



Odhikar is committed to defend the dignity, freedom and rights of the people of Bangladesh, as human beings as well as citizens, consistent with declarations, covenants, protocols and principles of human rights.

Odhikar unconditionally stands for the victim and acts to bring offenders to justice. We investigate, expose and analyse human rights violations and hold abuser accountable.

Odhikar does not essentialise human rights as abstract international laws but as historically achieved global consciousness and consensus to educate and organize oppressed people to fight inequality, injustice and discrimination, both individually and collectively.

Odhikar considers the human rights movement in Bangladesh as constitutive of democracy and integral to the just struggle of the people of Bangladesh to have a democratic constitution and a state corresponding to it.

HUMAN RIGHTS REPORT 2012

Odhikar Report on Bangladesh

January 12, 2013

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Executive Summary

1. The Human rights movement does not merely revolve around activities to protect victims of human rights violations from the abuses of the State, but by its very gesture interrogates the nature of political power and the moral and cultural foundations of a society. In countries like Bangladesh, where democratic transformation is still a task to be accomplished, the human rights movement is directly constitutive of democracy. Human rights instruments are not merely tools with the power to evoke international obligations or positive laws in order to force weak states to oblige to the powerful players of international community; but are also a pressing political necessity of constituting the state on the principles of human rights, particularly respecting the values of life and their spiritual and material embodiments.
2. We, in the past, repeatedly argued that Bangladesh is not a democratic state. This is not a negative stand, but an affirmation of our task to be accomplished. Human rights are not liberal utopian ideas, but integral to the very movement of the democratic struggle of the people to provide the foundation and the form of the state. It is unfortunate that we are still unable to make the distinction between achieving freedom from external domination and the political task of constituting the people into a democratic polity. Human rights are neither a conflicting, nor a negotiable stance to gain protection and privileges from the rulers and the state, without challenging the existing foundation and structure of the state. The very nature of the human right movements anticipates the state yet to come.
3. This is the reason we always articulate human rights as the foundational moment of democracy; and democracy cannot be reduced to mere elections. The completion of the 9th Parliamentary election on December 29, 2008 brought to power an elected government. Given the fact that Bangladesh was under the State of Emergency imposed by a military backed unelected government from January 11, 2007 to December 16, 2008, it was, admittedly, a positive achievement. During this period, people opposed and rejected the unelected caretaker government backed by the army and made a significant step in demonstrating their collective trust in a political process.
4. The experience of the last four years is full of evidence that the trust of the people has been blatantly betrayed and that democracy does not just mean 'the right to vote'. In our last annual report we stated that after the election of 2008,

the undemocratic and dictatorial nature of power had commenced in various manifestations; and continued abusing the state institution for partisan interests and narrow economic gains. The least the people expected was a strengthening of the regained sphere of politics from a near military take over and the nurturing of and widening the practice of a democratic culture, if not any immediate qualitative transformation of the state. This should have been the way forward for Bangladesh. Instead, partisan violence between and within major political parties continued and the government has been brutally repressing the rights of the people to assemble and articulate their grievances.

5. To rule by terror, the government resorted to some techniques. First of all, the repression of the Opposition political parties, workers and social organisations. The Government has systematically abused section 144 of the Code of Criminal Procedure and repressed most of the meetings, mobilisation and protests of its political opponents. Such repression provoked violence and unleashed anarchy. The wide visibility of misusing section 144 existed throughout 2012 as experienced in previous years. Between January to December 2012, section 144 was imposed by local administrations in six divisions to stop political activists to assemble and organise rallies, a total of 105 times.
6. The second tactic used by the government is the use and abuse of the Judiciary to punish opponents and the dissenters who criticize the government. The appointment of judges on political consideration, without framing a Rule on the appointment of Judges, as directed by the High Court Division; sending detainees to remand; misusing the provisions of the Contempt of Court Act 1926 are all parts of this tactic.
7. The third tactic used is abducting and killing people, particularly political leaders, mainly through 'enforced disappearance'. The present regime promised to observe zero tolerance to extrajudicial killings. However, extrajudicial killings continue and with it, continued torturing and killing people in police custody.
8. Repression of the media and silencing the dissenters is another method. The year 2012 was a bad year for journalists. Five journalists were killed this year. Journalists have been attacked, physically assaulted and threatened with death. The death of 5 journalists in 2012 says a lot about the precarious situation of the media.
9. The Anti-Terrorism Act (ATA) 2009 is another tool of repression. The vague definition of 'terrorists activities' under the ATA opens the legislation to potential abuse and are incompatible with the principle of legality requiring that

criminal liability and punishment be limited to clear and precise provisions. This principle is enshrined in Article 15 of the International Covenant on Civil and Political Rights (ICCPR), which Bangladesh has ratified. The Act was amended in 2011 but by retaining the vague and broadly applicable definition of 'terrorist activities' and reducing 'terrorism' to merely a question of crime punishable by death, the Amendment makes the Anti-Terrorism Act even more vulnerable to the worst kind of abuses.

10. The killing spree of the Border Security Forces of India (BSF) continued in 2012. Between January and December 2012, 38 people were killed and 100 were injured either by torture or firing by Indian BSF. During this time 74 persons were abducted. The injuries and abductions perpetrated by BSF against Bangladeshis has taken the top position in 2012 compared to the last three years.
11. Workers rights are violated frequently in Bangladesh. Like previous years a bleak scenario prevailed in 2012. It seems the conditions of workers deteriorated in 2012, especially in the garment sector. The workers constantly suffer sporadic payment of wages, overdue overtime pay and poor working conditions. The most devastating fire accident in Bangladesh history happened on November 24, 2012 in Tazreen factory. At least 113 workers were killed and over 60 workers were injured. It is to be noted that fire incidents at garment factories killed not less than 500 in 33 major incidents since 1990. Of them, 331 workers have been killed in eight fire incidents since November 2000¹.
12. Violence against women has increased, according to information gathered by Odhikar. Bangladesh has ratified the UNCEDAW, along with most major international Conventions. It has special criminal laws to punish perpetrators of acts of violence against women. Unfortunately, lack of implementation of laws, corruption in the law enforcement agencies and police disinterest in domestic violence issues – along with local political patronage – all play a part in ensuring that violence against women continues.
13. Despite an elected government, 2012 has been full of regressive evidence of what we have been observing for a long time. The situation has started to drastically deteriorate since 2011; and 2012 statistics and violations ridicule the assumption that the mere installation of an elected government can address the fundamental malaise of the State.

¹ The Daily Star, 27/11/2012

14. The year 2012 proved again our basic contention that if the State is not a democracy, if human rights are not its constitutive principles, the mere election of a government cannot ensure the freedom, dignity and security of the people. In short, human rights are not merely privileges to be enjoyed by the individual, but that the state should be the embodiment of freedom and dignity of the people by its very constitution.

Introduction

15. We are pleased to present Odhikar's human rights report for the year 2012, a practice we are doing since 2001; it contains a compilation of not only the monthly reports, but also occasional documents we shared with our friends in Bangladesh and around the world. Providing a comprehensive annual report on the state of human rights in Bangladesh, based on our investigation, research and analysis is, as we understand, convenient for activists and policy makers, and at the same time it provides an opportunity for us to review our own findings by which we can reasonably assess the state of Bangladesh from the difficult and challenging human right movement in our country.
16. The Annul Human Right Report provides a sense of where Bangladesh is heading, a necessary exercise to build up a strong network, relations and consensus. Therefore the yearly report is not merely presenting evidence of human rights violations, but also identifying the critical and strategic concerns that must be attended if we are committed to uphold the freedom, dignity and security of the people both as human beings as well as citizens.
17. The information presented here are collected, processed and rechecked for evidential accuracy by a dedicated group of human right defenders. We also discuss the findings with like-minded human rights organisations so that a common concern can be established. This consequently provides basic orientation to develop a campaign and advocacy strategy for the year 2013, implemented according to the capacity and mandates of various groups, organisations and individual defenders.
18. The report starts with the risks faced by human right defenders and organisations in Bangladesh, including Odhikar. The rest of the report is structured by the common conceptual categories familiar in human rights discourse.

CHAPTER I: INCREASING RISKS IN HUMAN RIGHT ACTIVITIES

Human Right Defenders are detained and harassed

19. Law enforcing agencies have detained and harassed human right defenders, including journalist, working for Odhikar. On November 22, 2012 at around 1.00 am, human rights defenders of Odhikar and a correspondent of the Bangla daily newspaper Jugantor for Kurigram district, Ahsan Habib Nilu, who is also the General Secretary of Kurigram Press Club; and Sahifuqul Islam Bebu, district correspondent of the daily Inqilab and private satellite TV channel Banglavisision, were picked up by police led by NSI² Assistant Director, Idris Ali and detained at Kurigram Police Station. The allegations of being involved in anti state activities were brought against them. Ahsan Habib Nilu informed Odhikar that a report on extortion and other irregularities against the NSI Assistant Director, Idris Ali, was published in the daily Jugantor on September 27, 2012. Some days later, the same report was also published in the daily Inqilab. Idris Ali threatened him after this report. He further stated that they were forced to run for half a mile with handcuffs after they were detained. Nilu and Bebu's family were also harassed. After their arrest, a three-member investigation team led by Superintendent of Police, Mahbubur Rahman interrogated them the next day. Assistant Superintendent of Police, Akram Hossain; and Assistant Director of NSI, Idris Ali were also in the investigation team. It had been alleged by the NSI officers that both the journalists had posted caricatures mocking the Prime Minister and other ministers on Facebook. Later police took their passwords and checked their email and Facebook accounts. They were released on November 22, 2012 at 10.00 pm after there was no proof of the allegations.³

Barring participation in Odhikar's meeting on Enforced Disappearance

20. The Bangladesh Embassy in Nepal refused to provide a visa to Subodh Raj Pyakurel, the Chairperson of the human rights organisation 'Forum-Asia' based in Bangkok and of the Nepal based NGO 'INSEC', to attend Odhikar's meeting on enforced disappearance. Odhikar organised a discussion meeting on the

² NSI: National Security Intelligence

³ Report sent by Ahsan Habib Nilu, local human rights defender connected with Odhikar from Kurigram, 23/11/2012

'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.

Woman Human Rights Defender harassed and suspended from her job

21. 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.
22. In May 2011, Shampa learnt about the gang rape of a woman and visited the hospital to speak to the victim and give her mental support, but during that time the victim or her son did not want to file any case against the perpetrators. Some days later, four men had been arrested for the gang rape of the woman. Later, a man called Shushanta Kaur, called Shampa and said that since she worked for human rights she should intervene and get the men released. As she refused to do so, he became furious.
23. On October 23, 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.⁴
24. After this incident she filed a case accusing Shusanto Kaur, Samir Dey, Rony and other 8/10 persons. The case was file under Section 143/ 342/ 379/506 of the Penal Code and dated 25/11/2011. Police could only arrest Samir Dey who is out on bail.
25. 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

⁴ For more information on the incident, visit www.odhikar.org

regard. As a result, Abdul Hamid, Samir Dey, Hiralal Biswas, Kartik Sarkar and Yasin Ali threatened to suspend Shampa from her job. Shampa alleged that they distorted Shampa's photo, added an unknown man to her picture, and circulated the picture via cell phones and through the internet to defame her in the society. 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.

26. On August 30, 2012 a letter was issued from the School Management Committee against Shampa Goswami where it was mentioned that due to the allegation of her immoral, antisocial character she must prove why any action would not be taken against her. The letter also asked Shampa to reply within 7 days after receiving the letter. Shampa responded to the letter on September 4, 2012. After 10 days of receiving her response, the School Management Committee suspended Shampa Goswami from her job.
27. On October 23, 2012, the Deputy Commissioner Office of Satkhira issued a letter stated that after forming a three member investigation team they found that the allegation against Shampa was false and instructed the school committee to reinstate Shampa to her job and inform the DC office about the action. However, the said school committee has ignored this instruction.

Increased Surveillance and Obstruction of Odhikar's Activities

28. Responsible members and staff of Odhikar have faced surveillance by the government. Their cell phones were tapped throughout the year.
29. 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. The NGO Affairs Bureau has already, illegally, executed this proposed Bill on Odhikar's project 'Human Rights Research and Advocacy' even before it is passed as an Act, which has resulted in obstacles to project implementation.

30. The Bureau issued a letter to Odhikar on June 14, 2012 asking it to bring a clearance certificate from the Deputy Commissioners⁵ in the project areas, which is beyond the scope of the present law; however, Odhikar provided the DC offices with all the necessary documents for clearing the fund. The DC offices have been asking for further explanation from Odhikar, such as why Odhikar does not have field offices at the district level? Why human rights defenders are not paid? etc. Though all the documents are kept in the NGOAB office and as the proposed Bill to regulate NGOs is pending, it seems that the NGOAB is unlawfully using the provisions of the proposed Bill in order to create problems in the implementation of Odhikar's project.
31. The proposed new Law states that the Director General of the NGOAB can penalise foreign funded NGOs if it occurs to him or her that they are engaged in activities which are illegal or harmful. The punitive measures, as per the Bill's Article 24, include cancellation of registration, a bar on activities for a period, imposition of a fine equal to received donation, or three times the foreign donation the NGO received and punitive measures against those responsible, as per the country's law.
32. The Law will violate freedom of expression and association; and will control human rights and voluntary organisations, which is contrary to the Bangladesh Constitution and the UN Declaration on Human Rights Defenders.⁶
33. On July 12, 2012 Odhikar submitted a project document (FD-6) on 'Empowering Women as Community Human Rights Defenders' funded by the Finnish NGO 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 172 days of its submission.

Banning Activities of International NGOs

34. Rohingas, the oppressed minority community of Myanmar took refuge in Bangladesh at different times. On July 30, 2012 an order was issued by the Cox's

⁵ According to section 15 (3), (4) and (5) of the proposed Bill, the Divisional Commissioners, Deputy Commissioners (DC) and Upazilla Nirbahi Officers (UNO) have been given power of inspection, observation and evaluation on the activities of NGOs in their respective areas. DCs shall observe activities of NGOs on behalf of the Bureau in their respective areas. DCs shall discuss activities of NGOs at coordinating meetings every month at the district level. DCs shall inform the Bureau by submitting a report about any irregularity/arbitrarily acts of any NGO.

⁶ The draft Bill and the reaction to it from the Federation of NGOs in Bangladesh (FNB) can be collected from Odhikar.

Bazaar district administration to stop activities of three international NGOs working with Rohingyas in Cox's Bazaar, in the South East region of Bangladesh. 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 Bazaar, without any approval from the NGO Affairs Bureau. The letter also alleged that the said organisations have been providing negative information to the international media and tarnishing the image of Bangladesh.⁷

⁷ The daily Samakal, 02/08/2012

CHAPTER II: CIVIL AND POLITICAL RIGHTS

Freedom of Thought and Speech

Violence and repression against journalists

35. The year 2012 was a bad year for journalists. In 2012 five journalists were killed. In 2011 none were killed, in 2010 four journalists were killed and in 2009 only three journalists were killed. The journalists and the media continued to be victims of attacks, physical assaults, threats and intimidation from different powerful quarters, specially the government and the ruling party leaders and activists. From January to December 2012, according to Odhikar's documented statistics, apart from the five journalists killed, 161 journalists have been injured, 63 have been threatened, 10 have been attacked and 50 have been assaulted and two journalists were tortured by RAB and Detective Branch (DB) police.

36. On February 11, 2012, Sagar Sarwar, News Editor of the private channel Maasranga TV and his wife Meherun Runi, senior reporter of private television channel ATN Bangla, were killed at their rented flat at West Rajabazar in Dhaka. The entire media and journalist community demanded the arrest of the perpetrators. It is to be mentioned here that Sagar Sarwar and Meherun Runi were covering power and energy-related news. After their death the former Home Minister Sahara Khatun said, "A direction has been given to the law enforcement agencies to find the killers within 48 hours and to arrest them"⁸. Her comment was proved as being mere words. On February 23, 2012 in a meeting the Prime Minister Sheikh Hasina said, "It is not possible for the government to guard anyone's bedroom".⁹ The Prime Minister's insensitive and irresponsible comment faced huge criticism. On February 27, a Division Bench of the High Court Division of the Supreme Court of Bangladesh, directed the authorities concerned not to give any statements to the print and electronic media until there were specific developments in the investigation of the killings. The Bench also asked the Information Secretary to take steps within 24 hours to ensure that no speculative news, which could manipulate or influence the investigation, were printed or broadcast. It also asked the press and the media

⁸ The daily Kaler Kantho, 12/02/2012

⁹ The daily Amar Desh, 31/12/2012. Their bodies were found in their bedroom.

not to publish or air speculative news on the issue.¹⁰ This Order of the Court has been regarded by the leaders of the journalist associations as nothing but press censorship. The High Court Division Bench, however, had corrected the earlier Order saying that the press and media should report objectively on the case.¹¹ The case had been transferred to the Rapid Action Battalion (RAB) from the police for an expeditious and proper investigation following a High Court Order issued on April 18, 2012.¹² The RAB has not been able to identify the perpetrators or the motive of the killing.

37. On March 27, 2012 the Metropolitan Magistrate Court framed charges against the daily Amar Desh Acting Editor Mahmudur Rahman, Publisher Hashmot Ali, Executive Editor of Amar Desh and Secretary of the National Press Club Syed Abdal Ahmed, and Special Correspondent Oliullah Noman in connection with a case filed by the Bangladesh Telecommunication Regulatory Commission (BTRC). They were charged with defamation in the case filed by the BTRC on October 24, 2009 for publishing two reports in the daily on October 2, 2009, alleging 'India controls BTRC'.¹³
38. On May 10, 2012, Tuhin Sanzid, a senior reporter of the daily *Bhorer Dak*, was allegedly picked up by RAB and tortured, for reporting on the disappearance of Bangladesh Nationalist Party organising secretary M Ilias Ali and on extrajudicial killings. He alleged that he was given electric shocks and also threatened with death.¹⁴ Neither any action against RAB personnel nor any investigation into the matter has been reported.
39. 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 Kantho* at 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.¹⁵ Neither any action against the perpetrators nor any investigation into the matter has yet been reported.
40. Mostafizur Rahman Sumon, Crime Reporter of the online news agency *Just News*, was allegedly tortured by Detective Branch (DB) police and detained for two days in the DB office. On July 13, 2012 Mostafizur Rahman Sumon was

¹⁰ The daily New Age, 28/02/2012

¹¹ The daily New Age, 01/03/2012

¹² The daily New Age, 19/04/2012

¹³ The daily New Age, 28/03/2012

¹⁴ Tuhin Sanzid's written statement, 12/05/2012

¹⁵ The daily Amar Desh, 15/05/2012

arrested by DB police in front of Eastern Plaza at Hatirpool, Dhaka. Later he was shown as arrested under a theft case lodged with Darus Salam Police Station. Thereafter, he was detained in the office of the Detective Branch at Minto Road for more than two days and allegedly tortured by DB police.¹⁶

41. On July 14, 2012, Ayaz Azad, University correspondent of the daily *Jajaidin*, was injured when Bangladesh Chhatra League¹⁷ activists attacked him at the Islamic University in Kushtia. Azad was attacked by 10/12 associates of Islamic University unit Chhatra League's Sports Secretary, Mehedi Hassan over a report. They stabbed Azad in his head, hands and throat and he was admitted to Kushtia General Hospital. Kushtia Islamic University Chhatra League's General Secretary, Shamsuzzaman Tuhin, told reporters that Mehedi Hassan was expelled from Chhatra League regarding this incident.¹⁸ No legal action against the perpetrators, however, has yet been reported.
42. On September 2, 2012, the police of Tejgaon Industrial Police Station submitted a charge sheet before a Dhaka Court against the daily *Amar Desh* acting Editor, Mahmudur Rahman. The case was filed on June 1, 2010 with the Tejgaon Industrial Police Station. The plaintiff of the case, the then publisher of the daily *Amar Desh*, Alhaz Hasmat Ali, submitted an application to withdraw the case on November 29, 2011. His application was received by the police, but the police submitted the charge sheet without taking cognizance of his application.¹⁹ It is to be mentioned that on January 1, 2010 at around 9.00 am Alhaz Hasmat 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.²⁰
43. A senior reporter of a private satellite television Channel, RTV, Bayezid Ahmed, was threatened with death by unknown criminals. Bayezid Ahmed said that he had prepared two special reports on the corrupt process of appointments in the railway from October 4 to 6, 2012. The interviews of the driver, Ali Azam, of former Minister for Railways Suranjeet Sengupta's Assistant Private Secretary Omar Farooq Talukder, was in the report. Since then, unknown persons were looking for him at his office at Karwan Bazaar and his residence and also

¹⁶ The daily Jugantor, 17/07/2012

¹⁷ Student organization backed by the ruling Awami League

¹⁸ The daily Jajaidin, 15/07/2012, http://www.jjain.com/?view=details&archie=yes&arch_date=15-07-2012&type=single&pub_no=187&cat_id=1&menu_id=13&news_type_id=1&index=6

¹⁹ The daily Amar Desh, 24/09/2012

²⁰ Oliullah Noman, Amar desh, 24/09/2012

threatened to kill him. On October 8, 2012 he lodged two General Diaries (GD) with Shere Bangla Nagar and Tejgaon Police Stations.²¹ The perpetrators are yet to be identified and the investigation into the GDs is yet to be completed. The driver, Ali Azam, is still in hiding.

Freedom of Expression

“Sedition”: Government’s tool to repress dissents

44. Contrary to democratic norms, the Government is 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 15th 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 instances are as follows:
45. On August 13, 2011, five persons, including renowned film maker Tareque Masud and Chief Editor of ATN News Mishuk Munir died in a road accident in Manikganj. The incident 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 was 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?”²² 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 rigidity in the process of providing driving licenses where Hasina’s government is proving driving licenses without even tests!”²³ 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

²¹ The daily Jugantor, 09/10/2012

²² The daily Amar Desh, 09/01/2012

²³ <http://www.bdnews24.com/bangla/details.php?cid=3&id=182242&hb=top>

expressions in his Facebook account. The Inspector General of Police was told to file a sedition case under Section 124A of the Penal Code²⁴ 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, 2012, sentenced him to imprisonment for six months for the allegation of 'contempt of court'.

46. Sohel Molla Raj, also known as 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 to 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 120B²⁵/153²⁶/153B²⁷/504²⁸/505²⁹ and 124A of the Penal Code. On May 16, 2012 the police arrested Sohel Molla Raj and took him into 3-day remand for interrogation. On August 24, 2012, the police submitted a charge sheet before the Court against him. Sohel Molla Raj is still detained in Mymensingh District Jail.³⁰

47. On December 13, 2012 at about 7:30pm a prosecutor dealing with war crimes cases in the International Crimes Tribunals (ICT), filed a sedition case against the Acting Editor of Amar Desh, Mahmudur Rahman, and the publisher, Hasmat Ali, for publishing the Skype conversation between ICT-1 Chairman Nizamul Huq and a Bangladeshi born Belgium based international lawyer, on the ongoing war

²⁴ 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.'

²⁵ Punishment for criminal conspiracy: 120B. (1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, [41](#) [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.]

²⁶ 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 not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

²⁷ 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.

²⁸ 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.

²⁹ Section 505 deals with statements conducing to public mischief.

³⁰ The daily Prothom Alo, 01/06/2012 and the daily Nayadiganta, 02/06/2012

crimes trials in Bangladesh. The prosecutor, Shahidur Rahman, filed the case with the Chief Metropolitan Magistrate's Court in Dhaka at about 7:30pm. Magistrate Hasibul Haque directed the Tejgaon police officer-in-charge to register the case as a first information report and take legal action against the accused. In keeping with the Code of Criminal Procedure, however, there was no Government sanction to proceed with the case at the time of its initiation, but police can arrest an accused charged with sedition without any warrant for arrest. Mahmudur Rahman has been staying at his Amar Desh office since the filing of the case. Earlier on the same day, the High Court questioned the legality of the Skype conversations being recorded by way of hacking. The bench of Justice AHM Shamsuddin Choudhury and Justice Farid Ahmed also asked the government and the law enforcement agencies to explain in two weeks why they should not be directed, in keeping with the information and communications technology law, to arrest and prosecute the offenders who hacked into and recorded the conversation and published it. It also imposed a ban on further publications of the conversation which had been published by the daily Amar Desh since December 9 until the rule was disposed of. The Tribunal 1 Chairman, Justice Md. Nizamul Haq, resigned from his position on December 11 amid controversies over the Skype conversation. The conversations revealed Justice Md. Nizamul Huq's personal views about different individuals, including his fellow Tribunal judges, and jurists.³¹

48. On December 26, 2012 the Chamber Judge of the Appellate Division stayed the order passed by Justice AHM Shamsuddin Choudhury and Justice Farid Ahmed for six weeks.

49. The New York-based Committee to Protect Journalists on December 19, 2012 issued a statement expressing concern over the filing of the sedition case against Amar Desh acting editor and publisher. In the statement, the CPJ says it is deeply concerned by sedition charges leveled against Mahmudur Rahman, the acting editor and majority owner of the Bengali-language daily Amar Desh and the paper's publisher, Alhaj Hasmad Ali. The statement also mentioned that Mahmudur Rahman, who served as an energy adviser in the previous Bangladesh Nationalist Party-led government, was arrested in June 2010, and spent 10 months in prison on charges of harming the Court's reputation and defamation for publishing reports on alleged corruption by the son of current

³¹ The daily New Age, 14/12/2012

Prime Minister Sheikh Hasina. He alleges that he was physically assaulted while held.³²

50. The major concern is how 'sedition' is defined and used. 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'. It is not enumerated in the said law that feelings of dislike, disregard, hatred or animosity of a person against an elected government or a member of the 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.

