



December 1, 2013

## **Human Rights Monitoring Report**

November 1 - 30, 2013

**Political violence escalates over the declaration of election schedule**

**Harassment to Odhikar continues**

**Violations on freedom of expression and media**

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Odhikar believes that 'democracy' is a form of the State and not merely a process of electing a ruler. Democracy is the product of the peoples' struggle for inalienable rights, which become the fundamental premise to constitute the State and to define collective aspirations and responsibilities. Therefore, the individual freedoms and democratic aspirations of the citizens - and consequently, peoples' collective rights and responsibilities - must be the foundational principles of the State. The States failure to recognise this at the founding moment is a continuing curse that people are forced to carry. A State cannot be 'democratic' if the people do not realise and participate as 'citizens' in all sectors of the functioning of the state. The 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 the dignity and integrity of citizens. If all these are not ensured by the State, it cannot be called a 'democratic' state. These civil and political rights, as the foundational principles of the State, must remain inviolable; and accordingly, the Parliament, Judiciary and Executive cannot and should not have any power to abrogate them through any legislation, judicial verdict or executive order. The people's inviolable rights are the foundational principles of the State.

Odhikar, being an organisation of human rights defenders in Bangladesh, has been struggling to ensure these civil and political rights. Odhikar stands against all forms of human rights violations and accordingly participates and remains directly involved in the human rights movement in Bangladesh. Odhikar brings to the movement the strategic perspective that in its demand for civil, political, economic, social and cultural rights, the human rights movement not only endeavours to protect the victims, but also, in countries like Bangladesh, is constitutive of a democratic state. In recent times, Odhikar's human rights defenders have been persecuted for their work and beliefs. However, this has only strengthened the organisation's resolve to fight for human rights, with no discrimination whatsoever.

The movement to establish the rights and 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 violations and defend the victims. In line with this campaign, Odhikar publishes its human rights monitoring report for November 2013 despite of facing harassment and difficulties.

## **Political violence escalates over the declaration of election schedule, without a political solution with the Opposition**

1. Political violence continues due to the unresolved political crisis over the 10<sup>th</sup> Parliamentary elections. During the strikes and confrontations, people including opposition activists, are dying as a result of indiscriminate police firing and violent clashes. Incidents of injuries and deaths are taking place due to arson and petrol bombs attacks on public transports. During this period, children have also been severely hurt by handmade bomb. Neither the government nor the Opposition is taking responsibility for these casualties, but are blaming each other. In November 2013, leaders of the 18-Party Alliance, including some top level BNP leaders were arrested in various districts. Violence escalated across the country soon after the declaration of election schedule on November 25, 2013, without the government and the Opposition coming to a political solution. The Chief Election Commissioner, Kazi Rakibuddin Ahmed, through a speech to the nation, announced that the election would take place on January 5, 2014. December 2, 2013 has been set for the last date of submitting nomination papers. On November 25, Acting

Secretary General of BNP,<sup>1</sup> Mirza Fakhru Islam Alamgir, in a press conference, declared a 48-hour blockade from 6.00 am on November 26 to 6.00 am on November 28. Later the blockade programme was extended till 5.00 am of November 29. A total of 21 persons, including a BGB<sup>2</sup> member were reported as killed during this 71-hour blockade. Later, on November 29, BNP's Joint Secretary General, Ruhul Kabir Rizvi Ahmed, on behalf of the 18-Party Alliance announced a country-wide 72-hour blockade programme from November 30 to December 3, 2013, demanding the cancellation of the election schedule; withdrawal of criminal cases filed against BNP leaders; and for election under a non-partisan government. Some incidents of human rights violations as a result of this violent political situation, in November, are stated below:

2. Clashes took place between activists of Awami League and hartal supporters on a bridge in Patgram upazila under Lalmonirhat district, during the 60-hour country-wide hartal called by the 18 Party Alliance led by BNP on November 4, 2013, over the current political situation. In order to control the law and order situation, police opened fire and Patgram Municipality unit BNP', Publicity Secretary Nasir Uddin (25) was shot dead by police. Moreover, at least 20 persons, including police were injured during the clash.<sup>3</sup>
3. After the completion of the 60-hour hartal, on November 8, three members of the Standing Committee of BNP, Moudud Ahmed; Rafiqul Islam Mia; M K Anwar; and Adviser Abdul Awal Mintu; and Special Assistant to BNP Chairperson, Shimul Biswas were arrested. At the same time a large police force was deployed outside the office and residence of the leader of the Opposition Khaleda Zia as a surveillance measure. In protest of arresting the leaders, BNP led 18-Party Alliance called an 84-hour hartal from November 10 to November 13.
4. On November 16, police put up a barrier to a procession brought out after a meeting by 18 Party Alliance demanding the release of BNP central leaders, at Sitakunda in Chittagong. Police baton charged protestors when they tried to push forward. The protestors threw bricks at the police. At least 13 people, including local Jamaat leaders Shafiqul Mawla, Mohammad Abu Taher and Sub Inspector Mohammad Anwar Hossain, along with bystanders were injured. 18 Party Alliance supporters vandalized and set fire to vehicles on the Dhaka-Chittagong highway when the news of clashes between RAB-police and 18 Party Alliance supporters spread. As a result, all motor transportation

