

# **Human Rights Monitoring Report**

January - September 2012

**28 persons killed by BSF in nine months**

**24 persons allegedly disappeared in nine months**

**On average 07 persons killed extra judicially every month**

**Torture in custody**

**Lack of accountability of law enforcing agencies**

**Obstructions on political programmes**

**130 persons killed in political violence in nine months**

**Imposition of Section 144 of the Code of Criminal Procedure**

**Violence against religious and ethnic minority communities**

**Mass protest movements**

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**Freedom of media**

**Impediment on freedom of expression**

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**Government's harassment on NGOs**

**Violence against women**

Odhikar believes that 'democracy' is a form of the State and not merely a process of electing a ruler. Democracy is the product of the peoples' struggle for inalienable rights, which become the fundamental premise to constitute the state and to define collective aspirations and responsibilities. Therefore, individual roles and democratic

aspirations of the citizens and their collective rights and responsibilities must be the foundational principle of the state. Failure to do so at the founding moment is a continuing curse that people are forced to carry. Democratic legitimacy of the state is directly related to its commitment and capacity to ensure human rights such as rights to life and livelihood, rights to environment and health; and the dignity and integrity of individuals, including freedom of speech and association. These rights, as the foundational principles of the State, must remain inviolable; and accordingly, the Parliament, Judiciary and Executive cannot and should not have any power to abrogate them through any legislation, judicial verdict or executive order.

Odhikar, being an organisation of human rights defenders in Bangladesh, has been struggling to ensure these rights. Odhikar stands against all forms of human rights violations and accordingly participates and remains directly involved in the human rights movement in Bangladesh. Odhikar brings to the movement the strategic perspective that in its demand for civil, political, economic, social and cultural rights, the human rights movement not only endeavours to protect the victims, but also, in countries like Bangladesh, is constitutive of a democratic state. The movement to establish the rights and dignity of every individual is part of the struggle to constitute Bangladesh as a democratic, political community.

As part of its mission, Odhikar monitors the human rights situation of Bangladesh to report violations and defend the victims. In line with this campaign, an account of the human rights situation of Bangladesh, from January to September 2012, is presented here.

## **28 persons killed by BSF in nine months**

1. On September 29, 2012 the BSF Director General, U K Bansal said that “six Bangladeshis were killed along the Bangladesh-India border between January and September 2012. The Director General of BSF stated this in press briefing after 4-day conference between BGB and BSF at Pilkhana in Dhaka. However, according to information gathered by Odhikar, there were more human rights violations along the India-Bangladesh border in the period from January to September 2012. The BSF kill unarmed Bangladeshis either by shooting or torturing them; and also abducted Bangladeshi citizens from the border areas. During this period, according to Odhikar, 28 Bangladeshi citizens were killed and 70 Bangladeshi citizens were injured. Furthermore, in the last nine months, 53 Bangladeshis were abducted allegedly by the BSF. In contrast, 12 persons were abducted by BSF during the same period in 2011.

2. Odhikar condemns such killings, torture and abduction; and the statement of the Director General of the Indian BSF in relation to this information. Odhikar also demands the Bangladesh Government put pressure on the Indian Government to stop killing Bangladeshi citizens at the border and ask for reparation for the victims. Some instances are as follows:
3. On September 14, 2012 a Bangladeshi citizen named Alamgir Hossain Alam was beaten to death by the BSF at Putkhali border under Benapole in Jessore. The BSF left the body of Alamgir Hossain at Dumur Baor area under the Angrair border in India.<sup>1</sup>
4. On September 7, 2012 the BSF abducted two Bangladeshi nationals named Shahabuddin and Ebadur from Baghchora area of Lalkhan Border under Jointapur Upazila in Sylhet district. BSF members entered 500 yards into Bangladesh territory; crossing sub pillar 6-S of international pillar 1202 and abducted them.<sup>2</sup>

## **24 persons allegedly disappeared in nine months after being picked up by members of law enforcing agencies**

5. According to information gathered by Odhikar, 24 persons were allegedly disappeared by men claiming to be members of law enforcement agencies between January and September 2012.<sup>3</sup>
6. Many people are 'disappeared' after being picked up by members of the law enforcement agencies, as claimed by their families. Later when the families of the disappeared search at custody centres and places of detention for the victim, they are told that the victim is not there; and the whereabouts of the persons remains unknown. Despite the law enforcing agencies being in denial about these allegations, in some cases they have produce the 'disappeared' person in public or handed him over to police stations after several days of the arrest. Some incidents are as follows:
7. On August 13, 2012 five friends Touhidul Islam Tushar, Mohan, Mithu, Mostafa and Joynal were picked up by allegedly the Rapid Action Battalion (RAB) from Shugandha Housing at Hemayetpur under Savar, Dhaka. Their whereabouts were unknown despite news published in the media. The families of the victims searched for them in police stations and the RAB-4 office but could not find

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<sup>1</sup> The daily Amar Desh, 15/09/2012

<sup>2</sup> The daily Prothom Alo, 10/09/2012

<sup>3</sup> Odhikar records only those instances of enforced disappearance when the family of the victim claims that the perpetrators said they were members of law enforcement agencies and/or showed ID cards claiming they were. Also recorded are incidents when the perpetrators wore uniforms, visible and recognisable to witnesses of the occurrence.

them. On August 17, 2012, Tushar's father Tajul Islam filed a case with Savar Model Police Station in this regard. The plaintiff mentioned in the FIR that his son was abducted by men claiming to be members of RAB, but police recorded the case omitting this allegation; and mentioned that armed criminals abducted Tushar. Sub Inspector Rakib of Savar Model Police Station arrested two youths named Sabuj and Rajib from the Hemayetpur area and took them into remand, but there was no improvement in police investigation. On September 3, 2012 RAB produced six arrested persons in a press conference at RAB Headquarters and claimed that they were involved in a conspiracy to kill three doctors in relation to internal conflicts of DAB<sup>4</sup>. Among the six persons produced at the press conference, five were the men who were picked up by RAB from Savar. The families of the disappeared five men identified them when watching news on television that same night.<sup>5</sup>

8. On April 18, 2012, former Member of Parliament and Organising Secretary of the Central Committee of BNP<sup>6</sup>, M Ilias Ali and his driver Ansar Ali were picked up allegedly by members of law enforcing agencies from Banani in Dhaka city. Tahsina Rushdir, wife of Ilias Ali, claimed that her husband had been picked up by the 'agency of the government'.<sup>7</sup>
9. On April 4, 2012 Aminul Islam (41), a leader of the Bangladesh Garments and Industrial Workers Federation and a staff of Bangladesh Centre for Workers Solidarity (BCWS), was allegedly picked up by members of the law enforcement agencies from Ashulia, Dhaka, taken to an unknown destination and allegedly tortured to death.<sup>8</sup>
10. On July 22, 2008 Jubo League<sup>9</sup> leader Tushar Islam Titu was arrested and disappeared allegedly by some RAB members from Dhukuria Bera Bazar under Belkuchi upazila in Sirajganj district. Later the Inquiry Committee formed by the Ministry of Home Affairs mentioned in its report on July 27, 2012 that RAB members were involved in the disappearance of Tushar Islam Titu.
11. Ruhul Amin, father of Mohammad Imam Hassan alias Badal (24) of Rajnagar village under Panchagarh Municipality alleged that his son had been detained illegally by RAB-2. He does not know where his son is. Ruhul Amin told Odhikar that his elder son Mohammad Imam Hassan (Badal) was working in a shutter and grille making factory in Dhaka. He was living at 250 Tejkunipara of Tejgaon area in Dhaka. On March 5, 2012 Badal was abducted from Anwara Park at

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<sup>4</sup> DAB: Doctors Association of Bangladesh

<sup>5</sup> The daily Jugantor, 05/09/2012

<sup>6</sup> BNP: Bangladesh Nationalist Party

<sup>7</sup> The daily Prothom Alo, 19/04/2012

<sup>8</sup> Fact finding report of Odhikar, 26/04/2012. See [www.odhikar.org](http://www.odhikar.org)

<sup>9</sup> Youth wing of Awami League

Farmgate. The abductors informed Ruhul Amin about the abduction of his son by a cell phone call and claimed that Badal had been abducted as per instruction of a man named Zahid. Ruhul Amin gave the name of the abductors and their cell phone number to RAB-2, over telephone from Panchagarh. Members of RAB-2 carried out an operation and rescued his son the next day at 10.30 pm and also arrested two abductors, Zahid and Babul. Later, another of the abductors informed Ruhul over a cell phone that his son was taken by RAB. When Ruhul Amin made a phone call about his son to RAB-2, RAB confirmed the rescue and told him to come to Dhaka. On March 13, 2012, Ruhul Amin went to RAB-2 office in Dhaka, where he was asked to file a case against the abductors. He went to Tejgaon Police Station, but the Officer-in-Charge, Mahbubur Rahman, forced him out without taking his case. Later he lodged a General Diary (GD) of the abduction of his son with Tejgaon Police Station, numbered no. 740, dated 13.03.2012. He was rejected from Sher-e-Bangla Nagar Police Station too, where he went to file a case on the same allegation. He then went to the office of the Deputy Commissioner of Police (DCP) to lodge a complaint. The DCP Mohammad Hossain informed him that his son was in RAB custody at Agargaon, Dhaka. He went to the RAB-2 office and the duty officer, Sub Inspector Raju took his signature on an application for the recovery of his son. SI Raju secretly demanded one hundred thousand taka for his son's return. Ruhul Amin was told that his son would be killed if he did not pay. Ruhul Amin gave SI Raju Taka forty thousand. SI Raju was in RAB uniform while taking the money. Another RAB officer told him that a signature from the higher authority will be needed. On March 19, 2012, he informed the matter to the Member of Parliament (Panchagarh-2) and member of the Standing Committee on the Ministry of Home Affairs, Advocate Nurul Islam Sujan, who wrote to RAB-2 to take necessary action to return Badal. Ruhul Amin learnt that after receiving the letter from the MP, his son was taken away from RAB-2.<sup>10</sup> Later he complained to the National Human Rights Commission (NHRC) and the NHRC asked Senior Secretary of the Home Ministry to take necessary measures through investigation. The Home Ministry gave the responsibility of investigation to RAB. Ruhul Amin said that about two months after this, he received a call from cell phone number 01911316900 by a person calling himself the Superintendent of Police in Detective Branch of RAB. He told Ruhul Amin to go to the RAB headquarters, but Ruhul Amin refused to go to Dhaka. Later he received a call from cell number 01678020025 and a man told him to go to Rangpur RAB camp. He went there on June 26, 2012 and the investigating officer asked him to identify the accused by showing him photographs of three RAB members. Ruhul Amin identified RAB members Raju (who took money from

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<sup>10</sup> Report from Shahiqul Islam, human rights defender of Odhikar, Panchagarh, 14/05/2012

him), Soleman and Solaiman (who harassed him with false claims and assurances). After identifying them in writing, Ruhul Amin communicated with Saiful Islam Shanto, Superintendent of Police of RAB Detective Branch by mobile phone. He assured Ruhul Amin that he will get his son back within a week. Ruhul Amin still awaits the return of his son Badal.