Banning YouTube

51. Bangladesh Telecommunication Regulatory Commission (BTRC) on September 17, 2012 at about 10:30pm blocked popular video streaming website YouTube.com. The BTRC had requested Internet giant Google to block a controversial anti-Islam movie trailer 'Innocence of Muslims' on YouTube, a website owned by Google. Google is accessed in Bangladesh through its Indian office and so the letter was sent to Google India.³³

52. YouTube has been blocked in Bangladesh for over three months. The Information Minister, Hasanul Haq Inu, on November 27, 2012 said the government would soon lift the ban on YouTube. 'We have sent a letter to YouTube authority to ensure that the anti-Islam movie cannot be watched from anywhere in Bangladesh,' Inu said when he was addressing a press briefing at the secretariat.³⁴

53. The ban on the video streaming website YouTube is, however, yet to be lifted depriving the people in general and researchers, scholars, students and academics in particular. The Government's intentions show that it wants to curb citizen's right to freedom of information, expression, and is using the so-called 'Islamic militancy' issue as a trick.³⁵

³² The daily Amar Desh, 21/12/2012

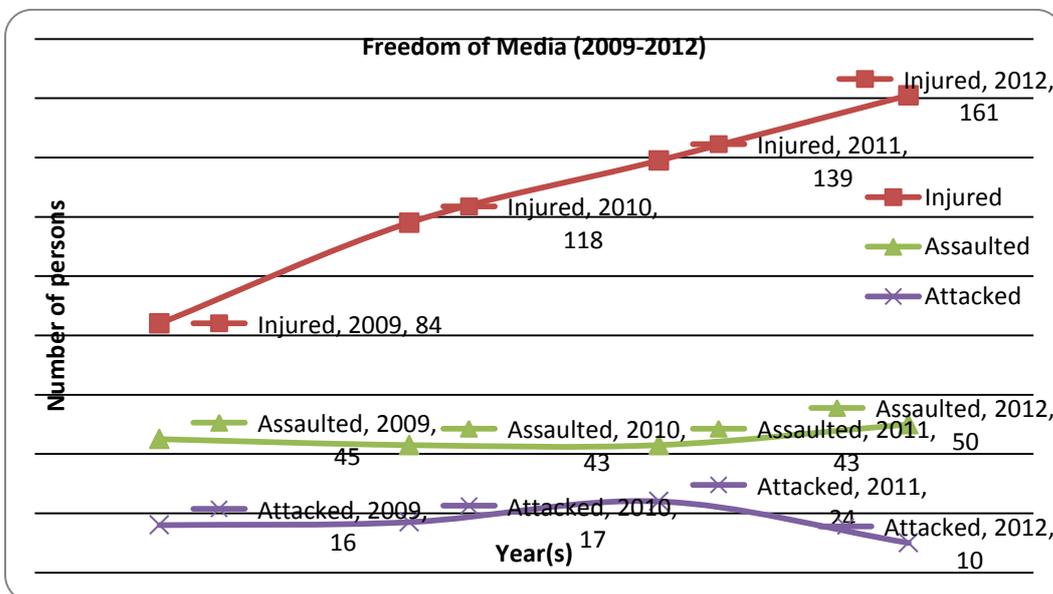
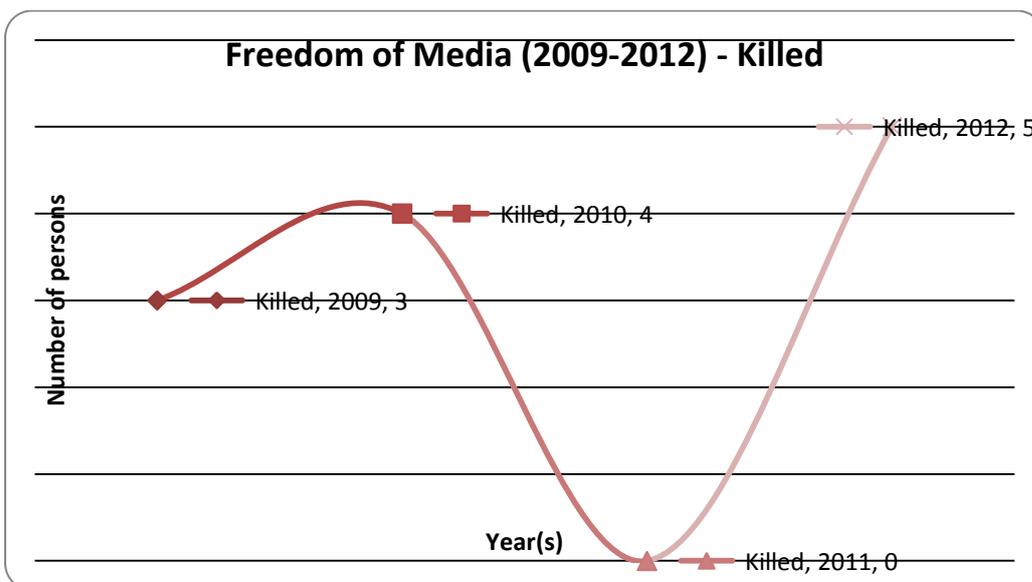
³³ The Daily Star, 18/09 2012

³⁴ The Daily Star, 28/11/2012

³⁵ New Age Xtra, 12/10/2012

Table 1: Freedom of media by year

Oppression against Journalists: Freedom of Media (2009-2012)											
Year (s)	Killed	Injured	Assaulted	Attacked	Arrested	Abducted	Threatened	Tortured	Sued	Miscellenus	Total
2009	3	84	45	16	1	2	73	0	23	19	266
2010	4	118	43	17	2	1	49	0	13	16	263
2011	0	139	43	24	1	0	53	0	23	8	291
2012	5	161	50	10	0	0	63	2	36	15	342
Grand Total	12	502	181	67	4	3	238	2	95	58	1162



Freedom of Assembly

54. Government has abused Section 144 of the Code of Criminal Procedure and systematically and brutally repressed most of the meetings, mobilisation and protests of the political parties opposed to the government, provoking violence and anarchy. Wide visibility of misusing section 144 existed throughout 2012, as in the previous three years. The opposition's meetings were being cancelled by police under section 144 in the pretext that at the same time, same day and same place the ruling party had called their programme and violence could occur. Interestingly, issues that are not in favour of the ruling political party have always been blockade by the local administration. This has happened even when the Opposition had been given permission to hold a meeting, only to have it cancelled later.
55. The right of the people to assemble and express their grievances to the government has also been systematically repressed, often with violence and police brutality. At present there is an unwritten rule that the law enforcement agencies will put up obstructions and stop meetings and procession by attacking with batons or throwing tear gas shells in the name of 'public safety' when citizens bring out a procession or organise meetings against injustices.
56. From the perspective of human rights and the prospect for democracy in Bangladesh the most significant events during the last four years were mass protest movements. Between January and December 2012 people came out on streets and public places to express their grievances against the government; there have been mass protest movements around the country against social injustices.
57. According to Articles 38 and 39 of the Constitution of the People's Republic of Bangladesh, every citizen of the State has the right to organise and participate in peaceful meetings and processions. People have the right to come together and collectively express, promote, pursue and defend common interests. Freedom of assembly is the right to protest and express grievances to the government. However, the government has systematically violated this right, provoking confrontation and violence.

Systematic obstruction of meetings and processions

58. From January to December, there have been several obstructions on meetings and processions. The activists of the ruling party Awami League and its affiliated organisations, aided by the law enforcing agencies, were involved in such acts. The law enforcement agencies are favouring the ruling party due to political blessing and sometimes they also take part in the attack. Examples are as follows:
59. On October 10, 2012 Progotishil Chhatra Jote³⁶ brought out a procession at Rajshahi University against the attack on Somajtantrik Chhatra Front³⁷ by Chhatra League at Mymensingh Agricultural University on October 9, 2012. Police attacked them and baton charged when the procession reached the University Senate Building after travelling around the campus. Eight Progotishil Chhatra Jote activists were injured during the police attack.³⁸
60. On May 15, 2012 teachers of non government primary schools marched towards the Prime Minister's office for submitting a memorandum. Police put up a barricade near the Central Library at Shahbagh, Dhaka. When the teachers tried to move forward, the police threw hot water on them from water cannons and beat them. Azizur Rahman, Head Teacher of Char Batiani Registered Primary School under Madarganj upazila in Jamalpur district, was severely injured during this attack and succumbed to his injuries on May 16, 2012 while under treatment.³⁹
61. On October 4, 2012 a protest programme of non-government school teachers and officials was stopped by police. The non-government school teachers and officials wanted to surround the Secretariat to bring home their 5-point demands, including getting MPO⁴⁰ status. At around 12 pm, police stopped the procession near the National Press Club when they tried to march towards the Secretariat. During this time, a scuffle commenced between police and teachers and police baton charged on protesting teachers and threw tear gas shells. 10 teachers, including Taposh Kumar Kundo, General Secretary of the Teachers Association of Educational Institutions, were injured.

³⁶ Progressive Student Union

³⁷ Student wing of Socialist Party of Bangladesh

³⁸ The daily Prothom Alo, 11/10/2012

³⁹ The daily Prothom Alo/Amar Desh, 17/05/2012

⁴⁰ Monthly Payment Order

62. Attacks on peaceful gatherings and procession of non-government school teachers is a grave violation of Constitutional rights. Odhikar believes that the government by imposing restrictions and violating civic rights is giving a negative impression to citizens. The logical ways to ask for peaceful demands to the government are being stopped, which leads the country towards a volatile situation.

Police stop meetings of medical college admission candidates

63. On August 15, 2012 students were protesting peacefully against a government decision to base medical and dental admissions on the 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 *Shaheed Minar*⁴¹. Police attacked the agitating students and took their banners and circulars. As a result at least six students were injured.

64. On August 27, 2012 police halted a meeting organised by the candidates for admission to the different medical colleges at the central Shahid Minar in Dhaka. They were protesting against the government's decision on admission to the medical colleges based on GPA grade marks. During this time, police baton charged the protestors and took away their banner and leaflets.⁴¹

65. The meetings called by candidates for admission to the medical colleges at the Shahid Minars in Chittagong and Dhaka were also stopped by police on August 28, 2012. Police arrested eight students during the protest. The students demand that the government change its decision and base admissions on entrance examinations and not on the Higher Secondary grading system. The protestors said that they were observing a peaceful meeting for their demands but the government began beating students instead.⁴²

Mass protest movements

66. On June 2, 2012, the ruling party MP and the Whip of Parliament, Sheikh Abdul Wohab faced mass protests when he went to Bhubodoho Beel⁴³ at Abhoynagar in Jessore district to inaugurate the canal cutting work under the Tidal River

⁴¹ The daily Prothom Alo, 28/08/2012

⁴² The daily Prothom Alo, 29/08/2012

⁴³ A large lake

Management (TRM) project. Thousands of people had gathered and attacked the project personnel with sticks. Whip of the Parliament, Sheikh Abdul Wohab; Abhoynagar Upazila Chairman, Abdul Malek; and 50 other people, including police, were injured. Furthermore, the angry people vandalised and set fire to 12 vehicles. The local inhabitants of Bhubodoho suspect that the fisherfolk would be affected due to the passing of saltwater in the lake; and houses will also be flooded if the TRM project starts.⁴⁴

67. On September 30, 2012 police attacked the procession of the National Committee to Protect Oil-Gas-Minerals, Power and Ports when it went to besiege the Power, Energy and Mineral Resources Ministry. The Committee protest against the price-hike of electricity that came into effect from September 1, 2012. Police charged with batons; fired rubber bullets and tear gas shells on them and left 50 activities injured.⁴⁵:

68. On November 23, 2012 the National Committee to Protect Oil-Gas, Minerals, Power and Ports organised a meeting at Nimtola Mor in Phulbari, Dinajpur to protest against a letter to the Ministry of Home Affairs, by the multinational company Asia Energy, asking for help to inspect the open coal pit at Phulbari area in Dinajpur. The local administration stopped the gathering by imposing Section 144⁴⁶ of the Cr.PC at the meeting area from 12.00 pm to 12.00 am. The Member-Secretary of the National Committee to Protect Oil-Gas, Minerals, Power and Ports, Professor Anu Muhammad told a press briefing beside the meeting venue that, “the inhabitants of Phulbari called the meeting to protect mineral resources of the country. The government stopped the peaceful gathering by imposing Section 144 of the Cr.PC.” A dawn to dusk hartal was called on November 24, 2012 and protest meetings across the country on November 28 was declared at the press conference. After this declaration, the people present at the gathering became agitated and violated Section 144, where the leaders of the National Committee delivered their speech. A hartal⁴⁷ called by the National Committee to Protect Oil-Gas, Minerals, Power and Port on November 24 and 25 was also observed.⁴⁸

⁴⁴ The daily Jugantor, 03/06/2012

⁴⁵ New Age 1/10/2012

⁴⁶ 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§ions_id=20789

⁴⁷ General Strike

⁴⁸ Report sent by Kongkon Karmaker, local human rights defender connected with Odhikar from Dinajpur, 26/11/2012

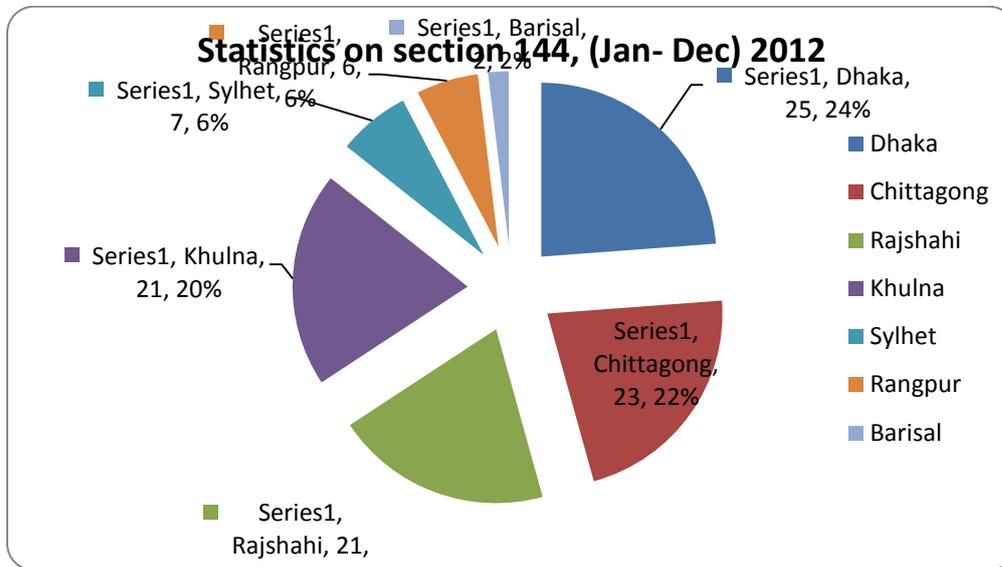
Repressive Policies against 'Islamists'

Hizb-ut Tahrir

69. Between January and December, 2012 as per Odhikar's statistics police arrested 154 members of Hizb-ut Tahrir, a banned 'Islamic' party, while distributing leaflets, books or trying to bring out procession. Some of them were taken to remand and had been tortured in custody. Many of the Hizb-ut Tahrir men were charged under the Anti Terrorism Act 2009 (Amendment) 2012 after their arrest.
70. On December 17, 2012, police of the Ramna Model Police Station arrested 20 veiled women and girl students, including a 5-month pregnant woman, under Section 54 of the Code of Criminal Procedure and kept them in the lock-up of the police station. On December 18, police produced the arrestees before the Chief Metropolitan Court and appealed for 7-day remand, of which the Magistrate granted 2 day remand for all the detainees except the pregnant woman. It was learnt that the pregnant woman, Habiba Nasrin Kanta (25), fell sick after she was arrested.
71. One of the lawyers of the arrested students, Advocate Abdur Razzak told Odhikar that he heard that they were ill-treated in police custody. The case was heard at the 8th floor of the CMM Court. Police took the girls, including 5 month pregnant Habiba Nasrin Kanta, in handcuffs to the 8th floor by stairs. Kanta requested the police to use the elevator as she would not be able to go up the stairs, but the police did not pay heed to her and dragged her up to the Court on the 8th floor. After the hearing she was taken to jail in the same way.
72. When contacted the Officer-in-Charge of Ramna Model Police Station, Moshir Rahman said that the women were activists of Islami Chhatri Shongstha and arrested from Green Valley Apartment at Moghbazar, Dhaka based on a General Diary (GD No. 1039). They were shown arrested under section 54 of the Cr.PC and taken into remand for 2 days for questioning. The OC claimed that some valuable political information has been collected from them and no one was tortured or ill-treated during remand.

Abuse of Section 144 of the Code of Criminal Procedure⁴⁹

73. Since January to December 2012 section 144 of the Code of Criminal was imposed a total of 105 times by local administrations in six divisions, to stop political activists to assemble and organise rallies.



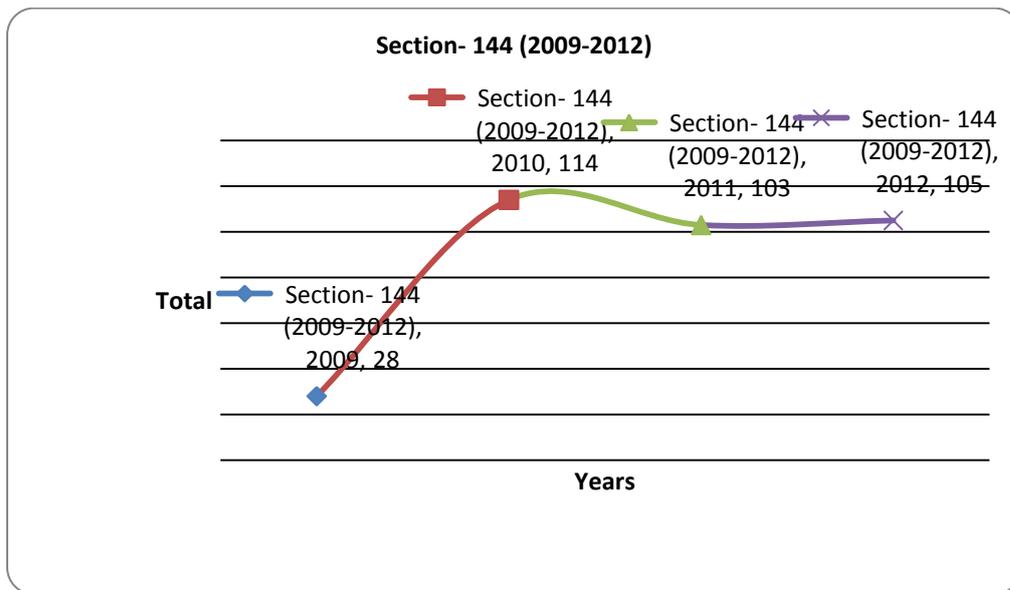
74. On February 9, 2011 a group led by former Wing Commander Hamid Ullah and poet Abdul Hye on behalf of 'Patriots of Bangladesh', went to Kurigram to hand over financial assistance to Felani's family and to hold a meeting at Rahmotia Dakhil Madrassa at Dakkhin Ramkhana.⁵⁰ The Chattra League and Jubo League brought out a procession against them in Kurigram and they also called a meeting at the same venue. The local administration then imposed section 144 of the Code of Criminal Procedure on the area. Moreover, police and intelligence agencies surrounded the Hotel Arnob where the organisers of 'Patriots of Bangladesh' were staying. Police also stopped them when they tried to go to Felani's house. Poet Abdul Hye alleged that they went to Kurigram to pay condolences and also to support Felani's family on humanitarian grounds.

⁴⁹ This section of the Code of Criminal Procedure 1898 includes Temporary orders in urgent cases of nuisance or apprehended danger

⁵⁰ Felani was a 15 year old girl who was shot by Indian BSF as she was climbing over a border fence with her father on January 7, 2011 into Bangladesh. Her body was left hanging for 5 hours on the fence before the BSF took her down. See www.odhikar.org for full report.

He alleged that the police kept Felani's father hidden and obstructed their initiatives by imposing section 144.⁵¹

75. On November 09, 2011, local members of the BNP arranged a pre-announced meeting at Shorshak Cheriara High School field in Shahrasti upazilla, Chadpur district; the local Awami League also called a meeting at the same location at the same time on that day. In this situation, the Shahrasti upazilla administration imposed section 144 and barred both meetings from taking place there.⁵²



Ethnic and Religious Discriminations

76. Article 28 of the Constitution of Bangladesh states that 'The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth'. However, the rights of minority communities has been denied by adopting 'Bangalee Nationalism' privileging one language and nation by replacing Article 9 by the 15th Amendment of the Constitution. The amendment also states in Article 6(2) that 'the people of Bangladesh shall be known as Bangalees as a nation....'explicitly denies the existence of non Bengali ethnic minority communities.

77. Article 41 of the Constitution recognizes other religions and gives citizens the right to practise and promote their religious beliefs. Further provisions of Article

⁵¹ The daily Amar Desh, 09/02/2011, <http://amardeshonline.com/pages/details/2011/02/09/67365> and 10/02/2011, <http://amardeshonline.com/pages/details/2011/02/10/67562>

⁵² The daily Jugantor, 10/11/2011

41 guarantee an individual's right to refuse to practise a religion, and not to be compelled to be educated in a religion other than their own. Sections 295, 296, 297 and 298 of the Penal Code deal with offences against religious places or practices. Despite these provisions several violent attacks on ethnic and religious minorities took place in Bangladesh.

Ethnic minorities

78. On April 16, 2012 a minority community woman named Kutto Tanchangya (42) was killed by miscreant's gunfight at Doyalpara village under Ruangchari upazila Of Banderban. She was the wife of the Dayalpara village chief. No investigation was carried out by any law enforcing agencies.⁵³
79. 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.⁵⁴
80. On May 30, 2012 a tribal women named Chaya Ming Chakma from Amtoli Tribal village of Hoikhang, Cox's Bazaar became a victim of police violence. On that day a eight-member police team ran an operation in that area to arrest two fugitives. Police vandalized the houses and beat the villagers. Police broke Chaya Chakma's hand during that incident.⁵⁵
81. On September 07, 2012 Md. Moslem Uddin, UP member of Dhamoir, Dinajpur beat up several persons for not leaving their ancestral homes. In that incident Resam (25), Nakul Bhunjar (55) were beaten for protesting. Law enforcement agencies were nowhere to be seen.⁵⁶
82. It is the constitutional responsibility of the State to protect the fundamental rights of ethnic minority people along with protecting their land rights and all that rightfully belongs to them. It is essential that human rights abuses against ethnic minority communities are stopped and that the State performs its responsibility to end incidents relating to torture, abuse and harassment of ethnic minority groups.

