵⁷

8. Five Bangladeshi children went to Nagor river on July 23, 2010, to fish near the border pillar no. 345, located at Minapur village under Thakurgaon district. The BSF members of Molda Khongaon camp entered Bangladesh territory and surrounded them. In the meantime, the farmers who were working nearby rushed to the spot hearing the screams of the children. The BSF kidnapped Pania Ali (15), son of Daniul Islam; Shahabuddin (13), son of Abdul Quddus; Montu (8), son of Nazrul Islam; Raihan (8), son of Atabuddin; and Setabul (9), son of Joynal Abedin by threatening to shoot the farmers.¹⁵⁸ Among the five kidnapped children, the BSF returned Setabul, Raihan and Montu on August 9, 2010.¹⁵⁹
9. Fatik (26), a farmer, died on September 19, 2010, at Rajshahi Medical College Hospital, allegedly tortured by the BSF in Mokshedpur village under Shibpur Upazila under Chapainawabganj district. Fatik had been tortured by the BSF members at Mokshedpur border area while he was grazing his cows near an international pillar. It was learnt that both his kidneys had been damaged.¹⁶⁰
10. The body of a Bangladeshi citizen was recovered on October 11, 2010, by the BDR near the 922/5 S pillar on the Lalmonirhaat - Aditmari border. Subedar Samad, commander of Mogolhaat Company, informed Odhikar that the victim had been tortured to death and his body dumped there by the BSF.¹⁶¹ On October 16, 2010, a farmer named Jasimuddin (37) was shot and killed by the BSF while he was farming on his land near the Betgora pillar number 186 at Shonnashipara village in Rongchati union of Kolmakanda Upazila under Netrokona district.¹⁶²
11. On December 14, 2010 India's Border Security Force (BSF) occupied a piece of land at Padua in the border area of Pashchim Jaflong at Gowainghat Upazila under Sylhet district in Bangladesh. About 300 BSF personnel with 200 Indian 'intruders' entered into Bangladesh territory and occupied an estimated 300 acres of land near the 1270 and 1271 international pillars at the Padua border. At that time the BSF had taken position with heavy arms and ammunition, flying red flags at the border. Several hundred Bangladeshi citizens, living in Pashchim

¹⁵⁷ The Daily Jugantor/Kaler Kantho, 05/07/2010

¹⁵⁸ The daily Manabzamin, 25/07/2010

¹⁵⁹ The daily Prothom Alo, 10/08/2010

¹⁶⁰ The daily Amar Desh, 20/09/2010

¹⁶¹ The daily Naya Diganto, 12/10/2010

¹⁶² The daily Naya Diganto, 17/10/2010

Jaflong Union, armed with bamboo sticks, tried to prevent the move of Indian border guards. The villagers pushed them back to India the next day.

Comments: The Border Security Force (BSF) continues to engage in anti-humanitarian activities, which are undermining the assurance provided in the joint agreement between the Bangladesh and Indian Prime Ministers for stopping border violence and also the similar assurance provided in this regard at a meeting with the Director General's of the two border forces held during March 7-11, 2010.

Prime Minister Sheikh Hasina went to India on a state visit from January 10 to 13, 2010. The people of Bangladesh had expected the Prime Minister to protest against the killings, abductions and other forms of torture carried out by the BSF on the Bangladeshi people along the India-Bangladesh border unfortunately, this issue was totally ignored during the visit.

The Director General of the Indian Border Security Force (BSF) Raman Srivastava said that people killed by BSF personnel in the border areas were 'criminals,' and almost half of them were Indian nationals. The BSF chief made the remarks at a press briefing on the conclusion of the 5-day BDR-BSF DG level conference at the Bangladesh Rifles headquarters at Pilkhana in the capital on September 29, 2010.¹⁶³

Odhikar rejects the statement of the BSF Director General regarding the killing of Bangladeshi citizens. Odhikar expresses it deep concern that the statement of the BSF chief will justify the killings and human rights violations perpetrated by the BSF personnel. The BSF often intruded into Bangladesh territory and shoot at peasants and general people living at the border areas. They also kidnapped Bangladeshis and tortured them. According to information gathered by Odhikar, among the deceased and wounded almost all are Bangladeshi citizens. If any Bangladeshi citizen is involved with alleged smuggling in the border areas, in that case legal action needs to be taken.¹⁶⁴

Furthermore, India has not seen through the agreement it had previously entered into with Bangladesh. For instance, the issues concerning the enclaves and the demarcation of the border between the two nations stated within the Mujib-Indira Treaty of 1974 has not seen any mentionable progress. The status of Bangladesh's share of 54 rivers with a common source is also yet to be conclusively determined.

This is a serious issue and needs to be incorporated into the discussions between India and Bangladesh. Entering into another independent country's territory and firing intentionally without adequate reason goes beyond the norms of international law and human rights. Odhikar urges the Bangladesh Government to take effective steps with the Indian Government to ensure the prevention of further unlawful entry, firing and killing by the BSF.

¹⁶³ The Daily Star, 28/09/2010

¹⁶⁴ For detailed information see "Trgger Happy", published by Human Rights Watch, Odhikar and Masum in December 2010. The report is available at www.odhikar.org and www.hrw.org

Instigation of a curfew has been reported as an extreme measure put forward by the government that would avoid the issue rather than solve it.¹⁶⁵ The Home Minister Sahara Khatun, was quoted as saying that both the paramilitary Bangladesh BDR and the Deputy Commissioners of the districts concerned ‘have been directed to restrict night-time movement in the border areas to avert killings by the BSF.’ The Minister sought to rationalise the restriction by claiming that the Indian Government had earlier restricted night-time movement on the other side of the borders and the incidents of casualties in their territory from cross-border firing had come down as a result. While, as many as 910 Bangladeshis were killed by the BSF between January 2000 and April 2010, the BDR was not even accused of ever killing an Indian civilian.¹⁶⁶

Raman Srivastav, Director General of the BSF, on September 27, 2010, at the conclusion of 5-day talks between the BDR and BSF, promised to put a stop to the killing of Bangladeshi citizens at the border. However, torture and killing at borders remain persistent¹⁶⁷.

Table 17: Border Violence

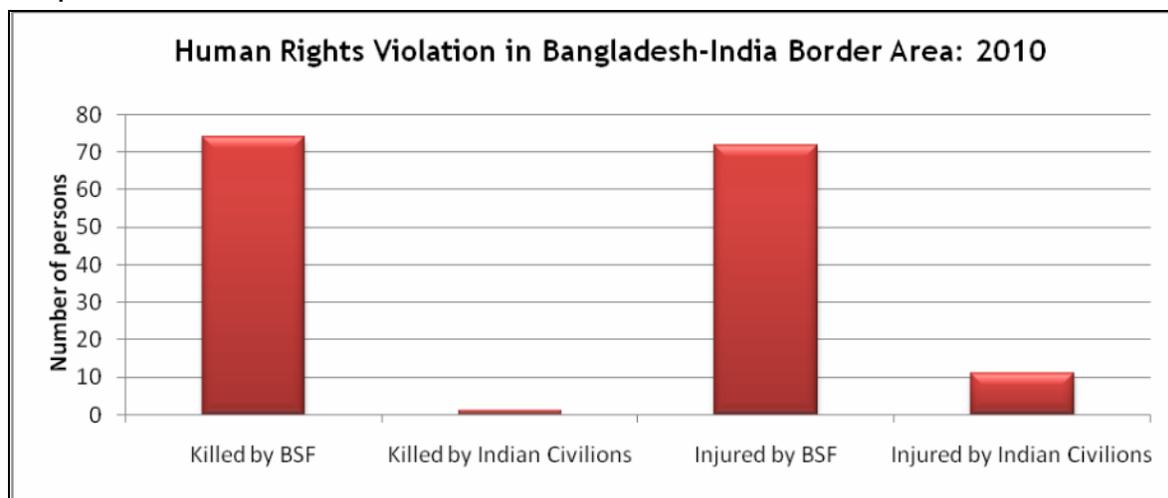
Human Rights Violation in Bangladesh-India Border Area 2010							
Name of the month	Killed by BSF	Killed by Indian Civilians	Total (Killed)	Injured by BSF	Injured by Indian Civilians	Total (Injury)	Grand Total
January	12		12	6		6	18
February	5		5	6		6	11
March	5		5	15		15	20
April	3		3	7		7	10
May	6		6	3		3	9
June	6		6	7		7	13
July	9		9	4	10	14	23
August	4		4	9		9	13
September	2		2	7		7	9
October	6	1	7	3	1	4	11
November	8		8	1		1	9
December	8		8	4		4	12
Total	74	1	75	72	11	83	158

