



March 1, 2015

## **Human Rights Monitoring Report**

February 1 – 28, 2015

**Heightened levels of political violence**  
**Human rights violations by BSF along the border**  
**Public lynching**  
**Violence against women**  
**Information and Communication Technology Act, 2006**  
**(Amended 2009 and 2013) still exists**  
**Hindrance of human rights activities of Odhikar**

Odhikar believes that ‘democracy’ is a form of the State and that freedom and human rights are its foundations. Democracy is not merely a process of electing a ruler; it is the result of the peoples’ struggle for inalienable rights, which become the fundamental premise to constitute the State. Therefore, the individual freedoms and democratic aspirations of the citizens – and consequently, peoples’ collective rights and responsibilities - must be the foundational principles of the State.

The State’s failure to recognise this basis of democracy at the founding moment, is a continuing curse that people in Bangladesh are forced to carry. A State cannot be ‘democratic’ if the people do not realise and participate as ‘citizens’ in all sectors of the functioning of the state. The democratic legitimacy of the State is directly related to its willingness, commitment and capacity to ensure human rights, dignity and integrity of citizens. If the state does not ensure full participation in the decision making process at all levels – from the lowest level of the administration to the highest level – it cannot be called a ‘democratic’ state. Citizens realise their rights and responsibilities through participation and decision making processes. The awareness about the rights of others and collective benefits and responsibilities, can be ensured and implemented through this process as well. There is no alternative. The Parliament, Judiciary and Executive cannot and should not, have any power to abrogate fundamental civil and political rights through any legislation, Judicial verdict or Executive order, as such rights are inviolable and are the foundational principles of the State.

Odhikar, being an organisation of human rights defenders in Bangladesh, has been struggling to ensure internationally recognised civil and political rights of citizens. Odhikar stands against all forms of human rights violations; and participates and remains directly involved in the human rights movement in Bangladesh. The dimension of constituting a democratic state has been achieved through historical movements and the universality of these civil and political rights has been established worldwide through various international declarations, conventions and treaties.

Thus Odhikar does not believe that the human rights movement merely endeavours to protect the 'individual' from violations perpetrated by the state; rather, it believes that the movement to establish the rights and dignity of every individual is part of the struggle to constitute Bangladesh as a democratic state. As part of its mission, Odhikar monitors the human rights situation in order to promote and protect civil, political, economic, social and cultural rights of Bangladeshi citizens and to report violations and defend the victims. In line with this campaign, Odhikar prepares and releases human rights status reports every month. The Organisation has released the human rights monitoring report for February 2015, despite facing persecution and continuous harassment and threats to its existence since August 10, 2013.

## Heightened levels of political violence

1. According to information gathered by Odhikar, in February 2015, 38 persons were killed and 714 were injured in political violence. Among them, 31 persons succumbed to injuries due to petrol bombs and arson attacks during blockades and hartals<sup>1</sup>. Furthermore, four persons were killed in the internal conflicts of the Awami League; and three were killed by criminals. Among the 714 injured persons, 309 persons were burnt in petrol bombs and arson attacks during blockades and hartals. During this period 197 persons were injured in the internal conflicts of Awami League while 25 persons were injured in conflicts within the BNP. Moreover, 183 persons were injured in other clashes relating politics. In addition to that, there were 25 incidents of internal violence in the Awami League and two in the BNP<sup>2</sup> recorded during this period.
2. The BNP led 20-Party Alliance wanted to organise a meeting in Dhaka, and declare January 5 'death of democracy day' to commemorate one year of the holding of the controversial January 5, 2014 Parliamentary Elections.<sup>3</sup> The

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<sup>1</sup> General Strikes

<sup>2</sup> BNP: Bangladesh Nationalist Party

<sup>3</sup> The Awami League led government of 2009 – 2014 amended the Constitution, repealing the provision of an interim Caretaker Government without any consensus or referendum. The Election Commission then declared an Election

government did not allow the meeting to take place. Chairperson and 20-Party Alliance leader Khaleda Zia has been confined in her party office since January 3, 2015; when the roads leading to and from the office were blocked by trucks of sand and bricks, brought by the police. Police presence outside the office was also increased. On January 5, police locked the main office gate when Khaleda Zia wanted to leave the office. As a result, she declared countrywide blockades for an indefinite period. The 20-Party Alliance announced hartals in different districts; and later across the country in protest of arrests, attacks and killings that occurred since January 5. The blockade programmes and general strikes continue. During hartals and blockades, criminals attacked public and private transport around the country using petrol bombs and fire. Many people, including women and children were either killed or injured. The government and the 20-Party Alliance are blaming each other for the attacks and there are reports that activists of both parties have been arrested with petrol bombs. However, there are also allegations that Awami League activists, who were arrested with petrol bombs, were later released by police. The government randomly arrested a large number of leaders and activists of the 20-Party Alliance during the whole month of February.<sup>4</sup> As a result, prisons are full of political detainees and the inmates in prisons are living in inhumane conditions due to overcrowding. Joint Forces are operating in various districts of the country and many families were forced to leave the area due to the operations. There are reports of criminals vandalizing, setting fire to and looting homes belonging to the BNP-led 20 Party Alliance leaders and activists in the presence of the police.<sup>5</sup> The senior leaders of the ruling party and responsible officers of the law enforcement agencies are also giving instructions, through public statements, to strongly resist the BNP-led 20 Party Alliance. As a result, incidents of extrajudicial killings, shootings, injuries and disappearances are also taking place. In the meanwhile, the electricity supply, internet, cable connections and mobile networks were shut down in BNP Chairperson Khaleda Zia's office. Though electricity was restored after 19 hours, the internet and cable TV connections are still disconnected. Police are not allowing food to be taken inside the party office for the party officials who

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Schedule, which was not shared with the then BNP-led parliamentary Opposition. The BNP-led Opposition refused to participate in the elections unless a caretaker government was reinstated. As a result, the 10<sup>th</sup> Parliamentary Elections was held on 5 January 2014 in a politically violent atmosphere, with general strikes, physical confrontations, the burning of vehicles and human casualties. In 153 constituencies (out of 300), Awami League candidates were declared uncontested winners, even before the polling commenced, as there was no other candidate contesting. People did not even have the chance to exercise their right to franchise and the Parliament had also repealed the provision of negative voting. There were also widespread reports of irregularities and election-related violence on the day of polls. The present government is again led by the Awami League. The Parliamentary Opposition is the Jatiya Party, which, incidentally, also has Ministers in the Awami League government. However, the main opposition party to the Awami League, has always been considered to be the Bangladesh Nationalist Party (BNP).