12. On September 18, 2012 Director of RAB Detective Branch, Lt. col. Ziaul Ahsan Imam informed Odhikar that no written complaint of disappearance was lodged to the RAB Headquarters from the family of Imam Hassan Badal. He has no information regarding this matter.
13. Odhikar expresses grave concern regarding the incidents of 'enforced disappearance' and demands that the Government rescue or recover the victims of enforced disappearances and take stern action against those responsible without any discrimination.
14. In the matter of Mohammad Hassan Badal, Odhikar condemns that alleged actions of RAB, which were done to cause harassment and financial pressure on a father seeking the whereabouts of his son. Not only did RAB perform illegal acts of corruption and impunity, but also caused the disappearance of Badal, instead of releasing him - even after a letter from the Parliamentary Standing Committee. This level of impunity indicates the dangerous level of deterioration of the law and order situation in Bangladesh.

## **Dhaka University teacher arrested after being released on bail**

15. On September 24, 2012, Shahida Ahmed, the wife of Dr. Syed Golam Mawla, a teacher of Dhaka University, alleged in a press conference that on September 19, 2012 her father Latif Ahmed went to the jail gate of Kashimpur Central Jail to bring her husband, who had been released on bail. He showed the necessary documents to Jailor, Abul Bashar, but Abul Bashar handed Dr. Mawla over to some men claiming to be members of Detective Branch (DB) police at 8.00 pm, instead of handing him over to his father-in-law, the guarantor of the bail. Shahida also stated that the men claiming to be members of DB police would not tell Latif Ahmed their name and designation. They also failed to show any documents related to the arrest of her husband. Later her husband was taken forcibly by microbus (Dhaka-Metro—Cha-53-4277) from the Kashimpur Central Jail gate.<sup>11</sup>
16. After this press conference, Manirul Islam, Deputy Commissioner of DB Police, informed that Golam Mawla was arrested from outside Azad Mosque at Gulshan

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<sup>11</sup> Press statement of Shahida Ahmed, wife of Dr. Golam Mawla, 24/09/2012

as being accused of planning to bring out a procession of Hizb-ut-Tahrir.<sup>12</sup> On September 25, 2012 DB police produced Dr. Golam Mawla before the Court and appealed for remand. The Court granted 5-day remand.

17. It is to be mentioned that Professor Dr. Golam Mawla was also arrested on July 8, 2010 from the Katabon area in Dhaka on a case filed in Uttara Police Station. On September 19, 2012 the Chamber Judge of the Supreme Court granted his bail order given by the High Court Division on the case filed under the Anti-Terrorism Act 2009.

## **07 persons killed extra judicially every month**

18. During the period of January - September 2012, according to information gathered by Odhikar, 60 persons were killed extra-judicially by law enforcement agencies. On an average 07 persons were killed extra judicially every month.
19. The Foreign Minister Dr. Dipu Moni expressed her view to stop all kinds of extrajudicial killings in Bangladesh at a high level meeting at the UN Human Rights Council in Geneva.<sup>13</sup> However, extrajudicial killings continue, despite assurances by the Foreign Minister to end this. As a result, the government is violating its obligations to uphold human rights. Some examples are as follows:
20. Mohammad Abdul Jalil (52), son of Mofiz Uddin Mandol was killed extra judicially by police. Jalil was resident of Ishalmari village in Kursha Union under Mirpur Upazila of Kushtia. The family of the deceased and eye-witnesses alleged that on September 1, 2012 at around 6.00 pm Abdul Jalil was picked up in two motorbikes by four plain clothed men identified them as members of the police from Kumari Bazar in Alamdanga of Chuadanga. On September 4, 2012 at around 4.30 am Jalil was shot dead in a brick field at Kursha Poolpara under Mirpur Upazila in Kushtia.<sup>14</sup>
21. On April 2, 2012 Mohammad Abdul Momin Molla (24), son of Abu Syed and Rojeba Khatun, of Gazirkandi village under Nabinagar Police Station in Brahmanbaria district, was arrested by plain clothed members of RAB-4 from Purba Chorail under Keraniganj. The family of Momin alleged that RAB-4 shot and killed him after 12.00 noon in front of house No. 383 behind Krishi Bank in road 12 at Mirpur section 13 in Dhaka.

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<sup>12</sup> The daily Prothom Alo, 25/09/2012

<sup>13</sup> The daily Amader Shomoy, 02/03/2010

<sup>14</sup> Fact finding report of Odhikar

## **Types of extrajudicial deaths**

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

22. Among the 60 persons extra judicially killed, 47 were killed in 'crossfire/ encounters/ gun fights'. Among the deceased, 35 were allegedly killed by the Rapid Action Battalion (RAB), six by the police, two jointly by RAB-police and four jointly by RAB-Coast Guard.

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

23. Between January - September 2012, six persons were allegedly tortured to death. Among the deceased four were tortured allegedly by the police, one by Border Guard Bangladesh (BGB) and one by jail authorities.

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

24. Among the deceased, seven persons were shot and killed during this period. Of them three were killed by police and one by the Border Guard Bangladesh (BGB) and three by Ansars.

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

25. Of the 60 deceased persons killed extra judicially, reports alleged that three were members of Gono Mukti Fouz, two were the members of Purbo Banglar Communist Party (Red Flag), three were workers of Bidi factory, four were businessmen, three were unidentified youths, one a bus helper, one was a convicted prisoner in Natore District Jail, one was a fruit vender, one a farmer and 41 were alleged criminals.

## **Torture in custody**

26. According to Odhikar's documentation, 61 persons were reportedly tortured by different law enforcement agencies between January-September 2012. Among them, six persons succumbed to their injuries. Among 55 persons alive, 43 were tortured by police, five by RAB-Police, five by RAB and one by jail authorities and one by Border Guard Bangladesh (BGB). Six persons were allegedly tortured to death<sup>15</sup>. Some instances are as follows:

27. On September 11, 2012 at around 2.00 am, police of Khoksha Police Station arrested Piari Khatun Priya (18) of Baroipara village under No. 9 Ambaria Union Parishad of Khoksha Upazila in Kushtia for her alleged connection with a banned 'ultra left' party. She was allegedly given electric shocks and mentally

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<sup>15</sup> This has been mentioned in the previous section on 'Extra-judicial killings'.



tortured by police for three days in police custody. Priya was released from the police station on September 13, 2012 at 9.00 am as the allegations against her could not be proved.<sup>16</sup>

28. On September 9, 2012 at approximately 3.00 am police of Khoksha Police Station and DB police arrested a woman (50) and her daughter<sup>17</sup> (18), both residents of Beradanga area in Rajbari district. They were taken to Khoksha Police Station in Kushtia without any warrant. They were detained there for 5 days in police custody and allegedly given electric shocks. The girl was taken to a separate room, forcibly stripped naked in front of male police in the name of interrogation. The mother of the girl alleged DB police took her daughter to an unknown place every day and returned her after 3/4 hours while in custody. The daughter told her mother she wanted to hang herself, as she could not bear the abuse on her any longer. According to the mother's statement, some policemen violated her daughter. Later DB police showed them as arrested under section 54 of the Code of Criminal Procedure as suspects of a murder case; and produced them before Kushtia Cognizance Court-3 on September 15, 2012. They were released on bail after three days in jail. The report on torture and ill-treatment on them was published on September 25, 2012. Both of them were acquitted from the case under Section 54 on September 26, but they were shown arrested under a murder case and produced before the Court as the news was reported in the media. The court sent them to jail.<sup>18</sup>
29. It is alleged that RAB tortured a person named Kamal Hossain (30) and tried to force him to make a confessional statement in connection to the murder of Dr. Narayan Chandra Dutta. On August 30, 2012 Kamal Hossain told 'Prothom Alo' a Bangla language national daily that after he was arrested on 25 August, 2012 RAB members inflicted electric shocks on him and forcibly tried to make him confess that he was involved in the murder and dacoity case. The police of Detective Branch (DB), who were investigating the case, said that Kamal Hossain was not involved in that case.<sup>19</sup>
30. On April 22, 2012 Khulna Government City College unit Chhatra Dal<sup>20</sup> leader, SM Mahmudul Huq Tito was tortured by being hung from his arms from the ceiling of Khulna Police Station, by the Officer-in-Charge, SM Kamruzzaman, during the first day of hartal. Photographs of the torture of Mahmudul Huq Tito were

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<sup>16</sup> Fact-finding report of Odhikar. As per the Code of Criminal Procedure, a person must be produced before a Magistrate within 24 hours of arrest. Here, Priya was kept in police custody for three days and then released. This is a grossly illegal act.

