



HUMAN RIGHTS REPORT 2011

Odhikar Report on Bangladesh

January 07, 2012

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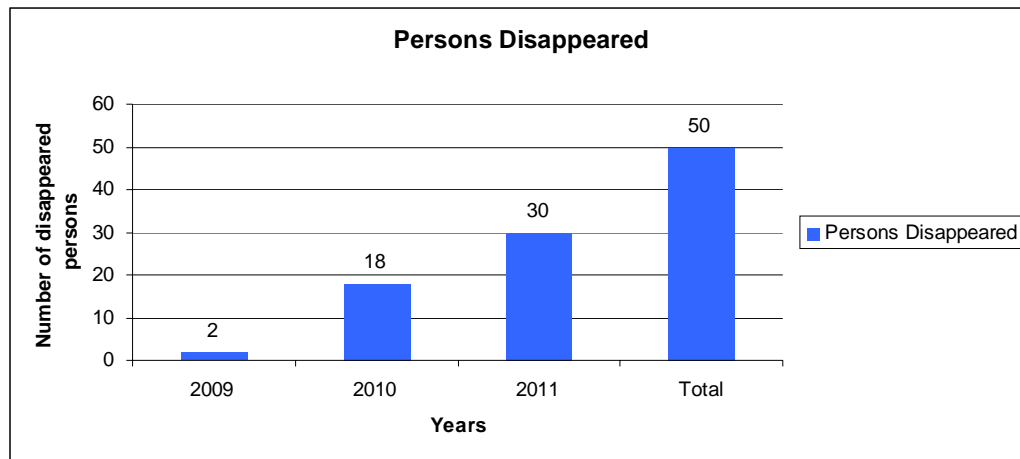
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INTRODUCTION

1. Odhikar is pleased to bring out the Annual Human Rights Report for the year 2011. The present report follows same structure and approach of our previous Annual Reports. Some new areas relevant to Odhikar's human rights concerns are included. We hope, like previous reports, the present publication will be useful to the human rights defenders around the world.
2. The completion of the 9th Parliamentary election on December 29, 2008 and the bringing to power an elected government was not an easy task. Bangladesh was under the State of Emergency from January 11, 2007 to December 16, 2008. During this period, people opposed and rejected an unelected caretaker government backed by the army and made a significant step in demonstrating their collective trust in a political process.
3. However, the trust has been betrayed. After the election of 2008 the undemocratic and dictatorial nature of power commenced in various manifestations and continued abusing the state institution for partisan interests and narrow economic gains. People expected otherwise. The least they expected was the strengthening of the regained sphere of politics from a near military take over and a widening scope and nurturing practice of democratic culture. This should have been the way forward for Bangladesh. Instead, partisan violence between and within major political parties continued and the rights of the people to articulate their grievances has been brutally repressed. Ethnic and religious minorities also suffered violence and injustice. Attacks against media did not subside and dissenting voices were punished in the name of 'contempt of court'.
4. The year 2011 is full of regressive evidence of what we have been observing for long. The situation has drastically deteriorated this year, beyond the expectations of many who assumed that the mere installation of an elected government can address the fundamental malaise of the State. If the State is not constituted on democratic principles, the mere election of a government can not ensure democratic rights of the people.
5. We have tried to cover the overall situation in this report, focusing on how civil and political rights are constantly violated; freedom of speech is repressed; the judiciary has been politicized, limiting the scope for fair trial and the right to life has been denied. If we are prone to be convinced by numbers, the most obvious sign of the

deteriorating human rights condition, is the alarming rate of increase in the number of people who are victims of ‘enforced disappearance’ since 2009. Paradoxically this is happening during the regime of an elected government, overwhelmingly voted by the people. If we compare this pattern with the decrease in number of extra-judicial killings from 127 in the year 2010 to 84 in 2011, it seems that a shift is taking place by which citizens are placed outside legal protection and legal trials by terminating them. The State might have adopted this tactic because of the national and international outcry against extra-judicial killings. The recent decline in the numbers of extrajudicial killings can only be a temporary pause.



- Another alarming indication is the level of violence perpetrated against women. Dowry related violence has increased since 2009. It seems that the slight improvements that we observed in the past are declining. While a patriarchal power structure definitely plays a significant role in dowry related violence; and dowry demand and incidents of dowry violence occur in all social and economic levels of society; such increase, mainly in the rural and lower income levels, is also an indicator of the degrading economic situation. This violence is further compounded with a serious lack of implementatin of the specific laws that make the demanding, giving and taking of dowry illegal.

Dowry related violence against women				
2001-2011				
Years	Killed	Physical abuse	Suicide	Total Incident
2001	123	31	3	157
2002	191	90	28	309
2003	261	85	23	369
2004	166	78	11	255
2005	227	123	19	369
2006	243	64	8	315
2007	138	47	13	198
2008	188	71	10	269
2009	227	81	11	319
2010	234	122	22	378
2011	305	192	19	516
Total	2303	984	167	3454

7. While it is crucial that we monitor the individuals who are the victims of human rights violation, the most important issue for the citizens as a whole, is the question of Constitution. Human rights is not merely defending individual rights against the State, but by itself a constitutive of democracy. From this perspective, the 15th Amendment to the Constitution Bill 2011 passed on June 30, 2011 and containing 51 politically sensitive changes is the most alarming event for Bangladesh. The 15th Amendment has fundamentally changed the nature of the Bangladesh State. A Parliament ruled by a single party and the constitutional structure by which political power is concentrated in the hands of the Prime Minister has always been a serious concern for the people of Bangladesh, but making drastic changes in the Constitution, transforming the fundamental nature of the State was unexpected and shocking and has further worsened an already precarious situation. This is a new reality people will have to face and constitutional debates centering on the norms of human rights is going to dictate the politics of the coming years.

8. While the Amendment assigns racial identity and theological grounding to the State, the outright threat to the rights of citizens is immediate. 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. Odhikar has always been critical of Article 142 by which the constituting power and the legislative power of the State are merged. This gives

Parliament the ability to also act as the constituting assembly to the detriment of the will of the people. The overall affect is akin to the imposition of an undemocratic and dictatorial prescription that has no relation to the people's democratic consensus.

9. The amendment is symptomatic not only of degradation of the human rights but also of the crisis of the Bangladesh State itself. The crisis has opened up the question of addressing the immediate necessity of constituting the State on democratic principles. It is simply a matter of time when people are compelled to think how they can protect their liberty and rights and provide scope to deliver their political, social and cultural responsibility to take Bangladesh forward.
10. In our Annual Report of 2010, we mentioned that the overwhelming lack of political tolerance; absence of necessary and effective institutions to ensure a democratic polity; and blatant violations of human rights are immediate challenges we have been facing in Bangladesh. The events of the last three years and particularly what we have observed during 2011, proved that the singular ritual of an electoral process to vote for a party to rule, while retaining an anti-democratic and anti-people structure of power based on an economic system organised around greed and profit, can be fatal to the life, liberty and livelihood of the majority. The rapid deterioration of the human rights situation in the last three years has reached a point that forces us to raise some fundamental question about the nature of the State and the imminent necessity of constituting it on the foundational principles of democracy, such as the protection of life and liberty and the pursuit of happiness.
11. The reality of Bangladesh proves again that while a representative government is always desirable and essential for democratic practice, democracy is not merely a matter of free and fair election. Democracy is, above all, a form of the State. As a form of the State, democracy cannot and should not be reduced into the singular ritual of electing a government. In other words, democracy is not how governments are formed but how States are constituted. Since the coming into being of Bangladesh in 1971, the Executive, Judiciary and Legislative have been persistently failing to protect human rights. Such persistent failures are not merely matters of functionality of the system, which could be mended, but rather relate to the system itself. Simply speaking, if the State of Bangladesh is not democratic, we cannot expect it to function democratically. Human rights are blatantly violated not only because the government lacks respect for human rights, but also because the State of Bangladesh has not been constituted in a way by which government is obliged to

respect the rights of the citizen or made accountable for failure to execute the obligation.

12. Of concern to Odhikar is the numerous acts of harassment by the government agencies. The NGO Affairs Bureau has kept pending its approval and fund clearance of Odhikar's project for one year and human rights defenders of Odhikar are under the surveillance of the intelligence agencies. According to the 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 sent 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 has already clarified a number of queries made the NGOAB. Previously, through a letter dated February 11, 2010, the NGO Affairs Bureau refused to grant an extension to one of Odhikar's projects.
13. Since October 2010, the activities of Odhikar, its staff and particularly, the Secretary have been under surveillance by the national security agencies. They have also been facing harassment.
14. Odhikar is committed to protecting and promoting human rights. It urges the Government to rectify its wrong doing in order to improve the human rights situation of Bangladesh. Instead of rectifying its nature the Government tries to stop Odhikar's activities and keep its defenders under constant watch and harassment.

CHAPTER I: CIVIL AND POLITICAL RIGHTS

15. Bangladesh has systematically failed to protect individuals from unwarranted infringement by the government and private organisations. The aggressive and violent steps the Government often takes to confront peaceful public events and programmes of opposition political parties and social groups amount to denial of citizen's right to participate in the civil and political life of the State. The Government has failed to protect the physical integrity and safety of the people. Discrimination on grounds of gender, ethnicity, religion and race were also common in 2011. Individual's rights such as the freedoms of thought and conscience, speech and expression, the press, and movement have also been constantly violated despite Constitutional guarantees. As a result the democratic space for dialogue and consensus building shrunk to precarious levels in 2011, as evidenced even more by the introduction of the 15th Amendment to the Constitution.
16. Rights such as natural justice or procedural fairness in law, particularly the rights of the accused – including the right to a fair trial, due process, and the right to seek redress or a legal remedy – have also been violated. The violation of the rights of participation in civil society and politics, such as freedom of association, right to assembly and the right to self defence, have reached critical proportions that demand immediate attention.
17. It is expected that the Government should not impede on the opportunity for the exchange of opinions and debate that a free media provides. Free and responsible media is a precondition to ensure human rights; it is a foundation of democracy. Indeed the right of journalists to work freely and without harassment must be ensured. However, this is not the case in Bangladesh. As will be seen in this report, attacks on and intimidation of journalists was rife in 2011.

Freedom of thought and speech: Media

18. Like previous years journalists have been victims of attacks and physical assault in 2011. From January to December 2011, according to information gathered by Odhikar, due to professional grounds 139 journalists were injured, 53 threatened, 24 journalists attacked, 43 assaulted and case was filed against 23 journalists.¹

¹ Odhikar's documentation

19. Mahmudur Rahman, the Acting Editor of Daily Amar Desh, came out of jail on March 17 serving prison terms for his stand against the abusive role of the Judiciary. He was sentenced to imprisonment in 2010 for publishing a report on the Judiciary and charged with contempt of Court. On his release the statement Mahmudur Rahman made demonstrates the deep contempt for journalists that exists within law enforcement agencies. He said, "The government arrested me for taking a stand for the truth. I was tortured² in custody and attempts were made to kill me. Despite that, my pen will not stop."³
20. On January 7, 2011 supporters of the Awami League-backed Chattra League and Jubo League brought out a procession in favour of Awami League backed Mayor candidate SM Moyeen in Thakurgaon. The supporters of Moyeen attacked the polling camp of BNP supported Mayor Candidate Golam Sarwar, while the procession crossed College Para in the town. Hearing this news, Ali Ahsan Habib, staff reporter of the daily Kaler Kantha; Lutfar Rahman Mithu, district representative of NTV; and Harun-ar-Rashid, district correspondent of Diganta TV rushed to the spot to collect information. The supporters of Awami League-backed Chattra League and Jubo League attacked the journalists and beat them. Ahsan Habib was admitted to a clinic in Rangpur with serious wounds. A case was filed with Thakurgaon Sadar Police Station accusing 20 people, including Md. Sohel and Helal, in connection with this incident.⁴
21. On February 13, 2011, Billal Hossain Robin, staff reporter of the daily Manabzamin and member of Narayanganj Press Club, was hit by a pistol by Awami League activist Nazrul Islam and his associates at Siddhirganj under Narayanganj district, over a report published in the newspaper. The criminals threatened to kill him.⁵ Police registered a case in this connection after five hours, when Robin went to Siddhirganj Police Station. He had to wait five hours at the police station for unexplained reasons. Meanwhile, after seven hours of filing the case, an extortion

² According to Mahmudur Rahman, on the night of June 10, 2010 at around a 1:45, five or six men entered his cell at Cantonment police station and forcibly 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. According to his lawyer he was deprived from sleeping and was not given food and water properly, the daily Naya Diganta, 12/10/11

³ The daily New Age, 18/03/2011 and The Daily Star, 18/03/2011

⁴ Report from Zakir Mustafizur Milu, human rights defender of Odhikar at Thakurgaon, 13/01/2011

⁵ The daily Manabzamin, 14/02/2011,

http://www.mzamin.com/index.php?option=com_content&view=article&id=2830:2011-02-13-16-36-09&catid=48:2010-08-31-09-43-22&Itemid=82

case was filed by the attackers against eight persons, including Robin. Four out of the eight accused were the local correspondents of different dailies. A youth named Tajul Islam filed a case with the Siddhirganj Police Station against Robin and others on allegations of extortion, snatching and beating, giving the same time of occurrence when journalist Robin was attacked by the criminals.⁶

22. On April 29, 2011 assailants attacked and committed brutal physical harm on F M Abdur Razzak (45) a former secretary of the Paikgachha Press Club in Khulna and the Editor of the fortnightly Gono Michhil, who is also a volunteer of the Asian Human Rights Commission; and his brother Badiur Rahman (22), a shrimp farmer, over a land dispute at Godaipur of Paikgachha in Khunla. The victims were admitted to the Paikgachha Health Complex, Khulna Medical College Hospital and Dhaka Medical College Hospital. When their condition deteriorated, they were shifted to the Trauma Centre at Dhaka on April 30, 2011.⁷ According to Razzak, some 30 people led by Moklesur Rahman Kajal, brother of one Major Mustafizur Rahman of the Bogra Cantonment, had attacked them near the Paikgachha bus stand at about 10.00 pm on April 29 over a dispute regarding 21 decimals of land.
23. On June 3, 2011 at Shilaidaho Kuthibari under Kumarkhali union of Kushtia, a group of criminals attacked and injured Tauhidi Hasan, the local correspondent of the daily Prothom Alo; Sheikh Belal Hossain, the local correspondent of RTV; Jahirul Islam, the local correspondent of Ekushey TV; and Ahmed Sajeeb, a cameraman from Ekushey TV. Severely injured Tauhidi Hasan was admitted to hospital. The journalists alleged that the Education and Cultural Secretary of the Kushtia Municipality Awami League, Ali Hossain and people loyal to him, attacked the journalists because they had begun to investigate the irregularities and discrepancies in four projects, including one for the maintenance work at Rabindranath Tagore's 'Kuthi Bari' residence.⁸
24. On August 10, 2011, a Division Bench of the High Court Division, comprising of Justice AHM Shamsuddin Chowdhury and Justice Gobinda Chandra Thakur, issued a rule for Contempt of Court against two discussants and the anchor of Ekushey Television talk show 'Ekushey Raat'. Advocate Ahmed Azam Khan, Advisor to the

⁶ The daily Ittefaq, 18/02/2011

⁷ Urgent appeal from the Asian Human Rights Commission, 30/04/2011, <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAU-013-2011>

⁸ Fact finding report of Odhikar- www.odhikar.org/FF_report.html

BNP Chairperson and Razekuzzaman Ratan, a leader of the Bangladesher Somajtantrik Dol and Anjan Roy, the anchor of the programme were held in contempt for commenting on the High Court Division Bench.⁹ On August 18, 2011, Advocate Ahmed Azam Khan, Razekuzzaman Ratan and Anjan Roy appeared before the Court and appealed for time to explain their statements. The Court fixed October 17, 2011 for hearing of this matter.¹⁰ They appeared in Court on that date, and a date was fixed for further hearing in 2012.

25. On August 14, 2011 15-20 Awami League backed Chhatra League activists, including Ruhul Amin Babu, Abdul Alim, Kamal and Arafat attacked Sardar Hasan Tamim, a journalist of the local daily Lal Golap, for collecting information about the recovery of hand made bombs from Syed Amir Ali Hall¹¹ of Rajshahi University. Tamim was severely beaten by Chhatra League activists and left seriously injured.¹²
26. On November 03, while returning home from work late at night, reporter for the Daily Manabzamin, S M Nuruzzaman was attacked and physically injured, as allegedly by some members of the Mirpur Police Station. During the attack, Sub Inspector Anwar of Mirpur Police Station threatened to shoot Nuruzzaman in the leg, accusing him of being involved in a hijacking incident and have him killed by a mob.¹³
27. Interference in the media and attacks on journalists must be stopped. A free press is essential for critiquing and unravelling the culture of impunity that has become common amongst those in power in Bangladesh. A press that has the freedom to criticise and debate the government and associated institutions is thus essential to the work of protecting and harnessing human rights. Those persons responsible for the attacks on journalists must be brought to justice. Odhikar observes that journalists and human rights defenders, who protest against the injustices perpetrated by powerful sectors of the society, come under frequent attack when trying to conduct their professional activities. Odhikar demands proper treatment of the victims, arrest of the perpetrators and exemplary punishment for such crimes.

⁹ The daily Ittefaq, 11/08/2011, <http://new.ittefaq.com.bd/news/view/34831/2011-08-11/2>

¹⁰ The daily Amar Desh, 19/08/2011, <http://www.amardeshonline.com/pages/details/2011/08/19/100295>

¹¹ Residential hall for students

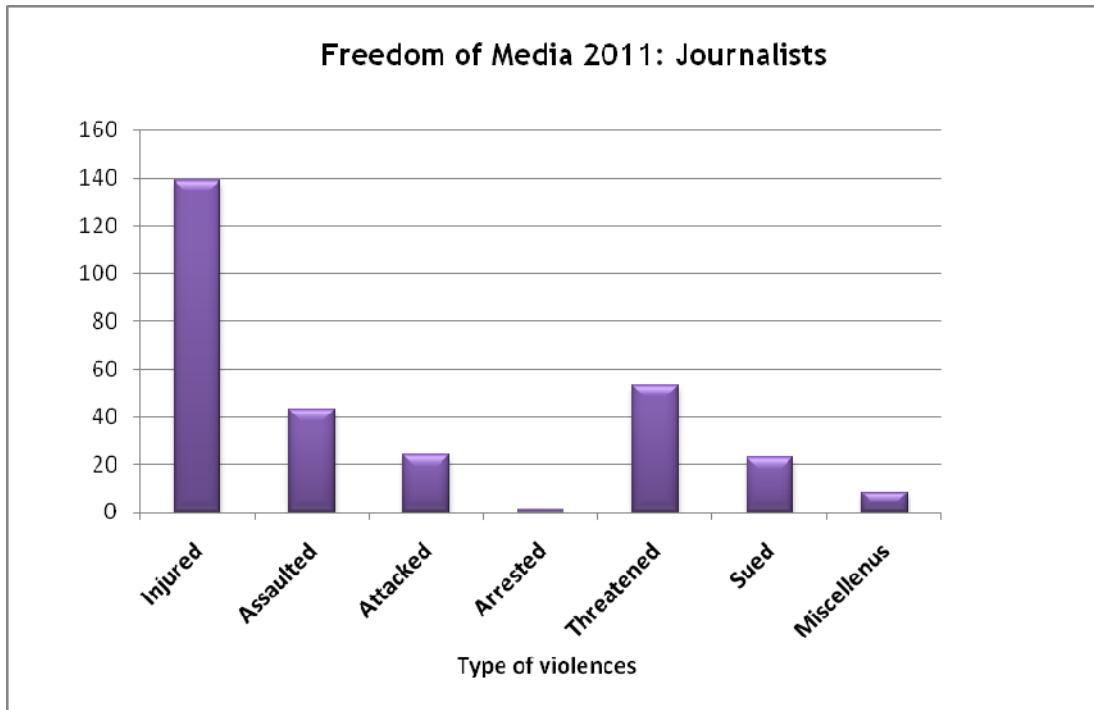
¹² The daily Amar Desh, 15/08/2011, <http://www.amardeshonline.com/pages/details/2011/08/15/99452>

¹³ Daily Manabzamin, 4/11/11, http://www.mzamin.com/index.php?option=com_content&view=article&id=24480:2011-11-03-16-17-42&catid=38:dhaka&Itemid=69

Table 1: Freedom of Media 2011: Journalists

Freedom of Media 2011: Journalists									
Month (s)	Killed	Injured	Assaulted	Attacked	Arrested	Threatened	Sued	Miscellenus	Total
January	0	8	4	0	0	4	0	2	2
February	0	8	1	0	0	6	3	0	0
March	0	4	5	1	0	10	0	1	1
April	0	9	3	0	0	0	0	1	1
May	0	6	1	3	0	14	0	0	0
June	0	36	5	0	0	0	0	0	0
July	0	13	3	1	1	3	0	1	1
August	0	14	3	5	0	2	0	2	2
September	0	6	13	0	0	1	16	1	1
October	0	10	3	0	0	6	4	0	0
November	0	14	0	10	0	4	0	0	0
December	0	11	2	4	0	3	0	0	0
Total	0	139	43	24	1	53	23	8	291

Graph 1: Freedom of Media 2011: Journalists



Freedom of Assembly

28. The right to hold meetings and gatherings should be a well protected right not only as a condition of democratic polity but also a necessity for political stability. The Constitution allows any citizen of the State the right to form a political party or an organisation and organise political activities in a peaceful manner. These political parties or organisations also hold the right to criticise the Government. Furthermore, all citizens have the right to organise and take part in meetings and associations and assemblies as guaranteed in Articles 38 and 39 of the Constitution of the People's Republic of Bangladesh.
29. However, meetings, whether of political parties or non-governmental organisations, have been subject to shutdowns and harassment in 2011. In some cases this has been due to the obtrusive activities of the law enforcement agencies or student wings of political parties.
30. On January 9, 2011, a discussion meeting was organised by the civil society group Lamppost to demand the release of garments workers leader Moshrefa Mishu, at the Dhaka University campus. The meeting was stopped by Dhaka University Proctor

KM Saiful Islam Khan and Awami League-backed Chattra League activists. Chattra League activists alleged that Lamppost had been banned from the campus. Ashish Koraya, General Secretary of Lamppost informed Odhikar that Lamppost is not a banned organisation and when the Proctor was asked about Lamppost, he could not give an answer.¹⁴ Most of the members of Lamppost are residential students of Dhaka University. Lamppost has been under watch by the security forces since the 5 July 2009 incident regarding a Lamppost procession in front of the Indian High Commission protesting against the Tipaimukh Dam in India and Indian interference in Bangladeshi politics.

31. On January 22, 2011, Chattra Gonomoncha (Student Platform) organised an open study circle at the Dhaka University Central Student Union (DUCSU) building to protest against the killing and torturing of Bangladeshi citizens by the Indian BSF. About 50 Awami League-backed Chattra League activists led by Zahurul Huq Hall unit President of Chattra League, Reaz Uddin Chowdhury Shumon, attacked the programme. 15 activists of Chattra Gonomoncha were injured in this attack.¹⁵
32. 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. According to its specified programme, when the activists of the committee gathered at the Muktangaon in Dhaka in the evening, police took away their banners and imposed a blockade. Later the Committee shifted to the National Press Club and tried to make a human chain in front of it, but the police spoiled that initiative too. The people who gathered for a human chain took shelter in the Press Club when police chased them. Arial Beel Rakkha Committee alleged that police spoiled their peaceful programme despite their having written permissions from the Dhaka City Corporation and Dhaka Metropolitan Police. They also complained that three protestors received bullet injuries.¹⁶
33. On January 31, 2011, a police officer was killed and more than 100 people, including policemen and journalists, were injured in clashes between the police and local people during a protest rally and blockade of the Dhaka-Mawa highway against the proposed International Bangabandhu Sheikh Mujibur Rahman Airport at Arial Beel. The local people had organised a human chain to protest the construction of an

¹⁴ Sumen Chakma, human rights defender of Odhikar, 09/01/2011

¹⁵ The daily Naya Diganta, 23/01/2011, http://dailynayadiganta.com/2011/01/23/fullnews.asp?News_ID=257813&sec=2

¹⁶ The daily Ittefaq, 27/01/2011, <http://ittefaq.com.bd/content/2011/01/27/news0262.htm>

international airport on agricultural land and swamp area full of biodiversity. The government was finally compelled to cancel its plan due to these protests. After the incident, the government filed cases against Dhaka University teacher and Professor Emeritus, Dr. Sirajul Islam Chowdhury; nuclear scientist Dr. Foyzur Rahman Al Siddiqui; Dr. Fakhrul Islam Chowdhury; former Adviser of the caretaker government Engineer Amanul Islam Chowdhury; and the leaders of Arial Beel Protection Committee and 22 thousand local people. Jalil Master, Joint Convener of the Arial Beel Protection Committee had also been arrested. It has been alleged that the supporters of the ruling party and policemen are still harassing local people, ransacking and looting their houses.¹⁷

34. On June 14, the National Committee for the protection of Oil, Gas, Minerals, Resources, Power and Ports, in protest of the agreement between the Government and the US company Conoco Phillips for oil and gas exploration and extraction in the Bay of Bengal, brought out a procession and headed to the Energy Ministry to submit a memorandum. However, police stopped and baton charged the protesters. About 30 persons were injured, including Rehnema Ahmed, a teacher of Jahangirnagar University.¹⁸ On June 27, 2011 police beat activists of the said National Committee and detained two of them while they tried to bring out a procession in Dhaka.¹⁹
35. On July 2, 2011, Munshiganj District branch of the Committee for the protection of Oil, Gas, Minerals, Resources, Power and Ports, tried to organise a meeting in front of the Office of the Deputy Commissioner in protest of the agreement signed between the Bangladesh Government and the US Company, Conoco Philips for oil and gas exploration and extraction in the Bay of Bengal. This was dispersed by the police. Police attacked the Committee members and snatched away the banner and dispersed the gathering when the Committee members tried to assemble again near the Bar Association. Five people, including a member of the Committee, Nasiruddin Nasu were injured in the police baton charge.²⁰
36. On August 14, 2011, a group of 15-20 Awami League backed Jubo League and Chhatra League activists attacked a meeting when the Member-Secretary of the Central Committee, Professor Anu Mohammad was addressing the meeting

¹⁷ Weekly Budhbar, 09/02/2011 and report from Jahangir Hossain Akash, human rights defender of Odhikar, Munshiganj

¹⁸ The daily Amar Desh, 15/6/2011, <http://www.amardeshonline.com/pages/details/2011/06/15/87377>

¹⁹ The daily New Age, 28/06/2011, <http://news.priyo.com/politics/2011/06/28/police-beat-oil-gas-body-men-d-30073.html>

²⁰ Report from human rights defender, Munshiganj, 02/07/2011

organised by the 'National Committee for the Protection of Oil, Gas, Mineral Resources, Power and Ports' at Badshaganj under Dhorompasha Upazila in Sunamganj District.²¹

Right to Information

37. On October 2, 2011 four citizens of the country, political analyst and poet Farhad Mazhar; Professor of BRAC University, Dr. Manjur Karim; New Age Editor, Nurul Kabir; and Odhikar Secretary Advocate Adilur Rahman Khan submitted a letter to the Chairman of Petro Bangla, according to Section 8 of the Information Act 2009, in order to get a certified copy of the agreement signed between it and multi national company Conoco Philips. In the letter, they mentioned that a PSC agreement was signed between Petro Bangla and Conoco Philips on June 16, 2011 for exploring two gas blocks in the sea. Public and national interests are related to this agreement. Despite submitting a request letter as citizens of the country, they have to date not received any information in relation to this matter from Petro Bangla.

Human rights defenders at risk

38. On May 21, a representative of the Asian Human Rights Commission, William Gomez, was allegedly picked up by plain-clothed RAB from Sayedabad bus stand. A report²² from the Asian Human Rights Commission informed that he was taken to a place, which his abductors referred to as 'Headquarters' and their conduct and dialogue connoted that the place was in fact the RAB Headquarters. There, he was stripped naked, his hands and legs cuffed, and he was made to remain in a difficult crouching position while they verbally abused him and threatened to inflict severe physical torture on him. They interrogated him about his activities.
39. On October 17, 2011, the Secretary of Odhikar Adilur Rahman Khan received a phone call from Assistant Superintendent of Police, Shahnaz, of the Special Branch, who told him to come to the Special Branch office. When he said that he needed an official letter, with reasons, she stated that the SB was not obliged to do so, and he was bound to come to the SB office. Adilur Rahman Khan, a lawyer, replied that he was not bound and would not go to the SB. ASP Shahnaz told him she would inform him later.

²¹ The daily Amar Desh, 14/08/2011

²² Email from Asian Human Rights Commission – Bangladesh : Midnight Interrogations, 14/06/2011

40. On October 23, 2011, a human rights defender of Odhikar, Shampa Goswami was harassed and threatened by a group of criminals at Laboni Mor of Satkhira district town, for lending support to an elderly female survivor of gang rape. That day, Shampa and her younger brother's friend, were waiting for another human rights defender, Sukumar Das Bachchu, when they were approached and harassed by a group of men. Shampa left the shop and tried to call the police, but they surrounded her and forcibly took the two to the roof of a nearby building. Her cell phone was taken away and the men forced them to sit together and began taking photographs of them with a cell phone, while continuing their threats. They tried to blackmail Shampa, saying that they would send the photographs to the newspapers unless she paid them money. She managed to escape with the help of a local journalist who came up on the roof on hearing the chaos. A case was filed with Satkhira Sadar Police Station in this regard. The police have yet to arrest the accused number one, Shushatno Kaur, who is absconding. Odhikar came to know that Shushanto Kaur is still threatening Shampa from his hiding place. Amnesty International and Front Line Defenders - The International Foundation for the Protection of Human Rights Defenders issued urgent action appeal and requested the authorities to take urgent steps to ensure her security.²³

Ethnic & Religious Discriminations

ETHNIC MINORITIES

41. Article 28 of the Constitution of Bangladesh states that 'The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth'. However, the rights of the other ethnic minority communities has been denied by adopting 'Bangalee Nationalism' privileging one language and nation by replacing Article 9 by the 15th Amendment of the Constitution. The amendment also stated in Article 6(2) that 'the people of Bangladesh shall be known as Bangalees as a nationexplicitly denies the existence of non Bengali ethnic minority communities.
42. In 2011, Odhikar documented numerous violent attacks, and discriminatory practices against ethnic minorities. From January to December 2011, 40 people belonging to ethnic minority groups were killed, 94 injured, 17 abducted, 18 raped and 40 families

²³ Odhikar's fact finding report, 02/11/2011 and Urgent Action, Amnesty International, 26/10/2011, <https://www.amnesty.org/en/library/asset/ASA13/010/2011/en/fd71f2c9-bbc5-4d0c-bfad-68e78b3eb7df/asa130102011en.pdf>

had their houses destroyed. The incidents took place in Khagrachari, Rangamati, Dinajpur and Rajshahi. A few examples of targeted attacks against minorities have been described below:

43. On February 17, 2011 some ethnic minority community people were injured when local Bangali settlers attacked them at Rangipara and Gulskhali village under Longudu Police Station in Rangamati. The attackers allegedly set fire to the homes of some ethnic minority community people. It was learnt that a local Bangali 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. People of the ethnic minority communities alleged that the Border Guard Bangladesh (BGB) members were present when Bengali settlers attacked them but did nothing to protect them.²⁴
44. On April 17, 2011, a clash occurred between the people belonging to ethnic minority communities and Bengali settlers over land at Guimara area under Ramgarh Upazila in Khagrachhori. Three Bengali settlers, named 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 workers 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 through the area and local Bengalis organised a counter-attack on the local ethnic minority people, which resulted in a clash between the two groups. It was alleged that the attackers set fire to 30 houses of the ethnic minority people at Shonkhola and Reo Murangpara areas and incidents of looting also occurred during the conflict.²⁵
45. Many incidents of bloodshed, arson and looting took place in the Chittagong Hill Tracts in 2011 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 the ownership of land and the creation of a democratic Constitution. The people

²⁴ Report from Somen Chakma, Odhikar's human rights defender, 18/02/2011

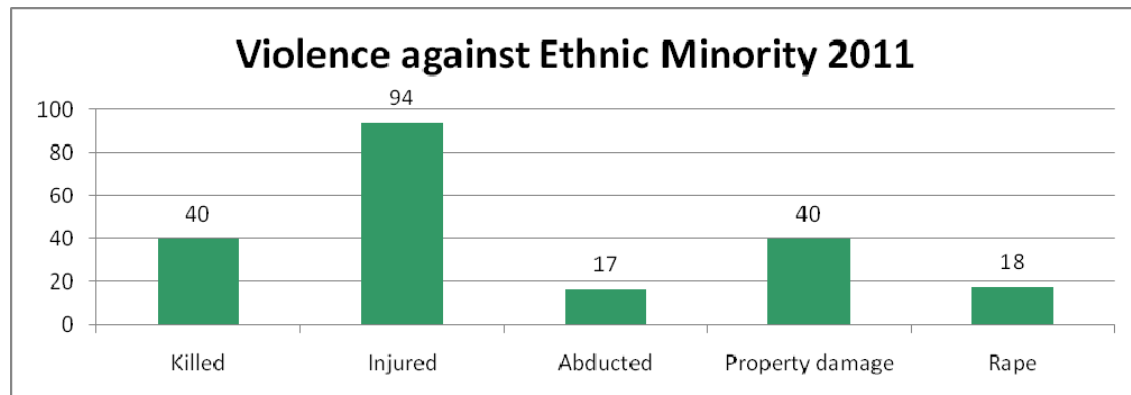
²⁵ The daily Prothom Alo, 19/04/2011, <http://www.prothom-alo.com/detail/date/2011-04- /the daily Ittefaq, 19/04/2011, http://new.ittefaq.com.bd/news/view/8712/2011-04-18/1>

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.