<sup>4</sup> The daily Jugantor, 19/01/2015

<sup>5</sup> The daily Manabzamin, 02/02/2015

were staying there with Khaleda Zia. Many people could not meet Khaleda Zia as police did allow them to do so and some of those were able to meet her, were arrested soon after they came out of the BNP office. The government did not permit the 20-Party Alliance to organise rallies, meetings and assemblies, however, the Ministers and activists of the ruling party are gathering the public in assemblies, protesting and chanting slogans under full police protection, in front of Khaleda Zia's Gulshan office in Dhaka and across the country.<sup>6</sup> Caught between the violent political conflicts are the ordinary citizens in urban and rural Bangladesh. Their rights to life, health, livelihood, education, justice and security are all under constant threat.

### ***Consequences of petrol bomb attacks***

3. People are being seriously injured and even killed when petrol bombs are hurled on or into public vehicles during the on-going political violence. Some examples are as follows:
4. On February 4, 2015 at around 10:00 pm, according to local information, police arrested Jagannathdighi Union unit Jubo League<sup>7</sup> President Manik, Jubo League activist Babul and Kayes with petrol bombs, while the latter were passing through Choddogram Upazila in Comilla. They were taken to Choddogram Police Station. They were released after a few hours. It is to be mentioned that in the night of February 3, 2015 seven persons, including two women were killed and 26 were severely burnt when petrol bombs were thrown on a bus at Jagmohonpur under Choddogram Upazila on the Dhaka-Chittagong Highway.<sup>8</sup>
5. On February 5, 2015 criminals threw cocktail and petrol bombs at a truck in front of a petrol pump station at Bolail area on the bypass road in Bogra. As a result the truck driver lost control and hit two other buses parked at a garage beside the road. The buses and the truck were burnt. Injured people were taken to Bogra Shahid Ziaur Rahman Medical College Hospital where the truck driver Polash and a betel leaf seller Shahidul Islam died.<sup>9</sup>
6. On February 6, 2015 at around 9:00 pm, a bus belonging to Napu Transport Company, was travelling to Dhaka under police protection with 50-60 passengers, from Shicha under Sundarganj Upazila in Gaibandha District. At around 11:00 pm, criminals threw petrol bombs on the bus near the Polli Bidyut office<sup>10</sup> on Gaibandha-Polashbari Road and it caught on fire. Passengers Syed Ali (42), Halima Bawa (50), Sumon Mia (12) and Rani (7) burnt to death on the spot. Sonabhan Begum (28), Sujan (13), Abul Kalam

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<sup>6</sup> The daily Manabzamin, 10/02/2015

<sup>7</sup> Youth wing of Awami League

<sup>8</sup> The daily New Age, 06/02/2015

<sup>9</sup> The daily Manabzamin, 06/02/2015

<sup>10</sup> Office of the Rural Electrification Board

Azad (40) and Saju Mia (25) died in Rangpur Medical College Hospital. At least 30 passengers were burnt in this incident.<sup>11</sup>

7. On February 13, 2015 at midnight, a group of criminals threw petrol bombs at vehicles in Motihara Bazar on the Dinajpur-Dhaka Highway. Though no casualties were recorded, the local police caught Putimora Union unit Chhatra League<sup>12</sup> General Secretary Ujjal and another Chhatra League leader Jobaer red-handed with petrol bombs. Later police of Nobabganj Police Station released the arrested two Chhatra League leaders on request from the Awami League leaders.<sup>13</sup>
8. On February 24, 2015 RAB arrested Mohammad Shanewaz, President of a Union unit Jubo Dal under Bakerganj Upazila of Barisal, from Pathanpara of Sagorika road with three petrol bombs and one liter of petrol.

### ***37 persons killed extra judicially in February***

9. According to information gathered by Odhikar, in February 2015, a total of 37 persons were allegedly killed extra-judicially. A breakdown is given below:
10. 30 were killed in alleged 'crossfire/encounters/gun fights'. Of them, eight were killed by RAB, 20 were killed by the police and two by BGB.
11. Four persons were reportedly shot dead by police.
12. One person was allegedly strangled to death by police.
13. Two persons were killed in road accident, as claimed by police. The victim families said that the men were picked up by police.

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

14. Of the 37 persons who were killed extra-judicially, nine were activists of Bangladesh Nationalist Party (BNP), nine were activists of Jamaat-e-Islami and the student wing of Jamaat-e-Islami, one was a regional leader of Purba Banglar Communist Party, one was a factory worker, one was an employee of a cell phone service center, four were youths and 12 were alleged criminals.
15. The confrontational political situation which commenced in January, 2015 continues. It has been alleged that in many cases police were demanding money after arresting people and that arrestees are being released in exchange of money. Some who could not pay were being killed extra-judicially in the name of 'crossfire'.<sup>14</sup> The law and justice delivery system of the country is becoming questionable and human rights are being seriously violated due to

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<sup>11</sup> The daily Prothom Alo, 07/02/2015 and the daily Jugantor, 12/02/2015

<sup>12</sup> Student wing of Bangladesh Awami League

<sup>13</sup> The daily Naya Diganta, 15/02/2015

<sup>14</sup> The daily Bangladesh Protidin, 10/02/2015

the persistence of extrajudicial killings and the practice of shooting at people at will.<sup>15</sup> Some examples are given below:

16. On February 2, 2015 a team from Pallabi Police Station, led by Sub Inspector (SI) Touhidul Islam, picked up Nahid, nephew of former Secretary General of BNP, late Khandker Delwar Hossain, from in front of Proshika Bhaban at Mirpur-6 in Dhaka. Later in the evening Nahid's father a retired Army Personnel, Subedar G M Sayeed was informed on his cell phone that Nahid was in the custody of Pallabi Police Station. He was asked to collect his son. GM Sayeed went to the police station where a police informer, Tareque told him to come to Road No. 9 behind the police station. He saw SI Touhidul and Arefin in a microbus (Dhaka Metro Cha-13-4768). Members of the team said, "Your son will be released if you give five hundred thousand taka (6422.94 Dollar)<sup>16</sup>. GM Sayeed brought 20 thousand taka (256.92 Dollar) but police did not agree to release Nahid. Tareque asked him to come to the police station with one hundred thousand taka (1284.52 Dollar) on February 3, 2015. Nahid's father went there with 50 thousand taka (642.26 Dollar) but SI Touhidul and Arefin were not willing to take the money. On February 4, the cell phone from which Sayeed had been getting calls was found switched off. The family of Nahid could not find any trace of him since. On February 7, 2015 Nahid's father went to the Pallabi Police Station again and the Officer-in-Charge told him to go and search the morgue. GM Sayeed later identified Nahid's body at the police station. He had been shot.<sup>17</sup>
17. On February 2, 2015 at around 4:00 am, Assistant Sub Inspector Tasneem of Monirampur Police Station under Jessore District brought the bodies of two Jubo Dal<sup>18</sup> activists, Yusuf Ali and Liton, to the Jessore Medical College Hospital. Police claimed that both had died in a road accident while they were preparing to throw petrol bombs. Yusuf's father Abdul Aziz said that at around 12:30 am on February 2, 2015 a group of men claiming to be police picked up Yusuf from their house. Yusuf's mother Rowshan Ara said, "I went to Monirampur Police Station in the morning to search for my son. From there I heard that my son was in Jessore Hospital. After arriving at the hospital I saw his body". Rowshan Ara claimed that police killed her son after taking him; and were now staging a drama". One man who said he was a cousin of Liton told journalists at the hospital morgue "in the night of February 2, police arrested Liton without any reason. Later his body was found at Jessore

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<sup>15</sup> In 2014, the Government passed the 16<sup>th</sup> Amendment to the Constitution, which took away the Supreme Court's powers to impeach members of the Judiciary. The powers of impeachment were given to the Parliament. This amendment was another blow to the independence of the Judiciary. Since taking power in 2009 and again in 2014, the Awami League-led government has amended the Constitution of the People's Republic of Bangladesh twice (15<sup>th</sup> and 16<sup>th</sup> Amendments), with changes that have been widely criticized by civil society and human rights activists.

<sup>16</sup> 1 U.S Dollar = 77.85 BDT; <http://www.xe.com/currencyconverter/convert/?Amount=1&From=USD&To=BDT>; March 1, 2015.

<sup>17</sup> The daily Prothom Alo, 09/02/2015

<sup>18</sup> Youth wing of Bangladesh Nationalist Party (BNP)

Medical College Hospital morgue". Many people of the village confirmed that police brought Yusuf and Liton to the police station. They did not disclose the names of the police in fear. Villagers also informed that Yusuf had been a trader of raw materials and that he was involved in any criminal activities. Liton was running a tea stall. Sometimes, he used to drive his own motorbike as a public transport to earn extra money. On February 2, Liton was arrested by police from Jaaljhara area beside Monirampur College, when he was returning home. On observing the bodies it is believed that two youths were stabbed. However, the Officer-in-Charge (OC) of Monirampur Police Station, Molla Khabiruddin denied the allegations made by the families of the victims, the local inhabitants and others.<sup>19</sup>

### ***Bodies recovered with bullet wounds***

18. On February 23, 2015 at around 1:30 am, police brought the bodies of three youths, Sumon Robi Das, Robin Hossain and Jewel, to the Dhaka Medical College Hospital. It was learnt that they were shot dead at around 10:00 pm on February 22, 2015 in Baishbari area at Kazipara in Mirpur, Dhaka.<sup>20</sup> Sub Inspector Masud Parvez of Mirpur Police Station stated in the inquest report that among the three deceased, one received 22 shots, the other was 17 and the third had been hit 15 times.<sup>21</sup> The Officer-in-Charge of Mirpur Police Station, Salauddin Khan said that local people had caught them with three crude bombs and four liters of petrol from Shewrapara area. They were taken to Baishbari area under Mirpur Police Station, where angry people had beaten and shot them. Meanwhile inhabitants living near the place of occurrence informed journalists that there had been no incident of public lynching in the night of February 22. At around 9:45 pm, 10-12 strangers went through a dark lane with those three youths. After a few moments, several rounds of gun shots were heard. The men fled the spot, leaving the bodies behind, about one hour after the incident. Later at midnight, police picked up the bodies. Some other residents of the area further informed that they did not hear the screaming and shouting of people, all they heard was the sound of shooting.<sup>22</sup>
19. Robin Hossain's grandfather Mohammad Biplob Alam informed Odhikar that, on February 22, 2015 at around 10:30 pm, some locals informed him that Robin, Sumon and Jewel were picked up by some men. In the morning of February 23, he was informed that Robin did not return home. After that he started looking for Robin even at Robin's village home at Chatmohor in Pabna. At noon, one of his nephews told him over cell phone that Robin, Jewel and Sumon had been killed. He saw the news on television and

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<sup>19</sup> Report sent by human right defender associated with Odhikar from Jessore.