¹⁶⁵The Daily Star, 20/05/2010

¹⁶⁶The daily New Age, 18/05/2010

¹⁶⁷The Daily Star, 20/09/2010

Graph-14: Border Violence



Handing over of persons struggling for the right to self determination:

A number of people from India, who are involved in self-determination movements in different Indian States surrounding Bangladesh borders, have been abducted or handed over to India. Some of them appear to have been well settled in Bangladesh with their families and children.

Most of these individuals could qualify as refugees under the UN Convention on Refugees¹⁶⁸, if they have a genuine fear of persecution. Though Bangladesh is not a party to this 1951 Convention, and has not got any legislation specifically addressing the refugee issues, the government could extend protection to persecuted individuals, if asked.

However, increasingly, reports are appearing both in India and Bangladesh about individuals being handed over to Indian security forces by Bangladesh. However, the government of Bangladesh so far has not admitted to such handovers, nor are there reports that these individuals have gone through any judicial processes, before such reported handovers. Therefore, all such handovers have been carried, almost certainly, without legal authorisation, and as such, are illegal.

Odhikar monitors such news, and some are noted below:

1. It has been alleged that the Indian intelligence agencies picked up Anta Saudang and Pradeep Chetia of United Liberation Front of Asom on December 13, 2010 from Bangladesh and their whereabouts are unknown since then. This has been claimed by an email messages from Arunudoy Dohatia, publicity secretary of the United Liberation Front of Asom.¹⁶⁹

¹⁶⁸ <http://www.unhcr.org/3b66c2aa10.html>

¹⁶⁹ The Daily Star, 19/12/2010

2. On October 14, 2010, Rajkumar Meghen, a leader of the United National Liberation Front (UNLF), an organisation that is struggling for 'self-determination' in Manipur, India, was arrested in Dhaka and handed over to the Indian law enforcement agency. BBC, through the Indian media, informed that he had been arrested by the police at the Hazrat Shahjalal International Airport during the beginning of October 2010. Rajkumar Meghen allegedly took shelter in Bangladesh for personal safety¹⁷⁰.
3. At least 28 leaders of the United Liberation Front of Asom (ULFA) were handed over to the Indian BSF on September 24, 2010. They were arrested on September 22 and 23, 2010. An Indian daily newspaper the Telegraph and a news agency IANS reported this. IANS also reported that they had been taken to Gowahati in Asam on September 25, 2010. The Telegraph quoted police reports that 15 mid level ULFA leaders were handed over to India by Bangladesh. Wives and children of some of them were handed over to India as well.¹⁷¹
4. Ranjan Chowdhury alias Major Ranjan, Military Commander of the United Liberation Front of Asam (ULFA) along with his Bangladeshi associate Prodeep Marak were arrested on July 17, 2010, by the intelligence unit of the RAB Headquarters and a special team of RAB-9 from Laksmipur area of Bhoirab under Kishoreganj district. RAB recently submitted charge sheets into three cases filed against them¹⁷².
5. On June 6, 2010, Ranjan Chowdhury alias Masud Chowdhury, Military Commander of the United Liberation Front of Asam (ULFA), was arrested by plain clothed law enforcers from a clinic at Mymensingh. He was admitted to Rumpa Nursing Home at Trishal, Mymensingh for treatment.¹⁷³
6. It has been revealed that Ranjan Doimari, Chairman of the National Democratic Front of Boroland has been handed over to the Indian authorities. On May 1, 2010, Ranjan Doimari was handed over to the Indian BSF across the Dauki international border along Meghalaya, India. The Indian media revealed that Ranjan Doimari was taken into 12 days police remand after being brought before the Kamrup Court by the Assam Police. On April 17, 2010, the Indian media stated further that a joint drive of the Indian and Bangladeshi intelligence led to the arrest of Ranjan and two of his associates from Jhinaigati, Sherpur.¹⁷⁴

Comments: Odhikar has expressed concern about the handing over of individuals and foreign nations, found on its territory, without due process of law. There are laws in place with provisions to deal with individuals who enter Bangladesh without

¹⁷⁰ The daily Amar Desh, 15/10/2010

¹⁷¹ The daily Amar Desh, 26/09/2010

¹⁷² The daily Prothom Alo, 18/07/2010

¹⁷³ The daily Shamokal, 07/06/2010

¹⁷⁴ The daily Amar Desh, 03/05/2010

authorization. Instead of following procedures ordained by law, the government has been acting improperly by such surreptitious handovers.

Also, in this regard, Odhikar draws attention to obligations of the government emanating from Article 25(1) (C) of the Bangladesh Constitution which states, 'The State shall base its international relations on the principles of respect for national sovereignty and equality, non-interference in the internal affairs of other countries, peaceful settlement of international disputes, and respect for international law and the principles enunciated in the United Nations Charter, and on the basis of those principles shall ... (c) support oppressed peoples throughout the world waging a just struggle against imperialism, colonialism or racialism.'

CHAPTER III

PERFORMANCE OF NATIONAL INSTITUTIONS

Judiciary

Citing the constitutional requirement for separation of powers between the Judiciary and the Executive,¹⁷⁵ in 1999, the Supreme Court directed the government to de-link the lower judiciary from the direct control of the government and place it under the supervision and management of the Supreme Court to ensure its independence. However, the formal separation of the lower courts from the Executive organ of the Bangladesh government did not take place until 2007. Many of the judicial officers currently sitting on those Courts and Tribunals have remained unchanged since that time.

The office of the Magistracy, therefore, remains highly vulnerable to government influence through judicial appointments and promotions which remain overseen by the Ministry of Law, Justice and Parliamentary Affairs. Questions have been raised about whether political nepotism has driven recent appointments to the courts, including the High Court Division, since two proposed appointees named in April 2010 had been facing criminal charges, including for murder and vandalism, which were withdrawn just before these appointments were announced.¹⁷⁶ After media scrutiny of this event, the Chief Justice refrained from administering the oath to these nominees, although no guarantee has been forthcoming from the Bangladesh Courts that no similar appointments will be made in the future. On November 4, 2010, four judges including the proposed appointees of April 2010, were sworn in by the new Chief Justice, who took over the responsibility on September 30, 2010, after the retirement of his predecessor. The cases of murder and vandalism, against the two, had been dismissed by the High Court Division earlier.¹⁷⁷

Corruption and other violations associated with country's judicial system have gone up by 40.3 per cent over the last three years according to a Transparency International Bangladesh survey report released on 23 December 2010.¹⁷⁸ TIB's household survey report 2010 puts the Judiciary as the most corrupt among 13 service sectors in the country. Transparency International Bangladesh (TIB) in its report states that general people suffer most due to corruption and other wrongdoings in the judiciary followed by law enforcement agencies and land administration.¹⁷⁹ The comparative analysis in the

¹⁷⁵ Article 22 of Bangladesh's Constitution mandates that 'the state shall ensure the separation of the judiciary from the executive organs of the state'.

