

**HUMAN RIGHTS MONITORING REPORT
ON BANGLADESH: 1-30 APRIL, 2009**

**NO TRIAL UNDER THE ARMY ACT: TRY ALL THOSE ACCUSED OF BDR HQ
KILLINGS IN CIVILIAN COURT UNDER EXISTING LAWS**

**CONCERN OVER ALLEGED CUSTODIAL TORTURE AND DEATH OF BDR
MEMBERS**

EXTRAJUDICIAL KILLINGS CONTINUE

**JOURNALIST SEVERELY INJURED BY AFFILIATES OF A MEMBER OF
PARLIAMENT**

1. Odhikar is committed to uphold the civil, political, economic, social and cultural rights of the people and as part of its commitment, monitors the human rights situation in Bangladesh. Odhikar presents below a human rights monitoring report covering 1 to 30 April, 2009.

**NO TRIAL UNDER ARMY ACT: TRY ALL THOSE ACCUSED OF BDR HEADQUARTERS
KILLING IN OPEN COURT UNDER EXISTING LAWS**

2. The Bangladesh Rifles Headquarters carnage occurred on 25th and 26th February, 2009. The Ministry of Home Affairs wrote to the Ministry of Defense requesting it to issue a Gazette Notification to facilitate the trial of the alleged accused persons through Court Martial under the Army Act, 1952. After the Gazette Notification, a District General Court Martial and a field General Court Martial will be formed¹. Odhikar is deeply concerned about the process of the trial. Legally, the trial of this brutal event cannot be done under the Army Act of 1952 as the BDR members are not part of the military.
3. Odhikar urges the government to identify those responsible for the killings beyond reasonable doubt and prosecute them in open civilian courts, fully recognising the constitutional rights of the accused and providing them scope to defend themselves as per national and international legal norms.

DEATHS OF BDR MEMBERS DURING INVESTIGATION PROCESS

4. As per Odhikar's documentation, eleven BDR members and one Imam have reportedly died during the investigation of the BDR mutiny. A BDR press release, states that 16 BDR members had died since the mutiny. After the report of the BDR authority was released, two more BDR members died. As per Odhikar's documentation, on 9 March 2009 detained Nayek Subeder Mozammel Huq and on 11 March, Maoulana Siddikur Rahman died. Furthermore, on 9 March BDR member Raisuddin of 44th Rifles Battalion, on 16 March Lance Nayek AHM Wahiduzzaman of 3rd Battalion in Joypurhat, on 24 March BDR member Mizanur Rahman of Marishar 9th Battalion in Rangamti, on 25 March BDR member Sheikh Waliullah of 38th Akhalia Battalion in Sylhet and on 26 March Habildar Solaiman of 45th Rifles Battalion reportedly died. BDR member Monir Hossain

¹ Source: Amader Shomoy: 20 April, 2009

died on 17 March. Family members of deceased BDR member Mobarak Hossain, alleged that he died due to torture while in the custody of Rapid Action Battalion on 22 March. On 7 April BDR member Yasin Hossain died in Sher-e- Bangla Medical College Hospital. On 13 April the BDR authority said the 13th Rifles Battalion soldier Ashraful Alam committed suicide in the BDR Head Quarters. On 16 April, Kazi Saidur Rahman of 15th Battalion died in Dhaka Medical College Hospital. The Hospital morgue told Odhikar that marks of physical assault were visible on his body and some parts of his body were badly bruised. The back of his head was swollen and there was a hole in his right thigh. The family members of the deceased alleged that he was killed by torture.

CUSTODIAL TORTURE DURING INVESTIGATION PROCESS

5. From a source at Dhaka Medical College hospital, Odhikar learnt that some BDR members who were being taken to the Hospital, were found to have been tortured. On 17 April Deputy Assistant Director of BDR Nasiruddin and BDR member Nasir were brought to Dhaka Medical College Hospital for treatment and evidence of torture were found on their bodies. On 22 April Harunur Rashid Mia, a BDR soldier, alleged in front of a judge in the court that he was taken into RAB custody on April 15 and since then he has been tortured in various ways including application of electric shocks on his body. He appealed to the judge to give necessary direction for his treatment. Instead, the judge put him in remand for 5 days.
6. It is alleged that a leader of BNP's youth wing named Ziaul Haq of Sreenagar under Munshiganj district was blind folded, tied up and tortured by police. He was arrested by police over a land dispute issue on 28 April, 2009.
7. Odhikar would like to recall that torture is a serious violation of human rights and is strictly prohibited by Article 35(5) of the Bangladesh Constitution as well as international laws. Bangladesh ratified the Convention against Torture on 5 October 1998. Odhikar expresses its deep concern about the allegations of torture and death of detained BDR members in custody. Odhikar urges the government to ensure that the BDR jawans are not tortured in custody. The deaths in custody or during investigation may constitute a serious hurdle in doing justice, since it may be linked to the elimination of evidence and potential witnesses.
8. Odhikar is concerned that a complete list of arrested and fugitive border guards has not been published to date and this will seriously jeopardise the credibility of the investigation. We urge the government to officially publish the list and create an opportunity that allows all the detained BDR members to meet their families.

