



October 1, 2011

## **Nine Month's Human Rights Monitoring Report**

January 01 – September 30, 2011

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Odhikar defends the 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 local human rights defenders and by monitoring media reports in twelve national daily newspapers. Odhikar conducts detailed fact-finding missions into incidents of serious human rights violations.

In line with this campaign, an account of the human rights situation of Bangladesh covering nine months (January – September 2011), is presented below:

## **India Bangladesh border situation**

### ***Killing and torture by the BSF***

1. Human rights violations by the Indian Border Security Force (BSF) at border areas continued between January and September 2011. Reports show that the BSF are killing Bangladeshi nationals either by shooting at them or torturing them. BSF also abduct farmers at work in the fields by intruding into Bangladesh territory. On January 7, 2011, a 15-year old girl, Felani Khatun, was shot and killed by the BSF while she was entering Bangladesh from India, near the international pillar 947 of the Anantapur border in Phulbari Upazila under Kurigram district. Her body was left hanging from the wire fence for 5 hours. The BSF took down Felani's body after the 5 hours and handed her over to BGB after 30 hours.<sup>1</sup> The BSF members involved in the killing of Felani were not brought to justice.
2. On September 30, 2011, BSF Director General, Raman Srivastava, in a joint briefing in Dhaka after the Director General level meeting from 26-30 September 2011 stated that the BSF had no intention to kill anyone and termed the demise of Bangladeshi nationals as 'deaths'. Odhikar rejects this statement since its fact-findings show that the BSF deliberately target Bangladeshi's, kidnap, torture or shoot them on sight. This is 'killing' not 'death' of Bangladeshis.
3. BSF Director General Raman Srivastava stated earlier, in a joint press briefing on March 12, 2011, after a 5-day DG level conference between Bangladesh Border Guard (BGB) and BSF held in New Delhi, that "non-lethal weapons will be given to the border guards at the sensitive areas in the India-Bangladesh frontiers. This is an experimental decision. If it succeeds, it would be implemented in the 4096 kilometers border areas between the two countries." He said that BSF does not want to kill any Bangladeshi citizens.<sup>2</sup>
4. Despite this assurance, on April 18, 2011, 17-year-old Rekatul Islam, son of Mansur Ali, was shot dead by the BSF at Gazipur border under Satkhira district.<sup>3</sup> On May 7, 2011 Hafizur Rahman (30), son of Faizur Rahman of Khanpur village of Dinajpur was killed by BSF between Shundora main pillar of 316 BOP and sub pillar four.<sup>4</sup> Furthermore, it has been alleged that the BSF are now employing a new method of assaulting Bangladeshi's at the border areas by injecting them with unknown liquids or killing them by throwing stones.<sup>5</sup> It was also reported that BSF kidnap Bangladeshis by illegally

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

<sup>2</sup> The daily Prothom Alo, 13/03/2011, Page 1, reported by New Delhi correspondent

<sup>3</sup> Fact-finding report of Odhikar, 24/01/2011

<sup>4</sup> The daily Amar Desh, 08/05/2011

<sup>5</sup> The daily Kaler Kantho, the daily Amar Desh and the daily New Age of 18 June 2011 have reported the incident of 3 youths beaten with hockey sticks and allegedly injected with an unknown substance by the BSF at the Sharsha border area on 16 June 2011.

entering into Bangladesh territory. On September 24, 2011, BSF members entered into Bangladesh territory and kidnapped three boys, Manik (14), Ansarul Huq (16) and Rubel (17) from Tentulia border near the sub pillar 4 of the main pillar 443 at Panchgarh district.<sup>6</sup>

5. According to information gathered by Odhikar, since January to September 2011, along the India-Bangladesh border, the BSF allegedly killed 21 and injured 51 Bangladeshis. Moreover, 12 were allegedly abducted by the BSF during this period.

### ***Bangladesh-India joint land survey suspended amid protests***

6. The joint land survey by Bangladesh and India, at the Sonarhat border of Goainghat of Sylhet has been suspended amid protests. It was found that a joint land survey team of Bangladesh and India initiated a survey of land about 150 yards inside Bangladesh territory in 1264 no. Manaikandi Mouja from pillar 1S.<sup>7</sup> It is to be mentioned that the government was compelled to suspend the survey due to the strong protest of Bangladeshis at Tamabil and Padua border areas on June 18 and 20 2011. Earlier on June 4 and 5, 2011 at the Padua border, from pillar 1270 to 1271-7S from BSF post, about 350 acres of land in total, across 3 locations, was handed over to India. It has been learnt by the report published on July 29, 2011 that the BSF ‘captured’ 261 acres of land at the Sylhet border. It is alleged that agitated inhabitants at the border areas, who were protesting against the acquiring of lands belonging to Bangladesh, are being harassed by law enforcement agencies.<sup>8</sup>

### ***Teen Bigha Corridor***

7. Bangladesh handed over Berubari to India as per the Mujib-Indira Agreement signed in 1974. But India has not handed over the Teen Bigha corridor to Bangladesh yet as per the agreement. On September 6, 2011, after the visit of the Indian premier, Manmohon Singh, it was declared that the Teen Bigha corridor will remain open 24 hours. However, Bangladesh is supposed to get the Teen Bigha corridor back as per the 1974 agreement.<sup>9</sup>

### **Political violence**

8. Political violence persisted in the nine months (January-September) of the current year, 2011. Regarding the Caretaker Government issue, the Awami League- Jatiyo Party Grand Alliance, and the major Opposition political party- the BNP, have taken confrontational stances. The BNP, on June 05, called for a dawn to dusk hartal<sup>10</sup> and on June 12 and 13

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<sup>6</sup> The daily Kaler Kantho, 26/09/2011

<sup>7</sup> The Daily Ittefaq, 09/07/2011

<sup>8</sup> The daily Amar Desh, 29/07/2011

<sup>9</sup> Farhad Mazhar’s Article, the daily Naya Diganta, 17/09/2011

<sup>10</sup> Hartal: a general strike

for a 36-hour long hartal on the issue of a caretaker government. BNP called a 48-hour long hartal on July 6-7 in protest against the abolition of caretaker government, the intolerable price hike, the deteriorating law and order situation and the crisis of gas, electricity and fuel. During the county-wide hartal, the law enforcement agencies, government activists and supporters came into a physical altercation with the Opposition activists. On the eve and during the day of the hartal, there were incidents of vandalism of vehicles and burning of buses by pro-hartal activists and many pedestrians were arrested by the police and sentenced to jail by summary trials. On September 22, 2011 the BNP and its allies called an 11-hour long hartal in protest of the increasing fuel and CNG prices. During the hartal, police arrested about 4 hundred leaders and activists of the Opposition, including a former Parliament Member of Khulna, Sekander Ali Dalim. At least 200 people, including the Mayor of Jessore Municipality, Maruful Islam, were injured during the clash with police across the country. The Opposition claimed that around 50 leaders and activists had been sentenced to different terms through mobile courts.<sup>11</sup> Furthermore, several incidents of violence took place between the ruling party and the Opposition, BNP and in internal conflicts with both parties.

