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Human Rights Monitoring Report February 01-29, 2012

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Odhikar believes that the role and democratic aspiration of individuals and the collective rights and responsibilities of the people must be the foundational principle of the State.

Democratic legitimacy of the State is directly related to its commitment and capacity to ensure human rights, such as right to life and livelihood; right to environment and health and dignity; and integrity of individuals, including freedom of speech and association. These rights, as the foundational principle of the State, must remain inviolable, and accordingly Parliament, Judiciary and Executive cannot and should not have any power to abrogate them through any legislation, judicial verdict or executive order.

Odhikar, being an organisation of human rights defenders in Bangladesh, has been struggling to ensure these rights. As a network of human rights defenders, Odhikar stands against all forms of human rights violations and accordingly participates and remains directly involved in the human rights movement of Bangladesh. The movement to establish rights and the dignity of every individual is part of the struggle to constitute Bangladesh as a democratic political community. As part of its mission, Odhikar monitors the human rights situation of Bangladesh to report on violations and defend the victims. In line with this

campaign, an account of the human rights situation of Bangladesh, covering the month of February 2012, is presented below:

13 persons killed extra judicially in February

1. Extrajudicial killings continue, despite repeated assurance by the Government to end this at various forums including the UPR Session of the UN Human Rights Council. In February, 2012, according to information gathered by Odhikar, 13 persons were killed extra-judicially by law enforcement agencies.

Types of death

Crossfire/encounter/gun fight:

2. Among the 13 persons extra judicially killed, 11 persons were killed in 'crossfire/ encounters/ gun fights'. Among the deceased 06 were allegedly killed by RAB, 02 by police and 03 by RAB-Coast Guard.

Tortured to death:

3. 02 persons were tortured and killed. Among the deceased 01 was tortured allegedly by police and 01 by jail authorities.

Identities of the deceased:

4. Of the 13 deceaseds, one was businessman, one a youth, one a prisoner and 10 were alleged criminals.

Death in jail

5. In February 2012, 06 persons reportedly died in jail due to 'illness'.

Public lynching

6. Due to the weak criminal justice system, the tendency of taking the law into one's own hands is increasing, as people are losing their confidence in the police and judiciary. In 2011, 161 persons were allegedly killed in acts of public lynching and the same tendency continues in the beginning of 2012.
7. In February 2012, 06 people were allegedly killed due to public lynching.

Two students allegedly disappeared after being picked up by the law enforcement agencies

8. In the last 38 months, many people have been 'disappeared' and/ or bodies are recovered after people are picked up by men claiming to be members of law enforcement agencies. The families of the victims' also claim that it is

the members of the law enforcement agencies who are making the arrests and the whereabouts of the people remain unknown.

9. Al Mukaddas (22), a 4th year Honours student and Mohammad Waliullah (23), a Master degree student of the Islamic University were picked up allegedly by the members of RAB-4 in uniform and Detective Branch (DB) police at around 1.00 am on February 5, 2012 from Nabinagar area under Savar Police Station of Dhaka while they were going to Kushtia on a Hanif Enterprise bus.
10. It was learnt during a fact finding mission that Al Mukaddas, son of Abdul Halim and Ayesh Siddiqua, is a resident of Kuniari village under Pirojpur district. He was a senior member of Debating Society of the University and the CEO of the naval wing of Bangladesh National Cadet Corps. Mohammad Waliullah, son of Md. Fazlur Rahman and Afifa Rahman, is the resident of Shail Jalia village under Kathalia Upazila of Jhalokati district. Md. Waliullah was a senior member of Debating Society of Islamic University. It is to be mentioned that both Al Mukaddas and Mohammad Waliullah were involved in student politics with Islami Chhtra Shibir.¹ Their families alleged that the members of law enforcement agencies abducted Waliullah and Mukaddas on 5th February at around 1.00 am from a night coach of the company Hanif Enterprise and since then their whereabouts are unknown. Odhikar expresses concern over such incidents of arrests followed by enforced disappearances and demands that the Government should arrange for the search and rescue of the disappeared and also take action against those involved in perpetrating this crime. Two such acts occurred in February.