<sup>17</sup> According to Odhikar's principle, Odhikar do not use name of rape victim or her relative's name, unless it has been published in the national newspapers.

<sup>18</sup> Fact-finding report of Odhikar

<sup>19</sup> The daily Prothom Alo, 31/08/2012

<sup>20</sup> Student wing of BNP

published in many national dailies, after they were taken on the cell phone of a journalist.<sup>21</sup>

31. According to section 167 of the Code of Criminal Procedure, police can take the accused in their custody with the permission of Judge or Magistrate for the sake of questioning. This 'questioning' turns into the torture of the accused persons in custody. Torture inflicted on accused persons in remand is mainly for two reasons - to extract money by threatening to torture in remand; and to hurt the political opposition. The High Court Division of the Supreme Court, in 2003, gave directives in the matter of BLAST vs Bangladesh regarding the questioning of suspects in remand. The High Court Division said, in its directives, that the lower court should examine 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 he will be interrogated in the presence of his lawyer. He must be questioned in a room which has glass walls. The police and lower courts are violating such directives of the High Court. The lower courts do not examine medical reports of the accused before and after remand and police still inflict torture upon the accused in remand.<sup>22</sup> The question of a lawyer being present is unheard of.
32. Odhikar recalls that torture is a serious violation of human rights. Despite the claim of 'zero tolerance' on torture, the Government has not taken steps or effective measures to curtail torture and other forms of custodial violence and acts of impunity by law enforcement officers. Such lack of action against perpetrators only encourages human rights violations.
33. Odhikar urges the Government to implement the recommendations given by the High Court Division of the Supreme Court in the 2003 judgement of BLAST and others vs. Bangladesh and others.<sup>23</sup>

## Death in jail

34. During January to September 2012, 41 persons reportedly died in jail. Among them 38 persons died due to 'illnesses', two persons allegedly committed suicide and the cause of death of one person is unknown.

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<sup>21</sup> Report from Khalilur Rahman Shumon, human rights defender of Odhikar in Khulna, 23/04/2012. Pictures of the incident can be found in the national daily papers.

<sup>22</sup> The daily Amar Desh, 13/01/2011, 1<sup>st</sup> page, reported by Oliullah Noman, <http://www.amardeshonline.com/pages/details/2011/01/13/62958>

<sup>23</sup> Bangladesh Legal Aid and Services Trust and other vs. Bangladesh and others. 55 DLR (2003) 363.

## Public lynching

35. From January to September 2012, 96 people were allegedly killed due to public lynching by mobs.
36. Due to the weak criminal justice system, the tendency of taking the law into one's own hands is increasing, as people are losing their confidence and faith in the police and judiciary.

## Lack of accountability of law enforcement agencies

The following paragraphs highlight some incidents that showcase the deplorable lack of accountability in the law enforcement agencies in Bangladesh. Such incidents only confirm the accusations of human rights violations perpetrated by such agencies.

### School Teacher assaulted by RAB

37. On August 8, 2012 members of RAB-11 made a requisition for a microbus (Dhaka Metro Cha-13-2580) through a Sergeant on duty from Shimrail Mor at Shiddhirganj in Narayanganj. The driver of the microbus told RAB members that the vehicle contained goods belonging to the Head Teacher of the Power Development Board High School, Rashedul Motin Milton. RAB members asked the driver to unload the goods and got into the microbus. Later, the microbus went to Head Teacher's house and he protested the requisition of the vehicle by RAB. The Head Teacher Rashedul Motin Milton, was physically assaulted by RAB members inside the power centre when an altercation took place between him and RAB. He was picked up and taken to the RAB-11 office and detained by RAB for one and half hours.<sup>24</sup>

### Charge sheet submitted against Limon and police submit final report on case filed by Limon's mother

38. Police of Rajapur Police Station under Jhalokathi district filed a charge sheet of another case against Limon Hossain, whose leg had to be amputated after being shot by RAB in 2011. RAB filed the case for obstruction of official government duty. Earlier, on April 24, 2011, a charge sheet, filed by RAB against Limon, had been submitted before the Court under the Arms Act of 1898. Sub Inspector Ariful Islam of Rajapur Police Station submitted this new charge sheet on July 1, 2012 to the General Registrar of the Court in Jhalokathi.<sup>25</sup> On August 14, 2012 police of Rajapur Police Station in Jhalkathi district submitted a final report on the case filed by Limon Hossain's mother

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<sup>24</sup> The daily Amar Desh, 09/08/2012

<sup>25</sup> The daily Prothom Alo, 09/07/2012

against RAB for shooting and disabling Limon. Six accused members of RAB, including the then Deputy Assistant Director (DAD) of RAB-8, Md. Lutfar Rahman; Corporal Mazaharul Islam; Constable Mohammad Aziz; Nayak Muktadir Hossain; Nayak Prohlad Chandra; and Sepoy Kartik Kumar Biswash had been recommended to be acquitted from the allegation of attempt to murder in the final report.<sup>26</sup>

39. It is to be mentioned that on March 23, 2011, Limon Hossain (16), son of day-labourer Tofazzal Hossain, of Saturaia village under Rajapur Upazila in Jhalokathi district, and a HSC examinee of Kathalia PGS Polytechnic College, was returning home after grazing cattle, when a team of RAB-8 led by Deputy Assistant Director (DAD) Mohammad Lutfar Rahman, caught him and inquired about his identity. Limon said he was a student. RAB members then shot his left leg. On April 10, 2011 Limon's mother Henoara Begum, filed a case at the Chief Judicial Magistrate Court in Jhalokathi, not being able to file a case with the police station. After 13 months and 10 days, the investigating officer, Sub Inspector Abdul Halim Talukdar of Rajapur Police Station submitted a final report, without informing the plaintiff.
40. On August 30, 2012 Limon's mother Henoara Begum submitted a no-confidence petition at the Judicial Magistrate's Court, Jhalokathi against the police report of August 14, 2012.

### *Police beat a Magistrate in Narshingdi*

41. On June 10, 2012, police physically assaulted Judicial Magistrate Mohammad Iman Ali Sheikh of Narshingdi District Joint Session Judge Court in front of the Court. There was a hearing of the case of the murder of Municipality Mayor, Lokman Hossain that day. Additional police force was deployed in the Court premises for security. Police let everyone enter after a security check at the main gate of the Court. Police searched Iman Ali Sheikh's bag and also asked him to show them his identity card before he was allowed through the main gate. An altercation took place between police and the Magistrate, where the police beat Iman Ali Sheikh with their helmets and fists.<sup>27</sup>

### *Dhaka University teacher grievously hurt by RAB*

42. On March 28, 2012, a lecturer of the Finance Department of Dhaka University, Mohammad Saif Uddin Khan, was beaten by a member of RAB, Lance Corporal Mohammad Nurul Amin, over the parking of a RAB van in Uttara Dhaka. His

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<sup>26</sup> The daily Prothom Alo, 16/08/2012

<sup>27</sup> The daily Prothom Alo, 11/06/2012

right hand was broken and he was treated at the National Orthopedic Hospital and Rehabilitation Institute.<sup>28</sup>

### *Girl sexually abused and journalists beaten by police in Court premises*

43. On May 29, 2012 a girl and her parents went to the Dhaka Chief Metropolitan Magistrate's Court from Uttarkhan area, to file a case against her husband for physical abuse and dowry demands. As the three of them emerged from the Court premises after talking to their lawyer, police stopped them at the Court gate which resulted in an altercation between them and the police. Police took the three of them to the Police Club and confined the girl in a separate room and allegedly sexually abused her. As the news spread throughout the Court premises, journalists and lawyers crowded around the Police Club and started a protest. During this time, an altercation occurred between police and the journalists and lawyers. Two Sub Inspectors - SI Zaman and SI Jahangir - beat the journalists, on the directives of Salauddin Khan, Officer-in-Charge of Kotwali Police Station.<sup>29</sup>
44. Odhikar observes that members of the law enforcement agencies misbehave with people and unlawfully detain anyone over trifling matters as if it were part of their duty. The government does not take any effective or punitive action against accused law enforcers, despite repeated allegations. As a result, they are enjoying impunity, which has also broken internal discipline among the law enforcement agencies.

## **Obstructions on meetings and processions**

Between January-September 2012, there have been several obstructions on meetings and processions. The law enforcement agencies and activists of the ruling party Awami League and its affiliated organisations were involved in such acts. Some examples are as follows:

45. On September 30, 2012, police frustrated attempts of the National Committee to Protect Oil, Gas, Mineral Resources, Power and Ports to lay siege to the Ministry of Power, Energy and Mineral Resources demanding that the government cancels its decision to hike power prices. Scuffles occurred when the procession moved ahead breaking police barricades. The law enforcers fired several rounds of tear gas to disperse the crowd. Sheikh Mohammad Shahidullah, Convener, National Committee to Protect Oil, Gas, Mineral

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<sup>28</sup> The daily Prothom Alo, 30/03/2012 and 01/04/2012

<sup>29</sup> The daily Prothom Alo/The Daily Star, 29/05/2012

Resources, Power and Ports, alleged police had charged batons to disperse their procession in which 50 of the committee members were injured.<sup>30</sup>

46. On September 25, 2012 leaders and activists of the Democratic Left Alliance marched towards Motijheel to surround Bidyut Bhaban in protest of the increasing unit price of electricity. Police stopped the protest rally at Dainik Banglar Mor with barricades. Police baton charged the protestors when they tried to step forward breaking the barricades. 12 people were injured.<sup>31</sup>
47. On August 12, 2012 students were protesting peacefully against a government decision to base medical and dental college admissions on marks obtained in SSC and HSC examinations, instead of a traditional admission test system. On August 27, 2012 an assembly of this kind was dismissed by police at the *Shaheed Minar*<sup>32</sup>. During this time, police baton charged the protestors and took away their banner and leaflets.<sup>33</sup>
48. A procession and meeting organised by human rights organisations at Khulna, to protest the torture on two students named Titu and Munna at the Khulna Police Station, the eviction of a sweepers colony (the residences of street and public space cleaners) and the violence in Kaliganj, Satkhira, was obstructed by police. On May 12, 2012, at around 10.30 am representatives of the organisers - Odhikar, BLAST<sup>34</sup>, BELA<sup>35</sup>, BILS<sup>36</sup>, Krishi Sramik Adhikar Moncha<sup>37</sup> and Khulna Nagorik Shomaj - gathered at Shahid Hadis Park in Khulna city. A large number of police also gathered at the same place before the procession commenced and stopped local human rights defenders from forming a procession. At that time police took away banners prepared for the meeting and procession.<sup>38</sup>
49. Odhikar recalls that all citizens are entitled under the Constitution to organize and execute peaceful meetings and to scrutinize the actions of the Legislature and members of the Government for failing in their public duties.