Table 2: Violence against Ethnic Minority

Violence against Ethnic Minority 2011						
Month	Killed	Injured	Abducted	Property damage	Rape	Total
January	9	1	2	0	2	14
February	3	31	0	40	4	78
March	1	11	2	0	1	15
April	5	22	2	0	1	30
May	6	3	0	0	2	11
June	5	1	11	0	2	19
July	1	8	0	0	3	12
August	5	2	0	0	2	9
September	1	0	0	0	0	1
October	1	0	0	0	0	1
November	0	0	0	0	0	0
December	3	15	0	0	1	19
Total	40	94	17	40	18	209

Graph 2: Violence against Ethnic Minority 2011



RELIGIOUS MINORITIES

46. The Penal Code criminalises the defilement or destruction of a place of worship or publication of any material disrespectful of any religious group, and the Constitution prohibits discriminate on grounds of religion, but still, in 2011, there were numerous reported incidents of repression on religious minority communities.
47. From January to December 2011, 107 people belonging to religious minorities were injured, 02 were assaulted, 03 women were raped, there were 25 incidents of attacks on temples, 06 incidents of land grabbing, 02 incidents of eviction and 21 incidents of property damage. Some incidents are noted below:
48. In January, violence took place in Shailkupa under Jhenaidah district on January 13, 2011 after the municipal election. The 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. Most of the jewellery shops, owned by religious minority communities, in Shailkupa town have shut down after this incident.²⁶
49. On April 5, 2011, supporters of local Awami League parliamentarian Zahid Malek Swapon attacked a Hindu temple and ransacked Hindu homes at Ukiara Bazar under Manikganj district. The attackers ransacked the *Durga* temple and allegedly set fire to four houses and a shop belonging to the religious minority community. Hearing this, Manikganj representative of a private TV channel, Bangla Vision and reporter of the daily Shomokal, Biplob Chokroborty; and private channel ATN Bangla representative Abul Kalam Azad rushed to the spot. Awami League activists attacked and wounded them allegedly under the instructions of Manikganj District Awami League Religious Affairs Secretary Israfil Hossain. The attackers also took away their cell phones and cameras.²⁷
50. On July 2, 2011, supporters of District Awami League leader Miraz Khan, who was a Chairman candidate 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

²⁶ Report from local human rights defender of Odhikar at Jhenaidah, 14/01/2011

²⁷ The daily Amar Desh, 6/04/2011, <http://www.amardeshonline.com/pages/details/2011/04/06/75633>

Saha and another brother Sachin Kumar Saha. They allegedly took away gold ornaments and cash and also assaulted the women of the house.

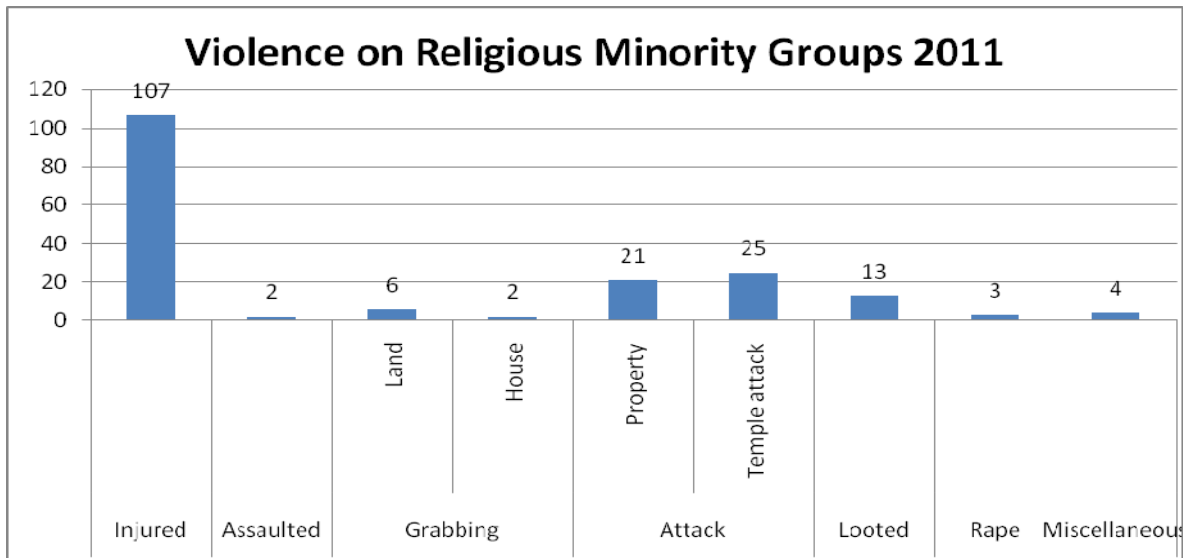
51. In August, Gopalganj City Awami League Joint General Secretary, Mahbubur Rahman Digol; and Shohel and Shohag, sons of District Awami League President Raja Mia, occupied two decimals of land belonging to Saint Mathuranath AG Mission and six decimals of land of Babul Biswas, son of Nirmol Biswas of Christianpara. They also occupied and locked up the house of Babul Biswas. On August 2, 2011, both parties appeared at the police station when Sub Inspector Masudur Rahman asked them to come for a settlement. Christian Fellowship leaders alleged that Shohel assaulted Miapara AG Church Supervisor Reverend Josef Pandey and beat Christian Fellowship leader Mitul Bala in front of the police.²⁸

Table 3: Violence against Religious Minority 2011

Violence against Religious Minority 2011										
Month	Injured	Assaulted	Grabbing		Attack		Looted	Rape	Miscellaneous	Total
			Land	House	Property	Temple attack				
January	2	2	0	0	9	0	0	2	0	15
February	0	0	0	0	0	0	0	1	2	3
March	0	0	0	0	0	0	0	0	1	1
April	6	0	2	0	5	2	0	0	0	15
May	15	0	0	1	1	2	0	0	0	19
June	0	0	1	0	0	1	0	0	0	2
July	15	0	0	1	0	0	10	0	1	27
August	7	0	0	0	0	0	0	0	0	7
September	8	0	0	0	2	6	1	0	0	17
October	54	0	1	0	4	11	2	0	0	72
November	0	0	1	0	0	1	0	0	0	2
December	0	0	1	0	0	2	0	0	0	3
Total	107	2	6	2	21	25	13	3	4	183

²⁸ The daily Ittefaq, 03/08/2011, <http://new.ittefaq.com.bd/news/view/32918/2011-08-03/2>

Graph 3: Violence against Religious Minority 2011



Fair Trial

52. The prevailing culture of impunity is crippling the justice system and has always been a deep concern to Odhikar. The withdrawal of cases under political consideration in 2011 and the protection of party affiliated criminals is of serious concern.

'POLITICALLY MOTIVATED' CASES

53. In 2011 the Government had withdrawn cases of murder, rape, robbery, corruption, extortion and the keeping of illegal arms, by citing them as 'politically motivated cases' and therefore bypassing the Judiciary or any judicial process. Most of these cases, which have been withdrawn under political consideration and kept for 'future consideration', were filed against ruling party leaders and activists. Some cases have also been withdrawn where the plaintiff and accused were not involved in politics.

54. Considered as 'politically motivated' on January 11, 2011 a total of 1479 cases were proposed for withdrawal at the 25th meeting of the 'National Committee on reviewing cases for withdrawal'. Of them, 900 cases have no recommendations from the District Committees. According to Government Rule, no case can be proposed for withdrawal at the National Committee without recommendations from the District Committees. However, these cases have been proposed with the influence of Ministers, Parliamentarians and leaders of the ruling party, without recommendations from the District Committees. 56 out of 1479 cases have been recommended for

withdrawal and 837 cases were kept for later consideration. It has been reported that about 6750 cases were withdrawn under political consideration in the last two years since the present Awami League led Grand Alliance government assumed power. Among them, 5303 cases have been fully withdrawn while the names of the accused have been partly withdrawn in 1444 cases. It should be noted that between 2001 and 2006, during the tenure of the Four Party Alliance led by the 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.²⁹

55. The Government has withdrawn 105 criminal cases, filed against former MP of Awami League, Hazi Mohammad Selim, by considering them cases of 'political harassment'. Those cases were under trial in various Courts in 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 were 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.³⁰

PRESIDENT'S CLEMENCY FOR PERSONS ACCUSED OF MURDER

56. The President of Bangladesh granted clemency to the accused on death-row in two cases. Both incidents were murder cases.
57. 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.³¹ The President of Bangladesh 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. At same night, Nurul Islam was hacked to death at the residence of Abu

²⁹ The daily Prothom Alo, 11/01/2011, <http://www.prothom-alo.com/detail/date/2011-01-11/news/122536>,
The daily Amar Desh, 12/01/2011, <http://www.amardeshonline.com/pages/details/2011/01/12/62771>

³⁰ The Daily Star, 20/09/2011, <http://www.thedailystar.net/newDesign/news-details.php?nid=203224>

³¹ The daily Prothom Alo, 19/03/2011

Taher in front of his wife Nazma Taher, and thrown in the river.³² President Zillur Rahman also pardoned 20 prisoners who were on death row in the Sabbir Ahmed Gama murder case in September 2010.

58. Such practice of ‘pardons’ to political activists undermines the independence of Judiciary as enshrined in the Constitution. During the BNP regime, Jhintu, a convicted prisoner, who was on death row had been pardoned and brought back from abroad.³³

PROTECTING ‘PARTY’ CRIMINALS

59. On October 8, 2010, BNP leader and Boraigram Upazila Chairman Sanaullah Noor alias Babu was beaten and stabbed to death during an attack on a procession in Natore. Former General Secretary of the Chhatra League³⁴ and former Information and Research Secretary of the District Awami League Zakir Hossain led a group of miscreants, including Chhatra League General Secretary of Boraigram Upazila Shafiqul Islam; Jubo League³⁵ leaders Rakib, Jamil and Babu and allegedly attacked the political procession. A video footage of this incident was released and aired on the television channels.³⁶
60. In spite of this widely publicised and viewed attack by members of the Jubo League and Chhatra League, on October 12, 2010, Prime Minister Sheikh Hasina commented on the death of Sanaullah Noor Babu that “The BNP’s internal-conflicts were responsible for the killing of the Chairman of Baraigram Upazila in Natore. They have murdered their own man and are now filing cases.”³⁷
61. On October 13, 2010, 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.”³⁸

³² The daily Prothom Alo, 20/07/2011, <http://www.prothom-alo.com/detail/date/2011-07-20/news/171595>

³³ Ibid

³⁴ Student wing of Awami League

³⁵ Youth wing of Awami League

³⁶ The daily Jugantor, 09/10/2010, <http://jugantor.us/enews/issue/2010/10/09/news0471.php>

³⁷ The daily Amader Shomoy, 13/10/2010

³⁸ The Daily Star, 14/10/2010, <http://www.thedailystar.net/newDesign/news-details.php?nid=158425>

62. On March 6, 2011, a Divisional Bench of the High Court Division comprising of Justice Mohammad Shamsul Huda and Justice Abu Bakar Siddique, granted bail for the 11 accused, for six months.³⁹
63. Local Awami League and Shechchashebok League received the 11 men freed on bail with flowers soon after their release and a grand reception was given to them at the Shahid Minar⁴⁰ at Boraigram Upazila Parishad. The principal accused of the murder of Sanaullah Noor Babu, former General Secretary of the Awami League-backed Chhatra League and former Information and Research Secretary of the District Awami League Zakir Hossain, threatened businessmen by saying “Businessmen at Bonpara demonstrated against the killing by shutting down their shops. Despite being innocent, we had suffered because of them. Now we will see what they will do for us. The businessmen of Bonpara will have to prove in seven days that we were involved with Sanaullah Noor Babu’s killing; otherwise we vow that we will make decisions about them after 7 days.” Bonpara Municipality Awami League Convener Khokon Molla said in his speech that “Not in seven days, they will have to do what they can for us in the next 72 hours. Otherwise action will be taken against them.”⁴¹
64. On March 13, 2011, the High Court Division issued a rule regarding the killing of Boraigram Upazila Chairman and BNP leader Sanaullah Noor Babu as to why the bail of the accused should not be annulled. A High Court Division Bench comprising of Justice Mohammad Shamsul Huda and Justice Abu Bakar Siddique issued a suo-moto rule.⁴²
65. On March 28, 2011, the High Court Division Bench ordered the 11 accused persons, who were released on bail, to submit undertakings that the plaintiff and witnesses of the cases would not be threatened. At the same time, the Court was adjourned till April 6, 2011 for hearing of the rule.⁴³
66. On November 20, 2011 Boraigram Judicial Magistrate Court rejected bail prayers of 27 accused including the 11 arrestees who earlier took bail from the High Court and

³⁹ The daily Prothom Alo, 11/03/2011, Natore correspondent, <http://www.prothom-alo.com/detail/date/2011-03-11/news/137624>

⁴⁰ Monument for the martyr at the language movement of 1952

⁴¹ The daily Prothom Alo, 11/03/2011, Natore correspondent, <http://www.prothom-alo.com/detail/date/2011-03-11/news/137624>

⁴² The daily Prothom Alo, 13/03/2011, <http://www.prothom-alo.com/detail/date/2011-03-13/news/138182>

⁴³ The daily Prothom Alo, 29/03/2011, <http://www.prothom-alo.com/detail/date/2011-03-28/news/142334>

sent them to the jail. Due to this the ruling party Awami League brought out a procession on November 21 demanding release of the accused.⁴⁴

67. On December 20, 2011, Judge Hossain Shahid Ahmed on a vacation Bench, granted bail for 23 of 27 Awami League accuseds. The public prosecutor for plaintiff Sirajul Islam and senior lawyer Mozammel Hossain Montu protested this bail and stated that the accused had beaten and hacked the elected representative to death in the broad day light. It's also revealed in the video footage and photographs of how the accused killed Sanaullah Noor Babu.⁴⁵

AUTOPSY DISCREPANCIES

68. Corruption does not only occur in the withdrawal of cases, but also in the conduct of autopsies. After death, correctly prepared autopsy reports are essential to understand and confirm the causes of death and thus ensure the correct punishment. However, Odhikar has observed that in 2011 this has not always been the case.
69. At Naria of Shariatpur district, fourteen year old Hena Akhter was raped by forty year old Mahbub on January 30, 2011. Due to this, a village arbitration decided that she must be given 100 lashes. She fell unconscious after nearly 80 lashes on January 31, 2011. She was fatally injured and died in Naria Health Complex. The first autopsy report on Hena had stated that there was 'no sign of hurt' on the body. The second post mortem report was submitted to the Bench of the High Court Division of the Supreme Court comprising of Justice Shamsuddin Chowdhury and Justice Sheikh Md. Zakir Hossain on February 9, 2011. The second autopsy report states that Hena died due to haemorrhage as she was injured by blunt weapons. Deputy Attorney General ABM Altaf Hossain said that there was a huge difference between the previous and new (second) post-mortem report. Eight marks of injuries had been indicated in the new post-mortem report and yet the previous report has mentioned 'no sign of hurt'. The High Court Division stated that the first post-mortem report was prepared deliberately by officers to make justice fail.⁴⁶
70. The accurate completion of post-mortems and the preparation of proper, unbiased and non-conflicting reports are very important for identifying the genuine causes of death. Fact finding mission on deaths due to torture, conducted by Odhikar show that the post-mortem reports are not accurately written and conflict with the statements of

⁴⁴ The Daily Star, 22/11/10, <http://www.thedailystar.net/newDesign/news-details.php?nid=211085>

⁴⁵ The daily Prothom Alo 21/12/11, <http://www.prothom-alo.com/detail/date/2011-12-21/news/210399>

⁴⁶ The daily Ittefaq, 10/02/2011, <http://ittefaq.com.bd/content/2011/02/10/news0568.htm>

witnesses. Many police and doctors are also reluctant to talk of their findings. As a result, incidents of beatings or torture are often passed off in the autopsy reports as death caused by 'illness, 'suicide' or 'accident', despite witnesses attesting to bruises, broken bones, cuts and other injuries on the bodies of the deceased.

BDR MUTINY TRIAL VERDICT⁴⁷

71. The BDR mutiny occurred on February 25, 2009 during 'BDR Week'- an annual celebratory event of the paramilitary Bangladesh Rifles- when protesting soldiers attacked senior officers from the Army at the BDR headquarters in Pilkhana, Dhaka. 74 people including high ranking officers, the Director General of the BDR and his wife as well as civilians were killed. It was decided by the Supreme Court that the mutineers would be tried under the law that governs the BDR. Many trials have already been conducted in 2010 with various causes for concern.⁴⁸ It is clear that this event, which saw such a number of violations of human rights, needs a determined, fair and just trial.
72. During the trials various miscarriages of justice were perpetrated. Every accused in a trial has the right to legal representation. Article 10A(3) of the Bangladesh Rifles Order states that accused soldiers must conduct their own defence but can engage lawyers of their choice to provide legal assistance. Nevertheless, lawyers have not even been allowed to be alone with their clients when giving advice.⁴⁹
73. Further, it is clear that there has been corruption in the conduct of the trials. During a trial at BDR headquarters in Pilkhana an accused soldier, whilst facing away from the witness stand, asked a witness called by the prosecution to prove that he knew the accused by naming the colour of his skin (i.e. whether he was fair or dark). The supposed witness did not give a response and was only able to say so when the prosecution lawyer told him.⁵⁰ Other witnesses have admitted they only became witnesses to 'save [their] family.'⁵¹ Witness testimonies also belie their own falsity. For example one alleged witness Masud Rana, gave a deposition against 42

⁴⁷ Although referred to as the BDR (Bangladesh Rifles) in this section of the report, the BDR underwent a name change in 2010 and is now referred to as the BGB (Border Guard Bangladesh). BGB is the name used elsewhere in the report.

⁴⁸ Odhikar's Annual Human Rights Report 2010, page 37 to 45.

⁴⁹ The daily New Age, 02/12/2010

⁵⁰ The daily New Age, 06/02/2011

⁵¹ The daily New Age, 06/02/2011

soldiers. Yet when asked by some of the accused soldiers to name his 12 colleagues who were on duty also, Rana could name only two.⁵²

74. The BDR Director General, Major General Rafiqul Islam was the Judge of the Philkhana BDR mutiny case at BDR Special Court 7. On February 5, 2011 an accused BDR soldier Nazimuddin requested the Court to identify the accused persons by name one after another through one of the witnesses out of 60. But Major General Rafiqul Islaml rejected this appeal. Furthermore, another accused BDR soldier alleged in the Court that a witness had given false statements against him.⁵³ These instances demonstrate the fact that such trials have not at all been conducted fairly and that the BDR Special Courts continue to be a biased body where the verdict is predetermined.
75. 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 BGB⁵⁴ 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.⁵⁵
76. A total of 57 cases were filed against 6,054 BDR soldiers on the charge of mutiny. The first verdict in the BDR mutiny case was delivered in Panchagarh on April 7, 2010. According to information available with the Border Guard Bangladesh headquarters, the BDR special courts have so far delivered verdicts in 51 cases.
77. In the mutiny trials, 3,036 BDR soldiers have so far been convicted and sentenced to imprisonment for varying terms across the country including 1,143 in Dhaka. The Special Courts have so far acquitted only 77 soldiers of mutiny charges. Six more cases are still pending with the BDR Special Courts against 2,935 soldiers.⁵⁶

⁵²The daily New Age, 12/01/2011

⁵³ The daily New Age, 06/02/2011

⁵⁴ BGB stands for Border Guard Bangladesh, the new title given to the BDR afters the mutiny

⁵⁵ The daily New Age, 29/05/2011

⁵⁶ The New Age, 02/01/2012

78. The manner of the BDR trials to date has seen various miscarriages of justice. The code of conduct of trials in the BDR Special Courts pose serious problems with soldiers with no legal training having to represent themselves in an apparently biased court. What little legal assistance is allowed has been hampered with a lack of privacy. Of particular concern is the clear tampering of witnesses that has resulted in imprisonment based on false testimony. The reality of the outcome of the BDR mutiny trials is that brutality has been met with further injustice, which can only lead to further discontent among BDR soldiers, the initial cause of the mutiny.

Anti-Terrorism Act, 2009

79. The Army-backed 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. 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. Any transactions through banks or any other financial institutions or 'hundi'⁵⁷ for terror financing will now come under the coverage of the Act of 2009. 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 and UN Conventions or decisions taken in the Security Council of the UN.
80. On December 26, 2011 the Cabinet approved the Anti Terrorism (Amendment) Bill 2011, proposing capital punishment for financing terrorist. The Bill will be placed in Parliament's next session to make it Law, according to the Law Ministry. According to the draft amendments a person or entity will be considered as a terrorist if they harm or help harm another country while staying in Bangladesh. According to the draft,

⁵⁷ Hundi – informal method of transferring money, which is illegal

amendments have been made to check money laundering and financing in terrorism. An array of crimes, including use of arms, causing deaths or damages to property and financing attacks, to jeopardise the territorial integrity, solidarity, security or sovereignty of the country, have already been made non-bailable offences, liable to death penalty and life imprisonment under the present anti-terrorism law.⁵⁸

81. The definitions included in the Act are wide, unclear, and have scope for possible misuse and violation of human rights. Many repressive actions are taken in the name of anti-terrorist measures, some of which are mentioned below:
82. From March 1 to April 10, 2010, cases were filed against over 200 leaders and activists of various groups, at the Dhaka Court, 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 over 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.⁵⁹ In the preceding twenty-four months, the Law has been used against a cross section of people including opposition activists, teachers, journalists and human rights defenders.
83. 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.⁶⁰ Police have seized his cell phone and computer.⁶¹ Mohiuddin Ahmed had been interrogated in the Joint Interrogation Cell during police remand. Professor Syed Golam Mawla, teacher of

⁵⁸ The Daily Star, 27/12/2011, <http://www.thedailystar.net/newDesign/archive.php?date=2011-12-27>, the daily Prothom Alo, 27/12/2011, <http://www.prothom-alo.com/detail/date/2011-12-27/news/211964>, the daily New Age, 27/12/2011

⁵⁹ The daily Amar Desh, 17/05/2010, <http://www.amardeshonline.com/pages/details/2010/05/17/32211>

⁶⁰ 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.

⁶¹ The daily Prothom Alo, 21/04/2010, <http://www.prothom-alo.com/detail/date/2010-04-21/news/57849>

- Dhaka University, who is also a supporter of Hizb ut-Tahrir, was arrested on July 8, 2010 under 'suspicion of anti-state activities' under the Anti-terrorism Act 2009.
84. A report, published in the daily Amar Desh and written by its Acting Editor Mahmudur Rahman on April 21, 2010 under the headline "*Chamber Judge Manei Sarkarer Pokkhe Stay*"⁶²- where the role of the Attorney General's Office was criticised; was the cause of a notice of Contempt of Court. On June 6, 2010, Mahmudur Rahman, Acting Editor of Amar Desh was shown arrested in a pending case filed at Uttara Police Station under sections 6(1) of (kha)/8/9(1)/11/13 of the Anti-Terrorism Act, 2009 and also in a sedition case filed at the Airport Police Station under sections 121/ka, 124/ka and 114 of the Penal Code.
85. On February 14, 2011, the Public Relations Department of Hizb-ut Tahrir Bangladesh forwarded written allegations to human rights organisations that its members were tortured by law enforcement agencies at the Task Force Interrogation (TFI) Cell. It has been alleged in the statement that after banning the Hizb-ut Tahrir on October 22, 2009, many members were arrested under the Anti Terrorism Act 2009.
86. In 2011 the government continued to deploy strong anti-terrorist rhetoric and use the Act to silence those it sees as political threats. In particular the Anti-Terrorism Act 2009 is being used to stop simple expressions of political difference.
87. Odhikar has always been taking strong position against repressive measures and laws, particularly the Anti-Terrorism Act 2009. The said law is against human rights norms and has all the potential of being abused by the government in power. The persisting problem is that 'terrorism' and 'terrorist activities' have been defined so widely and unclearly that there is much scope for the possibility of misuse. Some non Government Organisations are working to uphold human rights and the new Bill has great potentiality to be misused and compel human rights defenders to refrain from human rights activism. Human rights violations must not be allowed to continue under the cloak of anti-terrorist measure.

Local Government and Elections – The Gateway to Democracy

88. Democracy is a form of the State and not merely an electoral process. However, the fundamentals of democracy are often marginalized and ignored, privileging the singular ritual of election. Yet, in countries like Bangladesh where a democratic state

⁶² The sentence can be translated to: '*Chamber Bench*' only means stay order in favour of the Government.

is yet to be constituted the electoral process contributes to the formation of the democratic political sphere. Electoral practice signifies the extent of the political autonomy, respect and rights assigned to the citizens to elect a government. A healthy practice of electoral process signifies the institutional strength of the State to articulate the will of the people and the ability of the political parties and citizens to realise democracy. Yet, irrespective of the regimes, elections in Bangladesh have not taken their rightful place as facilitators of the public will. In 2011, most of the elections have been tainted by allegations of corruption, violence and lack of transparency. The Election Commission was not strong enough either. In parliamentary by-elections of January 27 and Narayanganj City Corporation polls in November 30, the Government did not comply with the request of the Election Commission to deploy the Army. Article 126 of the Constitution of Bangladesh stipulates that “It shall be the duty of all Executive authorities to assist the Election Commission in the discharge of its functions.” The Election Commission should be strengthened to act independently in all situations to hold free, fair and credible elections.

Parliamentary By-elections

89. On January 27, 2011 by-elections were held in Brahminbaria-3 and Habiganj-1 constituencies. A number of clashes occurred between the activists of Awami League and BNP during the by-polls.⁶³
90. The Returning Officer did not pay heed to the application for suspending polling in eight polling centres over allegations of rigging and intimidation at Brahminbaria-3. Two persons, including a journalist, were wounded during an attack by Awami League backed Chhatra League supporters outside the polling centre. Furthermore, leaders and activists of the Awami League ran after the leaders and activists of the BNP in many places including Chinair, Chapoir, Monipur and Basudev. The polling agents of BNP backed candidates were allegedly driven out from most of the polling centres in these areas.⁶⁴ Supporters of Awami League and voters in queue at Chinair Anjumanara School and College became agitated due to interruption in polling for a while as the presiding officer was delayed in supplying ballot papers. Policemen chased away people who gathered around the polling centre several times.⁶⁵

⁶³ The daily Amar Desh, 28/01/2011

⁶⁴ The daily Ittefaq, 28/01/2011, <http://ittefaq.com.bd/content/2011/01/28/news0250.htm>

⁶⁵ Report from election observation team of Odhikar

91. On January 30, 2011 BNP called a dawn to dusk hartal to protest against alleged vote rigging in the by-elections in the Brahminbaria-3 constituency and demanded a re-election by opposing the election results and the resignation of the Chief Election Commissioner. Police baton charged the supporters of the hartal during their picketing. Three persons were reported injured in this incident.
92. On January 10, 2011, the Election Commission (EC) decided that it would be necessary to deploy the Army in order to strengthen security measures in the by-elections of Brahminbaria-3 and Habiganj-1 constituencies. The Armed Forces Division authorities present at the meeting also agreed on the need for Army deployment. Accordingly a letter was sent to the Armed Forces Division, which is under the Prime Minister's Office, asking it to arrange for Army deployment in the said constituencies. Later, the EC asked the government to deploy the Army in 5 of the 12 Municipalities. However, it received no response from the government. As a result, the Army could be not deployed in the by-elections of two constituencies and the polls to five municipalities.⁶⁶

Municipality Elections

93. About two years after the scheduled time, elections were held in 252 Pourashavas (municipality) out of 310, on 12, 13, 17, 18 and 27 January 2011 in seven divisions across the country. Pourashava Elections were marked by attacks on opponents, irregularities, intimidation of voters, violence and snatching of ballot boxes. Incidents of attacks and intimidation of voters had been observed outside the polling stations, despite measures taken by law enforcement agencies. The Returning Officers cancelled the polling processes in two centres, at Borhanuddin in Bhola and Mehendiganj in Barisal, due to allegations of various irregularities and violence. The polling process was also suspended in eight centres at Kaliakoir Pourashava under Gazipur district due to errors in the voters' list. Furthermore, the results of a polling centre at Ghatail Pourashava under Tangail district was suspended, and later held on August 25, 2011. The Election Commission suspended polling at Senbagh Pourashava in Noakhali due to allegations of snatching ballot papers and ballot boxes. The election was held later on January 11, 2011. The declaration of results was suspended due to suspension of polling in two centres at Kabirhaat under

⁶⁶ The Daily Star, 29/01/2011, <http://www.thedailystar.net/newDesign/news-details.php?nid=171973>

Noakhali district and Nangolkot under Comilla district. Those were held on March 09, 2011 and January 18, 2011 respectively.

94. During the Municipality Elections two were allegedly killed and 527 persons injured.

RAJSHAHI-RANGPUR DIVISION

95. Municipality elections were not only marked by irregularity but also by the violent involvement of the youth wings of the two major political parties. In the Rajshahi-Rangpur division Awami League backed Chattra League activists snatched ballot papers from Polashbari Kabirajpara polling centre during Kurigram Pourashava elections held on January 12, 2011. Due to this polling was suspended for a while. Police arrested two Assistant Presiding Officers, named Abdus Salam and Liakat Ali for negligence of duty.⁶⁷
96. There were also incidents of chases between the supporters of the BNP and the Awami League at Choupukuria in ward no. 4 of Durgapur Pourashava under Rajshahi district. A total of five people from both sides were injured due to this clash. An Awami League activist named Ayub Ali was arrested by the RAB and handed over to the mobile court.⁶⁸

KHULNA-BARISAL DIVISION

97. False ballots were also part of the election landscape. On January 13 in the Khulna-Barisal division the Presiding Officer of a polling centre, Momen Hossain, at Borhanuddin municipality (in the Bhola district) was found to have one hundred ballot papers stamped with the election symbol "Anarash" (Pineapple) of the Awami League supported Mayoral candidate Rafiqul Islam. The Presiding Officer Momen Hossain, Assistant Presiding Officer Rabiul Alam and Polling Officer Azizul Islam were arrested by the police and the polling process of this centre suspended by the Returning Officer.⁶⁹
98. It was also documented that Awami League supporters drove out the polling agents of other candidates from the centre at the Uttar 13 Char Registered Primary School centre at Muladi Pourashava under Barisal District and stamped ballot papers. In addition supporters of the Awami League supported Mayoral candidate, Emdadul

⁶⁷ The daily Naya Diganta, 13/01/2011, http://dailynayadiganta.com/2011/01/13/fullnews.asp?News_ID=255826&sec=2

⁶⁸ Ibid

⁶⁹ The daily Manabzamin, 14/01/2011, http://www.mzamin.com/index.php?option=com_content&view=article&id=635:2011-01-13-17-04-19&catid=48:2010-08-31-09-43-22&Itemid=82

Huq, tried to snatch the ballot box at approximately 1.30 pm from AC Laha High School centre at Morelganj Pourashava under Bagerhaat District. A clash took place between the two groups when supporters of Awami League's revolting candidate Manirul Huq Talukdar protested. Five persons were injured in this incident.⁷⁰

DHAKA DIVISION

99. The municipality elections under Dhaka division were held on January 17, 2011. The President of Ward (No 9.) unit Jubo League, Monwar Hossain Monu along with his associates tried to influence the voters at the Borabo Adorsho Bidyaniketon centre at Tarabo Pourashava under Narayanganj district. Police arrested Monwar Hossain Monu. The polling was suspended for 20 – 25 minutes in this centre due to this.⁷¹
100. Eight polling centers at ward no. 7 and 8 of Kaliakoir Pourashava in Gazipur district were suspended due to errors in the voters' list. The Election Commission suspended the result of a polling centre at Ghatail Pourashava under Tangail District.⁷²

CHITTAGONG-SYLHET DIVISION

101. Municipal elections under Chittagong and Sylhet Divisions were held on January 18, 2011. The polling process was suspended in 17 centres at Noakhali Pourashava due to irregularities and snatching of ballot boxes. Incidents of vandalizing the vehicles of the Returning Officer and journalists, arson and attack at the office of the District Awami League took place. One of the Councillor candidates went so far as to throw the ballot box into a pond over enmity between two Councillors at booth number 4 in Police line Primary School centre at ward no. 1.⁷³
102. The Election Commission cancelled the polling of Senbagh Pourashava due to the snatching of ballot papers, fake votes, intimidation and various types of irregularities. Incidents of snatching away ballot papers have taken place at Senbagh Pilot School, Kadra Hamidia Madrassa, Senbagh Senior Madrassa, Senbagh College and Austradron Primary School polling centres.⁷⁴ Dawn to dusk Hartal⁷⁵ called by the

⁷⁰ The daily Kaler Kantho, 14/01/2011, http://www.kalerkantho.com/?view=details&archiev=yes&arch_date=14-01-2011&type=gold&data=Tourist&pub_no=400&cat_id=1&menu_id=43&news_type_id=1&index=2

⁷¹ Election observation team of Odhikar

⁷² The daily Kaler Kantho, 18/01/2011, http://www.kalerkantho.com/?view=details&archiev=yes&arch_date=18-01-2011&type=gold&data=Study&pub_no=404&cat_id=1&menu_id=13&news_type_id=1&index=0

⁷³ The daily Kaler Kantho, 19/01/2011, http://www.kalerkantho.com/?view=details&archiev=yes&arch_date=19-01-2011&type=gold&data=Economics&pub_no=405&cat_id=1&menu_id=13&news_type_id=1&index=0

⁷⁴ Ibid

local BNP, was observed in Noakhali, Lakshmipur and Feni on January 19, 2011 after the Election Day, due to the capturing of polling centres by supporters of the ruling party during Pourashava elections and for the demand for re-polls. Incidents of bomb explosions on buses and vandalism took place during the Hartal.⁷⁶

103. Elections were marked by violence and the taking over of polling centres at Feni, Porshuram and Sonagazi Pourashava. Rashel Bhuiyan, a polling agent of BNP supported Mayor Candidate, Faruque Harun, was forcibly driven out from Feni Girls High School centre. A group of unauthorized people beat Shah Alam Patowari, Presiding Officer at Feni Girls High School centre. The Returning Officer Altaf Hossain Chowdhury cancelled the polling of Barahipur Government Primary School as instructed by the Election Commission due to rigging and snatching of two ballot boxes and ballot papers.⁷⁷
104. Over two hundred unauthorised people tried to capture Bashpadua Government Primary School centre at around 9.00 am in the presence of Army and the Police at Porshuram municipality. During this time, they beat the Assistant Presiding Officer, Saad Ahmed and took away some ballot papers. Two Councillor Candidates, Nurul Islam and Mainuddin Bhuiyan were injured due to attacks from outsiders.⁷⁸
105. Voters at Sonagazi municipality alleged that some unidentified persons visited the homes of the voters at different villages and threatened them from voting. Sirazul Huq, Councilor candidate of the Ward no. 5 and his supporters were injured by a attack from his rival group at the Court area. Moreover, another Councillor candidate Abu Taher, and some others, were injured in the High School centre. 67 votes in Chaber Pilot School and 157 votes in the Pre-cadet Institute polling centres were cancelled due to allegation of irregularities.⁷⁹
106. It has been alleged that the supporters of Abu Taher, the mayoral candidate supported by the Awami League, bound the voters into casting their votes in favour of Abu Taher through undue influence at Lakshmipur Municipality.⁸⁰

