



December 01, 2016

Human Rights Monitoring Report

November 1 - 30, 2016

Criminalisation and violence under political patronisation
Enforced disappearances
Extrajudicial killings
Inhuman treatment and lack of accountability
Death in jail
Public lynching
Violation of human rights of minority communities
Genocide against the Rohingya community in Myanmar
Hindrance to freedoms of assembly and expression
Aggressive policy of Indian government towards Bangladesh
Violation to Workers' Rights
**The (draft) 'Child Marriage Restraint Act 2016' will legitimize
child rape if enacted**
Violence against Women
Activities of Odhikar hindered

Odhikar believes that 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 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 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. The Parliament, Judiciary and Executive cannot and should not, have any power to abrogate fundamental civil and political rights through any means, 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.

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 on violations and defend the victims. In line with this campaign, Odhikar prepares and releases human rights status reports every month. The Organisation has released this human rights monitoring report of November 2016, despite facing persecution and continuous harassment and threats to its existence since August 10, 2013.

| Statistics: January-November 2016* | | | | | | | | | | | | | |
|---|---|---------|----------|-------|-------|------|------|------|--------|-----------|---------|----------|-------|
| Type of Human Rights Violations | | January | February | March | April | May | June | July | August | September | October | November | Total |
| Extrajudicial killings | Crossfire | 6 | 10 | 11 | 7 | 3 | 25 | 13 | 17 | 8 | 19 | 18 | 137 |
| | Shot to death | 2 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 1 | 0 | 3 | 10 |
| | Torture to death | 1 | 2 | 0 | 0 | 2 | 1 | 1 | 1 | 0 | 0 | 0 | 8 |
| | Beaten to death | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 0 | 3 |
| | Total | 9 | 12 | 11 | 11 | 5 | 26 | 15 | 19 | 10 | 19 | 21 | 158 |
| Shot on legs by law enforcement agencies | | 2 | 0 | 2 | 3 | 0 | 0 | 6 | 2 | 0 | 1 | 0 | 16 |
| Enforced Disappearances** | | 7 | 1 | 9 | 10 | 13 | 14 | 4 | 7 | 4 | 7 | 8 | 84 |
| Death in Jail | | 8 | 3 | 4 | 5 | 9 | 5 | 5 | 2 | 5 | 3 | 5 | 54 |
| Human rights violations by Indian BSF | Bangladeshis killed | 3 | 1 | 1 | 2 | 4 | 4 | 4 | 3 | 5 | 0 | 1 | 28 |
| | Bangladeshis injured | 4 | 4 | 0 | 2 | 3 | 4 | 1 | 7 | 4 | 5 | 1 | 35 |
| | Bangladeshis abducted | 0 | 5 | 0 | 2 | 0 | 10 | 0 | 0 | 1 | 1 | 0 | 19 |
| | Total | 7 | 10 | 1 | 6 | 7 | 18 | 5 | 10 | 10 | 6 | 2 | 82 |
| Attacks on journalists | Injured | 9 | 2 | 5 | 6 | 6 | 7 | 4 | 7 | 1 | 1 | 3 | 51 |
| | Assaulted | 9 | 1 | 0 | 0 | 0 | 0 | 2 | 3 | 0 | 0 | 1 | 16 |
| Political violence including local government election violence | Killed | 6 | 5 | 50 | 33 | 53 | 28 | 14 | 2 | 7 | 3 | 8 | 209 |
| | Injured | 429 | 566 | 2263 | 1381 | 1608 | 1001 | 462 | 262 | 213 | 132 | 327 | 8644 |
| Dowry related violence against women | | 22 | 19 | 15 | 16 | 12 | 20 | 20 | 21 | 13 | 15 | 14 | 187 |
| Rape | | 59 | 57 | 60 | 77 | 71 | 52 | 72 | 47 | 73 | 78 | 51 | 697 |
| Sexual harassment /Stalking against women | | 27 | 23 | 20 | 26 | 16 | 20 | 18 | 14 | 26 | 34 | 35 | 259 |
| Acid throwing | | 4 | 4 | 3 | 4 | 4 | 1 | 2 | 4 | 7 | 4 | 3 | 40 |
| Public lynching | | 2 | 11 | 5 | 6 | 3 | 7 | 2 | 2 | 2 | 3 | 4 | 47 |
| Situation of ready-made garments workers | Died in factory fire | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| | Injured during demonstrations and or factory fire | 25 | 31 | 12 | 34 | 18 | 46 | 28 | 17 | 15 | 20 | 25 | 271 |
| Arrest under Information and Communication Technology Act*** | | 1 | 4 | 0 | 1 | 1 | 1 | 4 | 15 | 2 | 4 | 1 | 34 |

*Odhikar's documentation

** 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.

***The cases of arrests under the Information and Communication Technology (ICT) Act that are documented are those where the presentations/statements in question are considered critical against government officials and government party leaders, as these are mainly reported in the media.

Criminalisation and violence under political patronisation

1. According to information gathered by Odhikar, in November 2016, eight persons were killed and 327 persons were injured in political violence. Furthermore, 12 incidents of internal violence in the Awami League and three in the BNP¹ were recorded during this period. In addition to this, six persons were killed and 166 were injured in internal conflicts of the Awami League while 15 persons were injured in BNP internal conflicts.
2. Leaders and activists of the Awami League at different levels, including Chhatra League² and Jubo League³, are involved in criminal activities due to the absence of an accountable government created as a result of controversial elections. The volume of such criminalisation has reached a level where they are now attacking ordinary people and citizens belonging to minority communities. The Chhatra League and Jubo League were involved in several incidents of internal conflict which were linked to vested interest; and mainly occurred using political influence. In almost all cases, they got away with their criminal activities. In a few cases, some were arrested but later released on bail. Two incidents of November 2016 are as follows:
3. On November 12, 2016, Shukur Ali (25), a shop worker died at the Jessore 250-Bed General Hospital after being brutally beaten by a Chhatra League leader in Jessore. On November 6, 2016 a group of 25-30 miscreants led by General Secretary of Jessore MM College unit Chhatra League, Touhidur Rahman brought Shukur Ali from his house to the college hostel. They confined Shukur there and beat him brutally, as alleged by Shukur's family. Shukur's family also alleged that they pulled Shukur's toenails out and used a drill machine on his right leg. After that they declared that Shukur was publicly lynched and then handed him over to police. Shukur was hospitalized with serious injuries and the duty doctor referred him to Dhaka for better treatment. However, the police did not let Shukur Ali be transferred, claiming that there were cases filed against him.⁴
4. On November 16, 2016 a violent altercation took place between the Chairman and President of Balipara Union unit Awami League, Golam Mohammad Badal and Balipara Union Jubo League Convener, Abdul Bari over establishing 'supremacy' in the area under Trishal Upazila in Mymensingh. A man named Saiful Mollah (40) was killed and 10 persons were injured during the clash.⁵

¹ BNP: Bangladesh Nationalist Party

² Student wing of the Awami League

³ Youth wing of the Awami League

⁴ The daily Jugantor, 14/11/2016; www.jugantor.com/city/2016/11/14/76537/

⁵ The daily Manabzamin 17/11/2016; www.mzamin.com/article.php?mzamin=40599&cat=3/



