

HALF YEARLY HUMAN RIGHTS REPORT ON BANGLADESH

**Prison laws: Discriminating and selectively applied
 Security Forces killing with impunity
 Freedom of Press still in danger
 Incidents of Rape high**

Odhikar, a human rights organisation, as part of its mandate monitors human rights situation in Bangladesh and following is its report on state of human rights from January to June 2008. Odhikar is committed to uphold civil, political, socio, economic and cultural rights of the people.

• Prison laws applied selectively:

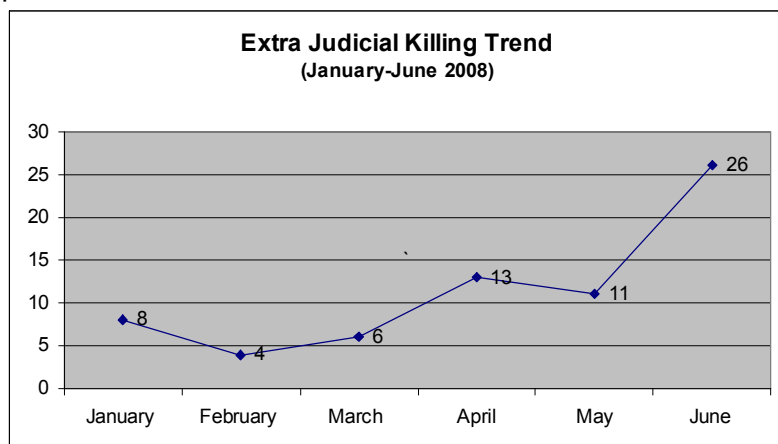
In the first half of this year, Odhikar expressed its concerns about the use of judicial process for other purposes whereby the government orchestrated the release of high profile prisoners arrested as part of its campaign against corruption.

Since the imposition of the State of Emergency and launching of an anti-corruption campaign, the country’s jails were quickly filled. According to reports, 68 jails of the country contain 87,579 inmates, more than three times the combined capacity of 27,368 of these jails¹.

Now, a worrying report has surfaced regarding the discriminatory use of prison laws and provisions. In the recent past, the government has granted parole to a number of high profile prisoners, commonly known as ‘VIP prisoners’, on humanitarian grounds, mostly to attend funerals and last rituals of relatives. However, the report finds that despite having such provisions in law, except the cases of ‘VIP prisoners’, no ‘ordinary’ prisoner was granted such parole under section 401 (4A) of the Code of Criminal Procedure of 1898. This illustrates selective use of law, favoured approach for politically important persons in prison and different treatment for others.

• Extrajudicial Killings

Extrajudicial killings continued to be committed by the security forces of Bangladesh despite national and international concern. In fact, figures show that more killings were carried out as the year progressed. In January 2008, 08 persons were reported killed while in June numbers increased to 26. If this trend continues unstopped, Bangladesh security forces could end up killing the highest numbers of persons in 2008 than ever before.



According to published figures compiled by Odhikar, in the last six months, 68 persons were allegedly killed by law enforcement agencies. Such killings are also carried out under various names, like,

¹ Directorate of Prisons, Bangladesh, 30th June 2008

'crossfire', 'encounter', 'shootout', 'gunfight' etc. In addition, deaths also occurred due to torture in custody, and 15 such deaths² were reported over this period.

Complete immunity: Agencies responsible for upholding laws and only lawful orders carry out such killings with absolute impunity. In the period under review, there was no report of any person involved in such crime brought to account. Odhikar demands that this impunity must end and those responsible should face legal consequences.

Such killings are continuing unabated at a time when Bangladesh is a member of the UN Human Rights Council, specifically responsible for "promoting universal respect for the protection of all human rights and fundamental freedoms for all without distinction" and to "address situations of violations of human rights, including gross and systematic violations". Bangladesh is therefore failing to live up to its international commitment as a member of this UN body.

Extrajudicial killings, carried out without judicial mandate, not only violate right to life, liberty and security of person granted under international laws but equally, rights guaranteed under the Constitution of Bangladesh and other laws.

RAB tops the list: According to available data, RAB (Rapid Action Battalion) killed the highest number of persons between this period (34 persons), followed by Police who killed 22. Jointly, both RAB and Police killed 8 persons where BDR and the Coast Guards killed 2 persons each. Within RAB, RAB 12 covering Kushtia, Bogra, Sirajganj, Pabna, Sherpur, Jamalpur, Tangal area killed 8 persons alone.