⁵³ The daily New Age, 18/04/2012

⁵⁴ The Daily Star, 11/09/2012

⁵⁵ The daily Samakal, 01/06/2012

⁵⁶ The Daily Star, 11/09/2012

Religious minorities

83. On September 29, 2012 at about 7.30 pm, a controversial photo showing disrespect for the Holy Quran was shared from the Facebook profile of a local Buddhist man called Uttom Kumar Borua of Haitupi village, Ramu Upazila in Cox's Bazaar district. The chairman of Ramu upazila's Awami Motshojibi League Ansarul Haque Bhutto was on Uttom Kumar Borua's friend-list. When Bhutto came across the picture that was demeaning towards the Muslim's Holy Book, on Uttom's facebook profile, he talked to him over the phone and they argued. After that, at about 9pm, Bhutto himself led a procession demanding the punishment of Uttom Borua for defaming the Holy Quran. After the procession, a meeting was held at the Choumuhoni Chottor in Ramu. The meeting demanded the punishment of Uttom Borua and a strike to be called on September 30, 2012. Jubo League leader Nurul Islam Selim; Fotekharpul Union's Shechhashebok League's President Azizul Haque along with the local Awami League activists were present at the meeting. After the meeting another procession took place through Ramu. When the procession entered Boruapara, the President of Ramu Upazila Awami League and Upazila Chairman Sohel Sarwar Kajol joined in. A few young men on motorcycles followed Sohel Sarwar Kajol. Quickly a few thousand men joined the procession. At first they looted the Buddhist temples in Boruapara, threw stones at and finally torched the temples. Soon after, along with Ramu Upazila in Cox's Bazaar, the Buddhist temples in Ukhia Upazila and Teknaf Upazila, all came under attack at once. Beside the Buddhist temples, the houses of members of the Hindu community were looted, vandalized and torched.
84. The police have been arresting people en-mass, without substantial evidence against the suspects. According to the police, at least 17 criminal cases have been registered with three police stations of Cox's Bazaar and one police station of Chittagong district. Though the photos of vandalization were published by some local newspapers, the police are unable to arrest the perpetrators.⁵⁷
85. There have also been attacks on Hindu temples and vandalising effigies belonging to the Hindu festival of Durga Puja, after the severe attacks on Buddhist temples and houses in different places, including Ramu, Ukhia and Patia on September 29 and 30, 2012.⁵⁸

⁵⁷ <http://www.odhikar.org/documents/2012/Odhikar-STM-204-2012-EN.pdf>

⁵⁸ See Odhikar AHRC report www.odhikar.org

86. Criminals vandalized five images at the Durga Mandir in Chhoto Shikarpur village under Sirajdikhan Upazila in Munshiganj district. The sculptors of Hindu religious effigies worked to make them till 2.00 am on October 9, 2012. The criminals entered the temple and vandalized the effigies of Durga, Laxmi, Swaraswati, Kartik and Ganesh.⁵⁹
87. On October 8, 2012, at midnight, six effigies of the Durga Puja were vandalized by criminals at Purbapara Thakurbari Mandir under Lohagora Upazila in Narail district.⁶⁰
88. On October 6, 2012, a group of people attacked the Hindu temple and vandalized effigies at Shilpara Dakpeoner Bari under Satkania in South Chittagong.⁶¹

The situation of Rohingyas

89. Presently, Bangladesh is a host to thousands of refugees from Myanmar. After its independence, Bangladesh received two major refugee influxes from Myanmar; the first in 1978, when 280,000 Rohingyas sought asylum; and the second in 1991-1992 when approximately 250,000 Rohingyas crossed the border in the Cox's Bazaar area. However, according to the Bangladesh Government, there are 28,000 registered Rohingya refugees in two camps in Cox's Bazar. Apart from that, about half a million unregistered Rohingyas or illegal Rohingya immigrants live in Cox's Bazar and neighbouring districts. In terms of getting the exact number of refugees or illegal immigrants from Myanmar, the Government of Bangladesh was reportedly planning for a headcount of Rohingyas living in Bangladesh. Odhikar believes a headcount only listing names and addresses would not help improve the Rohingya situation in Bangladesh.
90. In June 2012, immediately after deadly sectarian violence⁶² (later coined as 'ethnic cleansing') erupted in western Myanmar's Arakan State between ethnic Arakan Buddhists and Rohingya Muslims (as well as non-Rohingya Muslims), Bangladesh experienced a third inflow of Rohingyas through its land and sea

⁵⁹ Report sent by Arafatuzzaman, local human rights defender connected with Odhikar from Munshiganj, 11/10/2012

⁶⁰ Report sent by Saiful Islam Tuhin, local human rights defender connected with Odhikar from Narail, 10/10/2012

⁶¹ The daily Amar Desh, 08/10/2012

⁶² 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 Arakan Province. Many Rohingya homes were burnt and many people killed. Rohingya women were reported raped. On June 15, four Rohingya women were raped by Army at Nurullahpara in Mongdu town. (The daily Amar Desh, 16/06/2012)

borders. Rights organisation Odhikar and media reports have documented harrowing tales of suffering that the members of the community have endured in Arakan that eventually contributed to their decision to flee and seek refuge in neighbouring Bangladesh. As per media reports, a total of 1,358 Rohingya Muslims who came to Bangladesh from Maungdaw and Sittwe, the capital of the Rakhaine state, had so far been detained since sectarian violence or ethnic cleansing broke out in Myanmar on June 8 and 1,353 of them had been sent back by Border Guard of Bangladesh.⁶³ The Bangladesh Government achieved a positive reception from the foreign powers for its humanitarian efforts to the crises in 1978 and 1991. However, during the third wave, (June 2012) the government is sticking to its choice of not allowing in any more Rohingyas, due to lack of space. While human rights defenders from Odhikar, visiting Teknaf last month (July 2012), felt the quandary of humanity versus reality, local Bangladeshis have sympathies for the Rohingyas but, considering the realities, they also believe allowing in more Rohingyas will add to the burden on this small country without support from the international community.

91. On June 14, 2012, at a parliamentary debate session, Dipu Moni, Foreign Minister of Bangladesh, stated that Bangladesh would not open its border to the victimised Rohingyas. Consequently she passed her request to the international organisations to push the Myanmar Government to solve this problem internally. Furthermore, on June 15, 2012, different Islamic organisations and thousands of people conducted a procession in Dhaka, protesting the killing of Rohingyas in Myanmar. The protestors demanded an independent international investigation; prosecution of the perpetrators and so on to Myanmar governments and also asked the Bangladesh government to open the border to allow in asylum seekers immediately. On June 23, 2012 Prof Mizanur Rahman, Chairman of the National Human Rights Commission said that Bangladesh was not violating international laws by sending Rohingyas back to Myanmar since they were forced to cross into Bangladesh by a particular religious group, not by the state itself.⁶⁴ Moreover, at the end of July 2012 in London, in response to the ground realities, Bangladesh's Prime Minister told the international media that her country cannot afford to accommodate more Rohingya refugees fleeing persecution in neighbouring Myanmar. The

⁶³ The daily New Age, 05/06/2012

⁶⁴ The Daily Star, 24/06/2012. It must be noted that under the citizenship Act of 1982, Myanmar does not legally recognize Rohingya people as Burmese citizens. As a result, they are not protected by the State, leaving them open and vulnerable to abuse and persecution.

statement follows reports that Bangladeshi authorities have been rejecting many of the asylum seekers. Sheikh Hasina defended the policy, saying Bangladesh is already overpopulated. She also said that it is not her country's responsibility to help all the refugees. Moreover, on 12 August, 2012, some 200 pro Rohingya protesters shouted slogans outside her hotel in London as Prime Minister Sheikh Hasina was about to meet her British counterpart David Cameron. They denounced the Bangladesh Prime Minister for not letting Rohingya Muslims, allegedly fleeing persecution in neighbouring Myanmar, enter her country.

92. At present, reckless allegations and censure fly high against the present government of Bangladesh for among other things, intimidation, forced repatriation, pushing back at the border, maladministration in the refugee camps and lack of security for the refugees. In spite of that on August 2, 2012, the Government of Bangladesh banned relief operations of three international NGOs in Ukhia and Teknaf of Cox's Bazar on charges of illegally providing aid to unregistered Rohingyas who cross the border of Myanmar and live in bordering places of Bangladesh. The NGOs include France's Doctors without Borders (MSF) and Action Against Hunger (ACF) and Britain's Muslim Aid. Immediately, several international and national agencies/ CSO's, including western governments, expressed their deep concern and urged the Government of Bangladesh to permit these NGOs to continue providing humanitarian assistance to the Rohingyas and other vulnerable individuals fleeing the violence in Burma's Rakhine State; and the local Bangladeshi population in the Bangladesh-Burma border region.

Anti-Terrorism (Amendment) Act 2012

93. The Anti-Terrorism Ordinance was first promulgated by the Army backed caretaker government on June 11, 2008. After the present government came to the power, the Cabinet gave a final approval to the Anti Terrorism Bill in order to enact it as law on February 19, 2009, without any public consultation or scrutiny. The Anti Terrorism Act 2009 has been abused by the government to repress political opponents, journalist and other dissenting voices.

94. On February 16, 2012 the Parliament of Bangladesh passed the Anti-Terrorism (Amendment) Bill 2012. The Amendment Bill was passed with virtually no

consultation with, and despite strong opposition from, Bangladeshi civil society groups.

95. Before the amendment, the ATA stipulated that the offence of financing acts of terrorism shall be punishable by not more than 20 years and not less than three years of imprisonment. However, after the amendment the punishment has been increased to the death penalty.
96. The Amendment also retains the death penalty as the maximum penalty for terrorist activities. It also provides scope to prohibit the use of Bangladeshi land for the conduct of any terrorist activities inside the country or against other countries; the use of all types of illegal arms and explosives; and against the creation of 'panic' among the people through any terrorist activities.
97. The vague definition of 'terrorists activities' under the ATA open the legislation to potential abuse and is incompatible with the principle of legality requiring that criminal liability and punishment be limited to clear and precise provisions. This principle is enshrined in Article 15 of the International Covenant on Civil and Political Rights (ICCPR), which Bangladesh has ratified. By retaining a vague and broadly applicable definition of 'terrorist activities' and reducing 'terrorism' to merely a question of crime punishable by death, the Amendment makes the Anti-Terrorism Act 2009 even more vulnerable to the worst kind of abuses.
98. The monitoring works of Odhikar over the years has repeatedly indicated that there is a large scope for abuse and violations of due process in the criminal justice system in Bangladesh. The widening of the scope of crimes punishable by death thus carries the tremendous risk of irreversible miscarriage of justice. The amended Act as it stands now will be more repressive and by its very nature might turn into a nightmare of abuse and violence, jeopardizing social and political stability, instead of strengthening human security.⁶⁵

Fair Trial

99. The culture of impunity continues to be a threat to fair trial and the people's access to justice with the alleged misuse of the constitutional and legal provisions for 'presidential clemency'.

⁶⁵ http://www.odhikar.org/Statements/English/Joint_PR_on_ATA_amendment.pdf

President's clemency for criminals

100. On February 8, 2012, the Home Ministry issued a letter, stating that the President, being kind, has reduced the life term convictions of AHM Biplob (inmate no-2009/A), son of Abu Taher, an Awami League leader and Mayor of Laxmipur municipality, to 10 years rigorous imprisonment from life term in two murder cases, effective from the date of the jail warrant. Biplob was given a life term each in the cases of the murders of BNP activist Kamal in 2001 and Shibir activist Mohsin in 2000. The President had granted such mercy for the second time in seven months. Earlier, in July 2011, Biplob was pardoned by President Zillur Rahman for killing Bangladesh Nationalist Party leader advocate Nurul Islam, for which he was given the death sentence. The President also pardoned Biplob's associate Babor, who had also been awarded a life sentence in the Kamal murder case. His sentence has been reduced to seven years, added the source, requesting anonymity. Biplob had been convicted in absentia in all the three cases. After being on the run for more than 10 years, he surrendered before a Court on April 6, 2011 and his father then filed mercy petitions to the President.⁶⁶
101. The Home Minister, Muhiuddin Khan Alamgir, on November 14, 2012 told the Parliament that 21 people sentenced to death penalty received presidential clemency during the current Awami League-led government, while the number was four between 1972 and 2008.
102. The High Court in a verdict on April 25, 2012 said that the powers of the President to pardon, suspend or remit sentences of any convict should be exercised fairly and on unbiased relevant principles.⁶⁷ No initiative has yet been taken for framing any guidelines.

'Politically motivated' cases

103. Like previous years, in 2012 the present government continued withdrawing cases on the grounds that they were 'politically motivated', despite massive criticism. In the latest instance, the National Committee for Withdrawing Politically Motivated Cases on September 19, 2012 recommended the withdrawal of 10 cases of murder and rape. Reports have it that the district

⁶⁶ The Daily Star, 27/02/2012

⁶⁷ The Daily Star, 11/05/2012

committees for withdrawing such case have not recommended the withdrawal of cases and the public prosecutors concerned have also refused to make such recommendations. The present government has so far recommended withdrawal of 7,101 cases branding them 'politically motivated'.⁶⁸ The government action in withdrawing 'politically motivated cases' is, indeed, a politically motivated action, as no case against people who are not the men of the ruling alliance (mainly Awami League) has been withdrawn. It should be noted that between 2001 and 2006, during the tenure of the Four Party Alliance led by the BNP, 5,888 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.⁶⁹

Government released 'top terror'

104. Bikash Kumar Bishwash, a notorious criminal was released on bail on December 14, 2012 from Kashimpur Jail-2. He was accused in a series of murder, abduction and extortion cases. The jail authority kept his release as secret, this raising questions.⁷⁰

105. The Police Superintendent of Gazipur, Abdul Baten was not informed of the release of Bikash. Baten said, 'All I can say is that no one from Gazipur police was there and I know nothing of it.'⁷¹ The Officer-in-charge of detective police in Gazipur, Abul Khair, said they were usually informed before the release of such criminals. 'We are not aware whether anyone called Bikash was released today,' he said.⁷²

BDR mutiny trial verdict⁷³

106. The trials of soldiers of the Bangladesh Rifles (now renamed the Border Guard Bangladesh) for the February 25-26, 2009 mutiny at the BDR Headquarters in Dhaka and elsewhere across the country, were concluded on October 20, 2012. A total of 5,926 BDR members were convicted and sentenced to imprisonment

⁶⁸ The daily Prothom Alo, 21/12/2012

⁶⁹ The daily Prothom Alo, 11/01/2011, <http://www.prothom-alo.com/detail/date/2011-01-11/news/122536>,

The daily Amar Desh, 12/01/2011, <http://www.amardeshonline.com/pages/details/2011/01/12/62771>

⁷⁰ The daily New Age 15/12/2012

⁷¹ The daily New Age, 15/12/2012

⁷² The daily New Age, 15/12/2012

⁷³ Although referred to as the BDR (Bangladesh Rifles) in this section of the report, the BDR underwent a name change in 2010 and is now referred to as the BGB (Border Guard Bangladesh). BGB is the name used elsewhere in the report.

for varying terms ranging from four months to seven years. The first verdict in the BDR mutiny case was delivered in Panchagarh on April 7, 2010. The eleven Special Courts headed by military officers deputed to the paramilitary border force have jailed 5,926 BDR troopers, including 4,033 in Dhaka, in 57 cases filed in connection with the rebellion at the BDR headquarters and elsewhere. Only 115 troopers were acquitted since the first trial of the mutineers began at Rangamati on 24 November, 2009.⁷⁴

107. The BDR mutiny occurred in February 25-26, 2009 during 'BDR Week', an annual celebratory event of the paramilitary Bangladesh Rifles, where senior officers from the Army at the BDR headquarters in Pilkhana, Dhaka were attacked. A total of 74 people including high ranking officers, the Director General of the BDR and his wife as well as civilians were killed. It was decided by the Supreme Court that the mutineers would be tried under the law that governs the BDR. Many trials have already been conducted in 2010 with various causes for concern.⁷⁵ It is clear that this event, which saw such a number of violations of human rights, needs a determined, fair and just trial.
108. During the trials, various miscarriages of justice were perpetrated. Every accused in a trial has the right to legal representation. Article 10A(3) of the Bangladesh Rifles Order states that accused soldiers must conduct their own defence but can engage lawyers of their choice to provide legal assistance. Nevertheless, lawyers have not even been allowed to be alone with their clients when giving advice. The lawyers, engaged by the accused BDR men to assist them in the trials, alleged that justice had not been done by the verdicts. The accused who engaged counsels were given longer sentences for the same allegations in comparison with those who did not do so.⁷⁶
109. 804 BDR soldiers are facing charges in a number of criminal offences including murder, arson and looting committed during the mutiny. The case is now pending with the Dhaka Metropolitan Sessions Judge's Court.

International Crimes Tribunal (ICT)

110. The nation observed the 41st Victory Day on December 16 2012 with the International Crimes Tribunal caught in tangle following the resignation of Justice Nizamul Huq as the Chairman of the International Crimes Tribunal-1. The

⁷⁴ The daily New Age, 21/10/2012

⁷⁵ Odhikar's Annual Human Rights Report 2010, page 37 to 45.

⁷⁶ The daily New Age, 21/10/2012

government instituted ICT-1 on March 25, 2010 for the trial of the war crimes committed during the country's War of Independence in 1971. The ICT-2 was instituted on March 22, 2012 to expedite the trials.

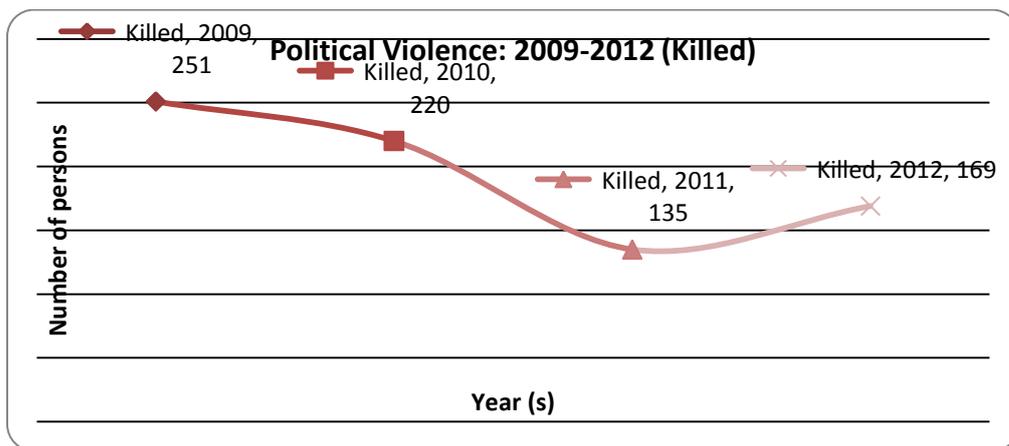
111. The attempt to try 'international crimes' in a domestic court promulgated by a national government is already a challenge. It demands enormous command over jurisprudence, respect to the human rights of the accused, absolute honesty of the judges and maintaining distance and independence from the rulers. The challenge is not merely juridical, such as recourse to evidence and availability of witnesses; but political as well.
112. More than forty one years have passed and the accused now represent a significant political trend in Bangladesh. Trial for the war crimes had always been a strong demand of the people of Bangladesh. However, from the very beginning of the functioning of the Tribunal, the political leaders facing the charges of genocide and crimes against humanity committed in 1971, their defence counsel and some international groups continued to contend that the international standard for war crimes trials was not being followed in the proceedings in the Tribunals.
113. Odhikar joins the citizens of Bangladesh in demanding that the collaborators of the Pakistani Army be tried for any war crimes and crimes against humanity committed by them or by their instigation or in their name. It is high time such trial takes place. However, Odhikar also demands that the Tribunals and their proceedings maintain the standards of international justice and that they are not steered by political motives.

CHAPTER III: VIOLENCE BY POLITICAL PARTIES

Partisan Violence

114. According to information gathered by Odhikar, from January to December 2012, 169 persons were killed and 17161 injured in political violence. 382 incidents of internal violence in the Awami League and 146 in the BNP were also recorded during this period. In addition, 37 persons were killed and 4330 were injured in internal conflicts of the Awami League while six were killed and 1619 were injured in BNP's internal conflicts. During this period a total of 52 hartals took place among which 12 nationwide hartals were called by Bangladesh Nationalist Party (BNP). The rest were called by the 18 party alliance led by BNP, the 12 Islamic Parties, left wing political parties and the Jamat-e Islami. Many of those hartals were followed by violence and vandalization.
115. Confrontation between the two major political parties — the ruling Awami League and the Opposition Bangladesh Nationalist Party — and their internal clashes are one of the main reasons for the continuation of partisan violence. The government hardly allows the Opposition to hold public rallies. The law-enforcers are routinely used to arrest and detain opposition activists on a large scale prior to any political programme announced by the Opposition parties. The government also stops the operation of public transport systems to prevent opposition activists from joining programmes. The government has ultimately criminalised opposition political activities. Apart from the state agents, various organisations backed by the ruling party regularly attack their political opponents due to their privilege of enjoying impunity under the incumbent government. In order to foil opposition programmes, the ruling party-backed organisations call similar programmes at the same time and venue, causing a ban on both programmes, imposed by the administration. The ruling party-backed student organisation, Bangladesh Chhatra League (BCL), do not allow activities of other student organisations at the universities and colleges across the country. BCL activists attack opponents while they try to hold programmes on any campus. Moreover, politics has been criminalised in order to create illegal businesses by misusing political power. Political tensions are increasing as the national elections are coming close which lead to more political violence.

116. On January 29, 2012, violence erupted in various districts as the police stopped mass processions organised by the BNP.⁷⁷ On that day, four persons were killed in Chandpur and Laxmipur as the police opened fire on the demonstrators. The deceased have been identified as Limon Choiyal (25), a rickshaw puller of Guakhola in Chandpur; Abul Hossain Mreedha (50), a rickshaw puller of Baburhaat in Chandpur; and Mohammad Rubel (25) of Pashchim Laxmipur village under Laxmipur Sadar Upazila; and Mohammad Abul Qashem (55) of Charmonosha village in Laxmipur. Laxmipur district unit BNP claimed that Mohammad Rubel was the Vice-President of ward 8 Jubo Dal⁷⁸ of Dalalbazar Union while Mohammad Abul Qashem was the Vice-President of Tewariganj union BNP.⁷⁹



117. On February 8, 2012, two students were killed and 40 people, including the Proctor injured, in a clash between activists of Chhatra League⁸⁰ and Islami Chhatra Shibir⁸¹ over establishing 'supremacy' at Chittagong University. Islami Chhatra Shibir claimed that the deceased — Masud Bin Habib, a 4th year student of the English Department, and Mozahedul Islam, a first year student of the Geology Department, — were their activists.⁸² The perpetrators are yet to be brought to book.

118. 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 also attacked a human chain organised by the Bangladesh Chhatra

⁷⁷ The violence took place when the police intercepted the processions by opposition activists, campaigning for the restoration of a Caretaker Government system, as part of their central programme in the districts.

⁷⁸ Jubo Dal is the youth organization backed by the BNP.

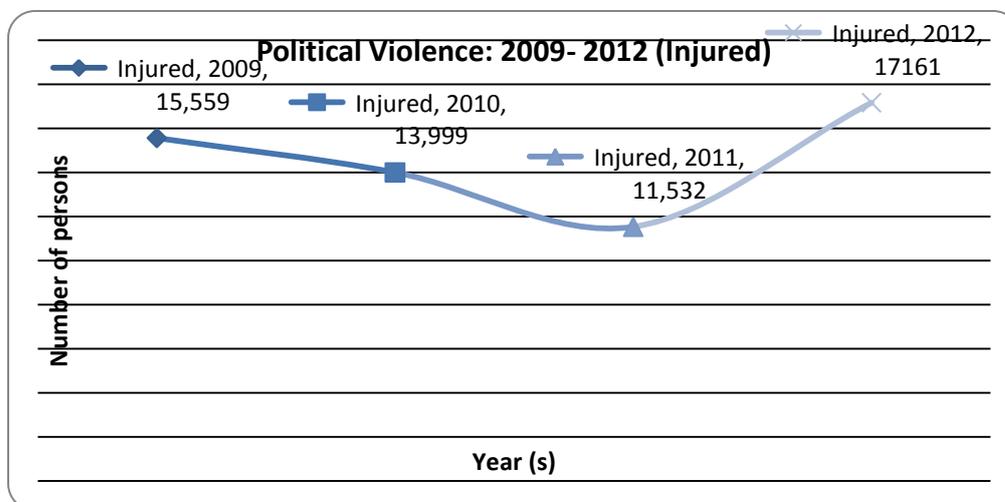
⁷⁹ The daily Prothom Alo, 30/01/2012, <http://www.prothom-alo.com/detail/date/2012-01-30/news/220633>

⁸⁰ Student organization backed by the Awami League

⁸¹ Student organization backed by Bangladesh Jamaat-e-Islami Bangladesh

⁸² The Daily Star, 09/02/2012

Union⁸³ on May 9, 2012 on the campus in protest against the assault on the Principal. Seven persons, including college unit Chhatra Union President Laksman Saha and General Secretary Arun Debnath, were injured in the attack.⁸⁴ No action has yet been taken against the perpetrators.



119. On July 16, 2012, Abdullah Al Hasan alias Sohel Rana, an activist of Chhatra League⁸⁵, died in an internal Chhatra League fight at Rajshahi University. The clash erupted following an altercation over collecting toll for Padma Bridge between the Chhatra League university unit Organising Secretary Touhid Al Tuhin and Vice-President Akheruzzaman Takim. Touhid is backed by Chhatra League President Ahmed Ali while Akheruzzaman is backed by Chhatra League General Secretary Abu Hussain. Both the groups used local-made guns. Abdullah Al Hasan was shot in the forehead and died the same day under treatment at Rajshahi Medical College Hospital.⁸⁶ No action has ever been reported against the perpetrators.
120. On September 23 and 24 of 2012 Lokman Shongram Parishod of Narshingdi called for a hartal in Narshingdi to protest the killing of their leader Lokman Hossain and the clash between the Lokman supporters and the police. In that hartal police filed three separate cases and arrested 36 persons.⁸⁷

⁸³ Student organization backed by the Communist Party of Bangladesh

⁸⁴ Report from human rights defender, Khalilur Rahman Sumon, Khulna, 10/05/2012

⁸⁵ Student wing of Awami League, the ruling party

⁸⁶ The daily Prothom Alo, 17/07/2012, <http://www.prothom-alo.com/detail/date/2012-07-17/news/274296>

⁸⁷ The daily Jai Jai Din, 23/09/2012

121. On October 15, 2012 Jamat e Islami called for hartal in and around Comilla in protest of the killing of one of their local leaders. Police open fired on that procession. 20 people were injured.⁸⁸
122. On October 2, 2012 a clash took place between the activists of Chhatra League and Chhatra Shibir⁸⁹ over establishing 'supremacy' at Rajshahi University, leaving 25 people injured. The University Proctor, Chowdhury Mohammad Zakaria, was also assaulted by Chhatra League activists as he was trying to control the situation. Furthermore, Chhatra League activists vandalised two buses of the University and the residence of the Vice-Chancellor.⁹⁰ No action has yet been taken against the perpetrators.
123. The activists of Jamat-e-Islami and Islami Chhatra Shibir⁹¹ brought out a procession from November 5 to 20, 2012 in Dhaka and across the country for the release of their nine leaders, who were arrested on the allegation of committing crimes against humanity in 1971. They also attacked law enforcement agencies and vandalized and set fire to vehicles during the protest.⁹² During the clash, one Chhatra Shibir activist, Badiuzzaman died and 570 leaders and activists of Jamat-Shibir were injured. Moreover, 166 police and two journalists were injured. The protestors vandalized 75 vehicles and set fire to three motorcycles and one police van. Police arrested 1600 leaders and activists of Jamat-Shibir from all over the country and filed more than 60 cases against them.⁹³
124. On November 19, 2012 Chhatra League⁹⁴ activists of Islami University unit, led by University unit President, Jahangir Hossain and General Secretary Shamsuzzaman Tuhin, brought out a procession demanding a ban on the Jamat-Shibir, when the teachers association was protesting to remove the Vice-Chancellor, Pro Vice-Chancellor and Treasurer of Islami University in Kushtia. JSD⁹⁵ backed Chhatra League and Chhatra Moitry⁹⁶ also joined the procession. When the procession was passing the place where teachers had gathered, teachers formed a barrier against them. The protestors attacked the teachers with sticks and stopped their programme. About 30 teachers were injured.