Saiful Mollah was killed due to intra-party clash of the ruling party in Mymensingh. Photo: Naya Diganta, 16 November 2016

Enforced disappearances

5. According to information gathered by Odhikar, in November 2016, eight persons were allegedly disappeared. Later, they were shown as arrested after a few days of disappearance.⁶
6. Many people have disappeared after being picked up by men claiming to be members of law enforcement agencies. The families of the disappeared allege that members of law enforcement agencies arrest and take away the victims and then they are no longer found. In some cases, law enforcement agencies deny the arrest; but days later, the arrested persons are produced before the public by the police or law enforcement; or handed over to a police station and appear in Court, or the bodies of the disappeared persons are recovered.
7. Enforced disappearance is a crime against humanity, which is also considered an international crime. Enforced Disappearance is a serious violation of fundamental human rights. It is a weapon of state repression. In the name of maintaining peace and order and safeguarding national security, the crime of disappearance is being applied on those; whom the government has identified as 'enemies'. Often, the disappeared persons become victims of torture. They are deprived of all rights and protection of the law. The UN Working Group on Enforced or Involuntary Disappearances has recently expressed its concern on incidents of enforced disappearance in various countries around the world, including Bangladesh. Families of victims of enforced disappearances are living under terrible circumstances. Many of them are living in

⁶ 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.

deteriorating conditions due to economic crisis. Some family members became ill due to anxiety and even pass away without knowing the truth. Shafiuddin, father of disappeared victim and Chhatra Dal leader Parvez Hossain, died on November 9, 2016. Shafiuddin's family alleged that he could not come to terms with the disappearance of his son. He became weak and ill over mourning for his son and later died.⁷ Mohammad Shamsuddin, father of Nizam Uddin Munna, Joint Secretary of Airport Police Station unit Chhatra Dal⁸, died on November 13, 2016. The Detective Branch (DB) of Police took Nizam Uddin Munna away in front of Shamsuddin. Mayuri Begum, wife of Mohammad Shamsuddin, had said that her husband was under treatment in a private hospital at Uttara, Dhaka. When Shamsuddin was conscious, he would appeal to anyone he saw for the return of his son. He said he wanted to pray at his son's grave.⁹

8. On November 6, 2016, Sarwar Hossain, father of a Madrassa student Mohammad Akhtaruzzaman (15) and Mohammad Zillur Rahman, father of another Madrassa student Mohammad Hafizur Rahman (17), organised a press conference at Dinajpur Press Club and informed journalists about the disappearance of their children. Sarwar Hossain said that some men claiming to be members of a law enforcing agency, surrounded his house on September 28, 2016 at around 1:00 am. The men were looking for his son Akhtaruzzaman, a student of class IX of Kolabari Dakhil Madrassa. Sarwar woke his son up and brought him before them. The alleged members of the law enforcing agency put his son into a vehicle and went away. Sarwar does not know where his son is. On October 10, 2016, he filed a General Diary (GD) with Ghoraghat Police Station (GD numbered 596, dated 16/10/2016). Mohammad Zillur Rahman told the press conference that Hafizur was a student of class X at Kolabari Madrassa. On October 4, 2016 his son was put into a microbus and taken away by some unknown men. Later, the neighbours told him and he searched for his son at different places but did not find him. He filed a General Diary (GD) with Ghoraghat Police Station (GD numbered 595, dated 16/10/2016).¹⁰

Extrajudicial killings

9. The Supreme Court has already issued several rules regarding extrajudicial killings; however, they do not stop. The government flatly denies incidents of extrajudicial killings, despite repeated demands to bring the responsible

⁷ Information gathered by Odhikar

⁸ Student wing of the Bangladesh Nationalist Party (BNP)

⁹ The daily Prothom Alo, 14/11/2016; www.prothom-alo.com/bangladesh/article/1020393/

¹⁰ Written statement presented in the press conference

parties to justice; and the impunity of law enforcement agencies prevail. There were some investigations conducted into some cases of extrajudicial killings and it has been proved in those investigations that extrajudicial killings did occur.¹¹

Recent extrajudicial killings proven through judicial inquiry

10. On November 13, 2016 Mizanur Rahman, an Additional Chief Judicial Magistrate of Kushtia, issued arrest warrants against Anwar Hossain, the Officer-in-Charge (OC) of Islami University Police Station, Sub-Inspector (SI) Robiur Islam and Probationary Sub-Inspector (PSI) Faruk Hossain, for killing a farmer named Daud Hossain after arresting him from his house. It is to be mentioned that on January 19, 2007 the three accused policemen went to Daud Hossain's house in Kirtinagar Village under Islami University Police Station. They told Daud that there were some cases filed against him and then they took him away. Later, the accused policemen intimidated him with threats of death by crossfire and demanded a large amount of money. When Daud's family refused to give the money, they shot Doud dead the next day. The police of Islami University Police Station submitted a final report regarding this incident. Later, Daud's wife, Romesa Khatun, filed a petition challenging the final report. Furthermore, Romesa Khatun filed a murder case with the Court on February 11, 2007 against the three police officers (GR Case numbered 07/2007). After conducting a judicial inquiry thrice, the Court initiated the trial as CR case no. 96/16 and issued a warrant against the accused police officers.¹²

Extrajudicial killings continue

11. According to information gathered by Odhikar, in November 2016, 21 persons were allegedly killed extra judicially. One incident is as follows:
12. Police claimed that a man named Anisur Rahman (38), a leader of Jatiyatabadi Shramik Dal¹³, was killed in a 'gunfight' between two groups of criminals at Begaritola area under Monirampur Upazila in Jessore District in the early morning of November 2, 2016. Anisur Rahman's brother Azizur Rahman claimed that police arrested his brother and took him to the Office of the Detective Branch of Police on October 30, 2016. At that time, police demanded

¹¹ On November 15, 2009 a Bench of the High Court Division of the Supreme Court of Bangladesh, issued a suo moto Rule on the government regarding the deaths of two brothers, Lutfar Khalashi and Khairul Khalashi in 'crossfire' in Madaripur. In the Rule the Court asked the government to show why the killings of the two brothers in 'crossfire' would not be declared illegal. On December 14, 2009 the State (Attorney General) appealed for time during the hearing to the same High Court Division Bench. The Court ordered that the practice of 'cross fire' be stopped until the hearing of the case is completed.

¹² The daily Manabzamin, 14/11/2016; www.mzamin.com/article.php?mzamin=40114&cat=3/

¹³ Labourer wing of the Bangladesh Nationalist Party (BNP)

one million Taka in exchange for his brother's release. He could not give the money; so the police shot his brother dead.¹⁴

Type of death

'Crossfire/encounters/gunfights'

13. 18 persons were killed by 'crossfire/encounters/gunfights'. Among them nine were allegedly killed by police, and nine by RAB.

Shot to Death

14. Three persons were shot to death by police.

The identity of the deceased:

15. Of the 21 persons who were killed extra-judicially, one was an activist of the BNP, one was an alleged member of Jama'atul Mujahideen Bangladesh (JMB), three were villagers, and 15 were alleged criminals. The identity of one person was not reported.

