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Human Rights Monitoring Report

November 1 - 30, 2017

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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 2017, despite facing persecution and continuous harassment and threats to its existence since August 10, 2013.

Statistics: January-November 2017*														
Type of Human Rights Violation		January	February	March	April	May	June	July	August	September	October	November	Total	
Extrajudicial killings	Crossfire	15	17	19	8	8	12	17	9	2	11	11	129	
	Shot to death	1	0	0	0	0	0	0	0	0	0	0	1	
	Tortured to death	0	0	1	1	1	1	1	1	2	3	1	12	
	Beaten to death	0	0	0	1	0	0	0	0	0	1	0	2	
Total		16	17	20	10	9	13	18	10	4	15	12	144	
Enforced Disappearances**		6	1	21	2	20	7	3	6	1	8	5	80	
Death in Jail		1	5	4	2	4	6	7	4	8	5	8	54	
Human rights violations by Indian BSF	Bangladeshis Killed	2	2	0	2	0	4	2	0	3	3	2	20	
	Bangladeshis Injured	3	9	3	1	3	5	4	0	0	5	5	38	
	Bangladeshis Abducted	5	1	1	4	1	2	9	1	1	2	0	27	
	Total	10	12	4	7	4	11	15	1	4	10	7	85	
Attack on journalists	Killed	0	1	0	0	0	0	0	0	0	0	0	1	
	Injured	2	3	0	2	2	1	2	0	1	3	5	21	
	Assaulted	0	1	0	1	0	0	1	0	3	1	0	7	
	Threatened	0	4	3	0	0	2	0	1	0	0	1	11	
Total		2	9	3	3	2	3	3	1	4	4	6	40	
Political violence	Killed	5	7	6	12	11	6	3	4	8	6	2	70	
	Injured	217	325	428	595	575	325	308	255	428	352	369	4177	
	Total	222	332	434	607	586	331	311	259	436	358	371	4247	
Dowry related violence against women		17	14	20	26	22	29	24	18	21	30	19	240	
Rape		44	51	69	55	83	79	73	89	76	68	45	732	
Sexual harassment /Stalking of women		14	22	35	23	14	19	23	17	16	25	24	232	
Acid violence		3	7	4	5	5	6	4	4	7	6	0	51	
Public lynching		1	3	8	5	2	2	3	9	5	3	4	45	
Situation of workers	Ready-made Garments workers	Killed	0	0	0	0	0	0	13	0	0	0	13	
		Injured	0	20	21	70	15	50	70	17	25	38	23	349
		Terminated	1034	1733	43	0	0	0	0	37	0	294	0	3141
	Workers in other sectors	Killed	3	2	11	19	4	9	1	6	5	8	4	72
		Injured	7	8	16	22	0	0	2	23	3	11	0	92
Arrest under Information and Communication Technology Act***		0	3	1	4	1	4	6	2	2	3	3	29	

*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 high officials of the government and their families.

PART I: CROSS-BORDER ISSUES

Genocide against Rohingya community in Myanmar

1. The Myanmar government has been conducting various operations against the Rohingya community in the Rakhine state of Myanmar¹ on various pretexts through a process of repression, torture and forceful eviction from Myanmar, for many years. During these operations, Rohingya people experience enforced disappearances, mass rape and become victims of torture and other violence². Violence still continues in Myanmar's Rakhine state. As a result thousands of Rohingyas are continuously fleeing into Bangladesh to save their lives by crossing the territorial border and Naf River. Rohingyas continue to enter Bangladesh almost every day by boats through different points of Shah Porir Dweep at Teknaf. According to information given by International Organisation for Migrants (IOM) more than 607,000 Rohingyas have so far entered Bangladesh; but locals claim that this figure was surpassed a long time ago³.



Rohingya people, waiting to enter into Bangladesh. Photo: Naya Diganta, 2 November 2017

2. Odhikar spoke to Rohingya victims who took refuge in Bangladesh and documented 150 cases. It has learnt of horrible incidents of gang rape, torture, burning and shooting to death of Rohingya men, women and children; the perpetration of enforced disappearances; and detaining young women in the camps. The Myanmar military and Buddhist extremists are being accused of involvement in such crimes against humanity. A Rohingya woman named Ziabun Nahar told the Odhikar fact-finding team that on July 26, 2017 the Myanmar military and Rakhine extremists encircled their village in

¹ The Arakan state was renamed as Rakhine by the Myanmar government.

² Permanent People's Tribunal on Myanmar which was held in September 2017 at Kuala Lumpur, Malaysia; <https://tribunalonmyanmar.org/>

³ The daily Naya Diganta, 2 November 2017; <http://www.dailynayadiganta.com/detail/news/264993>

Maungdaw District in Myanmar's Rakhine state and opened fire indiscriminately at Rohingyas. As a result villagers scattered. Four Rakhine youth and two soldiers entered her house and tried to rape her. When her husband tried to save her they started beating him after dragging him out of the house. Ziabun Nahar fled the house from a back door with two of her three children. Her younger son Mohammad Riaz (3) was left behind. She heard gunfire and saw the soldiers and men setting fire to her house. When the soldiers left the area she returned and found her house was burnt to the ground and the burned bodies of her husband and son in the ruins. Later she fled to Bangladesh with her other children. A 12-year old Rohingya child named Fatema Begum said that on August 25, 2017 at around 8:00 am, the Myanmar army started torching houses in her village in Maungdaw District in the Rakhine state of Myanmar. Her house was also set on fire. Her family escaped and took shelter in a bush nearby. But the soldiers found them and killed her parents and siblings. Later she was taken to a temporary camp and detained and raped her for three days. At that time there were 20 women with her in the camp. The soldiers shot them all dead. She also fell on the dead bodies, pretending to be dead. Later she managed to escape from that area and fled to Bangladesh with other villagers⁴. Another Rohingya victim named Enam Ullah informed Odhikar that on August 26, 2017 at around 9:00 am, members of the Myanmar military, police and Buddhist criminals cordoned his village in Maungdaw District in the Rakhine State of Myanmar. When he along with his family members took shelter at a neighbouring village, the soldiers chased them and caught his parents and siblings. Later his two brothers were shot dead by the soldiers. The soldiers took away six of his family members, including his parents. Since then they have disappeared. After that he fled to Bangladesh. A Rohingya woman named Shahajahan said that on September 1, 2017 at around 12:30 am, the Myanmar army, police and some Buddhist criminals attacked her village in Maungdaw District in Rakhine State of Myanmar after surrounding it. All the villagers, including her family members left to take shelter in a neighbouring village. On the way soldiers opened fire on them and her son Hasib (25) was caught and shot dead by the soldiers⁵.

3. According to the US based human rights group Fortify Rights the Myanmar Army has also planted landmines to kill Rohingyas. Nine states out of 14 states of Myanmar are polluted with landmines. As a result, Myanmar is now the third largest landmine-infested country in the world after Afghanistan and Columbia⁶.

⁴ Report sent by local human rights defender associated with Odhikar from Chittagong.

⁵ Fact-finding mission carried out by Odhikar.

⁶ Stop using landmines/ Daily Star 1 November 2017/ <http://www.thedailystar.net/frontpage/mayanmar-rohingya-refugee-crisis-stop-using-landmines-1484632>



Rohingya children waiting at Teknaf border to get permission from Bangladeshi authority to enter into Bangladesh. Photo: Daily Star, 1 November 2017

4. Many Rohingya refugees are dying due to boats capsizing in the Bay of Bengal as these ethnic minority people of Myanmar continue to enter Bangladesh to flee genocide in Rakhine State. Most of them are women and children. Since August 25, 2017 at least 189 Rohingyas have drowned in this manner⁷. One of the survivors of a boat capsizing, Ostamabar Ali, said that he lived in a village in Buthidaung District in Myanmar's Rakhine state. A few days ago, about 40 Rohingyas were travelling on a Bangladeshi trawler, that sunk before it reached the bank of the river due to strong waves⁸.
5. More than half of the Rohingyas who have recently entered Bangladesh, do not have any access to healthcare. Rohingyas are living under heavily crowded and highly vulnerable conditions. Safe water and sanitation facilities are inadequate⁹. It was learnt that many Rohingya children living in the camps are suffering from malnutrition. Furthermore, children and women are at risk of becoming victims of trafficking.