⁷⁵ Hartal: a general strike

⁷⁶ The daily Amar Desh, 20/01/2011, <http://www.amardeshonline.com/pages/details/2011/01/20/64058>

⁷⁷ The daily Kaler Kantho, 19/01/2011, http://www.kalerkantho.com/?view=details&archiev=yes&arch_date=19-01-2011&type=gold&data=Software&pub_no=405&cat_id=1&menu_id=13&news_type_id=1&index=0

⁷⁸ Ibid

⁷⁹ The daily Kaler Kantho, 19/01/2011, http://www.kalerkantho.com/?view=details&archiev=yes&arch_date=19-01-2011&type=gold&data=Economics&pub_no=405&cat_id=1&menu_id=13&news_type_id=1&index=0

⁸⁰ Ibid

107. About 20/25 unauthorised people entered the female booth and assaulted Assistant Presiding Officer, Tofazzal Hossain and put the stamp on the Awami League supported Mayor candidate's electoral symbol "Dewal Ghor" (Wall Clock) by snatching away ballot papers in Dhatishwar Government Primary School centre at Nangolkot Municipality under Comilla District. At 11:45 am outsiders attacked the same polling centre and snatched the ballot boxes. RAB arrested Awami League backed Chattra League's Jodda Union unit Convener, Shahjahan Saju and handed him over to the Mobile Court. The court sentenced him to three years imprisonment. The Returning Officer, Mohammad Rehan Uddin suspended the polling of this centre due to this incident.⁸¹
108. An incident of shooting took place during the snatching of ballot papers at Charhasan-Hossain Government Primary School under Ramgoti Municipality. Ruhul Amin, Shahin, Selim and Azad were shot and injured and were admitted to hospital.⁸²
109. Some criminals snatched away 43 ballot papers (Ballot No. 313301 – 313358) of Councillor Candidates during polling at Town Model Government Primary School in Habiganj Municipality. The polling restarted after being suspended for half an hour. Later, the Presiding Officer Abdul Khaliq officially suspended voting in this centre by notification.⁸³

Union Parishad Elections

110. Union Parishad (UP)⁸⁴ elections were held in 337 unions on March 29, 30 and 31, 2011 at the coastal areas under Chittagong, Khulna and Barisal divisions. Odhikar statistics show that six persons died and 1072 people were reported injured in incidents of violence related to the Union Parishad election between 03 and 31 March, 2011.
111. On March 29, 2011, elections were allegedly marked by rigging and violence in various polling centres in Bhola Sadar and Doulatkhan Upazila under Bhola district. Supporters of a UP member candidate Mohammad Lokman Patowari allegedly beat three policemen on duty when the policemen were trying to stop them from distributing money to voters at Hajirhat M Hossain Registered Primary School centre

⁸¹ The daily Jugantor, 19/01/2011, <http://jugantor.us/enews/issue/2011/01/19/news0210.php>

⁸² The daily Kaler Kantho, 19/01/2011

⁸³ The daily Jugantor, 19/01/2011, <http://jugantor.us/enews/issue/2011/01/19/news0210.php>

⁸⁴ Union Parishad is a part of Local Government

at Bheduria union under Bhola district. They also tried to stamp ballot papers by entering into the polling booths. As a result, a clash occurred between the supporters of two candidates.⁸⁵

112. On March 30, 2011, clashes occurred between supporters of two UP Member candidates, Mominullah and Mohammad Siraj, over distributing money among voters at Charjangalia village in Hajirhat union under Komolnagar upazila in Lakshmipur. A man named Abul Bashir Mishtri (45) died in clash.⁸⁶
113. Violence took place between supporters of two UP Chairman candidates, Akhter Hossain and Akter Hossain Jhontu over the control of a polling centre at Torabganj Registered Primary School during the election held on March 31, 2011 in Kalma Union under Lalmohon Upazila in Bhola. 30 people were injured during the clash. Another clash at Purba Romaganj Government Primary School centre in Romaganj Union under the same upazila occurred between supporters of UP Member candidates, Abdus Shahid and Mohammad Zahar Noybawar over false voting. At least 15, including a police constable Khokon Chakroborty were injured during the clash.⁸⁷

Narayanganj City Corporation Election

114. The Narayanganj City Corporation election was held on October 30, 2011. It was considered comparatively more fair than the other elections held in 2011. Odhikar observed the election in 20 polling centres out of 163, by deploying two teams, each consisting of five members. Odhikar observed the electoral environment of the polling centres and the surrounding areas. A few irregularities were observed in the polling centres monitored. Female voters at Tatkhana Government Primary School-1 polling centre in ward no. 7 had to wait for more than one and a half hours in queue, due to a huge presence of voters. Female voters of three villages had come together in the centre and they noticed that there were no serial numbers for voters. As a result, they had to join another queue which caused delays. Similarly, voters were observed changing queues three/four times. Supporters of Shamim Osman were also seen shouting slogans outside the polling centre.

⁸⁵ The daily Prothom Alo, 30/03/2011; <http://www.prothom-alo.com/detail/date/2011-03-30/news/142852>

⁸⁶ The daily Manabzamin, 31/03/2011,
http://www.mzamin.com/index.php?option=com_content&view=article&id=6319:2011-03-30-17-16-03&catid=48:2010-08-31-09-43-22&Itemid=82

⁸⁷ The daily Prothom Alo, 01/04/2011, <http://www.prothom-alo.com/detail/date/2011-04-01/news/143425>

115. The Electronic Voting Machine (EVM) was not ready at booth no. 10 of the Jhalkuri Paschim Government Primary School centre even by 7.45 am. At 8.05 am the Presiding Officer, Mostakar Ahmed saw that the plug pin of the EVM control unit was broken. Voting started at 8.35 am after setting up another EVM. No polling agent of the Mayoral candidate, Dr. Selina Hayat Ivy [with the symbol Dowat-Kolom (Inkpot)] was seen at this centre. Persons with physical disabilities and elderly voters faced difficulty, as the polling centre was set up in the first floor. There was no privacy for voters who were voting through EVM. Cycle rickshaws and rickshaw vans were seen to have been arranged by almost all candidates for transporting voters to and from the polling centres. Campaigning for all candidates was seen outside the centre.
116. Voters at the Bibi Moriam Girls High School-1 polling centre in ward no. 11 had to look for the polling booths, due to mismanagement. Elderly voters were seen waiting for a long time in queue. Law enforcement agencies assigned to this polling centre blocked the supporters of Mayor Candidate, Shamin Osman, when they tried to forcibly enter the polling centre. Later Shamin Osman threatened the police for stopping his supporters.
117. Supporters of Mayor candidate with symbol 'Dewal Ghori' (Wall Clock) led by General Secretary of city unit Awami League, Khokon Saha and his brother Liton Saha, were seen to be influencing the voters to vote for their candidate at Narayaganj Club polling centre in ward no. 14. They also assaulted Rafiur Rabbi a supporter of Dr. Selina Hayat Ivy. There was no special arrangement for disable and elderly voters at this centre.
118. Voters at the Gono Bidhya Niketon High School-1 polling centre in ward no. 15 had to look for the polling booths, due to mismanagement. Local Jubo Dal⁸⁸ leader Mohammad Jahangir Alam, who is the elder brother of Councillor Candidate, Humayun Kabir, was seen influencing the voters to vote for symbol 'Singha' (Lion). The supporters of 'Dewal Ghori' were also found to be influencing the voters.
119. Voters were seen casting their votes with the help of the election officials at Morgan Girls High School-2 polling centre in ward no. 16, as the voters were facing problems with the EVM system. Assistant Presiding Officer, Smriti Roy, informed Odhikar that

⁸⁸ Youth wing of BNP

the election officials had to mark the voters' finger with a ball point pen instead of indelible ink as there was no supply of the ink.

120. Some minor discrepancies were observed in Beparipara Government Primary School polling centre in ward no. 20. There were no voting facilities for elderly voters, persons with physical disabilities and expectant mothers in this centre. A supporter of Dr. Selina Hayat Ivy, Mohammad Dipu, was assaulted by supporters of Shamim Osman, including Kazemuddin, Mohammad Sagor, Mohammad Robin and former UP member Shafique Dhali and others, while he was providing voters with serial numbers outside the Farajikanda Government Primary School polling centre at 9.30 am. Dipu was beaten by them and severely injured. Later, police arrived and rescued him.
121. On Election Day, campaigning with banners, placards, festoons and posters were observed in every polling centre in favour of almost all candidates.
122. The Election Commission asked the government to deploy the Army during the Narayanganj City Corporation election, which the government ignored. Subsequently the Chief Election Commissioner raised the allegation against the government for violating the Constitution. It is a constitutional provision that the government should assist the Election Commission as per its requirements for conducting a free, fair and peaceful election.

Appointment of Local Government Administrator

123. The Constitution of Bangladesh obliges the State to promote representative local Government institutions. Article 11 of Part III of the Constitution (containing Fundamental Principles of State Policy) holds that the local government, in every administrative unit of the Republic, shall be entrusted to bodies composed of persons elected under the law, with powers to impose taxes for local purposes, to prepare their budgets and to maintain funds. However, due to the lack of political will of the Government, the local government remains weak. Recently, violating the Constitutional provisions, the Government has appointed administrators instead of elected representatives.

ZILA PARISHAD

124. On December 15, 2011 by violating the Constitution and Supreme Court Directives laid down in the matter of Qudrat Elahi,⁸⁹ the Government appointed administrators to 61 zila parishads (district councils) where most of them are Awami League leaders of the districts.⁹⁰ As per Article 59 and 60 of the Constitution there is no scope to appoint unelected representative in Zila Parishad. It is also stated in Articles 8, 9 and 11 of the Constitution that in a democratic system only elected representatives will conduct the Government. In the 1992 case of Qudrat Elahi, the Supreme Court stated that elected representatives will administer local government.
125. The Awami League-led Government in 2000 enacted the Zila Parishad Act 2000 repealing the Zila Parishad Act of 1988. The new law stipulates that the Chairman, 15 members and five women members of a zila parishad would be elected by an electoral college consisting of the Upazila Chairmen concerned, municipal Mayors and Councillors and Union Parishad Chairmen and Members.
126. In its 2008 election manifesto the Awami League pledged that the district council will be strengthened through decentralisation of power. It stated “The district council 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.”

DHAKA CITY CORPORATION (DCC):

127. Ignoring widespread criticism and protests, the parliament hurriedly passed a Bill to split Dhaka City Corporation into two- Dhaka North and Dhaka South on 29 November 2011. It took only four minutes and a few seconds to pass the Bill, bringing about some major changes to the Local Government (City Corporation) Act, 2009.
128. The demand to split the City Corporation has not been raised by any quarter in recent times or even in the past and thus, the Bill is being widely perceived as a political ploy to wrestle control of the City Corporation from the Opposition. Furthermore, the government’s often-repeated justification for the decision — that it will improve services — also appears to stand on flimsy ground. Many have already pointed out that the split may actually worsen economic disparity in the city.

⁸⁹ The case of Qudrat Elahi is one dealing with empowerment of local government institution

⁹⁰ The Daily Star, 16/12/2011, <http://www.thedailystar.net/newDesign/news-details.php?nid=214399>

Moreover, the sudden split ignores the historical and cultural heritage of the 400-year-old city.

129. According to some constitutional experts and lawmakers the Government violated Article 5 of the Constitution by dividing the DCC. The Constitution says the Capital of the country will be Dhaka and there is no provision in it for slicing the DCC into parts. The Constitution will have to be amendment if the DCC splits.
130. The Government appointed two administrators for DCC North and South until the polls. The appointment of administrators also goes against Article 59 of the Constitution. Article 59 says, "Local Government in every administrative unit of the Republic shall be entrusted to bodies, composed of persons elected in accordance with law."
131. After the publication of the DCC split in an official gazette, the LGRD Ministry in a letter requested the Election Commission to hold polls within 90 days. In the meantime, the Election Commission has mentioned that it will not be possible for them to hold polls to split the Dhaka City Corporation within such short time.

CHAPTER II: VIOLENCE BY POLITICAL PARTIES

Political Violence

132. Like the previous two years of the present regime, widespread political violence continued in 2011. Political violence rose immediately after the present regime came to power in 2009. The tension and violence between the two major political parties and the internal conflicts within the parties were the primary source of such political violence. The main causes of violence were; exerting power in the different institutions/offices; extortion; tender manipulation; land grabbing; and violence during various elections. During the violence, the activists affiliated engaged in clashes with lethal weapons. In 2011 the Opposition BNP and “Islami Ain Bastabayan Committee” called hartals. On the eve of hartals there were occurrences of vandalism of cars and busses were torched. During the hartals, the Government supporters and opposition parties were locked in clashes. The Government deployed mobile courts during the hartal which instantly arrested and sentenced people after summary trials, without scope of defense. From numerous information gathered by Odhikar only a few examples are given below:
133. From January to December 2011, 135 persons were reported killed and 11532 injured in political violence. 340 incidents of internal violence in the Awami League and 104 in the BNP were also recorded during this period. In addition to this 22 persons were killed and 3770 people were injured in Awami League internal conflicts while 03 were killed and 1234 were injured in BNP internal conflicts.
134. At least 75 people were injured in a clash between two factions of the Awami League backed Chhatra League in Haji Mohammad Mohsin Hall at Dhaka University on April 26, 2011. The clash took place between supporters of Chhatra League’s Mohsin Hall unit President Mohammad Ali and supporters of the hall unit Organising Secretary Mohiuddin Mahi, over establishing supremacy in the hall⁹¹ Nearly 10 rounds of bullets were fired and furniture in 20 rooms at the residential hall were vandalised.⁹²
135. On August 7, 2011 two university students named Noor Mohammad and Arif were caught by security officers and handed over to police when they were snatching mobile phones from the people at the Botanical Garden area of the Bangladesh

⁹¹ Mohsin Hall is a men’s hall of residence at Dhaka University

⁹² The daily Ittefaq, 27/04/2011, <http://new.ittefaq.com.bd/news/view/10818/2011-04-27/1>

Agricultural University in Mymensingh. For this reason, a group of Awami League-backed Chhatra League activists attacked the car of Proctor Abu Hadi Nur Ali and the residence of a university teacher at 10.00 PM of the same day. In protest of this incident, teachers brought out a procession on August 8 under the banner of Teachers Association. An altercation broke out between teachers and Chhatra League activists when the procession reached Jabbar Mor in the campus. Chhatra League activists chased teachers with knives, iron rods and sticks and also threw bricks at them. Furthermore, Professor Mostafizur Rahman, the University's student affairs advisor and Mahbulul Protik Siddiqui, Assistant Professor of the Microbiology and Hygiene Department, were assaulted by Chhatra League activists. After being attacked by Chhatra League activists, Dr. Shubas Chandra Das, Associate Professor of the Poultry Science Department, was admitted to Mymensingh Medical College Hospital with injuries.⁹³

136. On October 9, 2011, one man named Rafiqul Islam was killed and 35 injured due to a clash between supporters of the Vice-President of Hosendi Union unit Awami League Abdul Matin Montu and Information and Research Secretary of Upazila Jubo League⁹⁴ Arif Hossain, in Charbalaki under Gazaria Upazila in Munshiganj district. The clash took place while both groups were returning to their areas after appearing in Court for a case filed during UP elections. During the clash, 30 houses of both the groups were vandalised and looted.⁹⁵
137. The Mayor of Narshingdi municipality and General Secretary of the town Awami League, Lokman Hossain, was shot and killed by a gang of miscreants on November 01, 2011. In this regard the deceased's brother, Mohammad Kamruzzaman, filed a complaint with the Narshingdi Sadar Police Station against Salauddin, the local Awami League leader and younger brother of Rajiuddin Ahmed, the Post and Telecommunications Minister; and 14 others.⁹⁶ The police have arrested 11 persons in relation to this murder.⁹⁷ Narshingdi district unit President of BNP, Khairul Kabir Khokon, had also been arrested as a suspect. He was later acquitted from the case

⁹³ The daily Jugantor, 09/08/2011, <http://jugantor.us/enews/issue/2011/08/09/news0841.htm>, Amader Shomoy, 09/08/2011, <http://www.amadershomoy1.com/content/2011/08/09/news0636.htm>

⁹⁴ Youth wing of Awami League

⁹⁵ The daily Prothom Alo, 14/10/2011, <http://www.prothom-alo.com/detail/date/2011-10-14/news/193678>

⁹⁶ The daily Amader Shomoy, 4/11/11; <http://www.amadershomoy.net/content/2011/11/04/middle0293.php>

⁹⁷ The daily Kaler Kantho, 27/12/2011, http://www.kalerkantho.com/?view=details&archiev=yes&arch_date=27-12-2011&type=gold&data=Mobile&pub_no=743&cat_id=1&menu_id=43&news_type_id=1&index=18

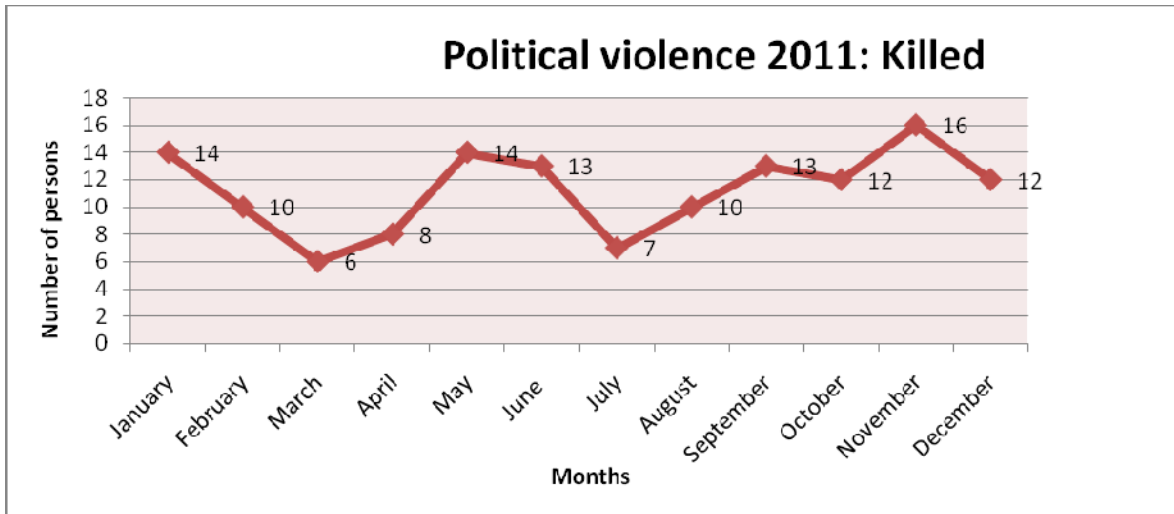
after the FIR was filed by the deceased's brother. On December 12, police arrested four more suspects in connection with the killing of Lokman and one of them, Nazmul Hasan Sharif, who is a professional killer, admitted that he shot Lokman. The other detainees were Awlad Hossain Rubel, Sarwar Hosain and Mir Delwar Hossain.⁹⁸

Table 4: Political violence: 2011

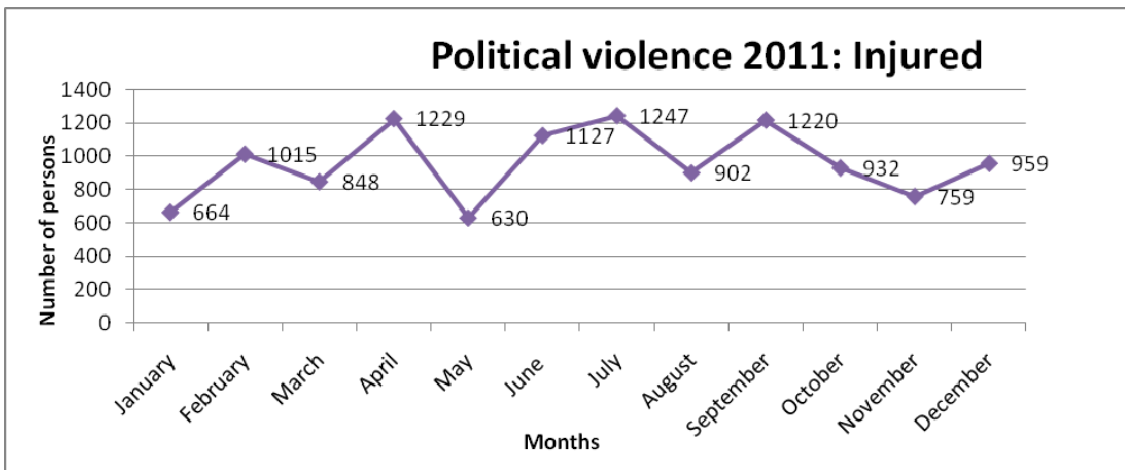
Political violence: 2011					
Month(s)	Killed	Injured	Arrested	Other	Total
January	14	664	24	0	702
February	10	1015	74	3	1102
March	6	848	2	3	859
April	8	1229	123	2	1362
May	14	630	0	0	644
June	13	1127	1155	0	2295
July	7	1247	539	0	1793
August	10	902	24	0	936
September	13	1220	157	2	1392
October	12	932	10	0	954
November	16	759	0	0	775
December	12	959	195	0	1166
Total	135	11532	2303	10	13980

⁹⁸ The Daily Star, 13/12/11, <http://www.thedailystar.net/newDesign/news-details.php?nid=213937>

Graph 4: Political violence 2011: Killed



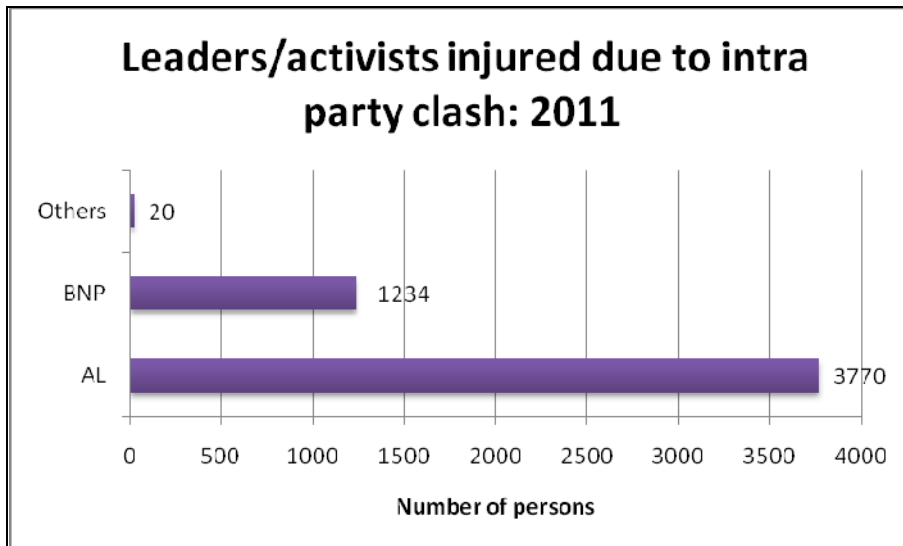
Graph 5: Political violence 2011: Injured



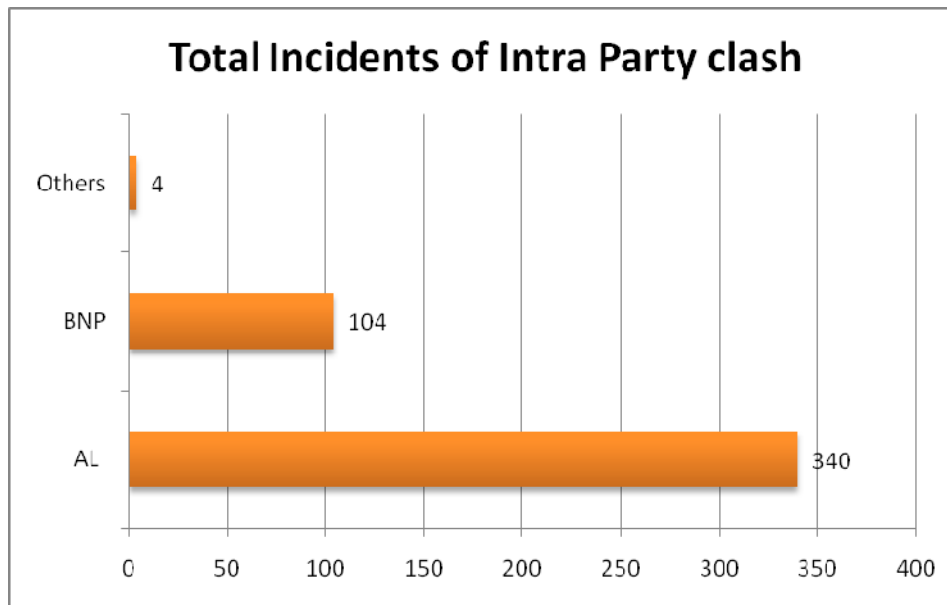
Graph 6: Leaders/activists killed due to intra party clash: 2011



Graph 7: Leaders/activists injured due to intra party clash: 2011



Graph 8: Total incidents of intra party clash: 2011



Hartal (General Strike)

138. A total of 21 hartals took place in 2011 and of them six were nationwide hartals. On February 07 BNP called dawn to dusk hartal, on April 04 Islami Oikko Jote called dawn to dusk hartal, on June 05 a dawn to dusk hartal was called by BNP and its alliance on July 6-8, one 48-hour nationwide hartal was called by BNP, Jaamat and other political parties, on July 10-11, a 30-hour hartal was called by Islamic parties, on September 22 a dawn to dusk hartal was called by BNP.
139. A dawn to dusk hartal called by the local BNP, was observed in Noakhali, Lakhipur and Feni on January 19, 2011 after Election Day, due to the 'capturing' of polling centres by supporters of the ruling party during municipal elections. Incidents of hurling handmade bombs on buses and vandalism took place during the hartal.⁹⁹
140. On January 30, 2011 BNP supporters observed a dawn to dusk hartal to protest rigging in by-elections in the Brahminbaria-3 constituency and demanded the resignation of the Chief Election Commissioner. Police baton charged the supporters

⁹⁹ The daily Amar Desh, 20/01/2011, <http://www.amardeshonline.com/pages/details/2011/01/20/64058>

of the hartal during their picketing. Three persons were reported injured in this incident.¹⁰⁰

141. The main Opposition party BNP called a dawn to dusk hartal on February 7, 2011 in protest of the deteriorating law and order situation; continuous price hikes and the share market scam; and also demanded withdrawal of cases filed against the Leader of the Opposition; repealing the plan to build an international airport against public interest; and to resolve the crisis of electricity, gas and water. Incidents of clashes between police and hartal supporters occurred in many places across the country, including Dhaka, during the hartal and at least 50 people were injured including 25 in Dhaka. Police arrested about 100 picketers from different areas. Supporters of the hartal also vandalised vehicles and set fire to buses on the day before and during hartal.
142. A dawn to dusk Hartal was called by the “Islami Ain Bastobaon Committee”¹⁰¹ in protest of the National Women Development Policy, on April 4, 2011 with arrests and baton charges by the police. At least 100 people, including policemen were wounded during the hartal violence across the country. Furthermore, nearly 300 were arrested by police across the country. The supporters of the hartal were involved in vandalising vehicles, arson and blocking roads in different parts of the country including Dhaka.¹⁰² A clash occurred with police when an organisation named ‘Hefazat Islam’ brought out a procession in favour of the hartal in Jessore a day before the hartal. Hossain Ahmed, a student of class five of Jamia Imdadia Madaninagar Madrassa, was shot dead by police at Monirampur under Jessore district on the day of the hartal.¹⁰³
143. Hartals have also been called to demand the continuation of the caretaker government system. On this issue the Awami League-Jatiya Party led 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 and on June 12 and 13 for a 36-hour long hartal. During the county-wide hartal the law enforcement agencies, pro-government activists and supporters came into a physical altercation with the opposition activists. About 100 pro-hartal activists were injured on June 05

¹⁰⁰ The daily Amar Desh, 31/01/2011, <http://www.amardeshonline.com/pages/details/2011/01/31/65867>

¹⁰¹ Islami Law Implementation Committee

¹⁰² The daily Amader Shomoy, 05/04/2011, <http://www.amadershomoy1.com/content/2011/04/05/news0914.htm>

¹⁰³ The daily Prothom Alo, 04/04/2011, <http://www.prothom-alo.com/detail/date/2011-04-04/news/144110>

during the dawn to dusk hartal, and police arrested about 40 persons.¹⁰⁴ On the eve of the hartal, on June 04 and June 11, pro hartal activists vandalised some vehicles and torched a few busses.

144. The National Committee for the protection of Oil, Gas, Mineral Resources, Power and Port called a half day hartal on July 3, 2011 at Dhaka in protest against an agreement signed between the government and a USA based company Conoco-Philips in order to explore gas in the Bay of Bengal. Police baton charged the students by entering the Teachers-Student Centre (TSC) at Dhaka University during the hartal and arrested 20 of them. Moreover, police obstructed a procession that came out in favour of the hartal and also arrested about 200 people from different places.¹⁰⁵
145. The BNP called a hartal (48 hours long) on July 6-7 in protest against the abolition of the caretaker government system through the fifteenth amendment of the Constitution; the intolerable price hike; the deteriorating law and order situation; and the crisis of gas, electricity and fuel. On July 5, 2011, the day before the hartal, a number of vehicles were vandalised and some buses torched. Incidents of clashes took place during the hartal between law enforcement agencies and supporters of the hartal in different areas across the country, including Dhaka. On July 6, 2011, during the hartal, police baton charged and dispersed parliamentarians belonging to BNP when they tried to bring out a procession at the Parliament area. At least 10 people, including the Chief Whip of the Opposition party, Joynal Abedin Faruque, were injured. Police arrested about 450 people across the country and 10 were sentenced to imprisonment for different terms through the mobile court.¹⁰⁶
146. Hartals often see a breakdown in law and order and consequent miscarriages of justice where ordinary citizens are wrongfully prosecuted. On July 5, 2011 at 8.10 pm, Senior Assistant Officer of Reliance Insurance Co. at the Mohakhali branch, Khondkar Ashaduzzaman was arrested by police from in front of the Mohakhali kitchen market. He was sentenced to 6 months imprisonment by Magistrate Dr. Rahima. An official of Reliance Insurance Co., Mohakhali branch, told Odhikar that Khondkar Ashaduzzaman with his colleague was going home after work. At that time some unknown people set fire to a private car but police arrested Ashaduzzaman.

¹⁰⁴ The Daily Star, 06/06/2011, <http://www.thedailystar.net/newDesign/news-details.php?nid=188781>

¹⁰⁵ The daily Manabzamin, 04/07/2011

¹⁰⁶ The Daily Ittefaq, 07/07/2011, <http://new.ittefaq.com.bd/news/view/26874/2011-07-07/1>

Later on, a mobile court sentenced him to 6 months imprisonment. Ashaduzzaman alleged that police forced him to sign a false confessional statement by torturing him.¹⁰⁷

147. On July 7, 2011, a number of clashes took place between police and picketers during the country-wide hartal called by BNP and its alliance. More than 100 people were injured. Police arrested 77 persons from various places. Furthermore, cases were filed accusing around 1000 activists of the Opposition. Five people have been sentenced to different terms of imprisonment by the mobile courts.¹⁰⁸
148. Sommilito Islami Dal called a 30-hour hartal on July 10-11, 2011 protesting against the omitting of “Trust and faith in Almighty Allah” from the Constitution. During the hartal a number of clashes occurred in various places across the country, including Dhaka, between police and pro-hartal activists. Over 100 people, including policemen, were injured. Police arrested 280 people across the country in relation to the hartal and 27 people in Dhaka were sentenced to different terms after summary trials.¹⁰⁹
149. 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 four 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.¹¹⁰ Furthermore, several incidents of violence took place between the ruling party and the opposition.
150. On October 8, 2011, one man named Akhtar Hossain (33) was killed and 10 others were injured due to clashes between supporters of Sreenagar unit Jubo Dal¹¹¹ President, Mohammad Sayem and local Jubo Dal organiser, Ishbal Mahmud Akash in Dayahata village under Sreenagar Upazila of Munshiganj district.¹¹²

¹⁰⁷ Fact-finding report of Odhikar please see www.odhikar.org/FF_report.html

¹⁰⁸ The daily Amader Shomoy, 08/07/2011, <http://www.amadershomoy1.com/content/2011/07/08/news0778.htm>

¹⁰⁹ The daily Ittefaq, 11/07/2011 <http://new.ittefaq.com.bd/news/view/27763/2011-07-11/1>

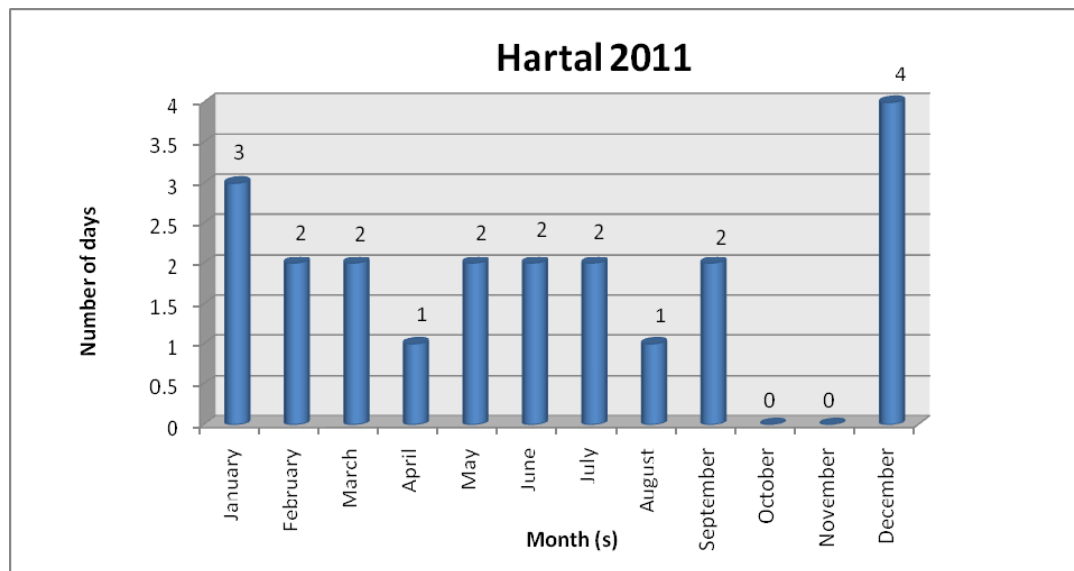
¹¹⁰ The daily Jugantor, 23/09/2011

¹¹¹ Youth wing of Bangladesh Nationalist Party (BNP)

¹¹² The daily Ittefaq, 09/10/2011

151. The dawn-to dusk hartal called by the BNP, in protest against the split of Dhaka City Corporation into North and South, was observed with sporadic clashes on December 5, 2011.¹¹³ Law enforcers kept the BNP central office under siege, and obstructed opposition activists from bringing out processions in the capital. The police said that they had arrested 36 people including the immediate past mayor of Dhaka Sadeque Hossain, but freed him an hour after he was attacked and stabbed in the knee by the pro-government activists and was admitted to hospital. BNP claimed police arrested 190 people and more than a 100 party leaders and activists had become injured as police and pro-government activists clashed with the pickets.