Torture, inhuman treatment and lack of accountability of law enforcement agencies

16. Allegations of acts of harassment, attacks, torture and killings, perpetrated by the police, are becoming more and more common. Members of law enforcement agencies are enjoying impunity due to the government practice of using such agencies against its political opponents, critics and dissenters. As a result, they have come to believe that they are above the law. After a prolonged campaign, on October 24, 2013 the Torture and Custodial Death (Prevention) Act, 2013 was passed in the Parliament. Despite this, there is no change in the actual situation and some members of law enforcement agencies are harassing ordinary people and also torturing them. On November 10, 2016 the Appellate Division of the Supreme Court issued a 19-point guideline to judicial and law-enforcement officials regarding arrests without warrant and taking into remand. In the guidelines, it has been mentioned that law enforcement officials must inform the arrestee's relatives about the arrest within 12 hours; all information must be recorded in a diary from the time of arrest and should have the signature of the arrestee; the arrestee should not be tortured; the arrestee may be sent on remand for a term not exceeding 15 days at a time; no law enforcement officer shall arrest a person under Section 54 of the Code of Criminal Procedure, 1898 for the purpose of detaining him under the Special Powers Act of 1974; if the medical report reveals that the detainee has been tortured, the Appellate Division of the Supreme Court can order the

¹⁴ 'Sramik Dal leader killed in jessore', The daily New Age, 03/11/2016; <http://epaper.newagebd.net/03-11-2016/11>

Magistrate Court to take cognizance of the offence suo-moto and proceed in accordance with the law. It is to be mentioned that, Shamim Reza Rubel, a student of Independent University of Bangladesh was arrested under section 54 of the Code of Criminal Procedure (Cr.PC) on July 23, 1998 and he died at the Detective Branch of Police office the day after his arrest. Bangladesh Legal Aid and Services Trust (BLAST) challenged sections 54 and 167 of the Cr.PC and filed a writ petition to the High Court Division of the Supreme Court regarding this incident. In 2003, the High Court Division declared that parts of sections 54 and 167 of the Cr.PC were contrary to some Articles of the Constitution. The High Court Division ordered the amendment of the existing rules of arresting someone and interrogating him in custody under section 54 of Cr.PC, within six months. The Appellate Division of the Supreme Court dismissed the prosecution's appeal against the judgment and afterwards on November 10, 2016 the Court gave a 19-point instruction guideline.¹⁵

17. On November 15, 2016, Abu Salem Mohammad Noman, Magistrate of Chittagong Metropolitan Court ordered an investigation, after receiving allegations of the torture of Mohammad Musa with electric shocks. He was arrested in a case filed under the Prevention and Suppression of Human Trafficking Act 2012 by Potenga Police on November 5, 2016. SI Mohammad Mazharul Haque produced Musa before the Court on November 8, 2016 and sought remand for seven days. The Court fixed November 15, for remand hearing and Musa appeared before the court on that day. Musa informed the Court that SI Mazharul Haque, ASI Nur Nabi and ASI Partha Roy of Potenga Police Station had tortured him by giving him electric shocks. Musa showed the marks on his throat and hands to the Court. The Court ordered the Assistant Commissioner of the Detective Branch of Chittagong Metropolitan Police, to conduct an investigation into the allegations against the three police officers and submit a report within seven days. At the same time, the Court ordered the Civil Surgeon of Chittagong District, to check the health of Musa and submit a report to the Court.¹⁶

Death in jail

18. In November 2016, a reported five persons died in prison due to 'illness'. It is alleged that due to lack of proper treatment facilities and negligence by the prison authorities, many prisoners become ill and some die.
19. On November 12, 2016 Gausul Azam Dolar (48), General Secretary of Gaibandha District unit BNP, died at Gaibandha Sadar Hospital while he was incarcerated. President of Gaibandha District unit BNP, Anisuzzaman Khan

¹⁵ The daily Jugantor, 11/11/2016; <http://www.iugantor.com/first-page/2016/11/11/75611/>

¹⁶ The daily Prothom Alo, 15/11/2016; www.prothom-alo.com/bangladesh/article/1021403/

Babu alleged that Gausul Azam Dolar died due to torture in custody and negligence by the prison authorities.¹⁷

Public lynching

20. In November 2016, four persons were reportedly killed due to public lynching.
21. Due to a weak criminal justice system, lack of respect for law, distrust of the police and instability in the country, the tendency to resort to public lynching is increasing. People are losing their confidence and faith in the police and judicial system. At the same time, the social fabric is crumbling resulting in insensitivity, insecurity, lack of empathy and fear.

Violation of human rights of minority communities

22. In Bangladesh, people from different religions and ethnic groups have been living in harmony with each other for many years. Unfortunately, over the past few years, a division is being made because of corrupt politics. The tendency of 'politics of division' is increasing to gain political advantages. As a result, the environment of tolerance and empathy is disappearing fast. Attacking the citizens of religious minority communities after every election has become a regular phenomenon. After the 8th Parliamentary Elections and on and after the day of controversial and farcical 10th Parliamentary Elections on January 5, 2014, the citizens belonging to the Hindu religion were attacked in different places across the country. Their houses, business institutions and places of worship were attacked during the Municipality and the Union Parishad Elections held in 2015 and 2016.¹⁸
23. Attacks on Buddhist citizens also occurred. Due to inactive administration and direct patronage of the local leaders of the ruling party, criminals torched 12 Buddhist temples and monasteries, and also burned 40 houses in the Buddhist villages under Ramu Upazila in Cox's Bazaar District on September 29, 2012. The persons, who led the attacks, are openly roaming around and innocent people have been arrested. The responsible officers of the police administration admitted that they are not allowed to arrest the leaders and activists of the ruling party because of pressure from the higher authority.¹⁹
24. The representatives of the Hindu-Buddhist-Christian Oikko Parishad alleged in a press conference on April 22, 2016 that the human rights situation of minority groups is deteriorating. According to them, violence against minority groups in first three months of the year 2016 was three times more

¹⁷ The daily Manabzamin, 13/11/2016; <http://www.mzamin.com/article.php?mzamin=39951&cat=9/>

¹⁸ In the attacks, there have allegation of involvement of the leaders and activists of Awami League, BNP, Jamaat and Jatiya party.

