



1 May 2008

MONTHLY HUMAN RIGHTS MONITORING REPORT April 2008

Concern about the Supreme Court verdict on restraining of granting bail

RAPES AND EXTRAJUDICIAL KILLINGS INCREASE

This report is based on Odhikar's monitoring of the state of human rights and information received in the month of April 2008. As part of its mandate, Odhikar is committed to uphold civil, political, socio, economic and cultural rights of the people.

- Judgment of the Appellate Division of the Supreme Court on restraining of granting bail

The Appellate Division of the Supreme Court on April 23 declared that no court, including the Supreme Court itself, has the right to entertain applications on bail matters relating to the Emergency Power Rules 2007. Supreme Court Bar Association of Bangladesh endorsed a resolution to condemn the decision of the Appellate Division of April 23. Former Attorney General Mr. Rafiqul Huq stated in the meeting that "The Appellate Division has put the last nail in human rights coffin". The repressive bail provisions under the Emergency Power Rules 2007 which bars any accused from seeking bail in any court or tribunal during inquiry, investigation, trial or appeal in a case. This has already led to a huge increase of arrests and detentions.

- Anti-terrorism ordinance

The military backed Government spokesperson has confirmed to the press/media that the government will shortly adopt and promulgate an Anti-terrorism law containing a broader definition of "act of terrorism", providing speedy trial and the provision of the death penalty. He mentioned that in drafting this law, the government examined similar legislations in other countries. According to the report, this Ordinance will be in line with the anti-terrorism related international conventions that Bangladesh has signed.

Odhikar recalls the oppressive nature of the Anti-terrorism legislations in place in Bangladesh and promulgated by various governments, the havoc the laws have created and their widespread abuse. Because of inherent abusive nature of Anti-terrorism laws, Odhikar opposes the adoption of such laws. Odhikar apprehends that the proposed law will most likely aggravate the already precarious human rights situation in Bangladesh.

- Extrajudicial Killings

Odhikar is deeply concerned about the rise in the number of extrajudicial killings in April. Recently, extrajudicial killings had taken a downward trend but more persons were reportedly killed by law enforcement agencies this month than in March, 13 against the 6 killings in March, reversing the trend. Rapid Action Battalion (RAB) reportedly killed 8 persons, while Police killed 5. Among them 11 persons were killed in crossfire/ encounter/ shootout/ gunfight¹, and 2 were allegedly tortured to death.

¹ Reports in the press have increasingly used more than one of the terms "crossfire", "encounter", "gunfight" and "shootout" in one article to describe the same incident. It is, therefore, no longer possible for Odhikar to determine which of these descriptions best describes an incident of extra-judicial killing. Odhikar has, therefore, grouped these incidents together.

Circumstances of deaths

Odhikar also recorded the circumstances under which these persons were killed extra-judicially. Eight persons were killed in RAB crossfire/ encounter/ gunfight/ shootout and 3 in police crossfire/ encounter/ shootout/ gunfight. During this period, 2 persons were allegedly tortured to death by police.

Political allegiance of the victims

According to reports, political affiliations of some of the victims of extrajudicial deaths were as follows: Two were members of Purbo Banglar Communist Party (Red Flag) while 1 was a member of Gono Bahini and 1 from Gono Mukti Fouz.

Other characteristics of the victims

Three were from alleged gangsters group Gangchil Bahini, 3 were alleged criminals, 1 was an alleged robber, another a mugging suspect and another person's identity was unknown.

- Rape

Violence against women has also increased. According to Odhikar's sources of information, in April 52 women and girls became victims of rape, out of which 25 were gang raped. This has been an alarmingly high figure compared to previous months. Amongst those victims, 27 were adults and 25 girls². Out of these 27 women, 10 were reportedly killed after rape and 17 were victims of gang rape. On the other hand, out of 25 girls, 3 were reportedly raped first and then killed, while eight became victims of gang rape .

- Dowry

Another serious form of violence against women occurs due to dowry³ demand. Between 1 and 30 April, a total of 19 women became victims of dowry demands. Due to dowry related violence, a total of 11 women were killed and 6 were tortured. During this time, 2 women reportedly committed suicide, as they could not bear the abuse any longer.

- Acid Violence

Between 1 and 30 April, 4 persons reportedly fell victims of acid violence. Among them 3 women and 1 man.

- Bangladesh-India border violence

In April, violence on the Bangladesh-India border region continued. Odhikar recorded the killing of 3 Bangladeshi nationals by the Indian Border Security Force (BSF), while 5 were reportedly injured. Such killings are entirely unnecessary and in utter disregard to right to life. Odhikar has consistently condemned killings of Bangladeshis by the BSF.

- Death in Jail

It was reported that 6 persons died in the prison custody, allegedly due to illness, between 1 and 30 April 2008.

² As per the Children's Act 1974, an adult is a person above the age of 16 years.

³ A **dowry** is the money, goods, or estate that a woman brings to her husband in marriage. **The Dowry Prohibition Act 1980** enacted for prohibiting dowry and makes provision that giving or taking/demanding of dowry is an offence punishable with imprisonment and/or fine.