Graph 9: Hartal 2011



152. This increasing trend of hartals is particularly worrying as they are not conducive to a measured and rational discussion which befits political decision making. They often result in many human rights violations either through violence committed against the ordinary people or prompt the violence that the law enforcement agencies use. The increasing turn to hartals in order to influence the decisions made by the Government demonstrates a severe lack of confidence in the democratic processes which needs to be restored through other non violent programmes with mass participation of the people and taking part in the parliamentary process.

¹¹³ The daily New Age, 06/12/11

Section 144 of the Code Criminal Procedure¹¹⁴

153. In 2011 a total of 103 Orders for the imposition of section 144 of the Code of Criminal Procedure were imposed by the Magistrates in order to obstruct meetings and assemblies. Complaints have been received that most of these incidents were initiated by the ruling party Awami League or its allies. In 2011 meetings have been obstructed across the country through the imposition of this section of the Law.
154. On February 9, 2011 a group led by former Wing Commander Hamid Ullah and poet Abdul Hye on behalf of 'Patriots of Bangladesh', went to Kurigram to hand over financial assistance to Felani's¹¹⁵ family and to hold a meeting at Rahmotia Dakhil Madrassa at Dakkhin Ramkhana. The Chattra League and Jubo League brought out a procession against them in Kurigram and they also called a meeting at the same venue. As a result, the local administration imposed section 144 of the Code of Criminal Procedure on the area. Moreover, police and intelligence agencies surrounded the Hotel Arnob where the organisers of 'Patriots of Bangladesh' were staying. Police also stopped them when they tried to go to Felani's house. Poet Abdul Hye alleged that they went to Kurigram to pay condolences and also to support Felani's family on humanitarian grounds. He alleged that the police kept Felani's father hidden and obstructed their initiatives by imposing section 144.¹¹⁶
155. On November 09, 2011, local members of the BNP arranged a pre-announced meeting at Shorshak Cheriara High School field in Shahrasti upazilla, Chadpur district; the local Awami League also called a meeting at the same location at the same time on that day. In this situation, the Shahrasti upazilla administration imposed section 144 and barred both meetings from taking place there.¹¹⁷
156. Odhikar observed that meetings for which prior permission had already been obtained from the administration were prevented from taking place due to the imposition of section 144 of the Code of Criminal Procedure. All citizens are entitled to call and execute peaceful meetings, carry out their work and to scrutinise the actions of the Government under Articles 38 and 39 of the Constitution.

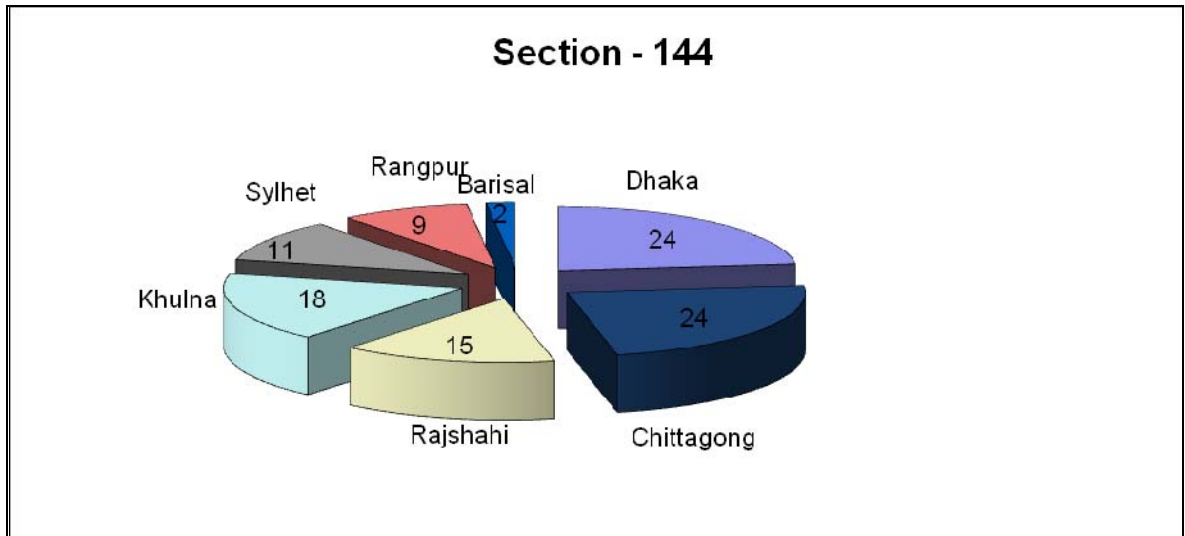
¹¹⁴ This section of the Code of Criminal Procedure 1898 includes Temporary orders in urgent cases of nuisance or apprehended danger

¹¹⁵ Felani a 15 year old girl was killed by the Indian BSF on January 7, 2011 at the Anantapur border at Kurigram district.

¹¹⁶ The daily Amar Desh, 09/02/2011, <http://amardeshonline.com/pages/details/2011/02/09/67365> and 10/02/2011, <http://amardeshonline.com/pages/details/2011/02/10/67562>

¹¹⁷ The daily Jugantor, 10/11/11

Graph 10: Section - 144 imposed in 2011



CHAPTER III: RIGHT TO LIFE

157. The rights to life and personal liberty are under threat in Bangladesh, despite the fact that they are guaranteed by the Constitution of the People's Republic of Bangladesh Article 32 says: "no person shall be deprived of life or personal liberty, save in accordance with law". According to the International Covenant on Civil and Political Rights adopted in 1966 and ratified by Bangladesh in 2000, "every human being has the inherent right to life". The Covenant also says: 'this right shall be protected by law. No one shall be arbitrarily deprived of his life.' The Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948 also declared that 'everyone has the right to life, liberty and security of person'.

Extra judicial killings

158. Extra-judicial killings plague Bangladesh's social and political landscape. According to information gathered by Odhikar, between January and December 2011, 84 people were killed extra-judicially by law enforcement agencies.

159. Despite the fact that a total of 84 people have reportedly been extra judicially killed by law enforcers from when the present government assumed power on January 6, 2009 to December 2011, the Home Minister, Advocate Sahara Khatun's statement on January 26, 2011 did not even seek to condemn these incidents. Instead, she said that "the law enforcement agencies will continue their work, regardless of whatever is being said about extrajudicial killings. The criminals are supposed to be killed when law enforcers shoot at them in self defence."¹¹⁸ Odhikar considers this a deeply irresponsible statement from the political superior of the law enforcement agencies. The Minister's words demonstrate that in the highest echelons extra-judicial killings are effectively endorsed, despite the pre-election promise of the Awami League that 'extra-judicial killing will be stopped.'¹¹⁹

160. Also of concern is the Government's hypocrisy on the matter as demonstrated by Prime Minister Sheikh Hasina's statements on the issue when in London on January 30. During a meeting with the Chairman of the Standing Committee of Human Rights of the House of Lords, the Asia Director of Amnesty International and the Director of the Human Rights Caucus, the Prime Minister stated that 'if anyone is found guilty

¹¹⁸ The daily Ittefaq, 27/01/2011, <http://ittefaq.com.bd/content/2011/01/27/news0254.htm>

¹¹⁹ The daily New Age, 01/02/2011 and The Daily Star, 05/02/2011, <http://www.thedailystar.net/newDesign/news-details.php?nid=172899>

after investigation of extrajudicial killing, we will take action against the person as we believe that all citizens have the right to get justice.¹²⁰ It is clear that when there is an international image to be upheld, the government can deliver the rhetoric but not the action that is required at home.

161. The Government finally admitted to the occurrences of extra-judicial killing in a statement by the Prime Minister made on February 3, 2011, at a press conference: “I have always taken a stand against extra-judicial killings. Such killings are continuing for a long time, which cannot be stopped over night.”¹²¹ Though the admission of the long history of such killings is important the following statement once more betrays a lack of willingness to take decisive action. Odhikar feels that Prime Minister’s statement only encouraged those who are involved in extra-judicial killings to continue.
162. It is clear to Odhikar that the continuing trend of extra-judicial killing is of great detriment to a healthily functioning society and undermines the rule of law. Yet the government has not been able to grasp this and further provided mixed messages later in the year. The Law Minister Barrister Shafiq Ahmed told the daily Amader Shomoy on April 9, 2011, that ‘If any law enforcer kills a person without a valid ground of self-defence, it should be termed an extrajudicial killing and every allegation of such killings should be investigated.’¹²² Thus ‘it cannot be termed as ‘extrajudicial’ killing, if anyone kills anybody for self-defence.’¹²³ This clause effectively undermines the assertion that extra-judicial killings will be investigated since the excuse of self-defence is what is pleaded in the majority of such killings by the law enforcement agencies.

¹²⁰ The daily New Age, 01/02/2011

¹²¹ The daily New Age, 05/02/2011 and The daily Amar Desh 4/2/2011, <http://amardeshonline.com/pages/details/2011/02/04/66532>

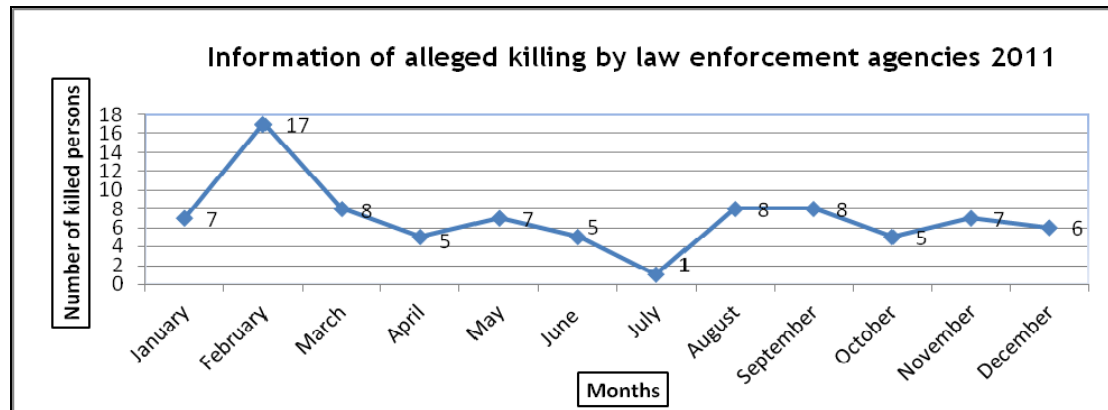
¹²² The daily New Age, 10/04/2011

¹²³ The daily Amader Shomoy, 10 /04/2011, <http://www.amadershomoy1.com/content/2011/04/10/news0878.htm>

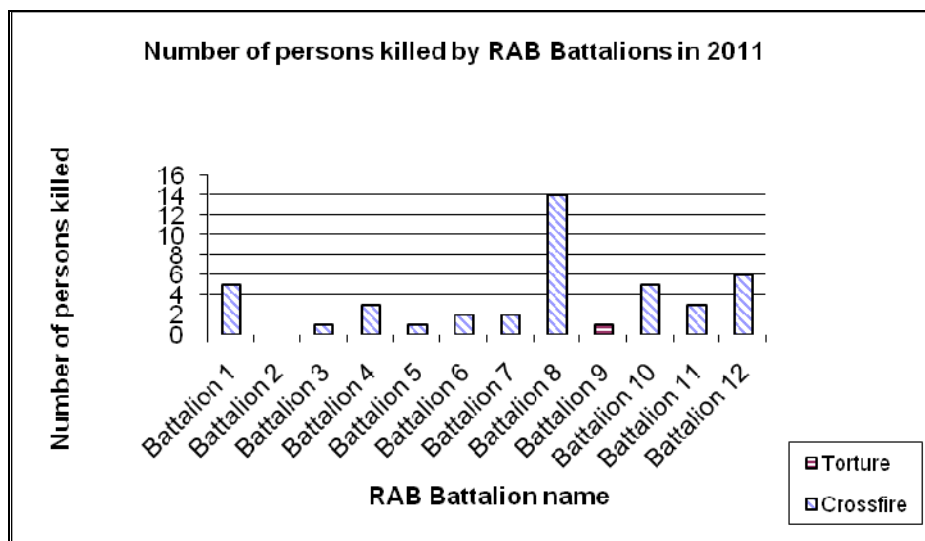
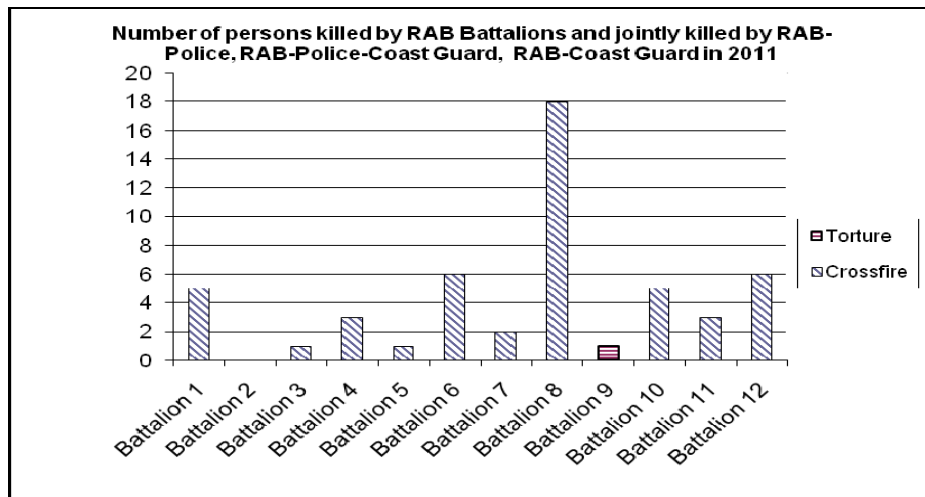
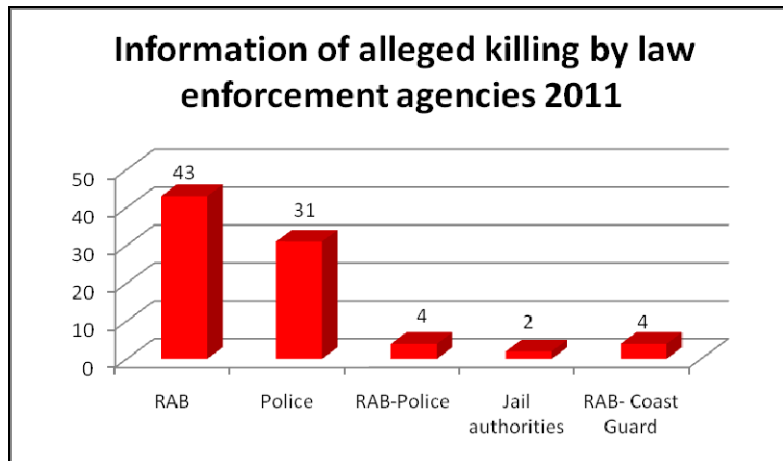
Table 5: killing by law enforcement agencies 2011

Information of alleged killing by law enforcement agencies 2011						
Month (s)	RAB	Police	RAB-Police	Jail authorities	RAB-Coast Guard	Total
January	5	2				7
February	8	6	3			17
March	5	2		1		8
April	2	3				5
May	0	5			2	7
June	4	1				5
July	1					1
August	5	3				8
September	6	1		1		8
October	4	0	1			5
November	1	4			2	7
December	2	4	0			6
Total	43	31	4	2	4	84

Graph 11: Killing by law enforcement agencies 2011 (by month)



Graph 12: Killing by law enforcement agencies 2011 (by agency)



Types of deaths:**Crossfire/encounter/gun fight:**

163. Among the 84 extra-judicial killings reported in 2011, 65 persons were killed in 'crossfire/encounters/gun fights'. Among the deceased 42 were allegedly killed by RAB, 15 by police, 04 jointly by RAB and police and 04 jointly by RAB and the Coast Guard.
164. The terms 'crossfire', 'encounter' and 'gunfight' have become ubiquitous euphemisms for incidents when various law enforcement agencies are involved in extra-judicial killings. The uses of these euphemisms represent an attempt by such agencies and the government to conceal the reality of the brutality that is experienced by many of those that die in extra-judicial conditions. Indeed the sense of accidental collateral death that such terms relate to contributes to a culture where there is almost no accountability for law enforcement agencies and the deaths of people can be passed off with weak excuses.
165. On January 11, 2011, Imtiaz Hossain Abeer (19), a student of Northern College, was shot dead by police at the Pallabi area in Dhaka city. The family of the deceased alleged that Abeer was called out through phone calls by police of Pallabi Police Station, led by Assistant Sub Inspector Ismail. He was shot dead by police, who claimed he was a member of a gang of robbers. There was no case or General Diary against Abeer in any police station.¹²⁴
166. On the same day as the press conference at which Sheikh Hasina admitted that extra-judicial killings had a history in Bangladesh, a member of Purba Banglar Communist Party (Red Flag), Abdul Hamid was also shot dead in a 'gunfight' with police in Pabna on February 3.¹²⁵
167. On February 4, 2011, a youth named Nurul Islam Shumon was shot dead by police at the Botanical Gardens in Mirpur in the Dhaka Metropolitan Area.¹²⁶ Also on February 4, Hazrat Belal, alleged regional commander of the underground party JSD Gonobahini, was reported as being killed by RAB and Police in a joint operation at Harinakunda under Jhenaidah district.

¹²⁴ Fact finding report of Odhikar/ the daily Manabzamin, 12/01/2011,

http://www.mzamin.com/index.php?option=com_blog_calendar&&year=2011&month=01&day=12&modid=98

¹²⁵ The daily New Age, 04/02/2011; The daily Amar Desh 4/2/2011,

<http://amardeshonline.com/pages/details/2011/02/04/66532>

¹²⁶ The daily Amar Desh, 05/02/2011 and The daily New Age 5/02/2011

168. On April 4, 2011, at around 2.30 am, Mohammad Shafiqul Islam (45), former Chairman of Ziarkandi Union Parishad under Comilla district, was shot dead by members of the Crime Prevention Company (CPC)-1 of RAB-11. The family of the deceased alleged that he was shot dead by RAB at Chhoto Karamerchor Dakshinpara village under Araihasar Upazila in Narayanganj after being picked up from Demra in Dhaka.¹²⁷
169. On June 14, 2011 a student of class nine, Shadhin Ahmed Shuvo was allegedly killed and his younger brother and Shuvo's classmate Badal Mia were allegedly injured by stray bullets shot by RAB-10 during an operation conducted by them against drug peddlers in Pagla at Narayanganj.¹²⁸
170. On August 12, 2011, five youths were shot dead by Rapid Action Battalion (RAB) at the Jonopad Sarak area at Uttara in the Capital. RAB officials claim that all the deceased were 'muggers', who died in an exchange of fire between both sides.¹²⁹ Salma Begum, wife of deceased Shahidul Islam, said that they live in Kodalkuchi village under Nalitabari Thana in Sherpur District. Her husband was a farmer. She, and her two children, came to her father's house at Nirashpara in Tongi 15 days ago. On August 12, her husband Shahidul Islam had come to Tongi to take them back home. Shahidul went out in the evening after Iftar¹³⁰. They started searching for him when he did not return home. Later, after hearing about the deaths from their neighbour, on August 14 she identified the body of her husband at Dhaka Medical College Hospital morgue. Salma stated that there was no case or any record of General Diary against her husband.¹³¹

¹²⁷ Fact-finding report of Odhikar- www.odhikar.org/FF_report.html

¹²⁸ Ibid

¹²⁹ The daily Prothom Alo, 13/08/2011, <http://www.prothom-alo.com/detail/date/2011-08-13/news/177793>

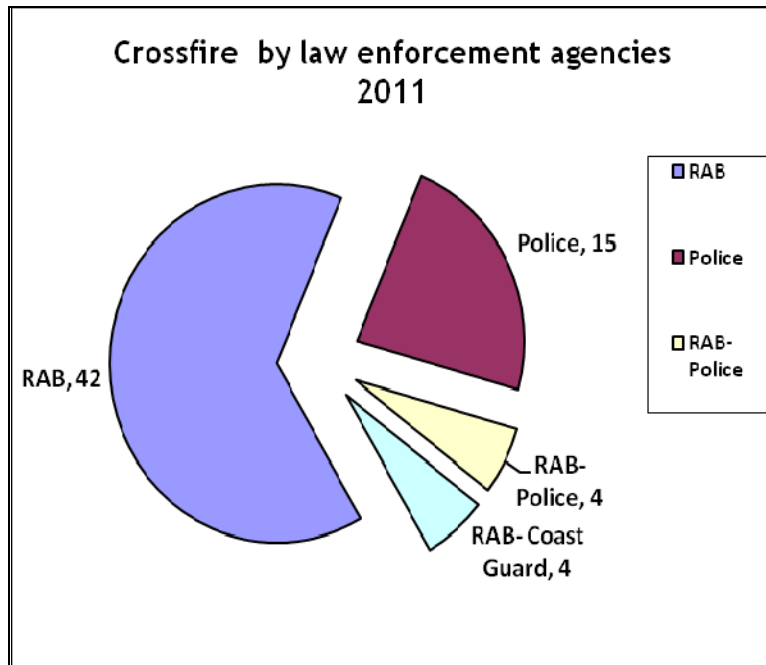
¹³⁰ Iftar- the meal that breaks the fast at sunset during Ramadan

¹³¹ The daily Amader Shomoy, 15/08/2011, <http://www.amadershomoy1.com/content/2011/08/15/news0500.htm>

Table 6: Crossfire 2011

Crossfire 2011					
Months	RAB	Police	RAB- Police	RAB- Coast Guard	Total
January	5	2			7
February	8	4	3		15
March	5				5
April	2	1			3
May				2	2
June	4	1			5
July	1				1
August	5	1			6
September	5				5
October	4		1		5
November	1	2		2	5
December	2	4	0		6
Total	42	15	4	4	65

Graph 13: Crossfire 2011



Death due to Torture

171. Law enforcement agencies are not only killing citizens in fictitious 'crossfire' situations, torture in custody also features in the list of crimes committed by such agents in 2011. Though the numbers are lower than those involved in crossfire, the fact that innocent people may be being tortured to death mainly during remand in custody, is a shameful human rights violation which the Government needs to urgently address.
172. Of the 84 reported extra judicial killings, 17 people were allegedly tortured to death. Among them 14 were reported killed by police, one by RAB and 02 by jail authorities of Noakhali and Lalmonirhat District Jail. Of the 84 deceased, one person was allegedly beaten to death by police.
173. A sample story is that of Shafiqul Islam Raja (25), an under trial prisoner of the Dhaka Central Jail, who on April 23, 2011, died in Dhaka Medical College Hospital. The family of Raja alleged that he was tortured by police after being taken into remand in Sutrapur Police Station in the Capital, Dhaka.¹³² On November 05, 2011 Roman's wife claimed that Detective Branch (DB) Police took him from his shop on October 29, 2011 and beat him. The family alleged that police demanded taka 500,000 in return for not torturing him. Roman's father claimed DB Police tortured his son to death.¹³³
174. Torture in remand does not always result in death but is a too common occurrence, for more details see the section on 'Torture in remand', later in this report.

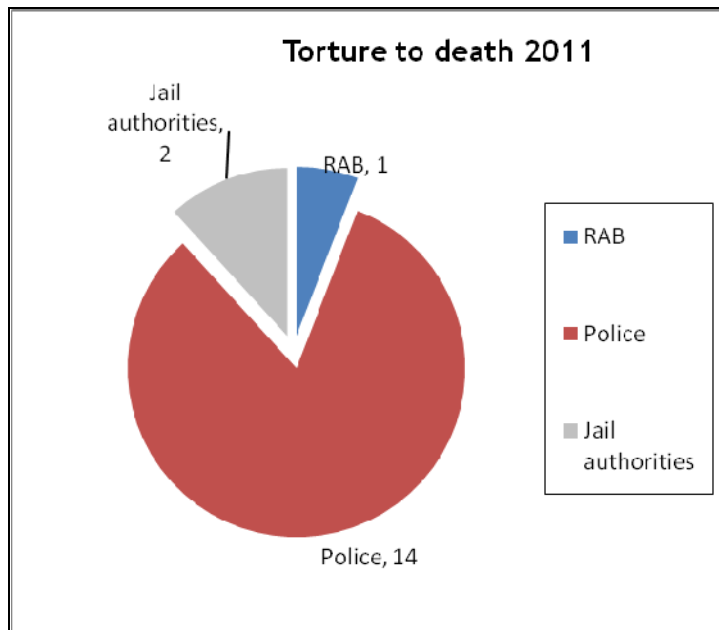
¹³² The daily Amar Desh, 24/04/2011, <http://www.amardeshonline.com/pages/details/2011/04/24/78332>

¹³³ Kaler Kantho and Samakal, 10/11/11

Table 7: Torture to death 2011

Torture to death 2011				
Months	RAB	Police	Jail authorities	Total
January				0
February		1		1
March		2	1	3
April		2		2
May		4		4
June				0
July				0
August		2		2
September	1	1	1	3
October				0
November		2		2
December	0	0		0
Total	1	14	2	17

Graph 14: Torture to death 2011



Shooting

175. Only one person was reportedly shot point blank in 2011. However it should be remembered that the nature of the terms used to describe the circumstances of extra-judicial killings (i.e. 'crossfire' etc.) makes it very difficult to determine how accurate this is.

Identities of the deceased

176. Among 84 deceased, one was an Awami League activist, one a youth front leader of the Jatio Party, four were Purbo Bangla Communist Party (Red Flag) activists, three were Purbo Bangla Communist Party (Jonojuddho) activists, four were members of Gono Bahini, one was from Biplobi Communist Party, four were youths, a 52-year-old man, a 50-year-old man, a student of Northern College, a second year University student, a former Deputy Attorney General, a former Union Parishad Chairman, a farmer, a shopkeeper, a medicine trader, a salesman of a cloth store, a veterinary surgeon, a worker, two were convicted prisoners, two were under trial prisoners, a detainee of a Tahirpur police station under Sunamgonj district, a complainant of a robbery case and 48 were alleged criminals.

177. It has been argued that if decisive action was taken against even just a single perpetrator of extra-judicial killing, it could have a deterrent effect.¹³⁴ Since the Government is yet to do so, the truth of this remains to be seen. What is clear is that extra-judicial killings and custodial deaths must come to an end as per the election manifesto of the ruling party and the declaration made by the Government at the UPR session of the UN Human Rights Council.

178. Crossfire typifies the appalling state of human rights, where security forces kill with impunity. The High Court has issued a directive to stop crossfire killings, following the 'crossfire' killing of two brothers named Lutfur Khalashi and Khairul Khalashi from Madaripur on November 15, 2009. A Division Bench of the High Court Division of the Supreme Court 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.

¹³⁴ The daily New Age, 05/02/2011

Later on, when the Chief Justice reconstituted the concerned Bench, the hearing of the Rule issued was disposed of.¹³⁵

179. Law enforcement agencies violate both domestic law and international humanitarian law by killing suspected criminals, fugitive radical left party activists and innocent people. Perpetrators of all extrajudicial killings must be brought to justice through proper and independent investigation.
180. This Government has proved itself able at rhetoric, talking emphatically about the need to combat terrorism particularly at the UN meeting of the General Assembly in September. Odhikar calls on the Government to take strong actions against what has been in essence state sanctioned terrorism and to put into practice the 'zero tolerance' it claims on the issues of extra-judicial killings and torture.

Custodial death

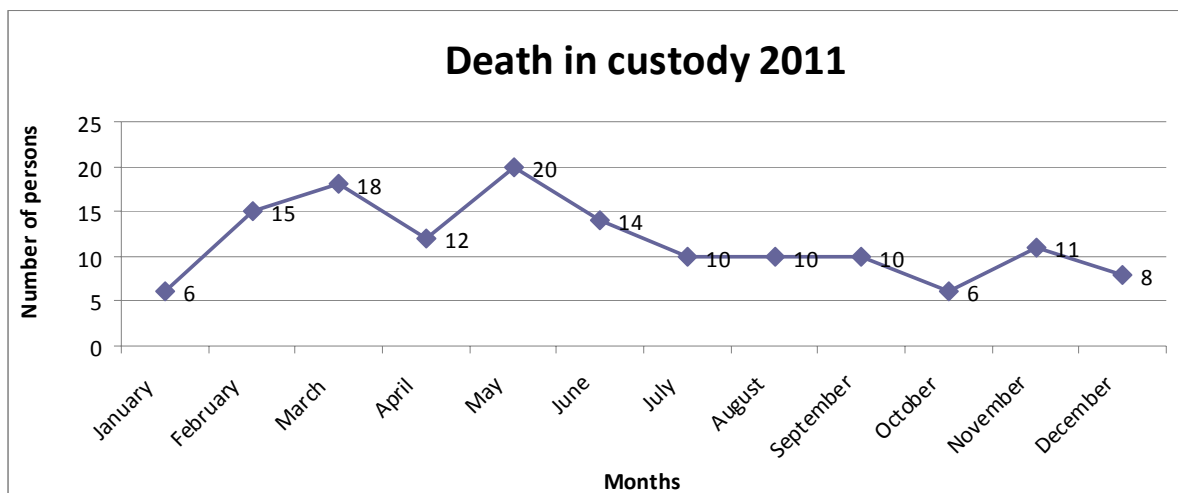
181. The safety and welfare of those in custody is an important human right. Alleged criminals deserve humane treatment throughout the judicial process. However, in Bangladesh this internationally accepted right has not been made a reality. Though Odhikar accepts that people may die due to natural reasons in custody, the detained prisoners are often abused and deaths occur through unwarranted violence.
182. From January to December 2011, reported show that 140 persons died in custody. Among them, 105 persons died in jail. Among those, 91 persons allegedly died due to 'sickness'; two reportedly committed suicide, two infants died in jail. One person who was reportedly injured at the time of his arrest also died in jail. Nine persons died in different jails due to reasons unknown.
183. During this time one woman reportedly 'committed suicide' while in Potenga Police Station in Chittagong and two persons died while under the custody of police in Chittagong and Dhaka districts.
184. 26 persons were allegedly killed extra judicially while in custody of RAB, police and the jail authority. Six former BDR soldiers also died during this time while in custody.

¹³⁵ The daily Jajaidin, 14/01/2010

Table 8: Death in custody 2011

Death in custody 2011											
Month (s)	Extrajudicial Killing (Custodial Deaths)							BDR Custodial deaths	Jail Custody	Police Station Custody	Total
	Crossfire		Torture			Shot					
	RAB	Police	RAB	Police	Jail authorities	RAB	Police				
January	1	1	0	0	0	0	0	0	4	0	6
February	2	1	0	1	0	0	0	1	10	0	15
March	3	0	0	2	1	0	0	0	12	0	18
April	1	0	0	2	0	0	0	1	7	1	12
May	0	0	0	4	0	0	0	1	15	0	20
June	0	0	0	0	0	0	0	1	13	0	14
July	0	0	0	0	0	0	0	1	9	0	10
August	0	0	0	2	0	0	0	0	8	0	10
September	0	0	1	1	1	0	0	0	6	1	10
October	0	0	0	0	0	0	0	0	5	1	6
November	0	0	0	2	0	0	0	1	8	0	11
December	0	0	0	0	0	0	0	0	8	0	8
Total	7	2	1	14	2	0	0	6	105	3	140

Graph 15: Death in custody 2011



Custodial death of Supreme Court Advocate Momtaz Uddin Ahmed

185. On August 26, 2011, Momtaz Uddin Ahmed, an Advocate of the Supreme Court, died at the Intensive Care Unit (ICU) of Square Hospital, Dhaka while he was in police custody. Earlier, Advocate Momtaz Uddin Ahmed was admitted to the National Heart Institute in a critical condition after being allegedly tortured by Detective Branch (DB) police. An altercation had broken out between lawyers of the ruling (Awami League) and opposition (BNP) parties on August 2, 2011 in the High Court Division Bench comprising of Justice AHM Shamsuddin Chowdhury and Justice Gobinda Chandra Thakur. The altercation was over a remark doubting the patriotism of the Leader of the Opposition Begum Khaleda Zia, during the hearing of a petition filed against Islami Oikkyojote leader Mufti Fazlul Huq Amini. Detective Branch (DB) of Police also filed a case against 13 pro-BNP lawyers for obstruction of duty. On August 11, 2011, at 3.30 am, police arrested Advocate Momtaz Uddin Ahmed from his apartment and took him to the DB Police office. On the same morning, his family was informed that Momtaz Uddin Ahmed had been admitted to the National Heart Institute in a serious condition. Later he was moved to Square Hospital. His wife Shelina Ahmed alleged that her husband was tortured in custody. Shelina Ahmed sued the Home Minister Sahara Khatun; Attorney General Mahbubey Alam; the Home Secretary; Dhaka Metropolitan Police Commissioner; Detective Branch Deputy Commissioner; and Officer-in-Charge of Shahbagh Police Station on the charge of killing Momtaz Uddin Ahmed. A First Information Report was submitted to the Ramna Police Station on August 26, 2011 but the police did not record the complaint as a case.¹³⁶

Public Lynching

186. 2011 has seen the introduction of a new trend of extra-judicial killing, largely initiated by the public. Public lynching is a worrying development in Bangladeshi society and highlights the increasingly deteriorating relationship between the public and the rule of law and its accompanying agencies. This movement is particularly disturbing because it indicates an increasing lack of faith in the institutions of law. Such public violence can be understood as a new and increasing form of extra-judicial killing and is manifested in two forms. On the one hand we see the public spontaneously taking

¹³⁶ The daily New Age, 27/08/2011

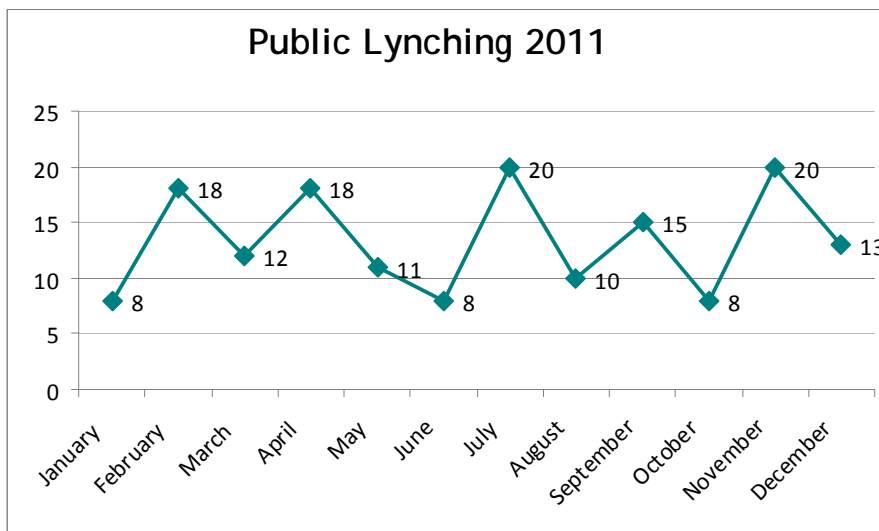
the law into its own hands and on the other we also see the police use the public to kill them by instigating.