¹⁹ The daily Prothom Alo, 17/01/2013; <http://archive.prothom-alo.com/detail/date/2013-01-17/news/322123>

than in the whole year of 2015. Killing, injuring, kidnapping and attacking the houses, temples and business institutions, vandalism, looting arson and eviction were the kinds of incidents they faced. In some cases, the criminals hampered the efforts of local administration by influencing them. The accused persons ignored the court restrictions and seized property belonging to minority families. The criminals are using political influence and power in these incidents, because many leaders of the ruling Awami League are allegedly involved in such incidents.²⁰

Houses of citizens belonging to the Hindu community in Nasirnagar of Brahmanbaria attacked again

25. Five houses belonging to the Hindu religious community in Nasirnagar Upazila under Brahmanbaria District, were torched in the early morning of November 4, 2016 despite the security circle of police.²¹ Previously, an incident of vandalizing, looting and attacking more than hundred houses and 15 temples occurred on October 30, 2016 over an allegation of uploading an edited photo in which a photo of a Shiva²² idol was set on a photo of the Holy Kaaba²³, from a facebook account of Rasuraj Das (30), a resident of Koibartapara of Harinber Village in Haripur Union Parishad, under Nasirnagar Upazila in Brahmanbaria District.²⁴ Locals said, on that day Haripur Union unit Awami League President, Faruk Mia spread the news. When the derogatory facebook post of Rasuraj was uploaded, Faruk Mia shared the post and called for a protest.²⁵ The Minister of the Ministry of Fisheries and Livestock, Advocate Sayedul Haque and his followers threatened the Hindu leaders not to organise any demonstration regarding the incident. The Hindu-Buddhist-Christian Oikko Parishad submitted a written complaint to the Nasirnagar Police Station regarding such threat. Hazi Suruj Ali, President of Chaportala Union unit Awami League; Faruk Mia, President of Haripur Union unit Awami League and Awami League leader, Chairman of Nasirnagar Union Parishad, Abul Hashem were expelled from the Awami League because of their acts of provocation on the ordinary people.²⁶ According to police sources, it was found in a police investigation

²⁰ The daily Manabzamin, 23/04/2016; <http://archive.prothom-alo.com/detail/date/2013-01-17/news/322123>

²¹ The daily Jugantor, 05/11/2016; www.jugantor.com/news/2016/10/31/72534/

²² Shiva is one of the principal deities of Hinduism. He is the supreme god within Shaivism, one of the three most influential denominations in contemporary Hinduism.

²³ The Kaaba is a building at the center of Islam's most sacred mosque, Al-Masjid al-Haram, in Mecca, al-Hejaz, Saudi Arabia. It is the most sacred site in Islam.

²⁴ www.prothom-alo.com/bangladesh/article/1011401/ and www.jugantor.com/news/2016/10/31/72534/

²⁵ The daily Jugantor, 06/11/2016; www.jugantor.com/first-page/2016/11/06/74474/

²⁶ The daily Jugantor, 05/11/2016; www.jugantor.com/first-page/2016/11/05/73941/

that a dispute between some Awami League leaders of Brahmanbaria District and Minister Advocate Sayedul Haque, was the reason behind the attacks.²⁷

26. The incident of torching the house of Anjan Kumar Dev, Vice-Chairman of Nasirnagar Upazila and President of Upazila unit Juba League, occurred on November 16, 2016 at around 6:30 pm, though there was massive security in the area. Police arrested Amirul Hossain Chakdar, President of Nasirnagar Sadar Union Parishad unit BNP for acts of vandalism, looting, arson and attacks on the houses and temples of the Hindu community in Nasirnagar Upazila.²⁸ But the people from the minority community, who were attacked, claimed that Amirul Hossain Chakdar came to save them that day. A few members of the Hindu families had been saved because of him. Kajol Jyoti Datta, President of Puja Udjapon Parishad, said that BNP leader Amirul Hossain is his neighbour and he had saved his house. Police arrested 85 people till November 17, 2016, but only one is listed in the case. Police claimed that only those people who were seen in the CCTV footage and whose names have come out in the investigation were being arrested. But the locals said, most of the people who had attacked them and were also seen in the CCTV footage, are at large and roaming openly. Some were even seen with the police.²⁹



Arson attacks on the houses of the Hindu community in Nasirnagar, Brahmanbaria. Photo: Prothom Alo, 5 November 2016

²⁷ The daily Prothom Alo, 13/11/2016; <http://www.prothom-alo.com/bangladesh/article/1019801/>

²⁸ The daily Prothom Alo, 17/11/2016; www.prothom-alo.com/bangladesh/article/1022599/

²⁹ The daily Jugantor, 18/11/2016; www.jugantor.com/last-page/2016/11/18/77692/

Three men killed in an attack on the Santal ethnic minority group by police, workers of Rangpur Sugar Mill and the activist of Jubo League and Chhatra League

27. Three men were killed³⁰ and at least 30 people injured³¹ in an altercation between the Santal ethnic minority group and police, workers of Rangpur Sugar Mill and the activists of Jubo League and Chhatra League in Gaibandha District. Santal leaders claimed that some Santal families are still missing members. According to the eyewitnesses, on November 6, 2016 at around 10:00 am, a group of employees of Rangpur Sugar Mill went to cut the sugarcane they had planted, but the Santal families who built new settlements on that land, stopped them. The sugar mill workers left, but at around 11:30 am they returned with a police force. At one stage of the altercation between police and Santals, a clash took place. The eyewitnesses also said that they heard the sound of gunfire. During the clash, a group of Chhatra League and Jubo League activists, led by Chairman of Shapmara Union Parishad, Shakil Ahmed Bulbul and employees of the sugar mill joined the police. A youth named Shyamol Hembrom (30) was shot and wounded. In the evening, he was taken to Dinajpur Medical College Hospital where the duty doctor declared him dead.³² On November 7, 2016 at night, Police recovered a body of a Santal man named Mangal Maddi (60), from a paddy field in the Sahebganj area of Shapmara Union under Govindaganj Upazila in Gaibandha District. His wife, Shantina said that her husband was shot by police and lay there during the clash between the Santal community and the sugar mill workers and police. Shantina also said that there were some injury marks on her husband's legs and different parts of the body. Another Santal man named Romesh Soren (40) died on November 10, 2016. He was a resident of Sintajuripara Village under Shapmara Union. His family alleged that Romesh had been injured in the clash and was undergoing treatment at his house out of fear of arrest. He died in the morning of November 10.³³

28. Rangpur Sugar Mill was established in 1955 at Mahimaganj under Govindaganj Upazila in Gaibandha District. The former East-Pakistan government acquired 1842.30 acres of land at Rampur, Shapmara, Nagrabad, Charrahimpur villages including the Santal majority village Madarpur of Shapmara Union under Govindaganj Upazila, for construction of Rangpur Sugar Mill and developed Sahebganj sugarcane farms for the cultivation of sugarcane. As a result of land acquisition, 15 Santal majority villages and 5

³⁰ The daily Prothom Alo, 11/11/2016; <http://www.prothom-alo.com/bangladesh/article/1018579/> and Fact finding report of Odhikar

³¹ 'Santal man killed, 1,500 families flee homes', The daily New Age, 07/11/2016; <http://www.newagebd.net/article/2253/>

³² Fact finding report of Odhikar

³³ The daily Prothom Alo, 11/11/2016; <http://www.prothom-alo.com/bangladesh/article/1018579/>

Bangalee majority villages were evicted. The sugar mill was closed in March 31, 2004 because of continuous losses due to alleged corruption and mismanagement. Since then, people of the Santal community were demanding their ancestral land back. Their claim was that, in accordance with the terms of the government's land acquisition agreement, instead of cultivating sugarcane, if the mill authority ever gave up the ownership of the land or leased the land, then the land should return to the real owner or they should be given the lease. At present, there is no need for this property for the mill and the authority is leasing the land to others. The evicted Santal and Bangalee families are doing protest rallies, processions and human chains in Govindaganj Upazila and Gaibandha town as a part of the movement to demand the return of the land to the families from whom the land was acquired. They also submitted a memorandum to the District Commissioner (DC) of Gaibandha in this regard and later a three-member investigation team was formed to investigate the matter. In accordance with the continuous movement, since July 1, 2016, Santal families built huts on the sugarcane farm in order to get 100 acres of land back and started guarding it with bows and arrows. On July 12, 2016 the sugar mill authority with the members of law enforcing agencies, went to evict the Santals. At that time, a clash took place between the Santals and police. At least 10 persons, including police, were injured. Since then, the sugar mill authorities have been trying to evict Santals from the farm.³⁴



Worried Santal women in Gaibandha's Madarpur village. Photo: Daily Star, 15 November 2016

³⁴ Report sent by local human rights defender associated with Odhikar from Dinajpur and the document of the press conference



Santals in Govindaganj are living inhuman condition after eviction from their ancestral land by sugar mill authority and police. Photo: Jugantor, 23 November 2016

29. Odhikar condemns and expresses grave concern over this incident. Attacks on the religious and ethnic minority community occur due to the failure of proper justice for incidents which happened in the past. Odhikar urges the government to conduct a neutral investigation into the matter and bring the perpetrators before the court.