Rohingyas from Myanmar cross the Naf River with an improvised raft made of empty plastic jerrycans to reach Teknaf of Cox's Bazaar. Photo: Daily Star, 11 November 2017

⁷ 7 more Rohingyas drowned as influx continues/ New Age 1 November 2017/ <http://www.newagebd.net/article/27381/7-more-rohingyas-drowned-as-influx-continues>

⁸ Stop using landmines/Dailystar 1 November 2017/ <http://www.thedailystar.net/frontpage/mayanmar-rohingya-refugee-crisis-stop-using-landmines-1484632>

⁹ Stop using landmines/Dailystar 1 November 2017/ <http://www.thedailystar.net/frontpage/mayanmar-rohingya-refugee-crisis-stop-using-landmines-1484632>



Refugees get off the raft at Sabrang point in Teknaf. Photo: Daily star, 11 November 2017



Rohingya children playfully slide down a sloping road at Balukhali refugee camp in Cox's Bazar yesterday. Photo: Daily star, 17 November 2017

6. A Special Representative of the UN Secretary General, Pramila Patten, after listening to the horrible testimonies of gang rape by multiple soldiers, forced public nudity, torture and detention as sex slaves, from Rohingya survivors who were victims of the sexual violence, pledged that this repression on Rohingyas was to be placed in the International Criminal Court (ICC). She said that incidents of sexual violence are taking place against Rohingya women in Rakhine state of Myanmar by the order of the Myanmar military and with their direct and indirect participation¹⁰.
7. On November 15, 2017 the UN General Assembly passed a resolution on a ceasefire of military operations against Rohingyas in Myanmar's Rakhine state; taking Rohingyas back to their own land; and giving them citizenship. 135 countries voted in favour of that resolution and 10 countries voted against. 26 countries, including India and Indonesia abstained from voting¹¹. While this resolution was being passed in the UN General Assembly, heavy

¹⁰ Sexual violence: Rohingya case to ICC/ New Age 14 November 2017/ <http://www.newagebd.net/article/28295/sexual-violence-rohingya-case-to-icc>

¹¹ The daily Prothom Alo, 17/11/2017 / www.prothom-alo.com/bangladesh/article/1367636/

bombing occurred in the Tekibenia and Mongdauw areas of Rakhine state, on the other side of Bangladesh's Ukhia-Teknaf border¹².

8. A Rohingya community leader who has been living in Bangladesh for a few years, Ko Ko Linn, who headed the Bangladesh chapter of the London-based Arakan Rohingya National Organisation (ARNO), was picked up on November 14, 2017 from a bus at Chandanaish area, when he was travelling from Cox's Bazar to Chittagong. The Hong Kong based human rights organisation, the Asian Human Rights Commission (AHRC) issued an urgent appeal on November 20 to the Bangladeshi authorities in this regard¹³. The bus driver said that at around 6:00 pm, some people stopped the bus on the highway at Chandanaish, and two men got in, introduced themselves as men from the intelligence agency and dragged him out of the bus. It is to be mentioned that Ko Ko Linn regularly spoke to the international media on the Rohingya issue. Meanwhile some Rohingya community leaders said that the Burmese media had reported a few days ago that seven Rohingya men had been handed over to Myanmar authorities by Bangladesh, one or two days after Ko Ko Linn was abducted. The Myanmar government's spokespersons recently said that they had handed over a list of "Wanted Rohingyas" to Bangladesh. The AHRC has also reported that in the past two years several Rohingya men were picked up from Cox's Bazaar by the Bangladeshi security agencies. Rohingya community leaders alleged that most of them remain missing. They fear that the missing Rohingyas were secretly handed over to Myanmar authorities¹⁴.
9. To repatriate Rohingyas to Myanmar an 'Arrangement on Return on Displaced Persons from Rakhine State' was signed on November 23, 2017 between Bangladesh and Myanmar government. Both parties have agreed that a Joint Working Group will be established to oversee all aspects of return within three weeks of signing of this arrangement. There is no specific timeframe for the repatriation of Rohingyas to be completed. This arrangement only concerns the repatriation of the residents of Rakhine state who fled to Bangladesh after the incidents of 9 October 2016 and 25 August 2017, without any measures to guarantee their safety, security and citizenship.
10. Odhikar demands the Bangladesh government should inform the Rohingya community in details of the arrangement on repatriation signed between Myanmar and Bangladesh. Odhikar believes that trial of perpetrators, including members of the Myanmar Army, Buddhist criminals and others who were directly or indirectly involved in committing genocide against Rohingyas in Myanmar's Rakhine state must be incorporated in the

¹² The daily Naya Diganta, 17/11/2017 / <http://www.dailynayadiganta.com/detail/news/269051>

¹³ www.humanrights.asia

¹⁴ The daily Manabzamin and New Age, 22/11/2017 / www.mzamin.com/article.php?mzamin=93131&cat=2 ; <http://www.newagebd.net/article/28896/rohingya-leader-goes-missing-on-way-to-ctg>

arrangement. Furthermore, Rohingya people should be given all civil and political rights and recognition. Moreover, creating a safe Rakhine state has to be considered for repatriation. Odhikar demands that the Bangladesh government engage the United Nations into this repatriation initiative in order to avoid conflict with Myanmar. Odhikar expresses grave concern about the allegations of picking up Rohingyas by Bangladeshi security forces and the allegations of secretly handing them over to Myanmar authority.

Aggressive policy of India towards Bangladesh

Human rights violations by BSF

11. According to information gathered by Odhikar, in November 2017, two Bangladeshis were gunned down by the Indian Border Security Force (BSF). Furthermore, five Bangladeshis were shot and injured.
12. Aggressive policies¹⁵ towards Bangladesh by the Indian government continue. On the one hand, India has encircled Bangladesh with a fence and on the other hand, members of the Indian Border Security Force (BSF) are killing, torturing and looting Bangladeshi citizens by illegally trespassing on Bangladesh territory. The BSF members are even attacking the members of the Border Guard Bangladesh. However, 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. We have noticed that the Indian government continues to torture and kill Bangladeshi citizens by illegally entering Bangladesh, which is a clear violation of international law and human rights. India also continues to impose its aggressive policies through putting pressure on Bangladesh by interfering in the country's internal matters and by stopping construction work of bridges and roads¹⁶.
13. Along with BSF atrocities at the Bangladesh-India border, India is depriving Bangladesh from the right of getting water in the dry season and creating artificial floods in Bangladesh by opening all the sluice gates of the Farakka and Gajalodoba Dams during the monsoon season, violating international

¹⁵ Before conducting the controversial and farcical January 5, 2014 National election, almost all political parties of Bangladesh decided to boycott it. At that time, the then Indian Foreign Secretary Sujata Singh visited Bangladesh and succeeded to convince Jatiya Party to join the election. Members of the Jatiya Party are now in the government (Ministers of the current government) and at the same time are the opposition in Parliament. It is clear that India had played a major role in destroying democratic system in Bangladesh for keeping Indian political, economic and military supremacy on Bangladesh and gave unconditional support to the controversial election in January 5, 2014. India is taking transit facility through Bangladesh at almost no cost (the shipment fee for carrying goods is Tk 192.22 per ton) under an amended Protocol on Inland Water Transit and Trade (PIWTT) signed between India and Bangladesh on June 6, 2015; and is also taking advantage of other business and trade facilities.

¹⁶ The daily Naya Diganta, 18/11/2017; <http://www.dailynayadiganta.com/detail/news/269343>

treaties¹⁷. It is also taking the environmentally hazardous initiative to build the Rampal Power Plant near the Sundarbans leading Bangladesh to terrible human disaster and environmental catastrophe¹⁸. The Rampal coal-based power plant, if constructed, will reportedly be the largest source of air pollution in Bangladesh. The air pollution due to this coal-based power plant will cause the premature deaths of as many as 150 people every year and it will also cause some 600 babies to be born underweight every year.¹⁹ Whereas coal-based power plants around the world are shutting down, the Bangladesh government is pushing the country towards disaster through signing such kind of agreement with an Indian company and implementing it.

14. On November 13, 2017 a BSF member entered 300 yards inside Bangladesh territory after crossing the no-man's land, while chasing two Bangladeshi women at the India-Bangladesh border at Modhyampara area under Keraninagar in Comilla. Firoze, a Detective Branch member of Border Guard Bangladesh, asked the BSF member why he was chasing two Bangladeshi women. At that time 8-10 Indian civilians from the other side of the border entered Bangladesh territory and joined the BSF member and tried to abduct Firoze. At that time local Bangladeshi people rescued Firoze and caught the BSF member and took him towards Golabari BGB camp. About 50 Indian civilians and 25-30 BSF members then came and beat two patrolling BGB members and Firoze after trespassing into Bangladesh. BSF also opened blank shots. Three BGB members were injured in this incident²⁰.
15. On November 15, 2017 a patrolling team of BSF from Bishbari Camp of Kochbihar District in India opened fire on some Bangladeshi cattle traders while they were returning with cows through Burimari border under Patgram Upzila in Lalmonirhat District. As a result, cattle trader Farid Hossain Sharif (25) was shot dead. Later BSF members took away the body of Farid Hossain²¹.
16. On November 28, 2017 at around 5:45 am, a Bangladeshi citizen named Mozaffar Hossain (32) was shot dead near 3S sub-pillar of the main 313 pillar at Borogram border when BSF members of Dumutha camp opened fire in Dokkhin Kotwali under Dinajpur District²².