187. Since January to December, 2011 a total of 161 people were allegedly killed due to public lynching.

Table 9: Public Lynching 2011

Public Lynching 2011	
Months	Total
January	8
February	18
March	12
April	18
May	11
June	8
July	20
August	10
September	15
October	8
November	20
December	13
Total	161

Graph 16: Public Lynching 2011



188. On July 17, 2011 local residents of Barodeshi village of Aminbazar on the outskirts of Dhaka, killed six students on suspicion of being robbers. The deceased were – Ibrahim Khalil (24), Touhidur Rahman Polash (20), Kamruzzaman Kanto (18), students of Mirpur Bangla College; Setab Zabir Manib (22), student of Bangladesh University of Business and Technology; Shams Rahim Shammam (20), A-Level student of Mastermind International School and College; and Tipu Sultan (20), student of Tejgaon College. The lone survivor, Al Amin, a student of Darussalam College was admitted to the hospital in a critical condition. It was learnt that the students had gone to Amin Bazar together on rickshaws after offering prayers on the night of Shab-e-Barat¹³⁷, to spend the night roaming the area. Local residents, seeing unknown people in the area so late, thought the young men were dacoits and also announced the arrival of dacoits through the megaphone of a local mosque. Hearing this, hundreds of people came to the spot and surrounded the students and attacked them. Some people beat them with iron rods, sticks and stabbed them with sharp weapons in front of the Savar police.¹³⁸ The area where the incident took place was known to be a crime zone. It was learnt that drugs including *Ganja*, *Phensidyle* and *Yaba* are allegedly sold in the area. The villagers used to guard the village as the law and order situation was bad. Meanwhile, police have been insisting that the students were out on Keblarchar to rob villagers. The police asked Al Amin to admit that they had gone to Keblarchar to commit robbery. The owner of Shahadat Enterprise, Abdul Malik filed a robbery case on July 18, 2011 with the local police station.¹³⁹ Two persons named Sanowar Hossain and Mohammad Selim Mridha were arrested for being involved in the lynching of the six students.¹⁴⁰ 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.¹⁴¹ The Officer-in-Charge of Savar Police Station was ‘closed’ and two Sub Inspectors were temporarily suspended in this regard. No evidence of involvement in any criminal activity in that area was found against the six students.

¹³⁷ A special religious night in Islam

¹³⁸ The daily Jugantor, 19/07/2011

¹³⁹ Ibid

¹⁴⁰ The daily Kaler Kontho, 26/07/2011

¹⁴¹ The daily Amar Desh, 19/09/2011; <http://www.amardeshonline.com/pages/details/2011/09/19/106311>

189. On August 7, 2011, a private satellite TV channel 'Shomoy' broadcasted the video footage of the killing of Shamsuddin Milon (16). Milon was apprehended by the police, who then handed him over to the public at Tekerhat Mor from the police van. Police instigated a mob to kill Milon. Then he was beaten to death by the mob, in the presence of police. Police took away Milon's body after confirming his death.^{142 143}
190. 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.

Death penalty

191. While campaigns are gaining momentum across the world against death penalty, Bangladesh continues to enact laws making provisions for capital punishment for grievous offences. The Cabinet on December 26 approved a Bill seeking amendment to the Anti-Terrorism Act, 2009, proposing capital punishment for financing terrorist activities.¹⁴⁴ The existing law stipulates that a person guilty of the offence for terror financing shall be sentenced to not more than 20 years and not less than three years of imprisonment.¹⁴⁵
192. More than 1,000 persons are currently sitting on death row in prisons around Bangladesh.¹⁴⁶ The authorities hanged five army officers convicted of killing the

¹⁴² The daily Prothom Alo, 08/08/2011; <http://www.prothom-alo.com/detail/date/2011-08-08/news/176504>

¹⁴³ www.youtube.com/watch?v=9hzz0vJHmck28

¹⁴⁴ 'Draft to amend anti-terrorism law: Cabinet okays death for terror funding', The daily New Age, 27/12/2011

¹⁴⁵ Section 7(4) of the Anti-Terrorism Act, 2009

¹⁴⁶ <http://www.handsofcain.info/news/index.php?documento=1330578>

country's independence leader on January 27, 2010, taking the number of executions since 1971 to 411¹⁴⁷.

193. According to Odhikar documentation, four people were executed by hanging in 2011. It is also reported that 97 persons have been awarded the death sentence by various courts.
194. 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.

¹⁴⁷ Supra

Table 10: Death penalty 2011

Month (s)	Death Penalty	Execution of death sentence
January	6	
February	5	
March	15	
April	5	
May	21	
June	9	
July	6	2
August	5	
September	10	2
October	6	
November	2	
December	7	
Total	97	4

195. 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”.¹⁴⁸ 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.

Enforced Disappearances

196. Persons are usually ‘disappeared’ after being detained by men claiming to be members of law enforcement agencies and after sometime some of their dead bodies are found. The families of the victims claim that it is the members of the law enforcement agencies who are indeed making the arrests. These incidents are on the use since 2011. When a person is disappeared not only is it a gross violation of their individual human rights and a complete disregard for the due process of law, the family and associates of that person undergo mental trauma as forced disappearances are always denied by the law enforcement agencies leaving no way to move forward and achieve justice. Below are some examples of disappearances that have occurred this year.

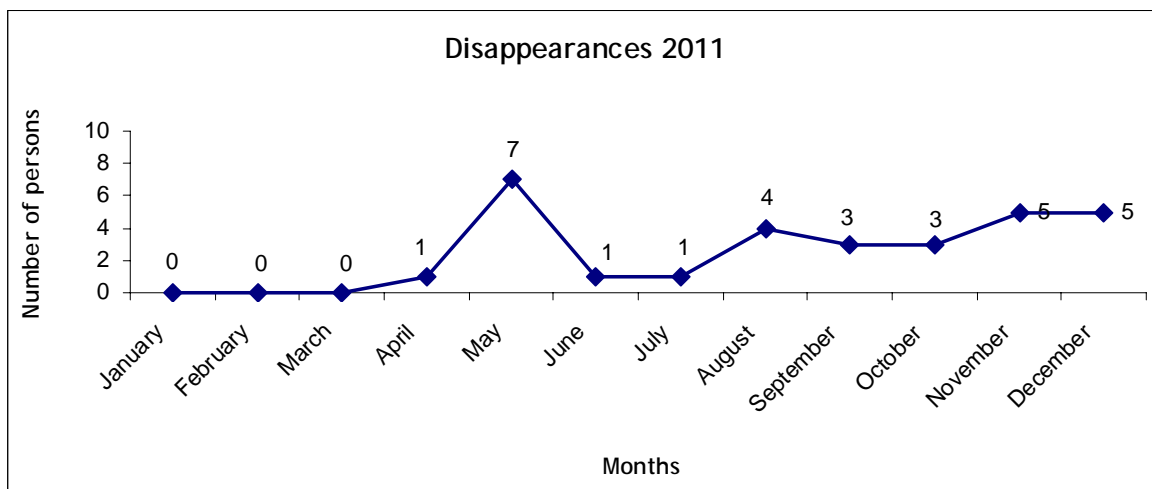
¹⁴⁸ http://www.fidh.org/IMG/pdf/Report_eng.pdf

197. In 2011, 30 people were reportedly victims of enforced disappearance. Among them 14 were allegedly picked up by RAB, 11 by Detective Branch police, two by police and three by different law enforcement agencies.

Table 11: Enforced Disappearances 2011

Enforced Disappearances 2011						
Month (s)	No. of persons disappeared	Alleged Perpetrators				
		RAB	Police	RAB-Police	DB Police	Other
January	0					
February	0	0				
March	0					
April	1	1				
May	7	5			2	
June	1	1				
July	1		1			
August	4				4	
September	3	1				2
October	3	1	1			1
November	5	5				
December	5				5	
Total	30	14	2	0	11	3

Graph 17: Enforced Disappearances 2011



198. On February 15, 2011, a grocery shopkeeper Rafiqul Islam (50) was picked up by some plain clothed and uniformed RAB members from 620 North Shahjahanpur of Dhaka city and his whereabouts unknown since his arrest. The family members of Rafiqul Islam informed Odhikar that they have searched for him at various places, including the RAB headquarters and at the local police station. They did not find him anywhere. The eye-witnesses of this incident told Odhikar that 15/20 uniformed and plain clothed RAB members picked up Rafiqul from a shop. They did not know why Rafiqul had been picked up. Many people, including his fellow shopkeepers and passers-by witnessed Rafiqul's arrest. His home district is Gaibandha.¹⁴⁹
199. 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 after he came out on bail.¹⁵⁰ 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 for abduction of Tawfique Ahmed Hasan. The Metropolitan Magistrate of Dhaka, M A Salam, on the same day ordered a departmental investigation into the 'abduction' of Tawfique Ahmed Hasan.¹⁵¹
200. On August 5, 2011, the bodies of Mizanur Hossain (25) and Jewel Sardar (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 men alleged that they were arrested by Detective Branch (DB) Police on July 31, 2011 from Shorot Gupto Road and beaten in front of local inhabitants and taken away in a microbus. Later their bodies were found in Gazipur and Munshiganj. Monir, elder brother of Mizanur, said that they went to Gandaria Police Station under Dhaka Metropolitan Police (DMP) soon after hearing of Mizanur's arrest but police

¹⁴⁹ Fact finding report of Odhikar- www.odhikar.org/FF_report.html

¹⁵⁰ The daily New Age, 31/05/2011, <http://newagebd.com/newspaper1/frontpage/20827.html>

¹⁵¹ Ibid

could not inform him about his brother's whereabouts. The next day he went to the same police station to file a General Diary but police did not accept it. He was told by the police that they were arrested by DB Police.¹⁵²

201. On August 3, 2011 Tapon Das, a businessman of old Dhaka, was allegedly picked up by the DB police from KB Road at Gandaria. Gobinda Das, a friend of Tapon Das, informed Odhikar that he and Tapon were on a rickshaw returning home to Faridabad at around 8.00 pm. A white microbus stopped them. A man came out from the microbus and asked Tapon his name. The same person asked Gobinda to confirm whether Tapon's name was correct. Later they were picked up in a microbus and blindfolded and taken in front of the DB Police office. Gobinda was asked to leave. Later the microbus went inside the DB Police office with Tapon. The family of Tapon Das alleged that the whereabouts of Tapon still remain unknown.¹⁵³
202. On October 19, 2011, Nur Mohammad Haji (75), President of Ward 41 Awami League, disappeared from his house at Savar. His family alleged that he was picked up at midnight by some men in civilian clothes. His whereabouts still remain unknown.¹⁵⁴
203. On November 28, Ismail Hossain, Shamim Hasan and Masum Hossain, three leaders of the BNP student wing disappeared from Hatirpul, Dhaka. The family claimed that they were picked by RAB. On December 08, 2011 Ismail's dead body was recovered from the Dholesswari River in Munshigonj.
204. The Government owes an explanation to the families of the persons who have disappeared after allegedly being picked up or arrested by law enforcement agencies. Odhikar demands that the Government sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearances, which was adopted at the UN General Assembly on December 18, 2009, and the Optional Protocol to the Convention against Torture. It is clear that disappearances go hand in hand with the culture that surrounds extrajudicial torture, the situation as it is intolerable.

¹⁵² Fact-finding report of Odhikar- www.odhikar.org/FF_report.html

¹⁵³ Fact-finding report of Odhikar- www.odhikar.org/FF_report.html

¹⁵⁴ The daily Prothom Alo, 22/10/2011

CHAPTER IV: TORTURE & OTHER CRUEL, INHUMAN AND DEGRADING TREATMENT

Torture

205. In 2011, as per Odhikar's documentation, 46 persons were reportedly tortured by different law enforcement agencies. Among them 17 persons were allegedly tortured to death.
206. The Constitution of Bangladesh categorically states in Article 35 (5) that "No person shall be subjected to torture or to cruel, inhumane or degrading punishment or treatment." It is also stated in Article 35 (3) that "Every person accused of a criminal offence shall have the right to a speedy and public trial by an independent and impartial court or tribunal established by law." Despite this and the continued existence of torture in Bangladesh particularly by law enforcement agencies, torture has not been fully defined in law, nor has it been made a criminal offence. Section 331 of the Penal Code provides some protection against torture in the form of a dictate that states 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.¹⁵⁵ However, in the face of the seriousness and ubiquity of torture this small dictate is far too little.
207. Considering that Bangladesh is a party to the United Nations Convention Against Torture and has twice been elected to the UN Human Rights Council, one is led to wonder about its seriousness on the issue. International declarations have their place but are meaningless unless put into play at home.
208. The use of torture has become second nature to the officers of law enforcement agencies and in being so, severely undermines any ethical authority of these agencies. It is clear to Odhikar that in Bangladesh the law enforcement agencies exercise huge power but demonstrate virtually no ethical principles which respect the fundamental human rights of the citizens of Bangladesh.
209. On April 12, 2011, Belal, only nine years old, was allegedly tortured in the room of the Officer-in-Charge in Khulna Sadar Police Station. Belal told Odhikar that he had taken a piece of iron rod secretly from a mill factory to buy bread. But people caught

¹⁵⁵ Odhikar Annual Human Rights Report 2010- www.odhikar.org/press.html

him and handed him over to police. He was blindfolded by police and his hands and legs were tied in chains. Then, he was given electric shocks to his hands.¹⁵⁶

210. Abdul Kadar, a Master's degree student of the Bio-chemistry and Molecular Biology Department of Dhaka University, was on suspicion was picked up on July 16 while he was returning from his aunt's house to his dormitory. He was severely tortured by police of Khilgaon Police Station; He was later implicated in three cases. Police filed a robbery case under Sections 399/402 of Penal Code and Section 19A of the Arms Act 1878 accusing Qader and six other persons. On July 29, 2011 the Officer-in-Charge of Khilgaon Police Station, Helaluddin and Sub Inspector Alam Badsha and Assistant Sub Inspector Shahidur Rahman were temporarily suspended as per the the High Court sue moto order on July 28.¹⁵⁷ A Judicial probe report submitted on November 28 to the High Court referring to the witness' deposition, said the Officer-in-Charge of the Police Station was apparently unsound and intoxicated when he injured Kadar's left thigh with a cleaver. On November 03, a Dhaka court acquitted Kadar of the arms case. The two other cases filed against him were on robbery and carjacking. However a departmental probe later found Kadar innocent.¹⁵⁸ The High Court on December 11, directed the IGP to file a case against Khilgaon Police Station Officer in Charge Helaluddin in connection with torture of Kadar.¹⁵⁹
211. On September 4, 2011, three children, Pakhi Akhter (8) and her brother Berek (10) and cousin Mizarul (7), were allegedly tortured in Lalbagh Police Station on the allegation of stealing jewelry. They were detained for six days in custody, without being taken into remand. They alleged that they were beaten, and had pins pushed in their fingers.¹⁶⁰
212. Momtaz Uddin Ahmed, a pro-BNP lawyer was picked up from his home sometime between 2.30 am to 3.30 pm on August 11. Witnesses saw him being slapped and kicked by policemen and pushed into the police van. He was in detention for at least three hours on August 11, which caused a massive heart attack that led to his death on August 25. His wife said that MU Ahmed told her that he was taken to a dark room with no fan, after his arrest on August 11 and was tortured by the DB police at DB office. When he was feeling ill and asked for a fan, policemen threatened to tie him

¹⁵⁶ Report from local human rights defender of Odhikar, Khalilur Rahman Sumon, 15/04/2011

¹⁵⁷ The Daily Star 30/7/2011; The Daily Amar Desh 31/7/2011

¹⁵⁸ The Daily Star, 29/11/11

¹⁵⁹ The Daily Star, 12/12/11

¹⁶⁰ Fact finding report of Odhikar, - www.odhikar.org/FF_report.html

- up to the chair with a rope and give him electric shocks. Police arrested MU Ahmed in connection with assault police and obstruct them in discharging their duties on the August 2 and 4, 2011.¹⁶¹
213. Dewan Shohidur Rahman Shopon (36) is the son of Dewan Mozibur Rahman and Shefali Begum of Gosatra village in Gazipur. At around 2.30 pm on 19 August 2011, police officers of Kaliakoir Police Station in Gazipur arrested him on suspicion over the theft of a motorcycle. According to the complaint he lodged, in order to get a statement from him, the police tied his hands, hung him to the ceiling fan by his arms, and tortured him.¹⁶²
214. Activists of Hizb-ut Tahrir, a banned political party, were arrested at different times for distribution of leaflets, or trying to bring out the processions. The Hizb-ut Tahrir persons arrested at different time were allegedly tortured in various ways at the TFI¹⁶³ 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.¹⁶⁴
215. In 2010, 4829 persons were granted bail in different periods by the Judicial Magistrate Court in Dhaka Metropolitan City. On average, 13 people were taken in remand everyday in Dhaka Metropolitan city.¹⁶⁵ Money was extracted from accused persons by threatening them with torture in remand and many persons were allegedly tortured in remand due to political reasons.
216. According to section 167 of the Code of Criminal Procedure, police can take the accused in their custody with the permission of Judges or Magistrates for the sake of questioning. This 'questioning' turns into police torture of accused persons in custody. Torture inflict on accused persons in remand is mainly for two reasons – to extract money by threatening to torture in remand; and to hurt the political opponents.
217. In 2003, the High Court Division of the Supreme Court gave directives in the matter of BLAST and others vs Bangladesh and others, regarding questioning in remand. The High Court Division said, in its directives, that the lower court should examine

¹⁶¹ The Daily Star 25/9/11

¹⁶² Odhikar's fact finding report- www.odhikar.org/FF_report.html

¹⁶³ Task Force Interrogation Cell

¹⁶⁴ Appeal released by the public relations department, Hizb-ut Tahrir Bangladesh, dated 14.02.2011

¹⁶⁵ The daily Amar Desh, 13/01/2011, <http://www.amardeshonline.com/pages/details/2011/01/13/62958>

the medical report before granting and after remand; the relatives of the accused should be informed after taking him into custody; the accused should be allowed to talk with his lawyer and interrogated in the presence of his lawyer; he should be questioned in a room which has glass walls. But the police and lower courts are violating such directives of the High Court. The lower courts generally do not examine medical reports of the accused before and after remand and police inflict torture upon the accused in remand.¹⁶⁶

218. As per law, 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 Constitution says that 'No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment.' In August 2011, a total of 04 persons were allegedly tortured by police.
219. 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 Constitution says that 'No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment.'
220. 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. Odhikar is alarmed by the fact that 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.
221. Moreover, since 2009, a Private Member's Bill¹⁶⁷ 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 defining and 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.

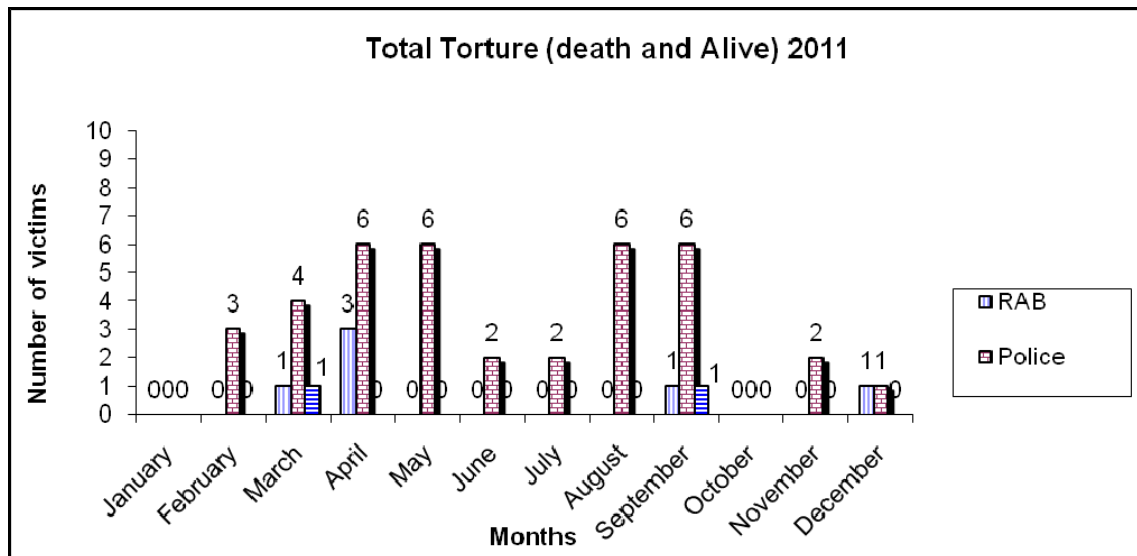
¹⁶⁶ Ibid

¹⁶⁷ Proposed by Saber Hossain Chowdhury, Member of the Parliament

Table 12: Tortured by law enforcement agencies 2011

Total Torture (Death and Alive) 2011				
Months	RAB	Police	Jail authorities	Total
January	0	0	0	0
February	0	3	0	3
March	1	4	1	6
April	3	6	0	9
May	0	6	0	6
June	0	2	0	2
July	0	2	0	2
August	0	6	0	6
September	1	6	1	8
October	0	0	0	0
November	0	2	0	2
December	1	1	0	2
Total	6	38	2	46

Graph 18: Tortured by law enforcement agencies 2011



RAB shooting of Limon Hossain

222. The case of the RAB shooting of Limon Hossain has been a prominent case in 2011, and was closely followed by Odhikar. On March 23, 2011, Limon Hossain (16), son of a day-labourer Tofazzal Hossain of Sauria village under Rajapur Upazila in Jhalokathi district, and a HSC examinee of Kathalia PGS Polytechnic College, was returning home with grazing cattle when a team of RAB-8 led by Deputy Assistant Director (DAD) Mohammad Lutfar Rahman, caught him in front of local resident Shahid Zomaddar's house, and inquired about his identity. Limon replied that he was a student. RAB members then shot him in his left leg. RAB members kept wounded Limon without medical aid for about two/three hours at the spot. Later he was admitted to the Barisal Medical College Hospital in Barisal and shifted to the Orthopaedic Hospital at Dhaka when his condition deteriorated. Limon's left leg had to be amputated at the Orthopaedic Hospital in Dhaka.¹⁶⁸ On April 10, 2011, Limon's mother Henowara Begum filed a case with the Senior Judicial Magistrate's Court at Jhalokathi, accusing 12 persons in total, including the DAD Lutfar Rahman and five other members of RAB-8 unit and against six unknown people. Judge Nushrat Jahan ordered the office-in-charge of Rajapur Police Station to record the complaint as a case.¹⁶⁹ On April 26, 2011, 16 days after the Court order, police recorded the case which was numbered 14.¹⁷⁰ Limon's father Tofazzol Hossain and mother Henowara Begum alleged that they were threatened with death in 'crossfire' by RAB if they pressed charges or publicised the incident. They said, "People who spoke with journalists in favour of our son after the incident, had been threatened by RAB."¹⁷¹ Meanwhile, police 'secretly' submitted a charge sheet against Limon showing him as an associate of alleged criminal Mizan-Morshed and since he was a child, to prosecute him in Juvenile Court. On April 24, 2011 Sub-Inspector Ariful Islam of Rajapur Police Station, investigating officer of the case filed by RAB, submitted a charge sheet before the Court 'secretly'.¹⁷² On April 12, 2011, the Director General of RAB, Mokhlesur Rahman, in a press briefing, said, "Limon may be a victim of the shootout between RAB and the criminals, as he received bullet injuries in the leg. He

¹⁶⁸ Fact-finding report of Odhikar- www.odhikar.org/FF_report.html

¹⁶⁹ The daily Amader Shomoy, 11/04/2011; <http://www.amadershomoy1.com/content/2011/04/11/news0061.htm>

¹⁷⁰ The daily Amader Shomoy, 27/04/2011

¹⁷¹ Report sent by local human rights defender of Odhikar at Jhalokathi; the daily Manabzamin, 9/04/2011, http://www.mzamin.com/index.php?option=com_content&view=article&id=7030:2011-04-08-17-23-55&catid=48:2010-08-31-09-43-22&Itemid=82

¹⁷² The daily Prothom Alo, 28/04/2011, <http://www.prothom-alo.com/detail/date/2011-04-28/news/150207>

is a young boy. He was not a criminal.”¹⁷³ Hemayet Uddin Sumon, elder brother of Limon, in a press conference organised at the Dhaka Reporters Unity, on April 23, 2011, said, “RAB is still trying to prove Limon a criminal. His family and the people who gave witness statements to the investigation committee have been intimidated by top level RAB sources.”¹⁷⁴

223. On April 28, 2011, Home Minister Sahara Khatun said, “The government has nothing to do with the Limon case at this stage, as it is now for the Court to decide the matter”.¹⁷⁵ She further added that “The police have submitted a charge sheet against him after an investigation.”¹⁷⁶ At a press conference at the Prime Minister’s Office on May 19, 2011, the Prime Minister’s Defense Advisor Tareque Ahmed Siddiquie commented that, “Limon and his father were directly involved with criminal Morshed Zomaddar. Allegations against RAB for shooting Limon’s leg after capturing him were false. Limon was trying to escape the scene while the RAB attempted to capture Morshed Zomaddar, and he was shot by them in order to prevent the escape.”¹⁷⁷
224. On May 22, 2011, Home Minister, Sahara 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.¹⁷⁸ The statement of the Home Minister validates the activity of RAB. However, the Home Minister was silent as to why the police of the Rajapur Police Station recorded the case filed by Limon’s mother after 16 days, despite the Court order, and ‘secretly’ submitted a charge sheet through a Sub Inspector of the same police station against Limon to the Court.
225. 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 had come in to their hands. He said, Limon, his parents and siblings are associated with Morshed Zomaddar, his group and his wife.¹⁷⁹

¹⁷³ The daily Manabzamin, 12/04/2011, http://www.mzamin.com/index.php?option=com_content&view=article&id=7256:2011-04-11-16-34-41&catid=48:2010-08-31-09-43-22&Itemid=82

¹⁷⁴ The daily Amar Desh, 24/04/2011; <http://www.amardeshonline.com/pages/details/2011/04/24/78338>

¹⁷⁵ The Government has no role to play on the Limon case”, the daily Prothom Alo, 29/04/2011; <http://www.prothom-alo.com/detail/date/2011-04-29/news/150554>

¹⁷⁶ Ibid

¹⁷⁷ The daily Amader Shomoy, 20/05/2011

¹⁷⁸ The daily Prothom Alo, 23/05/2011, <http://www.prothom-alo.com/detail/date/2011-05-23/news/156474>

¹⁷⁹ The daily Prothom Alo, 24/05/2011, <http://www.prothom-alo.com/detail/date/2011-05-24/news/156694>

226. On June 06, 2011, a Government probe report was submitted to the Home Ministry. The report stated that Limon of Jhalkathi is a college student who became a victim of a shootout between a RAB personnel and a local notorious criminal gang leader Morshed Jamadar on March 23.¹⁸⁰
227. The arms case trial of Limon resumed on June 09, 2011 at a special tribunal at Jhalkathi.¹⁸¹

RAB harasses father for filing a case

228. RAB attempted to pick up Abdur Rahman, father of Mohammad Afzal Khan (21) who was tortured to death by RAB in Shariatpur.¹⁸² This happened because he filed a case against RAB members in Shariatpur Court for killing his son. Abdur Rahman went into hiding. On August 8, 2011, a man identifying himself as a Major of the RAB-8 office called Abdur Rahman's cell phone from number 01714093606 and told him to meet him at the RAB-8 office in Barisal. Abdur Rahman wanted to meet him at Shariatpur instead. August 10, 2011 was the date for hearing of Afzal Khan's murder case. He went to Shariatpur District Court on that day. A RAB vehicle came to the Court and a person called his cell phone from number 01743093611, claiming to be a RAB member and told Abdur Rahman to meet them, otherwise he will be picked up and taken to Madaripur RAB camp. Hearing this Abdur Rahman got frightened and went to his house in Charerkandi village at Binodpur of Sadar Upazila. Later, five RAB members went to his house at 1.10 pm on three motorbikes to pick him up. Abdur Rahman left the area sensing the RAB presence. Furthermore, RAB members met with Abdur Rahman's brother Mansur Khan and asked him to present his brother. When Mansur Khan refused to present his brother to RAB he was also intimidated. Finally they left the place at 2.10 pm.
229. With the help of Odhikar, Abdur Rahman filed a case at the Court of the Shariatpur Chief Metropolitan Magistrate on May 25, 2009 accusing 16 RAB members, which was numbered GR 173/2009. The Court discharged the case on February 28, 2010 after 10 hearings.
230. On March 30, 2010, Abdur Rahman filed a *Naraji* (objection) Petition at the Court of Shariatpur Chief Judicial Magistrate against the discharge order. He lodged a

¹⁸⁰ The Daily Star 08/06/11, <http://www.thedailystar.net/newDesign/news-details.php?nid=189082>

¹⁸¹ The New Age 10/06/11

¹⁸² RAB-8 arrested Mohammad Afzal Khan on March 18, 2008. He later felt ill, while in RAB custody, and died on March 20, 2008 in Dhaka Medical College Hospital.

Criminal Revision Petition at the Shariatpur District Session Judge Court while the Chief Judicial Magistrate Court refused to grant his *Naraji* on April 20, 2011. After hearing the petition, the Court ordered the accused to appear before it on August 11, 2010. Despite the Court Order, no accused has appeared before the Court till date. On May 29, 2011, the Court again issued summons against the accused persons.