## **130 persons killed in political violence in nine months**

50. According to information gathered by Odhikar, from January to September 2012, 130 persons were killed and 12,206 injured in political violence. 299 incidents of internal violence in the Awami League and 107 in the BNP were

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<sup>30</sup> BDnews.com, 30/09/2012, <http://www.bdnews24.com/details.php?cid=2&id=233385&hb=5>

<sup>31</sup> The daily Prothom Alo, 26/09/2012

<sup>32</sup> The Shaheed Minar ("Martyr Monument") is a national monument established to commemorate those killed during the Bengali language movement demonstrations of 1952.

<sup>33</sup> The daily Prothom Alo, 28/08/2012

<sup>34</sup> Bangladesh Legal Aid and Services Trust

<sup>35</sup> Bangladesh Environmental Lawyers Association

<sup>36</sup> Bangladesh Institute of Labour Studies

<sup>37</sup> A forum to protect the rights of agricultural workers.

<sup>38</sup> Report from human rights defender, Khalilur Rahman Sumon, Khulna, 12/05/2012

also recorded during this period. In addition to this, 28 persons were killed and 3526 were injured in internal conflicts of the Awami League while four were killed and 1233 were injured in BNP's internal conflicts. Some examples are as follows:

51. On September 10, 2012 the newly elected Central Committee of the Jatiyatabadi Chhatra Dal<sup>39</sup> and Dhaka University unit Chhatra Dal leaders were supposed to meet the Vice-Chancellor of Dhaka University, AAMS Arefin Siddiqui. Hearing this news, Chhatra League<sup>40</sup> activists gathered at various points, including the administrative building in the campus. Some activists of Chhatra Dal also went to the administrative building to verify this information. At that time Chhatra League activists who were gathered in the area attacked Chhatra Dal activists which left nine Chhatra Dal activists injured.<sup>41</sup> The next day, on September 11, 2012 Chhatra League activists attacked Chhatra Dal activists in Rajshahi University campus. 10 persons including Arafat, Convener, Rajshahi University unit were injured in the attack.<sup>42</sup>
52. On May 5, 2012 Shafiullah Sardar, Principal of Khulna BL University College, was assaulted by Chhatra League leader, Sheikh Abu Yusuf Shakil. Chhatra League activists attacked a human chain organised by the Bangladesh Chhatra Union<sup>43</sup> on May 9, 2012 in protest of the assault on the Principal of Khulna BL University College. Seven persons, including the College unit Chhatra Union President, Laksman Saha; and General Secretary Arun Debnath were injured during this attack.<sup>44</sup>
53. On April 28, 2012 Chhatra League activists attacked cultural activists and teachers who were demanding the resignation of the Vice-Chancellor of Jahangirnagar University. Five teachers, 12 cultural activists and a journalist were injured in the attack.<sup>45</sup>
54. Incidents of violence occur due to the failure in bringing the perpetrators of political violence to justice. Odhikar believes that political leaders need to be sensitised to stop political violence and the law enforcement agencies must play an effective role and be held accountable for ignoring such acts. Vindictive and vicious politics have put the nation into a serious crisis.

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<sup>39</sup> Student wing of Bangladesh Nationalist Party (BNP)

<sup>40</sup> Student wing of Awami League

<sup>41</sup> The daily Manabzamin, 11/09/2012

<sup>42</sup> The daily Prothom Alo, 12/09/2012

<sup>43</sup> Student wing of the Communist Party of Bangladesh

<sup>44</sup> Report from human rights defender, Khalilur Rahman Sumon, Khulna, 10/05/2012

<sup>45</sup> The daily Manabzamin, 29/04/2012

## **Imposition of Section 144<sup>46</sup> of the Code of Criminal Procedure**

55. The local administration stopped meetings of political parties by imposing Section 144 of the Code of Criminal Procedure in the last nine months. According to Odhikar's statistics, between January - September 2012, a total of 78 instances of the imposition of Section 144 of the Cr.PC by the local administration, were recorded across the country mainly to stop political gatherings and rallies from occurring.<sup>47</sup>
56. On September 4, 2012 Hnila BNP unit of Teknaf, Cox's Bazar called a meeting at Hnila Bus Station area in protest of the attack on Hnila BNP unit (South) President Absar Kamal. Awami League, Jubo League and Chhatra League called a counter meeting at the same place in protest of the slogans against Prime Minister Sheikh Hasina from the BNP procession, of September 3, 2012.<sup>48</sup>
57. Odhikar believes that such imposition of 'Section 144' is a violation of democratic rights. Organising peaceful meetings and processions are in consonance with the freedoms of association, movement, speech and conscience, as guaranteed in Articles 37, 38 and 39 of the Constitution of the People's Republic of Bangladesh.

## **Violence against religious and ethnic minority communities**

58. Between January and September 2012, incidents of human rights violations occurred against religious and ethnic minority communities. According to Odhikar documentation, during this period, 20 persons belonging to religious and ethnic minority groups were killed, 89 were injured, 32 abducted and 19 temples were attacked.
59. 75 families belonging to the Santal community have been living a miserable life in Pipilia Kanchan Guchcha Graam under the threats of Mohammad Moshlem Uddin, Chairman of Dhamoir Union Parishad under Birol Upazila in Dinajpur. On September 7, 2012 Masud and Ruman, sons of the UP Chairman Moshlem Uddin, along with 10/12 criminals went to the Santal village and threatened them to leave the land. As a result, local Santals are too afraid to go to work.<sup>49</sup>

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<sup>46</sup> Section 144 of the Code of Criminal Procedure, 1898 provides power to the Magistrate to issue orders to stop any meeting or gathering. See [http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=75&sections\\_id=20789](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=75&sections_id=20789)

<sup>47</sup> The daily Jugantor, 05/09/2012

<sup>48</sup> The daily Jugantor, 05/09/2012

<sup>49</sup> The Daily Star, 11/09/2012



60. On September 29, 2012, 12 Buddhist monasteries and temples and 40 houses belonging to members of the Buddhist community were vandalized and torched by criminals in the Ramu area of Cox's Bazaar. The violence was triggered by a Facebook posting of a picture defaming the holy Quran, by a Buddhist youth named Uttam Barua that was circulated through Bluetooth. On September 30, 2012 some criminals also set fire to five houses belonging to the Buddhist community in Teknaf upazila of Cox's Bazaar. On that day, two Buddhist monasteries and a Hindu temple in Kolagaon under Patiya upazila in Chittagong and four Buddhist monasteries in Ukhia upazila of Cox's Bazaar were also vandalised, looted and torched by criminals.<sup>50</sup>
61. Odhikar believes that a vested-interest group was involved in the violence, in order to trigger a communal riot between Muslims and the Buddhist community. A question arose as to why the law enforcement agencies were unable to tackle this situation soon after it occurred. The Government has failed to protect the life and livelihood of the religious minority communities. Odhikar demands the government immediately ensure security to all minority groups and bring the perpetrators to justice.

## Mass protest movements

Between January and September 2012, there have been mass protest movements around the country against social injustices. Some incidents are as follows:

62. On June 2, 2012, the ruling party MP and the Whip of Parliament, Sheikh Abdul Ohab faced protests when he went to Bhabodah Beel (lake) at Abhoynagar in Jessore district to inaugurate the canal cutting work under the Tidal River Management (TRM) project. Some of the thousands of people who had gathered there attacked the project personnel with sticks. Sheikh Abdul Ohab; Abhoynagar Upazila Chairman, Abdul Malek; and 50 other people, including police, were injured. Furthermore, the angry mob vandalised and set fire to 12 vehicles. The local inhabitants of Bhabodah fear that the fisherfolk will be affected due to the passing of saltwater into the lake; and houses will also be flooded if the TRM project starts.<sup>51</sup>
63. On April 23, 2012, during the hartal, local people brought out a procession and also blocked roads at Biswanath in Sylhet in protest of the disappearance of BNP leader M. Ilias Ali. A clash took place between the protestors and the police. Two protestors, Manowar (30), son of Abdus Salam and Selim Ahmed (25), son of Rafiq Mia were killed and more than 100 people, including policemen, were injured during the altercation. Zakir Hossain (24), son of

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<sup>50</sup> The daily Prothom Alo, 01/010/2012

<sup>51</sup> The daily Jugantor, 03/06/2012

Bhutto Mia was shot during the incident and succumbed to his injuries on April 25, 2012 at Osmani Medical College Hospital in Sylhet. It is to be mentioned that Chhatra League and Jubo League joined the law enforcement agencies during the clashes.<sup>52</sup>

