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Odhikar has been working to preserve the civil, political, social and cultural rights and as a part of its work agenda, has been observing the human rights situation of Bangladesh. In line with this campaign, an account of the human rights situation of Bangladesh covering the period of January 2010 is given below.

The issue of human rights violations at the border was not brought up during the Prime Minister's visit to India

1. Prime Minister Sheikh Hasina went to India on a state visit from January 10 to 13, 2010. It was expected that the Prime Minister to protest against the killings, abductions, torture and other forms of violence carried out by the BSF on the Bangladeshi people, along the India-Bangladesh border in order to bring prominence to this human rights violation. Unfortunately, this issue was totally ignored during the Prime Minister's visit. Rather the BDR has been brought down to the level of the BSF and has been told to show restraint. The undeniable fact of intentional killings by the BSF with the help of live ammunition has now been termed as 'inter-border crime'. As the Prime Minister was on her State tour, Shafiqul Islam (28), a Bangladeshi farm-boy was tortured to death by the BSF at the Uksa border of Satkhira. Furthermore, several Bangladeshis were fired upon by the BSF at the Ajmotpur border of Shibganj, Chapainababganj.
2. Despite consistently placing forth the incidents of human rights violations along the border, the Government is not taking any effective steps to bring an end to this form of violence. Moreover, the Indian Government is not even being asked to compensate the victims and their families of this violence.
3. Human rights violations along the border have been seen to have continued in the month of January 2010 along the India-Bangladesh border. On one hand, India has erected a barbed fence enclosing the Bangladeshi border shared by India which is indeed offensive towards Bangladesh. On the other hand, the Indian authority has

tried to avoid taking responsibility for the border violations, stating that this fence is the structural reason behind the deaths that have resulted at the border. In the month of January 2010, the Border Security Force (BSF) has killed 10 Bangladeshis. Among them, 5 have allegedly been killed by beating while 5 by gun-shot. Furthermore, 3 have been injured and among them 1 was shot and 2 were tortured. 4 were abducted by the BSF during this period.

Bangladesh deprived of its deserved share of water; the Mujib-Indira Agreement yet to be established

4. Evaluating the relationship between India and Bangladesh, Odhikar has noticed that the treaties signed between the two countries have not been established. For instance, no progress has yet been achieved in the demarcation and handing over of enclaves according to the Mujib-Indira Agreement of 1974. It now seems that India has made a state habit out of ignoring its legal obligations and promises towards Bangladesh. India's behaviour as regards blatant and one-sided water retention has caused a loss of faith towards India by the Bangladeshi people.
5. The status of Bangladesh regarding its deserved share of 54 rivers with a common source is yet to be conclusively determined.
6. Odhikar believes that the existing problems between India and Bangladesh will only be resolved, if a congenial relationship between the people of these countries is established outside the perspectives of the ruling classes. Odhikar urges the democratic forces of both nations to come forward in this regard.

The persons responsible for torturing members of the BDR must be brought to justice

7. The Home Ministry formed a Probe Committee on May 14, 2009 following the deaths of the BDR members at the Peelkhana, BDR Headquarters. Zakir Hossain, Deputy Secretary, at present Joint Secretary of the Ministry of Home Affairs, was made the Chair of the Committee. Despite instructions by the Government to submit the report by June 4, 2009, the Committee did so in October 2009. The report discussed the deaths of 40 BDR members. According to the report, the police filed two murder cases at the New Market Police Station on October 28, 2009. The police are in the process of investigating these two cases which involve the murder of Lance Nayek Mobarak Ali and Habildar Mohiuddin.¹ According to the report, two people have been tortured to death. However, according to Odhikar's data the number of deaths by torture comes to be 6. Although the committee report acknowledges the deaths of Lance Nayek Mobarak Ali and Habildar Mohiuddin by means of torture, it says nothing about the deaths of BDR Jawan Monir Hossain, Habildar Kazi Saidur Rahman, Habildar Rezaul Karim, Habildar Assistant Zakir Hossain Bhuiyan, which were of similar nature.
8. Odhikar demands immediate re-investigation of the deaths of BDR Jawan Monir Hossain and Habildars Kazi Saidur Rahman, Habildar Rezaul Karim and Habildar Assistant Zakir Hossain Bhuiyan. It also urges the Government to bring to justice those who had tortured the deceased in the name of interrogation during remand and also the withdrawal of those Judicial Magistrates who had granted the remand in the first place.