¹⁷ BBC, September 1, 2016, <http://www.bbc.com/bengali/news-37244367>

¹⁸ UNESCO calls for shelving Rampal project", the daily Prothom Alo, 24/09/2016, <http://en.prothom-alo.com/environment/news/122299/Unesco-calls-for-shelving-Rampal-project>

¹⁹ The Daily Star, 06/05/2017; <http://www.thedailystar.net/frontpage/6000-premature-deaths-40yrs-1401421>

²⁰ The daily Naya Diganta, 14/11/2017 <http://www.dailynayadiganta.com/detail/news/268208>

²¹ The daily Naya Diganta, 16/11/2017 <http://www.dailynayadiganta.com/detail/news/268763>

²² The daily Manabzamin, 28/11/2017 www.mzamin.com/article.php?mzamin=94081&cat=9/

PART II: NATIONAL ISSUES

Resignation of the Chief Justice and Independence of the Judiciary

17. On July 3, 2017, the Appellate Division upheld the verdict of the High Court Division declaring the 16th Amendment²³ illegal. The Chief Justice Surendra Kumar Sinha came under government ire due to some observations and opinions about past and present politics in the country, within the judgement. The Prime Minister and members of her Cabinet and MPs of the ruling party gave various statements against the Chief Justice.²⁴ Furthermore, leaders-activists of the ruling party criticised the Chief Justice at different political meetings, which was unprecedented.²⁵ The ruling party-supported lawyers' association in the Supreme Court, Bangabandhu Awami Ainjibi Parishad, started a movement demanding the resignation of the Chief Justice S K Sinha. The autumn vacation of the Supreme Court commenced from August 25, which continued till October 2. After the vacation ended on October 3, when the Supreme Court reopened, the Chief Justice was supposed to exchange greetings with all Judges of the Appellate Division and High Court Division and lawyers, as was the norm. However, the Attorney General, Mahbubey Alam and the Law Minister, Anisul Huq, informed all that the Chief Justice had taken a-one month leave. The Law Minister said that the Chief Justice wrote in his letter that he had been affected with various illness, including cancer.²⁶ Confusion ensued igniting the speculation that he had been forcibly made to take leave. Members of the Supreme Court Bar Association were stopped by police on the way to meet the Chief Justice.²⁷ On October 13, Chief Justice S K Sinha handed over a written statement to journalists while he was leaving for Australia from Bangladesh. In it he stated that he was absolutely fine. After spending several days in Australia S K Sinha came to Singapore for treatment. His one month leave was over and on November 10, he submitted his resignation to President Abdul Hamid through the Bangladesh Embassy in Singapore before leaving for Canada.

18. This is first time in Bangladesh history that a Chief Justice has resigned. Interference on the Judiciary had allegedly increased after the Awami League assumed power through an election conducted by the military-backed caretaker government in 2008, which has become more vulnerable after the

²³ The Sixteenth Amendment Bill was passed by the Parliament on September 17, 2014. As a result of this amendment, the power to impeach and remove the Judges of the Supreme Court has been given to the Parliament from the Supreme Judicial Council.

²⁴ The daily Jugantor, 14/09/2017; <https://www.jugantor.com/first-page/2017/09/14/155306/>

²⁵ The daily Amader Shomoy, 22/08/2017; www.dainikamadershomoy.com/todays-paper/firstpage/96753/

²⁶ The daily Jugantor, 04/10/2017; <https://www.jugantor.com/first-page/2017/10/04/160465/>

²⁷ The daily Jugantor, 07/10/2017; <https://www.jugantor.com/first-page/2017/10/07/161231/>

January 2014 controversial elections. In continuation of this trend, the Chief Justice Surendra Kumar Sinha was allegedly forced to resign due to his judgement going against the government.

Extrajudicial killings

19. According to documentation gathered by Odhikar, 12 people were reported as being extra judicially killed in November 2017.
20. Incidents of such killings continue by the State with impunity of law enforcement agencies due to failure of effectively implementing the criminal justice system in the country. Extrajudicial deaths of accused persons without a trial or following a due process of law has become widespread and common. Until today, there are several allegations of the involvement of members of the law enforcement agencies into incidents of deaths of accused or suspected persons in the name of 'gunfight', 'crossfire' or 'encounter'. However, the Bangladesh Constitution clearly mentions the guarantee of safety and protection of its citizens. Article 31 of the Constitution states that "to enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law".

Type of death

'Crossfire/encounters/gunfights'

21. Among the 12 persons extra judicially killed, 11 were allegedly killed in 'crossfire/encounters/gunfights'. Of them, four were killed by police and seven by RAB.

'Tortured to death'

22. One person was allegedly tortured to death by police.

The identities of the deceased:

23. One victim was a member of Purba Bangla Communist Party, one was a member of Student wing of Jamaat-e-Islami, one was a businessman and nine were alleged criminals.

Death in jail

24. According to information gathered by Odhikar, in November 2017, a reported eight persons died in prison due to 'illness'.

25. Deprivation of medical treatment in jail is a violation of human rights. It is alleged that due to lack of proper treatment facilities and negligence by prison authorities, many prisoners become ill and some die. There are allegations that people become ill due to the effects of torture in police remand, which cause their death later when they are sent to jail.

Condition in prisons

26. The country's prisons are extremely overcrowded due to the mass arrests of members of the opposition political parties, during the special drives and due to abuse of Dhaka Metropolitan Police Ordinance. The prison authorities are facing difficulties in maintaining and controlling inmates and visitors, and the human rights of prisoners are violated. According to the Prison Directorate, the total maximum capacity of the prisons in the 68 jails across the country is 36,614. Of them, the capacity of male inmates 34,940 and 1674 for female inmates. However, currently there were 79,280 inmates detained in the prisons. Among them, 59,184 were male under trial prisoners and 2,394 were female under trial prisoners. Meanwhile, male convicted prisoners were 17,104 while 598 were female convicted prisoners²⁸. Relatives of inmates alleged that prisoners could not sleep due to lack of space as a result of overcrowding. Moreover, they are being deprived of treatment due to lack of doctors and scarcity of medicine. Furthermore, prisoners have to buy food more costly compared to market price from the PC²⁹.

Allegations of torture, degrading treatment and lack of accountability of law enforcement agencies

27. Allegations of torture, harassment and extortion against the police have been reported. Members of law enforcement agencies are enjoying impunity due to the government practice of using such agencies to suppress its political opponents, critics and dissenters. In many occasion, leaders-activists of the ruling party allegedly attack or harass the tortured victims and their families, favouring the members of law enforcement agencies. Despite the Torture and Custodial Death (Prevention) Act, 2013, victims and/or their families are unable to file cases under this Act due to various obstacles. Even if a case is filed, it does not see justice. As a result, there is no change in the actual situation, due to lack of implementation of this law. An incident is given below:

28. On October 31, 2017 a few crude bombs were exploded at Mahipal area in Feni while BNP Chairperson Khaleda Zia was returning to Dhaka from Cox's Bazaar. As a result of these explosions, two buses caught fire. Police arrested

²⁸ <http://www.prison.gov.bd/>

²⁹ PC refers to a Protective Custody where prisoners' money is being deposited in jail. Prisoners can buy any goods including food from the jail. The daily Naya Diganta, 28/11/2017 <http://www.dailynayadiganta.com/detail/news/272039>

Nure Salam Milon, former President of Fazilpur unit Chhatra Dal³⁰ and Jubo Dal³¹ leaders Saiful Islam, Tipu Sultan and Shohagh. Of them, police allegedly tortured Nure Salam Milon and forced him to confess before the court. Milon's father Eyar Ahmed alleged that his son was tortured by police while he was detained for two days in custody. Milon was also given electric shocks at the police station. As a result he fell unconscious. When Milon regained his conscious, he was taken to Lalpul and Pagol Mia Road area of the highway in a car and threatened to be killed in crossfire if he did not give a confessional statement before the court³².

Enforced disappearances

29. According to information gathered by Odhikar, in November 2017, five persons were allegedly disappeared. Among them, two were later produced before the Court. The whereabouts of three other persons are still unknown³³.
30. Enforced disappearances continue despite being a crime against humanity. Many people have disappeared after being picked up by men claiming to be members of law enforcement agencies. Several such incidents occurred in the last few years. The families of the disappeared and witnesses claim that members of law enforcement agencies, or men claiming to be from such agencies, arrest and take away the victims and since then they are disappeared. The families are becoming victims of harassment when they go to police station to file complaints. Statements of many witnesses were found in this regard that members of law enforcement agencies are clearly involved in disappearance³⁴.
31. In some cases, law enforcement agencies deny the arrest; but days later, the arrested persons are released in an unknown place or handed over to a police station and produced in Court, or the bodies of the disappeared persons are later recovered. The government has been repeatedly denying the incidents of enforced disappearance and claiming that the victims left voluntarily and do not want to be found. Although denials of such incidents are made by the government and security forces, it has been proved in various inquiry reports that enforced disappearances exist and continue to occur in Bangladesh.