<sup>20</sup> The daily Prothom Alo, 24/02/2015

<sup>21</sup> Ibid

<sup>22</sup> The daily Prothom Alo, 24/02/2015

identified Robin's body at the Dhaka Medical College Hospital morgue. When they returned to Mirpur with Robin's body, the locals informed him that the young men had been picked up by DB police<sup>23</sup>. The families of Robin Hossain and Sumon Robi Das claimed that police killed them after picking them up. The deceased Robin was a helper on a 'Laguna' public vehicle and Sumon was a transport helper on a public vehicle belonging to Projapati Paribahan.<sup>24</sup>

### ***Shooting in the legs after arrest by law enforcers***

20. According to information gathered by Odhikar, in February 16 persons were shot in the leg allegedly by the members of law enforcement agencies.
21. Apart from resisting the people belonging to the opposition political parties, police and Rapid Action Battalion (RAB) are allegedly attacking ordinary citizens, under the pretext of political turmoil. In this context, the law enforcement agencies have created a new trend of shooting in the legs of detainees, which is a matter of grave concern. Many people have already become disabled due to shooting by law enforcement agencies in the last few years. Some cases of February 2015 are as follows:
22. On February 4, 2015 at around 8:30 pm, Nayan Bachhar, a student of Philosophy at Jagannath University in Dhaka, boarded a bus from in front of Victoria Park to go to Mirhazirbagh. His bus was set on fire and Nayan got down with other passengers. Police arrested him and asked whether he was involved with Jammāt-Shibir. Nayan gave the police his name and said he was Hindu<sup>25</sup>. The policemen paid no heed and shot him in the leg. Nayan was admitted to the National Institute of Traumatology and Orthopaedic Rehabilitation with severe injuries. His family is suffering financially due to his medical treatment.<sup>26</sup>
23. On February 7, 2015 at around 6:00 pm, police openly shot one Abdur Rahman (30) who lives in Singapore; and a businessman named Mamun (35) at Bangabazar in Dhaka. They were admitted to the Dhaka Medical College Hospital with severe injuries. Abdur Rahman returned to Bangladesh a few days ago after the death of his father. He came to Shahbagh in Dhaka for some work. While returning home, cocktail bombs exploded at the Bangabazar area. Hearing the explosion, he tried to run and find a safe place. Police caught him and shot him in his right leg. Mamun said that he trades in imitation jewellery and he has a business centre in Keraniganj. Police caught him and shot him in his left leg when he ran in fear after hearing cocktail bomb explosions.<sup>27</sup>

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<sup>23</sup> Detective Branch of Police

<sup>24</sup> Information gathered by Odhikar, 26/02/2015

<sup>25</sup> Jamaat-e-Islami and its student wing Islami Chhatra Shibir are Islamist political organisations.

<sup>26</sup> The daily Manabzamin, 18/02/2015

<sup>27</sup> The daily Naya Diganta, 08/02/2015

## ***Allegations of enforced disappearance<sup>28</sup> against law enforcement agencies***

24. According to information gathered by Odhikar in February 2015, seven persons have been disappeared; of them, three bodies have been found, one was later handed over to police.
25. Incidents of enforced disappearance have increased, given the current violent political situation. Families of victims of enforced disappearances say that men claiming to be members of law enforcement agencies make arrests and then the victims disappear.<sup>29</sup> In some cases, law enforcement agencies deny the arrest; but days later, the arrested persons are produced in public or handed over to a police station and appear in court. In some cases bodies are later found. Two incidents are as follows:
26. On February 20 some unidentified men picked up SSC<sup>30</sup> Examinee Rifat Abdullah Khan (17), son of Jamaat-e-Islami Dhaka Metropolitan unit President Moulana Rafiqul Islam Khan, soon after he came out from Uttara High School, after appearing for a SSC examination. The family members contacted RAB, Detective Branch (DB) police and concerned police stations in this regard. All denied the arrest of Rifat Abdullah Khan. According to information from Rifat's family, they are quite sure that Rifat was picked up by the members of law enforcement agencies. It was later learnt that police conducted some operations with Rifat to some of his relatives' homes.<sup>31</sup> In the night of February 21, 2015, a senior officer of the Dhaka Metropolitan Police, acknowledging the arrest of Rifat, said that Rifat was in the DB police custody at Minto Road.<sup>32</sup> In the meanwhile, on February 20, DB police Sub Inspector Tofazzal Hossain filed a case with Pallabi Police Station against Rifat under Section 57 (1) and (2) of the Information and Communication Technology Act, 2006 (amended in 2009 and 2013). On February 22 Rifat was taken on 3-day police remand after being produced before the Court.<sup>33</sup> Later the Court extended his remand period for two more days. On February 28, 2015 Rifat was produced in Court again and the Court sent him to jail custody.
27. On February 12, 2015 at around 1:00 am, Nur Alam, General Secretary of Pallabi Thana unit Jubo Dal<sup>34</sup>, was taken away from his elder brother's house

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<sup>28</sup> Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance states, "enforced disappearance" as: "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."

<sup>29</sup> Odhikar only documents allegation of enforced disappearance where the family members or witnesses claim that the victim was taken away by people in law enforcement uniform or by those who said they were from law enforcement agencies.

<sup>30</sup> Secondary School Certificate Examination

<sup>31</sup> The daily Naya Diganta, 21/02/2015

<sup>32</sup> The daily Manabzamin, 22/02/2015

<sup>33</sup> The daily Manabzamin, 23/02/2015

<sup>34</sup> Youth wing of Bangladesh Nationalist Party (BNP)

in Gazipur by approximately 10 plain clothed armed men claiming to be members of a law enforcement agency. Since then, his whereabouts remain unknown. On February 26, Nur Alam's wife, Rina Alam, alleged in a press conference at the Dhaka Reporters Unity, that while taking her husband away from the house, the armed men told her to contact Joydevpur Police Station in the morning. She contacted the police station, hospital and DB police office but could not find Nur Alam. The armed men had taken away the cell phones belonging to the family members, who were present at the house at the time of the incident. Rina said that because of the present unstable political situation in the country, Nur Alam had been hiding at his elder brother's house to avoid police harassment. In this regard, his family filed an abduction case with Joydevpur Police Station.<sup>35</sup>