Genocide against the Rohingya community in Myanmar

30. The Myanmar Army started attacking the Muslim minority people of Rakhine State of Myanmar on the pretext of 'arms recovery' in connection with an attack by unknown persons on a police outpost at Myanmar border, on October 9, 2016. As a result, hundreds of Rohingya people were killed in the past few weeks. Violations like torture, rape, looting and children being thrown into fire occurred there.³⁵ Thousands of houses, including several Rohingya mosques were burned. The army also blocked the area, preventing the inflow of any relief and medical materials. Rohingyas have left their houses and fled to the jungle. Many Rohingya families are trying to enter neighboring Bangladesh by waterway. Due to the strict surveillance of the Border Guard Bangladesh (BGB), they are not able to enter. Many newborn babies died in the forest due to lack of treatment, which has been reported in the local media in Myanmar.³⁶

³⁵ The daily Naya Diganta, 23/11/2016

³⁶ The daily Naya Diganta, 23/11/2016; <http://www.dailynayadiganta.com/detail/news/172905>



Rohingyas waiting on boats to enter Bangladesh through Naf River. Photo: Prothom Alo, 23 November 2016



Rohingyas crossed the border into Bangladesh through Teknaf of Cox's Bazaar. A child was crying in fear as she had witnessed atrocities in her village across the border. Photo: Daily Star, 24 November 2016

31. Odhikar expresses deep concern and vehemently protests the attacks on the Rohingya minority community in Myanmar. Odhikar believes that Myanmar Government is trying to eliminate the Rohingya community in this process by conducting repeated attacks and torture which is tantamount to the crime of genocide. After the independence of Bangladesh, several hundred thousand Rohingya entered Bangladesh because of attacks on them in 1978 and 1991-92. Now they are living in Bangladesh as refugees. Another large-scale attack on Rohingyas occurred in 2012. At that time, many Rohingyas tried to enter Bangladesh by waterways to save their lives. State-sponsored attacks on Rohingyas in Myanmar often take place and the Myanmar government does

not recognise Rohingyas as its citizens although Rohingyas have been living in Myanmar for decades. Thus, the Rohingya community is deprived from human rights. Odhikar urges the international community to take action for providing safe shelter to those who escaped from the violent situation in Myanmar and now are staying on the boats in the Naf River, in the jungle and in other places near the Bangladesh border. Odhikar also urges the Bangladesh government to help in this regard. Odhikar believes that it is high time that the international community put elevated pressure on the Government of Myanmar and ensured the human rights of the Rohingya community by putting a sanction on Myanmar; and at the same time hold the Myanmar government accountable for committing crimes against humanity.

Hindrance to freedoms of assembly and expression

32. The government is severely curtailing the right to freedom of expression and preventing different meetings and processions organised by progressive groups and opposition parties, including BNP. The government has already drafted many repressive laws. If these laws are passed, they will severely regulate the media and curtail freedom of expression. The Parliament has already passed a new law incorporating provisions for regulating NGOs. In the meanwhile, the repressive Information and Communication Technology Act 2006 (amended 2009, 2013), is being imposed against people who are critical of the decisions and activities of those in high positions of the government. The social media is also under constant monitor by the government.³⁷ In Bangladesh, the government controls most of the media; particularly the electronic media which are owned or controlled by supporters or members of the ruling party. The only state-owned television channel- Bangladesh Television is totally under the control of the government and is used to broadcast news of the government and the ruling party. Meanwhile the government closed down pro-opposition electronic media, such as Channel 1, Diganta TV, Islamic TV and the publication of the print media, daily Amar Desh.

Freedom of the media

33. According to information gathered by Odhikar, in November 2016, a total three journalists were injured, and one was assaulted while performing their professional duties.

³⁷ See Odhikar's previous monthly human rights reports from more information at www.odhikar.org

Mahmudur Rahman, Acting editor of the Daily Amar Desh finally released

34. The Acting Editor of daily Amar Desh, Mahmudur Rahman (62) was finally released from Kashimpur Central Jail- 2 in Gazipur on November 23, 2016 after 1319 days of imprisonment. On November 7, 2016 the High Court Division of the Supreme Court granted his bail in a case regarding allegations of planning to abduct and murder Prime Minister Sheikh Hasina's son and ICT advisor, Sajeeb Wazed Joy. On September 18, the prosecution appealed against the bail before the Chamber Judge of the Appellate Division and the Chamber Judge postponed the bail hearing to October 30. On October 31, the five-member Appellate Division, led by the Chief Justice of Bangladesh upheld the bail order and Mahmudur Rahman was released on bail.³⁸
35. It is to be mentioned that police arrested Mahmudur Rahman from the office of the daily Amar Desh newspaper on April 11, 2013.³⁹ After that a team of Metropolitan Detective Branch of Police went inside the press of the daily Amar Desh in Tejgaon Industrial Area and took away a computer and some important and confidential documents and closed the press.⁴⁰ On August 13, 2015 the Acting Editor of the daily Amar Desh, Mahmudur Rahman was sentenced to three years imprisonment and one hundred thousand taka fine by a temporary Court situated at Alia Madrassa field in Old Dhaka. The Court also gave the verdict of another month of jail if he fails to pay the fine. The Anti Corruption Commission (ACC) had allegations against him that he did not respond to a notice given by the ACC regarding his property. To date a total of 72 cases have been filed against him across the country, mainly for defamation and sedition. Later he was granted bail in all the cases. On February 14, 2016, after getting bail from the Appellate Division and when there was no bar to release Mahmudur Rahman, the Metropolitan Magistrate delayed in sending the Production Warrant Order to the jail; and the police of Shahbagh Police Station showed him as arrested in case (case no. 50(01/13) filed in 2013 under the Explosives Act.⁴¹ Mahmudur Rahman was granted bail in this case from the High Court Division and his lawyers also appealed to the Court regarding an Order that his client should not be shown as arrested further in any case. The High Court Division granted this appeal and issued an Order that Mahmudur Rahman will not be shown as arrested anymore. The Attorney General's office appealed to the Chamber Judge against this

³⁸ <http://www.rtnn.net/bangla/newsdetail/detail/1/3/162123#.WDZpn7lOxdh>

³⁹ Mahmudur Rahman was staying at Amar Desh office to avoid the arrest in a case filed with Tejgaon police Station on December 13, 2012. It is to be noted that Mahmudur Rahman was arrested on June 2, 2010 and imprisoned for nine months during present government. That time he was physically tortured. The government also closed Daily Amar Desh newspaper.