President reduces life sentence for person accused of murder

11. The President, Mohammad Zillur Rahman, has reduced the life sentence of AHM Biplob, son of Laxmipur Municipality Mayor and Awami League leader Abu Taher, to 10 years imprisonment. Biplob is a convicted prisoner of the Kamal and Mohshin murder cases. An order issued by the Home Ministry titled "Reduction of life sentenced prisoner No. 2009/A, AHM Biplob in two cases" on February 8, 2012 [Ref. H.M(Prison-2)P-20/2011/31] stated that the President imposed 10 years of rigorous imprisonment on AHM Biplob by reducing his life sentence in two cases. According to the case documents, Islami Chhtra Shibir activist, A S M Mohshin was killed on September 5, 2000, near Adarsha High School in Laxmipur town. In October 2001, BNP activist, Kamaluddin was beaten to death by criminals led by Biplob, at home in front of his parents. Biplob surrendered to the Court on April, 4,

¹ Fact finding report of Odhikar, 07/02/2012

2011, after 10 years in hiding. Later, his father Abu Taher appealed to the President for clemency. Previously, the President had pardoned the death penalty for Biplob in the Nurul Islam murder case.² It is to be mentioned that on September 18, 2000, Nurul Islam was abducted by Biplob, Labu and Tipu, sons of Abu Taher. The same night, Nurul Islam was hacked to death at the residence of Abu Taher in front of his wife Nazma Taher, and thrown in the river.

12. It is to be mentioned here that President Zillur Rahman pardoned 20 prisoners who were on death row in the Sabbir Ahmed Gama murder case in September 2010. Even during the BNP regime, Jhintu, a convicted prisoner, who was on death row had been pardoned and brought back from abroad.³ Such practices only undermine the Judiciary and causes people to lose faith in the judicial system.

Political violence

13. According to information gathered by Odhikar, in February 2012, 09 persons were killed and 727 injured in political violence. 24 incidents of internal violence in the Awami League and 09 in the BNP were also recorded during this period. In addition to this, 305 were injured in internal conflicts of the Awami League while 107 were injured in BNP internal conflicts. These incidents occur due to the failure in bringing the perpetrators of political violence to justice. Some examples are as follows:
14. On February 8, 2012 a clash erupted between activists of Chhatra League⁴ and Islami Chhatra Shibir⁵ over establishing supremacy in Chittagong University. Masud Bin Habib, a 4th year student of the English Department and Mozahedul Islam, a first year student of the Zoology Department, died in clash. Islami Chhatra Shibir claimed that both the deceased were their student activists. Moreover, 40 people including the Proctor of the university were injured during clash.⁶
15. On February 1, 2012, activists of Chhatra League attacked activists of Chhatra Union⁷ at the Bangladesh Agricultural University over arranging a seat for a newly admitted student at Nazmul Ahsan Hall⁸ of the University. General Secretary of the University unit Chhatra Union, Sobhan was hit on his head and former General Secretary of the same organisation, Shamim's

² The daily Prothom Alo, 26/02/2012

³ The daily Prothom Alo, 19/03/2011

⁴ Student wing of Awami League

⁵ Student wing of Jamaat-e-Islami Bangladesh

⁶ The daily Prothom Alo, 09/02/2012

⁷ Student wing of the Communist Party of Bangladesh

⁸ Residential hall of the university

hands and legs were broken in the attacks. Two more activists of Chhatra Union, Abhijit Basu Bappi and Shidam Pal were also injured.⁹

16. Odhikar expresses grave concern over the continuation of political violence. Odhikar believes that political leaders need to be sensitised to stop political violence and the law enforcement agencies must play an effective role and be accountable for such acts.

Imposition of section 144 of the Code of Criminal Procedure

17. Like the previous month the local administration stopped meetings of political parties by imposing Section 144 of the Code of Criminal Procedure.¹⁰ According to Odhikar's statistics, during the month of February 2012, a total of 12 instances of the imposition of Section 144 of the Cr.PC were recorded across the country, mainly to stop political gatherings from occurring.
18. Odhikar believes that such imposition of a ban is a violation of democratic rights. Organising peaceful meetings and processions are the democratic and political rights of everyone, guaranteed in Article 37, 38 and 39 of the Bangladesh Constitution.

