

12 April 2008

15 months of emergency in Bangladesh
RIGHT TO FOOD MUST BE GUARANTEED

Odhikar continued monitoring the human rights situation, including infringement of rights, during the State of Emergency proclaimed on January 11, 2007. The report below summarises the status of human rights during the 15 months of the State of Emergency. It also highlights new crises that emerged since imposition of nationwide emergency.

1. Scarcity of food

Odhikar is alarmed by skyrocketing prices, especially of rice, milk and other essentials. Such staple foods are important to ensure meeting the minimum nutritional needs to survive. Experts and media are reporting hunger and widespread malnutrition of children and women. Odhikar reminds the Government that access and right to food is a basic right integrally linked to right to life. The Government is under obligation to ensure right to life and as such must do all it has to meet this obligation.

Odhikar is aware of the extensive damage to standing crops due to the back-to-back floods and then cyclone Sidr in 2007. It however believes that the Government was inordinately slow to assess the food situation and plan exigencies despite repeated warnings. Also, it has virtually destroyed the food distribution network and introduced genetically modified hybrid seeds, which have already started to show a negative impact on agricultural outputs.

To address this crisis, Odhikar urges Government to expand a food safety network not only to those in absolute poverty but even to low-income workers and government and non-government employees and others in need. The Government should also devise most efficient means to distribute food and subsidise in areas so that would benefit these vast numbers of people. Odhikar also urges the Government to decrease its introduction of genetically modified and hybrids seeds, and find ways and means to encourage natural and indigenous food crops instead.

Odhikar likes to draw Government's attention to the fact that according to the Proclamation of Emergency and the Emergency Powers Ordinance 2007, the major ground for the emergency was the threat to both the economic life of the country and the smooth supply of essentials, due to internal disturbance. Nonetheless, even after 15 months of emergency, threats to the nation's economic life are more striking and despite no internal disturbances, lack of supply of food and essentials are fast approaching to turn into a major disaster.

Odhikar also urges that the Government avoid the exercise of semantics or hide behind definitions, and, instead, accept and recognise that hunger is an unacceptable state of being, whether made public or suffered silently. It must accept reality and notice what is obvious to all – the ever longer queue for rice and other necessities.

Odhikar deplores the police actions on April 4 of baton – charges on hungry people who gathered at the Kalkond Union Porishad complex in Gangachara upazila in Rangpur to

collect rice, under the Vulnerable Group Feeding Scheme. The action left at least 13 persons injured. The police picked five people from the scene. On April 7 Anser¹ personnel used truncheons on people desperately trying to buy rice in Chittagong, when stock ran out. On April 9 in Dhaka and Lalmonirhat, Bangladesh Rifles (BDR) was seen grappling with people, people in line at the BDR and Open Market Sale (OMS) shop were also seen manhandling each other and there were even incidents of people fainting in the queue. Odhikar demands that hungry people must be dealt with sensitively and without employing coercive means. These incidents are reminiscent of the arresting of hungry victims of cyclone Sidr under the Emergency Powers Regulations on December 2, 2007 where 12 protesting Sidr victims of Barguna, seeking relief, staged a demonstration against poor distribution and were arrested for 'defying the state of emergency', which has suspended indefinitely the fundamental right to assembly and freedom of speech.

Odhikar demands that the Government pay attention to the nation's food security not only to meet present shortages but also undertake plans for the future (which it failed to do following last year's natural catastrophe). Odhikar also strongly recommends that the Government hold dialogue with experts, political parties and other stakeholders to overcome the crisis of food.

2. Freedom of association

Odhikar is seriously concerned over the infringement of right to freedom of association by the Government in at least two recent incidents, by compelling professional bodies to postpone their elections. Odhikar maintains that the Government exceeded its authority and interfered in the running of these professional bodies.