¹⁷⁶ Asian Human Rights Commission, 'ASIA: Access to Justice and Fair Trials a Distant Dream in Nepal, India and Bangladesh' a written statement to the Human Rights Council, 14th sess, Agenda Item 3, Interactive Dialogue with the Special Rapporteur on the independence of judges and lawyers, at <http://www.ahrchk.net/statements/mainfile.php/2010statements/2580/>.

¹⁷⁷ The Daily Star, 05/11/2010

¹⁷⁸ The Daily Star 24/12/2010

¹⁷⁹ Transparency international Bangladesh. National 2010 Household Survey on Corruption in Bangladesh, Dhaka. 23 December 2010. See also http://www.ti-bangladesh.org/research/NHSC2010_TIB.pdf.

report, however, shows an improvement in the law and order arena with corruption taking a little downturn. The prevalence of corruption in this field decreased by 16.9 per cent to 79.7 percent now from 96.6 per cent measured in 2007.¹⁸⁰ Some 88 per cent households suffered most to avail of judiciary services due to various forms of corruption including bribe and other harassment.¹⁸¹ In its previous report in 2007 only 47.7 per cent households fell victim to corruption in the judicial system, according to the TIB. The survey says some 59.6 per cent households had to pay bribes in different stages to get judicial services. Of which, the highest 68.9 per cent households bribed magistrate's court, 58.4 percent judge's court and 73.6 per cent High Court.¹⁸² The Anti-Corruption Commission (ACC) chairman Golam Rahman attended the report releasing function as the chief guest and said "the procrastination in legal process and slow pace of settlement in graft cases are the key barriers to bringing desired outcome in curbing corruption"¹⁸³

In recent times the issue of 'Contempt of Court' has created controversies and confusions in Bangladesh. The dearth of an apposite law for determining what constitutes 'Contempt of Court' including the punishment for such offence is an imperative one as this vacuum has created an opportunity in generating a misunderstanding between public and judicial interpretations. A law defining Contempt of Court would allow the public, the civil society and media to understand the limitation in safeguarding the privilege of the Court while commenting or publishing any statement to any formal congregation. Instances of 'Contempt of Court' in 2010 are as follows:

In 'the Amar Desh' case, a petition was filed against the acting editor of Amar Desh, Mahmudur Rahman alleging that he had scandalised the Court that constitutes Contempt of Court, through a report headlined '*Chamber manei sarkar pakkhe stay*' (Chamber Bench means stay order in favour of the government) published in his daily in April 21. The acting editor was imprisoned for six months with Taka 1 lakh as fine. The reporter was sentenced to one month's jail. The subject matter of the case is a series of judgements passed by the Chamber Judge in question that projected that the opposition politicians were either denied bail granted earlier by the High Court or deprived of being interrogated by the police lawfully. Later, in October 11 the Supreme Court convicted Mahmudur Rahman again for the second time and fined him Tk 100. It showed that the Court has taken the matter leniently and reduced his punishment. Here arises the question that what is the marginal line to commit Contempt of Court and to get mercy from the Supreme Court as there is neither such guideline or any law addressing this issue.

M. Asafuddowla a retired civil servant raised few questions at a seminar at the National Press club on August 6, 2010 which was reported in the Shomokal as headlined 'Asafuddowla questions the court's neutrality' on August 7, 2010 Subsequently a

¹⁸⁰ Transparency International Bangladesh. National 2007 Household Survey on Corruption in Bangladesh. Substantive Summary. Dhaka, 18 June 2008. See also www.ti-bangladesh.org/research/HHsurvey07.

¹⁸¹ Transparency International Bangladesh. National 2010 Household Survey on Corruption in Bangladesh, Dhaka. 23 December 2010. See also http://www.ti-bangladesh.org/research/NHSC2010_TIB.pdf

¹⁸² Ibid

¹⁸³ The daily News Today, 24/12/2010

Contempt rule was issued against him on August 19, 2010 and on August 23 the High Court exonerated him from the contempt charge after he had offered an ‘unqualified apology’ for his comments about the Judiciary and submitted an ‘undertaking’ that he ‘would not make any offensive statements in future in relation to the Judiciary.’¹⁸⁴ Still, the court warned him that he would be ‘punished and sent to jail’, if he made any ‘derogatory remarks’ about the judiciary in future. Here in this case the issue between the privilege of the Court and right to freedom of speech and expression have reached to a complicated point which demands a new law for the defining and determining Contempt of Court once again.¹⁸⁵

On September 28, 2010 Dr Mohiuddin Khan Alamgir, who won the 2009 National Election on the Awami League ticket from the Chandpur-1 constituency, filed ‘Contempt of Court’ petition against Election Commissioner Muhammed Sohul Hussain for his comment regarding High Court Division order. Sohul had said: “Our decision to publish the gazette was right and it corresponds with the court (Supreme Court) order. We will confront the issue legally as the High Court has stayed the effectiveness of this gazette.”¹⁸⁶ Earlier, upon a writ petition filed by the MK Alamgir challenging the legality of the EC’s decision, the same bench of the High Court had stayed the effectiveness of the Election Commission’s decision that declared the seat vacant.

The conflict between the Contempt of Court Act 1926 and Article 39¹⁸⁷ of the Constitution of Bangladesh remained widely debated in 2010.

Police

The Bangladesh Police has long history and one inherited from the colonial rule of the British, followed by rule of Pakistan. Its members were attacked by the Pakistani army at the very onset of the liberation war on 25 March, 1971. During liberation struggle, members of the police force valiantly fought the occupying Pakistani forces. However, after independence, the police failed to keep up the expectations of the people, largely because of the use of police by the political parties in power, for partisan ends.

In 2003, an Odhikar report stated: ‘The main reasons for the overall breakdown of the policing system in the country, after independence, are military and civilian authoritarian ruling systems and criminalisation of politics. The authoritarian regimes have always wanted to make police an ‘obedient’ force to use them as a weapon against political opponents and the people who have a different opinion. As a result, police now stand on the rival front against all democratic movements and struggles to protect human rights. The authoritarian regime and the political leadership is more responsible than the police for this situation.’¹⁸⁸ In 2010, nothing has been done to improve or change the situation for the better.

¹⁸⁴ The daily New Age 24/ 08/ 2010

¹⁸⁵ Ibid

¹⁸⁶ The Independent 08/10/2010

¹⁸⁷ Article 39 of the Constitution guaranteed ‘Freedom of thought and conscience and of speech.’

¹⁸⁸ Human Rights and Police: Perspective Bangladesh, Odhikar, 2003

On 23 December 2010, Transparency International Bangladesh (TIB) published a report on “National Household Survey 2010”¹⁸⁹. The survey was conducted in 6000 thanas (police stations). Based on the experiences of the persons surveyed, the report found, that to receive services from the police, bribes had to be paid by 79.9% of those surveyed, making the police the second most corruption-ridden institution.

This reality has to change dramatically for the police to regain the trust of the people. As such, not only do the police have to be extensively reformed, but must also be given institutional autonomy so that it can withstand political pressure. The police are for enforcing law, but not the wishes and whims of the government.

Prisons

The prisons of Bangladesh are afflicted with various problems, including gross overcrowding, poor nutrition, lack of vocational and educational facilities, lack of proper and appropriate medical care, etc. Nothing much has been done to improve the situation of the inmates since the prisons was built a century ago. One of the main problems is the condition of the prison buildings. To date, there are several prisons in the country which were built during the British Raj. The cells are small and cramped, sanitation poor and ventilation inadequate. Many of the buildings are dilapidated and throughout the years, accommodating prisoners beyond cell capacity; supply of low quality food; lack of adequate medical facilities; crime inside the prison; the spread of various kinds of disease; harassment of inmates; inadequate/insufficient budget allocation etc. have all added to the slow degradation of the prison system in Bangladesh.

