

NINE MONTHS HUMAN RIGHTS REPORT ON BANGLADESH January-September, 2008

EXTRAJUDICIAL KILLINGS INCREASED IN SEPTEMBER

CULTURE OF CROSSFIRES AND ABSOLUTE IMPUNITY MUST END

Odhikar, a human rights organisation, is committed to uphold universal civil, political, economic, social and cultural rights of the people and as part its commitment, monitors human rights situation in Bangladesh. Odhikar presents below report on state of human rights from January to September 2008.

Extrajudicial Killings

Extrajudicial killings continued throughout the nine months with impunity. According to Odhikar records, in January 2008, 08 persons were reported killed, while in September, numbers increased to 19. In the last nine months, in total, 116 persons were allegedly killed by law enforcement agencies.

➤ Circumstances of deaths

Among those 116 persons, 51 were allegedly killed by RAB, 49 by police, 9 persons were killed by the joint operation of RAB -police, 1 person by joint force, 2 by BDR and 4 by coast guards.

➤ Crossfire/ encounter/gunfight/shootout

Odhikar also recorded the circumstances under which these persons were killed extra-judicially. A total of 105 incidents of crossfire/ encounter/ gunfight/ shootout¹ were recorded. Among them 50 persons were killed in RAB crossfire, 40 in police crossfire, 1 in BDR crossfire, RAB and police jointly killed 9 persons, 1 by joint force and 4 persons were killed by coast guards.

¹ Reports in the press have 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”.

➤ Torture to death

It has been reported that 10 persons were allegedly tortured to death in this period. Among them 1 person was allegedly tortured to death by RAB, 8 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 from BNP, 4 from Purbo Banglar Communist Party, 2 from Gono Mukti Fouz, 15 members of Purbo Banglar Communist Party (Red Flag), 10 from Purbo Banglar Communist Party (Jonajuddho), 2 from Shorbohara Party, 4 from Gonobahini, 1 each from Biplobi communist party, Maobadi Sangstha, New Biplobi Communist Party and Sromojibi Mukti Andolon.

➤ 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, 31 were alleged criminals, and 3 were alleged smugglers, 3 were alleged drug dealers, an alleged mugger, 1 was an alleged thief, 15 alleged dacoits. Besides, 3 allegedly belonged to a gangster group Gangchil Bahini another from the Taslim Bahini, 1 from Emon Group, 1 from Amal Bahini, 3 pirates from Motaleb Bahini and another 2 were from an unnamed gangsters group.

➤ Absolute impunity

Agencies responsible for upholding law and only lawful orders carried out extrajudicial 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.

Extrajudicial killings not only violate right to life, liberty and security of a person, granted under international laws but equally, rights guaranteed under the Constitution of Bangladesh and other laws. Odhikar demands an end to extrajudicial killings and to absolute impunity. The culture of extrajudicial killing is an affront to human dignity, humanity and threats to rule of law. Odhikar calls upon those responsible for investigation, prosecution and the judiciary to be pro-active in ending extrajudicial killings.

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. Pressure on journalists poses a

very significant threat. People do not have free access to information as journalists continued facing pressure and intimidation for publishing factual reports, contravening recognised rights of press under national and international laws.

Since 1 January to 30 September 2008, 90 incidents of violence against journalists/ pressure on freedom of expression were recorded. During this period reports show that 35 journalists were injured, 15 were assaulted, 3 were arrested, 28 journalists were threatened and 2 cases file against journalists.

In January, the Government asked television channels to avoid all talk shows. In April two journalists were barred from their professional duty as court reporters. 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'². On 6 September the Election Commission did not allow journalists to cover the dialogue with political parties on the issue of registration. Political parties said that EC told them that it wanted to discuss some issues 'frankly'; and this is why it decided not to allow newsmen to be presented there. The incidents of covert restrictions and harassment on print and electronic media much higher than reported.

Freedom of Assembly

It is reported that on 18 September 2008, 10 Hijbut Tahrir activists including three university teachers were arrested in Rajshahi as 'suspected militants' on the eve of their press conference at the local press club. It is to be mentioned that those arrested had no record of militancy and some of them are respected teachers in prestigious universities. Arresting them without any specific grounds violates freedom of assembly as in Article 37 of the Constitution of the Peoples Republic of Bangladesh, which states, 'Every citizen shall have the right to assemble and to participate in public meetings and processions peacefully and without arms, subject to any reasonable restrictions imposed by law in the interests of public order or public health'.

Deaths in Jail and Custody

Between 1 January and 30 September a total of 55 persons reportedly died while in jail custody. 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.

It has also been reported that a man who was arrested on 23 September by RAB, died on 24 September while in RAB custody.

² As reported in the New Age of 01 July 2008

Rape

Incidents of rape are high in Bangladesh. In the last nine months, 385 women and girls became victims of rape out of which 164 were women and 221 were children aged below 16. Actual figures are likely to be much higher since all such violations are not reported to police or police sometimes do not file rape case because they favour the rapists as they are influential. Another reason is the associated social stigma.