Mass Arrests: More extrajudicial killings have been carried out since the beginning of the mass arrests, when, according to reports, 50,215 persons were arrested in one month long operation by the joint forces. Mass arrests began at the end of May and figures suggest extrajudicial killings increased in June.

- **Circumstances of deaths**

Crossfire/ encounter/gunfight/shootout

Odhikar also recorded the circumstances under which these persons were killed extra-judicially. A total of 60 incidents of crossfire/ encounter/ gunfight/ shootout³ were recorded. Among them 33 persons were killed in RAB crossfire, 16 in police crossfire, 1 in BDR crossfire, RAB and police jointly killed 8 persons and 2 persons were killed by coast guards.

Torture to death

1 person was allegedly tortured to death by RAB, 6 persons by police and another 1 person was killed allegedly due to BDR torture.

Political allegiance of the victims

According to reports, political affiliations of some of the victims of extrajudicial killings were as follows: 1 from Awami League, 2 each of Purbo Banglar Communist Party and Gono Mukti Fouz, 10 members of Purbo Banglar Communist Party (Red Flag), 7 from Purbo Banglar Communist Party (Jonojuddho) and 1 each from Maobadi Sangstha, Shorbohara Party, Gonobahini, Biplobi Communist Party and New Biplobi Communist Party.

² In some cases, the law enforcement agencies took the victim with them to recover arms or to capture cohorts and in other cases they were tortured to death as per their family's claim

³ Reports in the press have increasingly used more than one of the terms "crossfire", "encounter", "gunfight" and "shootout" in one article to describe the same incident. It is, therefore, no longer possible for Odhikar to determine which of these descriptions best describes an incident of extra-judicial killing. Odhikar has, therefore, grouped these incidents together and consider as "crossfire".

Other characteristics of the victims

Odhikar also recorded the reported professional and other identities of victims and found, amongst those killed, was a farmer, a businessman, a fruit vendor, a woman, 3 young men whose professional identities were unknown, 19 were alleged criminals, and 3 were alleged smugglers, 2 were alleged drug dealers, an alleged mugger, 5 alleged dacoits. Besides, 3 allegedly belonged to a gangster group Gangchil Bahini and another from the Taslim Bahini.

• Death in Jail

Between 1 January and 30 June a total of 41 persons reportedly died in the jail custody. Among them 40 persons 'passed away' due to illness. It is reported that a person was in remand under police custody for 3 days and during interrogation he claimed to be sick and was sent to jail where he died on the 3rd day in remand. The Government should follow the Jail Code provisions on proper medical treatment.

• Freedom of Expression:

The fundamental right of freedom of expression has been severely curtailed since the imposition of the State of Emergency on 11 January 2007. People do not have free access to information as journalists continue facing negative pressure for publishing factual reports, contravening recognised rights of press under national and international laws. Pressure on journalists poses a very significant threat. Ranging from telephone calls and threats to physical attacks - designed to prevent or punish the publication of critical material.

Since 1 January to 30 June 2008, 23 journalists were reportedly injured, while 13 were assaulted. 16 incidents of verbal threats were also recorded. In January the Government asked television channels to avoid all talk shows. In April two journalists were barred from their professional duty at the court. However, incidents of covert restrictions and harassment on print and electronic media are much higher than reported. One of the latest incidents took place on 30 June, when journalists were covering the proceedings of the GATCO graft case against former Prime Minister Khaleda Zia. The police tried to drive the journalists out of the courtroom, and at one point, Nahid, an assistant Commissioner reportedly flew into a rage and commented 'kick the journalists out'⁴.

• Rape:

Violence against women, in particular, incidents of rape have remained high. In the last six months, 266 women and girls became victims of rape out of which 113 were women and 153 were children. Actual figures are likely to be much higher since all such violations are not reported to police or in media largely because of associated social stigma and other factors.

On average, 44 women were raped per month. Out of these incidences 107 were gang raped. Out of the 113 women, 37 were reportedly killed after rape and 64 became victims of gang rape. On the other hand, out of 153 girls⁵, 20 were reportedly raped and then killed, while 43 became victims of gang rape.

• Dowry

Other vicious forms of violence against women occur due to dowry⁶ demands. Between January and June, a total of 140 women reportedly became victims of dowry demands. Due to dowry related violence, a total of 96 women were killed and 38 tortured. During this time, 6 women reportedly committed suicide, as they could not bear the abuse any longer.

4 As reported in the New Age of 01 July 2008

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

6 A **dowry** is the money, goods, or estate that a woman brings to her husband in marriage. **The Dowry Prohibition Act 1980** enacted for prohibiting dowry and makes provision that giving or taking/demanding of dowry is an offence punishable with imprisonment and/or fine.