9. During the hartal, the mobile courts instantly arrested and sentenced people after summary trials, which is a clear violation of fundamental rights. There was no option for self defense in such summary trials. Odhikar urges the government not to enforce mobile courts during hartals or any other political programmes.
10. According to information gathered by Odhikar, from January to September, 2011, 95 persons were killed and 8882 injured in political violence. 246 incidents of internal violence in the Awami League and 75 in the BNP were also recorded during this period. In addition to this, 15 persons were killed and 2777 people were injured in Awami League internal conflicts while two persons were killed and 876 were injured in BNP internal conflict.

### ***Political Violence Related to Elections***

#### **Pourashobha (Municipality) Elections 2011**

11. About two years after the scheduled time, elections were held in 252 Pourashobhas out of a total of 310. They were held on January 12, 13, 17, 18 and 27, 2011 in seven divisions across the country. Pourashobha Elections were marked by physical attacks, irregularities, intimidation of voters, violence and the snatching away of ballot boxes, as observed by election observers, including those from Odhikar and reported in various newspapers.
12. During the Pourashobha election, 02 persons were reportedly killed and 527 injured.<sup>12</sup>

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<sup>11</sup> The daily Jugantor, 23/09/2011

<sup>12</sup> Odhikar documentation

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

13. On January 27, 2011 by-elections were held in Brahmonbaria-3 and Habiganj-1 constituencies; with some incidents of clashes.<sup>13</sup> On January 30, 2011 the BNP observed a dawn to dusk hartal to protest alleged rigging in the by-elections in the Brahminbaria-3 constituency and demanded a re-election and the resignation of the Chief Election Commissioner. Police baton-charged the supporters of the hartal during their picketing on the streets. Three persons were reported to have been injured in this incident.<sup>14</sup>

## **Union Parishod Election**

14. The highest number of election related incidents of violence occurred during the Union Parishad Elections. In the first phase, Union Parishad (UP) elections were held in 337 unions on March 29, 30 and 31, 2011 at the coastal areas under Chittagong, Khulna and Barisal divisions. The second phase started from May 31 to July 05. Elections were held then in 3825 unions under 414 upazilas of 57 districts. The elections were accompanied by widespread clashes, physical attacks, snatching of ballot boxes, taking control of polling centers and vote rigging. Odhikar observed the elections in 112 unions.
15. From 03 March to 31 July, pre election, election day and post election violence caused 83 deaths and 7047 persons were injured.<sup>15</sup>
16. Odhikar expresses concern over the UP poll violence. The main reasons for election violence was found to be misuse of power by the ruling party activists and the Election Commission's failure to control the situation by using local administration and the police force.

## **Attacks on religious minority communities**

17. A number of incidents, including vandalising Hindu temples, physical attacks on religious minority groups and land grabbing, took place during the nine months of January to September 2011. Post election violence took place in Shailkupa under Jhenaidah district on January 13, 2011 after the Pourashava election. At least 20 persons were injured in this incident. Supporters of Awami League backed candidate Toiyabur Rahman physically assaulted businessmen and forcefully locked up their shops after Toiyabur Rahman lost the election. It has been alleged that shops that were under attack, mostly belonged to businessmen from the religious minority community.<sup>16</sup>
18. On April 5, 2011, supporters of local Awami League parliamentarian Zahid Malek Swapon attacked a Hindu temple and ransacked the houses of the local Hindu community at Ukiara Bazar under Manikganj district. The attackers ransacked the *Durga* temple and

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<sup>13</sup> The daily Naya Diganta, 28/01/2011

<sup>14</sup> The daily Amar Desh, 31/01/2011

<sup>15</sup> Odhikar documentation of the Union Parishad elections, between March and July 2011

<sup>16</sup> Report from local human rights defender of Odhikar at Jhenaidah, 14/01/2011

allegedly set fire to four houses and a shop belonging to members of the Hindu community.<sup>17</sup>

19. On July 2, 2011 supporters of District Awami League leader Miraz Khan, who was a candidate for Chairman of Falsuti Union Parishad in Faridpur, attacked the house of Keshab Chandra, a member of the Hindu community, of Rampasha village. Attackers beat and severely injured Keshab Chandra's brother Chitto Saha, his son Chanchal Saha and another brother Sachin Kumar Saha. They allegedly took away gold ornaments and cash and also assaulted the women of the house.<sup>18</sup>
20. Gopalganj City Awami League Joint General Secretary, Mahbubur Rahman Digol; Shohel and Shohag, sons of District Awami League President Raja Mia, occupied 2 decimals of land belonging to Saint Mathuranath AG Mission and 6 decimals of land of Babul Biswas, son of Nirmol Biswas of Christianpara. They also occupied and locked up the house of Babul Biswas.<sup>19</sup>

### **Criminal cases withdrawn out of 'political consideration'**

21. The Government has withdrawn 105 criminal cases, filed against former MP of Awami League, Hazi Mohammad Selim, by considering them 'political harassment cases'. Those cases were under trial in various Courts at Dhaka. It was learnt that the cases which were withdrawn, were filed during the period between July 2009 and August 2011. Out of 105 cases, 3 were for murder, 17 for stealing, 25 for extortion, 16 attempts to murder, 28 for organising meetings without permission from the authority and vandalism of vehicles, 9 for obstruction of police duty and 7 cases for carrying illegal arms.<sup>20</sup>
22. The Government is withdrawing cases of murder, rape, robbery, corruption, extortion and for keeping illegal arms, by considering those as 'politically motivated cases', bypassing the Judiciary or any judicial process. The Awami League grand alliance government in two years recommended the withdrawal of about 7032 cases. Among those, 6717 were under the purview of the Penal Code and other laws, and 315 were under the purview of the Anti Corruption Commission and the dissolved Anti Corruption Bureau. A numbers of cases have already been withdrawn under the Penal Code and other laws. However, the decision is yet to be made regarding the 315 cases under the Anti Corruption Commission. Those cases were withdrawn out of political consideration and placed for future consideration; almost all the cases were filed against the ruling party leaders and activists. Furthermore, some cases have also been withdrawn where the plaintiff and accused were not even involved in politics. In the last two years about 10,387 cases came for consideration to the committee reviewing politically motivated case, led by State Minister for Law Advocate Quamrul Islam. In many cases, there was no recommendation

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<sup>17</sup> The daily Jai Jai Din, 06/04/2011

<sup>18</sup> The daily Prothom Alo, 05/07/2011

<sup>19</sup> The Daily Ittefaq, 03/08/2011, <http://new.ittefaq.com.bd/news/view/32918/2011-08-03/2>

<sup>20</sup> The Daily Star, 20/09/2011

from the District Committee. According to the government Rule, no case can be proposed for withdrawal to the National Committee without recommendation from the District Committees.<sup>21</sup> However, these cases have been proposed with the influence of Ministers, Parliamentarians and leaders of the ruling party, without recommendations of the District Committees. It is to be noted that between 2001 and 2006, during the tenure of the four party alliance led by BNP, 5888 cases were withdrawn under ‘political consideration’ and several accused persons had been acquitted from 945 ‘politically motivated’ cases. A total of 73,541 accused persons had been acquitted in this process at that time.<sup>22</sup>

23. Odhikar expresses its concern over this withdrawing of significant cases filed against ruling party activists by considering them ‘politically motivated’ cases. Odhikar believes it is contrary to the rule of law, erodes confidence in the judicial process and undermines the judiciary. Moreover, such practices will further extend the culture of impunity in Bangladesh and will cause grave injustice to the victims. No one is above the law, and a fair trial is a Constitutional guarantee.