On average more than 42 women were reported raped per month. Out of these incidences 152 were gang raped. Out of the 164 women, 52 were reportedly killed after rape, 4 committed suicide after being raped and 89 became victims of gang rape. On the other hand, out of 221 girls³, 26 were reportedly raped and then killed, 4 committed suicide while 63 became victims of gang rape.

Dowry related violence

The most common reason for violence against women occurs due to dowry⁴ demands. Between January and September, a total of 219 women reportedly became victims of dowry demands. Due to dowry related violence, a total of 154 women were killed and 57 tortured. During this time, 8 women reportedly committed suicide, as they could not bear the abuse any more.

Acid Violence

Between 1 January and 30 September, a total of 113 persons became victims of acid violence; amongst them, 60 persons were women, 30 men and 23 children (12 girls and 11 boys).

India- Bangladesh border violence

Between Bangladesh and Indian border region, human rights violations continued over the period. The Indian Border Security Force (BSF) reportedly killed 49 Bangladeshis, Injured 29 and 53 were abducted. There were three incidents of looting and 6 Bangla speaking Indian nationals were pushed into Bangladesh by BSF between January and September 2008. It was reported that sometimes BSF intruded into Bangladesh territory and killed Bangladeshi nationals without any provocation. BSF's

³ As per the **Children's Act 1974**, an adult is a person above the age of 16 years.

⁴ 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.

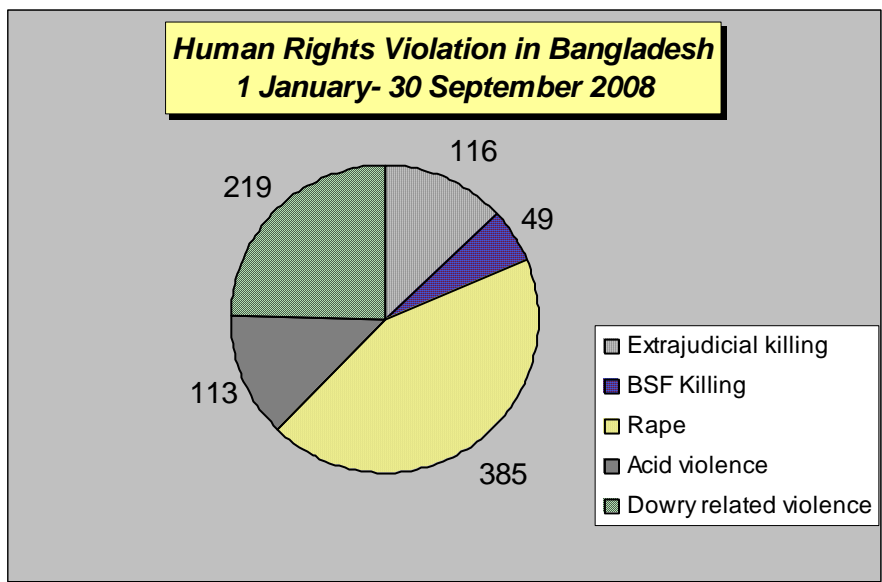
extrajudicial killings of Bangladeshi nationals cannot be justified on any ground. The due process of law, the right to life must be guaranteed in all circumstances.

Violations of Workers Rights

Readymade garments and jute mill sectors remained restive for the last nine months. In many areas, workers staged demonstration, and clashes broke out in some instances, mainly for demands of arrear dues, increase of wages and festival bonus.

In the face of the rise in the food prices and other subsistence needs and denial of the right of association under Emergency -- the cumulative effects of human rights violations of the workers are alarming. The Bangladesh Garment Manufacturers Association (BGMEA) must cancel the membership of those business houses who fail to comply with good practice in respecting workers rights and their legal contractual obligations as employers. Workers rights must be respected by all parties concerned, both the government and employers.

<i>Statistics of Human Rights violations</i>	
<i>1 January- 30 September 2008</i>	
Name of the violation	Number of violence
Extrajudicial killing	116
BSF Killing	49
Rape	385
Acid violence	113
Dowry related violence	219



Recommendations

- Odhikar demands an immediate end to the culture of crossfire, absolute impunity and extrajudicial killings.
- Odhikar further demands that every incident of 'crossfire' or similar incidents must be independently investigated and those found responsible should be brought before the law to account for their actions. Commanders and superiors, if involved in either approving or allowing such killings, should also face the law. Officials who failed to stop this practice must also be held responsible.
- 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 the press.
- The government must pay immediate and special attention to incidents of rape. It must be pro-active in bringing perpetrators under the law and offer practical assistance 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).
- Odhikar demands respecting workers rights and that in all sectors, workers must have collective bargaining facilities and the right to form trade unions.

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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.