³⁰ Student wing of the Bangladesh Nationalist Party (BNP)

³¹ Youth wing of the Bangladesh Nationalist Party (BNP)

³² The daily Jugantor, 05/11/2017 <https://www.jugantor.com/news/2017/11/05/169058/>

³³ 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.

³⁴ As per Article 2 of the International Convention for the Protection of All Persons from Enforce Disappearance – “any 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 authorisation, 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”.

32. On November 14, 2017 a woman named Hira Khatun filed a case in the Court of Senior Judicial Magistrate, Mahinur Rahman in Jessore, against 16 policemen, including seven officers of Jessore Kotwali Police Station for allegedly disappearing her son Sayeed. The Court took cognizance and ordered the Police Bureau of Investigation (PBI) to investigate the matter and submit a report. It was stated in the case that on April 5, 2017 at around 10:00 am, the plaintiff Hira Khatun's son Sayeed and his friend Shaown went to Jessore Municipality Park. At 12:00 noon, she got to know by cell phone that police had arrested Sayeed and Shaown. Hira Khatun went to Kotwali Police Station where two Sub Inspectors HM Shahidul Islam and Amir Hossain demanded two hundred thousand taka from her to release her son. Police threatened to kill and disappear her son if they were not paid. Later, on April 7, the plaintiff came to know that Sayeed and Shaown had escaped from the police station. Hira Khatun suspects that police might have killed her son and his friend and disappeared their bodies³⁵. The day after filing the case, on November 15, Hira Khatun withdrew the complaint from the court through another appeal. Hira Khatun said that police had come to see her after filing the case. She said she made a mistake filing a case against police³⁶.
33. On November 8, 2017, a group of men picked up a publisher named Tanvir Yasin Karim from his house at Gulshan, Dhaka. A security guard of his house informed that at around 6:00 am, a white microbus and a police pickup van with 30-35 plain clothed men and police took Tanvir Yasin Karim away. The Officer-in-Charge of Gulshan Police Station, Abu Bakar Siddiqui said that they did not arrest or detain anyone named Tanvir Yesin Karim³⁷. On November 19, police claimed that Tanvir Yasin was arrested during a joint operation in Azad Mosque area at Gulshan. Dhaka in connection with the suicide bomb attack that took place in Hotel Olio International at Panthapath, Dhaka in August 2017³⁸.
34. Members of the Detective Branch (DB) of Police allegedly picked up and disappeared Dainna Union Parishad member, Jahangir from Dainna of Tangail. Jahangir's wife Reshma Begum made this allegation on November 10, 2017 at a press conference. On November 5, Jahangir was picked up on an auto-rickshaw by a group of plainclothes men claiming to be members of the DB Police when Jahangir came out from the Additional Session Judge Court-2 in Tangail after appearing the court under a case. Later the family members of Jahangir got to know about the abduction from the auto rickshaw driver and searched for him at different administrative offices, including police stations,

³⁵ The daily Jugantor, 15/11/2017 <https://www.jugantor.com/last-page/2017/11/15/171774/>

³⁶ The daily Prothom Alo, 18/11/2017 <http://epaper.prothom-alo.com/view/dhaka/2017-11-18/5>

³⁷ The daily Prothom Alo, 10/11/2017 www.prothom-alo.com/bangladesh/article/1362571/

³⁸ The daily New Age, 19/11/2017 <http://www.newagebd.net/article/28802/book-importer-tanvir-karim-arrested>

DB office and RAB office. On November 7, the family lodged a General Diary with Tangail Model Police Station after failing to find Jahangir³⁹.

Disappearance or abduction?

35. Due to the huge campaign against enforce disappearance, a new trend has emerged where many people are suddenly becoming traceless. It appears that more cautious measures have been taken by law enforcers and as a result it is not possible to know when, where, how and by whom the victims were picked up or abducted. The families of the missing persons have no clear idea about this and they are now not able to give any information to the media or human rights defenders. Such incidents have increased from August 2017 and mysteriously many people, including a university teacher, politician, businessman, journalist and students went missing and could not be found. Of them, on August 27, 2017 a businessman and Honorary Consul of Belarus in Bangladesh, Aniruddha Roy, was picked up by some men claiming to be members of an intelligence agency from Gulshan, Dhaka when he was about to get into his car after leaving Union Bank. On November 14, 2017 at midnight, he was returned home⁴⁰.



Aniruddha Roy. Photo: Prothom Alo, 19 November 2017

36. On August 27, 2017 M. M. Aminur Rahman, Secretary General of Kalyan Party⁴¹, became traceless while he was returning home to Savar from his party office located at Naya Paltan, Dhaka. Utpal Das, reporter of PurboPoschimbd.news, has been missing since October 10, 2017. On October 12, 2017 some men in plainclothes picked up Kotchandpur Government College student Maksudur Rahman alias Masud Rana from Harindia Village under Kotchandpur Upazila in Jhenaidah, on the pretext of showing land for

³⁹ The daily Jugantor, 11/11/2017 <https://www.jugantor.com/news/2017/11/11/170695/>

⁴⁰ The daily Prothom Alo, 19/11/2017 <http://epaper.prothom-alo.com/view/dhaka/2017-11-19/1>

⁴¹ A member of the BNP led 20-Party Alliance.

a cell phone tower. The family suspects that Maksudur Rahman might have been picked up by men from some administration⁴².

37. On November 7, 2017 Dr. Mubashar Hasan, an Assistant Professor of privately-run North South University reportedly went missing. On that day he went to IDB Bhaban at Agargaon, Dhaka to attend a meeting on the Access to Information (a2i) project of the government. His whereabouts remain unknown ever since he left there. Friends of Dr. Mubashar Hasan suspected that law enforcement agency members might have picked him up⁴³. His father Motahar Hossain filed a General Diary (GD) with Khilgaon Police Station⁴⁴.



Dr. Mubashar Hasan, Photo: Prothom Alo, 19 November 2017

Public lynching continues

38. In November 2017, four persons were reportedly killed due to public lynching.

39. 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. As a result, incidents of killings by mob violence continue.

'Extremism' and human rights

40. The State has created space for confrontation by taking away the civil and political rights of the citizens through hindrance to freedom of expression and the repeated violations of the right to freedom of expression of alternative or dissenting voices. Operations carried out in the name of 'countering extremism' have even caused the deaths of women and children; and many

⁴² It is to be noted that the men in plainclothes who pick up people usually identify them as being from administration, which literally means members from the intelligence agencies. Information sent by local human rights defender associated with Odhikar from Jhenaidah.

⁴³ The daily Prothom Alo, 09/11/2017 <http://epaper.prothom-alo.com/view/dhaka/2017-11-09/1>

⁴⁴ The Daily Star, 08/11/2017; <http://www.thedailystar.net/city/north-south-university-nsu-teacher-mubashar-hasan-missing-1488160>

people are becoming victims of enforced disappearance⁴⁵. Meanwhile, alleged 'extremists' are implicated in suicide attacks. The narrative that the law enforcement agencies have started giving, regarding their operations against 'religious extremists' are similar in almost all the cases. There are reports that some of those who were arrested during such operations later died in the custody of law enforcement agencies. As a result what actually happened, or happens, in such operations are still unclear⁴⁶.

41. On November 27, 2017 three suspected 'extremists' were found dead at a house which was cordoned off by RAB in Madhya Char area of Alatuli Union under Chapainababganj District. This was informed at a press briefing by Mufti Mahmud Khan, Director, Law and Mass Media Wing of RAB. RAB claimed that 'extremists' had exploded bombs in the house. After the explosion, the house caught fire. Later RAB recovered three bodies from there. RAB Director said that the deceased were allegedly active members of the banned 'extremists' outfit Jamaatul Mujahedeen Bangladesh (JMB) and they had a big plan to commit destruction in Rajshahi. RAB has already detained the owner of the house, Rashiqul Islam; his wife Nazma Begum; and his father-in-law, Mohammad Khurshed for interrogation⁴⁷.



RAB encircled the burnt house and recovered three bodies from the 'suspected extremist den'. Photo: Prothom Alo, 29 November 2017.