There are 67 prisons in Bangladesh, 12 Central Jails (including one for women only) and 55 District Jails in the country. As of 29 December 2010, there are 69,052 inmates in the prisons, where the actual capacity is 29,240. Among them, 17000 are convicted prisoners and 50,576 are under trial inmates.¹⁹⁰

Table 18: Prison

Total capacity	29240	
Actual number of inmates	69052	
	Male	Female
Convicted prisoners	16320	680
Under trial inmates	48968	1608
Death sentenced convicts	1029	28
Foreign prisoners	218	8
Section 54 Cr.PC	167	-
Detention under Special Powers Act, 1974	24	-

(Source: Directorate of Prisons)

¹⁸⁹ http://www.ti-bangladesh.org/news/press%20release_household%20survey%20_23%20Dec.pdf

¹⁹⁰ Directorate of Prisons, Government of Bangladesh. Data collected on 30/12/2010

There are allegations of corruption against the prison officials. It has been reported that the inmates do not get proper food, treatment and other facilities which they are entitled to. There are only a few correctional programmes in some prisons for the inmates.

In order to reduce overcrowding in the prisons, the proper implementation of the Probation of Offenders Ordinance, 1960 (Ordinance No. XLV of 1960) can be an effective solution. In this Ordinance the grant of probation is allowed to the offenders, excluding those who are sentenced to more than 2 years imprisonment or to death sentence or to life imprisonment; and women offenders in all cases except where convicted for life imprisonment and death sentence (Ss. 4, 5). It clearly reflects that the Ordinance looks for reformatory measures through probation and it does not permit imprisonment for petty offences whereas in our prisons, most of the offenders are confined there for such reasons.

Therefore, in considering the present prison system of our country and in urge for the reforming the system of justice, proper implementation of the said Ordinance is a must.

The National Human Rights Commission

The National Human Rights Commission has been established under the National Human Rights Commission Act 2009. Human rights activists have long campaigned for an independent Commission. The present Commission was appointed on 22 June, 2010, with a full-time Chairman, and a full-time Member. The Chairman is a respected Professor of Law, with known commitments to defending human rights. As such, expectations from the Commission are much higher now, which is a challenge for the Commission to meet. The Commission has to work very hard to earn and retain trust and confidence of the people.

On May 6, 2010, the government of Bangladesh and the United Nations Development Programme signed an agreement to strengthen the National Human Rights Commission. "The aim is to support the National Human Rights Commission to become an effective leader for the promotion and protection of human rights for all in Bangladesh," a United Nations Development Program (UNDP) statement said in Dhaka.¹⁹¹ Under the agreement, the UNDP will contribute seven million US dollars over the next five years under a new project titled "Bangladesh National Human Rights Commission Capacity Development Project".¹⁹²

Odhikar expects that the National Human Rights Commission will take active measures to implement the recommendations made at the 2009 Universal Periodic Review of the UN and persuade the government to stop repression of human rights defenders and to allow human rights organisations to work freely. Odhikar further expect that the National Human Rights Commission will be strengthened and made effective.

¹⁹¹ <http://www.allheadlinenews.com/articles/7018616990?New%20Beginning%20For%20Human%20Rights%20Commission%20In%20Bangladesh> accessed June 20, 2010

¹⁹² Ibid

The Anti Corruption Commission

In April 2010, the Government amended the Anti-Corruption Commission Act of 2004. The amendment made it possible for the Government to control or influence the said Commission. As a result, henceforth, the Anti-Corruption Commission (ACC) will be accountable to the President; it has to seek the Government's permission before filing a case against any government official; senior Government officers cannot be asked questions by junior officers; and five years imprisonment with fine will be awarded if false allegations are made. Furthermore, the Secretary of the Commission will be appointed by the Government and will also perform as the Chief Officer.

It is to be mentioned that under the earlier Act, the ACC was an independent body and it could sue anyone on allegations of corruption. The ACC was also independent regarding appointing its Secretary.

Odhikar believes that with the amendments to the Anti-Corruption Commission Act of 2004, the ACC will lose its authority, neutrality and independence. The Executive division of the State will influence its activity.

The Information Commission

The Government has established an Information Commission from July 1, 2009 to provide information to the people. Though the Commission has been established and a retired Foreign Secretary has been appointed as its Chairman, it still has made no significant in road to secure the 'right to information' of the people. The law envisages a three-member 'independent' Information Commission to preside over the information dissemination process of the State. That the government intends to have control over the Information Commission, in the first place, is evident in the composition of a five-member 'selection panel' designed to choose the members of the commission. With the government having direct control on three of the five-member selection panel, the law, then, says that the presence of three of the members will make a quorum and that the decisions will be made at the meeting/s of the selection committee on the basis of the opinion of the majority of the members. Moreover, the law stipulates that the Commission will require the government's approval for the set of rules that it will formulate for its functioning. There is, therefore, hardly any scope for any politically/intellectually independent person to be a member of the so-called independent Information Commission.

The government's intention to keep the Information Commission a 'toothless' body is also evident in the very little jurisdiction that the law has granted it to punish the errant public authorities responsible for providing information to the public. True, the Commission has been given the power to take action against an authority or an official concerned, in case the latter are found guilty, upon an investigation into the allegation of a citizen, of denying the citizen any information without valid reason, or of providing the citizen with inadequate or false or misleading information. But the kind of

punishment that the Commission could award an errant official is absolutely insignificant: a fine of Tk 50 per day for a certain period, which will not be exceeding Tk 5,000. Besides, the Commission would 'recommend' to the [higher] authorities concerned 'departmental action' against the errant authority or the official, and could 'request' the [higher] authorities concerned to inform the Commission as to what action the former has taken against the errant authority/official. Notably, the law is completely silent over as to what would happen if the higher authorities concerned refuse to honour the Commission's 'recommendation' to take departmental action against the authority/official violating the right to information law and/or refuse to entertain the Commission's 'request' to inform the body about the actions taken.

Understandably, the Information Commission in question created under the so-called right to information law would not be able to deliver on the promise to ensure citizen's access to information.

Comments: National institutions in Bangladesh suffer from a serious lack of independence and are constantly under the control of the Government either out of obligation or through 'controlling' laws. It is commendable that Bangladesh has institutions such as the NHRC and the Information Commission - but if they are bound and gagged by laws limiting their functions, what good are they to the people?

CHAPTER IV

INTERNATIONAL INSTRUMENTS & ORGANISATIONS

Ratification of the Rome Statute, 1998

Ratification of the Rome Statute of 1998 by the Government of Bangladesh on 23 March, 2010, has been a major achievement of the Government. The Rome Statute established the first permanent International Criminal Court (ICC) to prosecute international crimes such as Genocide, War Crimes and Crimes Against Humanity, when the State or States having jurisdiction, either are unwilling or unable to address these crimes of international concerns. Bangladesh was the first South Asian country to sign the Statute in September 1999, after it was adopted in Rome on 17 July, 1998. Bangladesh became the 111th States Party to the Statute.

Ratification of the Rome Statute was welcomed by almost every Government around the world at a specially convened Review Conference of the Statute, which was held in Kampala, Uganda in May-June, 2010.

Odhikar was the Focal Point of the campaign for the ratification in Bangladesh, and over the last eleven years, organised a number of high profile, national and regional events, to impress on the Government of importance of ratification.

Odhikar organised a workshop on 18 March, 2010, primarily for the media to get interested in the issue and engage in international justice issues.

Also, a high profile advocacy meeting on ratification was held on 20 March 2010. The meeting turned very critical, as it succeeded in proving answers to all remaining questions that were withholding ratification by the government. Earlier, on 15 March 2010, the Cabinet discussed the ratification of the Rome Statute, but instead of approving it, sent back the proposal for further consideration.