231. After receiving summons from the Court, the accused persons had proposed to Abdur Rahman to settle the matter. Abdur Rahman had been intimidated when he refused their proposal and finally the move to pick him up was arranged by RAB.¹⁸³

Prison Conditions

232. There are 67 prisons including one female prison in Bangladesh. Prisons are grossly overcrowded and allegations of huge irregularities and corruption persist. The total capacity to keep 29,450 inmates, however actual number of inmates are 69,850. The cells are small and damp. Lack of sanitation and inadequate ventilation makes the situation worse. The prisoners are susceptible to various diseases due to the unhealthy environment and low quality food and lack of medical facilities. Each year prisoners die due to inadequate treatment and the abysmal conditions that they are forced to live in. In 2011 an infant who was kept with her mother, died in the jail. The Dhaka Central Jail's capacity is to keep 2700 inmates, however there are 10,000 prisoners incarcerated there. There is capacity to keep 134 women, however, about 600 women and more than 50 children are there. In this jail there is an 80 bed hospital, however, according to July statistics the hospital houses 200 inmates.¹⁸⁴ The Barishal Central Jail is crammed with prisoners. It has capacity to keep 633 inmates; however, 1240 prisoners are presently incarcerated there.¹⁸⁵
233. As per Jail Code, at least 36 square feet space is required for each non criminal prisoner, 24 square feet space for each convicted and under trial prisoner and 54 square feet solitary cell should be allotted for every prisoner under death sentence. Through corrupt jail officials, well-off prisoners occupy the beds, however poor prisoners have to lie on the floor and are susceptible to skin, stomach and other infectious diseases.¹⁸⁶ Massive corruption prevails in the jails. In Dhaka Central Jail, according to one inmate, prison guards ask for taka 1000 per night for a blanket,

¹⁸³ Fact-finding report of Odhikar, 08/08/2011

¹⁸⁴ The daily Amar Desh, 16/07/2011; <http://www.amardeshonline.com/pages/details/2011/07/16/93267>

¹⁸⁵ The daily New Age, 04/07/2011

¹⁸⁶ Ibid

mosquito coil and a clean cell. To go to the toilet, the inmates have to stand in a long queue. However, if inmates can pay taka 50, prison guards take them to better toilets. Though it is forbidden for inmates to use cell phones, however, the prison guards take inmates to places inside the jail where there is no mobile phone frequency jammer and arrange calls which cost taka 10 per minute.¹⁸⁷

234. 21 children were kept in jail as of October 1, 2011 in violation of law and repeated High Court verdicts and Orders, although 157 seats at the juvenile development centres were vacant.¹⁸⁸ The High Court Bench of Justice M Imman Ali and Justice Obaidul Hassan, on October 26, 2010 after hearing a rule issued suo moto, and said that ‘Children held in the prison, whose age is below 16 years, are being held there illegally and without lawful authority and are to be removed from prison forth with.’ It went on to say ‘We iterate that Judges must be aware that children can under no circumstances be kept in prison when a trial is pending. It is the responsibility of the Department of Social Welfare to provide for either a safe home, remand home or any other suitable place. If they are at all to be kept in the custody’.¹⁸⁹

Table 13: Prison Condition

Total capacity	29450		
Actual number of inmates	69850		
	Male	Female	Total
Convicted prisoners	20,033	731	20764
Under trial inmates	45973	1664	47637
Foreign prisoners	164	07	171
Section 54 Cr.PC, Detention and other	-	-	199

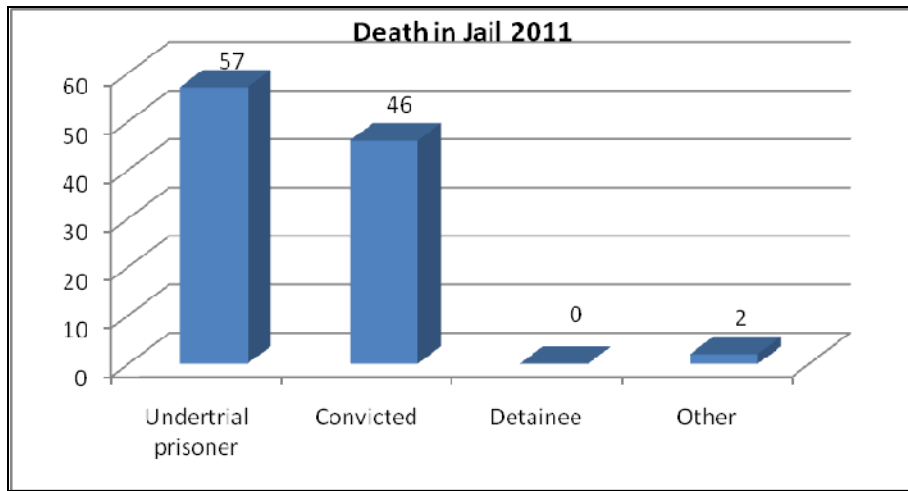
(Source: Directorate of Prisons, 1 January-27 December, 2011)

¹⁸⁷ Daily Manabzamin, 09/06/2011

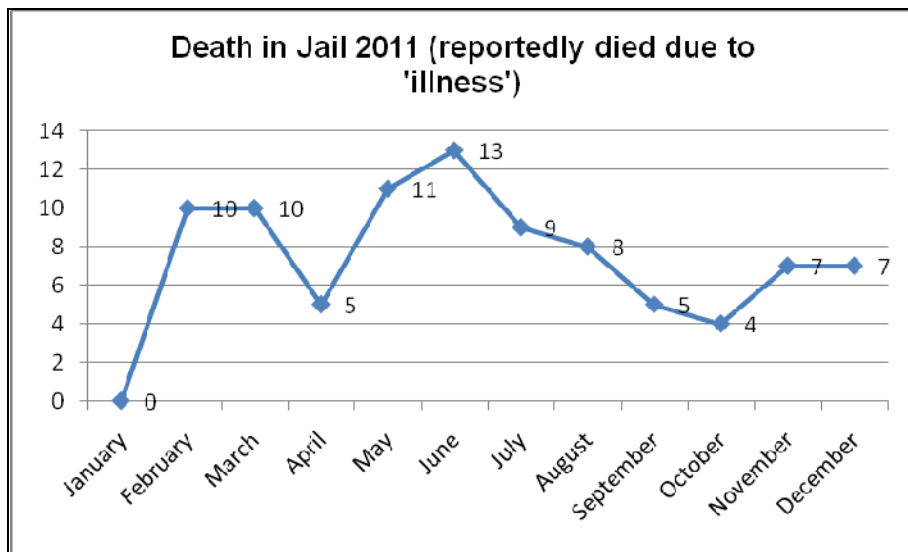
¹⁸⁸ The daily New Age, 04/10/2011

¹⁸⁹ Ibid

Graph 19: Death in Jail 2011



Graph 1: Death in Jail (due to illness)



CHAPTER V: BANGLADESH –INDIA RELATION

235. The three sides of Bangladesh are surrounded by India totalling 4096 km. Many human rights violations have been going on for a long time along these borders between Bangladesh and India. In flagrant violation of international norms and treaties, Indian Border Security Forces (BSF) shoot and kill unarmed (Bangladeshi) civilians in the border areas, and on occasion, even inside Bangladesh territories. India has covered with fences the Bangladesh- India border. People working near the fences in the fields are also killed by BSF. International Law does not allow structures within 150 yards of Bangladesh; despite this the Indian paramilitary force is constructing a wall in Akhaura of Brahmanbaria of Bangladesh to protect a road which they built illegally.¹⁹⁰ The irony is Bangladesh Government without protecting the rights of its citizens, handed over land to India under a so-called joint survey. Previous governments handed over Berubari to India, and due to Bangladesh's weak Foreign policy, it is yet to get Tin Bigha Corridor back. India now plans to build Tipaimukh Dam on the Barak River without taking consideration that Bangladesh's north eastern parts will face severe ecological imbalance and destruction as a result.

State of affairs between Bangladesh-India

236. Human rights violations by the BSF at border areas continued in 2011. In 2011, according to information gathered by Odhikar, in January-December 2011, along the India-Bangladesh border, a total of 40 people were killed. Among them 31 were reportedly killed by BSF and 09 were killed by Indian miscreants. Furthermore, 61 persons were reported injured and 23 were abducted by the BSF during this period. The BSF killed unarmed Bangladeshis either by shooting at them or torturing them. BSF also killed farmers at work in the fields by intruding into Bangladesh territory.

¹⁹⁰ The Daily Star, 25/12/2011; <http://www.thedailystar.net/newDesign/news-details.php?nid=215552>

Table 14: Human Rights Violation in Bangladesh-India Border Area 2011

Human Rights Violation in Bangladesh-India Border Area 2011																					
Name of the month	Killed by BSF				Killed by Indian miscreants				(Killed) Grand Total	Injured (by BSF)				Injured by Indian miscreants				(Injury) Grand Total	Abducted	Other	Grand Total
	Gunned down	Tortured	Other	Sub Total	Gunned down	Tortured	Other	Sub Total		Bullet Shot	Tortured	Other	Sub Total	Bullet Shot	Tortured	Other	Sub Total				
January	3	1	0	4	0	0	0	0	4	0	3	0	3	0	0	0	0	3	2	0	9
February	0	1	0	1	0	0	0	0	1	0	5	1	6	0	0	0	0	6	0	0	7
March	0	0	0	0	2	0	0	2	2	0	21	0	21	0	0	0	0	21	1	0	24
April	5	0	0	5	1	0	0	1	6	10	2	0	12	2	0	0	2	14	0	0	20
May	1	1	2	4	0	0	1	1	5	1	0	0	1	1	0	0	1	2	1	0	8
June	2	1	0	3	0	0	0	0	3	1	3	2	6	0	0	0	0	6	1	0	10
July	1	2	0	3	0	0	0	0	3	1	0	0	1	0	0	0	0	1	1	0	5
August	0	0	1	1	2	0	0	2	3	1	0	0	1	1	0	0	1	2	0	9	14
September	1	0	0	1	0	0	0	0	1	0	0	0	0	1	0	0	1	1	6	0	8
October	1	1	0	2	0	0	0	0	2	0	2	0	2	0	0	0	0	2	6	0	10
November	1	2	0	3	1	0	0	1	4	2	3	0	5	0	0	0	0	5	2	0	11
December	4	0	0	4	2	0	0	2	6	3	0	0	3	0	0	0	0	3	3	0	12
Total	19	9	3	31	8	0	1	9	40	19	39	3	61	5	0	0	5	66	23	9	138

Graph 21: Human Rights Violation in Bangladesh-India Border Area 2011

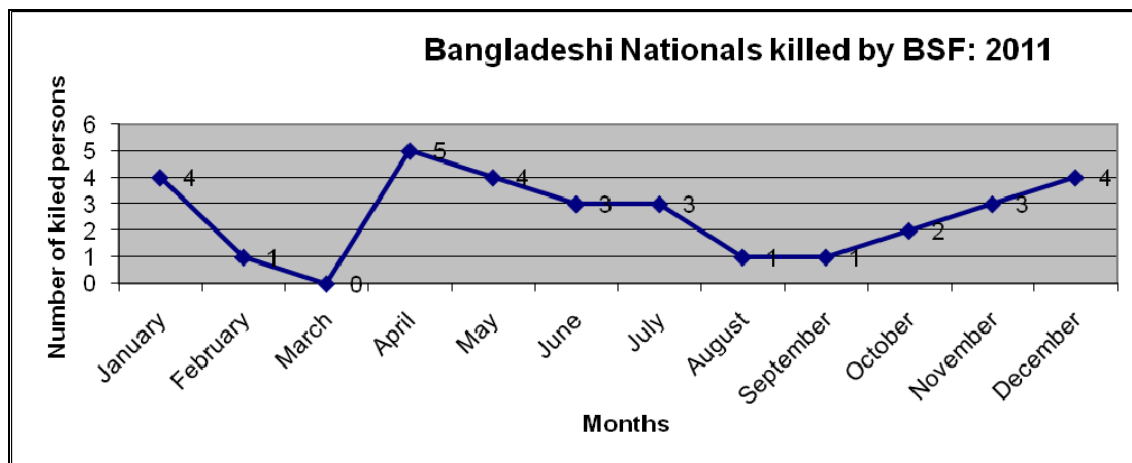
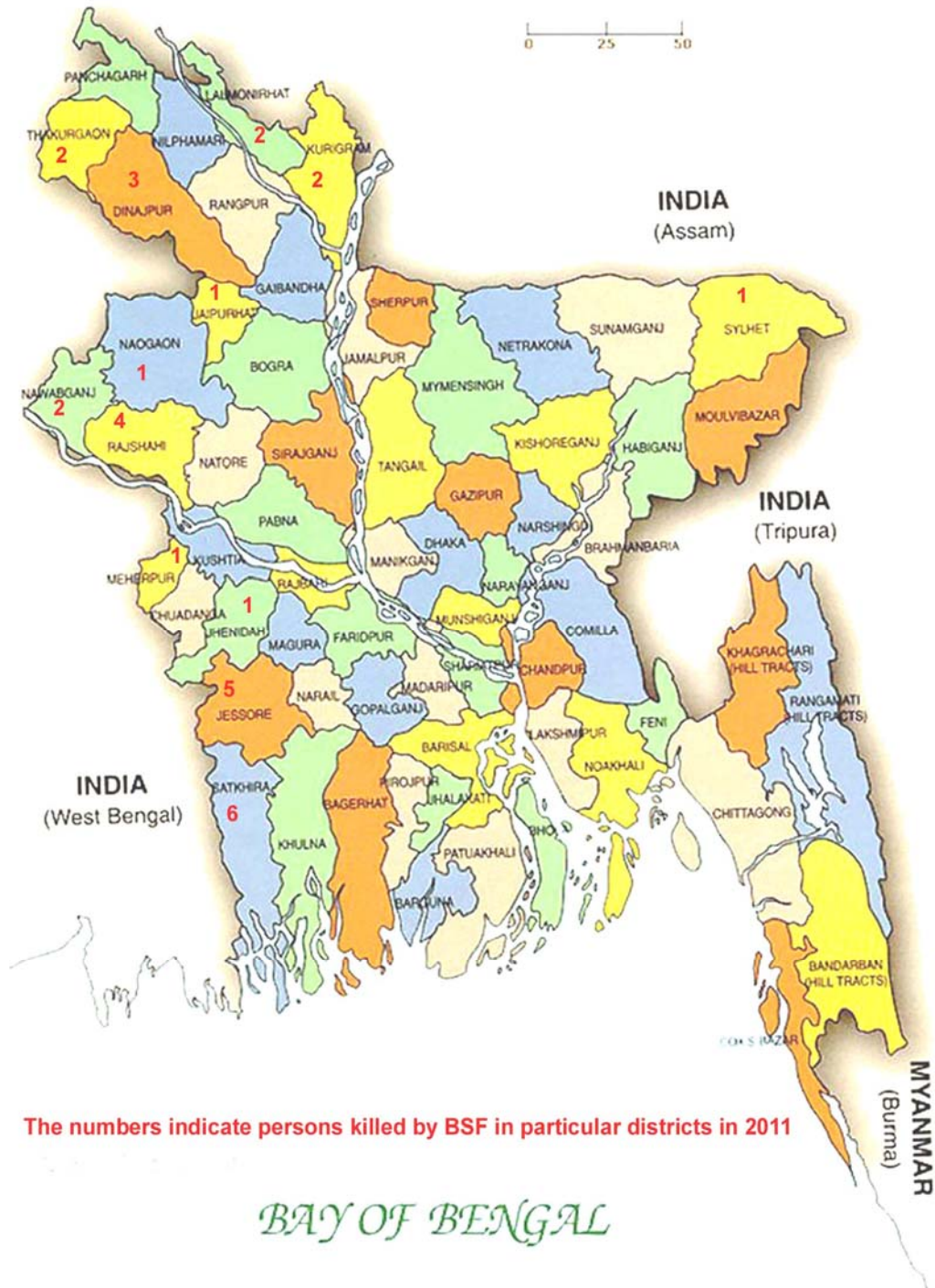


Figure 1: BSF killings at India-Bangladesh Border in 2011



237. On January 7, 2011, 15-year old Felani Khatun, who used to live in India, was shot and killed by the Indian BSF while she was entering Bangladesh from India near the international 947 pillar of the Anantapur border in Phulbari Upazila under Kurigram

district. She was left hanging on the fence for 5 hours. The BSF handed her over to the BGB 30 hours later.¹⁹¹ On February 7, 2011, the State Minister for Forest and Environment (Presently a Minister), Hasan Mahmud stated, on behalf of the Foreign Minister, that “this was a stray and isolated incident which did not put any negative impact on the friendly relations between the two neighbouring countries.”¹⁹² 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, 2011.¹⁹³

238. Odhikar strongly condemn the statements of the Home Minister and Environment Minister. Instead of compelling India to give compensation to Felani’s family and other victims of BSF killings, the irresponsible statements from top level shows the lack of sensitivity towards the citizens of the country, which is another example of the weak foreign policy of the Bangladesh Government.
239. According to the Memorandum of Understanding and related treaties signed between the two countries, if citizens of the two countries illegally cross the border, it would be considered trespass and as per law those persons should be handed over to the civilian authority. However, we have repeatedly noticed that India has been violating treaties, shooting at anyone seen near the border or anyone trying to cross the border, which is a clear violation of international law and human rights.
240. The BSF continues its killing missions by violating promises given at meetings at the various levels, and despite assurances of stopping human rights violations. On February 18, 2011, the Indian BSF tortured Billal Hossain (19), son of Shukkur Ali; Nur Hakim (16), son of Shamsuddin; Munna, son of Manirul Islam; and Rahmat Ali (13), son of Babar Ali by taking them from Darshona border at Damurhuda under Chuadanga district while they were cutting grass. Later they were handed over to Border Guard Bangladesh through a flag meeting.¹⁹⁴
241. BSF Director General Raman Sribastav stated, in a joint press briefing on March 12, 2011, after a 5-day DG level conference between Bangladesh Border Guard (BGB)

¹⁹¹ Fact finding report of Odhikar- www.odhikar.org/FF_report.html

¹⁹² The daily New Age, 08/02/2011, Felani murder isolated incident, FM tells JS, <http://newagebd.com/newspaper1/national/8010.html>

¹⁹³ The daily Prothom Alo, 31/05/2011, <http://www.prothom-alo.com/detail/date/2011-05-31/news/158607>

¹⁹⁴ The daily Manabzamin, 09/02/2011, Damurhuda correspondent

and BSF held in New Delhi that “non-lethal weapons will be given to the border guards at the sensitive areas in India-Bangladesh frontiers. This is an experimental decision. If it is succeeded, it would be implemented along 4096 kilometres of border areas between the two countries.” He said that BSF does not want to kill any Bangladeshi citizen.¹⁹⁵

242. 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.¹⁹⁶
243. 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.¹⁹⁷
244. On June 16, 2011 BSF arrested Shaheen, Shoriful Islam and Mulfikkar of Dhannokhola upazila, Jessore and beat them with hockey sticks and allegedly injected petrol into their bodies.¹⁹⁸
245. Indian Home Minister P. Chidambaram on July 30, 2011 said in a conference held in Bangladesh, that India has ordered Border Security Force not to shoot any one crossing Indo- Bangladesh border no matter what the circumstances are. He also said BSF would fire in self defense.¹⁹⁹
246. 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.

¹⁹⁵ The daily Prothom Alo, 13/03/2011, reported by New Delhi correspondent; <http://www.prothom-alo.com/detail/date/2011-03-13/news/138113>

¹⁹⁶ Fact-finding report of Odhikar- www.odhikar.org/FF_report.html

¹⁹⁷ The daily Amar Desh, 08/05/2011, <http://www.amardeshonline.com/pages/details/2011/05/08/80359>

¹⁹⁸ The daily Kaler Kantho, 18/06/2011; http://www.kalerkantho.com/?view=details&archiev=yes&arch_date=18-06-2011&type=gold&data=Cook&pub_no=555&cat_id=1&menu_id=56&news_type_id=1&index=4

¹⁹⁹ The daily Star, 31/07/2011; <http://www.thedailystar.net/newDesign/news-details.php?nid=196397>

247. On October 8, 2011, two Bangladeshis named Swapon and Waj Ghosh were tortured by the BSF at Chormajhdoria border under Poba Upazila in Rajshahi district. Both were left at the border in critical condition. Swapon died on the spot and later local people rescued Waj Ghosh and admitted him to Rajshahi Medical College Hospital.²⁰⁰
248. On November 18, 2011, Shariful Islam (23) was killed near Border Pillar 179, in Singnagar of Shibganj upazilla, Chapainawabganj district. He was gunned down by members of the BSF 123 Battalion of Daulotpur Border Station under Maldah district of India while he was ploughing his field.²⁰¹
249. On December 16 and 17, within 48 hours, BSF killed 4 Bangladeshis in the frontier districts of Kurigram, Dinajpur and Meherpur. The victims were Alamgir Hossain (25) of Kurigram, Naharul Islam (40) of Meherpur Motiar Rahman (20) and Tajul Islam (26) of Dinajpur.²⁰²
250. The BSF are killing unarmed Bangladeshi civilians at the border and as a result, they do not bother about the protests that Bangladeshi authorities are raising. Despite the issue being raised by Bangladeshi authorities at the regular meetings between the two countries and the border guards, it remains merely an assurance without result; which means that the BSF have not stepped back from its shoot to kill policy. Odhikar believes that the Government of Bangladesh has the responsibility to ask its Indian counterpart for an explanation regarding such killings, injuries, abduction and other human rights violations against of Bangladeshi citizens residing at the border areas. Odhikar urges the Bangladesh Government to take effective steps with the Indian Government to ensure the prevention of further firing and killings by the BSF. Odhikar urges the Bangladesh Government to demand from the Indian Government adequate compensation for the families of the victims and trial and punishment for the perpetrators. The Government should also ensure the security of those citizens residing at the border areas.

Bangladesh-India joint land survey

251. 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

²⁰⁰ The daily Amar Desh, 13/10/2011; <http://www.amardeshonline.com/pages/details/2011/10/13/111485>

²⁰¹ The daily Amar Desh, 20/11/2011; <http://www.amardeshonline.com/pages/details/2011/11/20/118339>

²⁰² The Daily Star, 18/12/2011; <http://www.thedailystar.net/newDesign/news-details.php?nid=214618>

team of Bangladesh and India initiated a survey of land about 150 yards inside Bangladesh territory in 1264 no. Manaikandi Mouja from pillar 1S.²⁰³ 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.²⁰⁴

252. Odhikar believes that giving up Bangladeshi land in the name of a joint survey is to belittle the country's sovereignty. Odhikar calls on the government to refrain from such shameless and anti-people conduct.

Tin Bigha Corridor

253. Bangladesh handed over Berubari to India as per the Mujib-Indira Agreement signed in 1974. But India is yet to hand over the Tin Bigha corridor to Bangladesh as per the agreement. On September 6, 2011, after the visit of the Indian Premier, Manmohon Singh, it was declared that the Tin Bigha corridor will remain open 24 hours. However, Bangladesh is supposed to get the Tin Bigha corridor back as per the 1974 agreement.²⁰⁵

Tipaimukh Dam

254. On October 22, 2011, NHPC²⁰⁶, SJVN²⁰⁷ and India's Manipur State government signed a joint venture agreement for the construction of the Tipaimukh Dam and a hydro-electric power station.
255. International River Laws and Conventions do not permit any country to build dams or reservoirs on common rivers affecting down stream countries. The countries where the rivers have their origin do not have the absolute right to divert, preserve and withdraw water without the concurrence of the lower riparian country. Though there were assurances from the Prime Minister on November 24, 2011 that she would not

²⁰³ The daily Ittefaq, 09/07/2011; <http://new.ittefaq.com.bd/news/view/27395/2011-07-09/1>

²⁰⁴ The daily Amar Desh, 29/07/2011; <http://www.amardeshonline.com/pages/details/2011/07/29/95837>

²⁰⁵ Farhad Mazhar's Article, the daily Naya Diganta, 17/09/2011

²⁰⁶ National Hydro-electronic Power Corporation, India

²⁰⁷ Satluj Jal Vidyut Nigam Limited, India

allow the interest of Bangladesh to be hampered, the Prime Minister's Adviser on International Relations, Gowher Rizvi, upon his meeting with Indian Prime Minister, Monomohon Singh in New Delhi on December 03, 2011, said that 'notions about the adverse impacts of the Tipaimukh dam on Bangladesh are groundless.'²⁰⁸

256. According to experts and environmentalists, construction of Tipaimukh Dam on River Barak will create havoc on North-eastern part of Bangladesh. According to the study 'Institute of Water Modelling (IWM) Bangladesh 2005', if the Tipaimukh Dam is constructed, it will decrease water flow in the Barak river during the monsoon, reduce the navigability of the Surma and the Kushiara, dry up some beels and marshes and increase river bank erosion 100-150 km downstream. The impact of the negative affect of the dam, such as reduced water flow during the monsoon, will be visible immediately after the dam is operational and the impact on ecology will continue for next few centuries. If this dam is built, around 26 percent of haors in Sylhet and around 11 percent in Moulivibazar districts of Bangladesh will become dry. It also said that it will cause moderate to severe floods in some parts of the Sylhet region in April and May and inundate boro rice fields at harvest time. The impact of the river flood plain wetland will destroy the natural integrity of the eco system and the consequence of this will induce the loss of habitat for many species and even cause extinction in northern-eastern region of Bangladesh.²⁰⁹
257. The International Convention on Joint River Water states that without the consent of the downstream river nation, no single country alone can control multi-nation rivers. But India does not care for these international laws despite being a signatory to this Convention. The unilateral construction of Tipaimukh Dam by India on this international river Barak is a violation of UN Convention on the Law of Non-navigational Uses of International watercourses. If India constructs the dam without the consent of Bangladesh, it will also be a violation of Article 9 of Bangladesh-India Ganges Water Sharing Treaty, 1996. The Tipaimukh Dam project was entirely developed and approved without informing the Government of Bangladesh or

²⁰⁸ The daily New Age, 08/12/11

²⁰⁹ The Daily Star, 21/11/11; <http://www.thedailystar.net/newDesign/news-details.php?nid=211030>

involving its people in any meaningful exercise to assess the downstream impacts of the dam. This is clearly a gross violation of co-riparian rights of Bangladesh.²¹⁰

258. Odhikar expresses its grave concern that without taking necessary steps to stop constructing Tipaimukh Dam by India, the Prime Minister's Adviser on International Relations, Gowher Rizvi, is supporting this issue, without taking consideration of the interest of Bangladesh. Odhikar asks the Government of Bangladesh to take serious steps to strongly object to unilateral decision taken by the Indian government to void this agreement. In meetings between the Heads of States of the two countries in both 2010 and 2011, Indian Prime-Minister Manmohan Singh had assured that no plan which would adversely affect Bangladesh would be implemented in Tipaimukh. India had also promised that Bangladesh would be informed before any project is initiated on Borak River.²¹¹ The Bangladesh Government must take immediate diplomatic action to defend her rights over international rivers as a downstream country and explore avenues internationally to protect Bangladesh from the potential devastation that might be caused by the Tipaimukh project.

Bangladesh-India collaboration of repression

259. The Bangladesh Government collaborates with the India Government to continue repression against political movements for self determination of peoples who ethnically, culturally and historically do not consider themselves belonging to India. In 2011 it is reported that 3 leaders of the United Liberation Front of Asom (ULFA), one leader of the Garo National Liberation Army of Meghalaya were arrested from Bangladesh and handed over to India.
260. Members of the Border Guard Bangladesh (BGB) handed over three leaders of the United Liberation Front of Asom (ULFA), Captain Antu Chaudang, Second Lieutenant Prodeep Chetia and Corporal Shourav to the Indian authority. On February 5, 2011, Indo-Asian News Service reported that the ULFA leaders were handed over to the Indian Border Security Forces (BSF) through Dauki border near Meghalaya of India after detaining for a long time in Bangladesh.²¹²
261. Champion R Sangma, Chairman of Garo National Liberation Army, an organisation for self determination in Meghalaya in India, was arrested recently from Modhupur in

²¹⁰ <http://community.eldis.org/?2333@@.59c62948!enclosure=.59c62949&ad=1>

²¹¹ The daily Prothom Alo, 20/11/2011; <http://www.prothom-alo.com/detail/date/2011-11-20/news/202282>

²¹² The daily New Age, 06/02/2011, <http://newagebd.com/newspaper1/national/7758.html>

Tangail district in Bangladesh. This was also reported in the media in Meghalaya and Assam. It was reported in some newspapers, including Garo Hills and Meghalaya News that the leader of the GNLA, Champion R Sangma has been detained in Bangladesh.²¹³

262. The men were engaged in the struggle for self-determination and to protect their own life, had taken shelter in Bangladesh. Article 25(1) (C) of the Bangladesh Constitution 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.'

²¹³ The daily Amardesh, 07/07/2011, <http://amardeshonline.com/pages/details/2011/07/07/91607>

CHAPTER VI: LIVELIHOOD RIGHTS

Workers' Rights

263. The readymade garment sector is an important sector in Bangladesh. It contributes largely to the country's economy and creates employment opportunity for people, especially women. However in this sector even the minimum facilities for the workers are mostly ignored. Residential or health facilities for workers, day care facilities for their children are almost absent. This sector discourages trade unionism and most of the violence and clashes took place due to unpaid wages, or demands for an increase in wages.²¹⁴ 2010 was full of workers unrest in the readymade garments factories which were followed by incidents of violence in this sector. On October 03, 2010 the government introduced the industrial police, a specialised unit of law enforcers, aiming to maintain order in the country's four industrial zones on recommendations made by the Bangladesh Garment Manufacturers and Exporters Association (BGMEA). The police personnel deputed from the police department made up the force in Dhaka, Gazipur, Narayanganj and Chittagong industrial hubs.²¹⁵ By doing so, the Government has inaugurated a force to protect the interest of the owner, not the worker. Moshrefa Mishu, the President of the Garments Workers Unity Forum and General Secretary of the Democratic Revolutionary Party, was arrested on December 14, 2010 and was released on April 28, 2011.
264. Four workers died inside the garment factories and among them 03 were died due to stampede and one was allegedly pushed to death by a factory supervisor from the 5th floor of the factory. During this time, 917 persons were injured while protesting in demand of either overdue wages or for an increase in wages; and against other work related acts of violence in the readymade garments sectors.

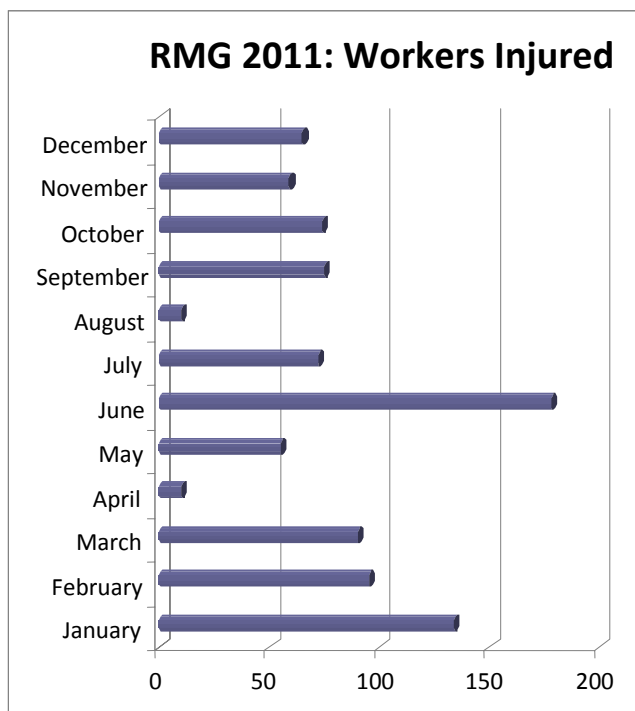
²¹⁴ Earlier the minimum wage of a garment worker was Taka 1662 per month (USD 23.96). On July 29, 2010, the Minimum Wage Board declared Taka 3,000.00 (USD 43.47) per month as the minimum wage for garments workers. However, the garments workers had been demanding Taka 5,000.00 (USD 72.46) per month to 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) from August 2010.

²¹⁵ The Daily Star, 03/10/11, <http://www.thedailystar.net/newDesign/news-details.php?nid=157098>

Table 15: RMG 2011

Violence in RMG sector: 2011										
Month	Died		Subtotal	Injured		Subtotal	Arrested	Property Damage	Victim law enforcement agency	Total
	Killed	Others		Beating	Others					
January	1	0	1	114	20	134	4	7	20	176
February	0	1	1	20	75	95	0	6	0	102
March	0	0	0	44	46	90	0	4	10	1263
April	0	0	0	0	10	10	0	2	0	12
May	0	0	0	55	0	55	0	0	0	56
June	0	0	0	178	0	178	0	7	17	202
July	0	0	0	30	42	72	40	1	0	395
August	0	0	0	10	0	10	0	7	0	146
September	0	0	0	10	65	75	2	2	13	613
October	0	0	0	74	0	74	48	1	6	129
November	0	0	0	59	0	59	3	0	3	131
December	0	2	2	0	65	65	0	1	0	407
TOTAL	1	3	4	594	323	917	97	38	69	3632

Graph 22: RMG 2011



Safety of ready-made garment factories

265. The ready-made garments industry, over the years, has developed in buildings constructed in an unplanned manner. This creates the scope for various accidents. The locking or blocking of emergency exits often leads to the workers not being able to evacuate in time.
266. The Home Ministry Inquiry Committee asked for legal action under the Code of Criminal Procedure against building owners not complying with fire safety measures.²¹⁶ The fire service has asked the owners to set up hydrant points and 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.²¹⁷ However, the owners of the garments industry did not face conviction of any worker’s death.

Ready-made garments factory workers

267. On January 10, 2011 RAB and police baton charged and threw tear gas shells at 750 workers of Highlane Sweater factory in Adamzi EPZ when they demanded their due wages. At least 50 workers were injured in the attack by RAB and police. The workers alleged that on January 4, 2011 the authority abruptly declared a shut down of the factory without notice to the workers or paying their wages.²¹⁸
268. On January 21 and 22, 2011, workers of the ACI Pharmaceutical Company in Siddhirganj under Narayanganj District, stopped their work and demanded an increase in wages and permanent jobs²¹⁹ and in protest against the termination of a worker named Gopal. The workers, on January 23, 2011, stopped their work as no result came out of the meeting between workers and the authority. An argument occurred between the workers and Ishtiaque Ahmed, General Manager of the company. At one stage workers became annoyed and a clash commenced when the General Manager asked police to intervene. A worker named Enamul Huq (25) died

²¹⁶ The Daily Star, 05/04/2010, <http://www.thedailystar.net/newDesign/news-details.php?nid=133022>

²¹⁷ The Daily Star, 27/02/2010, <http://www.thedailystar.net/newDesign/news-details.php?nid=128085>

²¹⁸ The daily Amar Desh, 11/01/2011, report from Siddhirganj (Narayanganj) representative, <http://www.amardeshonline.com/pages/details/2011/01/11/62587>

²¹⁹ There are about 750 temporary workers at ACI Pharmaceuticals Company, according to this report

- in police firing and at least 50 workers were injured with rubber bullets shot during this clash.²²⁰
269. On July 5, 2011, workers of Sicotex Fabrics at Siddhirganj under Narayanganj district came out to protest the acts of violence against workers, non payment of wages and of overtime. Violence between workers and supporters of the factory owner occurred when the agitated workers were demonstrating. At least 15 workers were injured in this incident.²²¹
270. 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.²²²
271. Two female garment workers named Jasmin Akter (20) and Taslima Shikha (20) were killed and 71 others, mostly women, injured in a stampede triggered by a twin boiler explosion at Euro Tex Limited at Chankharpool the old Dhaka. As panic gripped the workers on the floors a production manager, Ashraf Hossain asked the factory security personnel to lock all exits, triggering a mad rush, alleged machine operator Hasina Khatun.²²³
272. Increasing price hikes of daily needs means many workers are living from hands to mouth with a minimum wage of 3000 taka (USD 43.47). Odhikar demands the minimum wage should be 5000 (USD) with other facilities added. Odhikar has demanded that the Government should cancel the licenses of those garments factories, which are not following the tripartite agreement²²⁴ and thereby causing labour unrest.

²²⁰ The daily Ittefaq, 24/01/2011, <http://ittefaq.com.bd/content/2011/01/24/news0061.htm>

²²¹ The daily Amardesh, 06/07/2011, <http://www.amardeshonline.com/pages/details/2011/07/06/91435>

²²² The daily New Age, 21/09/2011

²²³ The daily New Age, 04/11/2011

²²⁴ 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

Cases filed against the Trade Union Leaders

273. 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, with Paltan Police Station under Sections 143/147/323/380/506 of the Penal Code, and with 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.²²⁵

²²⁵ Statement of the Minimum Wages and Labour Act Implementation Council, 2 May 2011

CHAPTER VII: MIGRANT WORKER'S RIGHTS

274. The year 2011 was a very important year for migrants of Bangladesh. The Libyan crisis affected the Bangladeshi workers in a major way. The beheading of several Bangladeshi workers took place in Saudi Arabia, following a questionable judicial process, was another unfortunate event. The year has also seen the initiative of the Government to frame a new Migration Policy, the ratification of the UN Convention on Migrant Workers and the introduction of migration financing loan by the newly set up Migrants Welfare Bank.