¹ The Daily Ittefaq, 13 January 2010

The retraction of testimonies of the BDR members

9. 80 BDR members accused in the BDR mutiny have retracted their confessional statements so far. The application to retract the confessional statements of Sepoy Selim Reza, Ershad, Rafiqul Islam, Shaheb Ali, carpenter Narayan Chandra Das along with 75 others was set for hearing at the Dhaka Chief Metropolitan Magistrates Court on January 20, 2010. It was stated in the application that the accused had been tortured during remand and forced to make confessional statements.²
10. The practice of attaining confessional statements from the accused by means of torture goes against basic norms of human rights and also principles of the criminal justice system. Bangladesh signed the United Nations Convention against Torture on October 5, 1998 to stop torture and other forms of inhuman, cruel and derogatory treatment and punishment. However the events of torture concerning the BDR members are severe violations of the said Convention. Article 35(5) of the Bangladesh Constitution also speaks of prohibition of torture.
11. Odhikar urges the Government to bring an end to the practice of attaining confessional statements by the application of torture.

The accused in the BDR mutiny are withdrawing their lawyers because there is no scope for them to take part in cross-examinations

12. The BDR trial began outside Dhaka at Rangamati on November 24, 2009. A total of 6 Courts have been formed to carry out the trials. Proceedings at the Courts at Rangamati, Feni and Satkhira have already begun. A three member bench has been formed as per the BDR law. The Director General of the BDR, Major General Moinul Islam is chairing the Courts.
13. Local human rights defenders of Odhikar have been following the proceedings of the case. The framing of charges of 62 BDR members from the 19 Rifles Battalion under Comilla-3 has begun in Feni on January 24 and 25, 2010.
14. Local human rights defenders have informed that on the first day of the trial, i.e. January 24, 2010, the State Prosecutor Lt. Colonel Gazi Md. Salah Uddin placed the allegations before those accused at the Court.
15. The following day on January 25 2010, Major Awal Uddin Ahmed and the Advocates appointed by the BDR accused Shah Alam and Jahangir Alam Montu performed the examinations-in-chief. On this day, a total of 11 persons were introduced before the Court as witnesses. 40 of the BDR members who had pleaded guilty were seated separately from the 22 BDR members who had claimed to be not guilty. At the beginning of the Court proceedings, 18 of the 22 BDR members who had pleaded not guilty, later admitted to their guilt and pleaded for mercy. Thus of the 62 accused only four remained who did not plead guilty. Those four persons were Habildar Md. Ruhul Amin, Sepoy Md. Mohiuddin Rony, Sepoy Boshir Ahmed and Sepoy Mizanur Rahman. All of these men also cross-examined the witnesses.
16. The local human rights defenders of Odhikar spoke with the family members of the accused BDR members. The family members informed that they were spending their days in a great deal of uncertainty. They expressed concern over the nature of the verdict and also whether the accused would be able to continue their jobs at the BDR. During the lunch break, the lawyers of the accused came out of the Court to inform that they had been appointed by 8 of the 62 BDR accused. However, since these lawyers were deprived of the opportunity to take part in cross-examinations along with the fact that their clients were not

² The Daily Manamzamin, 21 January 2010

financially solvent, their clients were no longer interested in availing of their legal representation.