Anti-Terrorism Act, 2009 (Amendment) Bill 2012 passed in the Parliament

19. On February 19, 2009, the Government, in a Cabinet meeting, approved the Anti-Terrorism Bill to be made into law, without due considerations or feedback from the people. This Bill was later passed by the Parliament. Previously, an Anti-Terrorism Ordinance 2008 was promulgated by the military-backed 'Caretaker' Government on June 11, 2008. The given definitions of 'terrorism' and 'terrorist activities' are so wide and unclear that it leaves scope for the possibility of misuse and violation of human rights.
20. The Anti-Terrorism (Amendment) Bill, 2012 was passed in the Parliament on February 16, 2012, keeping a provision for capital punishment (death penalty) as the maximum punishment. Chairman of the Parliamentary Standing Committee on Home Ministry, Major General (Retd.) Abdus Salam, placed the scrutinized report on the Bill. The Home Minister, Shahara Khatun said the Anti-Terrorism (Amendment) Bill, was brought to resist various criminal activities and to safeguard the sovereignty of Bangladesh. The Anti-Terrorism Act, 2009 has been amended to stop the use of Bangladeshi land for conducting any terrorist activities inside the country

⁹ The Daily Ittefaq, 02/02/2012

¹⁰ Section 144 of the Code of Criminal Procedure, 1898 provides power to the Magistrate to issue order to stop any meeting or gathering. http://bdlaws.minlaw.gov.bd/sections_detail.php?id=75§ions_id=20789

or other countries, stop the carrying of explosives and to curtail the creation of panic among the people through any terrorist activity.¹¹

21. Odhikar expressed concern over the Anti-Terrorism Ordinance 2008 when it was promulgated by the military-backed Caretaker Government (an unelected government) as it was prepared without any review or taking due consideration from the people. Odhikar is gravely concerned that this law will widen possibilities to commit human rights violations as the Cabinet of the current Government sanctioned the Anti-Terrorism Act 2009 with more rigidity and passed its amendment by the Parliament. The Act of 2009 has already been abused by the government to repress political opponents, journalist and other dissenting voices.
22. By retaining the vague and broad definition of 'terrorist activities' and reducing 'terrorism' to merely a question of a crime punishable by death, the Amendment Bill makes the Anti-Terrorism Act 2009 even more vulnerable to the worst kind of abuses. The widening of the scope of crimes punishable by death carries the tremendous risk of irreversible miscarriage of justice. Odhikar demands the repeal of all existing repressive laws, including the Anti-Terrorism law.

Freedom of the media

23. In February 2012, according to Odhikar's documented statistics, 08 journalists have been injured, 03 have been threatened and 02 have been assaulted. Some examples are as follows:
24. On February 2, 2012, it was learnt through a published report, that the Editor of the daily Prothom Alo, Motiur Rahman, and its senior reporter, Iftekhar Mahmud received threats over the telephone. On January 31, 2012, an unidentified man made a call to Iftekhar Mahmud on his cell phone and said, "You and your editor's have to be present before the Court in Khulna on the 20th. Get ready to die on that day. You have published many false reports against my leader." It is to be mentioned that three investigative reports on the political situation and violence in Khulna were published on 4 and 6 October 2011. After the reports were published, Iftekhar Mahmud had been receiving threats by local influential people and criminals.¹²
25. On February 11, 2012, two journalists of the electronic media, Sagar Sarwar, News Editor of Maasranga TV and his wife Meherun Runi, reporter of ATN Bangla TV, were brutally killed at their rented flat at West Rajabazar in Dhaka, leaving behind a five year old son as the lone survivor. Their death angered the whole media and journalist community who demanded

¹¹ The daily New Age, 16/02/2012

¹² The daily Prothom Alo, 02/02/2012

the arrest of the perpetrators. It is to be mentioned here that Sagar Sarwar and Meherun Rumi were covering energy related news. On February 28, a Division Bench of the High Court Division of the Supreme Court, on an application, ordered that the press should not publish speculative news. This court order has been regarded by the leaders of the journalist association as nothing but press censorship.¹³

