

MONTHLY HUMAN RIGHTS MONITORING REPORT

Concern over the Indian High Commissioner's comment on the extrajudicial killings on the border Government failed to stop the crime of rape and acid violence

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

- **Concern over the Indian High Commissioner's comment on the extrajudicial killings on the border**

Odhikar is concerned regarding the statement made by the Indian High Commissioner Pinak R Chakravarty on May 16 2008 justifying extrajudicial killings. According to the press, he said that people who die in border shootings are mostly "smugglers", referring those killings carried out by Indian Boarder Security Forces (BSF). He however failed to explain how he came to this conclusion that those killed are smugglers, since those killed are never arrested, interrogated or identified through any process or brought to trial of any sort.

Instead, BSF follows a shoot to kill policy, reaffirmed in various media reports including Odhikar's own investigations. In fact, such killings are rampant, which Odhikar routinely monitors and publishes. Odhikar found that in many cases BSF illegally intruded into Bangladeshi territory and killed without any provocation. In May alone, Odhikar recorded killings of 4 Bangladeshi nationals by BSF, while 2 were reportedly injured and 4 abducted.

Given this context, the High Commissioner's statement explicitly justifying extra judicial executions in border areas illustrates his contemptuous disregard to human lives, right to life and due process. Whether "smugglers" or not, under universally recognised principles, such killings are not only illegal and abhorrent, but gravely put at risk fundamentals of national and international legal obligations. Extrajudicial killings cannot be justified under any pretext

As such, Odhikar expresses its concern regarding the statement of Indian High Commissioner and demands its retraction. Such statements are also provocative and offer indemnity to illegalities committed by BSF. Odhikar has consistently demanded a stop to the killing of Bangladeshis by BSF and to investigate these incidents to bring to account those responsible. Odhikar also has demanded for adequate compensation to the families of victims of extrajudicial killings and for the Government of Bangladesh to effectively engage with the Government of India to prevent further loss of lives.

- **Stop Mass Arrests**

Odhikar is concerned about the mass arrests of approximately 300 persons, many of whom are political activists. The arrests commenced at midnight, on May 30th. The political activists were reportedly arrested under section 16(2) of the Emergency Power Rules 2007, which gives unfettered licence to the law enforcement agencies to arrest any person.

- **Stop putting fetters on prisoners**

Odhikar is further concerned about the application of leg irons and fetters on about 1000 long term prisoners which contravenes human rights conventions.

- **Freedom of Expression**

Negative pressure on journalists remain unchanged for publishing of factual reports, contravening recognised rights of press under national and international laws. In fact, covert restrictions and harassment on print and electronic media are much higher than reported.

This is reflected in the statement of senior journalist Mr. Ataus Samad that 'After the imposition of the state of emergency on January 11 last year, the media have been working with limited right and under pressure of the emergency powers rules that erode fundamental rights. It has been noticed that different agencies- military and civilian have been intervening the work of media". Four senior journalists KG Mustafa, ABM Musa, Nirmal Sen and

Kamal Lohani have also expressed their concerns about overt and covert restrictions imposed on the mass media and demanded that the government should exempt publications of all news items, commentaries and reports from restriction contained in the Emergency Power Rules 2007. They mentioned several editors and journalists of print and electronic media 'informed us through letter, by telephone and via e-mail of harassment by different quarters'.

In May, 15 incidents against journalists were recorded. In these incidents, 5 journalists were reportedly injured, while 7 were assaulted. Three incidents of threat were also recorded.

- **Extrajudicial Killings**

A total of 11 people were allegedly killed by law enforcement agencies among them 4 persons were reportedly killed in custody. Among them, it was reported that Rapid Action Battalion (RAB) killed 7 persons; while Police killed 3 and 1 person was killed by Bangladesh Rifles (BDR).

- **Circumstances of deaths**

Odhikar also recorded the circumstances under which these persons were killed extra-judicially. 7 persons were killed in RAB crossfire/ encounter/ gunfight/ shootout, 2 in police crossfire/ encounter/ shootout/ gunfight, 1 BDR crossfire/ encounter/ shootout/ gunfight and 1 person was reportedly tortured to death by police during this period.