### ***President’s clemency for persons accused of murder***

24. From January to September 2011, the President of Bangladesh granted clemency to the accused on death-row in two cases. Both incidents were murder cases. Odhikar observes with deep concern that this kind of clemency will hinder the justice delivery system and people will lose their confidence in the judiciary, if clemency is given without trial.
25. President Zillur Rahman granted mercy to Ahsan Habib Titu, principal accused in the case of the murder of lawyer Abdur Razzaque, who was also a former BNP President of Dewanganj Upazila under Jamalpur district. This order was granted on July 14, 2011. On October 12, 1999, Awami League and Chatra League activists attacked a procession and hacked Abdur Razzaque to death.<sup>23</sup> The President of Bangladesh has also granted mercy to AHM Biplob, a son of Laxshmipur Municipality Chairman and Awami League leader Abu Taher, and a death row inmate accused in the murder of Advocate Nurul Islam, former BNP Organising Secretary of Laxshmipur district. On September 18, 2000, Nurul Islam was abducted by Biplob, Labu and Tipu, sons of Abu Taher. The same night Nurul Islam was hacked to death at the residence of Abu Taher in front of his wife Nazma Taher, and thrown in the river.<sup>24</sup> President Zillur Rahman pardoned 20 prisoners who were on death row in the Sabbir Ahmed Gama murder case in September 2010. Such practice of ‘pardons’ to political activists undermines the independence of judiciary as enshrined in the Constitution. Even during the BNP regime, Jhintu, a convicted prisoner, who was on death row had been pardoned and brought back from abroad.<sup>25</sup>

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<sup>21</sup> The daily Amader Shomoy, 20/06/2011

<sup>22</sup> The daily Prothom Alo, 11/01/2011, reported by Rozina Islam, 1st page, <http://www.prothomalo.com/detail/date/2011-01-11/news/122536>

<sup>23</sup> The daily Prothom Alo, 19/03/2011

<sup>24</sup> The daily Prothom Alo, 20/07/2011

<sup>25</sup> Ibid

## **Public lynching and police indifference**

26. On July 27, 2011, police claimed that 6 people were beaten to death by a mob who suspected them to be dacoits, at different places in Companiganj under Noakhali district. Of them, three were killed at Tekerbazar Mor. On August 7, 2011, a private satellite TV channel 'Shomoy' broadcasted the video footage of the killing of Shamsuddin Milon. Milon was apprehended by the police, who then handed him over to the public at Tekerhat Mor from the police van. He was beaten to death by the mob in the presence of police. Police took away Milon's body after confirming his death.<sup>26</sup>
27. The police inquiry committee did not find any evidence of involvement in robbery against six college students, who were beaten to death on July 17, 2011 by a mob in Aminbazar on the outskirts of the capital. On July 21, 2011, a four member inquiry committee, headed by Additional Inspector General of Police, Mohammad Amir Uddin, was formed. Mohammad Amir Uddin submitted the investigation report to the IGP Hasan Mahmud Khandker on September 18, 2011 and also briefed the journalists about the findings. He said that police were found to be negligent and irresponsible in performing their duty.<sup>27</sup> The Officer-in-Charge of Savar Police Station was 'closed' and two Sub Inspectors were temporarily suspended in this regard.
28. Since January to September, 2011 120 people were allegedly killed due to public lynching.
29. When everybody is aware of and concerned about extrajudicial killings by law enforcement agencies and human rights defenders are persistently protesting against such killing, the law enforcers are accelerating the deterioration of the law and order situation by encouraging mob violence. Such kind of extrajudicial killing by animating the public performance of cruelty is of serious concern to human rights defenders. While public lynching is itself a pathological sign of law and order erosion, the involvement of the members of law enforcement agencies is a new element of utmost concern. The inaction of law enforcing agencies not only weaken people's confidence in law and order, but will also encourage them to take law in their hands, culminating in anarchy. A weak justice delivery system and the police force often failing to arrest the real criminals, are some of the reasons for such acts, but it is important to investigate thoroughly. Odhikar is concerned that the tendency of taking the law into ones own hands is increasing, as people lose their confidence in the police. The police should carry out their official duties instead of letting the people decide on who should be punished– and carry out that punishment.

## **Extrajudicial killing**

30. According to information gathered by Odhikar, between January and September 2011, 66 people were killed extra-judicially by law enforcement agencies.

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<sup>26</sup> The daily Prothom Alo, 08/08/2011

<sup>27</sup> The daily Amar Desh, 19/09/2011

## **Types of death**

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

31. Among the 66 extra-judicial killings, 49 persons were killed in 'crossfire/encounters/gun fights'. Among the deceased 35 were allegedly killed by RAB, 09 by police, 03 jointly by RAB and police and 02 jointly by RAB and the Coast Guard.

### ***Death due to torture:***

32. Of the deceased, 15 were allegedly tortured to death– 12 by police, one by RAB and 02 by jail authorities of Noakhali District Jail and Lalmonirhat District Jail.

### ***Beaten to death:***

33. Of the deceased, one person was allegedly beaten to death by police.

### ***Shot and killed:***

34. During this period one person was shot dead by police.

### ***Identities of the deceased:***

35. Of the 66 deceased, one was an Awami League activist; 03 were Purbo Bangla Communist Party (Red Flag) activists; 02 were Purbo Bangla Communist Party (Jonojuddho) activists; 04 were members of Gono Bahini; 02 were unknown youths; a 52-year-old man; a student of Northern College, Dhaka; a second year student of Govt. Titumir College in Dhaka; a former Union Parishad Chairman; a plaintiff of a dacoity case; one was an advocate and former deputy Attorney General; a secretary of Jatiya Jubo Sanghati; a medicine trader; a salesman of a cloth store; a veterinary surgeon; a worker; a 50- year-old man; 02 were convicted prisoners; 02 were under trial prisoners; and 38 were alleged criminals.

### ***Death in custody***

36. From January to September 2011, 115 persons allegedly died in custody. Among them, 84 persons died in jail. Among those, 70 persons allegedly died due to 'sickness' ; a sick 18 month old child was kept in prison with her mother, where she died within 12 days due to lack of treatment. During this time one woman 'committed suicide' while in the custody of police station and one man died due to sickness in the police custody. Among alleged 66 extrajudicial killings, 24 persons were allegedly killed extra judicially while under custody of RAB, police and the jail authority. 05 former BDR jawans also died during this time while in custody.