## Workers Rights

### Readymade garments industry

64. From January to September 2012, 1712 workers were injured during protests against termination of workers; closing of factories; and for the demand of overdue wages. Some examples are as follows:
65. On September 3, 2012 workers of a readymade garments factory named Textile Group at Jirabo area in Savar saw a show cause notice against 84 workers in the factory. This caused an angry protest among the workers and the removal of some factory officers. 22 workers, including three police were injured during the clash between police and workers.<sup>53</sup>
66. On May 11, 2012, 199 workers were removed from a garment export factory, Metro Knitting and Dying, at Fatulla in Narayanganj. The workers alleged that they were removed without any reasons.<sup>54</sup>
67. There is constant obstruction to the setting up of Trade Unions to resolve the various problems in readymade garments factories. A 'Participation Committee' has to be formed in every factory. However, according to the monitoring report of the Ministry of Labour, there was no such committee in approximately 40% of the factories. Due to this deficiency, there is no scope to discuss issues relating to the worker's demands in many factories. According to the Labour Ministry, the readymade garments factories are not completely up to standard either. Furthermore, workers do not get the minimum wages due to them and some factories do not even pay workers on time.<sup>55</sup>
68. The price-hike of daily commodities, increasing living cost and house rent and a minimum wage of only Taka 3500, which does not always come in time; and lack of facilities all spark workers' unrest.
69. Garment manufacturing factories are a very large source of revenue for Bangladesh and the factory workers are one of the main contributing factors for this success. Issues such as calling the police to physically assault workers;

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<sup>52</sup> Report from Muhibur Rahman, human rights defender of Odhikar in Sylhet

<sup>53</sup> The daily Amar Desh, 04/09/2012

<sup>54</sup> The daily Amader Shomoy, 13/05/2012

<sup>55</sup> The daily Prothom Alo, 19/06/2012

terminating garment factory workers without any reason; and keeping wages and overtime pay pending, amount to human rights violations. Odhikar express its solidarity with the demands made by workers and also urges the authority to agree to those justifiable and legal demands.

### Three workers shot dead at Akij Bidi Factory at Kushtia

70. On July 15, 2012 two workers of Akij Bidi<sup>56</sup> Factory at Hosenabad under Doulatpur Upazila in Kushtia were shot dead on spot by Ansar<sup>57</sup> members, under orders from the owners. It was learnt during fact finding that workers demanded an increase of their wages on May 31, 2012. The owners of the factory assured workers that they would take necessary measure by July 15, 2012. It is to be mentioned that a worker with a helper makes 12000 Bidi everyday and receives Taka 252. Of this, Taka 66 has to give a helper. Some workers went to meet the factory manager at around 12.00 noon on July 15. However, the factory manager, Khorshed Alam verbally abused them and made them leave the room. He told them to leave the factory if they did not want to work anymore, which made workers attack Khorshed Alam. The workers vandalized two trucks. During this time, members of the Ansar opened fire at workers as ordered by Khorshed Alam. Rakibul (22) and Mintu Ali (38) died on spot and 10 workers were injured. On July 17, 2012, another worker, Kala (35), succumbed to his injuries on the way to Dhaka when he was being transferred for better treatment from Rajshahi Medical College Hospital. On July 16, 2012, Shentu Hossain, brother of deceased Mintu Ali filed a case with Daulatpur Police Station. The factory authority fixed Taka 288 for a worker for making 12000 Bidi.<sup>58</sup>

### Worker's stop work in 92 state-owned industries over 9-point demand

71. On February 28, 2012, 83 thousand workers of 92 state-owned industries stopped their work for 48 hours to bring home their 9-point demand. The production at all state-owned industries of fertilizer; sugar and food; steel; forestry; jute and textiles were stopped during this period. The 9-point demand included: an effective Wage Commission from July 2009, as per recommendation submitted in 2010 by the National Wage and Productivity Commission; gratuity and other necessary benefits to be given to the workers as per decision of the government; sold and closed mills to be reopened under

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<sup>56</sup> Bidi: A kind of cigarette

<sup>57</sup> Ansar: An auxiliary force created in 1948 to help the police to maintain law and order.

<sup>58</sup> Fact finding of Odhikar at Kushtia, 17-24/07/2012

Government undertaking; exemption of bank loans of the industries suffering losses; prices of sugar and fertilizer to be rearranged considering the market price and import of sugar and fertilizer through organisations; subsidies to be given to industries affected by selling sugar and fertilizer at lower prices than the production cost, due to government policies; ensure supplies of gas to all industries, including the fertilizer industry run by gas; permanent status for workers appointed on a daily basis, master role or adhoc basis; the agriculture department of sugar industries to be included in revenue; and to arrange a Pay Commission for workers.<sup>59</sup>

## Freedom of the media

72. From January to September 2012, according to Odhikar's documented statistics, four journalists have been killed, 141 journalists have been injured, 51 have been threatened, nine have been attacked and 45 have been assaulted and two journalists were tortured by RAB and DB police. Some examples are as follows:
73. On September 2, 2012 police of Tejgaon Industrial Police Station submitted a charge sheet before the Court against the daily Amar Desh acting Editor, Mahmudur Rahman. The case was filed on June 1, 2010 with Tejgaon Industrial Police Station. The plaintiff of the case, the then publisher of the daily Amar Desh, Alhaz Hasmad Ali submitted an application to withdraw the case on November 29, 2011. His application was received by police at the police station, but the police submitted a charge sheet in the current month without taking cognizance of his application.<sup>60</sup> It is to be mentioned that on January 1, 2010 at around 9.00 am Alhaz Hasmad Ali was picked up by NSI from his house and taken to National Security Intelligence (NSI) Headquarters. He was forced to write a complaint on white paper as per NSI's suggestion, which was lodged as regular case in Tejgaon Industrial Police Station.<sup>61</sup>
74. On June 12, 2012 journalist Touhid Tuhin was beaten by Chhatra League activists at the Chuadanga Government College canteen over a report published in the daily *Mathabhanga*. Later Touhid Tuhin was admitted to Chuadanga Sadar Hospital in a serious condition.<sup>62</sup>
75. On May 10, 2012, Tuhin Sanzid, a senior reporter of the daily *Bhorer Dak*, was picked up by RAB from the street and tortured, allegedly due to reporting on

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<sup>59</sup> The daily Amar Desh, 29/02/2012

<sup>60</sup> The daily Amar Desh, 24/09/2012

<sup>61</sup> Oliullah Noman, Amar desh, 24/09/2012

<sup>62</sup> The daily Amar Desh, 14/06/2012

the disappearance of M Ilias Ali and on extrajudicial killings. He alleged that he was given electric shocks and also threatened with death.<sup>63</sup>

76. On May 14, 2012 a group of 10-12 alleged criminals led by Aminul Islam, nephew of the State Minister for Home Affairs, Advocate Shamsul Huq Tuku, attacked Abdullah Al Mamun, Regional Correspondent of the daily *Kaler Kantha* in Bera Bazaar under Pabna district for publishing a report on corruption, implicating the Minister. Mamun was admitted to Pabna General Hospital in a critical condition.<sup>64</sup>

77. Odhikar urges the government stop its interference in the freedom of media and bring the killers and attackers of journalists to justice.

## Impediment to freedom of expression

### Sedition cases

78. Odhikar has been observing with concern that in recent times, the Government has become overly sensitive of comments criticising its activities and actions. Freedom of opinion and expression of the citizens are being treated as 'sedition'. In a democratic scenario, such critical comments should not be taken in a negative manner. According to the 15<sup>th</sup> Amendment of the Constitution, the highest punishment for sedition is the death penalty. Section 124A of the Penal Code defines the term 'Sedition' as: written or spoken words, or signs, or visible representation, or otherwise, that bring or attempt to bring hatred or contempt, or disaffection towards the 'government established by law'. Some incidents are as follows:

79. Sohel Molla Raj alias Sohel Rana, a student of English Literature at Kabi Kazi Nazrul Islam University in Trishal, Mymensingh, wrote an 'unpleasant comment' on the Prime Minister in relation with the disappearance of BNP leader Ilias Ali in his personal account on Facebook. After hearing of this 'comment' the Acting Registrar of the University, Humayun Kabir, lodged a complaint with the Trishal Police Station (case no. 17, dated 17/05/2012) under sections 120B<sup>65</sup>/153<sup>66</sup>/153B<sup>67</sup>/504<sup>68</sup>/505<sup>69</sup> and 124A of the Penal Code. On May 16, 2012

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<sup>63</sup> Tuhin Sanzid's written statement, 12/05/2012

<sup>64</sup> The daily Amar Desh, 15/05/2012

<sup>65</sup> Punishment for criminal conspiracy: 120B. (1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, <sup>41</sup>[imprisonment for life] or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence. (2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.]

<sup>66</sup> Section 153:Whoever malignantly, or wantonly, by doing anything which is illegal, gives provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence of rioting be

police arrested Sohel Molla Raj and took him into a 3-day remand for interrogation. On August 24, 2012, police submitted a charge sheet before the Court against him. Sohel Molla Raj is still detained in Mymensingh District Jail.<sup>70</sup>

80. On August 13, 2011, five persons, including film maker Tareque Masud and Chief Editor of ATN News, Mishuk Munir died in a road accident in Manikganj, which resulted in anger and outrage among people across the country. People expressed their frustration over bad roads and incompetent drivers in different ways. Referring to this incident, on August 13, Muhammad Ruhul Amin Khandker, a teacher of Jahangirnagar University, who is studying in Australia, wrote on his Facebook page: "Consequences of driving licenses without inspection: five people including Tareque and Mishuk Munir died: Everybody dies, why not Hasina?"<sup>71</sup> The next day at around 5.00 am in another status on Facebook, he wrote "Driving licenses without inspection! Is this thinkable in a civilized society? The whole world has shown rigidness in the process of providing driving licenses where Hasina's government is proving driving licenses without even tests!"<sup>72</sup> As a result of this, on January 8, 2012, a Division Bench of the High Court Division of the Supreme Court, comprising of Justice AHM Shamsuddin Chowdhury and Justice Jahangir Hossain, ordered a sedition case to be filed against Muhammad Ruhul Amin Khandker for writing his personal expressions in his Facebook account. The Inspector General of Police was told to file a sedition case under Section 124A of the Penal Code<sup>73</sup> against Ruhul Amin Khandker and report back to the Court by January 15, 2012. Prior to this case, as he was not present before the Court, the same Court, on January 4,

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not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

<sup>67</sup> Section 153B: Whoever by words, either spoken or written, or by signs, or by visible representations, or otherwise, induce or attempts to induce any student, or any class of students, or any institution interested in or connected with students, to take part in any political activity which disturbs or undermines, or is likely to disturb or undermine, the public order shall be punished with imprisonment which may extend to two years or with fine, or with both.