The Government forcibly postponed the elections to the Executive Committee of the Dhaka University Teachers Association (DUTA) scheduled for March 27 and the Supreme Court Bar Association (SCBA) polls scheduled for March 24-25. According to reports, the SCBA had to defer its polls to April 28-29 as a result of high drama featured in two rounds of behind the scene negotiations between the law adviser and the bar leaders at an intelligence agency office in Gulshan in presence of the chief of the intelligence agency. The DUTA said that four members of the joint forces went to the residence of the Election Commissioner of the Teachers' Association in the early hours of March 26 and asked him to postpone the polls or step down from his position.

Odhikar believes the government's actions to postpone both the polls were absolutely unnecessary, showing its sheer coercive power. Odhikar finds it rather revealing that the regime is continuing to put roadblocks on elections within associations of the intelligentsia – the teachers and lawyers – while appearing to bless elections of trade bodies.

Odhikar expresses deep concern over the eviction of the office of socio-cultural organisation *Lekhok Shibir*. At least 10 people were injured in a clash during the eviction drive by hoodlums (commonly called *mastaans*) aided by law enforcers, on March 30. The police officer, present during the eviction, however, reportedly declined comments when newsmen asked him about the incident. The *mastaans* on April 2, in the presence of law enforcers, also attacked cultural activists standing in a human chain protesting the illegal eviction.

¹ Auxiliary force of law enforcement agencies

3. The Election Commission

The Election Commission officially admitted of late that it failed to go by the election roadmap it announced eight months ago. The Chief Election Commissioner, ATM Shamsul Huda, on April 3 told media, 'It is true [that] we could not completed the tasks relating to electoral reforms within the time frame specified in the roadmap and in this particular case, the Commission has fallen behind schedule.'² What the CEC has not admitted is that it missed its own deadlines for more than one component of the roadmap, namely, deadlines for wrapping up its dialogues with the political parties, completing internal reorganisation of its secretariat in November and December 2007 respectively and finally, publication of draft list countrywide redrawn parliamentary constituencies scheduled in March.

While missing the deadlines, the EC reportedly continues its efforts to hold polls to the local governments, including City Corporations and Upazila Parishads, before general elections to the ninth Jatiya Sangsad (Parliamentary elections). Such position of the EC questions its credibility and neutrality, as almost all the major political parties categorically demanded holding national elections first, as this is also a Constitutional requirement. Odhikar believes that the EC should effectively consult with stakeholders before taking major decisions, such as election schedules.

4. Extra judicial killings

Extrajudicial killings continued throughout the 15 months of Emergency. Between 12 January 2007 and 11 April 2008, 194 people have reportedly been extra- judicially killed by Bangladeshi law enforcement agencies. Odhikar has kept close track of RAB activities and it found that RAB 12 (working in the area of Kushtia, Pabna, Bogra, Sirajganj, Sherpur, Jamalpur, Tangail) had reportedly committed 31 crossfires/ encounters/ gunfights/ shootouts³.

² The Daily Star, 04 April 2008

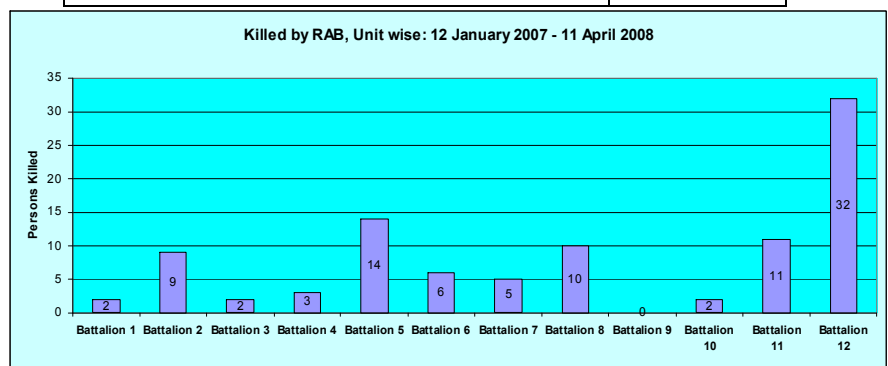
³ Reports in the press have increasingly used more than one of the terms "crossfire", "encounter", "gunfight" and "shootout" in one article to describe the same incident. It is, therefore, no longer possible for Odhikar to determine which of these descriptions best describes an incident of extra-judicial killing. Odhikar has, therefore, grouped these incidents together.

