

Human Rights Monitoring Report on Bangladesh

Period: 1-31 October 2009

Shipping Minister Shahjahan Khan's comment on extrajudicial killings
The banning of Hizbut Tahrir
Torture of a journalist under RAB custody
State inflicted persecution of Lamppost members
Incidents of torture in remand continue
Law Minister's comment on the trial of BDR members
Incidents of rape under 'political shelter'
Condition of the workers of the readymade garments sector

Odhikar stands to uphold the dignity and civil, political, economic, social and cultural rights of persons. As part of this commitment, it highlights the human rights situation of Bangladesh on a regular basis, through monthly reports and other occasional publications of its monitoring activities. In line with this campaign, a report on the state of human rights of Bangladesh, covering the period of October 2009 is given below.

Odhikar concerned over Shipping Minister Shahjahan Khan's comment on extrajudicial killings

1. In the BBC Bangladesh Talks held at the Bangabandhu International Convention Center on October 3, the Shipping Minister Shahjahan Khan stated, 'extrajudicial killings or crossfire are taking place because crime is not being tackled properly. It is taking place as an alternative way to stop crimes. A time will come when crime will come to an end on its own. There will no longer be a need for extrajudicial killings.'¹ The Shipping Minister stated again at Fatulla, Narayangaj on October 8, 2009 that, 'If a criminal dies in an encounter for the sake of establishing peace in the nation, it does not amount to a human rights violation. Currently the incidents of extortion and crimes have come to an end due to encounters.'²
2. Asiya Akhtar, mother of deceased Kaisar Mahmud Bappi, who was killed in 'crossfire' by the RAB on September 9, 2009 at Rampura, Dhaka, arranged a press conference at the Dhaka Crime Reporters Association on October 20, 2009. At a press conference, Asiya Akhtar stated that the RAB had killed her son Kaisar Mahmud Bappi, who was a TV performer actor, in what RAB calls a 'gunfight', by turning him into another person called Kamrul Islam Bappi.

¹ Source: The Daily Jaijaidin 04.10.2009

² Source: The Daily Prothom Alo 09.10.2009

3. Odhikar believes that the comments made by responsible Ministers of the Government are only granting further legitimacy to extrajudicial killings.
4. The statements delivered by the Ministers of the Government are causing concern over the fact that perhaps the Government has taken a position to kill its citizens outside the purview of a trial. Odhikar is deeply concerned over the dangerous fall in the condition of human rights in Bangladesh. It is stated clearly under Article 31 of the Constitution 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.' In addition to this, Article 32 states, 'No person shall be deprived of life or personal liberty save in accordance with law.' The comments made by the Ministers are inspiring the law enforcement agencies to engage in unconstitutional activities. The attempt to give validity to this practice of killing is, in deed, worth condemnation.
5. During the month of October 2009, 28 people have reportedly been killed extra-judicially by law enforcement agencies. It is alleged that of these people, 6 were reportedly killed by RAB, 18 by police and 4 jointly by the RAB-Police. Of the 28 killed, 5 were killed while they were in custody of the law enforcement agencies.

Types of death:

6. It has been further alleged that of these extrajudicial killings, 26 were killed in 'crossfire/encounters/gun fights/shootout' and 2 persons were allegedly tortured to death.

Identities of the deceased:

7. Of the killed 28 persons, 5 belonged to the Purbo Banglar Communist Party (Janajuddho), 1 was a member of the Purbo Banglar Communist Party, 1 was a member of the Sorbohara Party, 1 was from New Biplobi Communist Party another one was from Biplobi Communist Party, 5 were members of the Gonomukti Fouz, 1 was from Gono Bahini 1 was a freedom fighter, 1 was alleged drug dealer, 2 were dacoits, 2 were pirates and 7 were alleged criminals.