⁴⁰ The daily Ittefaq, 18/04/2013

⁴¹ The daily New Age, 15/02/2016

Order; the Chamber Judge put a stay on the High Court Order. As a result, on March 27, 2016 Mahmudur Rahman was shown again as arrested in a case filed with Motijheel Police Station and the latter requested a 10-day remand. On April 6, 2016 during the hearing of this case, lawyers of Mahmudur Rahman said that Mahmudur Rahman had already been detained in jail when he was shown as arrested. The Court then dismissed the appeal for remand and showed him as arrested.⁴² On April 5, 2016 police again appealed for a 7-day remand before the Court under a case filed with Kotwali Police Station.⁴³ On April 16, senior journalist Shafique Rehman was shown as arrested under a case filed with Paltan Police Station in 2015 regarding an alleged plan to abduct and kill the Prime Minister's son Sajeeb Wajed Joy. Mahmudur Rahman was shown as arrested under this case as well.⁴⁴ On April 25, 2016 the Dhaka Metropolitan Magistrate, Golam Nabi granted a 5-day remand for Mahmudur Rahman.⁴⁵ Before all this, on August 19, 2010 the Appellate Division of the Supreme Court sentenced him to six months for Contempt of Court for publishing an April 21, 2010 report on how the government influences the courts.

Use of the Information and Communication Technology Act 2006 (amended 2009 and 2013)

36. The latest amendment to the ICT Act was made on October 6, 2013. Section 57⁴⁶ 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 imprisonment, 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 it against human rights defenders, journalists, bloggers and activists of the opposition political parties and even the ordinary people who have alternative opinions.

37. On November 7, 2016 Abdul Wadud (34), a lecturer of the Accounting Department of Belkuchi Degree College, was detained in a room of the college

⁴² The daily Naya Diganta, 07/04/2016, <http://www.dailynayadiganta.com/detail/news/108096>

⁴³ The daily Manabzamin, 13/04/2016; www.mzamin.com/article.php?mzamin=9728&cat=10/

⁴⁴ The daily Manabzamin, 23/04/2016; www.mzamin.com/article.php?mzamin=11050&cat=2/

⁴⁵ The daily Naya Diganta, 26/04/2016; <http://www.dailynayadiganta.com/detail/news/113377>

⁴⁶ 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 10 million or both.

by Riyad Hossain, President of Belkuchi Degree College unit Chhatra League; and Nayan Ahmed, General Secretary of Chhatra Sangsad of Belkuchi Degree College, for posting derogatory remarks about the Prime Minister Sheikh Hasina on facebook. Later Abdul Wadud was handed over to police and a case was filed against him under the Information and Communication Technology Act with Belkuchi Police Station (Case no. 08/16).⁴⁷

Meetings and assemblies prohibited

38. The Government introduced a rule that permission from police had to be obtained to conduct any meeting and assembly. This has become a barrier to the freedoms of expression and assembly of the citizens. Although this rule does not seem to be applied to the ruling party, it is being strictly enforced on the opposition and dissenting and alternative voices and suppressing them by taking away their rights to freedom of expression and of holding peaceful assembly. Moreover, the leaders and activists of Chhatra League and Juba League are attacking rallies and assemblies as well.
39. On November 8 and 13, 2016 BNP applied to the Dhaka Metropolitan Police (DMP) for permission to organise an assembly in Suhrawardy Udyan as a part of observing the National Revolution and Solidarity Day. After failing to get permission the first time, BNP again applied for a permission to organise a meeting in front of their party office instead. But the government did not give that permission either.⁴⁸
40. On November 9, 2016 the newly formed Comilla University unit Chhatra Dal Committee was preparing a rally to march towards Comilla University campus from the Town Hall field. At that time, police from Kotwali Model Police Station stopped the rally and dispersed the activists by chasing them.⁴⁹
41. On November 11, 2016, Jatiya Mukti Council organised a conference of representatives of Northern area-3 at the Ishwardi Upazila Press Club auditorium in Pabna. The police locked the press club auditorium to prevent the conference allegedly because there were some statements to be made against India and stating that the government of Bangladesh was fascist. As a result, the conference could not be held.⁵⁰
42. A meeting was arranged to form a committee of the Mahilapara Union Parishad unit BNP under Gouronodi Upazila of Barisal District on November 12, 2016 at the house of Upazila BNP convener Abul Hossain at Torki Bandor. A group of 20/25 Chhatra League and Juba League activists, led by General Secretary of Gouronodi Municipality Juba League, Al Amin

⁴⁷ Report sent by local human rights defender associated with Odhikar from Sirajganj and the daily Bangladesh Protidin, 08/11/2016; <http://www.bd-pratidin.com/news/2016/11/08/183158>

⁴⁸ Information gathered by Odhikar

⁴⁹ The daily Manabzamin, 10/11/2016; www.mzamin.com/article.php?mzamin=39482&cat=9/

⁵⁰ Information gathered by Odhikar and press release of Jatiya Mukti Council

Hawladar; President of Upazila unit Chhatra League, Jubayer Hossain Santu; and Vice-President of Government Gouronodi College Chhatra Sangsad, Sumon Mahmud attacked the meeting. Eight leaders and activists of BNP were injured and police arrested eight BNP leaders and activists.⁵¹

43. On November 27, 2016 police attacked students and teachers when they were about to bring out a protest rally from the college campus demanding that Phulbaria Degree College be registered by the government in Phulbaria under Mymensingh district. As a result, an altercation occurred between both groups. At that time police baton charged the protesters. An Assistant Professor of the Botany Department of Phulbaria Degree College, Abul Kalam Azad and a rickshaw van puller Safar Ali were killed in the police baton charge. More than 100 people were injured. The deceased's family members and colleagues alleged that police stopped them from taking Abul Kalam Azad to the hospital. They claimed that he could have been survived if he was treated in time.⁵² Some local people said that the government had recently enlisted 23 colleges for nationalisation. Phulbaria Degree College was not on the list despite meeting all the criteria and the government instead included a non-MPO college, Fazilatunnesa Mujib Women (Intermediate) College. Locals and students and teachers were aggrieved by the government decision of nationalising another college instead.⁵³



Clash between police and students who were demanding for nationalisation of Phulbaria Degree College in Mymensingh. Photo: Jugantor, 28 November 2016

⁵¹ The daily Manabzamin, 13/11/2016; <http://www.mzamin.com/article.php?mzamin=39950&cat=9/>

⁵² The daily Jugantor, 28/11/2016; www.jugantor.com/first-page/2016/11/28/80502/

⁵³ The daily Prothom Alo, 28/11/2016; www.prothom-alo.com/bangladesh/article/1029623/



Police are beating a teacher in protest of nationalisation of Phulbaria Degree College in Mymensingh, Photo: Prothom Alo, 28 November 2016

44. Odhikar expresses grave concern over the persistent interference of the government on freedoms of opinion, expression and assembly and association of the citizens of the country. Odhikar observes that if any opinion or statement of any citizen goes against the government, he or she is likely to be arrested, persecuted or harassed by the state. Odhikar also demands that the government repeal all repressive laws, including the Information and Communication Technology Act 2006 (amended 2009, 2013) immediately. At the same time, Odhikar also urges the government to refrain from hindering people's fundamental rights to freedom of expression and assembly.