⁸⁸ The daily Amader Shomoy, Naya Diganto, 16/10/2012

⁸⁹ Student wing Jamaat-e-Islami

⁹⁰ The daily Prothom Alo, 03/10/2012

⁹¹ Student wing of Jamat-e-Islami

⁹² The Daily Star, 06/11/2012

⁹³ The Daily Star, 06-07/11/2012, New Age, 11/11/2012, Manabzamin, 19/11/2012, Daily Star, 21/11/2012

⁹⁴ Student wing of Awami League

⁹⁵ JSD: Jatiyo Shomajtantrik Dal

⁹⁶ Student wing of Workers Party of Bangladesh

Brutal public killing of Bishwajit

125. On December 9, 2012 a 24 year old tailor from the minority Hindu community, Bishwajit Das was brutally killed in broad daylight by the ruling party criminals with sharp weapons including knives, machetes, and iron rods in old Dhaka. Bangladeshis and people all over the world witnessed the killing through media, social network sites and Youtube. The fateful incident ensued during the BNP-led 18-party alliance called road blockade programme on December 9, demanding restoration of the caretaker government system. The Awami League activists with firearms under the protection of police, chased and beat up the blockaders. The ruling party engaged its political activists to restrain the blockade of the Opposition .
126. Around 8.30 am when a group of pro-BNP lawyers brought out a procession and were marching towards Bahadur Shah Park in support of the Opposition-called blockade, a group of BCL activists of Jagannath University attacked the procession and beat up some lawyers. After a while, an explosion was heard nearby and the BCL men started chasing pedestrians. Bishwajit, who was also among the pedestrians, and was, going to his tailoring shop, ran for his life; but 10-12 BCL men swooped on him thinking he was from the BNP. They beat him with sticks and iron rods and hacked him with sharp weapons. Bishwajit died after he was taken to Mitford Hospital.⁹⁷ Biswajit's family claimed he was not involved with any political party.
127. Deliberate criminalisation of partisan politics and instigating and abusing youths for criminal acts have pathologically manifested in the sad and bloody demise of young Bishwajit. The striking feature of this incident is the apathy of the bystanders because of fear since police was standing nearby without intervening in this very public act of murder.
128. The bloody act was recorded by the journalist and was broadcasted in the media, with clear evidence that the killers belonged to Chattro League, the student wing of Awami League. After the killing, Sirajul Islam Siraj, General Secretary of the BCL unit at Jagannath University, claimed he heard that activists of Chhatra Dal and Chhatra Shibir killed Bishwajit to shift the blame on BCL.⁹⁸ The ruling Awami League denied any involvement of their party men for killing Biswajit and shifted the blame onto BNP and Jamat, an act that hindered

⁹⁷ The Daily Star, December 10, 2012

⁹⁸ The Daily Star, 10/12/2012

the arrest of the murderers. The irony is that, hours after the murder of Bishwajit, killers Mahfuzur Rahman Nahid and Emdadul Haque, were seen in a procession with a central Chhatra League Assistant Secretary.⁹⁹

129. On December 12, 2012 The Home Minister Mohiuddin Khan Alamgir said, “It is clear that Chhatra League was not involved in the Bishwajit Killing”.¹⁰⁰ Two days after killings of Biswajit the Home Minister Mohiuddin Khan Alamgir announced the “arrest of eight persons”, however no law enforcement agency confirmed a single arrest.¹⁰¹ The Prime Minister's Office in December 13, 2012 claimed that none of the killers of Bishwajit Das have links to the Bangladesh Chhatra League.
130. On December 17, 2012 the forensic experts in the post-mortem report mentioned that severe bleeding caused Bishwajit’s death.¹⁰²
131. To date, police have arrested 10 persons for Bishwajit’s killing. Among them six were remanded for different periods. The six remanded accused persons are Rafiqul Islam Shakil, Mahfuzur Rahman Nahid, Saiful Islam, GM Rasheduzzaman Shaon, HM Kibria and Kaiyum Miah Tipu. During primary interrogation, they confessed to their involvement in the killing.¹⁰³ Shakil also admitted that the act was in total contrast with the government and Chhatra League.¹⁰⁴
132. The three accused persons who confessed to killing Biswajit on December 23, 2012, were Mahfuzur Rahman Nahid, GM Rasheduzzaman Shaon and Rafiqul Islam Shakil. They gave confessional statements before Metropolitan Magistrate Mohammad Erfan Ullah when Tajul Islam, an inspector of the Detective Branch of police and also an investigation officer of the case, produced the trio before the Magistrate.¹⁰⁵
133. No significant action has been taken against political party activists even engage in killings, so far, raising questions as to whether Biswajit’s family will ever get justice.

Follow-up of the death of Sanaullah Noor Babu

134. More than two years have elapsed since the Chairman of Baraigram Upazila in Natore, Sanaullah Noor Babu, also Bonpara Poura BNP President, was beaten

⁹⁹ The Daily Star, 14/12/2012

¹⁰⁰ The Daily Star, 13/12/2012

¹⁰¹ The daily Prothom Alo, 18/12/2012

¹⁰² The daily New Age, 18/12/2012

¹⁰³ The daily Prothom Alo, 16/12/2012

¹⁰⁴ The Daily Star, 16/12/2012

¹⁰⁵ The Daily Star, 23/12/2012

and hacked to death by Awami League, Jubo League¹⁰⁶ and Chhatra League¹⁰⁷ activists who attacked his procession on October 8, 2010. The perpetrators are yet to face charges. The police are yet to submit a charge sheet in the case, and this only substantiates the statement made by Awami League lawmaker of Baraigram-Gurudaspur constituency Abdul Quddus on October 13, 2010, assuring his party men accused in the murder case of a 'trouble-free' future. 'There is nothing to be worried about. The Awami League government is in power. Nothing will happen to the accused of the murder case,' he told a party rally on Bonpara bypass on October 13, 2010.¹⁰⁸ Though the police have vital clues and video footage of the killing, they are delaying the process as they are under pressure from influential ruling party leaders to drop the names of the main accused. All the 27 accused in the case are now out on bail. Criminal Investigation Department officer Ahmad Ali, also the investigation officer in the case, said that the investigation was continuing and they had so far recorded the statements of only 10/12 witness.¹⁰⁹

135. Similarly, the family of Narsingdi municipal Mayor Lokman Hossain, who was shot dead are still waiting for justice. Lokman was shot by masked men in front of the local Awami League office in the evening of November 1, 2011. He died the same day at Dhaka Medical College Hospital. The police, on June 30, 2012 submitted the charge sheet in the murder case, dropping the names of 11 of the 14 accused named in the first information report, including the brother and assistant personal secretary of Telecommunications Minister Rajiuddin Ahmed Raju. The charge sheet drew huge protests in Narsingdi and the plaintiff, Kamruzzaman, brother of the slain Mayor and the incumbent Mayor, filed a petition to the court expressing no-confidence in the charge sheet and seeking a fresh investigation in the case. The petition was rejected by the Judicial Magistrate and Kamruzzaman went to the Sessions Judge's Court against the rejection of the petition.¹¹⁰ Kamruzzaman said that the petition was rejected by the Court and he would go for appeal to the High Court.¹¹¹

¹⁰⁶ Ruling Awami League-backed youth organisation

¹⁰⁷ Ruling Awami League-backed student organisation

¹⁰⁸ The Daily Star, 14/10/2010

¹⁰⁹ The Daily Star, 21/11/2011

¹¹⁰ The Daily Star, 02/07/2012

¹¹¹ Communication through cell phone with Kamruzzamna, present Mayor and the brother of Lokman, Narsingdi. See also the 2010 cases of Sanaullah Babu.

CHAPTER IV: RIGHT TO LIFE

Extrajudicial Killings

136. The notoriety Bangladesh has earned in carrying out extrajudicial killings despite domestic and international protest, is simply astounding. The rights to life and personal liberty are under constant threat in Bangladesh, despite the fact that they are guaranteed by the Constitution of the People's Republic of Bangladesh¹¹². '*Audi alteram partem*' is a Latin phrase which means no-one should be left unheard; similarly no-one should be punished without a hearing. This fundamental of justice or equity is violated by the practice of extrajudicial killings by State agencies. Extra judicial killings is an arbitrary or unlawful deprivation of life. It is simply murder.
137. During the period of January to December 2012, according to information gathered by Odhikar, 70 persons were killed extra-judicially by law enforcement agencies. It is to be noted that, 84 persons were killed extra judicially in 2011, 127 in 2010 and 154 in 2009.
138. In 2012 on an average six persons were killed extra judicially every month. Among them 53 were killed in crossfire, seven were killed due to torture.
139. Though the number of extra judicial killings came down in 2012, a state sponsored alternative form of human rights violation called 'enforced disappearance' appeared in a massive form in the last four years, reminiscent of the scale of enforced disappearance that took place immediately after the independence of Bangladesh.
140. Different terminologies have been used by the law enforcement agencies to distract away from extrajudicial killings, such as, deaths during 'cross-fire', 'encounter', 'gunfight' etc. Odhikar's fact finding team were sent to ascertain such claims of the law enforcing agencies. In most cases no trace of 'encounter shootings' between the police and criminals, could be found. It is difficult to disprove that a majority of these victims were merely shot dead by law

¹¹² Article 32 says: "no person shall be deprived of life or personal liberty, save in accordance with law". According to the International Covenant on Civil and Political Rights adopted in 1966 and ratified by Bangladesh in 2000, "every human being has the inherent right to life". The Covenant also says: "this right shall be protected by law. No one shall be arbitrarily deprived of his life." The Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948 also declared that 'everyone has the right to life, liberty and security of person'.

enforcement agencies. People were also being tortured in custody and killed extrajudicially.¹¹³

Table 2: Extrajudicial killings by year

Law Enforcement Agencies	2012	2011	2010	2009
RAB	40	43	68	41
Police	18	31	43	75
RAB-Police	2	4	9	25
RAB-Coast Guard	4	4	3	0
Jail Police	1	2	0	1
Ansar	3	0	0	2
BGB	2	0	1	5
Army	0	0	0	3
RAB-Police-Coast Guard	0	0	3	0
Forest Guard	0	0	0	1
Coast Guard	0	0	0	1
Total	70	84	127	154

'Elimination' of political leaders

141. Mohammad Abdul Jalil (52) from Ishalmari village in Kursha Union under Mirpur Upazila of Kushtia was killed extra judicially by police. The family of the deceased and eye-witnesses alleged that on September 1, 2012 at around 6.00 pm Abdul Jalil was forced onto a motorbike by four plain clothed men who claimed they were 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.¹¹⁴
142. Abdul Jalil (43), a regional leader of the outlawed Lal Pataka, a faction of the Purbo Banglar Communist Party was killed in crossfire between police and his accomplices at Mirpur upazila of Kushtia on September 4, 2012.¹¹⁵

¹¹³ Odhikar has been conducting fact finding missions into claims of torture and extrajudicial killings since its inception in 1994.

¹¹⁴ Fact finding report of Odhikar.

¹¹⁵ The Daily Star, 05/09/2012

Types of deaths

Crossfire/encounter/gun fight:

143. Among the 70 persons extra judicially killed in 2012, 53 were killed allegedly in 'crossfire/ encounters/gun fights'. Among the deceased, 40 were allegedly killed by the Rapid Action Battalion (RAB), seven by the police, two jointly by RAB-police and four jointly by RAB-Coast Guard.

Death due to torture:

144. Between January and December 2012, seven persons were allegedly tortured to death. Among the deceased five were tortured allegedly by the police, one by Border Guard Bangladesh (BGB) and one by jail authorities.

Table 3: Death due to torture by year

Law Enforcement Agencies	2012	2011	2010	2009
RAB	0	1	2	3
Police	5	14	20	11
BGB	1	0	0	5
Jail Police	1	2	0	1
Coast Guard	0	0	0	1
Total	7	17	22	21

Shot and killed:

145. Among the deceased, eight persons were shot and killed in 2012. Of them four were killed by police and one by the Border Guard Bangladesh (BGB) and three by Ansar.

Beaten to death:

146. Among the deceased, two persons were beaten to death during this period by police, which in literal sense is not death in police custody, but a manifestation of police brutality.

Identities of the deceased:

147. Of the 70 deceased persons killed extra judicially, reports alleged that one was an activist of BNP, three were members of Gono Mukti Fouz, one was the leader of New Biplopi Communist Party, two were the members of Purbo Banglar Communist Party (Red Flag), three were workers of a bidi factory, five were businessmen, five were unidentified youths, one a bus helper, one was a convicted prisoner in Natore District Jail, one was a fruit vendor, two were cultivators and 45 were alleged criminals.

CHAPTER V: TORTURE & OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Torture

148. According to Odhikar's documentation, 72 persons were reportedly tortured by different law enforcement agencies in 2012. Among them, seven persons succumbed to their injuries, which was discussed under the headline of 'extrajudicial killings'. Among the 65 persons alive, 53 were tortured by police, five jointly by RAB-Police, five by RAB, one by jail authorities and one by Border Guard Bangladesh (BGB).
149. The prevalence of torture has been attributed to several factors, i.e., the long practice of using violence for political ends, the high levels of corruption, the poor training of police forces and almost complete impunity for the perpetrators. The practice of torture is also facilitated by the lack of safeguards. Section 54 of the Code of Criminal Procedure allows for arrest and detention without a warrant or an order from a Magistrate on nine different grounds for up to 24 hours. This provision has been widely abused as a tool to arbitrarily arrest and often ill-treat and torture political opponents and others. Also, the Special Powers Act of 1974 allows for preventive detention and the Anti-Terrorism Act, 2009, further enhanced the powers of the police to detain those 'suspected' of having committed any of the crimes defined in the Act.
150. Torture is inflicted to humiliate a person and as an exercise to show power and authority. Torture, unfortunately, is also applied as an efficient and less costly alternative to elaborate investigation. The premise is, once tortured; the person will open up and tell the truth. It is Odhikar's experience that law enforcement agencies believe security, law and order cannot be maintained without torture. Thus, torture is carried out when suspects are picked up by law enforcement agencies, and taken into custody. When the suspects are taken into remand for further questioning, torture is routine.
151. In Bangladesh torture is not legally considered a crime, though it is widely accredited. Bangladesh still does not follow its obligations to stop torture, even after being a state party to the Convention against Torture (CAT)¹¹⁶. Torture is

¹¹⁶ Bangladesh has ratified the Convention Against Torture on October 5, 1998 with a declaration according to which it "will apply article 14 para 1 in consonance with the existing laws and legislation in the country." Article 14 reads: "(1) Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the

also expressly prohibited in Article 35 (5) of the Constitution: “No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment,” however, there is no express prohibition of torture in statutory law. The Penal Code contains no specific offence of torture.¹¹⁷ The Code of Criminal Procedure prohibits police officers from threatening suspects or any other persons but does not specifically refer to torture.¹¹⁸ Torture and ill-treatment is in blatant violation of the Constitution of Bangladesh and the international human rights treaties of which Bangladesh is a party, including the ICCPR.

152. On April 22, 2012 Khulna Government City College unit Chhatra Dal¹¹⁹ 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 published in many national dailies, after they were taken on the cell phone of a journalist.¹²⁰

153. On September 9, 2012 at approximately 3.00 am police of Khoksha Police Station and DB police arrested a woman (50) and her daughter¹²¹ (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 and, as alleged, forcibly stripped naked in front of male police in the name of interrogation. The mother of the girl alleged that 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 sexually abused her daughter. Later DB police showed them as arrested under section 54 of the Code of Criminal Procedure as suspects in 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

victim as a result of an act of torture, his dependants shall be entitled to compensation. See

<http://www.unhcr.ch/tbs/doc.nsf/Statusfrset?OpenFrameSet>.

¹¹⁷ See infra in section on Criminal Accountability of Perpetrators of Torture.

¹¹⁸ See section 163 (1) of the Criminal Procedure Code: “No police-officer or other person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in the Evidence Act, 1872, section 24.”

¹¹⁹ Student wing of BNP

¹²⁰ 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.

¹²¹ According to Odhikar’s principle, Odhikar does not use names of victims of rape or sexual harassment unless it has been published in the national newspapers.

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.¹²²

154. On September 11, 2012 at around 2.00 am, police of Khoksha Police Station arrested Sufia Khatun¹²³ (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 tortured by police for three days in police custody. Sufia was released from the police station on September 13, 2012 at 9.00 am as the allegations against her could not be proved.¹²⁴

155. There was an allegation of torture and sexual harassment on a 42 year old woman¹²⁵ at Daulatpur Police Station in Kushtia. On October 1, 2012 police arrested two women¹²⁶ for their alleged involvement in carrying Phensidyl¹²⁷. Police did not appeal for remand against one of them due to receiving a bribe but produced the other before the Court and asked for remand. The woman alleged that on October 4, 2012, Sub Inspector (SI) Joy Gopal Biswas physically tortured and sexually harassed her while in custody during remand. She told Odhikar at the jail gate that on October 4, 2012 at around 3.30 pm SI Joy Gopal took her to Daulatpur Police Station from Kushtia District Jail for interrogation. She was kept in a room. In the evening SI Joy Gopal asked her who else were involved with her in drug smuggling. When she replied that she did not know anything about it, the SI slapped her and removed her clothes. SI Joy Gopal left the room when she started crying. After half an hour, SI Joy Gopal returned, blindfolded her and took her in unknown place where she was sexually harassed. There was nobody else other than that police officer involved in this. She said that SI Joy Gopal inflicted all kinds of physical torture and abuse on her that night.¹²⁸

156. In Bangladesh, successive governments have consistently failed to meet their obligations to investigate violations; to take appropriate measures in respect of

¹²² Fact-finding report of Odhikar

¹²³ Pseudonym

¹²⁴ 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.

¹²⁵ Names have been withheld.

¹²⁶ Ibid

¹²⁷ A cough syrup containing Codine Phosphate is used as a drug and is band and illegal in Bangladesh

¹²⁸ Report sent by Hasan Ali, local human rights defender connected with Odhikar from Kushtia, 11/10/2012

perpetrators, particularly in the area of justice, by ensuring that those suspected of torture and other cruel, inhuman or degrading treatment are prosecuted, tried and duly punished; to provide victims with effective remedies and to ensure that they receive reparation for the injuries suffered; to ensure the inalienable right to know the truth about violations; and to take other necessary steps to prevent a recurrence of violations. This has enabled the culture of impunity to take deep root.

157. A culture of impunity protects the perpetrators and since most of the investigations are carried out by the same agencies, it is almost impossible to get redress for torture victims. There is no independent authority to complain against the law enforcement authorities. As such, torture and inhuman or degrading treatment remain and continue to be a source of major concern and a glaring example of human rights violations in Bangladesh. 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.

Other Cruel, Inhuman or Degrading Treatment

158. 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 right hand was broken and he was treated at the National Orthopedic Hospital and Rehabilitation Institute.¹²⁹

159. On March 23, 2011, Limon Hossain (16), son of day-labourer Tofazzal Hossain, of Saturaia village under Rajapur Upazila in Jhalokathi district, and then Higher School Certificate (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. Despite knowing his name and identity, 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

¹²⁹ The daily Prothom Alo, 30/03/2012 and 01/04/2012

days, the investigating officer, Sub Inspector Abdul Halim Talukdar of Rajapur Police Station submitted a final report, without informing the plaintiff.

160. Police of Rajapur Police Station under Jhalokathi district filed the 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.¹³⁰ 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 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 Moktadir 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.¹³¹

161. 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. Still no light of justice is seen for Limon's case.

162. At around noon on May 29, 2012 a girl went to the Dhaka Chief Metropolitan Magistrate's Court, accompanied by her parents. She went to file a case against her husband for physical abuse and dowry demands. As the three of them were coming out of 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. After a while, police took the girl with her parents to the police club beside the court and confined the girl in a separate room and sexually abused her. As the news spreaded, 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, allegedly on the directives of Salauddin Khan, Officer-in-Charge of Kotwali Police Station. Six journalists, including *Prothom Alo* Court correspondent Prashanta Karmakar; *Kaler Kantho* Court correspondent,

¹³⁰ The daily Prothom Alo, 09/07/2012

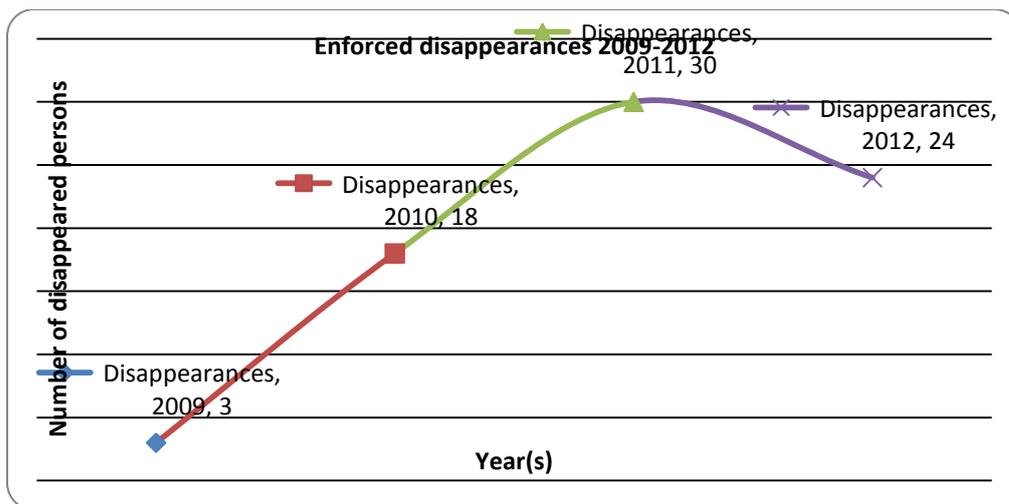
¹³¹ The daily Prothom Alo, 16/08/2012

M A Jalil; and *Bangladesh Protidin* Court correspondent Tuhin Howlader were seriously injured due to the police attack.¹³²

163. 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.¹³³

Enforced Disappearance

164. According to information gathered by Odhikar, in 2012, 24 persons were allegedly 'disappeared'. Among them, 10 allegedly by RAB, six by Detective Branch (DB) of police, two jointly by RAB-DB police, one by Industrial Police and five by unidentified persons.



165. Many people are 'disappeared' after being picked up by members of the law enforcement agencies, as claimed by their families. The families of the disappeared claimed that it is the members of the law enforcement agencies,

¹³² Source: The daily Prothom Alo/The Daily Star, 29/05/2012

¹³³ The daily Prothom Alo, 11/06/2012

who are making such arrests and the whereabouts of the persons are unknown. Despite the law enforcing agencies denying these allegations, in some cases the law enforcing agency later produce the arrested persons in public or hand them over to police stations even after denying the arrests.

166. 'Enforced disappearance' is a particularly a heinous violation of human rights and an international crime. It affects victims in many different ways, including constant fear for their lives and their near and dear ones go through an emotional rollercoaster of hope and despair. The disappeared person is removed from the protection of law.

167. Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance¹³⁴ defines this act as the "arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law."

168. In recent years, the instances of enforced disappearance have been on the rise in Bangladesh. People are abducted and disappearing from various places in broad day light by the men claiming to be members of law enforcement agencies. Some are recovered as dead. In many cases families of the disappeared allege that law enforcing agencies picked up the victim. However, the law enforcing agencies flatly refuse the allegation that the victim had been picked up by agents or mysterious people posing as agents of police or RAB. Some incidents are as follows¹³⁵:

169. On April 4, 2012 Aminul Islam (41), a leader of the Bangladesh Garments and Industrial Workers Federation and a staff of the 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. The deceased's body was recovered by police on April 5, 2012 from Ghatail under Tangail district with signs of severe injury. Aminul Islam's wife Hosne Ara Begum Fahima informed Odhikar that her husband was

¹³⁴ The Convention was adopted by the UN General Assembly on 20 December 2006, which entered into force on 23 December 2010 after the 20th instrument of ratification was deposited with the UN Secretary-General by Iraq.

¹³⁵ It must be noted that Odhikar only records and fact finds instances of enforced disappearance when the family/witnesses claim the victim was taken away by the members of law enforcement agencies or men claiming to be so.

arbitrarily detained several times in the past and tortured in 2006 and in 2010 by law enforcement agencies.¹³⁶

170. On April 18, 2012, former Member of Parliament and Organising Secretary of the Central Committee of BNP¹³⁷, M Ilias Ali and his driver Ansar Ali were allegedly picked up 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'.¹³⁸

171. On August 24, 2012 at around 7.00 pm Mohammad Firoz Khan (25), Joint Convener of Barisal city unit Chhatra Dal¹³⁹, was picked up by 5/6 plain clothed men claiming to be members of the Detective Branch (DB) of Police in a black microbus (Chittagong-Metro Cha-15-9906) with a CID sticker, from a tea stall beside Munsurabad Wapda Colony Jame Mosque under Haliashahar, in Chittagong Metropolitan city. His wife alleged that he was disappeared by the law enforcing agency due to his involvement in the BNP, the major Opposition party.¹⁴⁰

172. Criminal Law in Bangladesh has no provisions for the crime of enforced disappearance. However, there are penal provisions for crimes such as abduction, wrongful confinement, and grievous hurt. The Code of Criminal Procedure lays down all the paths to be taken to ensure a proper investigation and prosecution.