High Court declares verdict on BDR mutiny case

42. On November 27, 2017 Justice Mohammad Shawkat Hossain Chowdhury led a three-member High Court Division Bench of the Supreme Court comprising also of Justice Mohammad Abu Zafar Siddiqui and Justice Mohammad

⁴⁵ The daily Prothom Alo, 01/04/2017; www.prothom-alo.com/bangladesh/article/1130046/

⁴⁶ The daily New Age, 28/04/2017; <http://www.newagebd.net/article/14532/extremism-tackling-narrative-warrants-transparency>

⁴⁷ The daily Prothom Alo, 28/11/2017; <http://epaper.prothom-alo.com/view/dhaka/2017-11-29/1>

Nazrul Islam Talukder and confirmed the verdict after hearing the death references and appeals against convictions in the BDR mutiny case. Earlier the trial court had sentenced 152 people to death from among the 850 accused persons in this case. The High Court Division bench upheld the death penalty for 139 out of the 152. The High Court commuted the punishment of eight to life imprisonment and acquitted four who were given death penalty in the trial court. Of the 160 sentenced to life imprisonment, the High Court upheld the punishment for 146, acquitted 12 and exempted two as they had died. The State had appealed against 69 of the 278 accused who were acquitted by the lower court. The High Court sentenced 31 of them to life in prison and four others to seven years in jail. It also upheld the acquittal of 34 of the accused. In total, 185 accused persons were given life imprisonment in the verdict of the High Court Division. Awami League leader Torab Ali who was sentenced to life imprisonment in the trial court, had been acquitted by the High Court. Of the 253 others, the Court sent two to prison for 13 years each, 182 for 10 years each, eight for seven years each, and four for three years each. The Court also acquitted 29 of the accused. As 28 of the accused did not appeal, the High Court Division upheld the verdict given by the trial court⁴⁸.

43. On February 25, 2009 during the 'BDR Week' members of the erstwhile Bangladesh Rifles (BDR), later renamed Border Guard Bangladesh (BGB), had attacked Army officers who were deputed in the force. 74 persons, including 57 army officers were killed and army wives and children were taken hostage during the mutiny⁴⁹. BDR members claimed that their actions were a result of long term grievances against Army control⁵⁰ over and discrimination against the BDR Jawans. The BDR Jawans had placed their grievances in a 50-point demand letter.⁵¹
44. On February 26, 2009 the rebel BDR Jawans surrendered when the government declared a general mercy to mutineers. At that time, many BDR members who came to report at the BDR Headquarters were detained by RAB and they were taken to an unknown place in blindfolds for interrogation. There were allegations of torture on BDR members during interrogation. BDR members Monir Hossain, Mobarak Hossain, Habilder Kazi Saidur Rahman, Habilder Mohiuddin, Habilder Zakir Hossain Bhiuyan and Habilber Rezaul Karim died due to torture as alleged by their families.

⁴⁸ The daily Prothom Alo <http://epaper.prothom-alo.com/view/dhaka/2017-11-28/1>, Naya Diganta <http://www.dailynayadiganta.com/detail/news/272040>, and Dhaka Tribune, 28/11/2017

⁴⁹ The daily Prothom Alo, 30/11/2009; <http://epaper.prothom-alo.com/view/dhaka/2009-12-30/1>

⁵⁰ Those Army officers who work as a BDR officers under deputation

⁵¹ See Odhikar's Annual Human Rights Report 2009, www.odhikar.org

Criminalisation of politics and political violence

45. In November 2017, according to information gathered by Odhikar, two persons were killed and 369 persons were injured in political violence. Furthermore, 27 incidents of internal violence in the Awami League and two in the BNP⁵² were also recorded during this period. One person was killed and 289 were injured in internal conflicts of the Awami League while 15 were injured in conflicts within the BNP.
46. Criminalisation of politics and political violence continue. Leaders and activists of Awami League, Chhatra League and Jubo League at all levels are involved in various criminal activities and violent acts. They are involved in incidents of internal conflict which are linked to vested interest and have attacked each other. Across the country, they are also involved in various criminal acts, including extortion, forcefully acquiring tender bids, land grabbing, violence at educational institutions, leakage of exam question paper, attacks on ordinary citizens and women, sexual harassment, rape etc and in most cases they enjoy impunity. Two incidents in November are given below:
47. On November 6, 2017 activists of Chittagong University unit Chhatra League⁵³ (supporters of City Awami League General Secretary and City Corporation Mayor A J M Nasiruddin) led by Chhatra League leader Mohammad Alamgir Tipu, threatened to kill Muhammad Amir Uddin, Associate Professor of the University's Education and Research Faculty, by putting a gun to his head⁵⁴. On November 7, Chhatra League leaders-activists surrounded the University campus demanding the removal of Professor Muhammad Amir Uddin and they brought out a procession and attacked and vandalised the Registrar office at the administrative building. Later Chhatra League activists vandalised four cars on the street. It is to be mentioned that Professor Muhammad Amir Uddin, as a General Secretary of an organisation named 'Kordata Shurokkha Parishad' (Taxpayers Security Council), was protesting the proposal for increasing the holding tax of Chittagong City Corporation⁵⁵. Chhatra League activists also physically assaulted Bangla Vision TV's University correspondent, Shahjahan Khan while he was gathering information on this incident⁵⁶.

⁵² BNP: Bangladesh Nationalist Party.

⁵³ Student wing of Awami League

⁵⁴ The daily Naya Diganta, 08/11/2017; www.dailynayadiganta.com/detail/news/266412

⁵⁵ The daily New Age, 08/11/2017; <http://www.newagebd.net/article/27898/bcl-activists-run-amok-at-cu>

⁵⁶ The daily Naya Diganta, 08/11/2017; www.dailynayadiganta.com/detail/news/266412



A faction of the ruling party students front vandalised the office and car of Chittagong University Vice Chancellor. Photo: Daily Star, 8 November 2017.

48. On November 9, 2017 clashes took place between supporters of the ruling Awami League MP from Banshkhali, Mostafizur Rahman and supporters of Abdullah Kabir Liton, an Awami League leader, who is also seeking nomination for the next election, in front of Pairong Government Primary School at Jolodi Union under Banshkhali Municipality in Chittagong. During the altercation, both groups attacked each other with local weapons and guns. At least 30 persons were injured in this incident, of them 19 were shot⁵⁷.

Arrest and suppression of opposition leaders and hindrance to freedom of assembly

49. The Awami League is ruling the country in an autocratic way by suppressing the (out of Parliament) opposition political parties, after the controversial and farcical Parliamentary elections of 5th January 2014. The 11th Parliamentary elections are expected to be held in December 2018. In order to conduct the next general elections in free, fair and inclusive manner, the political parties and civil society demanded a level playing field to be created soon so that another controversial election like January 5, 2014 cannot be held. The government, instead of paying attention to that, is suppressing the leaders and activists of the opposition parties through conducting new arrest operations and also by stopping their meetings and assemblies. The police are arresting leaders-activists of the opposition parties under allegations of vandalism and filing cases against them when they participate in any informal gathering or attend any meeting⁵⁸. The relatives of the opposition party leaders-activists alleged that once arrested by police they are shown as arrested under multiple charges or cases. Police implicate them in cases one after another⁵⁹. Furthermore, there are allegations of obtaining statements from opposition party leaders and activists through torture during remand in

⁵⁷ The daily Naya Diganta, 10/11/2017; <http://www.dailynayadiganta.com/detail/news/267061>

⁵⁸ The daily Naya Diganta, 11/10/2017; <http://www.dailynayadiganta.com/detail/news/258984>

⁵⁹ The daily Naya Diganta, 11/10/2017; <http://www.dailynayadiganta.com/detail/news/258984>

the named interrogation, to suppress the opposition political force. Some incidents are as follows:

50. In the afternoon of November 4, 2017 police arrested 10 BNP leaders-activists of Koira and Paikgachha, including Koira Upazila unit BNP President, Advocate Momrezul Islam; Paikgachha Upazila unit BNP Convener, Dr. Abdul Moqid; Paikgachha Municipality unit BNP Convener, Advocate Abdus Sattar; and former Union Parishad Chairman, Shahadat Hossain Dablu, from a house at Choukuni Village under Koira Upazila in Khulna District. General Secretary of Koira Upazila unit BNP, Nurul Amin Babul alleged that they had participated in a gathering at Moheswaripur Union unit BNP Secretary's house. After arresting them from there, police filed cases against them under the Special Powers Act of 1974⁶⁰.
51. Police arrested over a hundred leaders and activists of BNP and its affiliated organisations on the night of November 10, 2017 after conducting special drives at different areas of Dhaka Metropolitan City, effectively preventing them from attending BNP's public meeting at Suhrawardy Uddan⁶¹ in Dhaka on November 12. Several city BNP and its affiliated wings' leaders, including Jubo Dal President were accused in the newly filed cases⁶².
52. On November 17, 2017 police arrested Akramul Hassan, General Secretary of Chhatra Dal Central Committee from the Paltan area in Dhaka.
53. The ruling party leaders-activists along with members of law enforcement agencies, attack meetings and assemblies of the opposition (out of the Parliament) parties and stop them. The opposition political parties have to take permission from the police for any meeting, rally or even for indoor meetings; and in most cases police refuse to give such permission. As a result, they are deprived from right to hold peaceful meetings and assemblies. Meanwhile, the ruling party leaders and activists are holding meetings without any hindrance; they are campaigning for the elections and asking for votes for their candidates. Although the government gave permission to BNP to organise its meeting on November 12, however, police started arresting BNP and its alliance leaders and filing cases against them days before the meeting could commence.
54. On November 4, 2017 the Municipality Chhatra Dal leaders-activists were preparing to hold its tri-annual council in Boraigram Upazila under Natore District. But on November 3, Chhatra League announced a meeting at the same place and brought out a rally in the evening. Later at night Boraigram Municipality unit Chhatra Dal President Nominee Shahdat Hossain Shamim

⁶⁰ Information sent by local human rights defender associated with Odhikar from Khulna.