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 Purbo Banglar Communist Party and 1 was a member of Gono Mukti Fouz.

Other characteristics of the victims

1 was a farmer, 5 were alleged criminals and 1 was an alleged smuggler.

Odhikar is alarmed that a culture of extrajudicial killings has emerged to the extent that, reportedly on 20 May 2008, in a meeting to address crimes, the Officer in Charge of Nabinagar police station of Brahmanbaria, publicly announced to go for 'crossfire', a statement tantamount to order and encourage commission of serious crimes. The law enforcement agencies must stop committing extrajudicial killings in the name of 'crossfire', 'encounter', 'shootout' etc. Odhikar again reminds the law enforcement agencies that the due process of law and the right to life must be guaranteed in all circumstances.

- **Rape**

Odhikar is very concerned that the Government has failed to arrest upward trends of violence against women in particular, rape. According to Odhikar's records, in May, 47 women and girls became victims of rapes, out of which 13 were gang raped. Amongst those victims, 18 were adults and 29 girls¹. Out of these 18 women, 3 were reportedly killed after rape and 8 became victims of gang rape. On the other hand, out of 29 girls, 3 were reportedly raped first and then killed, while 5 became victims of gang rape .

- **Dowry**

Another serious form of violence against women occurs due to dowry² demands. Between 1 and 31 May, a total of 22 women became victims of dowry demands. Due to dowry related violence, a total of 16 women were killed and 4 tortured. During this time, 2 women reportedly committed suicide, as they could not bear the abuse any longer.

¹ As per the **Children's Act 1974**, an adult is a person above the age of 16 years.

² 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.

- **Acid Violence**

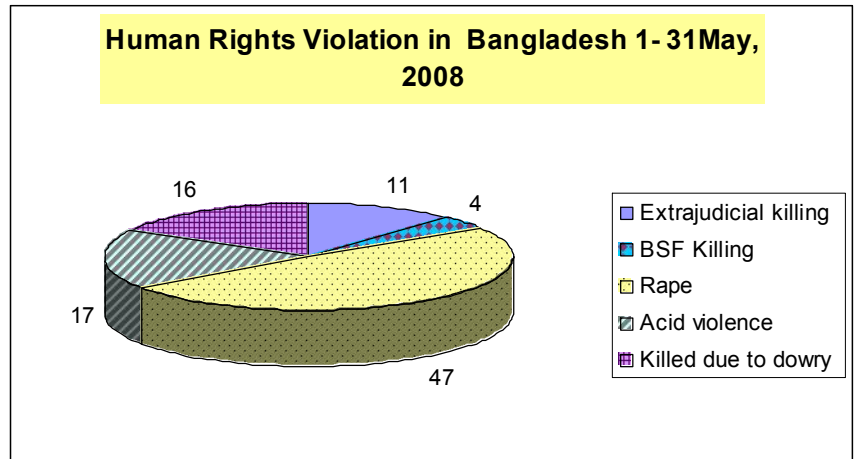
The acid violence has alarmingly increased in the month of May. On April, 4 people were the victims of acid violence; however, in May 17 people became the victims of acid attack, which is four times higher than that of the month of April. Among those 17 persons 9 were women, 6 men and 2 children (1 boy and a girl).

- **Death in Jail**

It was reported that 6 persons died in the jail custody, allegedly due to illness, between 1 and 31 May 2008.

Statistics of Human Rights violations May 08

Name of the violation	Number of violence
Extrajudicial killing	11
BSF Killing	4
Rape	47
Acid violence	17
Killed due to dowry	16



Odhikar Recommendations

- The Government should take immediate and effective initiatives to stop the killing, injuring and abduction of Bangladeshi citizens by the Indian Border Security Force (BSF).
- The Government must end its practice of intimidating journalists and ensure freedom of expression.
- 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.
- The Government must stop arbitrary arrests and stop using of fetters and leg irons on prisoners.
- Violence against women remains widespread in Bangladesh. This must be stopped and special attention should be given to incidents of rape, acid and dowry violence. The perpetrators must be brought before the law for punishment. 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 and law for the protection of victim/witness.

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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.