## **Torture in police custody**

37. Torture in police custody for the extraction of statements, after being arrested by law enforcement agencies, are continuing sometimes without producing arrestees before the court within 24 hours as determined by Article 33(2) of the Constitution. Torture during interrogation in remand is not only a criminal offence but also a serious violation of human rights. Despite ‘zero tolerance’ on torture, the government has not taken any effective step to stop acts amounting to torture by law enforcement agencies; rather the law enforcement agencies are operating with full impunity.
38. Money has been extracted from accused persons by threatening them with torture in remand and many persons were allegedly tortured in remand due to political reasons. According to section 167 of the Code of Criminal Procedure, police can take the accused in their custody with the permission of Judges or Magistrates for the sake of questioning. This ‘questioning’ turns into the torture of accused persons in custody. Torture on accused persons in remand is mainly for two reasons – to extract money by threatening to torture in remand; and to hurt the political opponents. The High Court Division of the Supreme Court gave directives in the matter of BLAST vs Bangladesh (2003) regarding questioning of an accused in remand. The High Court Division says, in its directives, that the lower court should examine the medical report before granting remand and after the remand; the relatives of the accused should be informed after taking him into custody; the accused should be allowed to talk with his lawyer and he will be interrogated in the presence of his lawyer; he must be questioned in a room which has glass walls, where he can be seen from outside. But the police and lower courts are violating such directives of the High Court. The lower courts do not examine medical reports of the accused before and after remand and police continue to inflict torture upon the accused in remand.<sup>28</sup>
39. On September 4, 2011, three children, Pakhi Akhter (8) and her brother Barek (10) and cousin Mizarul (7), were allegedly tortured in Lalbagh Police Station on the allegation of stealing jewelry. They were detained for 6 days in custody, without being taken into remand. They alleged that they were beaten, and pins pushed in their fingers.<sup>29</sup>
40. On August 13, 2011, police attacked the procession organised by the banned organisation ‘Hizb-ut Tahrir’ at Muktangon and arrested 16 members of Hizb-ut Tahrir. Persons arrested in different time were allegedly tortured in various ways at the TFI<sup>30</sup> Cell in ‘remand’ for extracting information. They were reportedly stripped naked, tied and suspended upside down and beaten and also given electric shocks. They were alleged also to have been compressed between slabs of ice for long periods of time.<sup>31</sup>
41. As per Article 33(2) of the Constitution, an arrested person accused of any offence has to be produced before the Magistrate within 24 hours of arrest and Article 35(5) of the

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<sup>28</sup> The daily Amar Desh, 13/01/2011, 1st page, reported by Oliullah Noman, <http://www.amardeshonline.com/pages/details/2011/01/13/62958>

<sup>29</sup> Fact finding report of Odhikar, 11/09/2011

<sup>30</sup> Task Force Interrogation Cell

<sup>31</sup> Appeal released by the public relations department, Hizb-ut Tahrir Bangladesh , dated 14.02.2011

Constitution says that ‘No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment.’

42. From January to September 2011, a total of 27 persons were allegedly tortured by law enforcement agencies.

### **Disappearance of persons after being picked up by law enforcement agencies**

43. Many people have ‘disappeared’ and or bodies recovered after being detained by men claiming to be members of law enforcement agencies. The families of the victims’ claim that it is the members of the law enforcement agencies who are making the arrests and the whereabouts of the missing people remain unknown. On August 5, 2011, the bodies of Mizanur Rahman (25) and Jewel Rana (20) with bullet wounds, were recovered by police from Nagda bridge located at Narayanpur bypass lane of Pubail in Gazipur district. The body of Rajib was recovered from the Dhaka-Mawa highway at Nimtola under Sirajdikhan Upazila in Munshiganj district the same day. Rajib was the cousin of the deceased Jewel Rana. The families of the three deceased men alleged that they were arrested by Detective Branch (DB) of Police on July 31, 2011 from 44 Shorot Gupto Road and beaten in front of local inhabitants and taken away handcuffed in a microbus.<sup>32</sup>
44. According to information gathered by Odhikar, during the nine months (January - September 2011), 17 persons allegedly disappeared after being picked up by law enforcing agencies.
45. Odhikar expresses concern over such incidents of arrests followed by enforced disappearances and demands that the Government should arrange for the search and rescue of the disappeared and also take action against those involved in perpetrating this crime.

### **Attacks on and obstruction of public meetings by imposing Section 144**

46. From January to September 2011, many meetings were attacked and stopped by imposing section 144 of the Code of Criminal Procedure<sup>33</sup> across the country. During this period, most of the attacks were carried out by Awami League-backed Chhatra League and Jubo League<sup>34</sup> activists. Both political meetings and the meeting organised by the ‘National Committee for the Protection of Oil, Gas, Mineral Resources, Power and Ports’ were attacked.
47. On January 9, 2011, a discussion meeting organised by the cultural group Lamppost, to demand the release of garment factory worker’s leader Moshrefa Mishu, at the Dhaka

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<sup>32</sup> Fact finding report of Odhikar, 13/08/2011

<sup>33</sup> Section 144 of the Code of Criminal Procedure, 1898 deals with the power to issue order or temporary orders in urgent cases of nuisance or apprehended danger.

<sup>34</sup> Chhatra League and Jubo League are the student and youth wing of the Awami League respectively

University campus, was stopped by Dhaka University Proctor KM Saiful Islam Khan and Awami League-backed Chhatra League activists.<sup>35</sup>

48. On January 22, 2011, Chhatra Gonomoncho (Student Platform) organised an open study circle at the Dhaka University Central Student Union (DUCSU) to protest against the killing and torturing of Bangladeshi citizens by the Indian BSF. About 50 Awami League-backed Chhatra League activists led by Zahurul Huq Hall unit President of Chhatra League, Reaz Uddin Shumon, attacked and blocked the programme.<sup>36</sup>
49. On January 26, 2011 a procession organised by Arial Beel Rakkha Committee (Arial Lake Protection Committee) to protest against the construction of an airport at the Arial Lake area, was disrupted when police obstructed it.<sup>37</sup>
50. On August 14, 2011, a group of 15-20 Awami League backed Jubo League and Chhatra League activists attacked the meeting when the Member-Secretary of the Central Committee, Professor Anu Mohammad was addressing the meeting organised by the 'National Committee for the Protection of Oil, Gas, Mineral Resources, Power and Ports' at Badshaganj under Dhorompasha Upazila in Sunamganj District.
51. On July 9, 2011, the local administration stopped a meeting organised by the Krishok Shromik Janata League by imposing Section 144 of the Code of Criminal Procedure at Palima in Tangail. The local administration was informed earlier about the meeting as it had been announced around the area by megaphone. Meanwhile, the local Awami League called a meeting at the same place, at the same time which resulted in the imposition of Section 144 of the Cr.PC.<sup>38</sup>
52. According to Odhikar's statistics during the nine months, a total of 69 instances of imposition of Section 144 of the Cr.P.C. were recorded. Of them, 16 were imposed in Dhaka, 16 in Chittagong, 08 in Rajshahi, 12 in Khulna, 07 in Rangpur 02 in Barisal and 08 in Sylhet division.
53. Odhikar observes with concern that despite giving permission to organise such meetings, the local administration stops the programmes by imposing Section 144 of the Cr.PC. Furthermore, it has been seen that the administration obstructs even peaceful meetings. The ruling party and police administration play an active role in each of these incidents.
54. Any citizen of the State has the Constitutional right to form groups or organisations and carry out activities through peaceful means. Article 38 and 39 of the Constitution also guarantees the rights of the citizens to organise meetings and peaceful processions.