Odhikar condemns the banning of Hizbut Tahrir:

8. The Government has banned all activities of Hizbut Tahrir Bangladesh. The news of the banning was conveyed through a press note on October 22, 2009, which was signed by the Joint Secretary (Political) of the Ministry of Home Affairs, Dr. Md. Kamal Uddin. The press note states that the government has banned the organisation named Hizbut Tahrir, Bangladesh

- from October 10 because it poses as a threat to the security of the public in general.
9. Hizbut Tahrir in its various written statements and meetings has conveyed its dissent over terrorist activities and had been expressing its views under the fundamental rights guaranteed by the Constitution of Bangladesh. Under the international, regional and domestic sphere of politics, if the State and the Government bar expressing ones thoughts and opinions, it will lead to instability and intolerance in the society which may be difficult for a weak State and Government like Bangladesh to handle.
 10. Odhikar believes in the freedom of expression and the giving of opinions and ideas by every single citizen and political party, especially, those political parties which have been peacefully conveying their views through their statements and activities. The banning of Hizbut Tahrir without showing any evidence goes against the traditional norms of normal and peaceful political activities and unmaskes the undemocratic attitude of the Government and proves that the Government has taken a stand against the fundamental rights of the citizens, as guaranteed under Articles 37,38 and 39 of the Constitution.
 11. Article 37 of the Constitution guarantees freedom of assembly, while Article 38 guarantees freedom of Association. Article 39 guarantees freedom of thought and conscience and speech. The act of banning an organisation that has no proven link to any violence or any anti-state activity, contravenes the Constitution.
 12. Odhikar would like to recall here that the issue of public security was used in the past by the Home Ministry to prevent Sheikh Hasina from returning to Bangladesh. Also, the same excuse was used to install a pseudo civilian Government, in reality a military Government, through the events of 1/11.
 13. Odhikar believes that the forced leave granted to Mohiuddin Ahmed, who heads the Hizbut Tahrir and is an Assistant Professor of the Institute of Business Administration (IBA) of Dhaka University; and his house-arrest without any formal charges by the law enforcement agencies, infringes upon his civil and Constitutional rights. As a human rights organisation, Odhikar demands that such forms of harassment be stopped immediately.
 14. Odhikar seriously condemns such decision taken by the government and it also believes that the present stance taken by the Government will only lead to an unwanted, unstable situation in the political arena.

Torture of journalist in RAB custody:

15. On October 22, 2009, a Staff Reporter of the New Age, F M Masum was arrested by the RAB from his rented house at Jatrabari and tortured by them. Officers of RAB-10 in plain clothes went to the house rented by Masum. Upon their arrival they called on Masum to open the door. Flight Lt. Anisur Rahman led the other RAB officers to beat up Masum because there was a delay in opening the door. When Masum told them that he was a journalist, the RAB officers tied up his hands and legs and beat him even

more. Later on, the RAB officers took the injured Masum to the RAB-10 office where they locked him up in a small room and he was allegedly tortured further.

16. Odhikar expresses its severe dissent and grief over the incident and demands the Government arrest the responsible persons and bring them under trial.

Incidents of torture in remand continue:

17. On October 13, Khondokar Mahbub Hossain the lawyer of Abdus Salam Pintu, an accused in the August 21, 2004 grenade attack case, filed a plea before the High Court which stated, 'October 8 was supposed to be the hearing of Pintu's bail petition. This was deferred because the State asked for time. In this context Pintu was taken into three days remand on 11 October 2009. Attempts are being made to torture Pintu in remand so that he gives a confessional statement. Pintu has been taken into remand to frustrate the bail petition.'³ Pintu's lawyer stated further that the practice of taking someone into remand while the fate of bail petition remains pending is derogatory towards the Court.
18. Odhikar believes that extracting confessional statements by application of torture is a severe violation of human rights and of prevalent criminal laws in the country. Although Bangladesh ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on October 5, 1998, its provisions are not being followed. According to this Convention, a person shall not be physically or mentally tortured or subjected to any form of cruel, inhuman or degrading treatment or punishment. This provision is also endorsed in Article 35(5) of the Bangladesh Constitution.
19. Furthermore, Sections 330 and 331 of the Penal Code 1860 makes the acts of causing hurt or grievous hurt in order to obtain confessional statements, criminal offences, punishable with up to 10 years of imprisonment and fine.
20. Odhikar demands the Government to stop activities where confessional statements are extracted through torture.
21. Odhikar also insists that Magistrates and Judges refrain from accepting confessional statements when it is obvious that the accused has been tortured in remand.