<sup>68</sup> Section 504: Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

<sup>69</sup> Section 505 deals with statements conducing to public mischief.

<sup>70</sup> The daily Prothom Alo, 01/06/2012 and the daily Nayadiganta, 02/06/2012

<sup>71</sup> The daily Amar Desh, 09/01/2012

<sup>72</sup> <http://www.bdnews24.com/bangla/details.php?cid=3&id=182242&hb=top>

<sup>73</sup> Section 124A of the Penal Code: whoever by 'words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the government established by law shall be punished with imprisonment for life or any shorter term, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.'

2012, sentenced him to imprisonment for six months for the allegation of 'contempt of court'.

81. Odhikar expresses its grave concern as the way 'Sedition' is defined and misused. It is not enumerated in the said Law that feelings of dislike, disregard, hatred or animosity of a person against an elected government are to be considered 'sedition', rather it has been specifically considered as a crime if committed against the President and the Government, in general. Therefore, to criticise any Minister or Head of Government on how it executes his/her professional activities, or express an opinion may be a defamatory act, but not sedition, especially not in a democratic society.

### *Anti-Terrorism Act, 2009 (Amendment) Bill 2012 passed in the Parliament*

82. The Parliament passed the Anti-Terrorism (Amendment) Bill, 2012 on February 16, 2012, keeping a provision for capital punishment as the maximum sentence. The Chairman of the Parliamentary Standing Committee on the Home Ministry, Major General (Retd.) Abdus Salam, placed the scrutinized report on the Bill. The Home Minister, Shahara Khatun said the Anti-Terrorism (Amendment) Bill, had been drafted to resist various criminal activities and to safeguard the sovereignty of Bangladesh. The Anti-Terrorism Act, 2009 was amended to stop the use of Bangladeshi territory for conducting any terrorist activities inside the country or against other countries; to stop the carrying of explosives; and to curtail the creation of panic among the people by any terrorist activity.<sup>74</sup>
83. On February 19, 2009, the Government, in a Cabinet meeting, approved the Anti-Terrorism Bill to be made into law, without due consideration or Feedback from the people. This was passed in Parliament on February 24, 2012. Previously, the unelected, military-backed 'Caretaker' Government, on June 11, 2008 promulgated an Anti-Terrorism Ordinance 2008. 'Terrorism' and 'terrorist activities' has been newly defined in this Ordinance. The given definitions of 'terrorism' and 'terrorist activities' are so wide that it leaves scope for the possibility of misuse and thus, the violation of human rights.
84. The Amendment Bill passed in Parliament makes the Anti-Terrorism Act 2009 even more vulnerable to the worst kind of abuses. The widening of the scope of crimes punishable by death carries tremendous risk of irreversible miscarriage of justice. Odhikar demands the repeal of all existing repressive laws, including the Anti-Terrorism law.

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<sup>74</sup> The daily New Age, 16/02/2012

## Arrests of Hizb-ut-Tahrir<sup>75</sup>

85. From January to September 2012, 103 leaders and activists of Hizb-ut-Tahrir were arrested by law enforcement agencies during distribution of leaflets and books, organising meetings and bringing out processions. It was learnt that among the arrestees, most of them were arrested under the Anti-Terrorism Act, 2009.

## **Trial of BDR<sup>76</sup> murder case**

On February 25-26, 2009, a mutiny was carried out allegedly by junior officers and members of the Bangladesh Rifles (BDR) at the BDR Headquarters in Pilkhana in Dhaka. After the mutiny, 56 Courts have been set up in 56 BDR Units across the country including Dhaka. Many lower ranking BDR personnel were arrested and trials are being held in these Special Courts. At present, trials of 21 cases have been completed out of 22 cases filed against BDR jawans of 54 Units of different Battalions across the country. Among them, judgement has been delivered on 11 cases outside Dhaka. Furthermore, the verdict was given in 10 cases in the Special Court at Pilkhana during the last year. 2300 out of 6500 BDR jawans were primarily accused of mutiny. Among them, more than 100 jawans were acquitted from the case, as there was no evidence against them. Among the accused BDR jawans, the highest term of imprisonment they received is seven years and lowest term is six months.<sup>77</sup>

86. On August 28 the Special Court sentenced 665 accused of the 44 Battalion, to different terms of imprisonment. Eight persons were acquitted. Judge Col. Ehiya Azam Khan in the Special Court at Pilkhana Darbar Hall gave this verdict.<sup>78</sup>

87. On August 13, 2012 Advocate Khandker Shahjahan, defense lawyer of one of the accused BDR members, alleged at the Dhaka Metropolitan Special Session Court that his client Habilder Mohammad Selim Bhuiyan's legs were injured with a drilling machine during remand in the Criminal Investigation Department (CID). Habilder Mohammad Selim Bhuiyan was kept in the custody of the CID 10 days before he was taken to Court. His lawyer also said that there were marks of torture on the knees of his client. The Court did not want to see the evidence. Another lawyer, Jamal Khandker told the Court that there were marks of torture on his client Nayak Subeder Alauddin's nose but the Court did not want to see that evidence either.<sup>79</sup>

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<sup>75</sup> Hizb-ut-Tahrir is a political organisation which was banned by the government.

<sup>76</sup> BDR: Bangladesh Rifles. Now known as the Border Guard Bangladesh (BGB)

<sup>77</sup> The Daily Amader Orthinity, 26/08/2012

<sup>78</sup> Amader Orthinity, 29/08/2012

<sup>79</sup> The Daily Star, 14/08/2012



88. The verdict of the BDR mutiny for all Units and RSB (Rifles Sports Board) was delivered on August 12, 2012. 37 BDR jawans out of 336 were sentenced to seven years of imprisonment and seven were acquitted by the Special Court. 292 BDR members were sentenced to different term of imprisonment from six years to four months. The head of the panel Judges, Brigadier General Mohammad Nasiruddin Ahmed, gave the verdict in the Special Court-11 at the Pilkhana Darbar Hall.<sup>80</sup>
89. On March 28, 2012 lawyers representing BDR members, accused in the 25 February 2009 BDR mutiny and murder of senior officers; alleged before the Court that 827 of the accused were not getting food or water during the trial hearings. The trial of the BDR mutiny and murder has been taking place in a temporary Metropolitan Court placed in the Dhaka Alia Madrasah field in Bakshibazar. The Court is made with corrugated tin sheets where 827 accused BDR members, their lawyers and Government Prosecutors sit. The lawyers told the Court that everybody was adversely affected due to the heat and the accused were not given water in the witness-box. The accused persons were given only dried flattened rice in plastic bags to take with them to court from the Kashimpur Central Jail. They did not get any water to rehydrate and eat the rice. Furthermore, the accused BDR members alleged that they are provided with substandard food in jail and are tortured by being taken to a 'case table'<sup>81</sup> when they protest about this.<sup>82</sup>
90. Odhikar expresses serious concern about allegations of torture on BDR members in custody and demands that the government immediately ensure supplies of adequate food and drinking water for the accused BDR members during trial. Odhikar also urges the government take measures to ensure transparency and accountability with regard to the BDR mutiny trials.

## **Odhikar urges international communities to protect Rohingyas**

91. On June 3, 2012, Rakhaines attacked Rohingya Muslims over a rumour that three Rohingya youths had killed a Buddhist woman after violating her, in Mongdu Township area under Arakan Province in Burma on June 1, 2012. On that day, the attackers killed 11 Muslims, by stopping a bus in an area called Tonag. A number of attacks took place in the Rohingya majority Mongdu Township and its adjacent areas in the Arakan Province. Many Rohingya homes were burnt and many people killed. Rohingya women were reported raped. On

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<sup>80</sup> The Daily Ittefaq, 13/08/2012

<sup>81</sup> 'Case table' is a desk where prisoners are brought to, for punishment for causing indiscipline within the prison.

<sup>82</sup> The daily Prothom Alo, 29/03/2012

June 15, four Rohingya women were raped by the Army at Nurullahpara in Mongdu town.<sup>83</sup> After this incident, hundreds of women, children and elderly Rohingya persons tried to enter into Bangladesh by escaping from Burma on boats. Under the instruction of the Government, the Border Guard Bangladesh is not allowing them to enter into Bangladesh. Meanwhile Burmese border guards, Nasaka Force, are stopping the Rohingyas from returning to Burma.

92. The present violence is inextricably linked to the decade-long discriminatory and racist policies of the Burmese government towards the Rohingya Muslims. They have been discriminated against by the authorities, including denial of citizenship under Burma's 1982 Citizenship Act, which renders the Rohingya people stateless and utterly without protection. It is unfortunate that the international community is unable to force the present regime of Burma to stop the mass killings and brutal treatment of Rohingyas. It is the responsibility of the UN to save the Rohingyas. The international community has failed to gain permission for neutral monitors to enter into the affected area.
93. Odhikar condemns the policy of some international organisations and quarters who are putting 'pressure' on the Government of Bangladesh to accept the Rohingyas as refugees, without explicitly taking any responsibility for the Rohingyas, one of the most vulnerable groups of people in the world. However, Odhikar also urges the Government as well as the people of Bangladesh to immediately respond to a humanitarian need in such dark hours and allow the Rohingyas to enter into our country till their safe return to Burma.
94. Odhikar calls to attention the fact that all countries in the world consist of citizens of different religious and ethnic backgrounds. Odhikar urges the international community to take urgent steps towards a safe return of the Rohingya people to Myanmar and their acceptance as citizens.