The UN Human Rights Council

Bangladesh is a Member of the UN Human Rights Council based in Geneva, Switzerland. The United Nations Human Rights Council (UNHRC) is an inter-governmental body within the UN system made up of 47 States responsible for strengthening the promotion and protection of human rights around the globe. Bangladesh has been elected a member of the UN Human Rights Council twice; once on May 9, 2006 and for the second time on May 12, 2009.

Bangladesh made a good number of pledges¹⁹³ during its election for membership to the Human Rights Council, but most of these pledges have remained unfulfilled. Odhikar's 2010 report would testify that not much progress has made to honour the pledges given to the international community.

This report annexes the letter that the Government of Bangladesh sent to UN Human Rights Council indicating her intention to participation in the election, and details of the voluntary pledges made.

¹⁹³ http://www.un.org/ga/search/view_doc.asp?symbol=A/63/842&Lang=E

CHAPTER V

TRIAL OF INTERNATIONAL CRIMES

International Crimes Tribunal (ICT)

2010 will be remembered in the history of Bangladesh as the year when, 39 years after the large-scale commission of international crimes in 1971, a process for accountability commenced. From 26 March to 16 December 1971, in the territory now known as Bangladesh, major international crimes were committed by the Pakistani military, resulting in three million deaths, two hundred thousand rapes, unfathomable destruction of properties, hundreds and thousands of injuries and other casualties.

The crimes were committed targeting unarmed civilians, based on their ethnicity, nationality, sex, religion and political beliefs. Bengalis were targeted, because they were Bengalis, while Hindus were picked up for elimination, because of their religion. Also, wanton destruction of properties, burning down villages, mass rape and indiscriminate attacks on civilians were some of the feature of these crimes. In other words, Crime of Genocide, War Crimes, Crimes against Humanity and other recognised international crimes were committed.

Despite such serious crimes, the process that started after Bangladesh was liberated on 16 December, 1971, could best be described as patchy. No thought was given about the victims, and their yearning for justice. The process that was initiated was halted by the Government before completing the course of justice and accountability.

In fact, in Odhikar's view, the decision not to proceed with investigation and prosecution of international crimes committed and to stop the process, was the beginning of what eventually turned out to become a deeply entrenched culture of impunity, which has prevented Bangladesh from becoming a truly rule based society.

However, as a result of prolonged civil society campaigns for justice for the 1971 war crimes, and a respond to aspirations of the people, the Government finally initiated the current process. Earlier, on 29 January, 2009, the Parliament unanimously passed a resolution seeking prosecution for the 1971 crimes that occurred during the country's war for liberation.

Bangladesh had a comprehensive law on international crimes, the International Crimes (Tribunals) Act, 1973. The Act provided a complete framework with all international crimes, such as the Crime of Genocide, War Crimes, Crimes against Humanity, Crime against Peace and other crimes under international law, along with provisions to set-up Tribunals, procedures of investigation, prosecution, and trials. It provided provisions for sentencing and appeal.

In March 2010, the Government established the first International Crimes Tribunal (ICT) in Bangladesh in Dhaka. It appointed three Judges, out of which two are High Court Division Judges and the third is a senior District Judge. It also appointed Investigators and Prosecutors. The Tribunal has in its custody a number of individuals suspected of

involvement in international crimes committed in 1971. All of these alleged accused are under pre-trial detention. At this stage, it is still not clear when the trials will commence.

Concerns

Human Rights Watch, Amnesty International, the War Crimes Committee of the International Bar Association and few other international organisations all supported the initiative of the Government to deal with the international crimes committed. They also expressed some concerns, as, in their views, the 1973 Act had to be amended further to ensure that trials under the Act are carried out in accordance with Bangladesh's international human rights obligations, international criminal law, and the Bangladesh Constitution.¹⁹⁴ The Government maintains that the trial will meet international standards.

Comments: Odhikar views that if the Tribunal acts independently, as it is ordained to do under the 1973 Act, then, there should be no concern about the standards of the trial. The Chairman and Members of the Tribunal is the Judges of the High Court Division, and a senior District Judge. In Bangladesh, no criminal trial has ever taken place led by such high level Judges. This fact alone has also introduced high degrees of safeguard in the process.

However, what needs to be done to make the process more independent, and not politically motivated, is to ensure that Government Ministers refrain from making suggestive comments, which appear interfering or influencing the International Crimes Tribunal (ICT) process. Ministers are on record making comments about when the trial will start, how many or who would be before the Tribunal, when the process would end, who should be arrested and indicted etc. This has undermined the ICT process.

Also, the way Investigating and Prosecuting teams have been conducting investigations, before the media, are alarming. Witnesses were seen giving testimonies to teams in the presence of television cameras, which were later broadcast. The investigation must protect the rights of victims and witnesses, including their privacy and above all, safety. The country has no witness protection mechanism yet, and Odhikar calls for speedy enactment of such a legislation. Odhikar also calls on the investigating teams to conduct through investigations, in a professional manner.

Odhikar urges the government to support the ICT, including giving the Tribunal financial means to operate independently. The Tribunal, in Odhikar's view, has been hamstring in many ways, by not being able to appoint its own staff, researchers, and other supports, necessary to discharge an historic obligation, to re-establish rule of law, end impunity, and give victims a sense of closure. The Tribunal is expected to account for the international crimes, which has to be supported wholeheartedly and not used for political purposes or gains, so that, at the end, justice prevails.

¹⁹⁴ See: <http://icsforum.org>: The International Crimes Strategic Forum is network of justice activists, which has been documenting the trial process in Bangladesh. It monitors all news, views, comments, documents generating around the ICT.

CONCLUSION

Human rights trends are an important indicator of the health of a nation and its institutions. The more the violation of rights, the more the 'illness. Bangladesh has always suffered from 'ill health' when it comes to human rights issues and 2010 was no exception, as this annual human rights report shows.

The reporting and publication of the human rights situation of a country is an act that requires dedication, commitment and a certain amount of fearlessness. In this regard, Odhikar has been consistent and diligent for the last 15 years, even publishing annual human rights report during the State of Emergency. In 2010, Odhikar had to pay for its human rights activities by coming under the scrutiny of the government that can only be termed as 'too close for comfort'. The following is a chronology of what has occurred:

At around 12 noon on 05 October 2010, a person came to the main gate of Odhikar and told the guard that he wanted to visit the office premises. He disclosed his identity as a policeman from the Special Branch. He left when the guard denied entry. After sometime another person came and asked about 'Adilur Rahman Khan'¹⁹⁵ and whether he resided in this building. The security guard said that he was in Court. The man left. Finally a third person came and said he wanted to go to the Swiss Red Cross office, situated at the 2nd floor of the building. The guard gave him access and the man went straight to the Odhikar office on the 3rd floor. The Director of Odhikar was in the office at that time and the man gave his identity as an officer of the Special Branch. He told the Director that his senior officer wanted to talk about Odhikar's activities and gave the Director, ASM Nasiruddin Elan, a cell number. Elan replied that he would contact the officer soon. The visitor called up his senior officer and handed over the cell phone to Odhikar's Director. The senior officer enquired whether Odhikar also worked with garment factory workers. Elan replied that Odhikar gave statements to alert the government to take notice of the issue, when garment factory workers felt deprived.

The next day, on 06 October, after office hours, at 6.30 PM, two men of City Special Branch (Gulshan Zone) told the security guard that they had work with Odhikar. Because the office was closed, they left.

At 11.45 AM on 07 October, two officers from the City Special Branch (Gulshan Zone) visited Odhikar and inquired about Odhikar's Secretary Adilur Rahman Khan. They wanted his curriculum vitae, passport details and his political background. Adilur Rahman Khan told them to bring an official letter from their authority in order to get information. They left Odhikar at around 12.30 PM.