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<sup>1</sup> BNP: Bangladesh Nationalist Party, the main opposition

<sup>2</sup> BGB: Border Guard Bangladesh

<sup>3</sup> The daily Naya Diganta, 05/11/2013

stopped in that area. At least nine persons were injured during the clash while police, RAB and BGB tried to control the situation.<sup>4</sup>

5. On November 20, two children named Tofazzol and Lokman were seriously wounded in a crude bomb explosion at the Civil Aviation Staff Quarters at Shaheenbagh in Dhaka. Earlier, on November 5, a 9-year old child called Shurma and another named Lal Mia were injured due to exploding homemade bombs, at Aambagan Jhautola area in Chittagong.<sup>5</sup> Tofazzol, a student of class III at the Civil Aviation High School, found an object that appeared to be a ball wrapped in red tape in a bush. It exploded when he shook it. Lokman who was standing next to Tofazzol was also injured. In this incident, Tofazzol lost one finger on his right hand and Lokman's left wrist was seriously burnt.<sup>6</sup>
6. On November 25, immediately after declaration of the election schedule, activists of the 18-Party Alliance started vandalizing and setting fire to vehicles on the Dhaka-Chittagong, Dhaka-Sylhet, Dhaka-Rajshahi and Dhaka-Munshiganj highways. Violence spread out to the districts later in the evening. Leaders and activists of the 18-Party Alliance brought out protest rallies in various places. Furthermore, crude bombs were exploded and more vehicles torched. As a result Dhaka City had been cut off from the rest of the country due to the nation-wide protests.
7. On November 25, 2013 one Delwar Hossain, an activist Chhatra Dal<sup>7</sup> was allegedly shot dead by police during a procession in Comilla.<sup>8</sup>
8. On November 28, a public bus came under arson attack at Shahbagh in the capital Dhaka during the 71-hour country-wide blockade called by the 18-Party Alliance. 19 persons were seriously burnt due to the fire. Of them, a school student Nahid Modol and garment factory worker Robin Munshi (18) died.<sup>9</sup> Members of the Awami League have accused the BNP led 18-Party Alliance of killing people by torching vehicles during their general strike and blockade programmes. However, in a 28<sup>th</sup> November statement, the BNP's Acting Secretary General Mirza Fakhrul Islam Alamgir denied the claims; condemned the incidents and blamed the government 'agents' for the Shahbag arson. He also claimed that the government agents were setting fire on vehicles in order to distract people from the protests of the Opposition.<sup>10</sup> On November 29, a case was filed with Shahbagh Police Station against 17

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<sup>4</sup> The daily Prothom Alo, 17/11/2013

<sup>5</sup> Human rights defender associated with Odhikar from Chittagong.

<sup>6</sup> The Daily Star, 21/11/2013

<sup>7</sup> Student wing of BNP

<sup>8</sup> The daily Prothom Alo, 26/11/2013

<sup>9</sup> The daily New Age, 29/11/2013

<sup>10</sup> The daily Kaler Kantha, 29/11/2013

BNP leaders, including the party's Acting Secretary General, Mirza Fakhrul Islam Alamgir, in connection of torching vehicles.

9. On November 30, at around 3:45 am, BNP Joint Secretary General Ruhul Kabir Rizvi Ahmed and its Central Committee member Belal Ahmed were arrested by Detective Branch (DB) Police, from the BNP central party office at Naya Paltan, Dhaka. Police allegedly ransacked rooms of the party office during this operation. Furthermore, cameras of two private television channels were broken by police when they were recording video footage of the incident.<sup>11</sup> Earlier, on November 25, 2013 at around 9.00 pm DB Police arrested BNP's Standing Committee Member Brigadier General (Retd.) ASM Hannan Shah from in front of the Japanese Embassy at Gulshan, Dhaka.<sup>12</sup> On November 26, Hannan Shah was sent to DB Police custody on a 2-day remand by Metropolitan Magistrate Tareque Moinul Islam Bhuiyan.<sup>13</sup>
10. According to information gathered by Odhikar, in November 2013, 52 persons were killed and 4213 injured due to political violence. Among them, five persons were allegedly shot dead by law enforcement agencies during the political violence.<sup>14</sup> Moreover, at least 12 persons died in petrol bombs and arson attacks on vehicles and 116 were injured during arson, brick-bat and petrol bomb attacks on vehicles.
11. Odhikar expresses grave concern over the current political violence and the human rights violations that have occurred. Odhikar believes that the two major political parties urgently have to decide on a solution after amicable discussions, in order to resolve the ongoing political crisis. Human rights violations are on the rise and to put an end to this is the main responsibility of the government. Human rights are being seriously violated as a result of excessive force used by the members of law enforcement agencies to 'control law and order'. Law enforcers should respect human rights standards and follow the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials, instead of complying with the Government's whims. The Opposition parties must also conduct their political programmes in peaceful manner and with respect to human rights.