## **Government's harassment on NGOs**

### **Government stops activities of three NGOs operating at Cox's Bazar**

95. The local district administration has stopped activities of three NGOs working with Rohingyas in Cox's Bazar. On July 30, 2012 an order was issued and signed by the Assistant Commissioner, Selina Kazi on behalf of Cox's Bazar district administration. The organisations were: Doctors without Borders (MSF), Action against Hunger (ACF) of France and Muslim Aid of the United Kingdom. It was mentioned in the letter that these three organisations were supporting the citizens of Myanmar, who were living illegally in Cox's Bazar, without any approval from the NGO Affairs Bureau. The letter also alleged that the said

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<sup>83</sup> The daily Amar Desh, 16/06/2012

organisations have been providing negative information to the international media and tarnishing the image of Bangladesh.<sup>84</sup> The government has also decided to control the activities of domestic NGOs working in Cox's Bazar. Even organisations not working with Rohingyas are allegedly being harassed by the authority.<sup>85</sup>

96. The NGO Affairs Bureau (NGOAB), under the Prime Minister's Office, drafted a proposed Bill, named the Foreign Donations (Voluntary Activities) Regulation Act, 2012 that has been developed by amending the Foreign Donations (Voluntary Activities) Regulation Ordinance, 1978 (XLVI of 1978) and integrating the Foreign Contributions (Regulation) Ordinance, 1982 (XXXI of 1982), in order to regulate NGO activities. Odhikar believes that the proposed Law will violate freedom of expression and association; and will control more human rights and voluntary organisations, which is contrary to the Bangladesh Constitution and the UN Declaration on Human Rights Defenders. The Government is already executing the proposed Bill 'Foreign Donations (Voluntary Activities) Regulation Act 2012', unlawfully even before it has been passed as an Act.

### Human Rights activist refused visa to attend Odhikar's meeting on enforced disappearance

97. The Bangladesh Embassy in Nepal refused to provide a visa to Subodh Raj Pyakurel, the Chairperson of both the human rights organisation 'Forum-Asia' and 'INSEC', to attend Odhikar's meeting on enforced disappearance. Odhikar organised a discussion meeting on the Accession to the International Convention for the Protection of All Persons from Enforced Disappearance on September 15-16, 2012. On September 6, 2012 Subodh submitted his visa application with the invitation letter from Odhikar to the Bangladesh Embassy in Nepal. Meanwhile, the National Security Intelligence (NSI) sent its field officer Abdur Razzak to Odhikar to inquire about the programme. Abdur Razzak talked to Odhikar's Director and collected information on the programme. On September 11, 2012 the Embassy rejected Subodh's visa application.
98. Odhikar condemns the refusal of visa to Subodh Raj Pyakurel and expresses its concern on the obstruction of human rights defenders to join meetings on relevant issues such as enforced disappearances.

### Harassment on Odhikar

99. On July 12, 2012 Odhikar submitted a project document (FD-6) on 'Empowering Women as Community Human Rights Defenders' funded by the Finnish NGO

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<sup>84</sup> The daily Samakal, 02/08/2012

<sup>85</sup> The Manabzamin, 07/08/2012

Foundation for Human Rights (KIOS), to the NGO Affairs Bureau for its approval. According to the circular of the NGO Affairs Bureau, the Bureau has to make a decision about the project approval within 45 days after receiving project related information. However, Odhikar has not received approval of the said project even after 80 days of its submission.

100. Odhikar considers this another form of harassment by the Government on human rights defenders.

### Woman human rights defender suspended from her job

101. Woman human rights defender Shampa Goswami has been suspended from her job as a teacher in Mozahar Memorial Secondary School at Kaligonj in the district of Satkhira on September 10, 2012 for defending human rights. It is to be mentioned that on 23 October 2011, some criminals including Samir Dey of Purba Narayanpur village under Kaliganj, Satkhira; and Shushanta Kaur of Baka village under Paikgachha in Khulna, made suggestive, sexual remarks about Shampa and snatched her cell phone away. Shampa filed a case with Satkhira Police Station.<sup>86</sup>
102. The police submitted a charge sheet in the Court against the accused persons. After this incident, the accused and their families verbally abused Shampa and found ways to create problems to her freedom of movement. Subhash Dey, father of Samir Dey and Abdul Hamid, a member of the School Management Committee, threatened Shampa to withdraw the case. Shampa lodged a General Diary (GD no. 940) with Kaliganj Police Station on March 1, 2012 in this regard. As a result, Abdul Hamid, Samir Dey, Hiralal Biswas, Kartik Sarkar and Yasin Ali threatened to suspend Shampa from her job. They distorted Shampa's photo, added an unknown man to her picture, and circulated the picture via cell phones and through the internet. Shampa lodged another case on June 28, 2012 in this regard. As a result, police arrested Hamid and Kartik. Later they were freed on bail and influenced the authority with the support of Shahdat Hossain, President, Mozahar Memorial Secondary School Management Committee and Chairman of Kaliganj Upazila Parishad.
103. On August 30, 2012 a show cause letter was issued against Shampa Goswami by the school authority as a primary action. However, Shampa responded to the show cause letter on September 4, 2012. After 10 days of receiving her response, the School Management Committee suspended Shampa Goswami from her job.

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<sup>86</sup> For more information on the incident, visit [www.odhikar.org](http://www.odhikar.org)

104. Odhikar condemns the acts of distorting Shampa's photo and circulating the picture via phones and through the internet and the harassment to Shampa Goswami both by the local men concerned and by the unfair show cause notice issued by school authorities. Odhikar demands a proper investigation and trial of the accused persons, who were responsible for harassing and defaming Shampa. Odhikar also demands suspension of Kaliganj Upazila Chairman, Shahdat Hossain from the School Management Committee.

## **Political blessing on accused persons**

In the last nine months, there have been instances where convicted persons have been 'favoured' by the President and others and given a better deal. Those so favoured, belong to the ruling Awami League political party. Such favourism amounts to a major snub on the rule of law.

### *President commutes the life sentence of a person accused of murder*

105. The President, Mohammad Zillur Rahman, reduced the sentence of AHM Biplob, son of Laxmipur Municipality Mayor and Awami League leader Abu Taher, from life to 10 years imprisonment. Biplob is a convicted prisoner of the Kamal and Mohshin murder cases. An order issued by the Home Ministry titled "Reduction of life sentenced prisoner No. 2009/A, AHM Biplob in two cases" on February 8, 2012 [Ref. H.M(Prison-2)P-20/2011/31] stated that the President imposed 10 years of rigorous imprisonment on AHM Biplob by reducing his life sentence in two murder cases. According to the case documents, Islami Chhatra Shibir activist, ASM Mohshin was killed on September 5, 2000, near Adarsha High School in Laxmipur town. In October 2001, BNP activist, Kamaludddin was beaten to death by criminals led by Biplob, at home in front of his parents. Biplob surrendered to the Court on April, 4, 2011, after 10 years in hiding. Later, his father Abu Taher appealed to the President for clemency. Previously, the President pardoned the death penalty for Biplob in the Nurul Islam murder case. On September 18, 2000, Nurul Islam was abducted by Biplob, Labu and Tipu, sons of Abu Taher. Nurul Islam was hacked to death at the residence of Abu Taher in front of his wife Nazma Taher, and thrown in the river.<sup>87</sup>

106. It is to be mentioned here that President Zillur Rahman has also pardoned 20 prisoners who were on death row in the Sabbir Ahmed Gama murder case in September 2010. During the BNP regime, in 2005, Mohiuddin Jhintu, a

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<sup>87</sup> The daily Prothom Alo, 26/02/2012

convicted prisoner, who was on death row had been pardoned and brought back from Sweden.<sup>88</sup>

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

107. In 2010 and 2011, 6750 cases were withdrawn by the Government under political consideration. Among them, 5303 cases were fully withdrawn and 1444 case were partly withdrawn. Similarly in 2012, the Government has withdrawn cases of murder, rape, robbery, corruption, extortion and for keeping illegal arms, perpetrated by ruling party activists, by considering them to be 'politically motivated cases', bypassing the Judiciary or any judicial process. Those cases were withdrawn out of political consideration and placed for 'future consideration'. Almost all the cases were filed against the ruling party leaders and activists. Work on the second stage of recommendations, for 'political harassment cases' has also been initiated. In the first stage, 6786 cases were recommended for withdrawal by the Government.
108. In April 2012, the recommendations were placed by 'Political Committee' led by the former Law Minister, Abdul Motin Khashru. It was learnt from the said Committee that, recently recommendations were sent to the Ministry of Home Affairs for withdrawing 297 cases, including those of murder, extortion and for carrying illegal arms, by considering them 'political harassment' cases.<sup>89</sup>
109. It is to be noted that between 2001 and 2006, during the tenure of the four party alliance led by BNP, 5888 cases were withdrawn under 'political consideration' and several accused persons had been acquitted from 945 'politically motivated' cases. A total of 73,541 accused persons had been acquitted in this process at that time.<sup>90</sup>
110. Odhikar expresses its concern over the withdrawing of significant criminal cases filed against ruling party activists by considering them 'politically motivated' cases. Odhikar believes it is contrary to the rule of law, erodes confidence in the judicial process and undermines the Judiciary. Moreover, such practices will further extend the culture of impunity in Bangladesh and will cause grave injustice to the victims. No one is above the law, and a fair trial is a Constitutional guarantee.

## **Violence against Women**

111. During the period of January - September 2012, a significant number of women were victims of rape, dowry related violence, acid violence, domestic violence

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<sup>88</sup> The daily Prothom Alo, 19/03/2012

<sup>89</sup> The daily Prothom Alo, 29/04/2012

<sup>90</sup> The daily Prothom Alo, 11/01/2011, page no.1, reported by Rozina Islam

and sexual harassment. It is to be noted that rape of girl children and custodial rape by police have increased.