26. On February 23, 2012 Hasan Ali, Kushtia district correspondence of the private channel Independent TV and human rights defender of Odhikar, was physically assaulted by officials of the Regional Passport Office at Kushtia when he was gathering information. Hasan Ali told Odhikar that he was assigned to the regional passport office at Kushtia by Independent TV, to prepare a report on irregularities and acts of public harassment over issuing passports. The Assistant Director of the Regional Passport Office, Nuri Huda and computer operator, Jamal Uddin physically assaulted him and TV channel cameraman Habib. Furthermore, they threw the video camera on the floor, breaking it. Hasan Ali submitted a written complaint with the Kushtia Model Police Station, but the police did not record it as a regular case, mentioning that the accused persons are government officials. On February 26, 2012 a General Diary was lodged with the police station.¹⁴
27. Odhikar condemns such incidents of attacks and threats to journalists and also demands the government to immediate arrest the perpetrators to bring to justice.

Human rights violations by Indian BSF

28. Human rights violations at the India-Bangladesh border continue in February 2012. The BSF kill unarmed Bangladeshis either by shooting or torture and also abduct Bangladeshi citizens from the border areas. According to documentation gathered by Odhikar several incidents of human rights violations occurred in February 2012 at the Bangladesh-India border areas. During this period, 02 Bangladeshi citizens have been killed by the BSF, 03 Bangladeshi citizens have been injured and 04 have been abducted allegedly by the BSF.
29. On February 2, 2012, the BSF members tortured to death a Bangladeshi farmer Mohammad Saiful Islam (25) at Birampur border in Dinajpur. The deceased elder brother, Nazrul Islam told Odhikar that they were informed by Daroga, one of their known persons, regarding Saiful's death on February 3, 2012, over telephone from Sreerampur village under Hili Police

¹³ The daily New Age, 01/03/2012

¹⁴ Report from Hasan Ali, human rights defender of Odhikar at Kushtia

Station in Dakshin Dinajpur, India. Daroga informed them that, he along with others saw the BSF members killing Saiful Islam by stabbing with bayonets.¹⁵

30. On February 6, 2012, Sadequl Islam (19), a madrasah student, was abducted by the BSF from inside the Bangladesh territory, when he went to irrigate his land near the main pillar no. 898 at Gendukuri border under Hatibandha Upazila in Lalmonirhaat.¹⁶
31. The BSF Chief, U K Bansal, in an interview with the BBC Bangla service, on February 7, 2012, said “it would never be possible to totally stop firing at the India-Bangladesh border, for as long the criminal activities continue along the border. We will have to prevent the offenders.”¹⁷ Odhikar expresses its deep concern and condemns such an aggressive statement.
32. According to the Memorandum of Understanding and related treaties signed between the two countries, if citizens of the two countries illegally cross the border, it would be considered trespass and as per law those persons should be handed over to the civilian authority. However, we have repeatedly noticed that India has been violating treaties, shooting at anyone seen near the border or anyone trying to cross the border, which is a clear violation of international law and human rights. No strong protests are made by Bangladesh regarding BSF atrocities, rather the government and Border Guard Bangladesh fail to protect Bangladeshi citizens at the border.

Proposed Bill of NGO Affairs Bureau violates freedoms of expression and association

33. The NGO Affairs Bureau, under the Prime Minister’s Office, drafted a proposed Bill, named the Foreign Donations (Voluntary Activities) Regulation Act, 2011 that has been developed by amending the Foreign Donations (Voluntary Activities) Regulation Ordinance, 1978 (XLVI of 1978) and integrating the Foreign Contributions (Regulation) Ordinance, 1982 (XXXI of 1982) with it in order to regulate NGO activities. Odhikar believes that the proposed law will violate freedom of expression and association; and will control human rights and voluntary organisations, which is contrary to the Bangladesh Constitution and UN Declaration on Human Rights Defenders.