⁶¹ Suhrawardy Uddan was formerly known as Ramna Race Course ground is a national memorial located in Dhaka, Bangladesh. It is named after Hussein Shaheed Suhrawardy. Originally it served as the military club of the British soldiers stationed in Dhaka.

⁶² The daily Manabzamin, 12/11/2017; www.mzamin.com/article.php?mzamin=91556&cat=2/

was beaten and injured by Chhatra League activists. At one stage Chhatra League leaders-activists gathered near the meeting place and stopped Chhatra Dal's council⁶³.

55. Kushtia District unit BNP on November 10, 2017, organised a discussion meeting at its party office on the occasion of "November 7: Revolution and Solidarity Day". But this indoor meeting was stopped by police⁶⁴.
56. On November 11, 2017, 10-15 local Jubo League activists led by Jagannathdighi Union unit Jubo League member, Abul Kashem Molla stopped Oikka NAP⁶⁵ President Pankaj Bhattacharya from giving his speech at a meeting in Betiara under Choddogram Upazila in Comilla. At that time the ruling party activists chanted offensive slogans against the organisers and also threatened them not to organise any meeting in this place in the future. Later, Pankaj Bhattacharya was removed from the meeting under police protection⁶⁶.
57. On November 30, 2017 the Left Front and Communist Party of Bangladesh and Socialist Party of Bangladesh called a hartal⁶⁷ from 6:00 am to 2:00 pm across the country in protest of the price hike of electricity. During the hartal police baton charged hartal supporters at different places in the country and arrested more than a hundred protestors. Police also raided the office of the Communist Party of Bangladesh and arrested 11 of its leaders and activists. They were allegedly tortured by police⁶⁸.

Hindrance to freedom of expression and the media

58. Interference on the media and freedom of expression, by the government and the ruling party members continue. The incumbent government is severely suppressing people who criticise it and those who have alternative beliefs. Dissenters and critics are being accused under repressive cases filed under various sections of criminal law, including defamation and under section 57 of the Information and Communication Technology Act, 2006 (amendment 2009 & 2013), for their comments or opinions. An incident is as follows:
59. Local Awami League and Chhatra League leaders and activists made an allegation in Komolnagar Police Station against a businessman named Mizanur Rahman, that he had posted a caricature of the Prime Minister and the Minister for Agriculture on his Facebook account, in Komolganar under Lakshmipur District. Based on this complaint, on November 15, 2017 police

⁶³ The daily Naya Diganta, 06/11/2017; <http://www.dailynayadiganta.com/detail/news/265873>

⁶⁴ The daily Naya Diganta, 11/11/2017; <http://www.dailynayadiganta.com/detail/news/267388>

⁶⁵ National Awami Party

⁶⁶ The daily Prothom Alo, 12/11/2017; <http://epaper.prothom-alo.com/view/dhaka/2017-11-12/2>

⁶⁷ Hartal: a general strike

⁶⁸ The daily Prothom Alo, 01/12/2017 <http://epaper.prothom-alo.com/view/dhaka/2017-12-01/2>

arrested Mizanur Rahman and on November 16, police sent him to the Court under section 54⁶⁹ of the Code of Criminal Procedure⁷⁰.

Repressive Information and Communication Technology Act 2006 (amended 2009 and 2013) remains in force

60. According to information gathered by Odhikar, in November 2017, three persons were arrested under the Information and Communication Technology Act 2006 (amended 2009 and 2013).
61. The imposition of section 57⁷¹ of the Information and Communication Technology Act 2006 (Amended 2009 and 2013) still continues. This Act is being used by the government as a weapon against human rights defenders, journalists, bloggers and public opinion. Odhikar has been campaigning for a repeal of this repressive Act for a long time. Filing cases and imprisoning people for writing comments against high-level persons in the government or/and their family members on social media, is becoming very common. As a result, many people who are writing in social media, including on Facebook, are forced to maintain self censorship while writing. Currently, many people including journalists and teachers, are being sued under Section 57 of this Act and many of them have been arrested. One incident is as follows:
62. On November 23, 2017 a defamation case under section 500 and 501 of the Penal Code 1860 was filed against Dhaka University teacher Dr. Asif Nazrul for allegedly posting a facebook status against the Shipping Minister Shahjahan Khan regarding alleged irregularities of appointing employees at Chittagong Port. The case was filed with Madaripur Chief Judicial Magistrate Court by the Shipping Minister's cousin and member of Madaripur Zila Parishad Farooq Khan. On the same day, the Minister's nephew Syed Asaduzzaman Minar filed a complaint against Professor Dr. Asif Nazrul under section 57 of the ICT Act with Madaripur Sadar Police Station. On November 27, such complaint had been recorded under section 57 of the ICT Act after getting approval from the Police Headquarters⁷². Meanwhile, Dr. Asif Nazrul informed Odhikar that the cases filed against him, based on a status posted in a Facebook account, were harassment, as the account was not even his facebook ID. The High Court Division of the Supreme Court on

⁶⁹ Under this section, any police officer may arrest anyone under reasonable suspicion without an order from a Magistrate and without a warrant. http://bdlaws.minlaw.gov.bd/sections_detail.php?id=75§ions_id=14518

⁷⁰ Information sent by local human rights defender associated with Odhikar from Lakshmipur.

⁷¹ 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.

⁷² Information sent by local human rights defender associated with Odhikar from Madaripur.

November 28, 2017 granted anticipatory bail to Professor Asif Nazrul in both cases. The Court granted him bail in the defamation case for 10 weeks and in the case filed under ICT Act, he was granted bail till submission of police investigation report⁷³. It is to be mentioned that Dr. Asif Nazrul is critical of the government in various meetings and television talk shows. He had also been giving statements to different media regarding the controversial elections of January 5, 2014.

Freedom of the media

63. According to information gathered by Odhikar, in November 2017, five journalists were injured and one was threatened while they were performing their professional duties.
64. The government is controlling most of the media, particularly the electronic media and putting pressure on the media through different means which hindered an accurate and impartial reporting and proper journalism. The only state owned TV channel, Bangladesh Television (BTV) is totally under control of the government. Meanwhile the government closed down pro-opposition electronic media, such as Channel 1, Diganta TV, Islamic TV and the publication of the print media, the daily Amar Desh. On November 11, 2017 the ruling Awami League MP from Brahmanbaria-3 constituency, R. A. M. Ubaidul Moktadir Chowdhury said in an anniversary programme of a private television, that almost all the electronic media owners are one way or another engaged with Awami League. He said to journalists that “when you work as employees of Awami media, you should listen to them⁷⁴.”
65. On November 4, 2017 the Detective Branch of Police arrested Mohammad Sohrab Hossain, Editor and Publisher of the daily “Mukta Sangbad” published from Gazipur, under an extortion case. It was learnt that the Mukta Sangbad had published a report on corruption of Gazipur Sub Registrar Mohammad Monirul Islam. After that Mohammad Monirul Islam on November 4, filed an extortion case against the Editor of the Mukta Sangbad with Joydevpur Police Station. Mohammad Sohrab Hossain was arrested under that case⁷⁵.
66. On November 29, 2017 Advocate Rabiul Alam Bodu, Secretary of the subcommittee of the Awami League’s Central Committee, was campaigning in Ishwardi area under Pabna District on arrival of Prime Minister in Ishwardi on November 30. At that time Shirhan Sharif Tomal, President, Ishwardi Upazila unit Jubo League and son of the Minister for Land, Shamsur Rahman Sharif, along with his associates attacked them and vandalized vehicles.

⁷³ The daily New Age, 29/11/2017; <http://www.newagebd.net/article/29390/hc-grants-anticipatory-bail-to-asif-nazrul-in-two-cases>

⁷⁴ The daily Prothom Alo, 12/11/2017; <http://epaper.prothom-alo.com/view/dhaka/2017-11-12/2>

⁷⁵ Information sent by human rights defender associated with Odhikar from Gazipur.

When journalists were filming videos of such incident, they also attacked the journalists and beat them and vandalized their laptop, camera and motorbike. During this attack, Saikot Afroz Asad, Pabna District correspondent of Shomoy TV and Bangladesh Protidin; Rizvi Raisul Joy, District correspondent of ANT News; Partho Hasan, District correspondent of DBC News; and camera person Milon Hossain, were seriously injured. Wounded journalists were admitted to Pabna General Hospital⁷⁶.