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<sup>11</sup> The daily Prothom Alo (online), 30/11/2013, <http://www.prothom-alo.com/bangladesh/article/86503/%E0%A6%B0%E0%A6%BF%E0%A6%9C%E0%A6%AD%E0%A7%80 %E0%A6%86%E0%A6%9F%E0%A6%95>

<sup>12</sup> The daily Manabzamin, 26/11/2013

<sup>13</sup> The daily Prothom Alo, 27/11/2013

<sup>14</sup> This figure has been added in the table of extrajudicial killings

## **Harassment to Odhikar continues**

### **The arrest of Odhikar's Secretary and a bias media**

12. Odhikar carried out a fact finding mission into claims of violence and extrajudicial deaths that occurred in connection with a Hefazate Islam assembly, on May 5 and 6, 2013; and published its report on its website. On August 10, 2013 Odhikar's Secretary Adilur Rahman Khan was unlawfully picked up by intelligence agencies over the Hefazat report and the findings of extrajudicial deaths and for not handing over the names and addresses of the deceased to the Government. Odhikar repeatedly mentioned that it would provide all relevant information including the list of deceased, if an independent Inquiry Commission is formed. Odhikar could not hand over the list of deceased to the government for the sake of the security of the victims' families; as government had been accused of extrajudicial killings. But the Detective Branch of Police on August 11 confiscated three laptops and two Central Processing Units from Odhikar office and circulated names and addresses of the deceased, found in a draft list in out of the computers, to the media. This was not Odhikar's complete and final list. In spite of repeated protests from Odhikar, the government supported media have been presenting this list as "the list". In the meanwhile, a 'Gono Todonto Commission' (Public Inquiry Commission) formed by the Ghatok Dalal Nirmul Committee in November 2013, published a 'white paper' in relation to the May 5-6 incident, where they mentioned 39 people were killed during that operation, which was three times higher than the government statement.

### **Odhikar's Director detained in prison despite the bail granted by High Court Division**

13. On September 4, 2013 Odhikar's Secretary Adilur Rahman Khan and its Director ASM Nasiruddin Elan were charged under the Information and Communication Technology (ICT) Act, 2006 (amended in 2009) over the above mentioned fact finding report on extrajudicial killings that took place on May 5-6, 2013. Adilur Rahman Khan was sent to Kashimpur Jail-1 on August 13, when his 5-day remand was stayed by the High Court Division. He was released on ad interim bail on October 11, 2013. On September 11, the Cyber Crimes Tribunal issued an arrest warrant against Nasiruddin Elan. On October 10, 2013 a Division Bench of the High Court Division of the Supreme Court issued an order of 'not to arrest and harass' Nasiruddin Elan for four weeks. Meanwhile, on November 6, the Cyber Crimes Tribunal Judge,

Shamsul Alam rejected Elan's bail plea and ordered that he be sent to jail<sup>15</sup>. On November 10, the Tribunal Judge had adjourned the court without hearing the bail plea from Elan's lawyers as he was not produced before the Tribunal due to hartal. During the hearing on November 17, the next date of hearing was fixed on November 24 for framing charges and bail hearing for Elan. When a bail petition was filed before the High Court Division on November 20, the office of the Attorney General requested for more time for hearing. Previously the Cyber Crimes Tribunal did not provide the order sheet and certified copies of documents submitted by the Prosecution to the lawyers of Adilur and Elan, citing official reasons and the lack of adequate manpower to the Tribunal. As a result, the plea for Elan's bail at the High Court Division was delayed. Later, on November 24 at around 3.00pm, a High Court Division Bench comprising of Justice Borhan Uddin and Justice Kamrul Qader granted Elan 6-month interim bail. While opposing Elan's bail, the Deputy Attorney General, Abdullah Al Mamun said that if bail was granted the accused will destroy evidence and will also abscond abroad. It is to be mentioned that on October 8, the Additional Attorney General, Momtazuddin Fakir had opposed the bail petition of Adilur citing the same reasons. Nasiruddin Elan's lawyers told the High Court that the Tribunal Judge, Shamsul Alam had rejected Elan's bail plea without mentioning any reason, which is a violation of section 71<sup>16</sup> of the ICT Act, 2006 (amended in 2009). Besides, Elan was produced before the Tribunal from Kashimpur Central Jail-2 in handcuffs which shows the government's vindictive attitude towards human rights defenders.