### ***Mahmudur Rahman Manna handed over to police after being confined in an unknown place for 21 hours***

28. According to his family, on February 23, 2015 at around 3:30 am, Mahmudur Rahman Manna, the Convener of Nagorik Oikya<sup>36</sup>, was picked up by a group of men who said they were members of the DB police, from a residence at Banani in Dhaka. Dhaka Metropolitan police and DB police denied the arrest and his family searched for him everywhere on February 24. A General Diary was filed with Banani Police Station on behalf of Manna's family and Manna's wife Meher Nigar was preparing to file a Habeus Corpus Writ before the High Court Division of the Supreme Court. On February 24, 2015 at midnight RAB members handed over Manna to Gulshan Police Station and claimed that they had arrested Manna at around 11:00 pm on February 23, from in front of Star Kebab Restaurant at Dhanmondi, Dhaka. Manna's wife, Meher Nigar, claimed the RAB statement false in an interview given to the BBC. Police filed a case against Manna under section 131 of the Penal Code<sup>37</sup> for allegedly instigating the Army. It is to be mentioned here that the ruling party had been asking for the arrest of Manna after a disclosure of his conversation on a cell phone with BNP leader Sadek Hossain Khoka, currently living in the USA; and another conversation with an unidentified person.<sup>38</sup> On February 25, police produced Manna before the Metropolitan Magistrate Court and appealed for a 10-day remand, which was granted.<sup>39</sup>

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<sup>35</sup> The daily Manabzamin, 26/02/2015

<sup>36</sup> Citizens Unity

<sup>37</sup> Section 131 of the Penal Code states, Whoever abets the committing of mutiny by an officer, soldier, sailor or airman, in the Army, Navy or Air Force of Bangladesh, or attempts to seduce any such officer, soldier, sailor or airman from his allegiance or his duty, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

<sup>38</sup> The daily Prothom Alo, 25/02/2015

<sup>39</sup> The daily Prothom Alo, 26/02/2015

### ***Mass arrests and conditions in prisons***

29. Law enforcement agencies have been conducting arrest operations against the leaders and activists of the 20-Party Alliance across the country, even before January 5, 2015, which still continues.<sup>40</sup> Police arrested about 13 thousand leaders and activists belonging to the 20-Party Alliance, including BNP Acting Secretary General Mirza Fakhrul Islam Alamgir and some other central leaders, for allegedly being involved in criminal activities.<sup>41</sup> Allegations were also made of police harassing ordinary people after arresting them.<sup>42</sup> As a result of these mass arrests, the prisons of Bangladesh are facing tremendous pressure, causing human disaster due to overcrowding. The total official capacity of all sixty-eight prisons in the country is 34,167. However, as of February 17, 2015 there were more than 75,000 inmates in jails, as result of mass arrests.<sup>43</sup> The prison authority also struggles to maintain such huge numbers. The jail authority fears that inmates in the prisons may cross one hundred thousand soon if this situation continues. According to sources, scarcity of food, medicine, water and sanitation are already being noticed. 400 inmates are kept in a room meant for 100 only. Toilets became unusable a long time ago. Thus there are fears of imminent and severe environmental and health disasters. Most of the inmates are passing sleepless nights. In many jails, inmates are being kept in tents. Meanwhile according to a court source, bail pleas relating to cases of blockades and strikes from January 6, 2015, are not being considered in any Magistrate Court in Dhaka.<sup>44</sup> Furthermore, those who are released on bail are getting arrested again on other charges, from the jail gate.<sup>45</sup> Most of the family members/relatives of inmates were found anxious and upset. A grocer named Akbar Ali became a victim of mass arrest and is now languishing in Dhaka Central Jail. On February 10, 2015 his brother Abul Kashem broke into tears after meeting him in jail. Abul Kashem said that his brother was passing a miserable time. He fell sick in jail and is exhausted due to lack of sleep.<sup>46</sup>

### ***Jubo Dal leader's mother detained in police station***

30. On February 24, 2015 members of law enforcement agencies conducted an operation at Dewanji Bari area of Baralia village in Dattapara union under Lakhipur Sadar Upazila. During the operation, they picked up 60-year old Shamsunnahar, the mother of Dattapara Union Ward unit Jubo Dal President, Sumon, after being unable to arrest him; and took her to Chandraganj Police

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<sup>40</sup> The daily Manabzamin, 22/01/2015

<sup>41</sup> The daily Prothom Alo, 12/02/2015

<sup>42</sup> The daily Jugantor, 19/02/2015

<sup>43</sup> The daily New Age, 23/02/2015

<sup>44</sup> The daily Naya Diganta, 08/02/2015

<sup>45</sup> The daily Manabzamin, 18/01/2015

<sup>46</sup> The daily Bangladesh Protidin, 11/02/2015

Station. She is still in detention and although five days have passed, she has not been produced before any Court as yet. On February 28, her other son, Kamal Hossain organised a press conference at the office of a local newspaper. Meanwhile, the Officer-in-Charge (OC) of Chandraganj Police Station, Mohammad Humayun Kabir, said that police conducted an operation to arrest Sumon, but being unable to find him, police brought his mother to the police station for interrogation. She will be released after interrogation.<sup>47</sup>

### ***Hindrance to freedom of expression and the media***

31. According to information gathered by Odhikar, in February 2015, three journalists were injured, one was assaulted, one was threatened and four journalists were sued.
32. The government is controlling most of the media, particularly the electronic media. The only state-sponsored TV, Bangladesh Television (BTV) broadcasts news relating to the government and about the ruling party. The present government has approved of 13 more private TV channels, under political consideration and the owners are government party supporters. Meanwhile the government closed down the pro-opposition electronic and print media, such as Channel 1, Diganta TV, Islamic TV and the publication of the daily Amar Desh. In recent times, the government is also putting pressure on the media in various ways, due to the current political conflict and broadcasting and publishing accurate and neutral news are being hindered. A meeting of an organisation of the editors of the national dailies, (Editors Parishad) was organised on February 24, 2015. In a press statement in this regard, it was stated that currently it had become difficult to work independently in the print and electronic media. Incidents of attack on journalists are taking place in the name of political programmes. The freedoms of the press and the broadcasting media are also being curtailed. The government and the administration are putting up barriers to the gathering and publication of free and independent information. Provocative statements were given against the editors and publishers in the Parliament, which was a threat to their security. Several false cases have already been filed against some editors and publishers. Furthermore, a fearful environment has been created by arresting a number of private TV channel owners. Interfering in TV talk-shows and banning some talk-shows has also occurred. A list of specific guests who can only appear on TV talk-shows, is being made by the government. The government is also interfering in the airing of live programmes. Instructions on what can and cannot be broadcasted are being given over telephone, resulting in hindrance to the freedom of expression.<sup>48</sup> Moreover, attacks on