Workers' rights

Situation of workers in readymade garment industries

67. According to information gathered by Odhikar, in November 2017, 23 workers were injured. Among them, eight workers were injured by a boiler explosion and 15 workers were trampled when they tried to escape from fire, which started on the second floor of the factory.
68. Garment manufacturing factories are a very large source of revenue for Bangladesh and the factory workers are one of the main contributing factors to this success. However, closing down factories without notice, harassment, sudden termination of workers and not paying wages on time are violations that are occurring regularly. As a result workers' unrest prevails. Furthermore, workers in many factories are deprived from the trade union rights. In many factories, women workers are being discriminated against and become victims of physical and mental repression. Moreover, accidents occur due to the negligence of the factory authority. Two incidents are as follows:
69. On November 20, 2017 fire broke out on the first floor of a 5-storied readymade garment factory Anata Apparels, in the EPZ area under Siddhirganj Upazila in Narayanganj District. At least 15 workers were injured while rushing to get down. Of them, 12 workers were admitted to Narayanganj 300-bed Hospital⁷⁷.
70. On November 22, 2017 workers-employees of two RMG factories, Golden Heights and Alpha Textiles of Sunman Group, held a meeting in protest of the termination of workers, at Kotwali intersection in Chittagong. Workers informed that the factory authorities terminated 60 workers of Golden Heights situated in Kalurghat Industrial area of the city and 234 workers of Alpha Textiles. Workers were not even getting their dues after termination⁷⁸.

⁷⁶ Information sent by human rights defender associated with Odhikar from Pabna.

⁷⁷ Information sent by human rights defender associated with Odhikar from Narayanganj.

⁷⁸ The daily Prothom Alo, 23/11/2017; <http://epaper.prothom-alo.com/view/dhaka/2017-11-23/12>



Workers of Golden Heights and Alpha Textiles of Sunman Group in Chittagong, holding a rally in protest of the termination of workers. Photo: Prothom Alo, 23 November 2017.

Condition of other workers

71. According to information gathered by Odhikar, in November 2017, four workers died. Among them, three construction workers died after falling from the under-construction buildings, and one ship breaking worker died after falling off the ship.

Condition of construction workers

72. The contributions of construction workers are enormous in making roads, bridges and houses. But these workers, who fall in the category of the informal workforce, are being discriminated in various ways and also becoming victims of suppression and negligence. There is no legal framework or specific policy for workers in the informal sector. Most of them have to work under the open sky, particularly under the sun and in unfavourable weather. However, no minimum wage has been fixed for their work. As a result, construction workers, irrespective of gender, are victims of various discrimination, including inadequate wages. Among them, the condition of women workers is obviously more vulnerable. They have to work keeping their babies under trees nearby the workplace or any place close to the workplace. They do not have adequate sanitation and safe water. As a result they drink a small amount of water and work for the whole day which causes various diseases including kidney failure.

Human rights of minority communities

73. Incidents of attacks on citizens belonging to religious minority communities and at their places of worship continue. Involvement of the ruling party men in such incidents was observed and reported. However, the law enforcement agencies alleged that leaders-activists of the opposition parties were also involved in some incidents. Odhikar believes that the government has to take

stern legal action against whoever is involved in these incidents regardless of whether they are activists of the ruling party or the opposition. Incidents of violence against minority communities continue due to the unavailability of justice for similar incidents that took place in the past; and also due to the politicisation of these incidents. some examples are as follows:

74. On November 5, 2017 a Hindu man named Titu Roy (40) allegedly publicised derogatory remarks on Islam and Prophet Hazrat Mohammad (pbuh) on his Facebook account in Thakurpara area of Kholea Union under Gangachora Upazila in Rangpur District. On November 6, a local businessman named Alamgir Hossain filed a case against Titu Roy in this connection with Gangachora Police Station. Police raided Titu Roy's house in Narayangaj where he was living with his wife and children. Tensions prevailed in the locality as police could not arrest him⁷⁹. On November 10, after the Friday prayers people from 10 mosques declared a human chain and gathering to protest this incident in Thakurpara village. About 10 thousand Muslims joined the rally and human chain. During the rally, a vested interest group deliberately intensified the tension around the locality. As a result, criminals attacked 20 houses and temples belonging to the Hindu community and robbed and set fire to their property. Police reached the place of occurrence and an altercation took place between police and protestors. A man named Habibur Rahman (26) was shot dead by police during the clash and about 30 people, including police were injured⁸⁰. Sub Inspector Rezaul Karim filed a case accusing 3000 unknown people. Police arrested 100 people for their alleged involvement in this incident, of which most of them were leaders-activists of Jamaat-e-Islami and Chhatra Shibir⁸¹. On November 14, Titu Roy was arrested by the Detective Branch of Police from Jholdhaka area under Nilphamari District⁸².
75. On November 11, 2017 the ruling Awami League MP from Narail-1 constituency, Kabirul Huq Mukti, organised a meeting and cultural programme on the occasion of the founding anniversary of Jubo League, at the Dak Bangla Chottor in Kalia Municipality area under Narail District. In the evening during the cultural event, criminals vandalised five effigies at the Shitola Hindu temple close to the meeting venue. Some members of the temple committee, under anonymity, said that some indiscipline youth may have vandalised the effigies during Jubo League's anniversary programme. Police could not arrest anyone in connection with this incident⁸³.

⁷⁹ The daily Prothom Alo, 11/11/2017; www.prothom-alo.com/bangladesh/article/1362536/

⁸⁰ The daily Jugantor, 11/11/2017; <https://www.jugantor.com/first-page/2017/11/11/170675/>

⁸¹ The daily Prothom Alo, 13/11/2017; <http://epaper.prothom-alo.com/view/dhaka/2017-11-13/20>

⁸² The daily Jugantor, 15/11/2017; <https://www.jugantor.com/last-page/2017/11/15/171782>

⁸³ The daily Jugantor, 13/11/2017; <https://www.jugantor.com/second-edition/2017/11/13/171465>

76. On November 17, 2017 at night, criminals vandalised all the effigies including the idol of goddess 'Kali' at the Hindu temple 'Kali Mandir' in Borokalikapur Village under Aatrai Upazila in Naogaon District. Police of Aatrai Police Station arrested six persons, including Raninagar Upazila's Mirut Union unit Awamai League's Organising Secretary Mohammad Shahidul Islam Pramanik⁸⁴.

Violence against women

77. Incidents of violence against women continue. A significant number of incidents of rape, dowry and related violence, domestic violence, sexual harassment and acid violence have occurred in November 2017. Women are becoming victims of such violence due to non-implementation of laws, a prevailing culture of impunity in the government, lack of victims and witnesses protection, criminalisation and corruption in the law enforcement agencies, supremacy of socially and politically influential persons, poor economic conditions of women, weak administration; and also due to lack of awareness in society. In most cases victims are not getting justice due to a prevailing culture of impunity, which instigates more such crimes and encourages potential perpetrators. As a result, such violence is increasing.

Rape

78. In November 2017, Odhikar recorded a total number of 45 females were raped. Among them, 10 were women and 35 were girls. Of the women, six were victims of gang rape and one was killed after being raped. Out of the 35 girls, four were victims of gang rape and one committed suicide after being raped. 10 girls were also victims of attempted rape. One incident is as follows:

79. Narayanpur Union unit Chhatra League General Secretary, Arif Hossain Hawlader secretly took pictures and videos of six women and raped them at various times after entrapping them. Later, he spread those pictures and videos on the internet.⁸⁵ After that one of the victims filed a case with Bhedorganj Police Station under the Women and Children Repression Prevention Act against the rapist Arif Hossain Hawlader. Police are yet to arrest him⁸⁶.