14. Despite the High Court order, the jail authority did not release Odhikar Director Nasiruddin Elan in November. The jail authority informed Odhikar that they received the court's order granting bail to Elan but they also received 'specific instruction' from the office of the Attorney General, signed by Advocate on Record, Sufia Khatun, not to release Elan as the AG's office file an appeal against the High Court bail order. Odhikar believes that this is a clear violation of fundamental rights and the flouting of the High Court order, for which the Attorney General's office, Ministry of Home Affairs and the prison authority are solely responsible.

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<sup>15</sup> Kashimpur Central Jail-2 in Gazipur

<sup>16</sup> Section 71: Rules relating to bail.—The Judge of Cyber Tribunal shall not bail any person accused in committing crime under this Act, which is punishable, unless—

(a) Hearing opportunity is given to the Government side on similar bail orders;

(b) The Judge is satisfied that,—

(i) There is reasonable cause to believe that the accused person may not be proved guilty in the trial;

(ii) The offence is not severe in relative term and the punishment shall not be tough enough even the guilt is proved.

(c) He writes down the reasons of similar satisfactions.

## Violations to freedom of expression and media

15. Most of the media in Bangladesh, particularly the electronic media is largely controlled by pro-government supporters. The present government closed down the electronic and print media owned by pro-opposition supporters/members such as Channel 1, Diganta TV, Islamic TV and the daily Amar Desh. The Acting Editor of Amar Desh, Mahmudur Rahman has been detained in Kashimpur Central Jail-2 since April 11, 2013. During this period, the Government has decided to approve of 13 more private TV channels, on political consideration. Most of the owners of these channels are government party supporters.<sup>17</sup> The unbiased and neutral flow of information would be jeopardized if the licenses for TV/Radio are given solely to partisan people.
16. In November 2013, according to information gathered by Odhikar, 20 journalists were injured, two assaulted, three were threatened and four cases were filed against journalists. Some incidents are as follows:
17. On November 5, 2013 three journalists, Golam Mahbub Liton, News Editor of the daily Amader Shomoy; Shamsul Alam Babu, cameraman of Channel I; and Mohammad Hassan, cameraman of Desh TV were injured in crude bomb explosions while gathering information at Station Road in Chittagong.<sup>18</sup>
18. On November 9, a photojournalist of Focus Bangla, Mosharaf Hossain (25) was hit by a bullet fired by police. As a result, he lost sight in one eye. GTV cameraman Mohammad Masum was also injured as he was with Mosharaf Hossain. Both were stationed in front of the BNP party office at Bongshal Mor. Police opened fire when crude bombs were exploded in the area.<sup>19</sup>
19. At present, freedom of expression is being grossly violated in Bangladesh. People are being tried for defamation or under the ICT Act, 2006 (amended in 2013) for criticizing the Prime Minister or her family members. It is to be mentioned that this has also been done against the leader of the Opposition, but the government or law enforcement agencies remain silent. This shows that defamation laws and the ICT Act are being used selectively and when people criticize the Prime Minister and her family members. Odhikar believes that the freedom of expression is one of the main preconditions of the democratic structure; though the government is continuously violating it.
20. On October 8, the President of Bangladesh Jononetri Parishad<sup>20</sup>, AB Siddique filed a defamation case at the Chief Metropolitan Magistrate Court against an Assistant Professor of the Geography Department of the National University,

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<sup>17</sup> The daily Prothom Alo, 26/11/2013

<sup>18</sup> The daily Amader Shomoy, 06/11/2013

<sup>19</sup> The daily Prothom Alo, 10/11/2013

<sup>20</sup> A pro-Awami League organization mainly created for Sheikh Hasina



AKM Wahiduzzaman, for posting allegedly defamatory comments on the Prime Minister and her family members on his facebook page. On October 11, Wahiduzzaman was granted one month bail from the High Court Division. Later on November 6, Wahiduzzaman surrendered at the Chief Metropolitan Magistrate Court and made a plea for bail, but the Magistrate rejected his bail and ordered him to be sent to jail. On November 7, the National University authority temporarily suspended AKM Wahiduzzaman as per section 10(4) of the National University Employees (Discipline and Appeal) Statute-8 over his commission of a criminal offence.<sup>21</sup> In the meanwhile on November 24, a Division Bench of the High Court Division of the Supreme Court comprising of Justice Mohammad Shawkat Hossain and Justice Jahangir Hossain granted him 3-month interim bail.<sup>22</sup>