FREEDOM OF MEDIA HINDERED: JOURNALIST TORTURED BY AFFILIATES OF A MEMBER OF PARLIAMENT

9. On April 13 due to the publication of a report on the misdeeds, extortion and occupation of a Balumahal² by Giasuddin Ahmed a member of Parliament elected from Mymensingh 10 of Gaforgaon at Mymensingh, the local correspondence of the Bangla newspaper, Shomokal, Abdullah Al -Amin Biplob, was severely attacked by loyal accomplices of the said MP. Biplob's hand and legs were broken by them. The MP threatened him earlier saying "I am the MP of Gaforgaon, nothing can be written against me in the next five years. If you write you will face serious consequences". However Biplob ignored his threat and went to a computer shop to send the report, where he was caught and severely injured after being beaten by the 'goons' of the MP.

² Balumahal: A site where sand is excavated.

10. Odhikar condemns the attack perpetrated by the MP of Gaforgaon. It is very alarming that without being involved in people's welfare, MP Giasuddin Ahmed is allegedly acting as a violator.
11. Odhikar believes that any citizen or group of citizens can make a comment and publish an opinion on any topic under the fundamental rights guaranteed by the Constitution of Bangladesh.
12. Between 1-30 April, Journalists were harassed and intimidated in various ways. Among them, it is reported that 4 journalists were injured, 8 were threatened and 4 were assaulted in various parts of the country.
13. The obstruction of journalists from publishing informative reports is contrary to freedom of press. Therefore, Odhikar urges the government to investigate the incident and ensure the punishment of perpetrators.

ODHIKAR CONDEMNS EVICTION OF LANDLESS FAMILIES BY POLICE

14. On April 19, 2009 in the village of Par Borail of Sadar Upazila in Dinajpur, 113 landless families were evicted by the police and the land they settled on was handed over to the big landowners. During the eviction drive the houses were set on fire. The evicted families were left under the open sky. Odhikar condemns this eviction drive. Odhikar would like to remind the government that without rehabilitation plans, no one can be evicted. Forced eviction is a gross violation of human rights. Odhikar urges the government to rehabilitate the evicted families immediately.

LEGAL STEPS AGAINST BEGGING WITHOUT MAKING REHABILITATION ARRANGMENTS IS A VIOLATION OF HUMAN RIGHTS

15. On 31 March, 2009 the Parliament passed Bills regarding the Sylhet Metropolitan Police Act 2009 and the Barisal Metropolitan Police Act 2009. The aforesaid Bills provide imprisonment for up to three months for any person found begging or exhibiting any disability, deformity or ailment in public.
16. Odhikar reminds the government of its constitutional obligation to ensure the protection of life and the right to liberty, stated in Article 32. However without creating any alternative arrangement to survive, the government has ignored its obligation towards the marginalised and deprived sections of the society.
17. Due to abject poverty and huge unemployment, impoverished people find no option for living except by begging. Odhikar urges the government to review the Bills and create an enabling society to ensure employment opportunities for all, and a safety net for the poorest of the poor.

UPAZILA PARISHAD BILL PASSED: AUTHORITATIVE POWER GOES TO THE MEMBERS OF PARLIAMENT

18. On 6 April, 2009 the Upazilla Parishad Bill 2009 was passed by the Members of Parliament, giving them extensive authority and power over Upazila Parishads in their respective constituencies. According to this Bill, the Members of Parliament have delegated power as advisors and it has been made mandatory for the Parishads to accept their suggestions. By this law, a Parishad is bound to contact the government through MP. Odhikar is concerned over this Bill. An Upazila Parishad is formed by the direct vote of the citizens and should not be subjected to the sweeping authority of the MPs. Odhikar believes this kind of authority can create a distance between the Upazila Chairman and MPs. To create sustainable development from a grass root level, independent and strong local government management is needed. Odhikar urges the government to repeal the Bill.