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<sup>47</sup> The daily Manabzamin. 01/03/2015

<sup>48</sup> The daily Prothom Alo, 25/02/2015

journalists continue. Activists of the ruling party and members of the law enforcement agencies were allegedly involved in such attacks.

33. On February 7 at around 12:00 noon, 45/50 people led by Kaliganj Upazila unit Chhatra League President Israil Hossain, and Jubo League leader Nomani entered the daily Nobochitra office in Kaliganj under Jhenaidah District. They wanted to know why news related to BNP and Jamaat were being published more and news of Awami League activities published less. They were looking for the Chief Editor of the newspaper, Shahidul Islam. They vandalized chairs and tables in the office; and verbally abused the (absent) Chief Editor and threatened to kill him. Later they locked the main gate of the office. During the attack, journalists and other staff left the office in fear. The Chief Editor of the daily, Shahidul Islam said that he had not been in the office at the time of attack. The attackers were supporters of Awami League Member of Parliament (Jhenaidha-4 constituency), Anwarul Azim Anar.<sup>49</sup>

### ***Blogger Avijit Roy murdered***

34. On February 26 at around 8:45 pm, US citizen and blogger Avijit Roy (42) and his wife Rafida Ahmed Bonnya (35) were attacked by two criminals while they were waiting for tea at a road side stall in front of Suhrawardy Uddan adjacent to TSC<sup>50</sup> in the Dhaka University campus, after coming out of the Ekushey Book Fair<sup>51</sup>. The criminals stabbed them indiscriminately and severely. Both were admitted to the Dhaka Medical College Hospital, where Avijit Roy succumbed to his injuries at around 10:30 pm. The couple was supposed to return to the USA in March. At the time of the incident, there was huge gathering at the TSC area because of the book fair. Three layers of police security had been deployed and were surrounding the fair. Despite the tight security, the criminals were able to attack the couple and even run away. Many eyewitnesses said that armed police were present at the place of occurrence and in adjacent areas, but they were inactive and did not even chase the attackers. The police informed that an Islamist organisation named 'Ansar Bangla-7' posted tweets claiming responsibility for this attack.<sup>52</sup>
35. The main reasons for the current confrontational political situation of the country are the unilateral Fifteenth Amendment to the Constitution in 2011, ignoring the protests of the BNP-led 20-Party Alliance and civil society and without people's mandate; and the controversial elections in January 2014

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<sup>49</sup> Report sent by human right defender associated with Odhikar from Jhenaidah.

<sup>50</sup> The Teacher-Student Centre of the University of Dhaka is an important social and activity centre which is equally a historically significant architectural monument.

<sup>51</sup> Ekushey Book Fair is called *Amar Ekushey Boi Mela* in Bengalee which means Book Fair of Immortal 21<sup>st</sup> of February. This book fair is the biggest book fair as well as national book fair of Bangladesh. Ekhushey Book Fair is held every year in February in the Bangla Academy premier for a month.

<sup>52</sup> The daily Prothom Alo, 27/2/2015 and 28/02/2015

conducted under this Constitution. The government does not seem to recognise this present crisis as a political one; and took away the rights to freedom of expression and peaceful meetings and assemblies, without resolving it. The government is involved in various human rights violations including mass arrests, extrajudicial deaths, disappearances, indiscriminate shootings and violations to rights to life, livelihood and security. Furthermore, many casualties are occurring due to petrol bombs and arson attacks during the indefinite blockade programmes and hartals called by the 20-Party Alliance. The government has created an inhumane situation in prisons by keeping mass arrests persistent. As a result, rights of the inmates are grossly violated. Incidents of intimidation, pressure on the media, filing cases against the media and attack on journalists continue, that are contrary to the freedom of thought, speech and expression.

## **Human rights violations by BSF in border areas**

36. According to information collected by Odhikar, in February 2015, five Bangladeshi citizens were reported as killed by the BSF. Among them, four were gunned down and one was tortured to death. Furthermore, seven Bangladeshis were also injured by them. Of the seven, five were shot, one was tortured and one was stabbed. Nine Bangladeshis were abducted, allegedly by the BSF, during this period.
37. In 2014, the Indian Border Security Force (BSF) killed 35 unarmed Bangladeshi citizens. The same killing trend continues in 2015.
38. According to the Memorandum of Understanding and related treaties signed between Bangladesh and India, if citizens of either country 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 noticed that India has been, over the years, repeatedly violating treaties, shooting at or physically harming anyone seen near the border or anyone trying to cross the border; and illegally entering Bangladesh, which are clear violations of international law and human rights.
39. On February 2, a group of Bangladeshi peasants were irrigating a paddy field near the main pillar 295 at Chapra border in Binail Union under Birampur Upazila in Dinajpur District. At around 10:00 am, they stopped their work and went to a pond nearby to wash up. At that time, a group of BSF members aimed their rifles at the farmers. One of the farmers named Nazrul asked the BSF what they wanted; and he was shot in the chest and died on the spot. Another worker named Sahajul was injured. The BSF attacked them in Nayapukurpar, at least 50 yards inside Bangladesh territory.<sup>53</sup>

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<sup>53</sup> The daily Prothom Alo, 03/02/2015

40. Two Bangladeshis named Aminur (35) and Fayezur Rahman (32) were shot dead by BSF at the Joluli border under Moheshpur in Jhenaidah District. In the early morning of February 11, they were shot and killed by BSF when they entered India by crossing the Bangladesh border. Director of the 26-Battalion of BGB, Lt. Col. Jahangir Hossain informed Odhikar that on February 11, some cattle traders entered India through the Joluli border under Moheshpur Upazila. At that time, BSF shot them, which resulted in the two deaths.<sup>54</sup>
41. Odhikar believes that the role of the Bangladesh Government should be independent and sovereign in order to protect its citizens. No independent and sovereign state would passively watch its citizens being indiscriminately killed, tortured and abducted by another state.