The continuance of political violence

17. The year 2009 saw the death of 251 persons and the injury of 15,559 persons through political violence. Deaths and injuries of such nature continued in the month January 2010.
18. The activists of Chattra League³ of the Rajshahi Polytechnique Institute attacked and killed Rezwatul Islam Choudhury Sunny, a student leader of Chattra Moitree⁴. On January 7, 2010, Chattra League leader Nizam led a group of his activists armed with sharp objects and attacked Kazi Motaleb Hossain, President of the Chattra Moitree unit of Rajshahi Polytechnique Institute, Vice-President of the same organisation Rezwatul Islam Choudhury and Serafot Ali Bulbul. The attack left Rezwatul dead, and Motaleb and Serafot severely injured. The Police have arrested four activists of the Bangladesh Chattra League, namely, Nobin, Shoriful, Nahid and Manik, due to their involvement in the incident.
19. There has been a clash between the JSD⁵ backed Chattra League and Awami League backed Chattra League at the Rangpur Government College campus over the putting up of a banner. A few days prior to the event, the activists of the JSD backed Chattra League had put up their banner on the third building of the college. Subsequently the Awami League backed Chattra League took it off and replaced it with their banner. The JSD backed activists on January 16 took off the Awami League banner which created a great deal of tension in the campus. This eventually led to a clash between the two groups, which left Tanviruzzaman Tanvir, Shafiqul Islam Rahel, Azizul Islam, Nur Elahi, all student leaders of JSD backed Chattra League, injured. Following the incident, police arrested Rakibul Islam Shamol, President of the College unit of JSD backed Chattra League, Tanviruzzaman Tanvir and Shafiqul Islam Rahel.
20. There was a clash between two groups of the Jatiotabadi Chattra Dal⁶ at Dhaka University on January 18, 2010. The clash resulted from the issue of the newly elected central committee of the Chattra Dal, between one group represented by the main stream members and the other by the rebellious members who had been deprived of any positions in the new committee. The clash left severely injured Salauddin Tuku, President of Chattra Dal's central committee and other Chattra Dal leaders, Javed Hasan Shadhin and Mofidul Islam Hiru. Dhaka University Proctor Dr. A K M Saiful Islam Khan, OC of the Shahbagh Police Station Rezaul Karim and Patrol Inspector Sanowar Hossain were also injured. It has been alleged that the activists of Awami League backed Chattra League provided support to the rebellious group of Chattra Dal and also provided assistance to them during the clash. Although the members of the law enforcement agencies were present during the clash, reportedly they did not take steps to contain it.
21. On January 28, 2010, the Awami League backed Chattra League activists attacked the activists of Chattra Federation⁷ and Shamajtantrik Chattra Front⁸ at Eden Girls College in Dhaka. When activists of these two organisations, under the banner of general students, were going to the office of the Principal of the College to protest against the leasing out of the College-run canteens at the

³ Student wing of Bangladesh Awami League

⁴ Student wing of the Workers Party of Bangladesh

⁵ Jatiya Shamajtantrik Dal

⁶ Student wing of the Bangladesh Nationalist Party (BNP)

⁷ Chattra Federation is a leftist student organisation of Bangladesh

⁸ Student wing of Bangladesher Shamajtantrik Dal

student dormitories and increased food prices at the canteens, 30-40 activists of the Awami League backed Chattra League, led by Nijhum and Tania, the President and the Secretary of the Eden Girls College unit of the Awami League backed Chattra League, attacked them. 10 activists of Chattra Federation and Shamajtantrik Chattra Front, including Sheuly, Sumona, Arifa, Joysree, Jimy and the Eden Girls College unit President of Shamajtantrik Chhatra Front, Taposhi Rabeya Aakhi were injured.

22. According to information gathered by Odhikar, 14 have been killed and 948 injured in political violence in the month of January. There were also 41 incidents of internal violence in the Awami League and 11 in the BNP. In addition to this, 3 persons were killed and 368 were injured in Awami League's internal conflict while 129 persons were injured in the BNP's internal conflict.

Continued disturbance created at political rallies

23. It has been alleged that the police frustrated a programme of former Minister of State and Member of BNP's Standing Committee Goyeshor Chandra Roy at Keraniganj on January 8, 2010. The BNP activists of Teghuriya, Keraniganj had organised a reception for Goyeshor after he became a member of the BNP Standing Committee. When the Jatiya Party scheduled their own gathering at the same venue the civil administration/authority enforced Section 144 of the Code of Criminal Procedure, 1898. Afterwards when the BNP established a stage beside the Ikuriya Bridge for the reception, the police arrived and pulled it down.
24. Odhikar expresses grave concern over the incident and urges the Government to come forward from the path of restricting democratic practices.
25. Odhikar believes that any citizen of the State has the right to take part in gatherings and rallies as guaranteed under Articles 38 and 39 of the Bangladesh Constitution.

The status of the landless victims of the river erosions

26. Landless people from all over Bangladesh have been coming to Dhaka after their homes along the river banks were washed away, or had been destroyed by floods or other environmental calamities, with the hope of getting food, shelter and work. These hapless people are spending their nights under the open sky in the winter cold.
27. Odhikar demands of the Government to take speedy steps to rehabilitate these people.

Attacks on the leader of the ethnic minority people

28. Sanjeeb Drong, leader of the ethnic minority community in Bangladesh and his wife Mitali Sichim were attacked on January 22, 2010. Sanjeeb Drong was on his way back after taking part in the preparatory meeting of the Centennial anniversary of the Ranikhong Mission at Shushong, in Durgapur of Netrokona. When he approached the Sreetishoudho of Rashmoni, Boheratoli, a group of 7-8 outlaws stopped his motorcycle and broke it. They also attacked him with canes, causing grievous injury.
29. Odhikar expresses deep concern over the incidents and urges the Government to bring those responsible before justice.