21. On November 10, RAB arrested Mohammad Nurnabi Sujan (32) over allegations of publishing, sharing and tagging 'objectionable' pictures against Sheikh Mujibur Rahman, Prime Minister Sheikh Hasina, top level Ministers and government officers on Facebook. A case was filed against him under section 57<sup>23</sup> of the Information and Communication Technology Act, 2006 (Amendment 2013). Sujan was working as a driver for an officer of the 'World Youth of Muslim'. But RAB claimed that Sujan was an activist of Islami Chhatra Sibir<sup>24</sup>.
22. Odhikar strongly condemns the incident of filing a defamation case and further harassment to Assistant Professor AKM Wahiduzzaman. It also condemns the attacks on journalists and also demands the lifting of the ban on the Opposition media and press; and the release of the Amar Desh Acting Editor, Mahmudur Rahman.

## **Discriminatory Anti Corruption Commission Act (Amendment 2013) passed in Parliament**

23. On November 10, the National Parliament passed the Anti Corruption Commission Bill 2013. The Bill had been passed by voice vote when it was placed by the ruling party Parliamentarian Motia Chowdhury. Despite protests from various sectors of society, the President gave his consent and signed the Bill into an Act on November 20. The provision of the necessity for government sanctions for filing any case related to corruption against government officials, Judges and Magistrates remains, which is contrary to

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<sup>21</sup> The daily Jugantor, 08/11/2013

<sup>22</sup> The daily Dhaka Tribune, 25/11/2013

<sup>23</sup> Section 57 of the ICT Act says about punishment for publishing fake, obscene or defaming information in electronic form.

<sup>24</sup> Student wing of Jamaat-e-Islami

‘equality before the law’, as in the Constitution of the People’s Republic of Bangladesh. Section 32(A)<sup>25</sup> has been included in this Law, where section 197<sup>26</sup> of the Code of Criminal Procedure, 1898 has been made mandatory before filing corruption cases against Judges, Magistrates and government officers. According to section 197 of the Code, no court shall take cognizance of any allegations brought against government officers, without previous sanction of the government. The government can even specify the Court before which the trial is to be held. The Anti Corruption Commission (ACC) has lost its power to operate independently due to this amendment. Odhikar believes that this amendment opens a wider scope for misuse of the law.

24. The High Court Division asked the government to show cause as to why the amended section of the ACC Act 2013 should not be repealed and declared unconstitutional. On November 25, a High Court Division Bench comprising of Justice Kazi Reza-Ul Haque and Justice ABM Altaf Hossain issued this rule after its primary hearing based on a Writ Petition.<sup>27</sup>
25. Odhikar demands for that the discriminatory section 32(a) of this Act be repealed immediately. This law is contrary to the Constitution of Bangladesh and may encourage government officials to commit corruption and also expand the culture of impunity.

## Death due to torture

26. On October 24, 2013 the ruling party parliamentarian Saber Hossain Chowdhury presented the “Torture and Custodial Death (Prevention) Bill, 2013” in the Parliament. Later it was passed by the Members of Parliament through a voice vote. Despite this new Law, incidents of deaths in custody continue. One example is as follows:
27. In the early morning of November 13, 2013 Assistant Sub Inspector, Masudur Rahman of Tekala Police Outpost under Doulatpur Police Station in Kushtia, arrested a youth named Zakir Sadik (22) from his house in Char Pragpur village and beat him seriously until he was taken to the police station. Later at around 11.00 pm Zakir Sadik died in Doulatpur Thana Health Complex. His family alleged that police killed him by inflicting torture while he was under

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<sup>25</sup> The amendment to Section 32(a) stipulated that provision of Section 197 of CrPC must be adhered to while filing any case which means public servants, judges and magistrates cannot be sued without the government’s permission.

<sup>26</sup> Section 197(1) When any person who is a Judge within the meaning of section 19 of the Penal Code, or when any Magistrate, or when any public servant who is not removable from his office save by or with the sanction of the Government, is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction of the Government. (2) The Government] may determine the person by whom, the manner in which, the offence or offences for which, the prosecution of such Judge, Magistrate or public servant is to be conducted, and may specify the Court before which the trial is to be held.

<sup>27</sup> The daily Bangladesh Protidin, 26/11/2013

Doulatpur police custody. Residential Medical Officer of the health complex stated that he saw wounds on the deceased body while conducting an autopsy.<sup>28</sup>

28. Torture is a grave violation of human rights. Despite the claim of 'zero tolerance' on torture, the Government has not taken steps or effective measures to curtail torture and other forms of custodial violence; and acts of impunity by law enforcement officers. Such lack of action against perpetrators only encourages human rights violations, and violates the Government's obligation under the Convention against Torture.