## **Public lynching continues**

42. In February 2015, seven people were reportedly killed due to public lynching.
43. The lack of respect for law, distrust of the police and instability in the country has increased fear and insecurity among people, who have resorted to taking the law into their own hands, fearing that they will not get justice any other way.

## **Violence against women**

44. Incidents of violence against women continue unabated due to lack of implementation of relevant laws, as well as ineffective investigation and a weak criminal justice system. In February 2015, a significant number of women have been victims of rape, dowry related violence, acid attacks and sexual harassment by stalkers.

### ***Sexual harassment and stalking***

45. According to information gathered by Odhikar, in February 2015, a total of eight girls and women were victims of sexual harassment. Of them one woman committed suicide due to sexual harassment and one woman was injured by the stalkers.
46. On February 5, a nurse (on probation) of a private clinic was stalked by approximately four men, including Montosh Kulu, on the way to her sister's home from the work place in Bauphal under Patuakhali District. The stalkers made abusive comments relating to her brother-in-law. As a result, the girl tried to commit suicide by drinking poison. Later she was admitted to Barisal Shere Bangla Medical College Hospital.<sup>55</sup>

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<sup>54</sup> Report sent by human right defender associated with Odhikar from Jhenaidah.

<sup>55</sup> The daily Jugantor, 07/02/2015

### ***Dowry-related violence***

47. In February 2015, according to Odhikar documentation, 15 women were subjected to dowry violence. Of these women, it has been alleged that 14 were killed because of dowry; one was physically abused over dowry demands.
48. On February 4, a housewife named Ruba (35) was strangled to death by her husband Alam over dowry demands in Munshipara area under Thakurgaon District. Later Alam threw Ruba's body in a septic tank from where police recovered her body.<sup>56</sup>

### ***Rape***

49. In February 2015, Odhikar recorded a total number of 39 females who were raped. Among them, 15 were women and 24 were children below the age of 16. Of the women, three were killed after being raped; 10 were victims of gang rape. Out of the 24 child victims, one was killed after being raped; 10 were victims of gang rape. Furthermore, nine women and children were victims of attempted rape.
50. A housewife named Jyotsa Begum (38) was killed after being raped in Kotalerbagh area in Narayanganj. Police arrested two men named Sanwara (35) and Rajon (35) while they were hiding the body. Both arrestees are residents of Kotalerbagh. Jyotsna Begum was the wife of Ibrahim Molla of Fatulla Upazila in Narayanganj. Sub Inspector of Fatulla Model Police Station, Jahangir Alam, quoting the victim family, informed Odhikar that in the night of February 11, Jyotsna went out to repay a loan. On February 12 in the morning, her body was recovered from Rajab Ali's home located at the Kotalerbagh area. The arrested Sanwar and Rajon acknowledged that they strangled Jyotsna to death after violating her.<sup>57</sup>
51. Odhikar expresses grave concern regarding the persistence of violence against women. Odhikar believes that women are being victimized mainly due to lack of implementation of laws; failure of the Judiciary; lack of victim and witness protection; corruption and criminalisation of the members of law enforcement agencies; economic instability; and weak administration. Odhikar believes that since the perpetrators of violence against women escape punishment, potential violators are encouraged and incidents of violence increase.

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<sup>56</sup> Report sent by human right defender associated with Odhikar from Thakurgaon

<sup>57</sup> Report sent by human right defender associated with Odhikar from Narayanganj

## Information and Communication Technology Act, 2006 (Amended 2009 and 2013) still exists

52. The repressive law, Information and Communication Technology Act 2006 (amendment 2009 & 2013) is still functioning. The latest amendment to the ICT Act was made on October 6, 2013. Section 57<sup>58</sup> of the ICT Act 2013, states that publishing or transmitting in a website in electronic form, of any defamatory or false information is considered to be a cognizable and non-bailable offence. Moreover, punishment for committing this offence has been amended from a maximum of 10 years, with no minimum to a term of a minimum of seven years and maximum of 14 years imprisonment. This law has curtailed the freedom of expression and the government is using this Act against human rights defenders, journalists, bloggers and people who have alternative opinions.
53. On February 8, police arrested a youth named Rubel Hossain (22), from Majibur Telecom Shop after conducting an operation at Milon Chowdhury Market in Shapahar under Naogaon District, for allegedly uploading mocking pictures of the Prime Minister Sheikh Hasina into a memory card of his cell phone. Police filed a case against both the owner of Majibur Telecom, Sohel Rana Majibur and Rubel Hossain under the Information and Communication Technology Act 2006 (amendment 2009 & 2013).<sup>59</sup> On February 20, a 17-year old boy, Rifat Abdullah Khan, was picked up while coming home from exam and later shown arrested under the same Act. He was taken into police remand for five days.<sup>60</sup>
54. Odhikar believes that the repressive Information and Communication Technology Act, 2006 (Amendment 2009 and 2013) is being used indiscriminately. Odhikar urges the government to repeal this repressive law immediately.<sup>61</sup>

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<sup>58</sup> Section 57 of the ICT Act states: (1) If any person deliberately publishes or transmits or causes to be published or transmitted in the website or in electronic form any material which is fake and obscene or its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, or causes to deteriorate or creates possibility to deteriorate law and order, prejudice the image of the State or person or causes to hurt or may hurt religious belief or instigate against any person or organization, then this activity of his will be regarded as an offence.