- Freedom of Expression

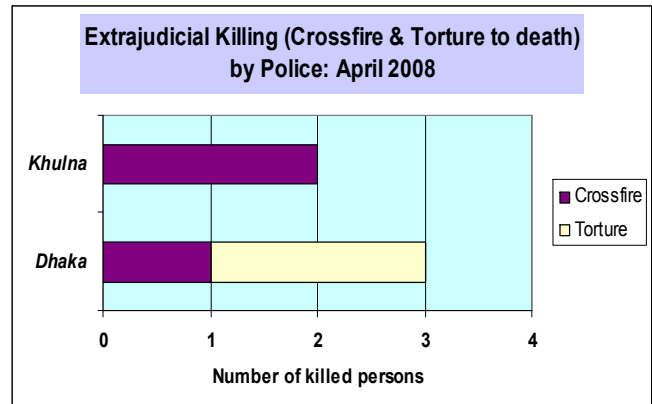
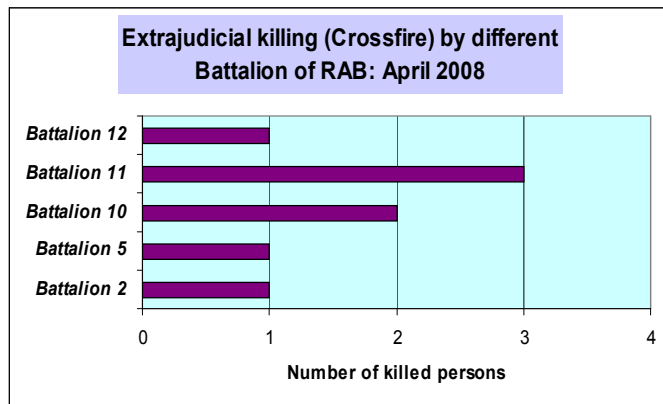
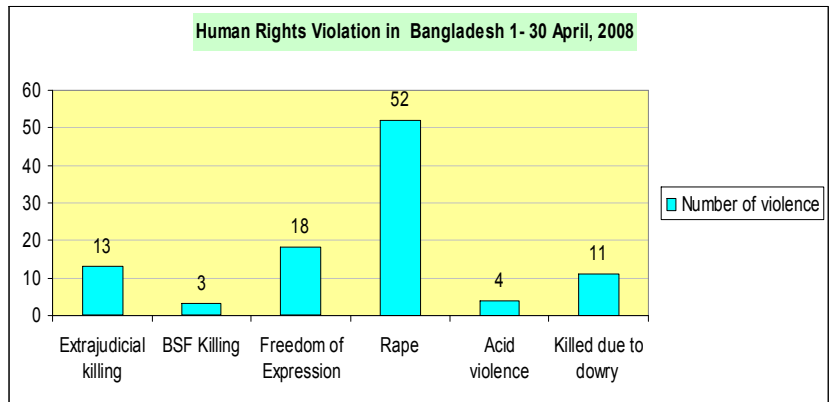
Victimisations of journalists continued in April, when 18 incidents against journalist were recorded. In these incidents, 13 journalists were reportedly injured, while 2 were assaulted. One incident of threat was recorded and 2 journalists were barred from covering a trial in court. Negative pressure on journalists remain unchanged for publishing of factual reports, contravening recognised rights of press under national and international laws.

- Arson at Rangamati Hill District

In a single incident of arson on 20 April 2008, 132 houses in Rangamati Hill District, were set ablaze. The homes belonged to both members of hill people and Bangali settlers in Bagaichari Upazila at Rangamati Hill District. Among those houses burnt down, 53 belonged to hill people while 79 houses were Bangali homesteads. Such incidents are outcomes of continued militarisation of the region disregarding internationally recognised rights of the ethnic minority people.

*Statistics of Human Rights violations
Apr-08*

Name of the violation	Number of violence
Extrajudicial killing	13
BSF Killing	3
Freedom of Expression	18
Rape	52
Acid violence	4
Killed due to dowry	11



Odhikar Recommendations

- The Appellate Division of the Supreme Court should take effective steps to reverse the Judgment on restraining of granting bail. Odhikar calls upon the national and international human rights community to support the lawyers and human rights defenders in Bangladesh to support their movement to reverse the judgments of the Supreme Court and also to withdraw the rules of the Emergency Power Rules 2007.
- The Government should immediately make public a draft version of the Anti terrorism Ordinance for close scrutiny and comments.

- The Government must take immediate and decisive steps to halt extrajudicial killings. It is widely believed that extrajudicial killings are carried out with active consent of those in power, which have *de facto* given impunity to such crimes, by not investigating and prosecuting perpetrators, who are members of various law enforcement agencies.
- Violence against women must be stopped and special attention should be given to incidents of gang rape, by ensuring effectively prosecution of perpetrators in accordance with the law. Victims of gender violence must be ensured of necessary support, compensation and reparation. Odhikar demands the setting up of a Fund specifically for victims of gender violence.
- The Government should take immediate and effective steps to stop the killing of Bangladeshi citizens by the Indian Border Security Force (BSF) and violations of human rights along Bangladesh borders with India.
- The Government must end its practice of intimidating journalists and ensure and guarantee freedom of expression.

Address: Odhikar: House 65E (2nd Floor), Road 17-A, Banani, Dhaka-1213, Bangladesh, Tel: 88-02-9888587, Fax: 88-02-9886208, email: odhikar.bd@gmail.com, odhikar@citech-bd.com, Web: www.odhikar.org

Notes:

1. Odhikar seeks to uphold the civil, political, economic, social and cultural rights of the people.
2. Odhikar documents and records violations of human rights and receives information from its network of human rights defenders and monitors media reports in twelve national daily newspapers.
3. Odhikar conducts detailed fact-finding investigations into some of the most significant violations.
4. Odhikar is consistent in its human rights reporting and is committed to remain so.