## **Violence against religious minority communities**

29. According to information gathered by Odhikar, in November 2013, five temples belonging to the Hindu community were attacked, 19 idols and 73 houses of the Hindu community were vandalized.
30. On November 2, 2013 four temples and 40 houses of the Hindu community were vandalized and set on fire during attacks at Bongram village in Santhia upazila under Pabna district. Eye-witnesses of this incident, Pinchu Mia, Kartik Saha and Aarabinda said that at around 11.00 am, 10/12 youths including Khetupara Union Chhatra League<sup>29</sup> convener Zakir Hossain; Chhatra League activist Kawsar Habib Sweet; one Manik; and one Khokon circulated a Facebook page in Bongram Bazaar that defamed prophet Mohammad (pbuh). They also spread rumors that a student of class X of Miapur School and College and son of Babul Saha, Rajib Saha (15) has posted derogatory comments and mocking pictures about Prophet Mohammad (pbuh) on his Facebook page. In relation to this incident people vandalized and set fire to Babul Saha's house in Bongram. Later they attacked four temples and 40 houses belonging to the Hindu community. Police arrested nine people in connection with this incident.<sup>30</sup> In the meanwhile, the Communist Party of Bangladesh and the Socialist Party of Bangladesh blamed the State Minister for Home Affairs, Shamsul Huq Tuku for this incident. They alleged that the incident of attacks on temples and houses occurred with support of the State Minister.<sup>31</sup> Samprodayik Sahingsata Birodhi Nagorik Samaj, a citizen's group against communal violence visited Santhia on November 15 and published their findings at a discussion. The report said, like Ramu incident, the locals alleged that different vested interest groups,

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<sup>28</sup> Report sent by a local human rights defender associated with Odhikar from Kushtia, 14/11/2013

<sup>29</sup> Student wing of Awami League

<sup>30</sup> Report sent by a local human rights defender associated with Odhikar from Pabna, 03/11/2013

<sup>31</sup> The daily Prothom Alo, 10/11/2013

including a section of the ruling Awami League men were involved in the communal attack.<sup>32</sup> A team of the National Human Rights Commission had also visited the place of occurrence and stated that a group of hooligans, with the support of local Awami League, were involved with this attack and that they often extorted the minority groups of that area. The citizens belonging to the Hindu minority community at Santhia had to pay extortions regularly to them. The National Human Rights Commission too blamed the local administration for this incident.<sup>33</sup>

31. On November 4, 2013, a group of Chhatra Dal<sup>34</sup> activists attacked 40 families belonging to the Hindu community in Satpatti Majhipara village under Mohendranagar union in Lamonirhat district. It is to be mentioned that fishermen were living in Majhipara village for a long time. On the evening of November 3, Chhatra Dal activist Shaon Islam and his associates demanded five thousand Taka from 15 fish monger families belonging to the Hindu community as extortion to pay for the expenses of hartals. When the villagers refused to pay the extortion, Chhatra Dal activists attacked 40 families and vandalized and looted their houses. 15 people were injured in this incident. The families have taken shelter in neighboring villages in panic.<sup>35</sup> A case was filed accusing 111 people and three have been arrested so far in connection with this incident.<sup>36</sup>
32. Odhikar demands that the government ensure the security of the citizens belonging to all religious and ethnic minority communities. Odhikar also condemns the government's failure to protect places of worship. Odhikar expresses grave concern over the vandalizing and setting fire to houses belong to the Hindu community and also demands a proper investigation and justice. Odhikar further demands that the government take appropriate steps to compensate the victim families of this incident.

## **Situation of ready-made garment workers and factories**

33. About 35 hundred thousand workers work in readymade garment factories, of them 80% are women.<sup>37</sup> This industry is probably the largest contributor to the country's economy. However, workers in this sector are exploited and

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<sup>32</sup> The daily New Age, 30/11/2013

<sup>33</sup> The daily New Age, 20/11/2013

<sup>34</sup> Student wing of Bangladesh Nationalist Party (BNP)

<sup>35</sup> The daily New Age, 05/11/2013

<sup>36</sup> The daily Dhaka Tribune, 11/11/2013

<sup>37</sup> Export and Development Bureau

deprived of their rights. Furthermore, fires and buildings collapses caused by various flaws in factories have caused permanent injuries and death.