### **Fifteenth Amendment Bill 2011 passed in Parliament**

55. The Fifteenth Amendment to the Constitution Bill 2011 was passed in the absence of the Opposition in Parliament on June 30, 2011. The Constitution (Fifteenth Amendment) Bill 2011 includes 55 politically sensitive changes, ignoring protests by the main Opposition,

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<sup>35</sup> Report from Odhikar's human rights defender, Sumen Chakma, dated 10/01/2011

<sup>36</sup> The daily Naya Diganta, 23/01/2011

<sup>37</sup> The daily Naya Diganta, 27/01/2011

<sup>38</sup> Report from Odhikar's human rights defender, Ahmed Zubaer Apu, 10/07/2011

other political parties and various sectors of civil society. The process of passing amendments was made through two phases of division votes, with a protest from a lone independent parliamentarian Mohammad Fazlul Azim; and in the absence of the main Opposition, BNP. Two hundred ninety one (291) parliamentarians voted in favour of the Bill and only one vote was casted against it during the final voting. Although such amendments were made as per verdict of the Supreme Court, regarding cancellation of the fifth, seventh and thirteenth amendments, however, the full judgment regarding the seventh and thirteenth amendments have not been published to date.

56. On July 21, 2010, a 15-member Parliamentary Special Committee for Constitutional Amendment was formed in order to make amendments to the Constitution, where the main Opposition, BNP had no representation – the opposition party did not accept the membership to the Committee given on behalf of the government. The said Committee organised 27 meetings. Moreover, opinions from political parties, a group of experts and professionals were taken. However, the Committee finalised its report without incorporating all the recommendations given by them or explaining the reasons for such exclusions; which suggests that the amendments are essentially based on partisan thought and articulates a divisive line of politics.<sup>39</sup>
57. The Cabinet approved the recommendations of the Committee on June 20, and the approved recommendations were tabled in the Parliament as a Bill on June 25, 2011. The Bill was sent to the Standing Committee on Law, Justice and Parliamentary Affairs on the same day to report back to the House two weeks after scrutiny. On June 29, 2011 the Committee placed its report in the House, recommending a total of 55 changes to the Constitution. The next day, June 30, 2011, the Fifteenth Amendment Bill was passed within five days after being tabled in Parliament.
58. The Constitution incorporated the Bill on July 3, 2011 after getting the consent of the President. With this acceptance, both massive and fundamental changes have been made to the Constitution of Bangladesh as well as to its law and the nature of the State. Under the Fifteenth Amendment, subsequent elections will be held under the political governments as the Caretaker Government system has been abolished. Earlier, while revoking the Thirteenth Amendment, the High Court gave a verdict that the next two elections may be conducted under a caretaker government, however, that possibility has vanished due to the Fifteenth Amendment. Meanwhile, it is uncertain whether the Election Commission is capable of conducting elections without the interference and dominance of the ruling party; existing constitutional arrangements and the laws can not ensure that the executive power co-operates fully or remains under the Election Commission during the election process, in order to conduct a free and fair election. The tenure of the present Election Commission will end shortly. At this point, the appointment of new Commissioners would create a volatile situation. The four party alliance led by the BNP protested the abolition of the Caretaker Government and called

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<sup>39</sup> The daily Jugantor, 01/07/2011

for a hartal, opposing the amendment to the Constitution. Concerns regarding political violence have been raised by various section of society after the passing the Bill.

59. Article 7 has been amended and now it is an outright threat to the rights of the citizens. A newly inserted Article 7A says, “If any person, by show of force or use of force or by any other unconstitutional means – (a) abrogates, repeals or suspends or attempts or conspires to abrogate, repeal or suspend this Constitution or any of its Articles; or (b) subverts or attempts or conspires to subvert the confidence, belief or reliance of the citizens to this Constitution or any of its Article, such act shall amount to sedition and such person shall be guilty of sedition.’ The new Article also says that such persons shall be handed the highest sentence prescribed by the existing laws, which means he/she shall be punished with death. The objective of this law is to discourage a military takeover. But unclear and vague phrases such as ‘show of force’ or ‘use of force’ can be wrongly explained and abused, opening up the possibilities to violate civil and fundamental human rights of the citizens by the State and government. Odhikar believes that the only guarantee to hinder the unconstitutional take over of the state power by the Armed Forces is to install a truly democratic Constitution, which articulates the will of the people and ensures the participation of all the citizens in the democratic polity.
60. The Bill also inserts a new Article 7B, by which the existing power of the Parliament to amend the Constitution (Article 142) has been curbed with notions such as ‘basic provision’ and ‘basic structure’ of the Constitution. People must have the right to have an opinion and to repeal or suspend the Constitution through their representatives, in order to ensure that their civil and political rights are guaranteed and safeguarded. This right has been taken away.
61. The Constitution privileged Islam as a state religion but also ensured “equal status” to all other religions, rejecting the principle of a democratic state. On the other hand, a contradictory situation has been created, incorporating secularism separately. According to Article 12 “the principle of secularism shall be realized by the elimination of the granting by the State of political status in favour of any religion.” Such type of contradictory Articles severely undermines the foundation and fabric of the Constitution. Similarly, the rights of the other ethnic minority communities has been denied by adopting “Bangalee Nationalism’ privileging one language and nation by replacing Article 9.
62. Odhikar expresses deep concern over such bias changes to the Constitution in such an imposing and nontransparent manner, disregarding the need for any democratic consensus or referendum. The engagement and opinions of the Opposition and those who were called on by the Constitution Amendment Committee were neglected as well. Odhikar believes that the amendment will push the country into a legal and constitutional crisis and trigger severe political instability. It may add to the violations of civil and human rights; which may ultimately result in social and political instability seriously spoiling democratisation process of Bangladesh.