Extra-judicial killings

30. During the month of January 2010, 05 people have been killed extra-judicially. It has been further alleged that of these people, 03 by Police, 01 were killed by RAB

and 1 person was allegedly killed by the joint operation of RAB- Police. Of these casualties, 01 passed away while he was in custody of the law enforcement agencies.

Types of death

31. **Crossfire/encounter/gun fight:**

It has been alleged that of these extrajudicial killings, 04 were killed in 'crossfire/encounters/gun fights'. It has been alleged further that two of these persons were victims of 'crossfire/encounter/gun fights' involving the Police, 1 by RAB and 1 was the victims of 'crossfire/encounter/gun fights' which involved the RAB-Police joint drive,

32. **Torture to Death:**

Among those killed one was allegedly tortured to death by police.

Identity of the deceased

33. Of the 05 deceased, 01 was a member of Jatiotabadi Samajik Sangskritic Sangstha (JASAS), 1 was a member of an alleged gangster group , 2 were alleged criminals and one was an alleged dacoit.

Torture

34. A total of 13 people have allegedly been tortured by law enforcement agencies during January 2010.

Violence against women

A. Rape

35. In the month of January 2010, a total of 36 females were raped, where 13 were adults and 23 were children.⁹ From the adult females, 01 was killed after being raped and 07 were gang raped. From the 23 female children who were raped, 01 of them was killed after being raped and 05 were victims of gang rape. Among those 13 adult one was raped by police.

36. A housewife who is a mother of two children was violated by Babu, General Secretary of the Borohor Union unit of the Awami League backed Chattra League and his accomplices at the village of Raninagar of Ullahpara, Sirajganj. She became a victim of gang-raped when she was returning home from her relative's house on January 14, 2010.

B. Pinki's suicide following harassment and assault

37. A girl from a school in Shyamoli at Dhaka committed suicide after failing to withstand the harassment of a perpetrator. On January 19, 2010, after Naspia Akon Pinki (15) accidentally cut her hand, she went to a pharmacy for treatment. This was when Pinki was teased and physically assaulted by Murad, a known delinquent of the locality and 4-5 of his accomplices. Afterwards Pinki committed suicide after failing to contain her grief at the insult she had sustained.

38. Those who inflict violence against women are usually socially influential. The lack of interest of the police to catch suspects, the lengthy nature of trials and the lack of the enforcement of justice all encourage violence against women.

39. Odhikar demands that the Government take steps in order to make the law enforcement agencies and the judicial system as a whole more female friendly. It

⁹ As per the Children's Act 1974, an adult is a person above the age of 16 years.

also urges the Government to bring those responsible for Pinki's suicide to justice.

C. Dowry-related violence

40. During January 2010, a total of 17 women were subjected to dowry related violence 09 of whom were killed due to the demand of dowry and 07 were tortured in various ways. 01 of these women allegedly committed suicide after failing to come to terms with the dowry related torture.

D. Acid Violence

41. In the month of January 2010, 13 persons were reported victims of acid violence. From these people, 10 were women, 02 were girls and 01 was a man.

Independence of the media

42. Journalists have been subjected to various forms of harassment during the month of January 2010. During this time, 18 journalists were reported injured, 05 threatened, 01 assaulted and allegedly 01 false case was filed against a journalist.

Death in jail/ court custody

43. It has been found that there were 08 people died while in jail/court custody.

The status of workers of the ready-made garments sector

44. In the month of January there have been incidents of labour unrest, most of which concern the demanding of due wages of the workers.

45. Odhikar demands that the Government should cancel the license of those garments factories which are not following the tripartite agreement and thereby causing labour unrest.

Recommendations

46. The issue of border violence must be raised in the meetings between India and Bangladesh.

47. Pressure must be put on India to establish the terms of the Mujib-Indira Agreement of 1974 and also to recognise Bangladesh's legitimate share of water.

48. The persons responsible for torturing the BDR members must be brought to justice.

49. Torture during remand and other forms of custody must end.

50. The Government must take effective steps to end political violence and bring those involved to justice. The law enforcement agencies must play an effective role in this regard.

51. The Government must come away from the path of restricting the practice of democratic rights and refrain from suppressing activists belonging to a different political philosophy.

52. The victims of river bank erosion and other natural calamities must be rehabilitated.

53. The Government must take appropriate measures to stop violence against women. The offenders must be brought under the purview of the law to ensure that justice is served. Furthermore, the victim must be provided with adequate legal support and protection.

Tel: 88-02-9888587, Fax: 88-02-9886208,
Email: odhikar.bd@gmail.com, odhikar@citech-bd.com
Web: www.odhikar.org

Notes:

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