34. According to information gathered by Odhikar, in November 2013, two workers were gunned down<sup>38</sup> by police during demonstration, 730 garment workers were injured during protests against termination, closure of factories and over demands for overdue wages and bonus. During this time, 98 workers were also terminated.
35. On October 31, owners of the factories brought a new proposal for Taka 4,250 as the minimum wage, ignoring the workers' demand for Taka 8,114. An alternative proposal for Taka 5,000 was given by the Minimum Wage Board member Mohammad Kamal Uddin in order to resolve the matter. During this time, the 8<sup>th</sup> meeting of the Minimum Wage Board formed for RMG workers ended without any solution.<sup>39</sup> On November 13, owners agreed to Taka 5,300 as the minimum wage, after the meeting the Prime Minister on November 4.<sup>40</sup> Meanwhile, a group of workers started calling for the implementation of Taka 5300 as the minimum wage set by the Wage Board from this month. However, another group of workers were protesting in demand for Taka 8,114 as the minimum wage.
36. On November 3, workers of Nayagra Textile Industry started protesting for a minimum wage of Taka 8114, without attending work in the factory at Chandra in Kaliakoir, Gazipur. During this period, workers blocked the Dhaka-Tangail highway. It was learnt that at least 10 persons were injured in clashes between workers and police during protest.<sup>41</sup>
37. On November 18, workers of Kashimpur and Konabari areas protested for a minimum wage of Taka 8,300 and for increasing the rate of the produced goods (production wage). Police fired rubber bullets and threw tear gas shells when a clash broke out between workers and police. Workers also threw bricks at police. More than 50 workers were injured, out of which 10 were shot by police during the clash. Wounded workers Badsha Mia and Ruma Akhter were declared dead by doctors when they were taken to Enam Medical College Hospital in Savar.<sup>42</sup>
38. On November 28, a large hoard of people set fire to the 10-storiead buildings of Standard Garments factory of Standard Group at Zarun area of Konabari under Gazipur, over a rumour of deaths of garment workers. In that incident the factory lost around Taka hundred crore worth of goods and machinery. An announce was made by a megaphone that two workers had died just

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<sup>38</sup> The figures have been added in the extrajudicial killings

<sup>39</sup> The daily Prothom Alo, 01/11/2013

<sup>40</sup> The daily Bangladesh Protidin, 14/11/2013

<sup>41</sup> The daily Jugantor, 04/11/2013

<sup>42</sup> The Daily Ittefaq, 19/11/2013

before the attack on the garment factory. As soon as it was done, thousands of workers including several outsiders, set fire to the factory. Some people tried to block fire fighters from approaching the factory. Later police reached the spot and dispersed the attackers. Fire fighters were then able to reach the factory.<sup>43</sup> Apart from the company's huge financial loss, as many as 27,000 workers in the Standard Garments factory have lost their jobs.<sup>44</sup>

39. Garment manufacturing factories are a very large source of revenue for Bangladesh and the factory workers are one of the main contributing factors to this success. However, workers are exploited and deprived of their rights. Termination of workers without any proper reason, closure of factories without notice and wages not paid on time are the main reasons for protest. Compensation for industrial and workplace accidents are almost non-existent. Odhikar demands that workers need to be brought under a synchronized security programme and the infrastructure of the factories to be built systematically so that the safety and security of the workers are ensured. Odhikar also demands that the government inform workers about the new wage structure through a gazette notification.

## **Human rights violations by BSF at the border**

40. The Border Security Force (BSF) of India regularly violates the human rights of unarmed Bangladeshi citizens residing at the border areas.
41. According to information, in November 2013, BSF injured five Bangladeshis, among them three were injured by bullet shot and two were beaten by them. Furthermore, six Bangladeshis were allegedly abducted by the BSF.
42. Odhikar has repeatedly noted that India and its BSF have been violating treaties and shooting at anyone seen near the border or anyone trying to cross the border. BSF members also illegally trespass into Bangladesh territory and abduct Bangladeshi citizens, which is a clear violation of international law and human rights.

## **Violence against women**

43. A significant number of women were the victims of rape, dowry violence, acid attacks and sexual harassment in November 2013. Odhikar believes that since the perpetrators are spared from punishment due to various reasons, potential violators are encouraged. As a result, it is important to effectively and adequately implement the law to stop such violence.

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<sup>43</sup> The daily Prothom Alo, 29/11/2013

<sup>44</sup> The daily New Age, 01/12/2013

### Rape

44. In November 2013, Odhikar recorded a total number of 30 females who were raped. Among them, nine were women, 21 were children below the age of 16. Of the women, three were killed after being raped; seven were victims of gang rape. Out of the 21 child victims, four children were killed after being raped and five were victims of gang rape.

### Sexual harassment and stalking

45. According to information gathered by Odhikar, a total of 16 girls and women were victims of sexual harassment in November 2013. Among them, one committed suicide. Moreover, 10 men were injured by stalkers as they were protesting such acts.