**Reported Extra Judicial Killings
(12 January 2007- 11 April 2008)**

Law Enforcement Agency	No. of Persons Reported Killed
Rapid Action Battalion	96
Police	69
RAB and Police Joint Operation	04
Joint Forces	07
Army	07
Navy	03
Jail Police	01
Coast Guard	02
Forest Guard	01
Bangladesh Rifles	02
Department of Narcotics Control	02
Total	194

**Circumstances of the Deaths
(12 January – 11 April 2008):**

Circumstance Reported	Number of Deaths
Crossfire"/encounter/gunfight/shootout	139
Tortured to death	31
Shot dead in circumstances other than "crossfire"/encounter/gunfight/shootout	13
Other circumstances	11
Total	194



5. Violation of human rights in prisons

The state of human rights in the country was once again highlighted in newspaper reports on April 2 on the conditions inside prisons. According to the reports, former State Minister Mahiuddin Khan Alamgir fainted in the toilet of his prison cell on April 1. On the same day, former Prime Minister Khaleda Zia’s youngest son Arafat Rahman Koko suffered stomach problems after eating food supplied by the authorities.

The inmates in the overcrowded prisons, besides being subjected to privations of all kinds, are not even receiving proper medical treatment. According to a newspaper report, most of the prisoners, who are sick or have sustained injuries while in detention, are denied basic health services and thus are vulnerable to chronic diseases. Even if the prison authorities intend to provide medical care, they cannot do much because of dearth of doctors and facilities. In Dhaka Central Jail, the biggest jail in the country, there are only four doctors for some 10,000 inmates (Source: *New Age*, 8 March 2008). To deny medical treatment to people who are in detention is a gross violation of human rights.

6. Corruption

While at least 929 people, mostly politicians including high-profile ones, have been arrested and kept behind the bars under the incumbents drive against corruption, it has been alleged that corruption in government offices keeps rising. In campaigns against corruption, Odhikar urges the Government to follow non-discriminatory approach as ordained by law and not single out or target any specific individual or group or groups. All those alleged accused must be treated in accordance with law.

7. Worker Unrest

During the fifteen month of state of emergency, many jute-mill and garments factory workers have protested, demanding full payment of the wages to which they are entitled. Many of these workers have been arrested for violating the State of Emergency. A number of cases were filed against jute-mill and garments factory workers for violating the State of Emergency, as many of them demonstrated against lay off and non-payment. On 8 April, 2008, at least 50 people, mostly workers, including police personnel were injured when the workers were locked in a two-hour long clash with police and garments factory authorities. The operation of the garment manufacturing factory Experience Clothing Company Limited ground to a halt as its workers clashed over various grievances including non-payment of overtime, inadequate transportation facilities and poor standard of food. As a result, the authority of the garment factory officially declared its factory in DEPZ at Savar closed for an indefinite period. Several hundred temporary workers of seven state-owned jute mills in the Khulna-Jessore region separately brought out processions and held rallies on the mill premises on 10 April, 2008, for their six point demands, including payment of their dues and layoff benefits. Again, on 10 April, workers of a garments factory brought out a procession and ransacked the factory due to alleged non-payment of dues, at Kaliakoir, Gazipur.

Odhikar's Recommendations to the Government:

- That it believes there is no justifiable reason to continue the State of Emergency and as such, it should be lifted immediately;
- To introduce food rations for the disadvantaged at a subsidised rate and take other measures to address the current state of hunger;
- To follow due process of law in trial of corruption suspects.
- To ensure rights of detainees;
- Release all political prisoners; if there are cases against any person, trials should be conducted respecting human rights and ensuring due process of the law, in an open and transparent manner to ensure justice;
- Extra-judicial killings, torture and indiscriminate arrests should cease to continue.
- Hold independent judicial inquiries into extra-judicial killings and prosecute all those suspected of involvement.
- The Election Commission should work independently and impartially to hold proper elections.

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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.