173. The Government of Bangladesh has yet to accede to the International Convention for the Protection of All Persons from Enforced Disappearance. Article 4 of the Convention states: "Each State Party shall take the necessary measures to ensure that enforced disappearance constitutes an offence under its criminal law". Article 3 obliges Member States to take measures to investigate acts of enforced disappearance, committed by persons or groups of persons acting without the authorisation, support or acquiescence of the State and to bring those responsible to justice. So it does not matter who perpetrated the crime of enforced disappearance – it is the State responsibility to investigate and bring to justice all perpetrators. Clause 2 of Article 6 also states that no order or instruction from any public authority, civilian, military or other, may be invoked to justify an offence of enforced disappearance.

¹³⁶ Fact finding report of Odhikar, 26/04/2012. See www.odhikar.org

¹³⁷ BNP: Bangladesh Nationalist Party

¹³⁸ The daily Prothom Alo, 19/04/2012

¹³⁹ Student wing of BNP

¹⁴⁰ Report from Osman Jahangir and Shahin Aziz, human rights defenders of Odhikar at Chittagong and Barisal, 25/08/2012

174. Enforced disappearance is an international crime. If it is widespread it will be considered as 'crime against humanity', implying that Bangladesh could become vulnerable to external humanitarian intervention. To combat this nightmare in addition to reporting, campaigning and protesting, it is essential that we engage in massive public campaign to make people aware of the heinous nature of the crime and demand it is stopped immediately. Odhikar urges the Government of Bangladesh to accede the International Convention for the Protection of All Persons from Enforced Disappearance (ICPAPED).

Prisoners and Human Rights

175. The United Nations Human Rights Committee in its General Comment No. 21 has made it clear that prisoners enjoy all the rights in the International Covenant on Civil and Political Rights (ICCPR), subject to 'restrictions that are unavoidable in a closed environment'.

176. One right of special importance to prisoners is the right to be treated with humanity, dignity and respect while in detention. This human right is set out in articles 7 and 10 of the ICCPR, article 37 of the Convention on the Rights of the Child (CRC) and in the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Bangladesh is a party to all three.

177. Although some argue that it may be reasonable to punish prisoners who have committed serious crimes by depriving them of the right to vote, the right of prisoners to vote is contained in Article 25 of the ICCPR. The United Nations Human Rights Committee considers that depriving persons the right to vote does not meet the obligations in article 25 of the ICCPR nor does it serve the rehabilitation goals of article 10(3) of the Covenant.¹⁴¹

Death in prison and prison conditions

178. In 2012, it has been reported that a total of 58 persons have passed away in prisons. The prisoners are susceptible to various diseases due to the unhealthy environment and low quality food and lack of medical facilities. Each year prisoners die due to inadequate treatment and the abysmal conditions that they are forced to live in.

¹⁴¹ Human Rights Committee, 18 December 2006

179. The prisons of Bangladesh are afflicted with various problems, which do nothing to improve the situation of their inmates. One of the main factors is the condition of the prison buildings. The cells are small and cramped, with poor sanitation and inadequate ventilation. Many of the buildings are dilapidated and are, throughout the years, accommodating prisoners beyond cell capacity. The supply of low quality food; lack of adequate medical facilities; crime; the spread of various kinds of disease and torture have all led to deaths of prisoners in Bangladesh. There are provisions for the health of prisoners in chapter VIII of the Prisons Act, 1894 (Act No. IX OF 1894). There it is stated that the medical officers or their subordinates are bound to give treatment or supply of medicines without any delay.¹⁴² There are not enough doctors for the prisoners; moreover female prisoners are mostly deprived of treatment as there is no female doctor in the jails.¹⁴³

180. There are 68 prisons in Bangladesh, 13 Central Jails (including one for women only) and 55 District Jails in the country.¹⁴⁴ The total capacity of prisons are 33,570. However, a total of 68,700 inmates were staying in prison in December 2012. Among them, 46,919 were under trial prisoners and 21,681 were convicted prisoners and 100 were foreigners.¹⁴⁵

Table 4: Death in jail by year

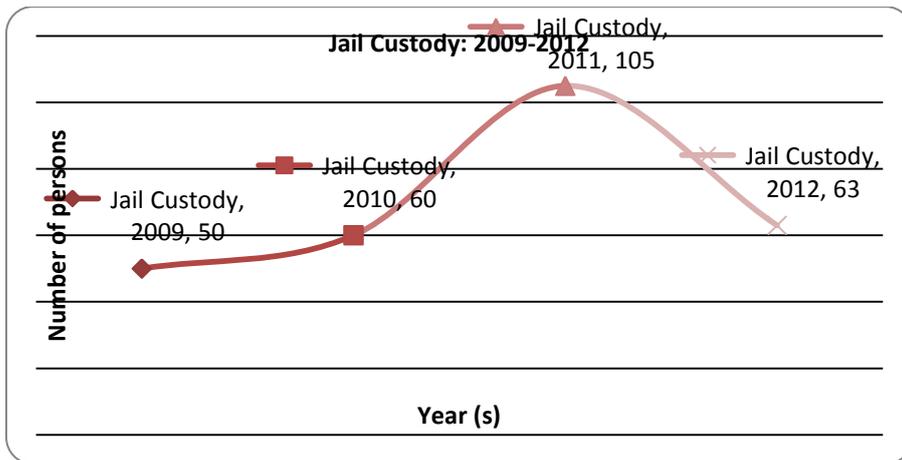
Death in Jail: 2009-2012	
Years	Jail Custody
2012	63
2011	105
2010	60
2009	50
Total	278

¹⁴² http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=69 (accessed on 15.12.2012)

¹⁴³ The daily Kaler Kantho, 20/10/2012

¹⁴⁴ <http://www.prison.gov.bd/index.php?module=content&action=default&cntid=1609&mid=-1&lan=2> (accessed on 13/12/2012)

¹⁴⁵ Directorate of Prisons. Information given to Odhikar on 10/01/2013



181. There are allegations of corruption against the prison officials. Throughout the years, accommodating prisoners beyond cell capacity; supply of low quality food; lack of adequate medical facilities; crime inside the prison; the spread of various kinds of disease; harassment of inmates; inadequate/insufficient budget allocation etc. have all added to the slow degradation of the prison system in Bangladesh.

182. On May 21, 2012 the prisoners of Sylhet Jail protested over the provision of low quality food and other irregularities by the prison officials. At around 6.00 pm on that day the prisoners confined Subedar Yusuf Ali and stabbed him with sharp weapon.¹⁴⁶

183. On March 12, 2012 the bench of Justice Farid Ahmed and Justice Sheikh Hasan Arif issued a rule upon the government to explain why the alleged violation of fundamental rights of the children who were staying in jails with their mothers should not be declared illegal. According to the writ petition filed by the Bangladesh Human Rights Foundation, a total of 321 children are staying in jails with their detained mothers. Of them, 274 children are below 6 years old while the remaining 47 are aged between six and 18 years.¹⁴⁷

184. There are only a few correctional programmes in some prisons for the inmates. In order to reduce overcrowding in the prisons, the proper implementation of the Probation of Offenders Ordinance, 1960 (Ordinance No. XLV of 1960) can be an effective solution. In this Ordinance the grant of probation is allowed to the offenders, excluding those who are sentenced to more than 2 years imprisonment or to death sentence or to life imprisonment; and women offenders in all cases except where convicted for life imprisonment

¹⁴⁶ The daily Jajaidin, 22/05/2012

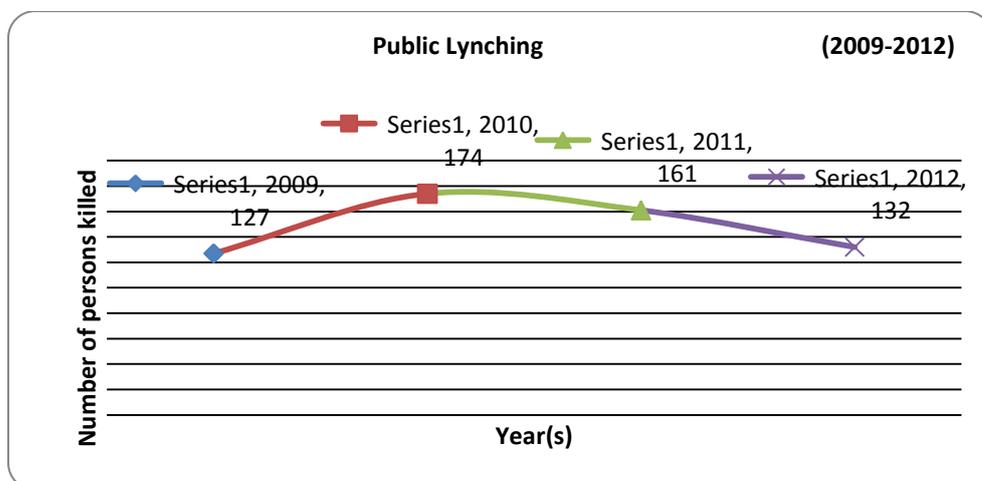
¹⁴⁷ The daily New Age, 13/03/2012

and death sentence (Ss. 4, 5). It clearly reflects that the Ordinance looks for reformatory measures through probation and it does not permit imprisonment for petty offences whereas in our prisons, most of the offenders are confined there for such reasons.

185. On November 16, 2012 an adolescent Abdul Karim (15) was arrested by BGB for keeping phensidyl. He was sent to Feni District Jail as an under trial prisoner. On December 2, 2012 he died at Feni Adhunik Sadar Hospital due to ‘illness’.¹⁴⁸
186. Considering the present prison system of our country and for reforming the system of justice, the proper implementation of the said Ordinance is a must.

Public Lynching

187. Public lynching is a distressing development in Bangladeshi society and highlights the increasingly deteriorating relationship between the public and the rule of law and its accompanying agencies. This movement is particularly disturbing because it indicates an increasing lack of faith in the institutions of law. Such public violence can be understood as a new and increasing form of extra-judicial killing and is manifested in two forms. On the one hand we see the public spontaneously taking the law into its own hands and on the other we also see the police instigate members of the public to physically abuse the suspects.
188. Since January to December, 2012 a total of 132 people were allegedly killed due to public lynching.



189. From the above graph, it is found that the number of public lynching is high than the other years. The number is comparative low in 2012.

¹⁴⁸ The daily Jajaidin, 03/12/2012

CHAPTER VI: BANGLADESH-INDIA RELATIONSHIPS

Bangladesh-India Border Situation

190. Between January and December 2012, 38 people were killed and 100 were injured either by torture or firing by Indian BSF. During this time 74 persons were abducted. The injuries and abductions perpetrated by BSF against Bangladeshis has taken the top position in 2012 compared to the last three years.
191. Bangladesh shares its border with India on three sides. Human rights violations by the Indian Border Security Force (BSF) have been going on for a long time along these borders between Bangladesh and India. Instances of Indian Border Security Forces (BSF) shooting, killing, torturing and abducting unarmed Bangladeshi civilians¹⁴⁹ in the border areas violate international norms and treaties. Members of the BSF also illegally enter Bangladesh territory and attack people residing along the border, shoot and kidnap Bangladeshis.
192. According to the Memorandum of Understanding and related treaties signed between the two countries, if citizens of the two countries illegally cross the border, it would be considered trespass and as per law those persons should be handed over to the civilian authority. However, we have repeatedly noticed that India has been violating treaties, shooting at anyone seen near the border or anyone trying to cross the border, which is a clear violation of international law and human rights.
193. International Law does not allow structures within 150 yards of Bangladesh; despite this, the Indian paramilitary force is constructing a wall in Akhaura of Brahmanbaria in Bangladesh to protect a road which they built illegally.¹⁵⁰ Joint India-Bangladesh Guidelines for Border Authorities 1975 is the protocol which indicates the actions to be taken by border forces.¹⁵¹ In 1975, a guideline for the management of the 4000-km-long Indo-Bangla border was formulated by the two countries which agreed not to construct any permanent structure within the 150-yard limit.¹⁵²

¹⁴⁹ See Odhikar's monthly reports at www.odhikar.org. Many of the victims were farmers. Victims of BSF atrocities are also children and women.

¹⁵⁰ The Daily Star, 25/12/2011; <http://www.thedailystar.net/newDesign/news-details.php?nid=215552>

¹⁵¹ <http://www.security-risks.com/security-trends-south-asia/india-defence/joint-india-bangladesh-guidelines-for-border-authorities-1975-96.html> (accessed on 9/12/2012)

¹⁵² <http://www.indianexpress.com/news/zero-line-fencing-on-indobangla-border-a-boon-to-shopowners/960941/2>

194. The Ministry of Home Affairs of the Indian Government approved a proposal to erect barbed wire fencing along zero line in nine places along the Indo-Bangla border in Tripura on December 3, 2012. The areas were Kasba Kalibari, Akhaura Checkpost, Agartala Airport, Mohanpur Bazar, Khowai Bazar, Belonia, Sabroom and Kailashahar. India erected the fence along the zero line to keep the temples, markets, towns inside its territory. If they follow the guideline not to build any structure within the 150-yard limit then those important places including temples, markets, and towns will go outside the fence. The Ministry of Home Affairs of India has taken up the issue with the Bangladesh Government. In response, BGB authority agreed to allow the erection of barbed wire fencing in nine places.¹⁵³ However, without consultation with its citizens, and in the name of friendship, the Bangladesh government has betrayed its citizens. Bangladesh may have to pay the costs in the future.
195. Previous governments handed over Berubari to India, and due to Bangladesh's weak Foreign Policy, it is yet to get Tin Bigha Corridor back as per the 1974 Mujib- Indira agreement. India's plan to build the Tipaimukh Dam on the Barak River, will cause Bangladesh's north eastern parts to face severe ecological imbalance and destruction.

Some incidents of human rights violations by BSF in 2012

196. On February 2, 2012, BSF members allegedly tortured to death a Bangladeshi farmer Mohammad Saiful Islam (25) at Birampur border in Dinajpur.¹⁵⁴
197. On April 5, 2012 about 15/20 BSF members entered into Bangladesh and ransacked houses of Bangladeshi citizens in Khiarmamudpur village at Birampur border under Dinajpur district. BSF fired blank shots during attack. BSF also tried to take two Bangladeshis, Shamsul Alam and Shafiqul to India by dragging them out of their houses. Shapla Begum, wife of Shafiqul and Saleha Begum, his mother along with their neighbours came out with sharp weapons to prevent BSF members from taking them away. BSF returned to India empty-handed, but after beating three women and seven men.¹⁵⁵
198. On July 25, 2012 at around 1.50 pm Mohammad Sanaul Huq (25), a farmer of Tarapur Morolpara village in Shibganj of Chapainababganj was shot dead by the BSF while irrigating his field. It was learnt during fact finding that Sanaul Huq

¹⁵³ <http://www.assamtribune.com/scripts/detailsnew.asp?id=dec0412/oth06> (accessed on 20/12/2012)

¹⁵⁴ Report from Kongkon Karmokar, human rights defender of Odhikar in Dinajpur

¹⁵⁵ The daily Prothom Alo, 07/04/2012

went to his paddy field near pillar 1-S of 169 at Shingnagar border under Shibganj Upazila. BSF members of 20 Battalion at Daulatpur in India shot at Sanaul Huq and he died on the spot.¹⁵⁶

199. On October 7, 2012 at around 11.30 pm, a 16-year old boy named Mohammad Sujon Ali was shot dead by BSF at Majhardia border under Poba Upazila in Rajshahi while he was fishing in the Padma river. It was learnt during a fact-finding mission that the BSF members of Harubhanga camp under Raninagar Police Station in Murshidabad were involved in this killing.¹⁵⁷



Broken promises

200. Prime Minister Sheikh Hasina went to India on a state visit from January 10 to 13, 2010. The people of Bangladesh had expected the Prime Minister to protest against the killings, abductions and other forms of torture carried out by the BSF on the Bangladeshi people along the India-Bangladesh border. Unfortunately, this issue was totally ignored during her visit.

201. The BSF continues its killing missions by violating promises given at meetings at the various levels, and despite assurances of stopping human rights violations. The then BSF Director General Raman Sribastav stated, in a joint press briefing on March 12, 2011, after a 5-day DG level conference between Bangladesh Border Guard (BGB) and BSF held in New Delhi that “non-lethal weapons will be given to the border guards at the sensitive areas in India-Bangladesh frontiers. This is an experimental decision. If it succeeds, it would be

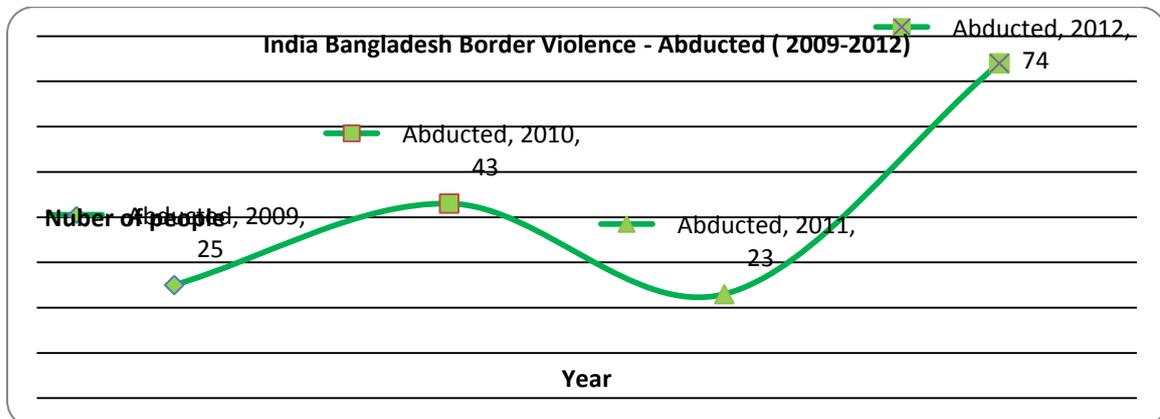
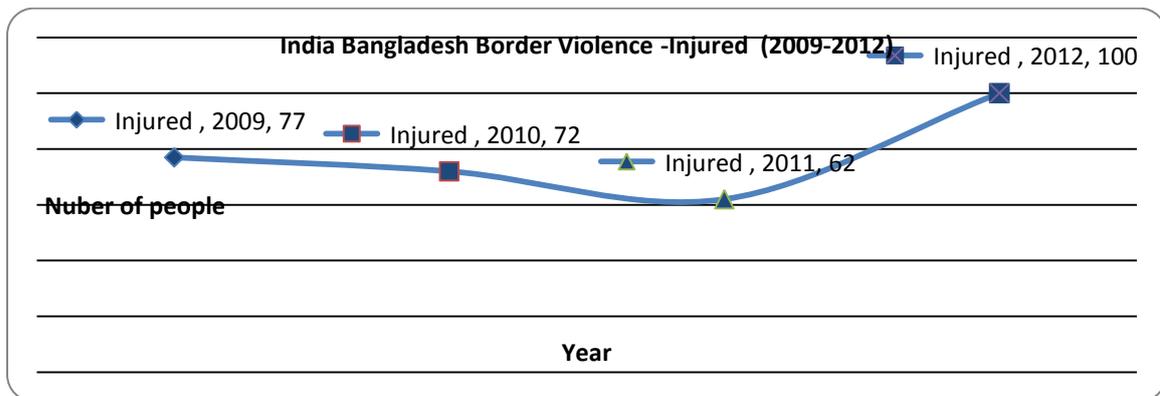
¹⁵⁶ Fact-finding report of Odhikar, 28/07/2012. See www.odhikar.org

¹⁵⁷ Fact finding report of Odhikar, 12/10/2012

implemented along 4096 kilometres of border areas between the two countries.” He said that BSF does not want to kill any Bangladeshi citizen.¹⁵⁸

202. Despite this assurance, on April 18, 2011, 17-year-old Rekatul Islam, son of Mansur Ali, was shot dead by the BSF at Gazipur border under Satkhira district.¹⁵⁹

203. On June 16, 2011 BSF arrested Shaheen, Shariful Islam and Mulfikkar of Dhannokhola upazila, Jessore and beat them with hockey sticks and allegedly injected petrol into their bodies.¹⁶⁰



204. Former Indian Home Minister P. Chidambaram on July 30, 2011 said in a conference held in Bangladesh, that India has ordered Border Security Force not to shoot anyone crossing Indo-Bangladesh border, no matter what the circumstances are. He also said BSF would fire in self defense.¹⁶¹

205. On September 30, 2011, again former BSF Director General, Raman Srivastava, in a joint briefing in Dhaka after the Director General level meeting from 26-30 September 2011 stated that the BSF had no intention to kill anyone and termed

¹⁵⁸ The daily Prothom Alo, 13/03/2011, reported by New Delhi correspondent; <http://www.prothom-alo.com/detail/date/2011-03-13/news/138113>

¹⁵⁹ Fact-finding report of Odhikar- www.odhikar.org/FF_report.html

¹⁶⁰ The daily Kaler Kantho, 18/06/2011; http://www.kalerkantho.com/?view=details&archiev=yes&arch_date=18-06-2011&type=gold&data=Cook&pub_no=555&cat_id=1&menu_id=56&news_type_id=1&index=4

¹⁶¹ The daily Star, 31/07/2011; <http://www.thedailystar.net/newDesign/news-details.php?nid=196397>

the demise of Bangladeshi nationals as 'deaths'. Odhikar rejected this statement since its fact-findings showed that the BSF deliberately target Bangladeshi's, torture or shoot them on sight. This is 'killing' not 'death' of Bangladeshis.

206. Despite this assurance, on October 8, 2011, two Bangladeshis named Swapon and Waj Ghosh were tortured by the BSF at Chormajhdoria border under Poba Upazila in Rajshahi district. Both were left at the border in critical condition. Swapon died on the spot and later local people rescued Waj Ghosh and admitted him to Rajshahi Medical College Hospital.¹⁶²

207. On November 18, 2011, Shariful Islam (23) was killed near Border Pillar 179, in Singnagar of Shibganj upazilla, Chapainawabganj district. He was gunned down by members of the BSF 123 Battalion of Daulotpur Border Station under Maldah district of India while he was ploughing his field.¹⁶³

208. On December 16 and 17, BSF killed 4 Bangladeshis in the frontier districts of Kurigram, Dinajpur and Meherpur. The victims were Alamgir Hossain (25) of Kurigram, Naharul Islam (40) of Meherpur Motiar Rahman (20) and Tajul Islam (26) of Dinajpur.¹⁶⁴

209. In spite of repeatedly raising this issue at the Government level; and at the regular meetings between border guards of the two countries, nothing is being done to stop the violations perpetrated by the BSF. On September 29, 2012 the BSF Director General, U K Bansal after four day conference in Dhaka said that "Six Bangladeshis were killed along the Bangladesh-India border between January and September 2012"¹⁶⁵. However, according to information gathered by Odhikar, from January to September, 2012 it is alleged that 28 Bangladeshis were killed in border areas by BSF.

210. On September 30, 2012 a Bangladeshi citizen, Hannan, was tortured to death by the members of BSF in Chapainawabganj,¹⁶⁶ despite assurances given by the BSF Director General, U K Bansal that killings at the border will come down to zero.

211. Odhikar believes that the Government of Bangladesh has the responsibility to ask its Indian counterpart for an explanation regarding such killings, injuries, abduction and other human rights violations against of Bangladeshi citizens residing at the border areas. Odhikar urges the Bangladesh Government to take

¹⁶² The daily Amar Desh, 13/10/2011; <http://www.amardeshonline.com/pages/details/2011/10/13/111485>

¹⁶³ The daily Amar Desh, 20/11/2011; <http://www.amardeshonline.com/pages/details/2011/11/20/118339>

¹⁶⁴ The Daily Star, 18/12/2011; <http://www.thedailystar.net/newDesign/news-details.php?nid=214618>

¹⁶⁵ The daily Prothom Alo, 30/9/2012

¹⁶⁶ The daily Nayadiganta, 01/10/2012

effective steps with the Indian Government to ensure the prevention of further torture and killings by the BSF. Odhikar urges the Bangladesh Government to demand from the Indian Government adequate compensation for the families of the victims and trial and punishment for the perpetrators. The Government should also ensure the security of those citizens residing at the border areas.

People struggling for self-determination arrested

212. On December 30, 2012 Ranjir Dev Barman, the official Chief of the All Tripura Tiger Force (ATTF) was arrested by the Intelligence team of Bangladesh Police and Rapid Action Battalion (RAB) from a flat of Mohammadpur, Dhaka. The Tripura Police of India confirm the arrest.¹⁶⁷ The men were engaged in the struggle for self-determination and to protect their own life, had taken shelter in Bangladesh.

213. Article 25(1) (C) of the Bangladesh Constitution states, 'The State shall base its international relations on the principles of respect for national sovereignty and equality, non-interference in the internal affairs of other countries, peaceful settlement of international disputes, and respect for international law and the principles enunciated in the United Nations Charter, and on the basis of those principles shall—(c) support oppressed peoples throughout the world waging a just struggle against imperialism, colonialism or racialism.'