### Dowry-related violence

46. In November 2013, Odhikar recorded 16 women who were subjected to dowry violence. Of these women, it has been alleged that 10 women were killed because of dowry, five were abused in various ways for dowry demands and one woman committed suicide due to dowry related violence.

Statistics: January-November 2013*													
Type of Human Rights Violation		January	February	March	April	May	June	July	August	September	October	November	Total
Extrajudicial killings	Crossfire	5	7	5	5	4	5	9	7	3	3	3	56
	Torture to death	0	1	0	0	3	3	0	1	2	0	1	11
	Shot to death	2	72	47	2	63	1	0	2	0	12	7	208
	Beaten to death	2	1	0	0	0	1	0	0	0	0	1	5
	Strangled to death	0	0	0	1	0	0	0	0	0	0	0	1
	Total	9	81	52	8	70	10	9	10	5	15	12	281
Torture (Alive)		5	3	3	2	0	0	2	0	0	1	2	18
Disappearances		2	1	1	8	4	2	0	0	0	3	4	25
Human rights violations by Indian BSF	Bangladeshis Killed	5	1	2	1	3	3	3	5	2	2	0	27
	Bangladeshis Injured	16	7	6	4	10	10	3	3	3	11	5	78
	Bangladeshis Abducted	12	3	16	12	10	7	12	13	16	15	6	122
Deaths in Jail		3	6	6	2	12	3	7	7	2	4	5	57
Attack on journalists	Killed	0	0	0	0	0	0	0	0	0	0	0	0
	Injured	20	18	21	17	13	5	9	4	0	15	20	142
	Threatened	2	3	7	9	0	3	1	3	0	1	3	32
	Attacked	0	7	0	0	0	0	0	0	0	0	0	7
	Assaulted	1	5	4	20	0	0	0	0	2	3	2	37
Political violence	Killed	18	86	76	26	46	9	31	8	12	27	52	391
	Injured	1643	2772	3055	1450	948	862	1278	864	1056	3433	4213	21574
Acid violence		5	3	2	4	1	3	3	10	16	1	3	51
Dowry related violence (including women victims, their children and relatives)		37	42	54	64	46	53	18	20	56	16	16	422
Rape		109	93	115	111	43	79	61	66	57	25	30	789
Sexual harassment /Stalking of women		44	31	51	46	11	33	26	14	36	35	16	343
Section 144 of Cr.PC		9	10	4	2	0	2	2	4	4	13	3	53
Public lynching		17	8	10	6	9	11	12	19	8	13	7	120
RMG Workers	Killed	8	0	0	1129	1	1	0	1	0	3	2	1145
	Injured	235	178	75	2683	361	267	98	145	528	266	730	5566

Note: Some monthly data have been updated after receiving information from the previous month.



## Recommendations

1. In order to resolve the current political crisis, a political solution needs to be decided immediately. The government has to take the initiative because an inclusive, participatory, free and fair election is a must for a democratic transition of power. The human rights situation will seriously deteriorate if the on-going political crisis is not resolved through discussion. Opposition parties must conduct their programmes in non-violent manner so that life and livelihood are not affected. The Election Commission must ensure an inclusive, participatory election.
2. The Government must withdraw the ban on TV channels and newspapers belonging to the Opposition and the Amar Desh Acting Editor Mahmudur Rahman must be released immediately. The Government must not obstruct freedom of expression. Such obstruction violates the Constitution.
3. The discriminatory Anti Corruption Commission Act (Amendment 2013) should immediately be repealed.
4. The Government must ratify the Optional Protocol to the UN Convention against Torture, Other Cruel and Inhuman or Degrading Treatment or Punishment and ensure that the newly passed anti-torture law is properly implemented.
5. The Government should take all measures to protect the rights of the religious and ethnic minority communities and also ensure their security.
6. Infrastructural problems in RMG factories, security and health and safety measures for workers in workplace need to be ensured. Wages and bonus should be adequate and given to garment factory workers on time. RMG factories need to be brought under synchronized security programmes. The criminals who engaged in destruction of garment industries should be brought to justice.
7. The Government should stop applying repressive laws. Furthermore, such laws, including the Information and Communication Technology Act 2006 (Amended 2013) should be repealed.
8. The Government should protest strongly against human rights violations on Bangladeshi citizens by the BSF through investigation; and take initiative to make accountable the Indian Government for adequate compensation for the families of the victims. The Government should also ensure the safety and security of the Bangladeshi citizens residing at the border areas.
9. The Government must ensure the implementation of laws appropriately to stop violence against women and the offenders must be brought to justice. The Government should also execute mass awareness programmes and get the media involved, in order to eliminate violence against women.

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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, with assistance from trained local human rights defenders.
4. Odhikar is consistent in its human rights reporting and is committed to remain so.