- Acid Violence**

Over this period, a total of 65 persons became victims of acid violence; amongst them, 37 persons were women, 17 men and 11 children (6 girls and 5 boys).

- India Bangladesh border violence:**

Violence and violation of human rights have continued in the border region between Bangladesh and India. The Indian Border Security Force (BSF) reportedly killed 32 Bangladeshis, Injured 20 and abducted 20 Bangladeshis during January to June 2008. In many of the cases, BSF intruded into Bangladesh territory and killed Bangladeshi nationals without any provocation. BSF’s extrajudicial killings of Bangladeshi nationals cannot be justified on any pretext. The due process of law, the right to life must be guaranteed in all circumstances.

Indian High Commission Mr. Pinak R. Chakravarty, however, tried to justify such killings by BSF. He reportedly said to the media that people who die in border shootings are mostly “smugglers”. He did not explain how he knew those killed are smugglers as such persons are never arrested, interrogated or investigated in other ways and most certainly, none are brought before the court for trial.

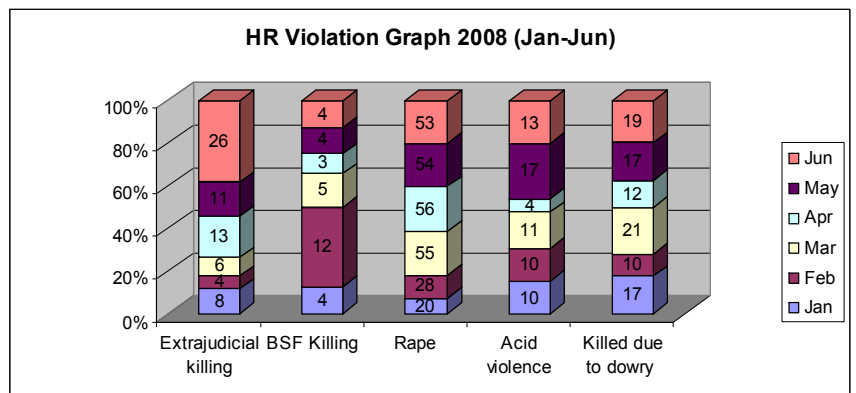
Odhikar maintains that BSF follows a shoot-to-kill policy, whereby BSF, being apparently trigger happy, intends to kill those involved. Odhikar has repeatedly called upon the government to take effective measures to protect rights of those living and working in boarder areas.

Odhikar condemned the statement of the Indian High Commissioner patently justifying extrajudicial executions carried out by BSF disregarding human life. Odhikar calls upon the High Commissioner to retract his statement justifying killings.

Statistics of Human Rights violations

1 January- 30 June 2008

Name of the violation	Number of violence
Extrajudicial killing	68
BSF Killing	32
Rape	266
Acid violence	65
Killed due to dowry	96



Recommendations:

- Odhikar calls upon the government and prison authorities not to discriminate or selectively apply laws in regard to prisoners. Authorities must respect rights regardless of socio-political or economic standing of a prisoner and treat all prisoners fairly and equally. In other words, rule of law must apply to all prisoners.
- Odhikar demands that the government rein in its security forces, in particular, RAB and Police, to halt upward trends of extrajudicial killings and to truly respect its commitments as a member of UN Human Rights Council. Odhikar further demands that every incident of ‘crossfire’ must be properly and completely investigated and those found responsible should be appropriately punished after trial. Commanders and superiors, if involved in either approving or allowing such killings should also be brought before law. Officials who failed to stop this practice must also be held responsible.
- Odhikar also demands that the Chief Adviser or Advisors make the government’s position on ‘crossfire’ clear, and make unambiguous public statement condemning such killings and reassuring

the people that no such killings will take place henceforth, and those responsible would be investigated and prosecuted. The government must also make clear its rejection of torture under any pretext and put stringent measures to deal with such practices. Odhikar believes, without such political intervention and effective measures, security forces will continue to kill with impunity.

- The government must respect and ensure freedom of expression. It must refrain from interfering in the people's right to know and stop harassing or intimidating members of press.
- The government must pay immediate and special attention to incidents of rape. It must be proactive in bringing perpetrators under the law for punishment and offer practical help to victims. It must ensure that victims and witnesses are protected so that perpetrators cannot intimidate and re-victimise victims. In this regard, Odhikar calls upon the government to set up a fund specially to support victims of gender violence and to offer adequate compensation.
- The government should take immediate and effective initiatives to stop the killing, injuring and abduction of Bangladeshi citizens by the Indian Border Security Force (BSF).

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Notes:

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