## **Anti Terrorism Act of 2009**

63. The military backed ‘caretaker government’ promulgated the Anti Terrorism Ordinance on June 11, 2008. On January 6, 2009, the present Government assumed power, and approved the Anti-Terrorism Bill to be made into law, in its first parliamentary session. The definition of ‘terrorist activities’ is wide and there is scope for human rights violations in the name of anti terrorism. There is no internationally recognised definition of torture in the Act either. On July 11, 2011, the Cabinet approved, in principle, the draft amendment of the Anti-Terrorism (Amendment) Bill 2011 after making some changes in the sections and incorporating provisions of strict punishment. Apart from Banks, other financial institutions have also been included in this new amendment in order to prevent ‘terrorism’. The punishment for being involved in ‘terrorism’ and engaging in its financial help was amplified in the amendment. The term of punishment has been increased to four years instead of three years and additional fine imposed. In the amendment, the proposed fine is twice the value of relevant property or 10 hundred thousand Taka. Under this amendment, any property belong to a person involved in ‘crime’ can be seized in accordance with the request of any foreign country or organisation or international, regional or bilateral treaty, UN Conventions or decisions taken in the Security Council of the UN.
64. The Public Relations Department of the banned political organisation Hizb-ut Tahrir Bangladesh forwarded written allegations to the human rights organisations that the members of Hizb-ut Tahrir had been arrested by law enforcement agencies for putting up anti government posters, organising secret meetings and bringing out processions. Later they were shown as arrested under the Anti Terrorism Act of 2009.<sup>40</sup> Furthermore, Mahmudur Rahman, the Acting Editor of the daily Amar Desh, was shown arrested in a pending case under the Anti Terrorism Act, 2009.
65. Odhikar believes that human rights violations will continue and those who believe a in different political philosophy, including journalists and human rights defenders, will be tortured, if this repressive law remains.

## **Vagrants and Floating People (Rehabilitation) Bill 2011 passed in Parliament**

66. On August 23, 2011, the Vagrants and Floating People (Rehabilitation) Bill 2011 was passed in the Parliament with a provision for the punishment of people engaged in forcing others to seek alms/beg, which will give law enforcers excessive power to make arbitrary arrests specially since police can make such arrests under ‘suspicion’. In the definition of the Act, it says, that people who have no shelter to pass the night or who loiter around to disturb people are termed ‘vagrants’. There are possibilities of the abuse of various sections of this law. Moreover, the law has a provision for punishment of three

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<sup>40</sup> Public Relations Department, Hizb-ut Tahrir

months imprisonment on a charge of fleeing the shelters without the permission of the authorities.

67. Odhikar believes that the State is evading its responsibility to provide food, shelter and necessary safety to the marginalised poor. Through this Act, the State is promulgating laws to punish them, which is a violation of human rights.
68. Odhikar urges the government to create a social safety net for disadvantaged and poor people by improving rural infrastructure, lowering prices, etc; and repealing this law.

### **The National Human Rights Commission**

69. The National Human Rights Commission (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 2009, the Commission can only give recommendations to the government to take action against perpetrators.
70. On September 29, 2011, the jail authority did not allow Dr. Mizanur Rahman, Chairman of the National Human Rights Commission, to visit the Sylhet Central Jail. The jail authority did not open the gate when the NHRC Chairman went to visit. The jail authority said that they spoke with the Inspector General of Prisons regarding the visit of the NHRC Chairman. IG Prisons informed the Sylhet Central Jail authority that the Chairman could not visit the jail without the permission of the Ministry of Home Affairs.<sup>41</sup>
71. To add to this, the Commission has been cautioned by the Ministry of Home Affairs. The Home Ministry also asked the NHRC 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.<sup>42</sup> Moreover, adequate human resources were not appointed to the Commission till date, which resulting in many sensitive incidents of human rights abuses going unreported and out of the sight.<sup>43</sup>

### **Odhikar welcomes the ratification of the Convention on Migrant Workers**

72. In order to protect the rights of migrant workers and their families, Bangladesh has ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which was adopted by the General Assembly in

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<sup>41</sup> The Dail Ittefaq, 30/09/2011

<sup>42</sup> "Govt asks NHRC not to go beyond jurisdiction", The Daily Sun, 05/05/ 2011, [http://dailysun.com/?view=details&type=daily\\_sun\\_news&pub\\_no=206&cat\\_id=1&menu\\_id=1&news\\_type\\_id=1&index=0](http://dailysun.com/?view=details&type=daily_sun_news&pub_no=206&cat_id=1&menu_id=1&news_type_id=1&index=0)

<sup>43</sup> The daily Jugantor, 18/09/2011

1990. On April 11, 2011, the Cabinet took a decision to ratify the Convention. It is to be mentioned that Bangladesh signed the Convention in 1998.

73. The Government of Bangladesh ratified this Convention as a result of prolonged demands by the organisations dealing with human rights and the protection of migrant workers rights.
74. Odhikar welcomes the decision for ratification and also urges the Government take necessary measure to implement it, in order to bring benefits to migrant workers, including their social and legal protection abroad.

## **Freedom of the media**

### ***Broadcasting regulations for private TV channels***

75. On July 31, 2011, a draft regulation for broadcasting private TV channels was sent to the Parliamentary Standing Committee on the Ministry of Information. It highlighted that no inconsistent or contradictory information would be aired in any talk show and discussion programmes. In this regard, the Director of Television and Radio or Director of the responsible programme would be accountable to the relevant authority.<sup>44</sup>
76. Odhikar believes that such kind of regulation is contrary to freedom of speech and expression. If this becomes law, then the government will interfere even more in programmes, including the news and talk shows of the private television channels.
77. Odhikar expresses serious concern over the drafting of such a forceful regulation, which will obstruct the freedom of the media and it also urges the government to refrain from imposing pressure on the media by implementing such regulation. It must be noted that such interference in the free flow of information was practiced during the martial law and the army backed caretaker government regimes. Talk shows were barred and journalists threatened, warned, harassed and even tortured. Does this democratically elected government want to revert to such repressive activities that are more in line with martial rule?
78. According to information gathered by Odhikar, from January to September 2011, a total of 104 journalists were injured, 40 received threats, 38 journalists were assaulted, 10 were attacked and 01 was allegedly arrested.

## **Violence in the Chittagong Hill Tracts**

79. Between January and September 2011, many incidents of bloodshed, arson and looting took place in the Chittagong Hill Tracts due to the State's discrimination and lack of political will to settle land related disputes between Bengalis and the people belonging to ethnic minority communities. Odhikar believes that all land related disputes must be resolved by identifying all illegally acquired land through a Land Commission. Odhikar also believes that the issue regarding the rights of the ethnic minority people is related to

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<sup>44</sup> The daily Manabzamin, 11/09/2011

the ownership of land and the creation of a democratic Constitution. The people belonging to ethnic minority communities are losing control over their property since their rights of possessing inherited lands are not constitutionally recognised as historically and traditionally owned by a 'community'. Furthermore, the CHT 'Peace Accord' has been drafted without addressing these fundamental issues. Therefore, despite the signing of the Peace Accord, enmity and violence prevails in the residential localities of the ethnic minority community people, usually with the Bengali settlers; and the overall situation has taken a turn for the worse.

