



June 1, 2011

Human Rights Monitoring Report:

1 - 31 May 2011

<p>Extrajudicial killings continue</p> <p>RAB submitted an investigation report accusing Limon and family members</p> <p>University student disappears after being 'abducted' by RAB from the jail gate</p> <p>Home Ministry cautions the National Human Rights Commission</p> <p>Killings and kidnappings by BSF continue</p> <p>Verdict of the BDR mutiny case - detainees claim denial of medical services</p> <p>Cases filed against Trade Union leaders</p> <p>Violence against women continues</p>
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Odhikar defends civil, political, social, economic and cultural rights of the people and as part of its mission, observes reports and analyses the human rights situation of Bangladesh. Odhikar documents and records violations of human rights and receives information from its network of human rights defenders as well as from monitoring media reports in twelve national daily newspapers. Odhikar conducts detailed fact-finding investigations where serious violations occur.

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

Extrajudicial killings continue

1. According to information gathered by Odhikar, during the month of May 2011, 07 people were killed extra-judicially. It has been further alleged that of these people, 05 were killed by Police, 02 by RAB-Coast Guard. Among them, 04 died while they were in the custody of police.

Types of death

Crossfire/encounter/gun fight:

2. Among the extra-judicial killings, 02 persons were killed in 'crossfire/encounters/gun fights' while in the hands of RAB-Coast Guard.

Death due to torture:

3. Of the deceased, 04 were allegedly tortured to death by police during May 2011.

Shoot:

- 4.01 person was shot dead by police.

Identities of the deceased:

5. Of the 07 deceased, 01 was a second year university student, one a veterinary surgeon, one was an under trial prisoner and 04 were alleged criminals.

RAB submitted an investigation report accusing Limon and his family members

6. The Prime Minister's Defense Advisor Tareque Ahmed Siddiqui at a press conference said, "Limon and his father were directly involved with criminal Morshed Zomaddar. Allegations against RAB of shooting Limon's leg after grabbing him, were not correct. Limon was escaping from the scene while RAB was trying to hold criminal Morshed Zomaddar and then RAB shot at his leg." The press conference was at the Prime Minister's Office on May 19, 2011.¹
7. On May 22, 2011, Home Minister, Shahara Khatun, said that Limon and his father were involved with a criminal group - and the comment of the Prime Minister's Defense Advisor was the statement of the government.²
8. On May 23, 2011, M Sohael, Director, Legal and Media Wing of RAB told a press conference, held in RAB Headquarters, that the investigation report of RAB has come to their hands. He said, Limon, his parents and siblings have contacts with Morhsed Zomaddar, his group and his wife.³
9. It is to be mentioned that on March 23, 2011, Limon Hossain (16), son of a day-labourer Tofazzal Hossain of Saturaia village under Rajapur Upazila in Jhalokathi district, and an HSC examinee of Kathalia PGS Polytechnic College, was returning home with cattle when a team from RAB-8 led by Deputy Assistant Director (DAD) Mohammad Lutfar Rahman, caught him in front of local resident Shahid Zomaddar's house, and asked for his identity. Limon told them he was a student. RAB members then shot at his left leg. RAB members kept wounded Limon without medical aid for about two/three hours at the spot. Later he was

¹ The daily Amader Shomoy, May 20, 2011,

<http://www.amadershomoy1.com/content/2011/05/20/news0424.htm>

² The daily Prothom Alo, May 23, 2011, <http://www.prothom-alo.com/detail/date/2011-05-23/news/156474>

³ The daily Prothom Alo, May 24, 2011, <http://www.prothom-alo.com/detail/date/2011-05-24/news/156694>

admitted to the Barisal Medical College Hospital and shifted to the Orthopedic Hospital at Dhaka when his condition deteriorated. Limon's left leg had to be amputated at the Orthopedic Hospital.⁴

10. Despite numerous media reports and statements about Limon, that there is absolutely no evidence of his being ever accused of any criminal charges or any relation to criminals; publicising Limon persistently as criminal by the high-ups of the government, while Limon's case was under judicial process, is a matter of serious concern. The shooting of Limon into disability by RAB officers was also investigated by RAB. Odhikar fears that this has hampered an impartial investigation process. It appears that such statement would encourage impunity of law enforcement agencies. Odhikar condemns and protests the statements of the government.
11. Odhikar is also concerned about the statement of the Prime Minister's Defense Advisor, Tareque Ahmed Siddiqui accusing a national daily and its editor, without naming it directly, for following up the news of Limon. He threatened the Editor with words such as, "...if the Government wishes, the editor can be arrested." In the context of the repression suffered by the daily Amar Desh and its editor Mahmudur Rahman, the threat cannot be shaken off easily. Such threats construe repression on the media and particularly the media's role in defending human rights.