Worker’s stop work in 92 state-owned industries for 48 hours

¹⁵ Report from Kongkon Karmokar, human rights defender of Odhikar at Dinajpur, 04/02/2012

¹⁶ The daily Amar Desh, 07/02/2012

¹⁷ The daily Shamokal, 08/02/2012

34. On February 28, 2012, 83 thousand workers of 92 state-owned industries stopped their work for 48 hours for their 9-point demand. The production at all state-owned industries of fertilizer, sugar and food, steel, forestry, jute and textiles were stopped during this period. The 9-point demand included: Wage Commission shall be effective from July 2009 as per recommendation submitted in 2010 by the National Wage and Productivity Commission; gratuity and other necessary benefits to be given to the workers as per decision of the government; sold and closed mills to be reopened under government undertaking; exemption of bank loans of the industries losing due to bank loans; prices of sugar and fertilizer to be re-arranged considering the market price and import of sugar and fertilizer through organisations; subsidies to be given to industries affected by selling sugar and fertilizer at lower prices than the production cost due to government policies; ensure supplies of gas to all industries, including fertilizer industry run by gas; permanent status for workers appointed on a daily basis, master role or adhoc basis; agriculture department of sugar industries to be included in revenue; and to arrange a Pay Commission for workers by replacing the Wage Commission.¹⁸

35. Odhikar expresses its full support and solidarity towards the legal demands of all workers and also urges the government to take up these demands immediately.

Attacks on religious and ethnic minority communities

36. On February 9, 2012, a rally organised by the priests of Loknath Mandir was passing the Hazipara mosque during prayers at Nandirhat in Chittagong. Some youths attending the rally attacked two imams of the mosque when they asked them stop playing their drums. A conflict occurred between local Muslims and youths who had participated in the rally, due to this reason. Some people attacked the Loknath Mandir and vandalised deities and looted valuables while a meeting was going on between the leaders of both religions in the presence of local administration at 7.00 pm. The next day, a rumour was spread in the area that the mosque situated at Hazipara had been broken by Hindus. In protest, thousands of people came out on the streets and vandalised seven Hindu temples, set fire to 20 houses and shops and looted valuables belong to Hindus, after Jumma prayer. Two separate cases were filed in this regard and 21 people were arrested by police.¹⁹

¹⁸ The daily Amar Desh, 29/02/2012

¹⁹ Report from Osman Jahangir, human rights defender of Odhikar at Chittagong, 26/02/2012

37. Odhikar expresses its concern regarding this incident. Odhikar also believes that some vested interest persons were active in creating disturbances between local people belonging to Hindu and Muslim religions violating criminal laws. The Government has failed to protect temples and properties of Hindu religion.
38. Odhikar demands that the government bring the people involved in this incident to justice immediately.
39. A 200 year old Buddhist temple of the Rakhaine community at Hnila village under Teknaf Upazila in Cox's Bazar, was vandalised and nearly 11 acres of its land was encroached upon by Rashed Mohammad Ali, son of former Member of Parliament, Mohammad Ali, and his associates. Member of the local Rakhaine community alleged that the criminals had vandalised the Dakkhin Hnila Boro Bouddha Bihar temple, established in 1870 on a hill in Kyang Para Mountain of village Dakkhin Hnila under Teknaf upazila. On August 20, 2010, the local leaders said, twenty images of Lord Goutam Buddha and at least 12 of the 50 wooden pillars were taken away and different parts of the temple were destroyed by criminals. The President of the Bangladesh Rakhaine-Marma Sangha Council, Ven U Pandita Mahathero told the journalists that former MP of Awami League, Mohammad Ali might have some false papers with which he claimed the land and occupied it forcefully. According to the Rakhaine community, in 2001, the local Awami League parliamentarian Mohammad Ali took a signature from the then principal monk of the temple, Upancha Bangsha Mahathero and secretly made an agreement for planting trees on 10.25 acres of the temple's land for 99 years. When it was made public the principal monk cancelled the agreement through a Notary Public on March 27, 2002. Meanwhile, the incidents of attacks on temples and lootings increased after the death of Upancha Bangsha Mahathero on March 27, 2008. The encroachers vandalised stairs and a wooden divider of the temple and prevented general people from visiting the temple. They have already planted about 35000 trees on the land and built houses.²⁰

Violence against Women

40. During February 2012, a significant number of women were the victims of rape, dowry related violence, acid violence, domestic violence and sexual harassment.