Aggressive policy of the Indian government on Bangladesh continues

45. The agreement signed between the Bangladesh Prime Minister Sheikh Hasina and the then Indian Prime Minister Manmohan Singh in 2010, was passed without any consultation in Parliament. Allegedly, by taking advantage of this agreement, the Indian government is imposing aggressive policies on Bangladesh. India is taking transit facility through Bangladesh at almost no cost and is also taking advantage of other business and trade facilities. Moreover, the Indian government decided to put up a fence along no-man's land, which will be nearer to the zero line. Meanwhile the Indian Border Security Force (BSF) is torturing and killing Bangladeshi citizens indiscriminately along the border areas and also attacking Bangladeshi citizens by entering into Bangladesh territory. India is depriving Bangladesh from getting adequate water during the dry season and creating floods over Bangladesh by opening all the sluice gates of the Farakka Barrage and the Gajaldoba Barrage, during the monsoon (rainy) season, violating international

law and human rights. Furthermore, the initiatives to build the Rampal Power Plant with an Indian company near the Sundarbans and a decision to implement an inter-river connection project, will lead Bangladesh to a terrible human disaster and natural catastrophe. The Indian government must not be allowed to abuse the people and territory of Bangladesh in this manner.

Human rights violations of Bangladeshi citizens by Indian BSF in border areas

46. According to information collected by Odhikar, in November 2016, one Bangladeshi was gunned down and one was shot and injured by the BSF.
47. On November 13, 2016 at around 3:00 am, BSF entered Gorakmondol Village under Phulbaria Upazila in Kurigram District of Bangladesh, through pillars 5S and 6S of the international main pillar 930, violating International law. They attacked and vandalized the house of a Bangladeshi citizen, Akbar Ali.⁵⁴
48. On November 15, 2016 some Bangladeshi citizens were returning to Bangladesh with cows from India, through the international main pillar 11, sub-pillar 7 at Kushkhali border under Satkhira Sadar Upazila. At that time, members of Indian BSF shot at them. A Bangladeshi named Moslem Uddin was killed there.⁵⁵
49. Odhikar expresses grave concern over the aggressive policy and indifferent attitude of the Indian government. Odhikar demands the cancellation of all agreements which are against national interests and a stop to the killings and violations on Bangladeshi citizens by BSF.

Violations to workers' rights

50. On November 22, 2016 a fire broke out in a gas lighter manufacturing factory at the Jirabo area of Ashuliya in Savar under Dhaka District. The factory named 'Colour Match BD Ltd.' was in a one storied building and caught fire at around 4:00 pm. At that time, about one hundred women and children were working there. All the workers were aged between 14 and 40 years. 26 women workers were burnt and a girl named Akhi (14) died. Of the injured workers, 21 were admitted to the burn unit of Dhaka Medical College Hospital. Among them, nine were child workers.⁵⁶ It has been learnt that, the factory did not have enough fire extinguishers. There is a rule that safety jackets are to be given to workers who are engaged in such hazardous tasks but this was not followed. Apart from manufacturing gas lighters, the factory was engaged in re-processing old lighters by importing spare parts.⁵⁷

⁵⁴ Report sent by local human rights defender associated with Odhikar from Kurigram

⁵⁵ The daily Jugantor, 16/11/2016; www.jugantor.com/news/2016/11/16/77138/

⁵⁶ The daily Prothom Alo, 23/11/2016; www.prothom-alo.com/bangladesh/article/1026295/

⁵⁷ The daily Prothom Alo, 24/11/2016; www.prothom-alo.com/bangladesh/article/1027145/



*A gas lighter manufacturing factory named Colour Match BD Ltd in Ashulia of Savar, Dhaka was caught fire.
Photo: Prothom Alo, 28 November 2016*



Injured workers at hospital who were burnt due to fire in a gas lighter manufacturing factory in Ashulia of Savar, Dhaka. Photo: Prothom Alo, 28 November 2016

51. The contribution of workers is immense in the development of industries of a country. Accidents are happening regularly and especially at garment manufacturing factories, due to the negligence of the owners regarding the safety of workers. As a result workers are getting injured and even die. Moreover, children are being forced to engage in hazardous work in contravention to labour laws and international Conventions.

The (draft) 'Child Marriage Restraint Act 2016' will legitimize child rape if enacted

52. On November 24, 2016 the Cabinet approved the draft 'Child Marriage Restraint Act, 2016'. In this law, the Act of 1929 relating to child marriage, has

been restructured and translated into Bengali and 18 years remains as the minimum age of marriage for girls. However, the law allows the marriage of minor girls in 'special circumstances' and for 'best interest' with the consent of the Court and parents. This law however does not specify how far below the age of 18 can a girl be married off.⁵⁸ Early marriages continue in Bangladesh creating high maternal mortality rates, depriving girls from education and causing various physical and mental health issues and instigating domestic violence. It is feared that child rape would be legitimized in the pretext of 'special circumstances' and for 'best interest' through this provision in the law, if enacted. Bangladesh ratified the UN Convention on the Rights of the Child, where a child is considered to be below 18 years of age. The Child Marriage Prevention Act 2016 is contrary to the UN Convention on the Rights of the Child.

Violence against women

53. Incidents of violence against women continue; and most of the victims are not getting justice due to a prevailing culture of impunity.

Rape

54. In November 2016, Odhikar recorded a total number of 51 females who were raped. Among them, 13 were women, and 38 were girls. Of the women, six were victims of gang rape and one was killed after being raped. Out of the 38 girls, seven were victims of gang rape and one was killed after being raped. Six women and girls were victims of attempted rape. One example is as follows:
55. On November 3, 2016 at night a house wife came out of the house to go to the latrine when her neighbours Khalil Pahlan and Harun Hawladar raped her in Rajeshwar village under Shorokhola Upazila in Bagerhat District.⁵⁹

Dowry-related violence

56. According to information gathered by Odhikar, in November 2016, a total of 14 women were subjected to dowry violence. Of these women, it has been alleged that six were killed, seven were physically abused and one was committed suicide over dowry demands. One example is as follows:
57. On November 1, 2016 a housewife named Rita Sutradhar was allegedly choked to death by her husband Prodip and her in-laws over dowry demands of two hundred thousand Taka, in Terossri Village under Ghior Upazila in Manikganj District. They left Rita's body in the hospital corridor and fled.⁶⁰

⁵⁸ The daily Prothom Alo, 25/11/2016; www.prothom-alo.com/bangladesh/article/1027783

⁵⁹ The daily Naya Diganta, 05/11/2016; <http://www.dailynayadiganta.com/detail/news/167352>

⁶⁰ The daily Manabzamin, 03/11/2016; www.mzamin.com/article.php?mzamin=38450&cat=9/