Patterns and Trends

275. In 2011, 550,000 people migrated from Bangladesh. This was 40.81 percent higher than last year. Almost half of the migrants (49.73 percent) went to UAE and about a quarter (23.75 percent) to Oman. The other major destination country was Singapore (8.61 percent). BMET data on source areas show that it is from a handful of districts that most migrants originate, highlighting the fact that social network is still the most important conduit of migration.²²⁶ The government's plan to send workers from environmentally vulnerable areas has not resulted in increased migration from those areas.²²⁷ Deportation of workers was a major issue. From January to October 2011 34,831 workers were deported from various countries of the world. 24,862 of them were sent back from Saudi Arabia alone. In many instances migrants were sent back arbitrarily, without following due process.²²⁸

Remittances

276. In 2011 receipt of remittance amounted to US\$11.7 billion. The figure is 9.25 percent higher than the previous year. Saudi Arabia still remained the highest remittance sending country followed by UAE, USA, Kuwait, UK and Malaysia.²²⁹

Libyan Issue

277. One of the most important challenges that the Government faced this year was repatriation of Bangladeshi workers stranded in Libya when hostilities broke out in the wake of the movement for democratic reform. With the help of the international

²²⁶ Report of Bureau of Manpower Employment and Training (BMET), Government of Bangladesh

²²⁷ Only 0.39 percent of the migrants originated from Satkhira, 0.35 percent from Barguna and Bagerhat, 0.26 percent from Patuakhali.

²²⁸ Report of Bureau of Manpower Employment and Training (BMET), Government of Bangladesh

²²⁹ Ibid

community, Bangladesh repatriated 36,656 workers. By securing loans from the World Bank the Government has also provided Tk.50,000 to the returnees as one time grant. A RMMRU survey²³⁰ conducted on 10,000 returnees from Libya, demonstrates that 92 percent of the workers on an average have Tk. 165,000 as debt. So far little effort has been undertaken for their re-deployment in other countries or re-integration at home. National trade bodies such as the Federation of Bangladesh Chambers, BGMEA, BKMEA, REHAB expressed their commitment to employ the returnees from Libya. However, their statements were not followed by action.²³¹

Redress of Complaints

278. Despite facing a plethora of problems in all phases of the migration process, Bangladeshi migrants and their family members generally do not feel inclined to register their complaints. This is manifested in the low number complaints registered with the BMET. In 2011 the Agency had 551 complaints at its disposal. Of this figure, 262 cases were settled and 104 complaints were dismissed for lack of evidence. The remaining 185 cases are under process. The RMMRU report²³² notes that lack of information about the procedure of filing complaints, lack of necessary documents, inability to nominate a competent representative in the arbitration process by the affected person, short notification time and lack of transparency of the arbitration process have been identified by the migrants to be important drawbacks in the complaints mechanism of BMET.
279. In 2011 Bangladesh ratified the UN Convention on Migrant Worker and Members of their Families. The ratification was the result of a decade and half long campaign by the concerned organisations of Bangladesh. This year Bangladesh voted for the adoption of the ILO Convention on Decent Work for Domestic Workers. The Government should immediately put in place enabling laws and institutions in conformity with the UN Convention on Migrants Workers.
280. In 2011 the Governments instituted some major tasks in establishing good governance in the migration sector. These include successfully repatriating the Bangladeshi workers from Libya, preparing a draft of the Overseas Employment and

²³⁰ 'Emergency return of Bangladeshi workers from Libya', RMMRU Report, 2011

²³¹ Ibid

²³² 'Migration Trends and Patterns in 2011, Annual Review by RMMRU', presented at the National Press Club on 17 December 2011

Migration Act, beginning of the operation of the Probashi Kallyan Bank (Migrants' Welfare Bank) and the ratification of the 1990 UN Convention on the Rights of Migrant Workers.

281. The Government has however failed in a major way on some other issues. The failure was particularly stark in its inability to stop the execution of the Bangladeshi migrants in Saudi Arabia and in reducing the migration costs and machinations of intermediaries at home and abroad. The re-deployment or creation of employment opportunities at home for returnees from Libya have posed a serious challenge to the policy makers. The ill treatment of Bangladeshi workers in the countries of destination remains to be a major problem for the Bangladeshi government. For lack of protection many female workers came back home from Jordan before the end of their contract period.²³³ Little could be achieved through bilateral discussions with the labour receiving countries. But the Government is yet to push the issue of protection of workers in the regional and international forums. Bangladesh's dependence on a handful of countries for sending labour and its inability to secure new labour markets and re-access old markets in Malaysia and Saudi Arabia were major challenges for its policymakers for 2012.

Beheading of Workers in Saudi Arabia

282. On October 7, 2011, eight Bangladeshi migrant workers were beheaded in Saudi Arabia for their alleged involvement in a robbery and the subsequent murder of an Egyptian security guard in 2007 in Riyadh. Those beheaded are Shumon Mia of Kamarpur village under Pakundia Upazila in Kishoreganj; Masud and Sumon, of Purvashubha village under Kalihati Upazila in Tangail; Mamun of Abdullahpara village under Sadar Upazila in Tangail; Shafiqul Islam of Bhatkurar Chala village under Shafipur Upazila in Tangail; Farooque of Poiakandi village under Daudkandi Upazila in Comilla; Abul Hossain of Faridpur; and Motiar Rahman of Krishnanagar village under Sadar Upazila in Faridpur.²³⁴
283. As per Saudi law, anyone sentenced to death for killing another can only be pardoned by the victim's family. The families of the eight Bangladeshis have dismissed the Government claim that it had done everything to save their lives. They

²³³ RMMRU Report, 2011

²³⁴ The daily Naya Diganta, 09/10/2011, <http://www.dailynayadiganta.com/details/3761>

alleged that the Bangladeshi authorities concerned neither appointed a defense lawyer nor took adequate measures for clemency.²³⁵

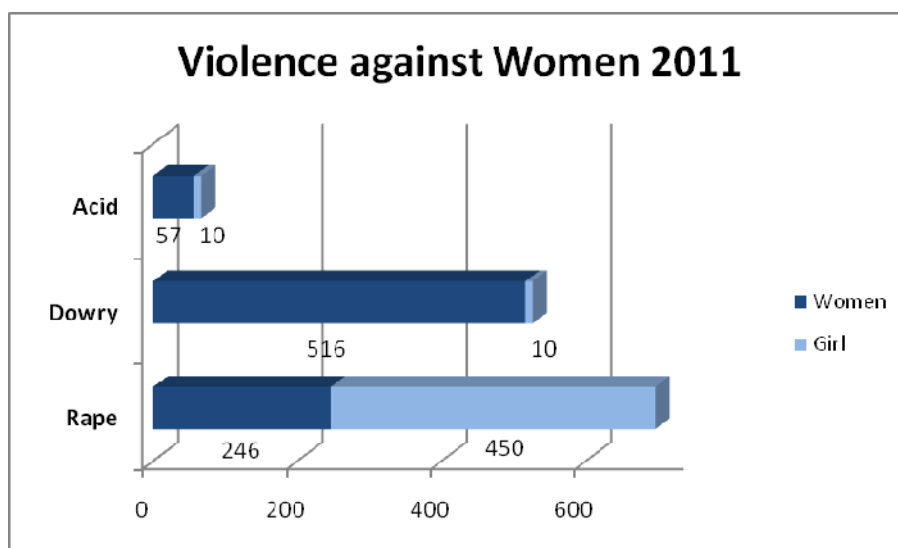
284. Odhikar expresses its grave concern over the allegations of the Bangladesh Government's failure to take effective steps to protect its workers. Such claim only highlights the lack of care of Bangladeshi citizens abroad.

²³⁵ The Daily Star, 29/10/2011, <http://www.thedailystar.net/newDesign/news-details.php?nid=208405>

CHAPTER VIII: VIOLENCE AGAINST WOMEN

285. Violent acts towards women, such as domestic violence, dowry related violence, rape, acid attacks, and sexual harassment are widespread in Bangladesh. Deep rooted patriarchy is the major cause of violence against women. Lack of police action for providing support to the victim and a weak judicial system create barriers for women for seeking justice.

Graph 23: Violence against women 2011



Domestic Violence

286. Domestic violence prevails in all social class of the society in Bangladesh. Due to social stigma, in most cases women do not want to disclose their husbands mistreatment against them and still this violence is considered a 'private' domestic issue and not a legal one.

287. On June 05, 2011, a teacher of the International Relations Department at Dhaka University, Rumana Manzur had been subjected to abuse from her husband Hassan Syed. The abuse inflicted caused her to permanently lose her eye- sight and left severe injuries on various parts of her body including her nose, mouth, head and limbs.²³⁶ Hasan Syed was arrested and sent to jail. However on December 05, 2011

²³⁶ The daily Manabzamin 12/06/2011

while undergoing treatment at Sheikh Mujibur Medical University Hospital he was found dead in the toilet of prison ward.

288. On December 04, 2011, Hawa Akter Jui, a second year HSC student of Narsingdi College had her right hand hacked off with a machete by her husband Rafiq, because she continued her study despite her husband's opposition. Rafiq was arrested in this matter.

Sexual harassment and stalking

289. During the month of January 2011, a reported total of 672 girls and women were victims of sexual harassment. Among the 672 females, 29 committed suicide, 06 were killed, 59 were injured, 91 were assaulted, 12 were abducted, 15 were victims of attempted to rape, 460 were stalked due to their protest against the sexual harassment, 201 men were victimised by the stalkers and among them 13 men were killed, 01 father committed suicide and 181 were injured and 06 were assaulted. Due to their protest against stalking, 42 women had been victimised by the stalkers and among them 39 were injured and 03 were assaulted.
290. The practice of harassing women is embedded in the psyche of cowards and shows an attitude to women that are particularly demeaning.
291. Sexual harassment and stalking is a grave problem in Bangladesh. Many young girls and women have committed suicide due to unbearable pressure from stalkers and killed by them.
292. On January 26, 2011, a Division Bench of the High Court Division of the Supreme Court, comprising of Justice M. Imman Ali and Justice Sheikh Hasan Arif, ordered every incident of stalking related harassment, sometimes colloquially referred to as eve-teasing, to be considered 'sexual harassment' from now on. At the same time, the High Court Division Bench declared the inclusion of stalking of girls and women in section 10 (ka) of the Prevention of Repression on Women and Children Act of 2000, by bringing some changes in this section.²³⁷ . Additionally the High Court Division Bench declared the inclusion of all Government and private places in the proposed Prevention of Repression on Women and Children Act 2000 (Amendment) as potential areas of sexual harassment along with the educational institutions and work places. Stalking through SMS, E-mail, telephone and mobile phone are also

²³⁷ The daily Amader Shomoy, 27/01/2011

being included in the law as criminal offences. Furthermore, the Court asked that necessary measures be taken in order to make registration for cyber cafés compulsory and to record the identity of users.²³⁸ Further the Court asked the Government, law enforcers and NGOs to refrain from using the term 'eve-teasing' as it diminishes the seriousness of the offence. The Court further urgently ordered that the Government amend the Nari-O-Shishu Nirjatan Daman Ain 2000 in order to incorporate a new definition of sexual harassment and to take immediate action that would protect the victims and witnesses of sexual harassment.²³⁹ The Honourable Court also delivered a judgement that 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.²⁴⁰ However, the police have not taken any initiative to comply with an Order of the High Court that requires every police station to form a separate team of officers to deal with complaints of sexual harassment. The Government has also failed to amend the Nari-O-Shishu Nirajon Damon Ain 2000²⁴¹

293. On July 25, 2011 Nurul Islam Apel was stabbed to death by Chhatra League activists for protesting the stalking of his wife, in front of the Comilla Government College. Apel was also an activist of the Awami League backed Chhatra League. It was learnt that Bipu and Apu of Bagichagaon area used to stalk Ayesha Akhter, wife of Apel and a first year student of the College, ever since she had been admitted to the College. When Apel came to know about the stalking of his wife, he went to the College and locked in an altercation with Bipu and Apu over the issue. At one point, he was stabbed in the chest with a sharp knife. Apel was taken to the Comilla District Hospital where doctors on duty declared him dead.²⁴²
294. On October 12, 2011, a teacher of Purbo Sujankathi Government Primary School at Barisal, Sharmin Jahan (24), who was 5 months pregnant, was stabbed to death by a local Jubo League leader, Abul Hossain, when she was returning home from her school. Sharmin had been stalked by Abul Hossain for a long time.²⁴³

²³⁸ The daily Prothom Alo, 27/01/2011, <http://www.prothom-alo.com/detail/date/2011-01-27/news/126785>

²³⁹ The daily New Age, 14/09/2011

²⁴⁰ The daily Naya Diganta, 27/01/2011

²⁴¹ The Women and Children Repression Prevention Act 2000

²⁴² The daily Manabzamin, 26/07/2011

²⁴³ The daily Prothom Alo, 13/10/2011, <http://www.prothom-alo.com/detail/date/2011-10-13/news/193453>

Table 16: Stalking Victims in 2011

Month (s)	Total victim		Total
	Female	Male	
January	59	24	83
February	94	24	118
March	76	31	107
April	58	7	65
May	53	13	66
June	36	7	43
July	71	6	77
August	45	15	60
September	77	24	101
October	80	31	111
November	37	14	51
December	28	5	33
	714	201	915

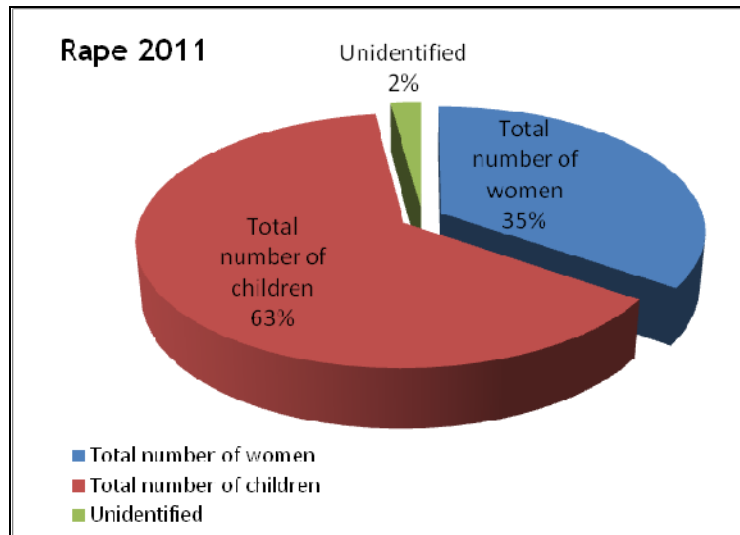
Rape

295. Reports of rape increased in 2011. According to Odhikar's statistics in 2010, 559 persons were victims of rape. However, in 2011 the total number was 711.
296. Since January to December 2011, a total of 711 women and girls were reportedly raped. Among them, 246 were women and 450 were girls and 15 victims could not be given an age. Of the adults, 54 were killed after being raped and 119 were victims of gang rape and 04 committed suicide after being raped. Out of 450 child victims, 34 children were killed after being raped, 115 were victims of gang rape and 09 committed suicide.

Table 17: Rape 2011

Rape 2011													
Month (s)	Total number of victims	Total number of women	Total number of children	Unidentified	Gang Rape			Killed after being raped			Committed suicide after being raped		
					Women	Children	Unidentified	Women	Children	Unidentified	Women	Children	Unidentified
January	34	15	19	0	10	5	0	9	3	0	1	1	0
February	54	19	34	1	13	9	0	2	3	0	1	3	0
March	62	26	35	1	13	10	0	8	1	0	1	0	0
April	66	21	43	2	6	12	0	5	6	0	1	0	0
May	59	17	42	0	10	9	0	7	3	0	0	2	0
June	53	16	37	0	9	10	0	4	4	0	0	1	0
July	88	33	54	1	13	12	1	2	4	0	0	1	0
August	62	21	40	1	11	15	1	4	2	0	0	0	0
September	104	41	62	1	15	13	0	6	3	0	0	0	0
October	55	14	41	0	4	14	0	3	3	0	0	1	0
November	48	17	26	5	10	5	3	3	1	1	0	0	0
December	26	6	17	3	5	1	0	1	1	1	0	0	0
Total	711	246	450	15	119	115	5	54	34	2	4	9	0

Graph 24: Rape 2011 (type)



297. On January 23, 2011 a group of criminals kidnapped a SSC examinee of Diarbaghail village in Ishwardi under Pabna district. The criminals killed her by breaking her arms and legs and blinding her after rape. Later her body was hung from a tree with her scarf. The father of the deceased alleged that Anwar, son of Polan Sheikh of the same village, deliberately killed his daughter after violating her because they refused to let him marry her. Police did not arrest anyone in this regard.²⁴⁴
298. On July 10, 2011 the body of a woman called Morium Murmu, who belonged to an ethnic minority community, was recovered tied to a tree in Godagari in Rajshahi. It has been learnt that the criminals strangled her to death after raping her and tied her to a tree.²⁴⁵
299. On August 7, 2011 a 17-year old girl, Mina Rani Das, was killed after being raped in Gangkolpara under Nasirnagar Upazila in Brahmanbaria District. Her body was found hanging from a tree. The place of occurrence was only 100 yards from the police station.²⁴⁶

Dowry-related violence

300. Dowry is one of the major causes of domestic violence. Women are seen as a commodity where monetary transactions are involved with their marriage. Due to non payment of dowry many women are subjected to violence by their husband or in-laws

²⁴⁴ The daily Amar Desh, 25/01/2011, <http://www.amardeshonline.com/pages/details/2011/01/25/64916>

²⁴⁵ The daily Amardesh, 11/07/2011, <http://www.amardeshonline.com/pages/details/2011/07/11/92321>

²⁴⁶ The daily Amar Desh, 09/08/2011, <http://www.amardeshonline.com/pages/details/2011/08/09/98154>

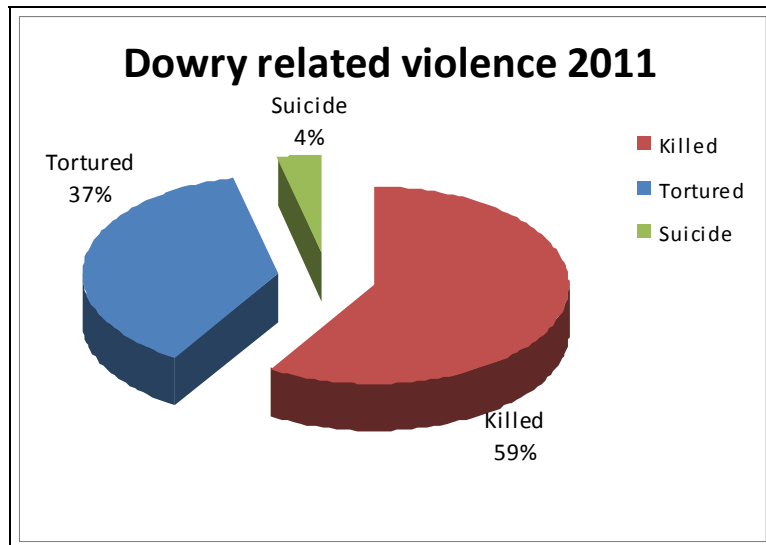
and are even killed. Dowry is often not a one-time payment. The husbands or in laws unlimited greed make the bride and her family more vulnerable to additional financial demands and violence.

301. From January to December 2011, a total of 516 women and 10 children were subjected to dowry related violence. Of the women, it has been alleged that 305 women were killed because of dowry, 192 were reported ill treated in various other ways for dowry demands and 19 women committed suicide. 06 children were killed because of their parent's dowry related conflict.

Table 18: Dowry 2011

Dowry 2011													
Month	Women			Total	Childern			Total	Men			Total	Grand Total
	Killed	Physical Abuse	Suicide		Killed	Physical Abuse	Suicide		Killed	Physical Abuse	Suicide		
January	12	9	0	21	0	3	0	3	0	0	0	0	24
February	19	13	5	37	0	0	0	0	0	0	0	0	37
March	33	11	2	46	0	0	0	0	0	0	0	0	46
April	21	4	2	27	2	1	0	3	0	0	0	0	30
May	32	13	2	47	0	0	0	0	1	0	0	1	48
June	21	12	0	33	1	0	0	1	0	0	0	0	34
July	39	18	1	58	2	0	0	2	0	0	0	0	60
August	35	17	2	54	1	0	0	1	0	0	0	0	55
September	31	17	1	49	0	0	0	0	0	0	0	0	49
October	27	30	3	60	0	0	0	0	0	2	0	2	62
November	18	35	1	54	0	0	0	0	0	0	0	0	54
December	17	13	0	30	0	0	0	0	0	0	0	0	30
Total	305	192	19	516	6	4	0	10	1	2	0	3	529

Graph 25: Dowry 2011



302. Taking or demanding dowry is an offence, punishable with imprisonment and/or fine according to the Dowry Prohibition Act 1980 and the The Women and Children Repression Prevention Act 2000 (amended in 2003). However absence of proper implementation of laws and failing to create awareness makes this practice and the related violence common.
303. Parul Begum, a housewife, was set on fire after being beaten by her husband Al-Amin Fakir and in-laws over dowry demands at Shahjira village of Gouranodi Upazila under Barisal district. She was admitted to the burn unit at Shohrawardi Hospital in Dhaka in critical condition. She succumbed to her injuries on February 7, 2011 in the hospital. Police arrested the victim's mother-in-law Monwara Begum in connection with this incident.²⁴⁷
304. On July 10, 2011 Aleya Khatun (22), a housewife, was beaten and strangled to death over dowry demands by her husband Nazrul Islam in Aaigbari Parkol village under Shahjadpur municipality area in Sirajganj.²⁴⁸

Acid violence

305. As per Odhikar's statistics, between January and December 2011, it was reported that 101 persons were victimised due to acid violence. Of these affected persons 57 were women, 25 were men, 10 were girls and 09 boys.

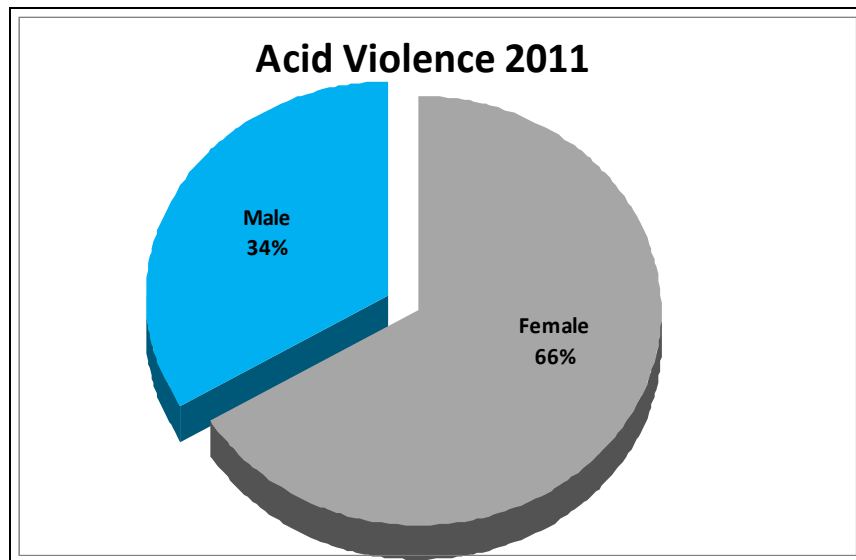
²⁴⁷ The daily Ittefaq, 09/02/2011, <http://ittefaq.com.bd/content/2011/02/09/news0911.htm>

²⁴⁸ The daily Amar Desh, 11/07/2011, <http://www.amardeshonline.com/pages/details/2011/07/11/92321>

Table 19: Acid Violence 2011

Acid Violence 2011					
Month (s)	Female		Male		Grand Total
	Adult	Girl	Adult	Boy	
January	5	0	0	1	6
February	4	0	3	0	7
March	8	1	5	3	17
April	4	0	3	0	7
May	7	1	5	1	14
June	2	2	0	0	4
July	4	1	1	0	6
August	8	2	3	1	14
September	7	2	3	1	13
October	3	1	1	2	7
November	2	0	1	0	3
December	3	0	0	0	3
Total	57	10	25	9	101

Graph 26: Acid Violence 2011 (by gender)



306. On May 15, 2011 a group of criminals threw acid on a woman in Chapainababganj district. Her face had been burnt seriously. The victim came from Bholahat Upazila to Chapainababganj 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.²⁴⁹

307. On July 9, 2011 a housewife was burnt with acid by her husband in Rashulpur under Satkhira district. Md. Liton Sardar threw acid on his wife Manzila Khatun for filing a case against him for marrying a second time. Manzila Khatun was admitted to Satkhira Sadar Hospital with severe burns.²⁵⁰

Illegal Fatwa and Illigal Arbitration

308. Odhikar terms illegal fatwas as those rulings which are not given by Islamic scholars but delivered by Islamic community members or leaders. These illegal fatwas are usually delivered in the villages of Bangladesh and in the context of the *shalish* or informal village arbitration. The institution of *shalish* has been increasingly abused. During such gatherings, male community leaders humiliate women and often prescribe brutal punishments for supposed misdeeds.
309. In 2011 a total number of 05 persons became the victims of the illegal fatwa, out of them 04 were women and 01 was a man. Besides, 36 females and 16 males became victims of illegal arbitration/salish.
310. The High Court Division ruled fatwa illegal in 2001 and again in 2010 banned the punishment of anyone due to fatwa.²⁵¹ The decision of the Appellate Division of the Supreme Court in March 2011 declared that fatwa was legal in 'religious matters' but categorically stated that fatwa could not be used to punish anyone and could not affect the rights, reputation or dignity of any person: 'No punishment including physical violence and/or mental torture in any form, can be imposed or inflicted on anybody in pursuance of fatwa.' were the words of the Appellate Division of the Supreme Court.²⁵² Odhikar welcomes the specificity of the Supreme Court's dictates. Odhikar further demands that the government takes the necessary actions against those who engage in illegal fatwas or arbitrations which impinge on human rights and thus go against the strictures of the Supreme Court ruling.

²⁴⁹ The Daily Star, 16/05/2011, <http://www.thedailystar.net/newDesign/news-details.php?nid=185902>

²⁵⁰ The daily Ittefaq, 11/07/2011

²⁵¹ The Daily Star, 14/05/2011

²⁵² Ibid

CHAPTER IX: HUMAN RIGHTS & CONSTITUTIONAL DEBATES**The 15th Amendment**

311. A very significant event in terms of the remit of Parliament came in the passing of the 15th Amendment Bill and the ramifications of these for the citizens of Bangladesh are considerable and worrying.
312. Firstly the circumstances in which the Amendment was passed undermine the discursive element essential to the proper functioning of a democratic process. 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 which includes 51 politically sensitive changes was passed in Parliament, ignoring protests by the main Opposition, other political parties and various sectors of society. The process of passing Amendments was made through two occasions 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 during the final voting. Although such amendments were made as per the 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 as yet. As Odhikar has highlighted before, the presence of the Opposition in discussions in Parliament is essential to ensure that a variety of voices are being heard. The party in power effectively exercises an autonomy due to the absence of the Opposition; and this is contrary to the democratic ideal and is a dangerous practice, when considering the protection of citizens' rights.
313. 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 either – 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. This is commendable. However, the Committee undermined this attempt at representing a plurality of opinions by finalising its report without incorporating all the recommendations given or explaining

the reasons for their exclusion²⁵³. This suggests that the amendments are essentially based on partisan thought and articulates a divisive line of politics.

314. The Cabinet approved the recommendations of the Committee on June 20, and the approved recommendations were tabled in 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 in two weeks after scrutiny. On June 29, the Committee placed its report in the House recommending a total of 51 changes to the Constitution. The next day, June 30, 2011, the Fifteenth Amendment Bill was passed. The Constitution incorporated the Bill on July 3, 2011 after getting the consent of the President.
315. 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 had given a verdict that the next two elections could 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 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. An independent and neutral role can hardly be anticipated after the 15th Amendment. 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 for a 48-hour hartal, opposing the amendment to the Constitution. The appointment of new Commissioners to the Election Commission during this regime will only add fuel to the already volatile political arena.
316. We now have a dangerous situation in civil and human rights with the insertion of new articles and the grave consequences of the 15th Amendment demands a thorough analysis and empirical observation. Odhikar would like to note some obvious areas of critical concern.

²⁵³ The daily Jugantor, 01/07/2011, <http://jugantor.us/enews/issue/2011/07/01/news0597.htm>

317. The insertion of two new Articles after Article 7 through this amendment is an outright threat to the rights of 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 Articles, 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 the 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.
318. 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. Odhikar has always been critical of Article 142 by which the constituting power and the legislative power of the State are merged. This gives Parliament the ability to also act as the constituting assembly at the detriment of the will of the people. However, the present Article 7(B) is more paradoxical. The result is that a legislative assembly is curbing the power of the future Parliaments. It says that, “the Preamble, all Articles of Part III, subject to the provisions of Part IXA, all Articles of Part III, and the provisions of Articles relating to the basic structures of the Constitution including Article 150 of Part XI shall not be amendable...” The amendment has also deleted the provision for referendum. It means that the new insertion, which denies the rights of the citizen, is passed without any referendum. This has violated the sovereign power of the people to decide whether they at all want such drastic and fundamental changes to the Constitution. By forbidding the amendment of many Articles of the Constitution, the overall affect has been the imposition of an undemocratic and dictatorial prescription that has no relation to the people’s democratic consensus. People must have the right to have an opinion and to insert, change, repeal or suspend the Constitution in order to

ensure their civil and political rights are guaranteed and safeguarded. This right has been taken away.

319. The 15th Amendment privileges 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.” The rights of other ethnic minority communities has been denied by adopting “Bangalee Nationalism” privileging one language and nation by replacing Article 9. It says, “The unity and solidarity of the Bangalee nation, which, deriving its identity from its language and culture, attained a sovereign and independent Bangladesh through a united and determined struggle in the War of Independence, shall be the basis of Bangalee nationalism”. Odhikar expresses deep concern over such bias changes to the Constitution in such an imposing and non-transparent 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.

Chapter X: Performance of National Institution

The Parliament

320. The Parliament's competency as a law making and governing institution has certainly come into question in 2011. The first session of the Ninth Parliament was convened on January 25, 2009. The Opposition, led by the Bangladesh Nationalist Party (BNP) started boycotting parliament sessions from the second session in June 2009 over issues that included, seating arrangements; demanding the withdrawal of cases against Khaleda Zia and her two sons and other BNP leaders and activists; scrapping the decision to cancel the lease of Khaleda Zia's cantonment house; and ensuring an atmosphere conducive to their return to the House. The Ninth Parliament has so far held sessions for 209 sitting days, in which the Opposition has attended the sessions for 54 days only. The Leader of the Opposition, Khaleda Zia, also the BNP Chairperson, has attended the sessions in six sitting days only.
321. The Opposition's boycotting of Parliament sessions is, however, not a new phenomenon. In the Fifth Parliament (1991-1996), the then Opposition led by the Awami League, boycotted the sessions for 135 days out of total of 400 sitting days. The BNP-led Opposition boycotted the sessions for 163 days out of total 382 sitting days of the Seventh Parliament (1996-2001). Similarly, in the Eighth Parliament, the Awami League boycotted the sessions for 223 days out of total of 373 sitting days.
322. Last year Odhikar reported on the fact that in 2010 the Parliament had been empty, because the BNP-led Opposition that includes the Jamaat-e-Islami and the Bangladesh Jatiya Party (Andalib Group) has been boycotting Parliament since the inaugural day of the Fifth Session on June 2, 2010. Although the Opposition MPs had left overtly in protest at the arrest of the acting editor of daily newspaper Amar Desh, the extended leave was overall detrimental to the democratic process, as it denied the right to debate and check the otherwise arbitrary use of power by the ruling party.
323. This action also went directly against the main Opposition BNP's election promises as detailed in its manifesto. The BNP-led Opposition last attended the House on March 24, 2011 during the eighth session of Parliament after boycotting 74 consecutive sittings. However, it was put forward by Treasury Bench lawmakers that the Opposition was rejoining the House in order to keep their memberships. The date

on which the return took place also hinted at other agenda. The Opposition lawmakers had intended to rejoin parliament a day early but had changed their minds because they thought the event would not get extensive media coverage due to the a win of the Bangladeshi cricket team and the freeing of a hijacked Bangladesh ship.²⁵⁴

324. These thoughts show an obsession with media coverage and superficial publicity; an obsession with words not action that appears to have become embarrassingly frequent feature of Bangladeshi politics.
325. 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. None of the parties, 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.
326. According to the Members of Parliament (Remuneration and Allowances) Order, 1973, an MP gets Tk 27,000 as remuneration, Tk 7,500 as constituency allowance, Tk 40,000 as transport allowance, Tk. 9,000 as office expenses allowance, Tk 1,000 as laundry and miscellaneous allowance and Tk 7,000 for telephone bills in a month. In addition, a lawmaker gets daily allowances of Tk 3,000 for the period of residence on duty, Tk 800 for attending a sitting, Tk 200 as conveyance during the session or for attending a meeting of the standing committee. A lawmaker, along with family members, enjoys free medical facilities and also gets Tk 700 per month as medical allowance. A lawmaker also gets Tk 75,000 as yearly travelling allowance. All the remunerations and allowances are free of income-tax. The cabinet, however, on November 28 approved a Bill seeking amendments to the laws to make taxable the remunerations and allowances of the lawmakers, Speaker and Deputy Speaker. Earlier on November 17, the Cabinet also approved two Bills seeking amendments to the laws to make taxable the remunerations and allowances of the Prime Minister and ministers. The Bills are, however, yet to be place in the Parliament.