¹⁹⁵ The Secretary is the spokes person of the organisation, on behalf of the Executive Committee. The present Secretary of Odhikar is one of its founding members, Adilur Rahman Khan, who is also an Advocate of the Supreme Court of Bangladesh. He has taken up many human rights cases through out his professional career.

On 09 October, at 12:45 in the afternoon, an Additional Superintendant of Police (City Special Branch) called up Adilur Rahman Khan and asked him to see him at the Special Branch Office. Adil asked for an official letter and he replied that it was only an invitation to 'develop a relationship'. Instead, Adil invited him to tea at his law chambers in Gulshan on 10 October 2010 at 7:00 pm. The meeting never took place.

On 17 October 2010, the Deputy Assistant Director of the Munshiganj¹⁹⁶ branch of the National Security Intelligence (NSI), called Odhikar's Director Nasiruddin Elan up on his cell phone, seeking information about a specific Odhikar project. On 19th October, Nasiruddin Elan faxed all the relevant information to him and the latter called him up the next day asking him to come to the Munshiganj NSI office. In the meanwhile, the Odhikar Director was already being investigated and monitored by NSI field officers. NSI field officers were also questioning Odhikar's local level Munshiganj human rights defenders about the work of the Organisation.

On 23 October, Nasiruddin Elan went to the Munshiganj NSI office. The Deputy Assistant Director of the NSI asked the Odhikar Director many questions and wanted to know about the latter's political background and any affiliations. He told Nasiruddin Elan that this investigation was being carried out by order of the 'higher officials'.

On 03 November, 2010, the Director of Odhikar, Mr. ASM Nasiruddin Elan, paid a visit to a government office to check on the status of a project. There, he was cautioned by an official that the government was 'extremely annoyed' with Odhikar. The official advised Odhikar's Director to take care while traveling and convey the message to the organisation's Secretary. Nasiruddin Elan was also informed by the same official that members of the Special Branch of police were constantly monitoring the Odhikar office.

On 25 December 2010, at approximately twelve thirty in the afternoon, a Sub-Inspector of the Special Branch of Police called Odhikar asking for the cell phone number and the National Identification Number (National ID number) of the Secretary of Odhikar, Adilur Rahman Khan. The Secretary was not in the Odhikar office at that time, being away for the whole day. He also asked for Odhikar's registration number, date of registration and the date of last re-registration. He also came to the Odhikar office at about 4:00 in the afternoon and at 7:00 in the evening looking for the Secretary.

On 26 December 2010 at approximately 7:00 in the evening, a man claiming to be a policeman from the Gulshan Police Station (he was not in uniform) came to the gate of the Odhikar building and asked the security guard whether this was Advocate Adilur Rahman Khan's residence (since he resides on the ground floor of the Odhikar building and if he was keeping 'well'). Adilur Rahman Khan was in the Odhikar office at that time and a member of staff went downstairs to take him up to the office, but the man had left by then.

¹⁹⁶ ASM Nasiruddin Elan's permanent address is in Munshiganj and is also one of the working areas of Odhikar, being just outside Dhaka.

Such incidents of constant visits, telephone calls and requests for information that can be obtained from government records, are clear examples of harassment and intimidation and an attempt to disrupt the functioning of a human rights organisation.

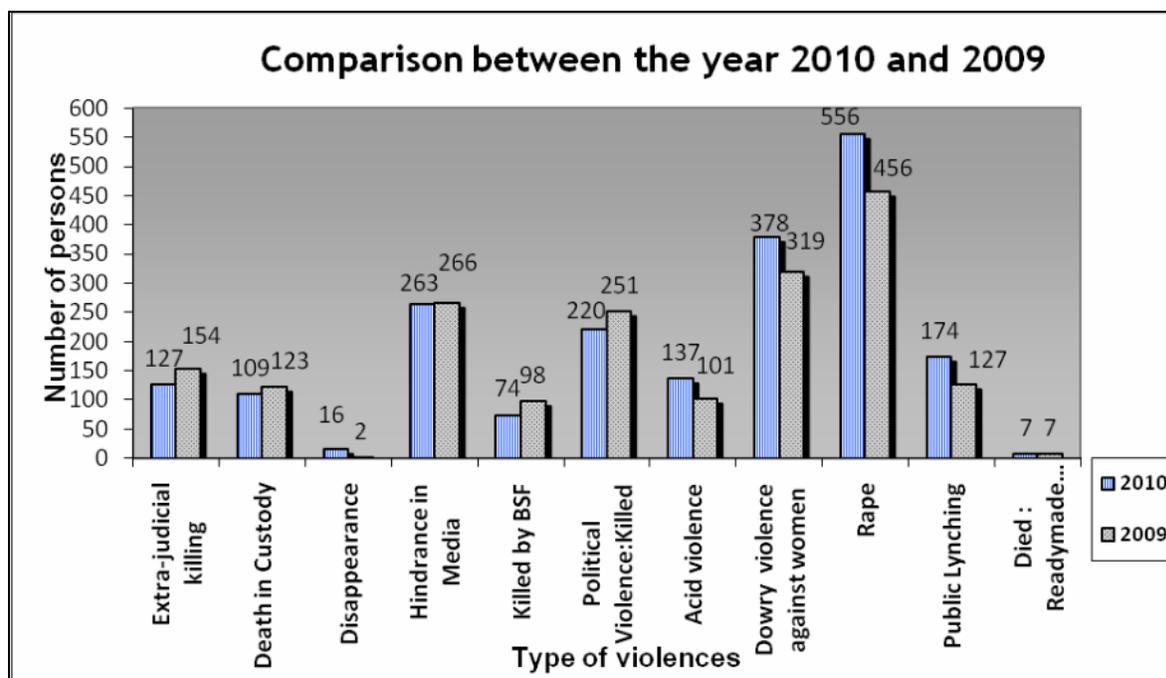
Odhikar thanks every human rights defender for their solidarity and support throughout 2010.

The annual report of 2010 is testament to the growing violence in Bangladesh, in all sectors of human rights. It is also a witness to a strengthening culture of torture and impunity and lack of accountability. It is sincerely hoped by Odhikar that this annual report will be a useful campaigning tool for all human rights defenders interested in Bangladesh and a way to identify sectors for work and campaign, in order to lessen the violence and make institutions more accountable in 2011.

Annex I

Comparison between the year 2010 and 2009

Comparison between the year 2010 and 2009		
Type of Violence	2010	2009
Extra-judicial killing	127	154
Death in Custody	109	123
Disappearance	16	2
Hindrance in Media	263	266
Killed by BSF	74	98
Political Violence:Killed	220	251
Acid violence	137	101
Dowry violence against women	378	319
Rape	556	456
Public Lynching	174	127
Died : Readymade Garments Worker	7	7



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**Elections to fill vacancies in subsidiary organs
and other elections: election of eighteen members
of the Human Rights Council****Letter dated 4 May 2009 from the Chargé d'affaires a.i.
of the Permanent Mission of Bangladesh to the United Nations
addressed to the President of the General Assembly**

I have the honour to state that Bangladesh has floated its candidature to the Human Rights Council for the term 2009-2012. I enclose an aide-memoire on the voluntary pledges made by Bangladesh towards the promotion and protection of human rights in accordance with General Assembly resolution 60/251 (see annex).

The Permanent Mission of Bangladesh would be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 104 (c).

(Signed) Abdul **Alim**
Counsellor



**Annex to the letter dated 4 May 2009 from the Chargé
d'affaires a.i. of the Permanent Mission of Bangladesh to the
United Nations addressed to the President of the General Assembly**

**Aide-memoire on Bangladesh's voluntary pledges towards human
rights: Human Rights Council elections, May 2009**

Introduction

Bangladesh is strongly committed to the promotion and protection of all human rights and fundamental freedoms. Its commitment to promoting and protecting human rights flows from the realization that the well-being of the people can only be ensured through effective enjoyment of all human rights by all.