80. On February 17, 2011 some people belonging to the ethnic minority community were injured when local Bengali settlers attacked them at Rangipara and Gulskhali village under Longudu Police Station in Rangamati. The attackers allegedly set fire to the houses of some members of the ethnic minority community. It was learnt that a local Bengali wood-cutter, Saber Ali, went missing on February 15, 2011 when he went to the jungle to collect wood. His body was found at Rangipara on February 16, 2011. In protest of this incident, local Bengali settlers brought out a procession and attacked the ethnic minority community people.<sup>45</sup>
81. On April 17, 2011, a clash broke out between the people belonging to ethnic minority communities and Bengali settlers, over a land related dispute at Guimara area under Ramgarh Upazila in Khagrachhori in the Chittagong Hill Tracts. Three Bengali settlers- Ayub Ali, Mohammad Noab Ali and Sunil Chandra Sarkar died and 10 people were injured during the violence. It was learnt that Abdul Kashem of Boro Pilak area, along with 8/9 labourers, went to excavate soil from a disputed hillock at Shonkholapara. At that time, some members of the ethnic minority community attacked them. Soon after this, news spread around the area and some local Bengalis conducted a counter-attack on the local ethnic minority people. A clash erupted between two groups. It was alleged that the attackers set fire to 30 houses belonging to the ethnic minority people at Shonkholapara and Reo Murangpara areas and incidents of looting also occurred at the time.<sup>46</sup>
82. Odhikar urges the government to take immediate action in order to ensure human rights and peace for both the Bengali and ethnic minority communities in the Chittagong Hill Tracts region.

### **Workers Rights**

83. From January-September 2011, incidents of workers unrest took place in various garments factories. Most of the violence and clashes occurred in the readymade garments sector over unpaid wages, or demands for an increase in wages.

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<sup>45</sup> The daily Kaler Kantho, 19/02/2011

<sup>46</sup> The daily Prothom Alo, April 19, 2011, <http://www.prothom-alo.com/detail/date/2011-04- /the Daily Ittefaq>, April 19, 2011, <http://new.ittefaq.com.bd/news/view/8712/2011-04-18/1>

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

84. On January 10, 2011 RAB and police baton charged and threw tear gas shells at 750 workers of Highlane Sweater factory in Adamzi EPZ when they demanded their over due wages. At least 50 workers were injured in the attack by RAB and police.<sup>47</sup>
85. On September 20, 2011, workers of Concord Fashion Ltd. and Zicon Garments brought out a procession instead of going back to work after their noon break and also blocked the road in Gazipur over unpaid wages for the month of August 2011. Police charged with batons on the workers to disperse them. The workers also threw brickbats on policemen. At last 20 people, including 2 policemen were injured during the violence.<sup>48</sup>
86. During these nine months, reports show that 02 workers died, 719 were injured and 46 were arrested in readymade garment factories.

### ***Cases filed against the trade union leaders***

87. On May 1, 2011, three cases were filed against trade union leaders including Dr. Faizul Hakim Lala, President of the Bangladesh Trade Union Federation and Editor of the 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.<sup>49</sup>

### **Update on the BDR mutiny trials**

88. From January to September 2011, 24 judgments of the BDR mutiny trials were delivered. Judgments of the BDR mutiny trials have been given for the 15 Rifles Battalion in Naikkhangchari Bandorban on January 4, 2011; for 29 Rifles Battalion in Khagrachari on January 13, 2011; for 40 Rifles Battalion in Dinajpur, Fulbari on January 16, 2011; for 43 Rifles Battalion in Naoga on January 24, 2011; for Sylhet BDR on January 31, 2011; for 9 and 18 Rifles Battalions in Rangamati on February 5, 2011; for 46 Rifles Battalion in Naoga on February 20, 2011; for 42 Rifles Battalion in Teknaf on February 23, 2011; for 17 Rifles Battalion in Cox's Bazaar on February 24, 2011; for 27 Rifles Battalion in Kurigraam on February 28, 2011; in Rangpur on February 28, 2011; for 41 Rifles

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<sup>47</sup> The daily Amar Desh, 11/01/2011, report from Siddirganj (Narayanganj) representative, <http://www.amardeshonline.com/pages/details/2011/01/11/62587>

<sup>48</sup> The daily New Age, 21/09/2011

<sup>49</sup> Statement of the Minimum Wages and Labour Act Implementation Council, 02/05/ 2011

Battalion in Shatkhira on March 3, 2011; for 6 Rifles Battalion in Jamalpur; for 16 Rifles Battalion in Netrokona; and for 45 Rifles Battalion in Mymensingh on March 16, 2011; for 30 Rifles Battalion in Khagrachari on March 24, 2011; for 14 Rifles Battalion in Moulovi bazaar on March 30, 2011; for 23 Rifles Battalion in Khulna on April 2, 2011; for BDR's sector headquarters and coastal assistance company in Khulna on April 26, 2011; for 24 Rifles Battalion in Jessore on April 27, 2011; for 'Sector Headquarter-Dhaka' unit on May 11, 2011 and for Rifle Security Unit on June 6, 2011; for 24 Rifles Battalion on June 27, 2011; and for Signal Sector Unit on September 12, 2011. Through these trials, 2039 former BDR Jawans were convicted and sentenced to different periods of imprisonment and varying amounts of fine while 50 BDR Jawans were acquitted.

89. Jailed former BDR Jawans who are accused of being mutineers for their alleged participation in the 2009 BDR mutiny and their lawyers have complained that the BDR Jawans are being deprived of their right to medical care in the prisons. The accused have presented complaints to both the Special Tribunals arranged for the BDR trials and the criminal courts stating that the prison authorities have not provided them with medical care and have, instead, instructed them to contact the BGB to gain access to these facilities. The appointed lawyer of one particular accused has said that he had, according to the Courts Orders, submitted an application on April 28, 2011 regarding the issue but the jail authority is yet to take any action in response.<sup>50</sup>
90. Odhikar demands that the government take measures to ensure transparency and accountability with regard to the BDR mutiny trials. Odhikar also demands that ample opportunity should be provided for the complainants to be cross examined by the defense / defense counsel for a fair and just trial.

### **Violence against Women**

91. Between January and September 2011, a significant number of women have been the victims of rape, dowry related violence, acid violence, domestic violence and sexual harassment.

### ***Sexual harassment and stalking:***

92. During the period of January – September 2011, according to information gathered by Odhikar, a total of 526 girls and women were victims of sexual harassment. Among them 27 committed suicide, 03 were killed, 48 injured, 89 assaulted, 10 abducted and 14 were the victims of attempted rape. In protest against such acts of sexual harassment against women, 11 men were killed and 130 men were injured and 30 women were injured and 02 were assaulted by the stalkers.
93. On January 26, 2011, a Division Bench of the High Court Division of the Supreme Court, comprising of Justice Iman Ali and Justice Sheikh Hasan Arif, delivered a judgement that

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<sup>50</sup> The daily New Age, 29/05/2011

a separate cell or team shall be set up in every police station in order to prevent sexual harassment. The team will submit reports on sexual harassment cases every month.<sup>51</sup> However, the police have taken no initiative to comply with an Order of the High Court, given nine months ago, that requires every police station to form a separate team of officers to deal with complaints of sexual harassment.