Odhikar expresses concern over the comments of the Law Minister regarding the trial of the accused in the BDR mutiny case

22. On October 21, 2009 Law Minister Barrister Shafiq Ahmed, regarding the trial of the accused persons in the BDR mutiny case, stated that, 'The accused BDR members will be able to argue their own case before the BDR Tribunal. No lawyers will be allowed to argue on their behalf in the

³ Source: The Daily Manabzamin, 14 October 2009

- Tribunal.’ He further stated that the lawyers would only be able to advise the accused regarding their own defense.⁴
23. Odhikar believes that there is a possibility of the accused being deprived of a fair trial if they are denied the opportunity of being represented by a competent lawyer.
 24. According to Section 10 (Ka)(3) of the Bangladesh Rifles Battalion Ordinance 1972, ‘A subordinate officer or a Rifleman or Signalmen accused of an offence under this Order shall have the right to conduct his own defense or to have assistance of any officer of the Force or of any legal practitioner of his own choice.’ There is, thus, no bar preventing an accused from having his defense conducted by a competent lawyer under the BDR Ordinance, 1972.
 25. Under Article 31 of the Bangladesh Constitution, citizens of the State shall have the right to protection of the law. Odhikar believes that if the accused persons charged with mutiny are deprived of legal counsel to conduct their defense, they will be deprived of their constitutionally guaranteed right under Article 31.

State inflicted persecution of Lamppost members

26. The members of the cultural organisation ‘Lamppost’ are trying to avoid arrest and police harassment after they had taken part in a peaceful gathering in front of the Indian High Commission to protest the defamatory remarks made by the Indian High Commissioner Pinak Ranjan Chakravarty on the qualifications of the water resources specialists and environmentalists of Bangladesh. These remarks had directly intervened into Bangladeshi politics and went against the accepted norms of diplomacy. A member of Lamppost informed Odhikar that he and others were spending their days in constant fear that since the Government had blacklisted the organisation, it could declare Lamppost as a banned group as well.
27. Odhikar believes that any citizen of the State has the right to form groups or organisations and carry out activities through peaceful means and also criticize the Government. Article 38 and 39 of the Constitution also guarantee the rights of the citizens to organise meetings and processions. The practice of taking refuge against police harassment and the application of fear in consequence of citizens’ rights to uphold national interests and honour will surely create a sense of apathy to the existing democratic system.

⁴ Source: New Age, 23 October 2009

Odhikar expresses its concern over incidents of rape and political shelter of the rapists

28. On October 3, a newly wedded lady from Fatulla, Narayangaj had gone to Nurbagh in Pagla with her husband, where the local Jubo League leader Abdul Huq alias Hokka and his group consisting of Sharif, Amjad, Swapon, Tajul Islam, Osman Mollah and Sumon, kidnapped the lady and gang raped her in the nearby house of Chan Miah. The police have arrested three of the rapists Amjad, Tajul Islam and Osman Mollah. However, the prime accused Abdul Huq alias Hokka has not been arrested yet.
29. In the month of September, there were incidents of rape at Jessore, Pirojpur and Potuakhali, which took place under 'political shelter' as well. In protest, the local human rights defenders of Odhikar had demanded the arrest of the guilty parties and placed pleas before the Deputy Commissioner, Superintendent of Police and RAB seeking justice.
30. Odhikar expresses its deep concern over incidents of 'politically sheltered' rape.
31. From October 1 to 31, 2009, a total of 45 females were raped, where 20 were adults and 25 were children. Of the adult women, 5 were killed after being raped and 15 were gang raped. From the 25 female children who were raped, 4 of them were killed after being raped and 11 were victims of gang rape.

The state of workers of the readymade garments sector

32. On October 21, 2009, the workers of Munnu Fabrics, a garment manufacturing factory at Manikganj blocked the Dhaka-Aricha highway and protested against the slashing of jobs and demand three months pay to those who had lost their jobs. They also demanded that torture of workers be stopped. When the police tried to baton charge the gathering, a clash developed between the police and the protesting workers. At least 10 people, including police were injured in the clash.
33. On 31st October the garment manufacturing factory, Nippon Garments in Tongi closed its gates to its workers, citing global recession. This sparked off a demonstration by the workers, who had their wages and overtime unpaid for several months. Police attacked the demonstration and shot at the demonstrators, allegedly killing two and injuring over 100. The police used rubber bullets, tear gas shells and shot guns in an attempt to quell the angry demonstration.
34. In the month of October, there have been numerous incidents of workers unrest in the readymade garments sector among which most were related to the demand of overdue wages.
35. Odhikar demands the cancellation of the licenses of those garments factories that are not observing the tripartite agreement and are sustaining the workers' unrest.

36. Odhikar also condemns the extreme actions of the police on demonstrating workers.

Other human rights violations

Continuation of political violence

37. According to information gathered by Odhikar, 11 have been killed and 1348 injured in political violence. There have been 62 instances of Awami League based political violence while 10 instances of BNP based political violence. In addition to this, 01 person was killed in Awami Leagues internal conflict while 577 were injured while 68 were injured in intra party clash of BNP.