Bangladesh has been endeavouring to build a society that is free from all forms of exploitation and in which human rights, fundamental freedoms, equality and justice are secured. Bangladesh holds that all human rights are universal, indivisible, interdependent and mutually reinforcing. However, for a country like Bangladesh, economic, social and cultural rights, and, most importantly, the right to development, are of paramount importance. It believes that the realization of these rights will help ensure enjoyment of a whole range of human rights, including civil and political rights. With this conviction, Bangladesh participated actively and constructively in the negotiations leading up to the creation of the Human Rights Council and subsequently became one of its founding members.

Bangladesh is seeking re-election to the Human Rights Council for the term 2009-2012.

If elected, Bangladesh will continue its efforts, together with others, to make the Council an effective, efficient and credible defender of human rights worldwide.

Constitutional framework

The Constitution of Bangladesh, which embodies the principles and provisions of the Universal Declaration of Human Rights, is the supreme law of the Republic. It guarantees human rights to all its citizens without any discrimination.

The fundamental rights envisaged in the Constitution of Bangladesh reflect the human rights prescribed by international human rights law. They include, among others, the right to equality before the law and equal protection of the law; prohibition of discrimination on grounds of race, religion, caste or sex; the right not to be detrimentally affected in respect of life, liberty, body, reputation or property; freedom of movement, of assembly, of association, of thought and conscience, of speech, of profession or occupation, and of religion; prohibition of forced labour; and equal opportunity in public employment.

The Constitution also sets out the fundamental principles of State policy. It requires the State to be a democracy. It also requires the State to ensure, inter alia, women's participation in national life, free and compulsory education, public health, equality of opportunity, work as a right and duty, rural development and the promotion of local government institutions, and respect for international law. The Supreme Court of Bangladesh has, on a number of occasions, upheld these fundamental principles in protecting the rights of the citizens of Bangladesh.

In terms of affirmative action, the Constitution of Bangladesh states that the State is allowed to make special provision in favour of women or children or for the advancement of any backward section of citizens.

Achievements/progress made in the area of human rights

Bangladesh, despite its varied constraints, is determined to fulfil its constitutional obligations and its international commitments through a variety of legislative and administrative measures as well as socio-economic development programmes. It has also made sincere efforts to fulfil the pledges it made during Bangladesh's election to the Human Rights Council in 2006, including in the areas of poverty eradication; socio-economic development; women's empowerment; education, particularly of girl children; anti-corruption measures; separation of the judiciary from the executive; and the establishment of the National Human Rights Commission. Some of the accomplishments are enumerated below:

Fundamental rights: Bangladesh has, through legislative and executive measures, ensured freedom of speech and expression, freedom of the press, and freedom of thought and conscience. Every citizen enjoys the right to religion, education, association, assembly, occupation and trade. It has one of the most independent print and electronic media in the world, which has been playing a critical role in promoting and protecting the human rights of the citizens of Bangladesh as well as in ensuring good governance.

Good governance: Bangladesh has established itself as a democratic and pluralistic polity through its deep commitment to good governance, democracy, the rule of law, and the promotion and protection of all human rights and fundamental freedoms for all citizens, with particular attention to women, children, minority communities, persons with disabilities and other vulnerable sections of the population. The parliamentary elections of December 2008, local government elections, the separation of the judiciary from the executive, the strengthening of the Election Commission and of the Anti-Corruption Commission, the enactment of the Right to Information Act and the establishment of the National Human Rights Commission are some of the measures adopted by the Government in establishing a culture of accountability and transparency in governance.

Socio-economic development: Bangladesh has made significant progress towards the socio-economic emancipation of the people in terms of sustained economic growth, per capita income, food security, disaster risk reduction capability, and high achievements in the social sector, particularly women's empowerment, the education of girl children, infant and maternal mortality rates, and access to safe drinking water as well as to primary health care. Home-grown concepts such as micro-credit and non-formal education have played a significant role in overcoming the resource constraints that Bangladesh regularly faces in the implementation of its development programmes. A large community of non-governmental organizations and a vibrant civil society have been playing a significant complementary role by way of working in an ever-stronger partnership with the Government.

Education: Bangladesh believes that access to education for all is an essential step in the direction of the enjoyment of human rights by all. "Education for All", with particular emphasis on girl children's education, has always been an important tool in Bangladesh for ensuring the unhindered enjoyment of human rights by its

people. The Government has made primary education free and compulsory for all children. It provides free education for girls up to class 12, the stipend for girls in rural secondary schools and free books for all children at the primary level. The Government runs a Food-for-Education/Cash for Education Programme providing food rations to poor primary-school children in rural areas.

The Government is now working to reduce school dropout rates, with a target of reaching a 100 per cent net enrolment rate by 2010, and to rid the country of the curse of illiteracy by 2013. The Government will also make education up to degree level (tertiary) free.

Empowerment of women: Women in Bangladesh are increasingly assuming leadership roles at both the national and the local levels. The new Government is headed by a woman Prime Minister, and her cabinet includes women ministers with important portfolios — foreign affairs, home affairs, agriculture and labour. The leader of the opposition, who happens to be a former Prime Minister, is also a woman. Nineteen women candidates were elected to the Parliament through a direct vote in the December 2008 general elections. With the 45 reserved seats, women representatives occupy more than one fifth of the Parliament.

Women occupy one third of the reserved seats for direct election in all local bodies, including municipal corporations. They also have reserved but directly elected representation in Upazilla (subdistrict) Councils. Women in Bangladesh enjoy 10 per cent job quotas in Government services. The participation of women in the formal labour market has significantly increased owing to changes in livelihood patterns and economic expansion. The labour force in the ready-made-garment industry is constituted almost exclusively of women workers.

Combating violence against women and children: Bangladesh has enacted appropriate legislative measures to promote the rights of women and children and to protect them from violence, abuse and discrimination. Bangladesh has a separate Ministry devoted to the welfare of women and children. It is a party to the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

The Government has undertaken policy measures to implement the Beijing Platform for Action. The National Policy for the Advancement of Women and the National Action Plan for the Advancement of Women are two significant initiatives. The principal focus has been to eliminate gender disparities in the areas of law, economics, politics and the family.

Bangladesh has taken resolute action to stop violence against women. One-Stop Crisis Centres (OCCs) have been established in all six Divisions for victims of violence. These centres provide victims with emergency medical treatment, police assistance, legal aid and shelter facilities. Non-governmental organizations are working closely with the Government in raising awareness on preventing violence against women.

Bangladesh is one of the early signatories to the United Nations Convention on the Rights of the Child. Bangladesh has a National Plan of Action against the Sexual Abuse and Exploitation of Children, including Trafficking. A draft has been prepared on the National Social Policy on Alternative Models of Care and Protection for Children, aimed at harmonizing national laws on juvenile justice with the Convention.

Pursuant to its commitment to eradicate child labour, the Government is finalizing the National Child Labour Policy. Bangladesh has eliminated child labour from the ready-made-garment sector, the country's largest industrial sector. It has now embarked on a Time-Bound Programme (TBP), which is primarily a plan of action for eliminating the worst forms of child labour.

Social safety net: A wide range of social safety net programmes have been put in place to address the multidimensional challenges faced by the poor and the vulnerable. Special measures have been taken to address the feminization of poverty. These include the Allowances Programme for Widowed, Deserted and Destitute Women; a pilot programme on Allowances for Poor Lactating Mothers and a Maternal Health Voucher Scheme; and a Community Nutrition Programme. The Vulnerable Group Development (VGD) Programme, one of the most successful development initiatives, has a nationwide outreach, covering nearly 750,000 poor rural women.