214. Odhikar expresses concern over the stance taken by the Government of Bangladesh regarding the struggle for self-determination of oppressed people.

¹⁶⁷ The daily Amar Desh, 0/01/2013

CHAPTER VII: LIVELIHOOD RIGHTS

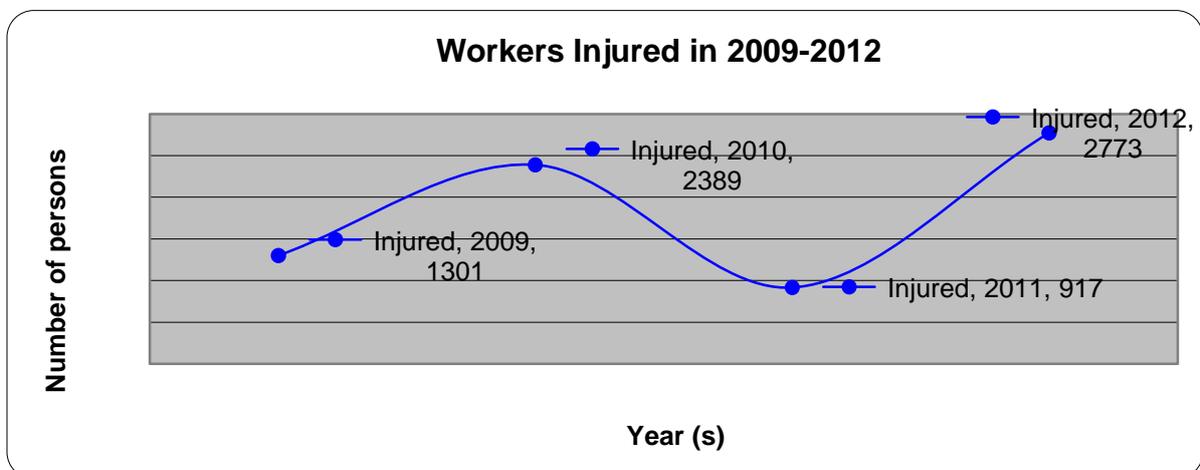
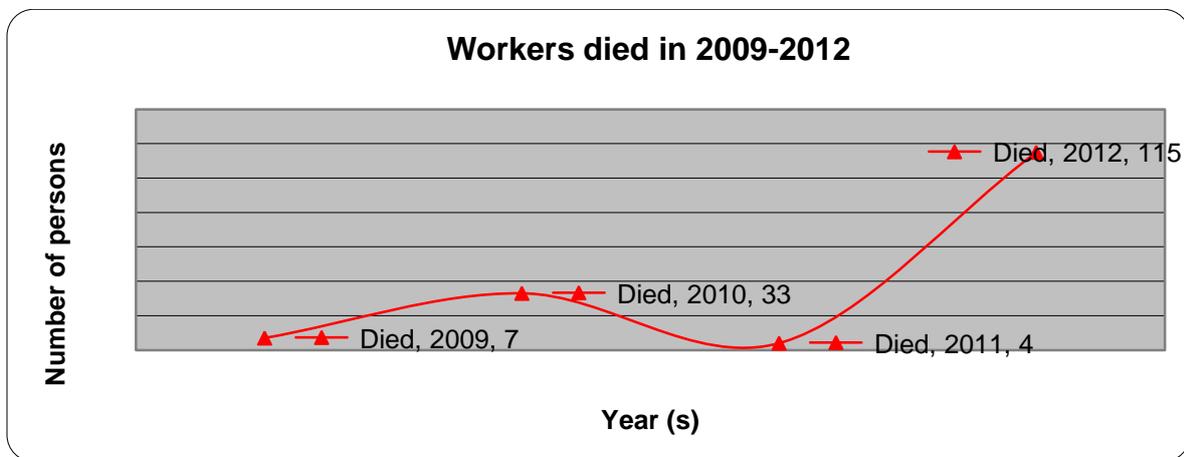
Worker's Rights

215. Like previous years a bleak scenario prevailed in 2012 regarding workers and their rights. It seems the conditions of workers deteriorated in 2012, especially in the readymade garment sector (RMG). In 2012 and in previous years, several incidents of fire in RMG factories occurred, but none of the factory owners were ever brought to trial; even after several hundred workers were killed and or severely injured due to the blaze. The factory inspectors or government officials responsible for monitoring the industrial factories, were also never tried for their negligence or alleged corruption. In the absence of exemplary punishment for negligence and involvement in unfair practices, such accidents continue. There has been no follow up to the trial of the perpetrators behind the killing of garment labour leader Aminul Islam. No steps have been taken against owners for not paying wages or overtime to workers and laying them off unfairly.
216. The readymade garments (RMG) sector is a major source of the country's foreign currency earning. The contribution of workers in this sector is enormous. However, garment sector workers lives remain as cheap as the cost of their labour. It is a staggering reality that wage labourers in the 20 billion dollar apparel sector, still need to take to the streets and often clash with the police to demand their overdue wages and legally determined festival allowances. In 2012 many workers organised street protests as some owners terminated workers' without following labour rules and regulations.
217. The industry maintained an unrealistic pay scale, where the lowest monthly wage of BDT 3500 (\$44) makes a worker struggle to make ends meet. Many of these factories do not have health benefits for the workers or day care centres for their children. In May, the Bangladesh Garment Manufacturers and Exporters Associations (BGMEA) expressed their dissenting view for allowing six months maternity leave for female workers. While the owners have their association, BGMEA, the workers' rights are being infringed by preventing them from forming trade unions. The factories are violating the Labour Law of 2006 by not complying with the factory infrastructural requirements and fire safety standards; and by not training the workers on the safety measures. As a result workers are dying in fire or stampedes. It is also found that many factory

owners lock their workers inside the factories during working hours.¹⁶⁸ Therefore, in case of fire, there is no way out. The grievances of the agitated workers are contained by the industrial police who attack workers processions with batons and firing tear shells to protect the interest of the employers. A huge economic disparity has surfaced between the workers and employers.

Readymade garment workers unrest throughout 2012

218. From January to December 2012 at least 115 workers died. Among them 113 died by fire, one was trampled and one worker's dead body was recovered from a sweater factory. 2143 workers were injured during demonstrations in protest against termination of workers and closure of factories, for demanding payment of overdue wages and 630 workers were injured in fire, stampede and other ways.



¹⁶⁸ Apparently, this is a 'preventive measure' to stop workers from stealing bales of cloth and equipment; and to ensure that deadlines are met.

219. On May 11, 2012, a total of 199 workers were sacked from a readymade garment factory, Metro Knitting and Dying, at Fatulla in Narayanganj. The workers alleged that their jobs were terminated without any reason.¹⁶⁹
220. On June 10, 2012, workers of Artistic Design Limited, the packaging factory of Hamim Group at Banglabazar in Ashulia, stopped work and demanded an increase in their wages. They started the protest by blocking the Dhaka-Tangail highway on June 11 after failing to get any assurance from the factory authority. The police charged on the workers with batons, triggering a clash between the police and the workers in which a number of vehicles were also vandalised. Later, the workers of other factories in Ashulia also joined the Artistic Design Limited workers in the protests, that continued till June 17. At least 750 workers and passers-by were injured during the protests.¹⁷⁰
221. On June 16, 2012, workers' unrest flared up in the garment factory belts of Ashulia and Narayanganj, halting production and disrupting traffic on the highways. Around 250 people were injured in sporadic clashes with law enforcers at Ashulia as several thousand garment workers blocked the Dhaka-Tangail and Nabinagar-Kaliakair highways for over three hours from 8:30 in the morning. The incident occurred when the workers found no notices on the wage hike at the factory gates, as promised earlier. At least 30 workers of Sinha and Opex Groups' factories were injured in clashes with police at Kanchpur in Narayanganj. Owners shut down over 300 factories in the industrial area of Ashulia without announcing a pay hike for workers as promised.¹⁷¹ The owners reopened factories and the workers rejoined work amidst heavy security in the Ashulia industrial zone on June 21, 2012 after a four-day closure, in the wake of the weeklong labour unrest. At least five cases were filed with Ashulia Police Station, accusing at least 12,000 unnamed workers, for organising the workers' unrest in the RMG belt, which has over 500,000 workers. The government had asked the workers to join work and told them that steps would be taken to resolve the crisis.¹⁷²
222. On July 10, 2012, 70 workers were terminated from a RMG factory, Esquire Knit Composite, at Kanchpur Industrial Area under Sonargaon Upazila in Narayanganj. The workers brought out a procession in protest against the termination and alleged that they were terminated without any reason. Earlier,

¹⁶⁹ The daily Amader Shomoy, 13/05/2012

¹⁷⁰ The daily Manabzamin, 12/06/2012

¹⁷¹ The daily New Age, 17/06/2012

¹⁷² The daily New Age, 22/22/2012

on July 9, the workers stopped work, demanding a wage increase. Eight people were injured in a clash, which erupted after the factory management tried to put a halt to the protesting workers. The Managing Director of the factory, Ehsanul Karim Bhuiyan, filed a case with the Sonargaon Police Station in this connection against 17 named workers and 300 who were unnamed.¹⁷³

223. On July 24, 2012, at least 50 people were injured and production was suspended at five ready-made garment factories in Ashulia due to clashes between police and workers over the termination of 102 workers of Fashion Knit Composite Limited. Around 1,800 workers of the factory had been staging a protest since July 22, demanding the removal of the Administrative Officer Anisur Rahman and Accounts Officer Mehedi Hasan for their alleged misbehaviour with workers. The factory authorities, however, refused to remove the officials and said those who were unwilling to continue their jobs were welcomed to resign. When the workers went to the factory at around 8:00am on July 24, they saw a notice saying that 102 workers were terminated. This sparked a storm of protests. The workers vandalised several factories at Jamgorah and around 15 vehicles, halting the traffic on the Dhaka-Tangail highway for over two hours.¹⁷⁴

224. On September 3, 2012, readymade garments factory Textile Group in Jirabo area at Savar issued a show cause notice against 84 workers of the factory, triggering workers' protests and a clash between the police and the workers that left 22 workers and three policemen injured.¹⁷⁵

225. Labour unrest continued in different apparel factories in Dhaka, Gazipur and Narayanganj on August 9, 2012 to push for the payment of their outstanding wages and festival allowance before Eid-ul-Fitr. Several hundred workers of a factory at Dhakeshwari in Shiddhirganj blocked the Narayanganj-Adamjee road and vandalised some vehicles as they found their factory closed without being paid wages and the festival allowance. Workers of four garments factories — DEN Sports at Signboard, EPCOT Apparels at Naljani, Sinkee Garment Factory at Tongi, and Gomati Textiles at Safipur of Kaliakair in Gazipur — held protests, went on strike and blocked highways demanding festival allowances and payment of outstanding wages in Gazipur. Workers of Style Garments in North Badda also blocked the road for some time demanding their pay and festival

¹⁷³ The Daily Ittefaq, 11/07/2012

¹⁷⁴ The Daily Star, 25/07/2012, <http://www.thedailystar.net/newDesign/news-details.php?nid=243348>

¹⁷⁵ The daily Amar Desh, 04/09/2012

allowance. Later, the factory owners paid their salary and the allowance.¹⁷⁶ Apparel workers blocked roads and vandalised factories in Dhaka, Narayanganj and Feni also on August 11 demanding payment of their dues and festival allowance before Eid.¹⁷⁷

226. On October 16, 2012, workers of three garment factories – Miracle Industries, Masterpac and Techno Economy Ltd. – protested for the payment of salary of the current month and Eid bonus, at Gilarchala area under Shreepur Upazila in Gazipur. The workers put up a barricade on the Dhaka-Mymensingh highway for half an hour. The workers claimed that the owners were paying wages for 8 hours though they were forced to work for 12 hours. Workers have to protest every month to get their salaries. They were harassed by police during protest.¹⁷⁸

Tazreen Fashions Limited: A blood stained factory and irresponsible comments of BGMEA

227. On November 24, 2012 at around 6.30 pm at least 112 workers died and over 60 workers were injured in a fire at 9-storied readymade garments factory Tazreen Fashions Limited belonging to Tuba Group at Nishchintopur area in Ashulia, Savar, Dhaka. Among the deceased, 53 bodies could not be identified, the fire started in the warehouse at the ground floor of the building and gradually climbed up to the 9th floor. Tazreen Fashions Limited did not meet any standard of working conditions required inside a factory. Even the minimum standard for building a factory under the Building Construction Code was not followed. The fire safety equipment did not work once the fire broke out. Although there were three stairways, all of them led to the storeroom downstairs and not to any emergency exit. The factory did not have the required space for the firemen to be able to operate in. Tazreen Factory owner, Delowar Hossain, revealed that just three of the factory's eight floors were legal but he was building a ninth. Most importantly, the factory's fire safety certification had expired June 30, 2012.

228. There were allegations that even after the fire alarm was ringing, midlevel managers obstructed the workers from leaving the factory. They increased the volume of music in factory rooms so that workers remained engrossed in their

¹⁷⁶ The daily New Age, 10/08/2012

¹⁷⁷ The daily New Age, 12/08/2012

¹⁷⁸ The daily Prothom Alo, 17/10/2012

work and could not hear the fire alarm. Fire equipment were not used to contain the fire after it broke and the employers' men were responsible for the death of many workers by not letting them escape to safety. The ground floor of the nine-storied factory was entirely a storeroom for yarn and fabric. The heat, flames and fumes of black smoke moved upward through the three stairwells. As a result, hundreds of workers suffocated and were burned to death without finding a way to escape. There is no legal provision to maintain a warehouse at the lower floors of a factory; and the law was not obeyed in this case. In the absence of an alternative stairway or exit, workers at the second, third and fourth floors resorted to breaking iron window grills, glass and exhaust fans to jump out of the factory. This also attributed to the rise in the number of casualties.

229. Prime Minister Sheikh Hasina on 5 December, 2012 handed over Tk 6 lac each to the families of 43 workers, out of the 113 dead. Out of the Tk 6 lac compensation, the Prime Minister gave Tk 2 lac and the BGMEA, Labour Ministry, foreign buyer Li & Fung and the Bankers' Association of Bangladesh provided Tk 1 lac each.

230. Seventy families of dead workers have yet to receive compensation and those who are alive are still facing massive hurdles due to financial constraints.

231. Two American apparel makers supplying goods for Walmart were using Tazreen Factory around the time of the fire. On November 26, 2012 Walmart said in a statement that it had stopped authorizing production at Tazreen and that despite that move, a single supplier, later identified as Success Apparel, had "subcontracted work to this factory without authorisation and in direct violation of our policies."¹⁷⁹

232. Several thousand garment workers took to the streets at Ashulia of Savar on November 28, 2012 and blocked the Dhaka-Aricha and Ashulia-Baipail highways in protest of their fellow workers who were killed in fire and for the arrest of the owner of Tazreen Fashions Limited. At least 50 workers were injured, as the police charged at them with batons, fired teargas shells and rubber bullets to disperse the workers who were on demonstration. The workers also vandalized 10 vehicles and set two motorcycles on fire.¹⁸⁰

233. On December 31, 2012 the president of the Bangladesh Garments Manufacturers and Exporters Association, Shafiul Islam Mohiuddin said that

¹⁷⁹ The New York Times, 10/12/2012

¹⁸⁰ The daily New Age, 29/11/2012

some factory officials had 'ill-motive' and were responsible for the fire.¹⁸¹ It is condemnable that BGMEA did not demand the owner's punishment and tried to save the owner of the factory, inspite of the crime of glaring negligence, expiration of fire safety certification and keeping workers locked in. The owner did not even maintain a database for workers, so many victim workers family could not receive compensation.

234. It is to be mentioned that at least 500 workers have been killed in 33 major fire incidents at garment factories since 1990. Of them, 330 workers have been killed in eight fires since November 2000.¹⁸²

Three workers shot dead at Akij Bidi Factory at Kushtia

235. On July 15, 2012, two workers of Akij Bidi¹⁸³ Factory at Hosenabad under Doulatpur Upazila in Kushtia were shot dead at the factory by Ansar¹⁸⁴ members, under orders from the factory manager. Odhikar's fact finding revealed that the workers of the factory demanded an increase in wages on May 31, 2012. The owners of the factory assured the workers of taking necessary measure by July 15, 2012. It is to be mentioned that a worker, with a helper, makes 12,000 Bidi everyday and receives Taka 252, of which Taka 66 has to be given to the helper. Some workers went to meet the factory manager at around noon on July 15, the deadline given by the factory owners. However, the factory manager, Khorshed Alam, verbally abused them and made them leave the room. He also asked them to leave the factory if they did not want to work anymore, prompting the workers to attack him. The workers vandalized two trucks. On order by Khorshed Alam, the Anser members opened fire at workers, killing workers Rakibul (22) and Mintu Ali (38) and injuring 10 workers. 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 12,000 bidi.¹⁸⁵

¹⁸¹ The Daily Star, 31/12/2012

¹⁸² The Daily Star, 27/11/2012

¹⁸³ Bidi: A kind of hand rolled cigarette

¹⁸⁴ Ansar: An auxiliary force created in 1948 to help the police to maintain law and order.

¹⁸⁵ Fact finding of Odhikar in Kushtia, 17-24/07/2012

Violation of the Rights to Adequate Standard of Living

236. Slum people are literally homeless and are deprived of many rights, including the right to an adequate standard of living, the right to education, the right to security of the person, the right to privacy, the right to social security, the right to freedom from discrimination, and even in certain cases the right to vote.

237. Every person has the right to an adequate standard of living, which includes the right to adequate housing (ICESCR, article 11). The right to housing is more than simply a right to shelter. It is a right to have somewhere to live that is *adequate*. Whether housing is adequate depends on a range of factors including the legal security of tenure. By evicting slums without any alternative housing arrangement is blatant violation of human rights.

Slum eviction without alternative arrangement

238. On April 4, 2012 the Bangladesh Telecommunication Company Limited (BTCL) and Rajdhani Unnoyan Kortipokkho¹⁸⁶ (RAJUK) evicted more than 2000 slums and shops situated at Wireless Gate in the Gulshan-Mohakhali lakeside area close to the TNT Maidan¹⁸⁷ and the Korail slum in Dhaka city. On January 17, 2012, a report titled “Gulshan Lake is disappearing. Illegal constructions are being put up” was published in the daily Prothom Alo. A Bench of the High Court Division of the Supreme Court of Bangladesh issued a *suo moto* rule based on that report. At the same time, the Court ordered the Chairman of the BTCL and Chairman of the RAJUK to be present before the Court for an explanation of the failure to take necessary action in order to protect the lakes. In line with this, the Court ordered the removal of illegal constructions within two months. On the basis of that order, about one thousand illegal constructions were torn down by RAJUK in five operations.¹⁸⁸

239. Evicted slum dwellers alleged that the authority carried out this eviction operation without any prior notice. About 4000 poor people, including women and children were evicted from four slums and are living under the open sky. Some people made temporary tents using sacks or polythene sheets as the only cover to stay dry on the street. They said that they felt utterly helpless losing

¹⁸⁶ Capital Development Authority

¹⁸⁷ Maidan: field

¹⁸⁸ The daily Prothom Alo, 05/04/2012

their shelter and livelihood. Moreover, the future of their school going children is also now bleak.¹⁸⁹

240. Odhikar believes that poor people come to the Capital as victims of natural calamities and river erosions. They have to live in slums on government land. Although it is the obligation of the State to provide shelter and to rehabilitate the poor people, the State does not fulfill these rights.

¹⁸⁹ The daily New Age, 08/04/2012

CHAPTER VIII: VIOLENCE AGAINST WOMEN

241. Like previous years, Odhikar closely monitored the overall situation of women and girls in Bangladesh and documented the issues of dowry violence, rape, acid violence and sexual harassment.

Sexual Harassment/Stalking

242. According to information gathered by Odhikar, a total of 479 girls and women were victims of sexual harassment from January to December 2012. Among them, 18 committed suicide, three were stabbed to death, 24 were injured, 15 were assaulted, 69 were victims of attempted rape and 350 were sexually harassed in various ways. During this period, seven men were killed, 74 males were injured and 46 men were assaulted by stalkers when they protested against such acts of harassment. Among the 20 female protestors, a mother of a girl committed suicide and 14 other women were injured and five women were assaulted.

Table 5: Stalking by year

Stalking 2010 - 2012				
Year (s)	Girls victimised by stalker(s)	Females victimised for protesting	Males victimised for protesting	Total
2012	479	20	129	628
2011	672	42	201	915
2010	273	26	139	438
Total	1424	88	469	1981

243. Stalking against females is a widespread violence and many women, especially teenage girls are the major victims of such violence.

244. As stalking related violence escalated and some victims later committed suicide or were killed by the stalkers, on January 26, 2011, a Division Bench of the High Court Division of the Supreme Court, comprising of Justice M. Imman Ali and Justice Sheikh Hasan Arif, ordered every incident of stalking related harassment to be considered 'sexual harassment'. At the same time, the High Court Division Bench declared the inclusion of stalking of girls and women in

section 10 (ka) of the Prevention of Repression on Women and Children Act of 2000, by bringing some changes in this section.¹⁹⁰ Additionally the High Court Division Bench declared the inclusion of all Government and private places in the proposed Prevention of Repression on Women and Children Act 2000 (amended in 2003) as potential areas of sexual harassment along with the educational institutions and work places. Stalking through SMS, E-mail, telephone and mobile phone are also being included in the law as criminal offences. Furthermore, the Court asked that necessary measures be taken in order to make registration for cyber cafés compulsory and to record the identity of users.¹⁹¹ Further the Court asked the Government, law enforces and NGOs to refrain from using the term ‘eve-teasing’ as it diminishes the seriousness of the offence. The Court further urgently ordered that the Government amend the Prevention of Repression on Women and Children Act 2000 (amended in 2003) in order to incorporate a new definition of sexual harassment and to take immediate action that would protect the victims and witnesses of sexual harassment.¹⁹² The Honourable Court also delivered a judgment that a separate cell or team shall be set up in every police station in order to prevent sexual harassment. The team will submit reports on sexual harassment cases every month.¹⁹³

245. Although, as per newspaper reports, some alleged stalkers are being caught and sent to jail, a majority of police stations have not taken initiatives to comply with an Order of the High Court that requires every police station to form a separate team of officers to deal with complaints of sexual harassment.

246. Farhana Akhter Rimi (18) of Chorgoaldi village in Pirozepur Union under Sonargaon Upazila in Narayanganj district had been stalked and disturbed by one Shamim and five to seven of his associates of the same village. On November 17, 2012, Shamim forcibly caught her hand and tried to hug her in public. After returned home, on account of shame and humiliation, Rimi committed suicide by taking poison.¹⁹⁴ Investigation Officer (IO) Sub Inspector Shahabuddin informed Odhikar that in the medical report it was found that Rimi committed suicide and no one was arrested in this matter.

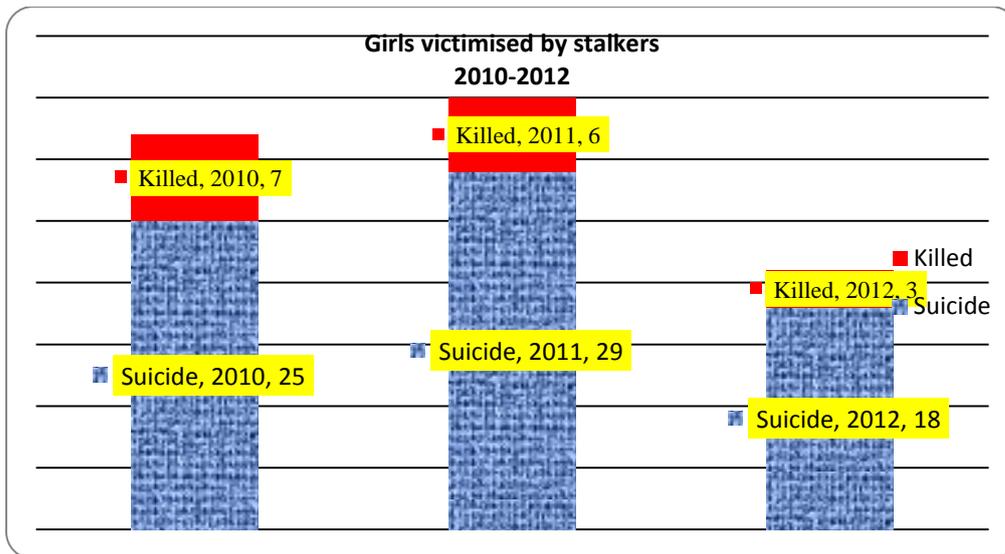
¹⁹⁰ The daily Amader Shomoy, 27/01/2011

¹⁹¹ The daily Prothom Alo, 27/01/2011, <http://www.prothom-alo.com/detail/date/2011-01-27/news/126785>

¹⁹² The daily New Age, 14/09/2011

¹⁹³ The daily Naya Diganta, 27/01/2011

¹⁹⁴ The daily Samakal, 18/11/2012



Rape

247. During the period January to December 2012, a total number of 805 females were reportedly raped. Among them 299 were women, 473 were children below the age of 17 and the age of 33 victims could not be ascertained. Of the women, 31 were killed after being raped and 101 were victims of gang rape. Out of the 473 child victims, 39 children were killed after being raped, 84 were victims of gang rape and 10 children committed suicide as a result of the mental stress after the crime. During this period five females were killed and twelve were gang raped. Their gages have not been ascertained.

