

July 17, 2013

Mr. Hasanul Haq Inu  
Honourable Minister  
Ministry of Information  
Government of the People's Republic of Bangladesh  
Bangladesh Secretariat, Dhaka

Ref: Memo No. TAMA/TAMAD/BIBIDH-10/2013/2144, dated 10/07/2013

Subject: Submitting a copy of fact finding report carried out by Odhikar on 'Assembly of Hefazate Islam Bangladesh and Human Rights Violations'

Dear Sir,

Greetings from Odhikar.

On July 10, 2013 we received a letter signed by your Personal Secretary, Mohammad Shahidul Huq Bhuiyan requesting a copy of the fact finding report prepared by Odhikar on the incident of human rights violations by the government on May 5, 2013 at the assembly of Hefazate Islam Bangladesh at Shapla Square, Motijheel, Dhaka; along with the names of 61 victims, the names of their fathers and mothers and their addresses. Although it was stated on behalf of the government that nobody died during the operation carried out by the law enforcement agencies on May 5, 2013, it was learnt from various sources that people did die on the night of the operation. Odhikar conducted a fact finding mission into the incident from May 6. After a series of investigations, Odhikar was primarily able to collect the particulars of 61 deceased people and released its fact finding report on June 10, 2013. The letter from your office states that we published our fact finding report on June 20, 2013, which is incorrect.

It has been mentioned in the letter sent from your office that, "the government is enthusiastic to make public the real facts and actual number of deaths by conducting a further in-depth investigation, as there has been confusion regarding the death toll during the clash between Hefazate Islam and law enforcement agencies." An amicable cooperation will be created if the government compiles a list of casualties in this regard and we can then tally our lists. Odhikar agrees to extend its cooperation if the government is willing to cooperate as well on this matter.

In the early hours of May 6, 2013, a large number of law enforcers dispersed the people, many of whom were sleeping, by using unanticipated and excessive force and turning off the electricity at

and around Shapla Square. Live bullets, tear gas, sound grenades and boiling water were used on them in the dark. People were killed that night and video footage and photographs have been published in various social media showing this. The murder and mayhem of that night is still circulating in the media. Despite the evidence of human rights violations perpetrated by the government, it is stated that no casualties occurred in the early morning of May 6. At a press conference on May 8, 2013, Dhaka Metropolitan Police Commissioner, Benazir Ahmed said that “no one was killed during the operation that flushed out Hefazate Islam men from Shapla Square in the capital. No lethal weapons were used in the operation.” (Source: New Age, 09/05/2013)

Furthermore, some leading Parliamentarians belonging to the ruling party claimed in Parliament that, no one was killed in the assembly of Hefazate Islam. On June 19, 2013, during the speech on point of order before the Parliament, Prime Minister Sheikh Hasina said that “there was no shooting on Hefazat activists on May 5, rather Hefazat activists acted dead by using red dye. They were sleeping in the streets wearing red dye. Later they ran away in fear of the police” (Source: Newsevent24.com, 19/06/2013). On June 26, Presidium Member of Awami League and influential MP Sheikh Fazlul Karim Selim said, “No bullets were fired at Hefazat men. Not a single person died. I would quit politics if the opposition could prove a single person was killed” (Source: Prothom Alo, 27/06/2013).

It is to be mentioned that the government is accused of committing gross human rights violations and killing unarmed people, contravening international human rights law and international legal standards. Thus, the claim that nobody was killed that night by the government proves that it wants to refute its responsibility; and it is not interested to conduct any fair, unbiased investigation. It has been established that the government is not willing to make public the actual number of deaths and seek the truth by investigating this matter.

The family members of the deceased are living in insecurity and fear. The government filed 23 cases at different police stations accusing at least 133,500 unnamed persons over the Shapla Square incident. The families of the victims fear that the government will harass them further and are afraid to speak out in public.

It is to be mentioned that there is no victim and witness protection law in Bangladesh. Being a human rights organisation, it is Odhikar’s duty to ensure the safety and security of the victims. Therefore, as a responsible human rights organisation, Odhikar humbly requests you to ensure the following for the sake of the security of the members of the victims’ families:

1. Form a neutral Investigation Commission headed by a retired Judge of the Supreme Court of Bangladesh, after having discussion with human rights organisations, which are working to prepare the list of the deceased persons.

2. Take appropriate measures to ensure the security of the information providers, victims/their families and witnesses.
3. Ensure that there will not be any reprisal or any further human rights violations against victims/their families, witnesses and other information providers.

Odhikar will definitely provide all relevant information to the Investigation Commission, if and when it is established and seeks Odhikar's cooperation. Odhikar will also submit its in-depth fact finding mission report, including the detailed list of the deceased to that impartial, independent Investigation Commission. However, without the above stated security and protection mechanisms in place, providing a detailed list of the deceased along with their addresses at this point in time would be tantamount to conniving with human rights violators. It is not possible for Odhikar to take this step as a human rights organisation. However, we are sending our fact finding mission report for your kind information and as per request.

Thank you.

Sincerely yours,



ASM Nasiruddin Elan  
Director  
Odhikar

*Enclosed: Odhikar's fact finding report on 'Assembly of Hefazate Islam Bangladesh and Human Rights Violations'*