A University student disappears after being 'abducted' by RAB from the jail gate

12. On 22 February 2011, Tawfique Ahmed Hasan, a second year student of Stamford University in Dhaka, was arrested in Dhaka, with two others, with posters of the banned organisation Hizb-ut Tahrir. He obtained bail on May 13, 2011 in the case filed by the police. Hasan's father, Mohammad Khabir Uddin, quoting police and jail sources, claimed that RAB personnel, in plain clothes, picked up his son.⁵
13. On May 31, 2011 Mohammad Khabir Uddin, father of Tawfique Ahmed Hasan filed a case against four people - Deputy Assistant Director Mohammad Harun, Flight Lieutenant Mohammad Emon of RAB-10 and Dhaka Central Jail Senior Superintendent Tauhidul Islam and the Deputy Jailer Mohammad Imran Hossain. The Metropolitan Magistrate of Dhaka, M A Salam, on the same day ordered a departmental investigation into the 'abduction' of Tawfique Ahmed Hasan.⁶

⁴ Fact-finding report of Odhikar

⁵ New Age, 31 May 2011, <http://newagebd.com/newspaper1/frontpage/20827.html>

⁶ Ibid

Home Ministry cautions the National Human Rights Commission

14. The Home Ministry has asked the National Human Rights Commission not to go beyond its jurisdiction regarding the activities of the disciplined forces, especially police and RAB personnel. Sources said the Ministry made the comments following the NHRC's reactions regarding extrajudicial killings by law enforcement agencies and the recent incident of maiming college student Limon during a RAB shooting. NHRC Chairman Dr. Mizanur Rahman, who visited Limon in the hospital and publicly demanded punishment for RAB members for shooting him, has asked the Police Superintendent of Jhalkathi to provide the Commission with required papers on the incident. Following the law enforcers' reluctance to take the case filed by Limon's mother against RAB members, who allegedly shot him in the left leg, which had to be amputated, he said the Commission itself would go for legal action if police do not take the case.⁷
15. Odhikar believes that the NHRC has become a powerless institution as it has no specific jurisdiction to take action against the accused persons or law enforcement agencies. The Commission ought to file cases against human rights violations; however, according to the Human Rights Commission Act the Commission can only give recommendations to the government to take action against perpetrators. It appears that the NHRC does not have any effective power. It is a matter of regret that the Home Ministry does not have the moral position and receptivity to accept the concerns expressed by the NHRC and its appeal to take action against the accused abuses. Odhikar questions the actual necessity of the Commission, if the Government is going to ignore it.

Death in jail custody

16. In the month of May 2011, 13 persons reportedly died in jail custody.

Public lynching

17. During the month of May 2011, 11 people were allegedly killed by mob beating.
18. Odhikar believes that erosion of faith in the weak criminal justice system makes people take the law in their own hands.

Political violence continues

19. In May 2011, according to information gathered by Odhikar, 14 persons were killed and 630 injured in political violence. 18 incidents of internal violence in the Awami League and 14 in the BNP were also recorded during this period. In addition to this, 03 persons were killed and 129 people were injured in Awami

⁷ "Govt asks NHRC not to go beyond jurisdiction", The Daily Sun, 5 May 2011, http://daily-sun.com/?view=details&type=daily_sun_news&pub_no=206&cat_id=1&menu_id=1&news_type_id=1&index=0

League internal conflicts while 146 persons were injured in BNP internal conflicts.

BSF killings and abductions at the border continues

20. Despite repeated assurance of the Indian Border Security Force (BSF) to stop killing, the BSF continues to abduct and kill Bangladeshi citizens at the border areas. On May 7, 2011, Hafizur Rahman (30), son of Foyzur Rahman, was shot dead by the BSF near sub pillar 4 of the international main pillar 316 at Sundara Border Post under Dinajpur district. On May 6, 2011, the BSF abducted a farmer named Rouf Miah from near international main pillar 1073 at Rajibpur border under Kurigram district.⁸
21. Home Minister, Sahara Khatun said, "Felani, who was shot dead by the BSF, was not a Bangladeshi but an Indian. Even then the government did a lot for the family of Felani and I personally visited their village home." She told the journalists after a meeting in New York, on May 29, 2011.⁹
22. Odhikar condemns such statement of the Home Minister mentioning Felani as an Indian citizen. It is another example of the weak foreign policy of the Bangladesh Government.
23. According to information gathered by Odhikar, during May 2011, along the India Bangladesh border, the BSF reportedly killed 04 Bangladeshis and injured 01 Bangladeshi. One person was allegedly abducted by BSF.