248. Incidents of rape increased in 2012. It is also alarming to note that the rape of girl children and rape committed by the law enforcement agencies have increased in 2012.

Table 6: Rape by year

RAPE				
2009 - 2012				
Years	Women	Girls (Under 17)	Unidentified Aged Females	Total
2009	213	243	0	456
2010	248	311	0	559
2011	246	450	15	711
2012	299	473	33	805
Total	1006	1477	48	2531

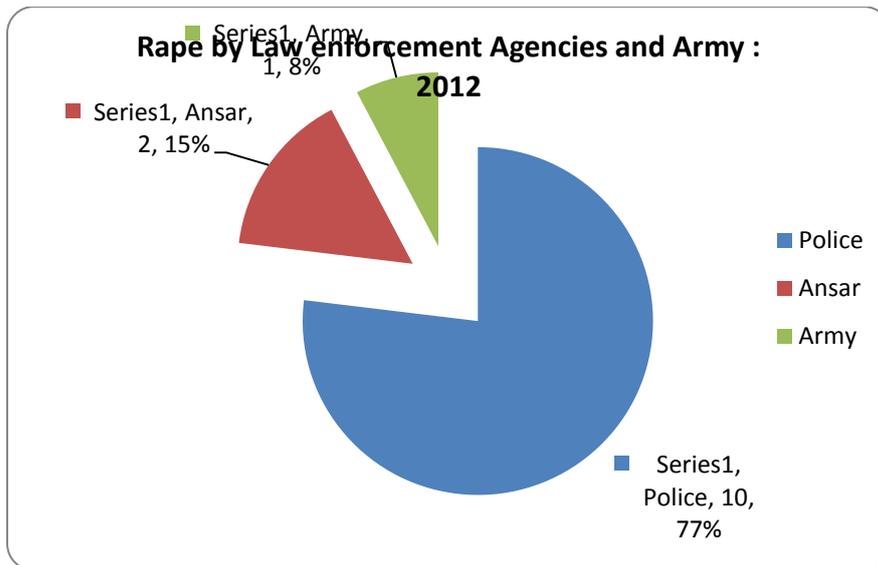
Years (s)	Gang Rape			
	Women	Girl children	Unidentified age	Total
2009	97	79	0	176
2010	119	95	0	214
2011	119	115	5	239
2012	101	84	12	197
Total	436	373	17	826

249. On August 21, 2012 a police constable Rashel Rana of Atoltilla Police Camp raped an 11-year old 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.¹⁹⁵ In this incident, a case was filed accusing Constable Rasel Rana on August 21, 2012. The case number is 3, date- 21/08/2012. He was arrested by the police of Dighinala Police Station on that day. On August 22, 2012 he was sent to Khagrachori Judicial Magistrate Court. Judicial Magistrate Iliyas Mia directed Rasel Rana to Khagrachhari jail custody. Recently a charge sheet was framed accusing Rasel Rana and submitted to the Khagrachhari Judicial Court.¹⁹⁶ The case is under investigation.¹⁹⁷

¹⁹⁵ The daily Naya Diganta, 24/08/2012

¹⁹⁶ Odhikar gathered the information over phone from Officer in charge Titu of Dighinala Police Station

¹⁹⁷ Communication with Officer In charge (OC) of Dighinala Police Station of Khagrachhari on December 13, 2012 through cell phone.



250. On November 3, 2012 a housewife named Radha Rani (25) was allegedly raped by her brother-in-law Tapan Sana in Bolabaria village under Ashashuni Upazila of Satkhira district. Radha Rani was beaten and strangled to death by some criminals including her mother-in-law, Ashalota Sana, brother-in-law Tapan Sana and her husband Anupam Sana due to her protests.¹⁹⁸ Her husband’s cousin Monosh Sana, being a plaintiff, filed an unnatural death case with the Ashashuni Police Station; whose number is 43; dated 3/11/12. Investigation Officer of the case SI Shushil Kumar said a post mortem was done and as per doctor’s report the death was suicide. He said that he will submit a final report soon.¹⁹⁹

251. On November 6, 2012 a housewife in Bogra was taken to a hotel and raped under a misconception created by Town Sub Inspector (TSI) of Phulbari Police Outpost, Abdul Malek. After the incident the victim filed a case in Bagura Sadar Police Station. The Investigation Officer, Saidul Alam informed Odhikar that Abdul Malek was arrested after the incident and presently in Bogura District Jail. He said that police submitted a final report.²⁰⁰

252. Victims of rape face severe social stigma where in a majority of the cases they are treated as guilty. As a result, victims/their families do not seek justice and try to hide incidents of such violence. However, those who try to seek justice are often harassed by police. A poor and lengthy criminal justice system,

¹⁹⁸ The daily Manabzamin, 05/11/2012

¹⁹⁹ Mobile phone communication with the investigation officer of the case of Ashashuni police station, SI Shushil Kumar on 13/12/12

²⁰⁰ The daily Amader Shomoy, 08/11/2012 and mobile phone communication with Sub Inspector Saidul Alam on December 13, 2012

insensitivity, corruption and sometimes wrong postmortem reports hinder the judicial procedure.

Dowry-Related Violence

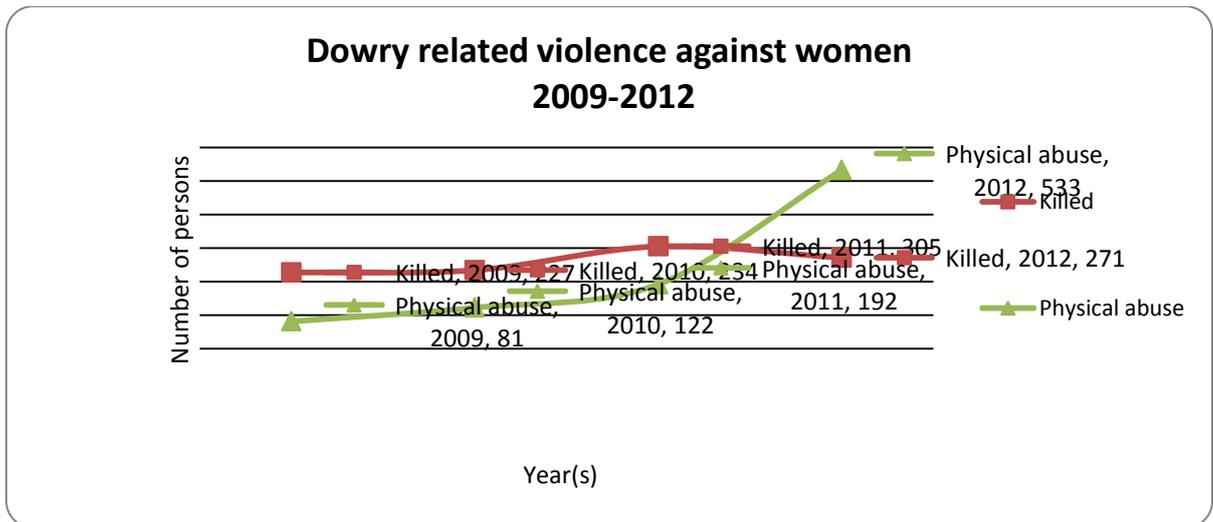
253. Between January and December 2012, 822 females were subjected to dowry related violence. Among them, four were under-aged brides. Of these women, it has been alleged that 273 were killed because of dowry, 535 were ill-treated in various other ways and 14 committed suicide over dowry demands. During this period, one man was killed and 10 men were physically abused when they protested against dowry violence and three children were killed and two were physically abused because of their parent's dowry related conflicts.
254. Taking or giving dowry is illegal, punishable with imprisonment and /or fine according to the Dowry Prohibition Act, 1980. Sections 11(a), (b) and (c) of the Prevention of Repression against Women and Children Act 2000 (Amended in 2003) provides various punishment against perpetrators for committing dowry related crimes.
255. In spite of the existing law, dowry related violence has increased sharply in 2012 compared to other years. As per Odhikar's statistics at least 756 married women were subjected to dowry related violence in 2012. The number is the highest reported, compared with the last four years.
256. In 2012 from Odhikar's documentation it is recorded that the demand for dowry begins from the marriage negotiations and remains as a continuous process. The repeated demand for dowry makes the lives of many married women miserable and vulnerable to violence. It is found that the refusal to provide dowry; in many cases is the consequences of serious physical abuse, death or provokes women to commit suicide. Dowry violence is a form of domestic violence. The husbands or in laws unlimited greed make the bride and her family vulnerable. The following case studies are only two examples among many:
257. On July 8, 2012, a pregnant housewife, Salma (20) was allegedly killed by her husband Titumir and three in-laws over dowry demands in Sultanpur village under Jessore district. The killers allegedly set the house on fire after killing her.²⁰¹ On December 2012, SI of Jessore Kotowali Model Police station informed Odhikar that being a plaintiff, Salma's father Kabir Hossain filed a case under

²⁰¹ The Daily Ittefaq, 10/07/2012

Prevention of Repression against Women and Children Act, 2000 (Amended in 2003). The case numbered was 116, dated 23/10/12. Salma’s husband was arrested and sent to jail and the others are absconding.²⁰²

258. On November 2, 2012, a pregnant housewife, Khushina Khatun was strangled to death allegedly by her husband Mofizul Huq over dowry demands in Nageshwari under Kurigram district. She died on the way to Rangpur Medical College Hospital. After her death, her father Abdul Malek filed a case against Khushina’s husband Mofizul Haq, father in law Khoka Mia (55) mother in law Halima Khatun (50) and brother in law Al Amin (22) in Nageswari Police Station under section 302 of the Penal Code.²⁰³ The case numbered was 05; dated 3/11/12. On December 18, Investigation Officer (IO) of this case Sub Inspector Rabiul Islam informed Odhikar that the father in law and the mother in law had been arrested under this case and they are now in Kurigram District Jail, however they still they could not arrest the prime accuse Mofizul Haq, the husband of deceased Khushina.

259. Though a deep rooted patriarchal mindset and lack of awareness is behind the vicious dowry system; non implementation of laws are instigating such violence as well. The inaction of law enforcement agencies to investigate or arrest the accused and a lengthy, problematic judicial procedure inspires the accused and other potential abusers to commit such violence.



²⁰² Odhikar’s HRD Shundar Saha from Jesore

²⁰³ Section 302 of the Penal Code provides punishment for murder.

Acid Violence

260. Since January to December, 2012 it is reported that 105 persons became victims of acid violence. Of these affected persons 58 were women, 17 were men, 20 were girls and 10 were boys.
261. Acid violence is an extreme form of violence against women and other vulnerable groups.²⁰⁴ The use of acid on a person results in disfiguration, loss of sight, permanent scars and in some cases melting teeth and bones and even causes death.
262. The major causes of acid violence are refusal of marriage or sexual proposals, land related disputes, dowry demands, personal feuds, seeking divorce from husband, protesting stalkers, etc. Besides, some children were victimised by acid when they were accompanying their sisters/mothers or other close relatives, who were the targets.
263. On February 18, 2012, a housewife named Brishti Akter (21) was beaten and burnt with acid allegedly by her husband Khokon Mia, mother in law in-law, father in law and brother in law over dowry at Sonargaon upazila in Narayanganj district. After the incident Brishti filed a case in Sonargaon Police Station under the Prevention of Repression against Women and Children Act 2000 (Amended in 2003) and under the Acid Crime Control Act 2002. The case numbered was 41; dated 20/02/2012. Police arrested only her brother in law Al Amin and sent him to the Narayanganj District Jail.
264. The father of Brishti, Kasem Sikder, informed Odhikar that the Investigation Officer of the case SI Sheikh Sadik asked for money from him to pay for petrol on order to catch the other three perpetrators. Kashem Sikder stopped communicating with the Investigation Officer.
265. A 15 year old girl and a student of class IX Farzana Akter from Daudkandi, Comilla died after three weeks fighting for her life. Saddam Hossain, a stalker threw acid on her on November 11, 2012 as she refused his love proposal. Saddam Hossain, on December 04, surrendered to the Chief Judicial Magistrate Court of Comilla and from there he was sent to jail.²⁰⁵
266. To combat acid violence, in 2002 the Government passed two Acts, The Acid Control Act 2002 and The Acid Crime Control Act 2002. Though the law prohibits production, import, transport, storage, sale, use of acid without

²⁰⁴ In past acid violence mainly occurred against women. But presently many men are also victimised, mainly over land and family disputes.

²⁰⁵ The Daily Ittefaq, 05/12/2012

license, due to lack of a monitoring system, acid goes to the hands of abusers to commit such crimes. Along with the acid throwers, the related persons who were assigned to monitor and sell acid have failed to act according to law and should also be brought to book in order to stop this gruesome crime.

Table 7: Acid violence by year

Acid violence 2003-2012						
Year (s)	Adult Female	Adult Male	Girl	Boy	Children	Grand Total
2009	64	20	13	4		101
2010	84	32	16	5		137
2011	57	25	10	9		101
2012	58	17	20	10		105
Total	263	94	59	28	0	444

Illegal Fatwa and Illegal Arbitration

267. Odhikar terms illegal fatwa as those which are not given by learned Islamic scholars but delivered by community members or so called ‘Islamic’ leaders in the guise of ‘punishments ordained by religion’ usually delivered in the villages of Bangladesh. These illegal fatwa are decisions of the informal village arbitration.

268. During such arbitrations, male leaders humiliate women (sometimes along with men) and often prescribe brutal punishments.

269. Since January to December, 2012 a total 17 persons were victimised by illegal fatwa. Among them nine were women and eight were men who were subjected to violence by whipping, social isolation, etc.

270. On April 20, 2012 Rahim Uddin from Kachubari Ultapukuri, Thakurgaon gave an oral divorce to his wife. Afterwards, the local Imam, Abdul Aziz and another village head Abdur Rahim gave fatwa for ‘Hilla marriage’²⁰⁶. Abdul Aziz said that if they decide to stay together, then Jaheda Begum would have to marry another person and after divorcing that second husband she would only be

²⁰⁶ When a woman is verbally divorced three times by her husband and she wants to continue with her husband then according to Muslim law, she has to first marry another person, and live with him for at least three months and three days before she can divorce the new husband and remarry her first husband. The interim marriage is called hilla marriage.

allowed to remarry her first husband.²⁰⁷ Hilla marriages are not recognised in Bangladesh.

271. The High Court Division ruled fatwa illegal in 2001 and again in 2010 banned the punishment of anyone due to fatwa.²⁰⁸ The decision of the Appellate Division of the Supreme Court in March 2011 declared that fatwa was legal in ‘religious matters’ but categorically stated that fatwa could not be used to punish anyone and could not affect the rights, reputation or dignity of any person: ‘No punishment, including physical violence and/or mental torture in any form, can be imposed or inflicted on anybody in pursuance of fatwa.’ were the words of the Appellate Division of the Supreme Court.²⁰⁹

Table 8: Illegal fatwa by year

Illegal Fatwa 2009-2012				
Years (s)	Total number of family	Total number of male	Total number of female	Total
2012	2	8	9	19
2011	0	1	4	5
2010	0	4	5	9
2009	0	9	15	24
Total	2	22	33	57

272. Illegal arbitrations are extrajudicial arbitrations, generally administered by rural influential or elite.

273. During this period, a total of 35 persons were victims of illegal arbitrations. Among them 16 were women and 19 were men who were given various ‘punishments’ such as forced marriage, shaving head, beatings, humiliation, etc.

274. On March 9, 2012 a man named Abdur Rahim (25) was beaten to death in an illegal arbitration led by the local Union Parishad Member Akhtaruzzaman. On the allegation of extra marital relationship with a woman. Saidul Islam, Alamgir Hossain, Shahin and Anwar joined the UP Member to beat him death.²¹⁰

²⁰⁷ The daily Jaijaidin, 24/04/2012

²⁰⁸ The Daily Star, 14/05/2011

²⁰⁹ Ibid

²¹⁰ The daily Jagantor, 11/3/2012

Table 9: Illegal arbitration by year

Illegal Arbitration 2009-2012				
Year (s)	Total number of family	Total number of male	Total number of female	Total
2012	2	19	16	37
2011	37	16	36	89
2010	0	6	10	16
2009	0	4	13	17
Total	39	45	75	159

CHAPTER IX: PERFORMANCE OF NATIONAL INSTITUTIONS

The Judiciary

275. Politicisation of the Judiciary; the prevailing culture of impunity that continues to cripple the justice delivery system; delayed disposal of pending cases; and the ruling class's continued efforts to evade the Supreme Court directives for making the lower Judiciary independent of the Executive branch of the state; are the main obstacles to ensuring fair trial and the people's access to justice.
276. Citing the constitutional requirement for 'separation of powers between the Judiciary and the Executive',²¹¹ in 1999, the Supreme Court directed the government to de-link the lower Judiciary from the direct control of the government and place it under the supervision and management of the Supreme Court to ensure its independence. The government, however, framed four sets of rules on the service and salaries and financial benefits of the lower court Judges and amended the Code of Criminal Procedure in 2007 with effect from November 1, 2009 to make the lower Judiciary, the Magistracy in particular, independent of the executive government. The lower Judiciary stepped into the sixth year of its so-called 'independence' on November 1, 2012.
277. The independence of the Judiciary from the Executive branch of the state is an important aspect of democracy, which in democratic discourses is properly called the separation of powers. The claim of the ruling classes of ensuring 'independence' of the Judiciary from the Executive branch of the state, however, remains misleading as democracy remains a mere political rhetoric. While leaders of different political camps hardly get tired of claiming their respective contributions towards making the Judiciary independent of governmental interference, the government is yet to set up a separate secretariat for the Judiciary and the transfer, promotion and posting of judges of the lower Judiciary are still practically decided by the government. Besides, judges are often constrained from performing their functions because of various obstacles, financial and otherwise. Reports have it that some two million cases are pending with different courts at the moment, causing enormous sufferings to justice seekers while the inadequacy of courtrooms and judge's chambers are

²¹¹Article 22 of Bangladesh's Constitution mandates that 'the state shall ensure the separation of the judiciary from the executive organs of the state'.

said to be responsible for the backlog. On the other hand, the government has repeatedly failed several deadlines, set by the Supreme Court, to implement the recommendations the Judicial Service Pay Commission made for a separate pay structure of judges. These are, obviously, a few of many impediments towards a sound and independent functioning of the Judiciary.²¹²

278. The backlog of cases keeps rising due to a shortage of judges and courtrooms. The lower court judges still have to share courtrooms. According to statistics available with the Supreme Court, as of January 1, 2012, 7.01 lakh civil cases were pending with the lower courts while 3.74 lakh criminal cases were pending with the Sessions Judge's Courts and more than 10 lakh criminal cases were pending with the Judicial Magistracy.²¹³

279. The higher judiciary, apparently free, has continuously been losing public confidence primarily because of the partisan appointment of Judges, in most of the cases, by successive governments. Despite the longstanding demand from different quarters and the constitutional mandate, successive governments are yet to enact a law on the appointment of the Supreme Court Judges, guiding the procedure and the qualification for Judges in order to avoid controversies over their appointment at the Supreme Court level; and to stop the alleged politicisation of the highest Judiciary.

Police

280. The Police Force is probably one of the most corrupted forces in public administration in Bangladesh.²¹⁴ Human rights violations and corruption perpetrated by this force is severe. It is alleged that 'torture in custody' is used by police to extract money from the accused. Investigations and punishment against any misdeed of this force are often biased. The police force is enjoying impunity in Bangladesh.

Political use of the police force

281. In Bangladesh there is a long tradition of all governments using the police force to maintain and control their power in the political arena. Postings, promotions and transfers are frequently used to 'adjust' police force

²¹² The daily New Age, 02/11/2012

²¹³ The daily New Age, 01/11/2012

²¹⁴ www.u4.no/...corruption...law-enforcement-agencies-in-bangladesh/...

assignments to coincide with the plans of the political bosses. It is worrying that government-loyal political goons are recruited into the police force and political recruitment in police is widely visible.²¹⁵ Due to these mechanisms of exerting political influence, the police are often compelled to carry out illegal commands. Opposition party members, journalists, union leaders, political activists, human rights activists are often subjected to arbitrary arrest and torture.

Bribery and corruption within the police force

282. Experts claims that chain of bribery and collusion between different levels of officers exist within the police administration with the benefits of corruption being shared among different levels. Recruitment and postings are also sources of corruption within the police force. It is important to note that where complaints are filed against police, many such cases never come forward.

The National Human Rights Commission

283. In the face of longstanding demand and movement from different national and international quarters, the National Human Rights Commission was established by the military backed 'Caretaker Government' under the National Human Rights Commission Ordinance 2008 on September 01, 2008. The ninth Parliament passed the National Human Rights Commission Act on July 9, 2009. The National Human Rights Commission was reconstituted under the National Human Rights Commission Act 2009 on June 22, 2010 with a full-time Chairman, a full-time Member and five part time members. The National Human Rights Commission Act 2009 establishes the Commission as an 'independent body'. The NHRC has the power to investigate but no authority to sanction any action.

284. The facts and figures mentioned in this report provide a poignant pointer to the abysmal human rights condition in Bangladesh. Even the NHRC Chairman, Professor Dr. Mizanur Rahman had expressed concern over the human rights situation in the country. Addressing a workshop organised by Odhikar at the BRAC-CDM Centre at Savar in Dhaka on April 3, 2012, he said the human rights situation in the country, 41 years after the independence, is 'regrettable'.²¹⁶ The

²¹⁵ http://www.ti-bangladesh.org/oldweb/research/NHSC2010_TIB.pdf

²¹⁶ The daily New Age, 04/04/2012

NHRC, however, has so far taken no effective measures against such violations of human rights.

285. Odhikar believes that the NHRC has become a powerless institution as it has no specific jurisdiction to take action against the accused persons or law enforcement agencies. According to the Human Rights Commission Act 2009, the Commission can only give recommendations to the government, not to the Parliament, to take action against perpetrators. However, the NHRC Chairman has said that the Commission would soon recommend some significant changes in the National Human Rights Commission Act 2009 to ensure rights.²¹⁷ No initiative to amend the law, however, has yet been seen.

286. Recommendations to strengthen the National Human Rights Commission in line with the Paris Principles have not been implemented effectively. The NHRC's selection process is not credible, with six of the seven members of the Selection Committee being government officials, Member of Parliament from the Treasury Bench and Ministers. This results in the NHRC members' selection being based on loyalty to the government. The NHRC, established in 2007, is in theory empowered to recommend the ratification of international human rights instruments, which it has not done. It is authorized to investigate any complaint of human rights violations, but has not undertaken any effective investigations, citing a lack of resources. Provisions in the law setting up the NHRC, notably Sections 12 (2) and 18, render it ineffective in holding state agents accountable for violations. The NHRC's recommendations are not binding and are therefore ignored.

287. Odhikar questions the actual necessity of a Commission, if the Government is going to ignore it. Odhikar has submitted 110 reports of human rights violations to the National Human Rights Commission in 2010, 2011 and 2012 on a regular basis. It has received response from the Commission in only 69 matters.

The Anti-Corruption Commission

288. Bangladesh has slipped 24 places — from 120th in 2011 to 144th in 2012 — in good-to-bad order on the Corruption Perception Index of the Berlin-based Transparency International. The country scored 26 on a scale of 0-100 among 176 countries in 2012, compared to 2.7 on a scale of 10 among 183 countries in 2011. Governance experts, predictably yet pertinently, lament the fact that the

²¹⁷ The daily New Age, 27/07/2012

country was headed for the worse.²¹⁸ The Corruption Perception Index and the governance experts' observations demonstrate the ineffectiveness of the Anti-Corruption Commission.

289. The Commission, moreover, earned a reputation for being used as a tool to cover up the corruptions committed by government high-ups and to certify their innocence. In the case of Suranjit Sengupta, the Commission certified the innocence of Suranjit Sengupta, who had to resign as the Railways Minister amid huge criticism for alleged corruption in railway recruitment. The railway scam surfaced as Ali Azam Khan, driver of Suranjit's then assistant personal secretary Omar Faruq Talukder, instead of driving his microbus to the minister's house took it into the Border Guard Bangladesh headquarters and showed the officers there that there was Tk 7.4 million in the vehicle. Azam also informed the officers that the assistant personal secretary and two senior railway officers, railway (east zone) general manager Yusuf Ali Mridha and security commandant Enamul Haque, who were in the microbus, had collected the money in bribes from prospective recruits to the railway for and on behalf of Suranjit.²¹⁹ The border guards, however, counted the money in early April 10, returned the money to the APS and let them all leave without registering any case with the police. Understandably, the officers continue in their job but the poor driver is still in hiding to save his life. The Commission on September 13, 2012 filed six cases against Yusuf Ali Mridha, railway additional chief engineer Hafizur Rahman and senior welfare officer Golam Kibria on charge of corruption in the recruitment process.²²⁰ It also prosecuted Yusuf Ali Mridha and Omar Faruq Talukder²²¹ on August 14, 2012 and Enamul Haque²²² on December 19, 2012 for possessing illegal wealth. Although the scam has cost Suranjit the railway ministry, he still holds the office of a minister, without portfolio though.