Violence along the India-Bangladesh border

38. According to Odhikar documentation, there were 10 reported incidents of human rights violations committed by the Indian Border Security Force (BSF) upon the Bangladeshi people during the month of October 2009. It has been learned that 4 Bangladeshi citizens have been killed and 6 Bangladeshis have been injured by BSF firing.
39. On 4 October 2009, the patrolling BSF personnel opened fire at children without any provocation, injuring a 10-year old girl Rumi Akhtar, while they were catching fish from a pond near border pillar No. 1063 and 1064 at Roumari frontier in Kurigram.
40. Odhikar notes with concern that despite consistently placing forth the incidents of human rights violations along the border, no signs are yet to be seen of bringing these violators to book or providing any sort of compensation to the injured party or their families.

Death in jail custody

41. During October 2009, it has been learned that a total of 11 persons have passed away in jail custody allegedly due to illness.

Freedom of the press

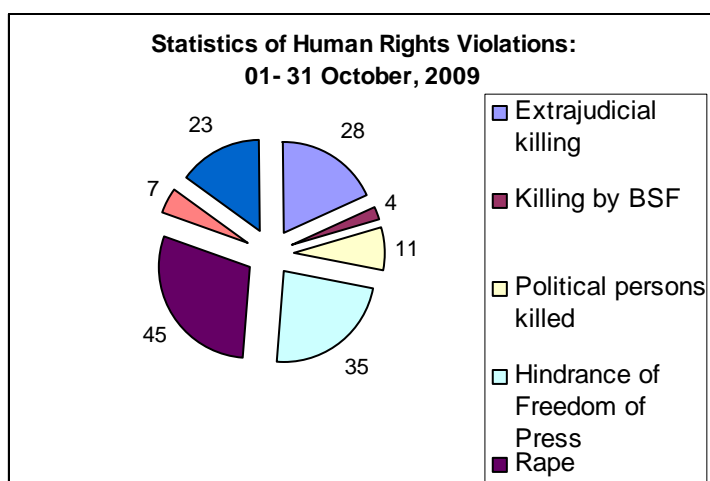
42. Journalists have been subjected to various forms of harassment during the month of October. During this time, 1 journalist was reportedly killed, 9 injured, 12 threatened and 10 assaulted.

Dowry related violence

43. During October 2009, a total of 23 women were subjected to dowry related violence. 17 of them died and 5 of them were tortured in various ways. 1 woman allegedly committed suicide after failing to tolerate torture.

Acid throwing

44. During October 2009, a total of 7 persons have been victims of acid throwing, where 5 were adult females, 1 girl, and 1 was an adult male.



<i>Statistics of Human Rights violations 01 to 31 October 2009</i>	
Name of the violation	Number of violence
Extrajudicial killings	28
Killings by BSF	4
Political persons killed	11
Hindrances of Freedom of Press	35
Incidents of Rape	45
Acid violence	7
Dowry violence	23

Recommendations:

45. The Government must bring an end to extrajudicial killings as per its previous declaration. Ministers of the Government must stop giving statements in support of extrajudicial killings. The killers of Kaiser Mahmud Bappi, killed in RAB 'crossfire', must be brought to trial following a transparent investigation.
46. The trend of banning or persecuting any group that is peacefully protesting against human rights violations and against statements, activities or policies that are detrimental to the welfare of Bangladesh, must be stopped immediately.
47. Torture during interrogation or remand must be stopped at once.
48. For the sake of justice and upholding the rights of the accused, the accused in the BDR mutiny should be allowed to be represented by a legal counsel of their choice.
49. All measures must be taken to ensure that all forms of torture against women come to an end and that the guilty parties be brought to justice. Victims of violence in this regard should be adequately compensated. The

- principle accused in the raping of the housewife from Fatulla, Narayanganj, Jubo League member Abdul Huq alias Hokka must be arrested.
50. The Government must refrain from narrowing down the path to democratic rights and cease the practice of coming down on political groups holding a different political opinion.
 51. The wages of the workers of the readymade garments factories must be paid in time. The Government must watch over the garments factories to ensure that the workers are being paid regularly and that the issues concerning wage raises are established. The Government must also see to it that the tripartite agreement is being observed diligently.

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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.