National Human Rights Commission: In fulfilment of the pledge it announced during the 2006 Human Rights Council election, Bangladesh established an independent National Human Rights Commission in 2008 following the guidelines of the Paris Principles. The three-member body is presently headed by a former Supreme Court judge and includes a woman from civil society as well as a representative from the minority community. The Commission receives and investigates allegations of human rights violations from individuals and groups. It will also monitor the overall human rights situation in the country and make appropriate recommendations.

Separation of judiciary from executive: Bangladesh is convinced that independence of the judiciary is critical in ensuring good governance and the rule of law, and by extension, the protection of human rights and fundamental freedoms. The Supreme Court of Bangladesh has always enjoyed independence in its functioning. However, the subordinate judiciary has been criticized for being under executive influence.

In order to ensure the independent functioning of the judiciary, and in fulfilment of the pledge made during the 2006 Human Rights Council election, Bangladesh recently completed the process of the full separation of the judiciary from the executive. It is expected that an independent judiciary will have far-reaching implications in terms of improving the human rights situation in the country.

Fight against corruption: Bangladesh is committed to its fight against corruption, which it considers an obstacle to ensuring a better living standard for its people. As pledged during Bangladesh's 2006 election to the Human Rights Council, the Rules of Procedure of the Anti-Corruption Commission have recently been reformulated, providing the Commission with greater independence and authority. The Commission is equipped to conduct investigations and take legal and other measures for preventing corruption. Bangladesh is also a party to the United Nations Convention against Corruption.

Right to information: Bangladesh believes that exercise of the right to information by its citizens is an essential element in ensuring good governance by way of making the Government accountable for its actions or inaction. It has recently adopted the Right to Information Act empowering people to seek

information from relevant Government agencies on matters of public interest. A focal point has also been designated in each organization in this regard.

Fight against terrorism: Bangladesh believes that terrorism and extremism are anathema to the enjoyment of human rights and that terrorism is the worst form of human rights violation. It, therefore remains resolute in its relentless campaign against international extremism and terrorism. Bangladesh is party to all 13 terrorism-related United Nations conventions, a testament to its commitment to fighting terrorism in all its forms and manifestations. At the national level, Bangladesh has undertaken several legislative and administrative measures to curb this menace and has ensured their effective implementation. At the regional level, Bangladesh is a party to the SAARC Regional Convention on Suppression of Terrorism as well as to its Additional Protocol.

Contribution at the global level

Bangladesh plays a constructive role in the international arena through promoting cooperation and dialogue, particularly at the United Nations. Bangladesh's constructive and cooperative role at the Human Rights Council has earned laurels from all quarters. It strives to build consensus on important issues in different international forums. Some of its undertakings are as follows:

Human rights instruments: Bangladesh is a State party to all major international human rights instruments, including the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child and its two optional protocols; the Convention on the Elimination of All Forms of Discrimination against Women and its optional protocol; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Prevention and Punishment of the Crime of Genocide; the International Convention on the Suppression and Punishment of the Crime of Apartheid; the Slavery Convention of 1926 and subsequent protocols; the Convention on the Political Rights of Women; and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.

Bangladesh has also become party to the United Nations Convention against Corruption and to the Convention on the Rights of Persons with Disabilities and its optional protocol.

Human Rights Council: Bangladesh is a firm supporter of the United Nations. In the area of human rights, it attaches high importance to the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights, the treaty bodies, the special procedures and other human rights mechanisms.

Bangladesh, as a current member of the Human Rights Council, participates actively in its work. It is cooperating with other United Nations Member States, civil society representatives and special procedures in order to make the Human Rights Council an effective, efficient and credible human rights body.

Bangladesh was actively engaged in the negotiations leading up to the establishment of the Human Rights Council. Later, it made significant contributions

to the institution-building process of the Council and in the reform of the United Nations human rights machinery. It contributed to developing the terms of reference and modalities for the universal periodic review. Bangladesh also made contributions to the review, rationalization and improvement of the system of special procedures and other expert mechanisms of the Council.

Human Rights Council mechanisms: As pledged during its 2006 election to the Human Rights Council, Bangladesh has undergone its first-ever universal periodic review in the Council on 3 February 2009, during its tenure in the Council.

Bangladesh has been cooperating with the human rights treaty bodies and made good use of their advice on improving the human rights situation in the country. Bangladesh has so far hosted several special rapporteurs, demonstrating its willingness to cooperate with the United Nations human rights machinery. Some of them have included the Special Rapporteur on the independence of judges and lawyers; the Special Representative of the Secretary-General on the situation of human rights defenders; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Working Group on Arbitrary Detention; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the sale of children, child prostitution and child pornography; the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; and the Special Rapporteur on the right to food.

Dialogue for promotion and protection of human rights: Bangladesh has been advocating dialogue as the most effective means to promote harmony, tolerance, mutual respect and solidarity among different faiths and cultures. It has been submitting, for many years now, an annual resolution on “Culture of peace” in the General Assembly, with huge support from the United Nations membership.

Bangladesh and United Nations peacekeeping: Bangladesh is a leader in United Nations peacekeeping. Its commitment to United Nations peacekeeping flows from Bangladesh’s commitment to contribute to the maintenance of international peace and security as well as to uphold the values on which the United Nations was founded. Its soldiers are working in difficult circumstances in many post-conflict situations to protect the lives and human rights of peoples, particularly of women and children.

Voluntary pledges towards human rights

Bangladesh makes the following pledges:

At the domestic level, Bangladesh will:

- Intensify its efforts, while framing its national policies and strategies, to uphold the fundamental principles enshrined in the Constitution of Bangladesh as well as those of the Universal Declaration of Human Rights and other international and regional human rights instruments to which it is a party

- Continue with its agenda for the 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
- Enhance 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
- Intensify efforts for the implementation of the Beijing Declaration and Platform of Action, the Copenhagen Declaration and Plan of Action, and the outcomes of other major United Nations international conferences and their follow-up meetings
- Ensure 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
- Work 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
- Preserve and further the independence of the judiciary and freedom of the press
- Strengthen further the capacity-building and training programmes in the field of human rights for law enforcement officials, judges, public prosecutors, lawyers, journalists, parliamentarians and the media
- Enhance efforts to eradicate child labour and adopt a national policy on eliminating child labour
- Consider adhering to the remaining international and regional human rights instruments through developing consensus within the society
- Strengthen efforts to meet its obligations under the treaty bodies to which it is a party through the effective implementation of relevant national programmes
- Continue to cooperate with the special procedures and mechanisms of the Council with a view to further improving its human rights situation
- Invite some Special Rapporteurs to visit Bangladesh at mutually convenient times
- Remain prepared to undergo its second review under the universal periodic review mechanism, as and when it becomes due
- Strengthen further the partnership of the Government with non-governmental organizations and civil society in the promotion and protection of human rights for all.

At the international level, Bangladesh will:

- Continue to extend its fullest support to the Human Rights Council in its work for the promotion and protection of all human rights and fundamental freedoms without distinction of any kind and in a fair and equal manner
 - Continue to support the Council in its work, guided by the principles of universality, impartiality, objectivity, non-selectivity and international dialogue and cooperation
 - Strengthen further its constructive engagement and cooperation with other members of the Human Rights Council as well as with the observer member States to make it an effective body for the promotion and protection of human rights
 - Continue to support the work of the Office of the United Nations High Commissioner for Human Rights in fulfilling its mandate
 - Continue to support United Nations agencies, programmes and funds that can facilitate the promotion and protection of human rights
 - Continue to promote the realization of the right to development as an inalienable right of all peoples and support ongoing efforts to further develop the concept and its operationalization.
-