Extra-judicial killings

19. From 1 to 30 April 2009, 4 persons were reportedly killed by law enforcement agencies. Among them 1 was killed by RAB, 1 by police and 2 were killed by RAB- police jointly. Among those four killed two died in custody.

Circumstances of death

20. It was reported that of the 4 persons killed, 1 was killed in crossfire/ encounter/ gunfight/ shootout³ by RAB, 2 were killed in crossfire/ encounter/ gunfight/ shootout⁴ by RAB-police and 1 was tortured to death by police.

Identity of Victims

21. Among those killed, 1 was from Purbo Banglar Communist Party (Janajuddho), 1 was an inhabitant of Shahjadpur under Sirajgonj district, 1 belonged to an alleged gangster group Lalchand Bahini and another one was an alleged criminal.

Political Violence Continues

22. During this reporting period, a total of 27 people were reported killed and 1137 people were injured due to political violence.
23. In most cases, the violence was perpetrated mainly by activists and supporters of the Awami League (AL) and its front organisations. A total of sixty nine incidents of AL intra party clashes occurred. During the intra party clashes six persons belonging to Awami League were reported killed and 643 injured. The BCL⁵ activists were involved in violent, intra party armed clashes in Jahangirnagar University, Jagannath University, MM College Jessore, Khulana Azam Khan Govt Commerce College, Shah Jalal Science and Technology University, Barishal Medical College, Khulna Polytechnic, BM College Barishal, Mohsin hall and Zia hall of Dhaka University, Pabna Edward College, Chittagong Medical College, Comilla University etc.

India-Bangladesh border violence

24. Human rights violations continued at the border areas perpetrated by the Indian Border Security Force (BSF). In April, the BSF reportedly killed 3 Bangladeshis, 4 were injured and 1 Bangladeshi national was allegedly abducted by them. One incident of looting took place during this time.
25. During this period, a woman was reportedly raped and her husband killed by the Indian Border Security Force (BSF).

Rape

26. Between 1 and 30 April a total of 37 women and girls reportedly became victims of rape. Among them, 16 were women and 21 were children, aged below sixteen. Out of 16 women, 4 were reportedly killed after rape, 10 were victims of gang rape while out of the 21 girls 8 were victims of gang rape.

³ 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.

⁴ Ibid

⁵ BCL: Bangladesh Chattra League, student wing of the Awami League

Dowry related violence

27. The most common reason for domestic violence occurs due to dowry⁶ demands. In April a total of 15 women reportedly became victims of dowry demands during this reporting period. Due to dowry related violence, a total of 14 women were reportedly killed by their husbands and 1 was tortured.

Acid violence

28. During the period 1 -30 April, 2009 reports show that a total of 6 persons fell victim to acid violence. Of them, 3 were women, 1 man and 2 girls.

Recommendations

1. Trial of BDR Headquarters killings should be conducted in open, civilian court under the existing laws and not under the Army Act 1952.
2. An independent and proper investigation is needed into the alleged deaths of BDR members in custody.
3. Torture in custody during investigation of the BDR carnage must be stopped.
4. The government must take immediate steps to stop political violence. Those who are engaged in such violence must be brought to justice. Law enforcement agencies should be strengthened and engaged to stop the violence.
5. Stop extrajudicial killings. The present government declared that it has 'zero tolerance' towards extrajudicial killings. Government should bring the perpetrators to book and prosecute the perpetrators.
6. Repeal the Upazila Parishad Bill 2009.
7. Freedom of the media must be upheld. Those who were involved in the injury to journalist Abdullah Al Amin Biplob should be brought to book.
8. Review the Bills of Sylhet Metropolitan Police Act 2009 and the Barisal Metropolitan Police Act 2009.
9. The Government should take effective measures to stop violence against women. It must be pro-active in bringing perpetrators under the law and offer practical assistance to victims/survivors. It must ensure that victims and witnesses are protected so that perpetrators cannot intimidate and re-victimise them. In this regard, Odhikar calls upon the government to set up a special fund to give both physical and psychological support to victims of gender violence and to offer adequate compensation.

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Notes:

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

⁶The Dowry Prohibition Act 1980 makes the giving or taking/demanding of dowry an offence, punishable with imprisonment and/or fine.