### ***Rape:***

94. On September 7, 2011, a housewife was gang raped by Awami League backed Shromik League President, Murad Sheikh; Alamgir Hawlader, brother of the former President of the Upazila Awami League Dr. Moslem Hawlader; Liakat Ali Khan, Upazila Muktijodda Commander; Raton Khan, brother of Municipality Councilor, Badrul Islam Khan; Mahbubur Rahman; Harun Hawolder; Sufian Hawlader; and Bilash Sheikh with a promise to provide loans at Morolganj in Bagerhat. They also took nude photographs of her.<sup>52</sup>
95. During the period of January – September 2011, a total of 558 females were reportedly raped. Among them, 202 were women and 350 were girls and 06 females, whose age could not be ascertained. Of the adults, 46 were killed after being raped and 97 were victims of gang rape. Out of the 350 child victims, 29 children were killed after being raped and 93 were victims of gang rape. Furthermore, 04 woman and 08 children allegedly committed suicide after being raped.<sup>53</sup>

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

96. On September 7, 2011 Shahin Talukder hacked his wife Shukria Begum's leg into pieces over dowry demands at Moukaron village in Patuakhali.<sup>54</sup>
97. During the last nine months, a total of 375 women were subjected to dowry related violence. Of these women, it has been alleged that 241 women were killed because of dowry, 108 were ill-treated in various other ways for dowry demands and 15 women committed suicide. During this period, 10 children were victimised in dowry related violence along with their mothers. Among them, 06 were allegedly killed and 4 were injured.<sup>55</sup>

### ***Acid violence:***

98. According to information gathered by Odhikar during the period of January – September 2011, it was reported that 86 persons became the victims of acid violence. Of these affected persons, 47 were women and 23 were men, 07 were boys and 09 were girls.

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<sup>51</sup> The daily Naya Diganta, 27/01/2011

<sup>52</sup> The Daily Ittefaq, 08/09/2011

<sup>53</sup> Odhikar documentation

<sup>54</sup> The daily Prothom Alo, 26/09/2011

<sup>55</sup> Odhikar documentation

## **Government's unwillingness to approve project of Odhikar**

99. Odhikar has become the victim of numerous acts of harassment by the government agencies specially since 2009. The NGO Affairs Bureau under the Prime Minister's Office, has kept pending its approval and fund clearance of one of Odhikar's project for 9 months and human rights defenders of Odhikar are under the surveillance of the intelligence agencies.
100. According to its Rules of Business, the NGO Affairs Bureau has to issue a decision on a proposed project within 45 days after the reception of all relevant information. Odhikar submitted a letter to the NGO Affairs Bureau (NGOAB) on December 28, 2010 for the project titled '*Education on the Convention against Torture and OPCAT Awareness Programme in Bangladesh*' (funded by the European Union). Odhikar also clarified a number of queries made the NGOAB. After six month the NGOAB, being advised by the concerned Ministry, sent a letter to Odhikar on June 21, 2011 with objections to the project rationale. Odhikar was asked to rephrase the project background with 'positive words'. Odhikar submitted the revised project proposal again on July 24, 2011 according to the Bureau's suggestion. The Bureau, till date, has not given approval to the project. It is to be mentioned that the NGO Affairs Bureau had abruptly cancelled one of Odhikar's projects titled 'Human Rights Defenders training and Advocacy Programme in Bangladesh' in August 2009.

Statistics: January 01 - September 30, 2011*											
Type of Human Rights Violation		January	February	March	April	May	June	July	August	September	Total
Extra-judicial killings	Crossfire	7	15	5	3	2	5	1	6	5	49
	Tortured to death	0	1	3	2	4	0	0	2	3	15
	Beaten to death	0	1	0	0	0	0	0	0	0	1
	Shot	0	0	0	0	1	0	0	0	0	1
	Total	7	17	8	5	7	5	1	8	8	66
Human rights violations by Indian BSF	Bangladeshis Killed	4	1	0	5	4	3	3	1	0	21
	angladeshis Injured	3	6	21	12	1	6	1	1	0	51
	Bangladeshis Abducted	2	0	1	0	1	1	1	0	6	12
Deaths in Jail		4	10	12	7	15	13	9	8	6	84
Attack on journalists	Injured	8	8	4	9	6	36	13	14	6	104
	Threatened	4	6	10	0	14	0	3	2	1	40
	Assaulted	4	1	5	3	1	5	3	3	13	38
Political violence	Killed	14	10	6	8	14	13	7	10	13	95
	Injured	664	1015	848	1229	630	1127	1247	902	1220	8882
Disappearances		0	1	0	1	7	1	1	4	2	17
Acid violence		6	7	17	7	14	4	6	13	12	86
Dowry related violence		24	37	46	30	48	34	60	53	43	375
Rape		34	53	61	65	59	53	86	59	88	558
Sexual harassment /Stalking of women		54	88	72	58	46	34	63	44	67	526
Public lynching		8	18	12	18	11	8	20	10	15	120

\* Odhikar's Documentation

Note: Some monthly data has been updated after receiving information in September, 2011.

## **Recommendations**

1. 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. The Government should also ensure the security of the Bangladeshi citizens residing at the border areas.
2. The Government should take appropriate steps to reclaim the Teen Bigha Corridor from India permanently as per the Mujib-Indira agreement of 1974.
3. The Government must take effective action in order to stop political violence. The law enforcement agencies need to be proactive to stop violence and carry out their duty in an accountable and unbiased manner. The practice of summary trial through mobile courts during political programmes should immediately be stopped.
4. Criminal cases withdrawn randomly out of political consideration and clemency to accused in death-row, only add to the lack of people's confidence in the justice delivery system. Such practice should be stopped and the culture of impunity be brought to an end. The Judiciary must be strengthened to bring back people's confidence in it.
5. All police officers responsible for killing by instigating mob violence should be tried for criminal offences.
6. Extra-judicial killings, torture and enforced disappearances must come to an end. The Government must bring all involved in extrajudicial killings before justice through proper and independent investigation.
7. Torture during remand and other forms of custodial violence must be stopped. The Government should implement the 2003 directives of the High Court Division regarding this matter.
8. The Government should rescue or recover the victims of the disappearances. Odhikar urges the government accede to the International Convention for the Protection of All Persons from Enforced Disappearances, which was adopted by the UN General Assembly on December 18, 2009.
9. The Government should refrain from imposing section 144 of the Cr.P.C. to stop political programmes and also abstain from repression on opponent political activists.
10. Odhikar urges all political parties to resolve the constitutional crisis created due to the Fifteenth Amendment to the Constitution, through amicable dialogue; and find out a positive solution incorporating public opinion.
11. All repressive laws including the Anti Terrorism Act 2009 should be repealed.
12. A law protecting victims and witnesses is an urgent necessity and must be a priority in Parliament.
13. The National Human Rights Commission needs to be an independent, strong and effective institution so that it can take action against perpetrators of human rights violations.

14. Wages of the readymade garment workers must be paid on time. The government should monitor the implementation of the tripartite agreement so that the owners of the garment factories regularly pay wages to the workers.
15. Scope must be given to the accused BDR jawans to present statements through their lawyers. Full investigation reports prepared by the Government regarding the BDR massacre must be made public.
16. 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. In order to stop violence against women the government should campaign massively through media.
17. Human rights organisations work not to hold back the government, but to guide the government to areas that are grossly overlooked and need improvement. This is what Odhikar believes. The Government needs to give its approval to Odhikar projects so that it can continue its human rights awareness-raising work.

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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.