Sexual harassment and stalking:

²⁰ The daily New Age, 04/02/2012

41. According to information gathered by Odhikar, a total of 30 girls and women were victims of sexual harassment during the month of February 2012. Among them, 02 committed suicide, 02 was injured, 04 suffered attempted rapes and 22 were sexually harassed in various ways. In protest against such acts of sexual harassment against women, 05 men and 01 woman were injured by the stalkers.

Rape:

42. In February 2012, a total number of 42 females were reportedly raped. Among them, 17 were women, 23 were children and the age of 02 victims could not be ascertained. Of the women, 02 was killed after being raped, 04 were victims of gang rape. Out of the 23 child victims, 02 children were killed after being raped and 08 were victims of gang rape.

Dowry-related violence:

43. In January 2012, a total of 36 women were subjected to dowry related violence. Of these women, it has been alleged that 20 women were killed because of dowry, 15 were ill-treated in various other ways for dowry demands and 01 woman allegedly committed suicide.

44. On February 18, 2012, a housewife named Lipi (25) was killed by her husband Babu due to dowry demands at Moishadi village under Matlab upazila in Chandpur district.²¹

Acid violence:

45. According to information gathered by Odhikar, during the period of February 2012, it was reported that 09 persons became victims of acid violence. Of these affected persons, 06 were women and 03 were men.

²¹ The daily Amar Desh, 19/02/2012

Statistics: January-February, 2012*			
Type of Human Rights Violation		January	February
Extra-judicial killings	Crossfire	5	11
	Tortur to death	0	2
	Shot to death	1	0
	Total	6	13
Human rights violations by Indian BSF	Bangladeshis Killed	2	2
	Bangladeshis Injured	9	3
	Bangladeshis Abducted	3	4
Deaths in Jail		9	6
Attack on journalists	Killed	0	2
	Injured	21	8
	Threatened	6	3
	Assaulted	7	2
Political violence	Killed	16	9
	Injured	1884	727
Acid violence		9	9
Dowry related violence		45	36
Rape		47	42
Sexual harassment /Stalking of women		33	30
Section 144 Cr.PC		13	12
Public Lynching		13	6

* Odhikar's Documentation

Recommendations

- 1. The Government must stop extrajudicial killings as per its commitment in election manifesto and at the UN Human Rights Council during UPR session. The Government must bring all involved in the acts of extrajudicial killings before justice, through proper and independent investigation.**
- 2. The Government should rescue or recover the victims of disappearances. Odhikar urges the government accede to the International Convention for the Protection of All Persons from Enforced Disappearances, which was adopted by the UN General Assembly on December 18, 2009.**

3. The President's clemency to accused persons in death-row and reducing life sentences under political consideration, only add to the lack of people's confidence in the justice delivery system. Such practice should be stopped and the culture of impunity be brought to an end. The Judiciary must be strengthened to bring back people's confidence in it.
4. The Government must take effective action to stop all forms of criminalisation in the name of politics. The law enforcement agencies need to play a proactive role to stop political violence and to take legal measures against perpetrators and carry out their duty in an accountable and unbiased manner.
5. All repressive laws including the Anti Terrorism Act 2009 should be repealed.
6. Incidents of attacks on journalists must be properly investigated and perpetrators of such acts must be brought to justice.
7. The Government should protest strongly against human rights violations on Bangladeshi citizens by the BSF through investigation of all incidents and demand from the Indian Government adequate compensation for the families of the victims and trial and punishment for the perpetrators. The Government should also ensure the security of the Bangladeshi citizens residing at the border areas.
8. The Government should withdraw the proposed Bill initiated by the NGO Affairs Bureau which violates freedoms of expression and association.
9. The Government should accept the demands put forward by the workers of the state-owned industries.
10. The Government must take appropriate measures to stop violence against women and the offenders must be brought under the purview of the law to ensure that justice is served.

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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.