290. Alleged corruption and conspiracy in bidding keeps hindering the implementation of a number of development projects in priority sectors, specially the Padma Multipurpose Bridge. The Anti-Corruption Commission on December 17, 2012 filed cases against seven people, including former Secretary of Bridge Division Mosharraf Hossain Bhuiyan who had already been sent on leave to comply with the World Bank's conditions, for 'corruption conspiracy' in the Padma Bridge project. The Commission, however, dropped the World

²¹⁸ The daily New Age, 06/12/2012

²¹⁹ The daily New Age, 11/04/2012

²²⁰ The Daily Star, 14/09/2012

²²¹ The daily New Age, 15/08/2012

²²² The daily New Age, 20/12/2012

Bank's two prime suspects — former Communications Minister Syed Abul Hossain and former State Minister for Foreign Affairs Abul Hasan Chowdhury from the list of accused in the case, drawing huge criticisms from various quarters.²²³ Many feared that the ACC action might not please the WB that has tagged acceptable investigation as a condition to revive the \$1.2 billion loan for the Padma bridge project. The WB cancelled the loan in June 2012. The WB on December 18, 2012 stated that its external panel of anti-corruption experts would assess the first information report filed by the ACC which would help it to fix the next course of action about the project financing.²²⁴ The Commission bosses made conflicting statements over quite a few days before the filing of the case in an apparent bid to drag their feet in accusing Abul Hossain and Abul Hasan Chowdhury.²²⁵ The Commission had to initiate the investigation into the corruption allegation in the face of World Bank pressure. It, however, made a positive backtrack only on November 5, 2012, when the ACC chairman, Ghulam Rahman, said that the time had not yet come to say that there had been no corruption in appointing a consultant for the Padma Bridge project. On the previous day even, Ghulam Rahman continued to say that no evidence of graft in the project had yet been found, on the basis of which a case could be filed.²²⁶

291. The government has taken a move to restore its power to withdraw graft cases filed by the Anti-Corruption Commission. The Minister for Home Affairs, Muhiuddin Khan Alamgir, on November 19, 2012 sent a semi-official letter to the Law Minister, Barrister Shafique Ahmed, seeking his 'sincere cooperation' in restoring the government's authority to withdraw 'politically motivated' cases filed by the Anti-Corruption Commission through an amendment to the criminal law.²²⁷ The government had the authority to withdraw such cases before the Criminal Law Amendment Act, 1958 was amended in 2004.

292. On the other hand, the government on February 28, 2011 tabled a Bill in the National Parliament seeking amendment to the Anti-Corruption Commission Act 2004 proposing provisions for clipping the anti-graft watchdog's authority to prosecute any public servant on graft charges. The Parliamentary Standing Committee on the Law, Justice and Parliamentary Affairs Ministry, on August 28, 2012 approved the Bill without dropping the provision of needing prior

²²³ The daily New Age, 18/12/2012

²²⁴ The daily New Age, 20/12/2012

²²⁵ The daily New Age, 14/12/2012

²²⁶ The daily New Age, 06/11/2012

²²⁷ The Daily Star, 20/11/2012

government approval for filing cases against any public servants.²²⁸ The same Committee on 18 May, 2011 had recommended the dropping of the provision, and raised questions against some proposed amendments to the 2004 Act. The committee is, however, yet to place its report to the House, while different national and international quarters continue with opposing the provision arguing that it will cripple the Commission.²²⁹

293. Odhikar believes that if the amendment to the Anti-Corruption Commission Act 2004 as proposed by the Government and approved by the parliamentary body is passed, the ACC will lose its authority, neutrality and independence. The Executive division of the state will influence its activity. Odhikar also believes that if government is re-empowered to withdraw the graft cases filed by the Commission, the ACC will have no authority to prosecute graft suspects, whom the Executive may want to save.

The Information Commission

294. Since its inception on July 1, 2009, the Information Commission has so far made little progress in ensuring the people's right to information through proper implementation of the Right to Information Act, 2009. The first chairman of the Commission retired in September 2012 and the second chairman joined the Commission on October 15, 2012²³⁰ only to demonstrate that the bureaucrats are pre-dominant in the commission.

295. The 2009 Act envisages a three-member 'independent' Information Commission to oversee the information dissemination process of the State. That the Government intends to have control over the Commission, in the first place, is evident in the formation of a five-member 'selection panel' designed to choose the members of the Commission. With the government having direct control on three of the five-member selection panel, the 2009 Act, then, says that the presence of three of the members will make a quorum and that the decisions will be made at the meeting/s of the selection committee on the basis of the opinion of the majority of the members. Moreover, the Law stipulates that the Commission will require the Government's approval for the set of rules that it will formulate for its functioning. There is, therefore, hardly any scope for

²²⁸ The daily New Age, 29/08/2012

²²⁹ The daily New Age, 10/12/2012

²³⁰ The Daily Star, 16/10/2012

any politically/intellectually independent person to be a member of the so-called independent Information Commission.

296. The government's intention to keep the Commission a 'toothless' body is also evident in the very little jurisdiction that the 2009 Act has granted it to punish the errant public authorities responsible for providing information to the public. True, the Commission has been given the power to take action against an authority or an official concerned, in case the latter are found guilty, upon an investigation into the allegation of a citizen, of denying the citizen any information without valid reason, or of providing the citizen with inadequate or false or misleading information. But the kind of punishment that the Commission could award an errant official is absolutely insignificant: a fine of Tk 50 per day for a certain period, which will not be exceeding Tk 5,000. Besides, the Commission would 'recommend' to the [higher] authorities concerned 'departmental action' against the errant authority or the official, and could 'request' the [higher] authorities concerned to inform the Commission as to what action the former has taken against the errant authority/official. Notably, the law is completely silent over as to what would happen if the higher authorities concerned refuse to honour the Commission's 'recommendation' to take departmental action against the authority/official violating the right to information law and/or refuse to entertain the Commission's 'request' to inform the body about the actions taken.

297. The Commission has so far taken only one punitive action. The Information Commission on September 8, 2011 fined the officer of the Araihasar upazila health and family planning complex Tk 1,000 for violating the Right to Information Act 2009. No action of the Commission in taking punitive measure has been reported in 2012.

298. The Commission has made a little progress in the proper implementation of the 2009 Act. The former Chief Information Commissioner, Muhammad Zamir said on July 4, 2012 that many government and non government organisations were yet to appoint Designated Officers for providing information to citizens. He said that many organisations, both government and non government, were not cooperating with the Information Commission in this regard. He also said that Bangladesh ranked 12th among 89 countries in terms of proper implementation of RTI by the Information Commission.²³¹

²³¹ The daily New Age, 05/07/2012

Joint Submission of the Universal Periodic Review Report

299. On October 9, 2012 Odhikar and the Hong Kong based human rights organisation Asian Legal Resource Centre (ALRC) submitted a joint Universal Periodic Review (UPR) report ²³² at the UN Human Rights Council. The human rights situation between July 1, 2009 and September 30, 2012 was highlighted in the report.
300. 14 recommendations were placed in the report by Odhikar and ALRC in order to improve the human rights situation in Bangladesh. These include – reform the dysfunctional criminal justice institutions enabling the institutions to function independently; ensure independence of judiciary and functional basic systems like complaint mechanisms, criminal investigation and the prosecutorial system; criminalise torture by adopting the Torture and Custodial Death (Prohibition) Bill-2011 immediately; put a halt to all extrajudicial executions; establish an independent commission to investigate all allegations of enforced disappearance, extrajudicial killings, torture and other grave abuses and ensure that the perpetrators are brought to justice; end the use of torture and ill-treatment as tools of the policing system and bring perpetrators to justice in accordance with international standards for fair trial; take legislative, administrative and judicial measures to administer justice to the victims of violence and discrimination against women; protect the rights of ethnic and religious minorities; develop a comprehensive protection mechanism to protect the rights of the workers in compliance with international standards; ensure adequate compensation to the victims of gross human rights abuses, without obstruction; repeal all repressive laws and refrain from enacting the proposed repressive NGO Affairs Bureau Bill to regulate NGOs; fulfill voluntary pledges and obligations under international human rights mechanisms and instruments; accede to the International Convention for the Protection of All Persons from Enforced Disappearances; ratify the Optional Protocol to the Convention against Torture and remove its reservation under the Convention Against Torture.

²³² <http://odhikar.org/UPR/ALRC%20and%20Odhikar%20-%20Joint%20UPR%20submission%20-%20%20Bangladesh%20-%20April%202013.pdf>

CHAPTER X: RECOMMENDATIONS

301. There must be an immediate end to partisan political violence and criminalisation of politics.
302. The freedom of assembly and association must be respected. If right of assembly and the rightful expression of grievances are denied by the government, it amounts to triggering partisan political violence. Imposition of 'Section 144' is a violation of democratic rights. The tactics of mass arrest by the government and filing cases against the opposition political leaders are to be condemned.
303. Repression of the media must be stopped. Journalists must be protected and the incidents where they were killed, injured or threatened with life must be properly investigated and the perpetrators must be brought to justice. Abuse of the judiciary by the government to file 'sedition' and contempt of court cases must be stopped and all such cases must immediately be withdrawn.
304. There must be an immediate end to extrajudicial killings, enforced disappearance, killing in the custody of law enforcing agencies, and torture in any form. The principle of the right to life must be upheld and effective investigation for all such killings and crimes must be investigated and the accused must be brought to trial.
305. Odhikar demands that the Government of Bangladesh thoroughly investigate each reported incident of disappearance promptly and efficiently; put in place a directive that security forces must operate within the Constitution and the laws. Responsible organisations and individuals who commit such crimes must be identified, investigated and prosecuted. Odhikar further demands, that the families of those missing are regularly informed about the process to locate and recover the disappeared person, and that they should be adequately compensated for their pain and suffering.
306. Border Security Force of India must refrain from the trigger happy killing spree, intrusion into Bangladesh territory and from abducting Bangladeshis and perpetrating brutal torture and death. To achieve this objective Bangladesh must internationalise the issue in order to make the Indian Government accountable to both to the people of Bangladesh as well as to the international community for such heinous crimes. Odhikar also calls upon the UN bodies to investigate such violations of international law and human rights.

307. Bangladesh must make a diplomatic move to convince the international community how the uncivilized behavior of BSF and the turning of the border between India and Bangladesh into a killing field, is triggering political tension in the region and carries with it the potential of instability and regional conflicts. Odhikar demands a proper investigation of all incidents, punishment of guilty BSF members under international law and compensation for the victims from the Indian Government.
308. Bangladesh must address the livelihood issues of the people living near the border and start a strong social safety net and awareness programmes among people living in border areas.
309. The real perpetrators of the horrendous crimes in Ramu should be properly identified and brought to justice without trying to hide the matter with political excuses. All ethnic and religious violence must be investigated and the culprits must be brought to justice.
310. 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. The Government should execute mass awareness programmes broadly through media and textbooks in order to eliminate violence against women.
311. Amend or repeal the Anti-Terrorism Act 2009 and conduct a comprehensive review of existing legislation to ensure their compliance with international standards and law and promoting and protecting human rights and fundamental freedom while addressing terrorism; Ensure that genuine and broad-based consultations are held with the public, human rights defenders, and other relevant stakeholders to address the problem of terrorism without reducing the complex social, economic, political and cultural grievances into a purely criminal matter. Extend an invitation for a country visit by the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.
312. The Government should not destroy slums and adversely affect the livelihood of the slum dwellers. The Government should rehabilitate the evicted slum dwellers immediately
313. The exact list of the deceased workers at the Tazreen Fashion Limited must be published and the responsibility cannot end by paying 6 hundred thousand Taka. BGMEA and the government will have to take responsibility of the

deceased workers' children below 18 and other members of the family who depended on their income.

314. The prison house concept of work floors in garment factories and putting workers under lock and key must be declared as criminal offences.
315. The exact list of the injured will have to be published. Where and how the BGMEA and the government have been providing rehabilitation and treatment to the wounded will have to be disclosed to the public. Many workers and children of the deceased workers are in obvious shock after the incident. Many are still haunted by the fear of fire. They should be provided with counselling support.
316. Resolves to the infrastructural problems in the garment enterprises, workers' safety at the workplace, fire safety preparedness and regular drills will have to be improved.
317. Workers must have the right to organise into trade unions in order to enter into collective bargaining for wages, benefits, health and medical facilities and housing arrangements. An welfare programme for garment workers will have to be supervised and established by the government.

Table 10: Statistics 2012

Statistics: January-December 2012*														
Type of Human Rights Violations		January	February	March	April	May	June	July	August	September	October	November	December	Total
Extra-judicial killings	Crossfire	5	11	10	9	3	0	3	0	6	1	3	2	53
	Torture to death	0	2	1	1	0	1	0	1	0	0	0	1	7
	Shot to death	1	0	1	1	0	1	3	0	0	1	0	0	8
	Beaten to death	0	0	0	0	0	0	0	0	0	2	0	0	2
	Total	6	13	12	11	3	2	6	1	6	4	3	3	70
Torture (Alive)		7	3	8	7	11	4	4	5	6	8	0	2	65
Disappearances		0	5	4	5	1	1	0	7	1	0	0	0	24
Human rights violations by Indian BSF	Bangladeshis Killed	2	2	2	4	3	1	5	4	5	5	1	4	38
	angladeshis Injured	9	3	14	17	3	2	11	3	8	12	8	10	100
	Bangladeshis Abducted	3	4	12	4	1	1	2	5	21	5	6	10	74
Deaths in Jail		9	6	6	2	2	2	5	7	2	14	3	5	63
Attack on journalists	Killed	0	2	0	0	0	1	1	0	0	1	0	0	5
	Injured	21	8	1	16	26	5	34	7	23	9	6	5	161
	Threatened	6	3	26	1	7	3	3	1	1	3	7	2	63
	Attacked	0	0	3	1	0	0	2	0	3	0	0	1	10
	Assaulted	7	3	13	0	12	0	5	3	2	3	1	1	50
Political violence	Killed	16	9	17	24	10	7	14	17	16	11	11	17	169
	Injured	1884	727	1052	2528	1563	762	1123	1156	1421	1090	1643	2212	17161
Acid violence		9	9	7	10	7	12	6	15	5	10	7	8	105

Dowry related violence (including women victims, their children and relatives)	47	50	83	85	111	100	79	85	68	58	49	23	838
Rape	48	59	87	96	85	82	69	70	73	52	52	32	805
Sexual harassment /Stalking of women	33	31	40	49	45	54	47	34	56	47	23	20	479
Section 144 of Cr.PC	13	12	8	5	7	7	5	12	9	9	10	8	105
Public Lynching	13	6	15	8	13	8	15	7	11	16	8	12	132
RMG	Killed	0	0	0	0	0	0	0	0	0	113	2	115
	Injured	35	76	227	174	208	765	116	149	48	170	383	422

Table 11: Statistics by year

Comparison between the year 2009, 2010, 2011 and 2012				
Type of Violence	2009	2010	2011	2012
Extra-judicial killing	154	127	84	70
Death in jail	50	60	105	63
Disappearances	3	18	30	24
Torture (Dead & Alive)	89	67	46	72
Attack on journalists (including killed, injured, assaulted, attacked, threatened)	221	231	259	289
Killed by BSF	98	74	31	38
Political violence: Killed	251	220	135	169
Acid violence	101	137	101	105
Dowry related violence (Including women victim, their children and relatives)	319	378	516	838
Rape	456	559	711	805
Public Lynching	127	174	161	132
Readymade garments factory: Died	7	33	4	115
Section 144	28	114	103	105

Annex I

Human Rights Violation in Bangladesh-India Border Area				
Border - January 2012				
Sl. No.	Name/Age of victim	Area	Killed by BSF	Date of Incident
1	Rasheduzzaman (22)	Dhannokhola, Benapole, Jessore	1	21.1.12
2	Saddam Hossain Babu (22)	Bank of of Padma at Arairashia, bordering Paka-Naryanpur in Chapainawabganj	1	The body of the deceaseased found on January 24,2012
3	Md. Saiful Islam (25)	Birampur border, Dinajpur	1	3.2.12
4	Mizanur Rahman (28)	Ghasuria border, Hakimpur, Dinajpur	1	14.2.12
5	Abdul Jalil(40)	Birampur,Dinajpur	1	05.03.2012 and 9.3.2012
6	Shahadat Hossain (35)	Putkhali border, Benapole, Jessore	1	28.03.2012
7	Ruhul Amin (25)	Shingnagar Border, Shibganj upazila, Chapainawabganj.	1	04.04.2012
8	Sirajul Islam (32)	Baikari border in Sadar upazila of Satkhira district.	1	12.04.12
9	Faruk Hossain(25)	Chowka border, Chapainawabganj	1	14.04.2012
10	Oliar Rahman(42)	Tetulia Upazila,Panchagarh	1	22.04.2012
11	Durul Huda (52)	Ajmotpur border, Shibganj, Chapainawabganj.	1	16.05.2012
12	Saidur Rahman alias Chiku(50)	Daudpur border, Birampur, Dinajpur.	1	18.05.2012
13	Nader Ali (35)	Phulbari border, Dinajpur.	1	24.05.2012
14	Faruk Hossain (24)	Beurjhari border, Thakurgaon.	1	15.06.12
15	Altaf Hossain (25)	Tarali BSF Camp in Shwarupnagar Thana of Uttar Chabbish Pargana	1	02.07.2012

		district in India.		
16	Unidentified person	Kaliani border, India opposite to Benapole of Jessore	1	02.07.2012
17	Mohammad Ratan (17)	Tentulia border, Bangladesh	1	02.07.2012
18	Sanaul Islam (22)	Shingnagar, Chapainawabganj	1	25.07.2012
19	Abu Alam (26)	Burimari border, Patgram upazila, Lalmonirhat.	1	25.07.2012
20	Jahid Iqbal Laltu (38)	Lebutola border, Moheshpur, Jhenaidah	1	06.08.2012
21	Ataur Rahman (30)	Goborda border area of Boshirhat Mohokuma of India (opposite to Boikari border of Satkhira of Bangladesh)	1	12.08.2012
22	Jahangir Hossain (24)	Chenakata Camp of India near Patgram border of Bangladesh	1	21.08.2012
23	Abul Kashem (26)	Birampur border, Dinajpur	1	26.08.2012
24	Hajirul Haque (27)	Nagorvita border, Baliyadangi upazila, Thakurgaon	1	01.09.2012
25	Babul Hossain (28)	Chengrabandha border, Kuchbihar, India opposite to Burimari, Khengti border, Patgram, Lalmonirhat	1	01.09.2012
26	Alamgir Hossain	Angrail border of India opposite to Putkhali border, Benapole of Jessore, Bangladesh	1	14.09.2012
27	Nazrul Islam (28)	Bhatshala Chorosreepur, Debhata upazila, Satkhira	1	22.09.2012
28	M Hannan (25)	Shingnagar border, Shibganj upazila, Chapainawabganj	1	30.09.2012
29	Sujon Ali (16)	Rajshahi border	1	08.10.2012

30	Abdul Khaleque Chokha (30)	Mondumala border, Baliyadangi upazila, Thakurgaon	1	13.10.2012
31	Alam Hossain (36)	Doulatpur, Kushtia	1	10.10.2012
32	Rabiul Islam (26)	Sreenathpur border, Moheshpur frontier, Jhenaidah	1	16.10.2012
33	Delwar Hossain (28)	Jalpaitali frontier, Phulbari border, Dinajpur	1	19.10.2012
34	Abdul Latif (33)	KisamotNijzoma border, Sreerampur union, Patgram upazila, Lalmonirhat	1	25.11.2012
35	Ganesh Chandra Roy(25)	Pirganj border, Thakurgaon	1	3.12.2012
36	Mohammad Sakir (35)	Karigaon border, Haripur, Ranishoinkal, Thakurgaon	1	5.12.2012
37	Babar Ali (35)	Bagha-Charghat border, Rajshahi	1	11.12.2012
38	Anarul Islam (35)	Pipulbaria village, Moheshpur upazila, Jhenidah	1	29.12.2012
	Total		38	

Annex II

Killed by law enforcing agencies													
January- December' 2012													
SL	Name and Age	Identity	Place of incident	No of killed persons	Type of death	Allegedly killed by						Date of the Incident	
						RAB	Police	RAB-Police	RAB-Coast	Jail authorities	BGB		Ansar
1	Motaleb Hossain (45)	Leader of Gonomukti Fauj	Kushtia	1	Gunfight	1							5.1.12
2	Didarul Alam alias Dilder	Robber	Moheshkhali upazila, Cox's Bazar	1	Gunfight	1							8.1.12
3	Kalam Hossain (30)	Smuggler	Datbhanga bil, Sadar upazila, Satkhira border	1	Shot						1		11.1.12
4	Asif Ahmed alias Sajib (28)	Alleged criminal	Tatibazar, Dhaka	1	Gunfight	1							12.1.12
5	Kibria Fakir	A member of a pirate gang Jihad Bahini	Sundarban, Bagerhat	1	Encounter				1				19.1.12
6	Abdullah Mia (40)	Robber	Sadar upazila, Habiganj	1	Gunfight	1							24.1.12
7	Tabibur Rahman Tota (42)	Alleged criminal	Shailkupa upazila, Jhenaidah	1	Crossfire	1							13.2.12
8	Alamgir (26)	Alleged criminal	Chittagong	1	Crossfire		1						15.2.12
9	Joynal Abedin (38), Jafar(40) and Samsul Alam Maji (55)	Pirates	Companyganj upazila, Noakhail	3	Gunfight				3				16.2.12
10	Shohrab Hossain Hawlader (38)	Robber	PC Baruikhali village, Morelganj, Bagerhat	1	Gunfight		1						19.2.12
11	Ibrahim Hossain (35)	Convicted prisoner	Natore district jail	1	Torture to death					1			18.2.12
12	Bachchu (38), Jamal (28), Montu (50) and one	Robbers	Sharankhola upazila, Bagerhat	4	Gunfight	4							28.2.12

	unidentified												
13	Ranga Miah (25)	Youth	Sadar upazila, Borra	1	Crossfire	1							28.2.12
14	Faruk Hossain alias Kamal (37)	Businessman	Kafrul, Dhaka	1	Torture to death		1						28.2.12
15	Abdur Rahim Sheikh(50)	Fish Trader	Badarganj Police Station, Rangpur	1	Torture to death		1						02.03.2012
16	Mohammad Mintu(25)	Alleged criminal	Mirpur,Dhaka	1	Gun fight	1							06.03.2012
17	Jihad(40),Sohag Farazi(35), Al-Amin(30),Asad ul Boyati(32) and Belal(30)	Alleged robbers	Sundarban	5	Crossfire	5							16.03.2012
18	Nazrul Islam(26)	Alleged carjacker	Basila Bridge,Mohammadpur,Dhaka	1	Crossfire			1					16.03.2012
19	Mostafizur Rahman alias Killer Mostaq(30)	Alleged criminal	Bagmara upazila,Rajshahi	1	Crossfire	1							20.03.2012
20	Julfikar Ali Gama(36)	Alleged criminal	Narkelbaria, Sundarban	1	Gunfight		1						21.03.2012
21	Masud(25)	Helper,ATCL Bus	Rainkhola crossing,Mirpur ,Dhaka	1	Shot to death		1						25.03.2012
22	Bidhan Chandra Biswas alias Montu(45)	Commander, central Gonomukti Fauj	Segun Bagan, Jhinaidah	1	Gunfight			1					31.03.2012
23	Anwar Hossain(27), Mosharraf Hossain(26), Saidur Rahman(30), Masud Afridi(30),Arif and Jamal(45)	Alleged Mugger	Narsingdi	6	Gunfight	6							02.04.2012
24	Md. Momin alias Lengra Momin (32)	Garment Waste Trader	Mirpur, Dhaka	1	Gunfight	1							02.04.2012
25	Masud Rana	Fruits Vendor	Panthapath,	1	Gunfight	1							13.04.20

43	Unidentified	notorious Mortuza Bahini																
44	Tofazzal Hossain alias Tofa Mollah (36)	Leader of Sramajibi Gono Mukti Fauj	Kumarkhali upazila, Kushtia	1	Gunfight	1												12.09.20 12
45	Iqbal Hossain (28)	Alleged criminal	Khejurbagan, Ashulia, Dhaka	1	Gunfight	1												12.09.20 12
46	Rahat Ali (45)	Leader of Purbo Bangla Communist Party (ML Red Flag)	Mirpur upazila, Kushtia	1	Gunfight		1											17.09.20 12
47	Lal Mia (45)	A farmer	Basail, Tangail	1	Beaten to death		1											02.10.20 12
48	Nurul Islam (46)	Businessman	Jatrabari, Dhaka	1	Beaten to death		1											03.10.20 12
49	Rony Mia (28)	2nd year student in commrce division of Mirpur Bangla College	Narsinghapur, Ashulia,Savar	1	Shot to death		1											13.10.20 12
50	Jamal Hossain alias Boro Jamal (45)	An alleged criminal	Kachua upazila, Chandpur	1	Gunfight	1												24.10.20 12
51	Shoilendro Nath Biswash alias Shoilen	Leader of New Biplopi Communist Party (Mrinal group)	Sholua bazar, Dumuria upazila, Khulna	1	Gunfight	1												03.11.20 12
52	Foysal	Alleged criminal	Harintana, Sundarban, Shoronkhola, Bagerhat	2	Gunfight	2												18.11.20 12
53	Unidentified																	
54	Md. Nizam Uddin (35)	Alleged Robber	Subarnachar upazila, Noakhali	1	Crossfire	1												20.12.20 12
55	Shah Alam (30)	A youth	Pollobi, Dhaka	1	Crossfire		1											31.12.20 12
56	Ershad Ali (32)	Activist of BNP	Joypurhat Jail Hospital	1	Torture to death		1											10.12.20 12
	Total			70		40	18	2	4	1	2	3						

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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.