Sexual harassment

58. According to information gathered by Odhikar, in November 2016, a total of 35 girls and women were victims of sexual harassment. Of them one was killed, eight were injured, nine were assaulted, one was abducted and 16 were victims of stalking. During the time, one man was killed, 14 men and six women were injured and one man and one woman were assaulted by the stalkers for protesting such incidents. Two incidents are as follows:
59. On October 16, 2016 The General Secretary of Katbhanga Union unit Juba League and UP member, Mohammad Kamal, along with some others, attacked share-cropper Shahanur Bishwas and grievously hurt him when he protested the stalking of his daughter, at Nalbhanga Village under Kaliganj Police Station in Jenaidah District. Shahanur's legs had to be amputated at the Dhaka Orthopedic Hospital. On November 21, a news regarding this incident was published in the daily Prothom Alo and on November 22, a bench of the High Court Division of the Supreme Court comprising of Justice Quazi Reza-Ul Hoque and Justice Mohammad Ullah, issued a suo-moto rule and also ordered the arrest of all the accused persons within 72 hours. After the Court Order, police arrested Kurban Ali, who was accused number three, in the night of November 22. On November 23, the main accused person, Mohammad Kamal along with other 13 accused surrendered to the Jhenaidah Court.⁶¹



Shahanur Bishwas, victim of attack by his daughter's stalker. Photo: Jugantor, 22 November 2016

60. On November 2, 2016, a man named Suman (22) and his associates killed a man named Billal Hossain (45) in Machain Village under Harirampur Police Station of Manikganj District. The deceased's younger brother, Jilal Hossain said that Sumon, used to stalk Billal's daughter, a student of class X. A complaint was brought to Sumon's family in this regard, but they did not

⁶¹ The daily Prothom Alo, 17/11/2016; www.prothom-alo.com/bangladesh/article/1027103/

tackle the problem and threatened Billal's family instead. Later, Sumon's family sent a marriage proposal for Billal's daughter but Billal did not accept it. Jilal said that his brother was killed for this. On November 14, 2016 RAB arrested stalker Sumon from Dhaka.⁶²

Acid violence

61. In November 2016, according to Odhikar documentation, a total of three women became victims of acid violence. An example is as follows:
62. On November 16, 2016 Saiful Islam, husband of Salma Khatun (30) threw acid on Salma over a family dispute at Sholakura Village under Belkuchi Upazila in Sirajganj District. Health and Family Planning Officer of Belkuchi Upazila Health Complex, Zakir Hossain said that, about 70% of Salma's face was burnt with acid. Salma Khatun was taken to Dhaka Medical College Hospital.⁶³

Hindrance to human rights activities of Odhikar

63. The present government is harassing Odhikar for being vocal against human rights violations and for campaigning to stop this. The government, after assuming power in 2009, started the harassment on Odhikar for its reports on the human rights situation of the country. On August 10, 2013 at night, Odhikar's Secretary Adilur Rahman Khan was picked up by persons claiming to be from the Detective Branch (DB) of Police, for publishing a fact finding report on extrajudicial killings during a rally organised by the religious group Hefazate Islam on May 5-6, 2013. Adilur and Odhikar's Director ASM Nasiruddin Elan, were later charged under section 57(1) of the Information and Communication Technology Act, 2006 (Amended 2009). They were detained in prison and later, Adilur and Elan were released on bail after spending 62 and 25 days in prison respectively. Odhikar regularly faces harassment by different organs of the government. Adilur Rahman Khan, staff members of Odhikar and the office are under surveillance by intelligence agencies. Human rights defenders who are associated with Odhikar are being watched and sometimes harassed and human rights activities hindered. Furthermore, the NGO Affairs Bureau (NGOAB) has barred the release of all project related funds of Odhikar, for two and half years, withheld renewal of its registration in order to stop its human rights activities. The Organisation is still operating due to the volunteer services of grassroots level human rights defenders associated with Odhikar and their commitment to human rights activism.

⁶² The daily Jugantor, 04/11/2016; www.jugantor.com/last-page/2016/11/04/73638/ and The daily Amader Shomoy 16/11/2016

⁶³ The daily Prothom Alo, 17/11/2016; www.prothom-alo.com/bangladesh/article/1022625/

Recommendations

1. In order to restore democracy and the voting rights of the people an accountable government must be established through free, fair and inclusive elections, under a neutral interim government or UN supervision; and initiatives must be taken to mend dysfunctional institutions through an elected government.
2. Incidents of extrajudicial killings and torture by law enforcement agencies must be investigated and the perpetrators be brought to effective justice. The law enforcement agencies must follow 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 must ratify the Optional Protocol to the Convention against Torture; and effectively implement the Torture and Custodial Death (Prevention) Act, 2013.
3. The Government has to investigate and explain all incidents of enforced disappearance and post-disappearance killings, allegedly perpetrated by law enforcement agencies. The Government must bring the members of the security and law enforcement agencies who are involved, before the law. Odhikar urges the government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly.
4. The Government must take all measures to protect the rights of the citizens belonging to religious, ethnic and linguistic minority communities and ensure their security.
5. Interference to freedoms of speech and expression and on the media must be stopped. The Government must withdraw cases filed against all human rights defenders and journalists; and it should also bring the perpetrators to justice through proper investigation. 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 persons who were detained for political reasons or for expressing their opinions and thoughts, including the Convener of Nagorik Oikko, Mahmudur Rahman Manna, should be released immediately.
6. The ready-made garment factories and other factories need to be brought under synchronized security programmes and all factories should be made with adequate infrastructural and other facilities. Violations of human rights of workers/labourers and harassment to them by the Industrial Police must be stopped.
7. The Government must ensure the effective implementation of laws to stop violence against women and children and the offenders must be effectively punished under prevalent laws. The Government should also execute mass awareness programmes in the print and electronic media, in order to

eliminate violence against women. Provision of marriage below 18 years of age under any circumstances cannot be justified. Any law permitting this is outrageous.

8. All repressive laws, including the Information and Communication Technology Act, 2006 (amendment 2009, 2013) and the Special Powers Act, 1974 must be repealed. Monitoring of the social media and internet, leading to arrests and harassment and human rights violations, should cease.
9. The Government should protest strongly against human rights violations on Bangladeshi citizens by the Indian Border Security Force (BSF) and take initiatives to investigate and make the Indian Government accountable and compensate the families of the victims. The Government must also ensure the safety and security of the Bangladeshi citizens residing along the border areas. Construction of the destructive coal-based power plant in Rampal initiated jointly by India and Bangladesh must be stopped. The Bangladesh Government should take measures to stop the inter-river connecting project as it is also detrimental to the people and territory of Bangladesh. India must also not open or close the sluice gates of Farakka and Gajaldoba barrages unilaterally for the sake of its own benefit. The Indian Government should refrain from shifting fences near the zero line along the border in violation of international law.
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 measures and harassment against human rights defenders associated with Odhikar should cease. The government must release the funds of Odhikar to enable it to continue its human rights activities.

Tel: +88-02-9888587

Email: odhikar.bd@gmail.com, odhikar.documentation@gmail.com

Website: www.odhikar.org

Facebook: <https://www.facebook.com/Odhikar-287124938002358>

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.
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.