### Sexual harassment and stalking

112. According to information gathered by Odhikar, a total of 389 girls and women were victims of sexual harassment between January - September 2012. Among them, 14 committed suicide, two were killed, 21 were injured, 12 were assaulted, four were abducted, 57 suffered attempted rape and 279 were sexually harassed in various ways. Six men were killed, 45 were injured, 35 were assaulted and nine women were injured, four women were assaulted by stalkers when they protested against such acts of harassment.
113. On March 11, 2012 Jayeda Akhter (14), a student of class nine in Purbacharbata School and College, committed suicide by taking poison due to sexual harassment by Helaluddin and Jasimuddin under Shubarnachar upazila in Noakhali district.<sup>91</sup>
114. It must be noted here that on January 26, 2011, the High Court Division ordered incidents of eve-teasing to be considered 'sexual harassment' and to be incorporated into law. A Division Bench of the High Court Division of the Supreme Court, comprising of Justice Iman Ali and Justice Sheikh Hasan Arif, delivered this verdict. At the same time, 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 areas of sexual harassment; and not just the educational institutions and work places. Stalking through SMS, E-mail, telephone and mobile phone are also 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 record the identity of users.<sup>92</sup> The Court also ordered every police station to set up cell in order to prevent sexual harassment and reports to be submitted in the district level Law and Order Protect Committee meeting every month. However, such a cell has not created in most of the police stations yet after one year and nine months of the Court order.

### Rape

115. During the period January to September 2012, a total number of 651 females were reportedly raped. Among them, 239 were women, 384 were children below the age of 16 and the age of 28 victims could not be ascertained. Of the women, 26 were killed after being raped, 86 were victims of gang rape and one

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<sup>91</sup> The daily Ittefaq, 13/03/2012

<sup>92</sup> The daily Prothom Alo, 27/01/2011

committed suicide. Out of the 384 child victims, 31 children were killed after being raped, 67 were victims of gang rape and nine children committed suicide as a result of the mental stress after the crime.

116. Among these 651 females, 09 females were raped by law enforcing agencies and one of them allegedly raped by police in Madaripur Police Station of Madaripur district. Some incidents are as follows:
117. On September 14, 2012 a 16-year old student of class X, Marzana Akhter was raped by Fahad in a police staff quarter under Bahubal Model Police Station in Habiganj. It is to be noted that the Marzana is the niece of Sub Inspector Rafiqul and Fahad is the son of Constable Ruhul Amin of the same police station. The Officer-in-charge, including other policemen, asked Marzana to describe the incident, which humiliated her and she committed suicide at around 12.30 am by jumping from the roof of the building.<sup>93</sup>
118. On August 21, 2012 a police constable Rashel Rana of Atoltila Police Camp raped an 11-year child of the ethnic minority community at Dighinala upazila in Khagrachhari, when she went to graze a cow near the police camp. The child was admitted to Khagrachhari General Hospital and the police arrested Rashel Rana.<sup>94</sup>

### Dowry-related violence

119. During the months of January - September 2012, 648 wives were subjected to dowry related violence. Of these wives, it has been alleged that 217 wives were killed because of dowry; among them two were victims of child marriage. 419 were ill-treated in various other ways for dowry demands and 12 wives allegedly committed suicide. Furthermore, one man was killed and 10 men were injured in protest of dowry related violence during this period. Three children were killed and one was injured due to dowry related and violence.<sup>95</sup> Some incidents are as follows:
120. On September 14, 2012 a pregnant housewife named Nayan Begum was burnt to death by her husband, Abu Kalam for dowry in Jessore.<sup>96</sup>
121. On July 8, 2012, a pregnant housewife, Salma (20) was killed by her husband Titumir and father-in-law, Ayub Ali over dowry demands in Sultanpur village under Jessore district. The killers allegedly set the house on fire after killing her.<sup>97</sup>

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<sup>93</sup> The daily Prothom Alo, 16/09/2012

<sup>94</sup> The daily Naya Diganta, 24/08/2012

<sup>95</sup> The daily Samakal, 16/04/2012

<sup>96</sup> The Daily Star, 18/09/2012

<sup>97</sup> The Daily Ittefaq, 10/07/2012



## Acid violence

122. According to information gathered by Odhikar, during the period of January - September 2012, it was reported that 80 persons became victims of acid violence. Of these affected persons, 41 were women, 16 were men, 15 were girls and eight were boys. Some incidents are as follows:
123. On September 2, 2012, a house tutor, Shila Akhter and her 6-year old son were burnt with acid at Idrakpur in Narayanganj district. It was learnt that Berek threw acid on the house tutor of his son, Mehedi, as she refused his sexual advances.<sup>98</sup>
124. On May 9, 2012 at around 8.00 pm a housewife named Noorjahan Parveen was burnt with acid by her husband Abdul Hye; elder brother-in law, Abdur Rashid; and the husband of her sister-in-law when she was going to her father's house in Panguai village of Mymensingh. They poured acid on Parveen's mouth and then left her dying in a paddy field. The next day in the morning local people with the assistance of police, admitted her to Phulpur Hospital in an unconscious state. Her face, neck have been severely burnt.<sup>99</sup>

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<sup>98</sup> The daily Prothom Alo, 03/09/2012

<sup>99</sup> Report from human rights defender, Wahiduzzaman, Mymensingh, 12/05/2012

<b>Statistics: January-September 2012*</b>											
Type of Human Rights Violation		January	February	March	April	May	June	July	August	September	Total
Extra-judicial killings	Crossfire	5	11	10	9	3	0	3	0	6	47
	Torture to death	0	2	1	1	0	1	0	1	0	6
	Shot to death	1	0	1	1	0	1	3	0	0	7
	<b>Total</b>	<b>6</b>	<b>13</b>	<b>12</b>	<b>11</b>	<b>3</b>	<b>2</b>	<b>6</b>	<b>1</b>	<b>6</b>	<b>60</b>
Disappearances		0	5	4	5	1	1	0	7	1	24
Human rights violations by Indian BSF	Bangladeshis Killed	2	2	2	4	3	1	5	4	5	28
	Bangladeshis Injured	9	3	14	17	3	2	11	3	8	70
	Bangladeshis Abducted	3	4	12	4	1	1	2	5	21	53
Deaths in Jail		9	6	6	2	2	2	5	7	2	41
Attack on journalists	Killed	0	2	0	0	0	1	1	0	0	4
	Injured	21	8	1	16	26	5	34	7	23	141
	Threatened	6	3	26	1	7	3	3	1	1	51
	Assaulted	7	3	13	0	12	0	5	3	2	45
Political violence	Killed	16	9	17	24	10	7	14	17	16	130
	Injured	1884	727	1052	2528	1563	762	1123	1156	1411	12206
Acid violence		9	9	7	10	7	12	6	15	5	80
Dowry related violence (total)		47	50	82	84	111	98	76	83	32	663
Rape		48	59	87	94	84	82	67	68	62	651
Sexual harassment /Stalking of women		33	31	40	49	45	54	47	34	56	389
Section 144 of Cr.PC		13	12	8	5	7	7	5	12	9	78
RMG	Killed	0	0	0	0	0	0	0	0	0	0
	Injured	20	76	190	174	205	750	116	149	32	1712

\* Odhikar's Documentation

Note: Some monthly data has been updated after receiving information in September 2012

## Recommendations

1. The Government should protest strongly against human rights violations on Bangladeshi citizens by the BSF; and investigate all incidents and 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 safety and security of the Bangladeshi citizens residing at the border areas.
2. The Government should rescue or recover the victims of enforced disappearances. Odhikar urges the government to accede to the International Convention for the Protection of All Persons from Enforced Disappearances, which was adopted by the UN General Assembly on December 20, 2006.
3. The Government must stop extrajudicial killings as per its commitment in its election manifesto and at the UN Human Rights Council during the 2009 UPR session. The Government must bring all involved in the acts of extrajudicial killings before justice, through proper and independent investigation.
4. Acts amounting to torture by law enforcement agencies must be checked and controlled and perpetrators tried as per criminal law. The Government must also accede to the Optional Protocol to the Convention against Torture.
5. The Government must ensure accountability of law enforcement agencies and also take action to put an end to their impunity.
6. Peaceful and non violent political programmes should not be obstructed. The Government should refrain from exercising unconstitutional, undemocratic and repressive activities like mass-arrests and attacking peaceful procession and rallies.
7. The Government must take effective action to stop all forms of criminalisation in the name of politics. The law enforcement agencies need to play a proactive role to stop political violence and to take legal measures against perpetrators and carry out their duty in an accountable and unbiased manner.
8. The Government should ensure the rights and security of the religious and ethnic minority communities.
9. Wages should be given to garment factory workers in due time and termination of workers and repression must be stopped by the factory authorities and police.
10. Interference on media must be stopped. Incidents of threats and attacks on journalists must be properly investigated and perpetrators of such acts must be brought to justice.
11. Laws and decisions of the Court, preventing freedom of expression in the name of 'sedition', must be repealed.
12. All repressive laws, including the Anti Terrorism Act 2009, should be repealed.

13. The Government must ensure transparency and accountability; and full investigation reports with regard to the BDR mutiny conducted by the government made public. The Government should ensure the provision of necessary amenities for the accused BDR members during the trial.
14. All international organisations including the UN should come forward to protect Rohingyas.
15. The Government should withdraw the proposed Bill initiated by the NGO Affairs Bureau for more control over NGOs, as it violates freedoms of expression and association.
16. The President's clemency and Government favourism to accused persons on death-row, reducing life sentences under political consideration and considering some cases as 'political harassment' only add to the lack of people's confidence in the justice delivery system. Such practice should be stopped and the culture of impunity be brought to an end. The Judiciary must be strengthened and given independence to bring back people's confidence in it.
17. Violence against women is persistent as the perpetrators are not brought to justice. The Government must respond appropriately to stop violence against women and the offenders must be brought under the purview of the law to ensure that justice is served.

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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.