Dowry-related violence

80. According to information gathered by Odhikar, in November 2017, a total of 19 women were subjected to dowry violence. Of these women, it has been

⁸⁴ The daily Naya Diganta, 19/11/2017 ; <http://www.dailynayadiganta.com/detail/news/269649>

⁸⁵ The daily Manabzamin, 11/11/2017; www.mzamin.com/article.php?mzamin=91447&cat=2/

⁸⁶ The daily Jugantor, 12/11/2017; <https://www.jugantor.com/news/2017/11/12/170993/>

alleged that five were killed, 12 were physically abused and two committed suicide due to dowry demands. One incident is as follows:

81. On November 9, 2017 a housewife named Sharmin Akhter was beaten and severely injured by her husband Selim Mia and father-in-law Mozammel Huq after locking her in the house due to demands for three hundred thousand taka as dowry, in Dorikandi Village of Mudapara Union under Rupganj Upazila in Narayanganj District. They broke her arm and leg and also injured different parts of her body by hitting her with a spade. Police rescued her. Later she was admitted to the Orthopaedic Hospital in Dhaka. A case was filed with Rupganj Police Station in this regard. Police arrested Selim Mia.⁸⁷

Stalking

82. According to information gathered by Odhikar, in November 2017, a total of 24 females were victims of stalking and violence. Of them, four committed suicide after failing to endure insults, two were killed by the stalkers, two were injured, three were assaulted, and 13 were victims of stalking. Furthermore, one man was killed and four men were injured by the stalkers for protesting such incidents. One incident is as follows:
83. N S College unit Chhatra League President Injamamul Huq Mirza and Union unit Chhatra League General Secretary Mridha Saiful Hossain Tutul used to stalk Joyee Mandol, a second year student of LBK Government Girls College in Dakope Upazila under Khulna District. On November 6, 2017 when she was going to private tuition, Injamamul Huq dragged her to a house where she was physically assaulted. As a result, she felt very humiliated and committed suicide after returning to the college dormitory. On November 7, the victim's father filed a case with Dakope Police Station under section 306 of the Penal Code in this regard. On November 12, the main accused Injamamul had surrendered before a Senior Judicial Magistrate Court in Khulna and the Court sent him to jail⁸⁸.

Hindrance to human rights activities of Odhikar

84. The present government continues to harass Odhikar for being vocal against human rights violations and for campaigning to stop them. 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

⁸⁷ Information sent by human rights defender associated with Odhikar from Narayanganj.

⁸⁸ Information sent by human rights defender associated with Odhikar from Khulna.

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.

85. Human rights defenders who are working fearlessly to gather information and carry out their profession impartially are harassed and victimised. For instance, in March 2016, a journalist and human rights defender associated with Odhikar, Mohammad Afzal Hossain, was shot and severely wounded by police while he was observing the irregularities of a local government election in Bhola⁸⁹ and in February 2017, another human rights defender associated with Odhikar, journalist Abdul Hakim Shimul, was shot dead by Shahjadpur Municipality Mayor and Awami League leader Halimul Huq Miru.⁹⁰ Hasan Ali, Kushtia district correspondent of Bangla Vision TV and Aslam Ali, staff reporter of Dainik Kushtia Dorpan - both human rights defenders associated with Odhikar - were sent to jail in a case filed under section 57(2) of the ICT Act. They were released on May 29 on bail after 20 days detention in jail.⁹¹ Police arrested Sheikh Mohammad Ratan, a human rights defender associated with Odhikar from Munshiganj and district correspondent of MyTV, under the ICT Act for 'liking' a news⁹² on facebook⁹³.
86. The NGO Affairs Bureau (NGOAB), which is under the Prime Minister's Office has, for more than three years, barred the release of all project related funds of Odhikar and withheld renewal of its registration in order to stop its human rights activities. In 2013, Odhikar took loan of Taka 1,845,038.00 from its own fund in order to accomplish activities on time under "Human Rights Research and Advocacy" project funded by the Embassy of the Kingdom of the Netherlands (EKN) as donor's fund was delayed. Odhikar spent that money to implement the project activities. On July 14, 2013 the Netherlands Embassy transferred the last instalment money of the third year budget to Odhikar's Mother Account at Standard Chartered Bank as per fund request from Odhikar. The NGOAB did not give permission to Odhikar to withdraw

⁸⁹ For details, please see Odhikar's monthly report of March 2016. <http://odhikar.org/human-rights-monitoring-report-march-2016/>

⁹⁰ For details, please see Odhikar's monthly report of February 2017. <http://odhikar.org/human-rights-monitoring-report-february-2017/>

⁹¹ Information gathered by Odhikar

⁹² A few news items about allegations of forging LLB (Hons.) certificates were published in different online media against an apprentice lawyer Mir Nasiruddin. When the news was shared on facebook, Sheikh Mohammad Ratan liked the news along with some others. With regard to this, Mir Nasiruddin filed a case with Munshiganj Police Station under the ICT Act on February 3, 2017 against former President of Munshiganj Press Club and Editor of Munshiganj.com, Mohammad Selim and seven other journalists. Sheikh Mohammad Ratan has been accused because of liking the facebook post.

⁹³ Information sent by local human rights defender associated with Odhikar from Munshiganj.

the money from bank despite submission of all financial reports, including audit and project activity reports to the NGOAB. As a result, the money is still blocked by the government.

87. Furthermore, the NGOAB approved to undertake activities of Odhikar's two-year project on "Education on the Convention against Torture and OPCAT Awareness Programme in Bangladesh" funded by the European Union (EU). The NGOAB did not give fund clearance for the 50% money of the second year. As a result, some project related activities during six month period could not be undertaken and Taka 3,846,543.00 of the EU still frozen in the bank. However, several initiatives had been taken on behalf of the EU in this regard but the matter has not resolved yet.
88. Odhikar' all accounts are maintained at the Standard Chartered Bank (SCB). The government started to suppress and harass Odhikar from 2013, since then the SCB has been harassing Odhikar through different ways. Currently the Standard Chartered Bank has dormant all accounts of Odhikar. Despite numerous challenges the Organisation is still operating due to the volunteer services of grassroots level human rights defenders associated with Odhikar and its members and staff and their commitment to human rights activism.

PART III: RECOMMENDATIONS

Recommendations

1. In order to protect the right to life and human dignity of the Rohingya people Odhikar demands peace and human rights to be established immediately in the Rakhine state of Myanmar with UN initiatives. Odhikar also urges that the UN take initiatives to ensure the right to self-determination of the Rohingya people.
2. Odhikar demands that the international community put effective pressure on the Myanmar government and support the establishment of the human rights of the Rohingya community in Myanmar. At the same time, all those responsible, including the Myanmar Army and Buddhist extremists must be made accountable at the international level for committing crimes against humanity.
3. Indian Border Security Force (BSF) must stop human rights violations, including killing and torturing Bangladeshi citizens along the border areas. India must give Bangladesh its right to water and must stop all activities that are creating artificial flooding in Bangladesh immediately. The construction of the Rampal coal-based power plant must also be stopped to prevent ecological and human disaster in Bangladesh. Odhikar also demands a balance in the current trade imbalance between the two countries.
4. Interference on the Judiciary must stop. The government must refrain from such activities to ensure Independence of the Judiciary in actuality.
5. The Government must bring to effective justice, the members of the law enforcement agencies, involved in incidents of extrajudicial killings and torture.
6. The Government must accede to the Optional Protocol to the Convention against Torture; and effectively implement the Torture and Custodial Death (Prevention) Act, 2013, and the High Court and Appellate Division directives contained in the matter of BLAST and Others Vs. Bangladesh and Others.
7. The Government should follow the recommendations made by the UN Human Rights Committee in its 119th session to end torture. The law enforcement agencies must also 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”.
8. 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 take effective measures to recover the victims of enforced disappearance and return them to their

- families. The Government must bring the members of the security and law enforcement agencies who are involved, before the law.
9. The Government should follow the recommendations made by the UN Human Rights Committee in its 119th session to criminalise enforced disappearance in the national laws.
 10. The government must sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly in 2006.
 11. Democracy must be restored by creating an accountable government through free, fair and inclusive national elections under a neutral interim government or even under the supervision of the United Nations.
 12. The Government must stop political violence. The government must also take legal action against the ruling party leaders and activists for criminal activities in order to prevent criminalisation.
 13. The Government must refrain from repressive, undemocratic and unconstitutional activities. Rights to freedoms of assembly and association of the opposition political parties, people who have alternative beliefs and dissenters, must be ensured, as per the Constitution and international norms. Harassment on the opposition political parties and dissenters must be stopped.
 14. Freedoms of speech, expression and the media must be ensured and protected. The Government must bring the perpetrators of attacks on human rights defenders and journalists to justice through proper and impartial investigation.
 15. The ban on the publication of the daily Amar Desh and on the broadcasting of Diganta TV, Islamic TV and Channel One must be removed.
 16. All repressive laws, including the Information and Communication Technology Act, 2006 (amendment 2009, 2013) and the Special Powers Act, 1974 must be repealed.
 17. The ready-made garment factories and all other factories need to be brought under synchronized security programmes and adequate wages must be given to workers; and all factories should be made with adequate infrastructural and other related facilities.
 18. Trade union rights should be guaranteed at all the ready-made garment factories and workers rights should be protected as per ILO Conventions. In order to stop discrimination a legal framework or policy must be made for all workers in the informal work sector, including construction site.
 19. 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.

20. The case filed against Odhikar's Secretary and its Director under the Information and Communication Technology Act, 2006 (Amended in 2009) must be withdrawn.
21. All repressive measures and harassment against human rights defenders associated with Odhikar should be ceased. The government must release the funds of Odhikar to enable it to continue its human rights activities. The NGO Affairs Bureau must renew its registration which is pending since April 2014.

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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.
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.