Freedom of media

24. According to information gathered by Odhikar, in May 2011, 06 journalists were reportedly injured, 01 journalist assaulted, 03 journalists attacked and 14 journalists were threatened.

Verdict of the BDR mutiny and detainees claim denial of medical services

25. The verdict of the former BDR mutiny at the 'Sector Headquarter-Dhaka' unit was delivered on May 11, 2011. BGB Mymensingh Sector Commander, Col. Iftekhar Uddin Mahmud, declared the judgement at the Special Court-11 set up in the Darbar Hall at Philkhana in Dhaka. In the verdict, 84 former BDR jawans were sentenced to different terms of imprisonment with fine.¹⁰
26. The BDR jawans imprisoned for their alleged involvement in the BDR mutiny are allegedly being denied essential medical services as informed by the accused and their defence lawyers. The accused BDR jawans told both the Special Court and the Sessions Court in Dhaka which are dealing with the mutiny cases and with penal offences, that the jail authorities refuse to provide medical

⁸ The daily Amar Desh, 8 May 2011, <http://www.amardeshonline.com/pages/details/2011/05/08/80359>

⁹ The daily Prothom Alo, 31 May 2011,

¹⁰ The daily Amader Shomoy, 12 May 2011, <http://www.amadershomoy1.com/content/2011/05/12/news0864.htm>

facilities, particularly medicine, and told them to seek assistance from the BGB authorities.¹¹ Moreover, the defence council of one of the special courts mentioned that he had submitted an application on April 28, 2011 in line with the court's order but the prison authorities paid no heed to him. Meanwhile, the commander of one of the BGB battalions mentioned that the accused might suffer for lack of 'high-quality' medicine but they were not denied treatment.¹²

27. The way that prison authorities are treating some of the accused may not be above and beyond question and controversy, which is dangerous, as it is open to be construed as a deliberate denial of the latter's legally guaranteed rights.

28. Odhikar believes that the government needs to address this situation and call the prison authorities to account, if the accusations prove to be true. At the same time, it needs to have a comprehensive review of the prison system and assess the facilities afforded to the prisoners - under trial or convicted - so as to ensure that their rights are in no way violated.

Cases filed against the Trade union leaders

29. On May 1, 2011, three cases were filed against a few trade union leaders including Dr. Faizul Hakim Lala, President of Bangladesh Trade Union Federation and Editor of fortnightly Jonojug; Rajekuzzaman Ratan, General Secretary of Somajtantrik Sramik Front; and Aslam Khan, Member, Central Committee of Bangladesh Trade Union Centre and the Secretary of the Dhaka city unit. The cases were filed with Tejgaon Police Station under sections 143/448/427/380/323/506 of the Penal Code, Paltan Police Station under sections 143/147/323/380/506 of the Penal Code, and Motijheel Police Station under sections 143/448/332/380/427/506 of the Penal Code. It is to be mentioned that hotel workers organised a meeting at the Central Shahid Minar on April 27, 2011 demanding the implementation of the Minimum Wages and Labour Act, 2006 proclaimed by the government in 2009. The said leaders at the meeting expressed solidarity with the protesting hotel workers. This was the reason that the cases had been filed against them.¹³

30. Odhikar expresses concern over this incident and also demands the withdrawal of the cases against the trade union leaders immediately.

Violence against women

Acid violence:

31. On May 15, 2011 a group of criminals threw acid on a woman in Chapainabganj district. Her face had been burnt seriously. The victim came

¹¹ BDR mutiny detainees claim denial of medical services, New Age, 29 May 2011, <http://newagebd.com/newspaper1/frontpage/20477.html>

¹² New Age Editorial, 30 May 2011, <http://newagebd.com/newspaper1/editorial/20486.html>

¹³ Statement of the Minimum Wages and Labour Act Implementation Council, 2 May 2011

from Bholahat Upazila to Chapainabganj to give her witness statement in relation to a rape case which she had filed earlier in the District Sessions Judges Court. It is to be mentioned that she was earlier abducted and raped by Prem Kumar Kormokar, Ujjal Kormokar and Dipil Kormokar in 2010 at Shibganj.¹⁴

32. During the month of May 2011, it was reported that 14 persons were victimised due to acid violence. Of these affected persons, 07 were women, 05 were men, one girl and one boy.