²⁵⁴ The Daily Star, 15/03/2011, <http://www.thedailystar.net/newDesign/news-details.php?nid=177795>

327. From a report of the Transparency International Bangladesh it is seen that the percentage of boycott of sessions was 34 in the Fifth Parliament (1991-1996), 43 in the Seventh Parliament (1996-2001), 60 in the Eight Parliament (2001-2006) and 74 in the first two years of the existing Ninth Parliament.²⁵⁵
328. According to the report, the Ninth Parliament in the six sessions, spent Tk 19 crore just in waiting for the lawmakers to turn up as a quorum crisis delayed the beginning of the sittings. On average, each sitting was delayed by 39 minutes despite the ruling party having a two-thirds majority in the Parliament. About Tk 42,000 is spent every minute in parliament working days, estimated after calculating quorum crisis delay to be more than 74 hours.²⁵⁶

The Judiciary

329. Four years after the Judiciary became independent of the Executive on November 1, 2007; it appears that the Government has done little to provide the ancillary support needed for people to enjoy the real benefits of the independence of the Judiciary. Citing the constitutional requirement for separation of powers between the Judiciary and the Executive, on December 2, 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, the Judicial Magistracy in particular, from the Executive organ of the Bangladesh Government did not take place until November 1, 2007. Many of the judicial officers currently sitting on those Courts and Tribunals have remained unchanged since that time.
330. As of October 30, 2011, a staggering two million cases remain pending with the Courts causing enormous sufferings to justice seekers. Despite a number of Supreme Court verdicts in this regard, the Government is yet to fully implement its 12-point directive relating to the separation of Judiciary. There is still no separate secretariat for the Judiciary and transfer and posting is still being carried out by the Law Ministry. The Judiciary is also yet to get a separate salary structure, a set of rules for the appointment of Supreme Court Judges, while limited manpower, infrastructural facilities and logistics continue to plague the justice delivery system.

²⁵⁵ The daily New Age 29/06/2011

²⁵⁶ Ibid

331. It took eight years for subsequent Governments to implement the verdict of separation and the delay, as many people pointed out, was prompted by a deliberate reluctance to face the consequences of losing Executive control over the Judiciary. With work towards creating a separate Secretariat, separate pay structure, and a set of rules for the appointment of Judges moving at a snail's pace, it is easy to suspect that the same motivations that prompted the government to delay the separation of Judiciary are once again prompting them to slow down the implementation of the 12-point Supreme Court directive in its entirety.
332. Besides the obvious benefit derived from the separation of powers mandated through our Constitution, which creates a form of 'checks and balances' between the branches of the State, the separation of the Judiciary has also been identified for years as a mechanism to improve the performance and efficiency of the Judiciary, which in turn would benefit justice seekers, through quick dispensation of cases filed with the courts. Unfortunately, four years down the line, if two million cases remain pending, it is safe to assume that people have not received one of the primary benefits of separation of Judiciary. The government's failure in this regard has caused immeasurable sufferings to people who lose valuable time and money, and are often mired in different agonising situations which the backlog of court cases puts beyond their control. It is certainly a collective failure of the state when its citizens are made to suffer when seeking such an important service such as justice delivery. The Government should take immediate steps to form a separate Secretariat for the Judiciary so that transfers, postings and appointments are within the control of the Judiciary, create a separate salary structure, form a set of rules for the appointment of Supreme Court judges and provide all support to help the judiciary overcome its shortcomings in manpower, infrastructure and logistics.²⁵⁷
333. In 2011, the Supreme Court had to observe a series of debates and protests from the lawyers regarding the appointment of Judges in absence of such rules. The Jurists and civil society activists have been continuously demanding the framing of a set of rules the appointment of the Supreme Court Judges.²⁵⁸

²⁵⁷ 'Courts wilts under 2 million cases', the daily New Age, 1/11/2011 and 'Govt dithering denies people of judiciary separation benefits', the daily New Age, 2/11/2011

²⁵⁸ 'Law emphasised to stop judiciary politicisation', the daily New Age, 25/12/2011

The National Human Rights Commission

334. The Parliament passed the National Human Rights Commission Bill on July 9, 2009. The National Human Rights Commission has been reconstituted 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, a full-time Member and five part time members.
335. The National Human Rights Commission Act establishes the Commission as an 'independent body'. The NHRC has the sublime power to investigate but no authority to sanction anybody. On September 01, 2008 the National Human Rights Commission was established by the military backed 'Caretaker Government' with three members.
336. The Home Ministry has 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 incident of maiming college student Limon during a RAB shooting.²⁵⁹
337. Section 12(C) of the NHRC Act 2009 states that National Human Rights Commission has authority to visit jails, However, on September 29, 2011 the Chairman of the Human Rights Commission went to visit Sylhet Central Jail and the Jail authority denied him access.²⁶⁰
338. 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 have power to file cases to seek remedy for human rights violations; however, according to the Human Rights Commission Act 2009, the Commission can only give recommendations to the government, not to the Parliament, to take action against perpetrators. Odhikar questions the actual necessity of a Commission, if the Government is going to ignore it. Odhikar has submitted 28 reports of human rights violations to the National Human Rights Commission in 2010 and 2011. But it has received response from the Commission in only 08 matters.

²⁵⁹ "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

²⁶⁰ The daily Ittefaq, 30/09/2011

The Anti Corruption Commission

339. Alleged corruption in bidding for tenders keep hindering the implementation of a number of development projects in priority sectors, such as the Padma Multipurpose Bridge, installation of 450MW power plants at Siddhirganj and 200MW–300MW plants at Ghorashal, procurement of a number of river dredgers, and the widening of the Dhaka-Mymensingh Highway, forcing the government to revise the project implementation process.²⁶¹ Despite this, the Government is trying to curb the power of the Anti-Corruption Commission (ACC). The government introduced the Anti-Corruption Commission (Amendment) Bill 2011 in Parliament on February 28, 2011 incorporating the provision that would require the ACC to obtain prior permission from the government for suing public servants on corruption charges. The Bill is now under scrutiny by the Parliamentary Standing Committee on Law Ministry.
340. The said Standing Committee, however, on November 13, 2011 decided to reject the Government proposal to amend the law. Members said that the Committee on Law Ministry was yet to decide whether it would lend a nod to a provision in the amendment Bill that would require the ACC to obtain permission from the Government for filing even charge sheets against public servants on graft charges or for arresting them on corruption charges. The Committee asked the Law Ministry and Cabinet Division to submit their arguments as to why they want to amend the law that would require the ACC to seek permission from the Government to press charges corruption against public servants. It also asked the Commission to submit its arguments against the Government proposals to clip the wings of the ACC. The Committee also wants to ensure accountability of ACC, when it arrests any one before investigation, as practiced during the immediate-past military-controlled interim regime.²⁶²
341. Odhikar believes that if the amendment to the Anti-Corruption Commission Act 2004 as proposed by the Government is passed, the ACC will lose its authority, neutrality and independence. The Executive division of the state will influence its activity.

²⁶¹ 'Corruptions keep delaying dev projects', the daily New Age, 10/12/2011

²⁶² 'JS panel wants ACC powers intact', the daily New Age, 14/11/2011,

<http://newagebd.com/newspaper1/frontpage/39969.html>

The Information Commission

342. The Government established an Information Commission on July 1, 2009 to ensure the people's right to information through proper implementation of the Right to Information Act, 2009. Though the Commission has been established, it still has made a little progress on the road to secure the 'right to information' of the people. The governing law envisages a three-member 'independent' Information Commission to oversee 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.
343. 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.

344. The Information Commission has so far taken only one punitive action.²⁶³ The Information Commission on September 8, 2011 fined the officer of the Araihasar upazila health and family planning complex Tk 1,000 for violating the Right to Information Act 2009. Handing down its lone sentence, the Commission asked Golam Mostafa, the officer designated to provide information at the Araihasar health complex, to give the applicant, Sheikh Ali Ahmed of Masdair in Fatulla, the information he had sought. In the verdict of an appeal filed by Ali Ahmed, the Commission also cautioned Narayanganj's civil surgeon Khorshed Alam, the appellate authority who had turned a deaf ear to his complaint, against any further violation of the Act. The Commission, however, passed no sentence against Khorshed as he apologised. It asked the civil surgeon to ensure that Mostafa provides Ali Ahmed with the information he had sought.

²⁶³ 'Info Commission takes punitive action for first time', the daily New Age, 09/09/2011, <http://newagebd.com/newspaper1/frontpage/32557.html>

CHAPTER XI: THE INTERNATIONAL CRIMES TRIBUNAL

345. The nation observed the 40th Victory Day on December 16, with the International Crimes Tribunal, instituted on March 25, 2010, beginning formal trial of only one suspect of international crimes committed during the country's war of independence in 1971. The Tribunal on November 20, 2011 began the first-ever trial of crimes committed during the 1971 war of independence with the prosecution submitting its opening statement on the detained Bangladesh Jamaat-e-Islami nayeb-e-amir Delwar Hossain Sayedee. On October 3, 2011, the Tribunal charged Sayedee with genocide, crimes against humanity and abetting or conspiracy for and complicity in the commission of such crimes on 20 counts of murder, rape, arson and robbery.
346. The prosecution for the 1971 war crimes trial has so far submitted formal charges against seven war crimes suspects including Sayedee. On December 11, 2011, it submitted formal charges against detained Jamaat amir Matiur Rahman Nizami, secretary general Ali Ahsan Mohammad Mojaheed and assistant secretary general Mohammad Kamaruzzaman. It submitted formal charges against Jamaat assistant secretary general Abdul Quader Molla on December 18, 2011. Earlier, it had submitted formal charges against Bangladesh Nationalist Party standing committee member Salauddin Quader Chowdhury, also a lawmaker. None, but Sayedee, has yet been indicted.
347. 2011, however, will be remembered in the history of Bangladesh as the year when, 40 years after the large-scale commission of international crimes in 1971, the formal trial commenced against at least one of the war crimes suspects.
348. 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.

349. 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.
350. 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.
351. However, as a result of prolonged civil society campaigns for justice for the 1971 war crimes, and as a respond to the 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.
352. Bangladesh has a comprehensive law on international crimes, the International Crimes (Tribunals) Act, 1973. The Act provides 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.
353. 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.²⁶⁴
354. In the latest incident, US Ambassador at large for War Crimes, Stephen J Rapp, on November 28, 2011 urged the Tribunal to define the offence of crimes against humanity. At a press conference at the end of a two-day visit to Dhaka, Rapp said that in March 2011 he had made suggestions to the Government and the Tribunal on

²⁶⁴ <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.

how the rules for these trials could be amended to ensure fair and transparent proceedings. 'Some of these suggestions were incorporated in amendments adopted in June. I regret to say that many were not,' he stated. He said that it was important that the same rights be accorded to these accused as are guaranteed to Bangladeshi citizens charged with other violent offences. He also said that while amended rules of procedures provided for the protection of witnesses, 'it is important that a system of protection of witnesses be developed in practice and available to both sides'.²⁶⁵ Rapp also suggested the Tribunal telecast the proceedings, allow foreign lawyers to defend accused persons and to abide by international Laws, Conventions and Covenants on War Crimes, the Code of Criminal Procedure 1898 and the Evidence Act 1872.²⁶⁶

355. The detained Bangladesh Nationalist Party (BNP) lawmaker Salauddin Quader Chowdhury on December 5, 2011 filed six petitions to the Tribunal making similar appeals stated by Rapp. The Tribunal on December 19 rejected the petitions. Rejecting the appeals, the Tribunal observed that it was a domestic tribunal formed under the International Crimes (Tribunals) Act 1973 and it had to abide by the Act. It observed that the 1973 Act stipulated that the Code of Criminal Procedure 1898 and the Evidence Act 1872 would not be applicable in the Tribunal. The Bangladesh Bar Council does not allow any foreign lawyer to plead in any court or tribunal in Bangladesh, the Tribunal said. If the Bar Council allows any foreign lawyer to defend Salauddin in the Tribunal, the Tribunal would consider it. It, however, said that the defence and prosecution could engage foreign lawyers as consultants and take their advice outside the Tribunal. Regarding live telecast of the proceedings, the Tribunal said, 'It sounds nice, but there is no such precedence.' The Tribunal also said the 1973 Act stipulated detail definitions of the crimes.²⁶⁷
356. 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.
357. 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

²⁶⁵ "ICT should define 'crimes against humanity', says Rapp", the daily New Age, 29/11/2011, <http://newagebd.com/newspaper1/frontpage/41727.html>

²⁶⁶ "Define 'crimes against humanity': Rapp", bdnews24.com, 28/11/2011

²⁶⁷ 'War crimes trial: SQC indictment hearing January 15', the daily New Age, 20/12/2011, <http://newagebd.com/newspaper1/frontpage/44007.html>

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.

358. 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.
359. The Tribunal, in Odhikar's view, has been hamstrung 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.

CHAPTER XII: BANGLADESH PLEDGES TO UN HUMAN RIGHTS COUNCIL**Universal Periodic Review**

360. The Universal Periodic Review is a unique process which involves a review of the human rights records of all 193 UN Member States once every four years. The UPR provides the opportunity for each State to declare what actions they have taken to improve the human rights situation in their countries and to fulfill their human rights obligations.
361. The Grand Alliance led by the Bangladesh Awami League made many promises to the people regarding changing the course of governance and protecting rights of the people during the Ninth Parliamentary election of December 29, 2008 and made people's expectation high to win a landslide victory. But after the election the government has so far failed to implement its promises, particularly in protecting the rights of the people. The Government made commitments before the international community in the Human Rights Council at the UPR on Bangladesh on February 03, 2009. The human rights check-lists are based on the 42 concrete recommendations made by the members of the Human Rights Council to Bangladesh²⁶⁸. Foreign Minister Dr. Dipu Moni made commitments of 'zero tolerance' regarding extrajudicial killings. Despite this, human rights violations continued unabated in Bangladesh including extrajudicial deaths which took new forms in 2011 as enforced disappearances. As per claims from the families of deceased, people were taken by RAB or other law enforcement agencies and after few days the dead bodies were being recovered. Besides, torture and cruel treatment in the custody of the law enforcement agencies, violence against women and children, the situation of migrant worker, killings by Indian BSF to Bangladeshi nationals are appalling instance of human rights violations.
362. Odhikar and Paris based International Federation for Human Rights (FIDH) jointly submitted an assessment on the human rights situation in Bangladesh, to the HRC during the 2009 periodic review, which formed part of the official UN document that the Council considered and highlighted in the HRC recommendations. Odhikar-FIDH

²⁶⁸ Attached here as Annex III.

recommendations included: ending the culture of impunity, stopping extrajudicial summary or arbitrary executions; the issue of torture, inhuman and degrading treatments; the issue of human rights and counter terrorism; the status of women's rights; the work of human rights institutions and international obligations and cooperation with human rights mechanism.²⁶⁹ The Second UPR will be held in 2013 and most likely before the term of the current Government ends. At that time, Bangladesh will face the members of the Human Rights Council and the world.

The UN Human Rights Council

363. Bangladesh is a Member of the UN Human Rights Council .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. However, the Government failed to fight against corruption, establish good governance, combat violence against women and failed to develop a strong social safety net .
364. On May 04, 2009 the Bangladesh Government issued a letter on the voluntary pledges for human rights, to the Charge d Affairs of the Permanent Mission of Bangladesh to the United Nations, addressed to the President of the General Assembly. The Government stated in the sub heading, titled 'Achievement/ Progress in the area of human rights', that 'every citizen enjoys the right to religion, education, assembly, occupation and trade'. ²⁷⁰The statement is fallacious, as many children in Bangladesh are denied education, through Section 144 freedom of assembly is occasionally prohibited and ethnic and religious minority groups are oppressed.

²⁶⁹ http://www.odhikar.org/UPR/FIDH_Odhikar_Recommendations_UPR.pdf

²⁷⁰ Annex III

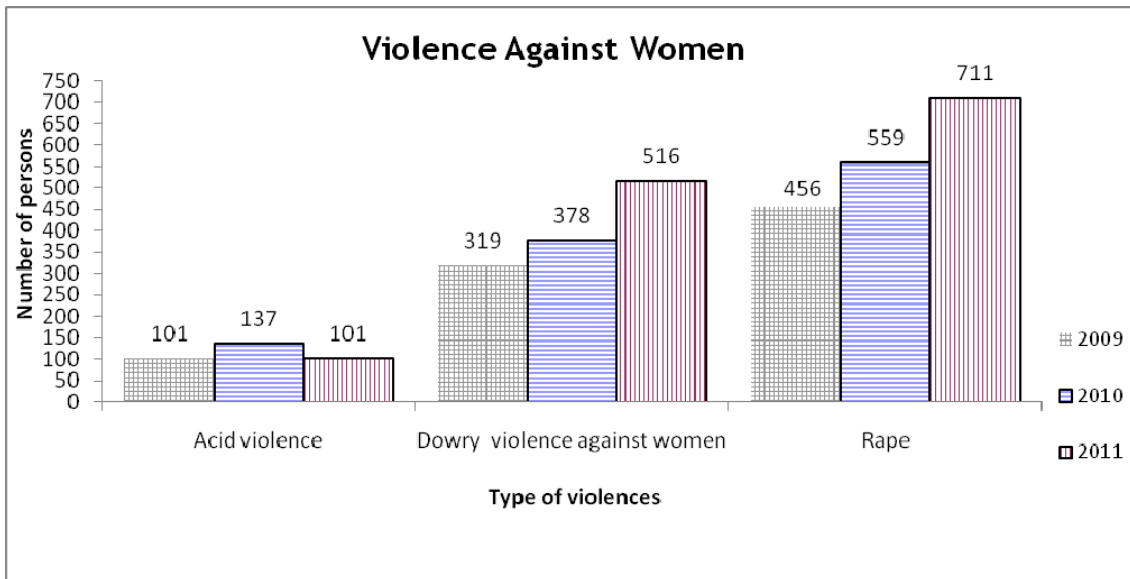
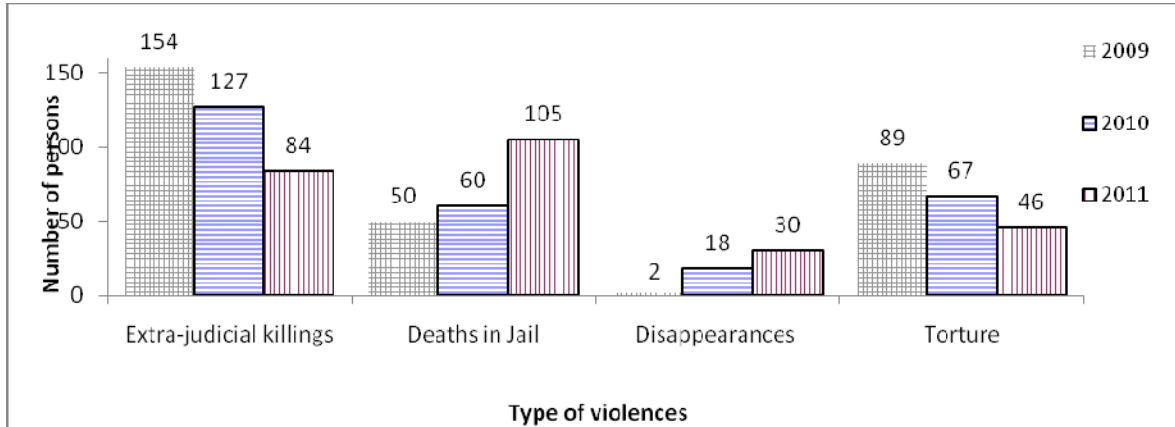
Conclusion

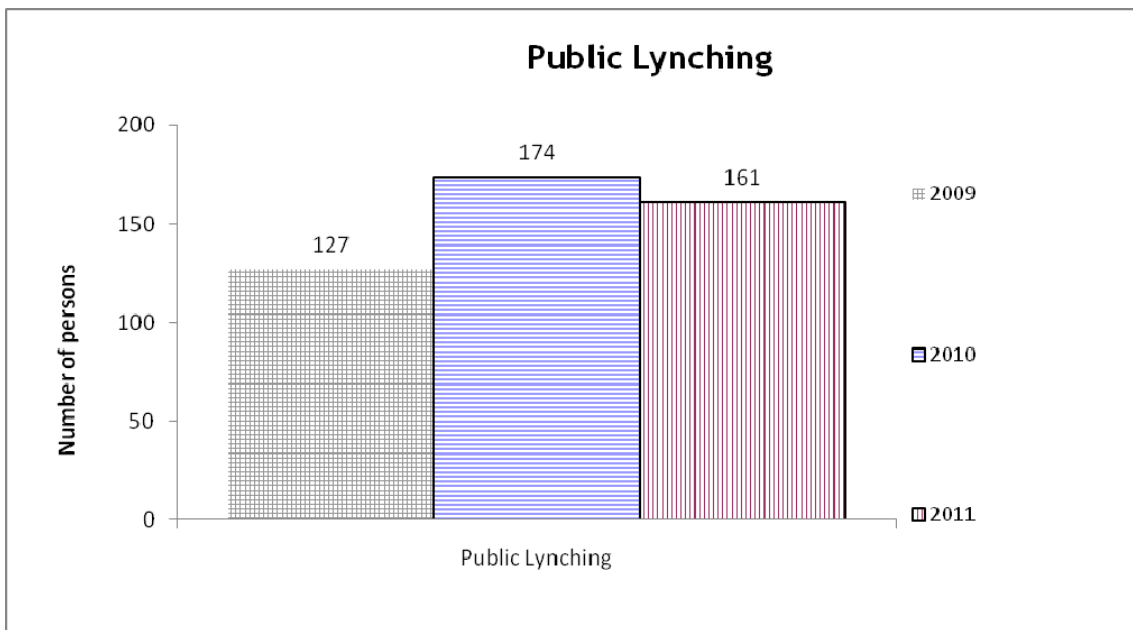
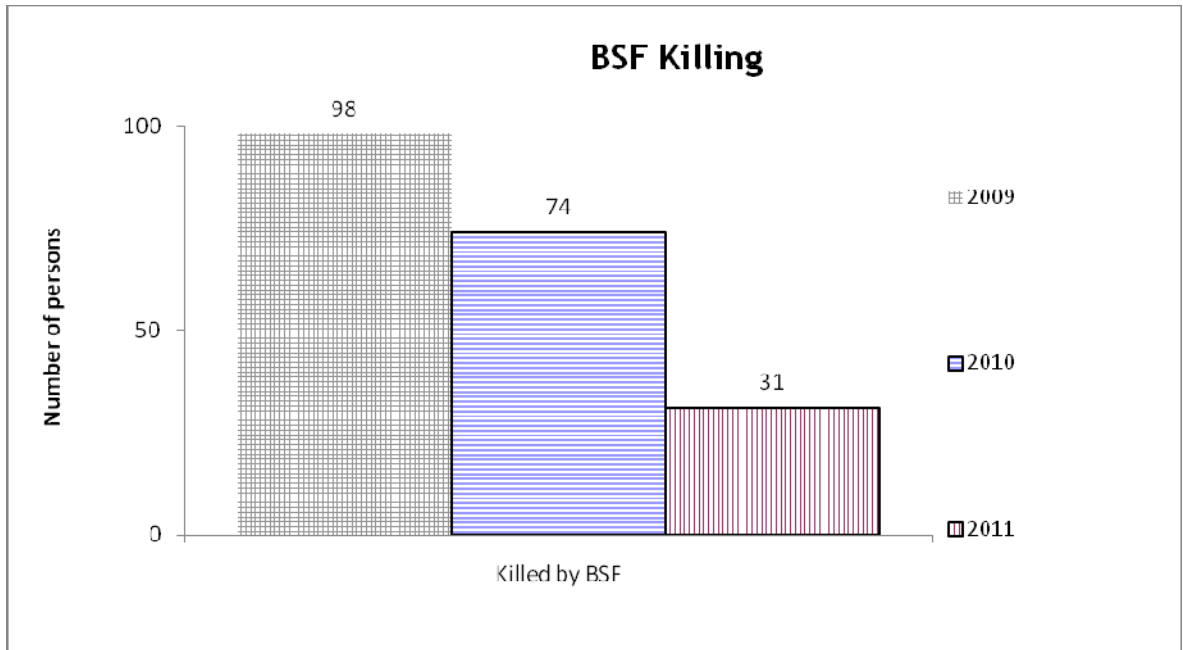
Lives were lost and sacrifices made in 1971 to establish a liberated nation of Bangladesh, where the right to self determination would give rise to a society free from injustices, suffered for so long. Forty years after this difficult birth of Bangladesh, we are yet to realise that dream. The violations and injustices now come from within our own nation; corruption and plundering of resources is the norm and the ordinary citizens can only watch in helpless frustration and fear. The class divide is widening with little regard for the predicaments faces by those below the poverty line, and, coupled with this economic crisis is the practice of confrontational politics, political violence and lack of protection from law enforcement agencies. Human rights violations are faces in all sectors of life in Bangladesh-civil, political, social and economic, which gravely hampers the establishment of a democratic state.

Upon reviewing the status of human rights and government institutions in 2011, one can only wonder how things will be in 2012 and whether such discrepancies and violations can ever be rectified. Indeed, it needs a strong and fearless political will to face the fury and resentment of those long embeded in corrupt and violative practices – a will that we are yet to behold. It will be an exercise in establishing a truely democratic society with a new democratic Constitution where respect for the dignity and protection from all injustices will be guranteed.

Annex I

Comparison between the years for various human Rights Violation Issues (2009 to 2011)





Comparison between the year 2011, 2010 and 2009			
Type of Violence	2009	2010	2011
Extra-judicial killings	154	127	84
Deaths in Jail	50	60	105
Disappearances	2	18	30
Torture	89	67	46
Attack on journalists	145	178	206
Killed by BSF	98	74	31
Political Violence:Killed	251	220	135
Acid violence	101	137	101
Dowry violence against women	319	378	516
Rape	456	559	711
Public Lynching	127	174	161
Died : Readymade Garments Worker	7	7	4

Annex II

Human Rights Violation in Bangladesh-India Border Area			
Border - January - December 2011			
Sl. No.	Name/Age of victim	Area	Killed by BSF
1	Felani (15)	Anantapur, Phulbari, Kurigram	1
2	Sirajul Islam (40), Aijuddin (20)	Khanpur, Motihar, Rajshahi	2
3	ShahjahanAli	Masudpur frontier of Shibgonj upazila of chapainawabgonj	1
4	Israfil (30)	Putkhali border	1
5	Mohammad Sanaullah (32)	Nitpur border, Porsha upazila, Naogaon	1
6	Munna(18)	Sadipur border, Benapole, Jessore	1
7	Rekatul Islam (15) and one unknown person	Gazipur border, Satkhira	2
8	Rahmat Ali (35)	Ghona border, Satkhira	1
9	Milon Hossain (20)	Baikari, Satkhira	1
10	Mirazul Islam(25)	Mahespur border, Jhenidah, Fatehpur BSF camp	1
11	Nur Mia (30)	Sadar upazila, Dinajpur	1
12	Ruhul Amin (35)	Sadar upazila, Satkhira	1
13	Abdul Alim (35)	Dhanyokhola border, Benapole, Jessore	1
14	Fazlur Rahman (40)	Hatkhola border, Pacnhbibu upazila, Joypurhat	1
15	Mizanur Rahman (25)	Burimari in Patgram upazila, Lalmonirhat	1

Sl. No.	Name/Age of victim	Area	Killed by BSF
16	Asraful Islam(24)	Bholaganj, Companyganj upazila, Sylhet	1
17	Bulbul(28)	Darmagarh border, Ranishankoil upazila, Thakurgaon	1
18	Rafiqul Islam (32)	Burimari border in Patgram upazila, Lalmonirhat	1
19	Babul Hossain (28)	Haripur border, Thakurgaon	1
20	Mizan (17)	Rajshahi border	1
21	Swapan	Poba frontier of Rajshahi	1
22	Tajul Islam	Baikari border, Satkhira	1
23	Baten Mohammad (25)	Benapole border, Jessore	1
24	Shariful Islam (23)	Shingnagar border,Chapinawabganj	1
25	Tarikul Islam (23)	Benapole border, Jessore	1
26	Matiar Rahman (20) and Tajul Islam (26)	Katla border, Birampur, Dinajpur	2
27	Alamgir Hossain (25)	Goramondal border, Phulbari upazila, Kurigram	1
28	Nahrul Islam(40)	Shewratala frontier, Gangni, Meherpur	1
			31

Extra-judicial Killings from January -December, 2011									
SL. No.	Name and Age	Place of incident	No. of killed persons	Type of death	Allegedly killed by				
					RAB	Police	RAB-Police	RAB-Coast Guard	Jail Authorities
1	Imtiaz Hossain Abir (22)	Balurmath at Pallabi	1	Crossfire		1			
2	Humayun Kabir Biplob (37)	Motijheel	1	Crossfire	1				
3	Sheikh Shah Alam Apu (27)	Near Chitra cinema hall , at Bangsal , Dhaka	1	Gunfight	1				
4	Shaymol Bepari (25)		1	Shootout		1			
5	Jewel alias Polti Jewel	Pargendaria, Keranigonj	1	shootout	1				
6	Nabir Hossain Dabir (30)	Pallabi, Dhaka	1	Shootout	1				
7	Abdul Khaleq(50)	Badarkhali union , Barguna	1	Shootout	1				
8	Azgar Ali (35)	Manikdi in Dhaka	1	Gunfight	1				
9	Hafizul Islam Reza (35)	Nurdaha village, Santhia upazila, Pabna	1	Gunfight	1				
10	Abdul Hamid alias Thosha Hamid (32)	Pabna	1	Gunfight		1			

12	Hazrat Belal alias Haj Belal (32)	Harinakundo upazila, Jhenidah	1	Gunfight		1			
13	Md. Azibor Rahman (35)	Chatmohor upazila, Pabna	1	Shootout		1			
14	Maksudul Haq Khan (52)	Jatramura, Rupganj	1	Beaten to death		1			
15	Mohammad Shahid (28)	Bhashantek, Dhaka	1	Gunfight	1				
16	Waliur Rahman alias Krishna (40)	Baleshwar river in Patharghata upazila of Barguna	1	Shootout	1				
17	Dulal Bepari alias Jamai Dulal(33) and Mashiur Rahman (31)	Shailakupa upazila, Jhenidah	2	Shootout		2			
18	Md.Hasan Ali (40)	Faridpur police station, Pabna	1	Torture to death		1			
19	Azizl Islam (38)	Alamdanga upazila, Chuadanga	1	Shootout		1			
20	Motaleb (38)	Tagra ferryghat area, Zianagar upazila, Pirozpur	1	Shootout	1				
21	Kamrul Islam	Noakhali	1	Shootout	1				
23	Raisuddin (32)	Kushtia	1	Shootout	1				
24	Minu Parvez alias Tonu alias Dadabhai (30)	Khejurbag in South Keraniganj, Dhaka	1	Shootout	1				
25	Russel Ahmed alias Bhutto (35)	Zindabahr park in Dhaka	1	Crossfire	1				

26	Rekha Begum(25)	Lalmonirhat district jail	1	Torture to death					1
27	Faisal Ahmed alias Roni (40)	Dhanmondi, Dhaka	1	Torture to death		1			
28	Gopal Chandra Shil (29)	Kodomtali, Shyampur, Dhaka	1	Crossfire	1				
29	Faruk Miah (32)	Narayanganj district jail	1	Torture to death		1			
30	Rashedul Islam (25)/ Nurunnabi Rashed	Kafrul, Dhaka	1	Crossfire	1				
31	Shafiqul Islam (48)	Golapdi in Araihasar upazila, Narayanganj	1	Gunfight	1				
32	Moniruzzaman Rubel (27)	Tangail Sadar Model Police Station	1	Torture to death		1			
33	Shafiqul Islam Raja (22)		1	Torture to death		1			
34	Tikka Khan (35)	Ataikula, Pabna	1	Shootout		1			
36	Akida Khatun alias Begum (40)	Monirampur police station, Jessore	1	Torture to death		1			
37	Nayeem Mia (18)	Sibpur police station, Narshingdi	1	Torture to death		1			
38	Mohammad Mohsin (22)	Dakkhinkhan, Dhaka	1	Shot		1			
39	Quddus Fakir (52) and Jahangir (42)	Sundarbans, Sharankhola upazila, Bagerhat	2	Gunfight				2	
40	Abdullah Al Mamun (30)	Dhaka	1	Torture to death		1			

41	Md. Hamid Ali Khorshed (35)	Naokhali jail	1	Torture to death		1			
42	Julfukar Ali alias Julfu, Hafiz, Sarwar Hossain Sano and Zakir Hossain alias Meghna Zakir	Sundarbans, Bagerhat	4	Crossfire	4				
43	Unidentified	Chadina upazila, Comilla	1	Gunfight		1			
44	Naris Ahmed Sheikh (32)	Botiaghata upazila, Khulna	1	Shootout	1				
45	Nur Hossain (32)	Porabosti, Kalyanpur	1	Gunfight		1			
47	Lutfur Rahman Ripon (32)	Rangpur	1	Torture to death		1			
48	Advocate MU Ahmed	Ramna DB office, Dhaka	1	Torture to death		1			
49	Shahed (26)	Maheshkhali, Cox'sbazar	1	Gunfight	1				
50	Manwar Hossain Monir (28)	Sylhet	1	Torture to death	1				
51	Nazrul Islam Panchayet (50)	Bagerhat	1	Torture to death		1			
52	Zakir Hossain Poran (33)	Naokhali jail	1	Torture to death					1
53	Rawshan, Kamrul Islam, Belayet Hossain and A Berek	Sharankhola upazila, Bagerhat	4	Gunfight	4				
54	Mukul Hossain(25)	Jhenaidah	1	Shootout			1		
55	Jahangir Alam (45)	Natore	1	Shootout	1				
56	Sumoti Chakma (55)	Lakhichhar upazila,	1	Shootout	1				

		Khagrachhari							
57	Ziaur Rahman (36) and Abdus Salam (33)	Sadar upazila, Kushtia	2	Shootout	2				
58	Khorsed Alam (40)	Kamarkhand upazila, Sirajganj	1	Crossfire	1				
59	Mannan and Masud	Sundarban, Dacop upazila, Khulna	2	Gunfight				2	
61	Hossain Raja (27) and Liton Hossain (28)	Mirpur, Kushtia	2	Crossfire		2			
62	Diplal Robi Das (45)	Tahirpur Police Station, Sunamganj	1	Torture to death		1			
63	Mokaddes Moka(40)	Alamdanga upazila, Chuadanga	1	Crossfire	1				
64	Babul Hawlader (31)	Monpura upazila, Bhola	1	Crossfire	1				
65	4 men	Char Nizam, Monpura upazila, Bhola	4	Crossfire		4			
			84		43	31	4	4	2

**General Assembly**

Distr.: General
5 May 2009

Original: English

Sixty-third session

Agenda item 104 (c)

**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.
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