(2) Whoever commits offence under sub-section (1) of this section he shall be punishable for a term of minimum of seven years' imprisonment and a maximum of 14 years or a fine of Taka one crore or both.

<sup>59</sup> The daily Naya Diganta, 11/02/2015

<sup>60</sup> See details of his case under the heading of 'Allegations of enforced disappearance against law enforcement agencies' in this report.

<sup>61</sup> The ICT Act 2006 (Amended in 2009) is also the law under which the Secretary and Director of Odhikar have been charged. Also charged under this Act are bloggers and journalists in 2013.

## Activities of Odhikar hindered

55. The severe state repression on Odhikar commenced on August 10, 2013. The case filed under section 57 of the Information and Communication Technology Act, 2006 (Amended 2009) against Odhikar's Secretary Adilur Rahman Khan and its Director ASM Nasiruddin Elan, for publishing a report on human rights violations, is pending. Human rights defenders who are associated with Odhikar are being watched and sometimes harassed and human rights activities hindered. Apart from that, the NGO Affairs Bureau (NGOAB), which is under the Prime Minister's Office, has barred the release of all project related funds that were to be utilized by Odhikar for its human rights programmes.
56. As a human rights organisation it is Odhikar's duty to highlight human rights violations and take appropriate actions and measures to prevent future violations. The Government is harassing Odhikar, everyone associated with the organisation and victims of human rights violations; gagging their voices and hampering their activities.

<b>Statistics: January-February 2015*</b>				
<b>Type of Human Rights Violation</b>		<b>January</b>	<b>February</b>	<b>Total</b>
Extrajudicial killings	Crossfire	12	30	<b>42</b>
	Shot to death	5	4	<b>9</b>
	Beaten to death	1	0	<b>1</b>
	Strangled to death	0	1	<b>1</b>
	Others	0	2	<b>2</b>
	<b>Total</b>	<b>18</b>	<b>37</b>	<b>55</b>
Shot in the legs by law enforcement agencies		2	16	<b>18</b>
Disappearances		14	7	<b>21</b>
Human rights violations by Indian BSF	Bangladeshis Killed	2	5	<b>7</b>
	Bangladeshis Injured	11	7	<b>18</b>
	Bangladeshis Abducted	4	9	<b>13</b>
Attack on journalists	Injured	6	3	<b>9</b>
	Threatened	1	1	<b>2</b>
	Assaulted	2	1	<b>3</b>
	Arrested	2	0	<b>2</b>
Political violence	Killed	48	38	<b>86</b>
	Injured	1947	714	<b>2661</b>
Dowry related violence (including women victims, their children and relatives)		13	15	<b>28</b>
Rape		31	39	<b>70</b>
Sexual harassment /Stalking of women		19	8	<b>27</b>
Public lynching		12	7	<b>19</b>

\*Odhikar's documentation

## Recommendations

1. The main reason for the current political crisis is forcible assumption of power through conducting connived, highly criticised and controversial elections on January 5, 2014. Constitutional and moral crises have been created about the legitimacy of the government. There is no alternative other than holding a free, fair and credible Parliamentary election immediately by ensuring the participation of all political parties, under a neutral government, in order to resolve this. The on-going political crisis has already become the cause of

severe human rights violations. All parties must come to a consensus to curtail violence and confrontational politics and stop the culture of 'blame games' when violence occurs and ensure punishment of the perpetrators, as provided under the law.

2. The use of petrol bombs is becoming a common practice during hartals and political violence. Ordinary citizens are the victims of such attacks. This has led to several deaths and many more have become permanently maimed. Odhikar urges human rights organisations and citizens of Bangladesh to remain vigilant against such attacks.
3. Incidents of extrajudicial killings by law enforcement agencies must be investigated and the perpetrators be brought to effective justice. The law enforcement agencies must follow the international guidelines "Basic Principles on the use of Force and Firearms by Law Enforcement officials and the UN Code of Conduct for Law Enforcement officials". The Government should ratify the Optional Protocol to the UN Convention against Torture; and effectively implement the Torture and Custodial Death (Prevention) Act, 2013, in order to prove its commitments.
4. The Government has to explain all incidents of enforced disappearance and killings allegedly perpetrated by law enforcement agencies. It must bring the members of the security and law enforcement forces who are involved in the incidents of enforced disappearance and killing to justice. Odhikar urges the government to accede to the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the UN on December 20, 2006.
5. The Government should refrain from attacking peaceful public events and from carrying out repressive activities.
6. Mass arrests and human rights abuses in prisons must be stopped. Freedom of opinion and expression and of the media must be ensured. The Government should investigate incidents of attacks on human rights defenders and journalists; and take appropriate measures to bring the perpetrators to justice. The ban on the publication of the daily Amar Desh and the broadcasting of Diganta TV, Islamic TV and Channel One should be removed. All political detainees, including the Acting Editor of the daily Amar Desh, Mahmudur Rahman should immediately be released. A Judicial Inquiry Commission must be formed in order to conduct an impartial investigation into the killing of blogger Avijit Roy.
7. The Government should protest strongly against human rights violations on Bangladeshi citizens by the BSF and take initiatives to investigate and make the Indian Government accountable and compensate the families of the victims. The Government should also ensure the safety and security of the Bangladeshi citizens residing at the border areas.

8. The Government must ensure the effective implementation of laws to stop violence against women and the offenders must be effectively punished under the prevalent laws. It should also execute mass awareness programmes in the print and electronic media in order to eliminate violence against women.
9. All repressive laws, including the Information and Communication Technology Act, 2006 (amendment 2009 and 2013) and the Special Powers Act, 1974 must be repealed.
10. The case filed against Odhikar's Secretary and its Director under the Information and Communication Technology Act, 2006 (Amended in 2009) must be withdrawn. All repressive measure and harassment against human rights defenders associated with Odhikar must cease. The government must release the funds of Odhikar urgently to enable it to continue its human rights activities.

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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, with assistance from trained local human rights defenders.
4. Odhikar is consistent in its human rights reporting and is committed to remain so.