Sexual harassment and stalking:

33. In May 2011, according to information gathered by Odhikar, a total of 46 girls and women were victims of sexual harassment. Among those 46 victims, 03 committed suicide, one was injured, 08 were assaulted, one was abducted and one was almost raped. To protest against sexual harassment against women, 02 men were killed, 11 men and 07 women were injured by the stalkers.

Incidents of rape:

34. In the month of May 2011, a total of 49 women and girls were reportedly raped. Among them, 11 were women and 38 were girls. Of the adults, 05 were killed after being raped and 07 were victims of gang rape. Out of the 38 child victims, 03 children were killed after being raped, 09 were victims of gang rape and 02 children committed suicide after being raped.

Dowry-related violence:

35. According to information gathered by Odhikar, during May 2011, a total of 43 women and 01 man were subjected to dowry related violence. Of these women, it has been alleged that 32 women were killed because of dowry, 09 were ill-treated in various other ways for dowry demands and 02 women allegedly committed suicide. A man named Rifat was killed allegedly by his brother in law (Hafizur Rahman) as Rifat's father failed to fulfill his son-in-law's dowry demand.

¹⁴ The Daily Star, 16 May 2011, <http://www.thedailystar.net/newDesign/news-details.php?nid=185902>

Statistics: January 01 - May 31, 2011*							
Type of Human Rights Violation		January	February	March	April	May	Total
Extra-judicial killings	Crossfire	7	15	5	3	2	32
	Tortured to death	0	1	3	2	4	10
	Beaten to death	0	1	0	0	0	1
	Shoot	0	0	0	0	1	1
	Total	7	17	8	5	7	44
Human rights violations by Indian BSF	Bangladeshi Killed	4	1	0	5	4	14
	Bangladeshi Injured	3	6	21	12	1	43
Death in Jail		4	10	12	7	13	46
Attack on journalists	Injured	8	8	4	9	6	35
	Threatened	4	6	10	0	14	34
	Assaulted	4	1	5	3	1	14
Political violence	Killed	14	10	6	8	14	52
	Injured	664	1015	848	1229	630	4386
Acid violence		6	7	17	7	14	51
Dowry related violence		24	36	46	30	44	180
Rape		31	52	56	57	49	245
Sexual harassment /Stalking against women		54	88	72	57	46	317
Public lynching		8	18	11	18	11	66

* Odhikar's Documentation

Recommendations

1. Extra-judicial killings, torture and disappearance must be stopped. The Government must bring all involved in extra-judicial killings before justice through proper and independent investigations by an independent investigation committee.
2. Members of law enforcement agencies, including RAB members, who were responsible for maiming Limon, must be brought to justice.

3. In order to create an independent, powerful and effective institution, the jurisdiction of the National Human Rights Commission needs to be expanded.
4. The issues related to human rights violations and aggression at the Bangladesh border by the Indian BSF should be incorporated in the agenda of discussion between India and Bangladesh. Illegal intrusions into an independent and sovereign State and the shooting of its citizens are serious violations of human rights and international laws. The Bangladesh Government should take effective measures to stop illegal trespass and killings by the BSF and also ensure the security of those citizens residing at the border areas. The Bangladesh Government should investigate the incidents of all killings and torture of Bangladeshi citizens by the BSF and strongly demand from the Indian Government adequate compensation for the families of the victims and trial and punishment for the perpetrators.
5. Attacks on journalists and the media should stop and perpetrators brought to justice.
6. Transparency and accountability in the trials of BDR mutiny cases need to be ensured. Medical facilities for all BDR mutiny detainees must be arranged by the prison authorities.
7. The cases filed against the trade union leaders should immediately be withdrawn and the Minimum Wages and Labour Act, 2006 proclaimed by the government also be implemented.
8. The Government must take appropriate measures to stop violence against women and the offenders must be brought under the purview of the law to ensure that justice is served. The relevant authorities need to be proactive in providing adequate legal support to the victims. 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, secondary and higher secondary school books.

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Notes:

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