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Human Rights Monitoring Report

August 1 – 31, 2014

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Activities of Odhikar hindered

Odhikar believes that 'democracy' is a form of the State and presupposes that freedom and human rights are its foundations. Democracy is not merely a process of electing a ruler. Democracy is the result of the peoples' struggle for inalienable rights, which become the fundamental premise to constitute the State defining 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 State's failure to recognise this at the founding moment is a continuing curse that people in Bangladesh 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 is also 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 prepares and releases monthly situation reports. Odhikar has released this human rights monitoring report for August 2014, despite facing continues harassment and threats to its existence.

Political violence persists

1. According to information gathered by Odhikar, in August 2014, six persons were killed and 497 were injured in political violence. 31 incidents of internal violence in the Awami League and three in the BNP¹ were recorded during this period. In addition to this, two persons were killed and 351 were injured in internal conflicts of the Awami League while 22 persons were injured in conflicts within the BNP.

¹ BNP: Bangladesh Nationalist Party

2. The 5th January 2014, controversial Parliamentary election² has put the country and nation in a deep crisis and threatens an already fragile democracy. After assuming power through this election there are allegations and evidence that leaders and activists of the ruling party Awami League are now involved in various illegal activities and encouraging criminalisation under political shelter; as a result violence continues. Some examples of political violence in August 2014 are as follows:
3. On August 16, 2014 activists of the Government Kobi Nazrul Islam College unit Chhatra League allegedly vandalised at least 12 buses in two intervals after failing to receive money for organising programmes for the National Mourning Day³ on August 15, 2014. On August 16, windows of four buses of the company Victor Paribahan which run the Sadarghat-Rampura route were vandalised on the road running along the north side of Bahadur Shah Park in Dhaka City. At the same place, six buses of Ajmeri Paribahan and two more buses of Victor Parobahan were vandalized on August 17. Chhatra League activists also blocked that road after vandalizing vehicles at night on August 16. As a result a huge traffic congestion was created. Some members of Victor Paribahan informed Odhikar that Chhatra League activists demanded donations on the occasion of 15th August. They vandalized 12 buses and beat some transport workers as the money was not given. The police were informed but paid no heed.⁴
4. On August 21, 2014 a group of seven or eight activists of Jahangirnagar University unit Chhatra League, including Organising Secretary K M Nurun Nobi, led by General Secretary of Moulana Bhasani Hall unit Chhatra League, Anindo Baroi attacked 17 rooms at Moulana Bhasani Hall with knives, iron rods and hockey sticks in order to gain supremacy. During the attack they broke the doors of room 310 and 313 and attacked Moulana Bhasani Hall unit Chhatra League President, Foysal Ahmed and his supporters. At least seven persons were injured.⁵
5. Odhikar believes that a strong democratic system can prevent criminalisation of politics and criminal activities; and the only way to start

² The Awami League-led Government came to power through landslide victory in the 9th Parliamentary Elections on December 29, 2008; and again on January 05, 2014 through controversial 10th Parliamentary Elections, boycotted by almost all opposition parties including Bangladesh Nationalist Party and its alliance. 153 candidates from the ruling Awami League and its alliance were elected uncontested out of the 300 constituencies, even before the elections were held. As a result, a total of 40,802,739 voters out of 91,948,861 voters could not cast their votes. Among the rest of the voters, only 12-15 percent could cast their votes on Election Day, as reported by various newspapers and election monitoring organisations.

³ On 15 August 1975, a section of the military assassinated the then President of Bangladesh, Sheikh Mujibur Rahman with his family.

⁴ The daily Prothom Alo, 18/08/2014

⁵ The daily Prothom Alo, 22/08/2014

strengthening democracy in Bangladesh is to hold a national election under an independent and neutral government.

Extrajudicial killings

6. According to information gathered by Odhikar, a reported total of seven persons were extra judicially killed in August 2014. Types of deaths and the identities of the deceased are stated below:

Types of extrajudicial Killings

- **Crossfire/encounter/gun fight:**

7. Among the seven persons extra judicially killed, six were killed in 'crossfire/encounters/gun fights'. Among them, four were killed by the police and two by the RAB.

- **Tortured to death:**

8. During this period, one person was allegedly tortured to death by members of the Army.

Identities of the deceased persons

9. Of the seven persons who were killed extra-judicially, one was regional leader of Purba Banglar Communist Party (Janajuddho), one was leader of the Shorbohara Party, one was leader of the Parbottya Chottogram Jonoshonghoti Shomity (MN Larma) and four were alleged criminals.
10. Odhikar expresses grave concern over the incidents of extrajudicial killings. Odhikar demands the government bring all perpetrators to justice through impartial investigation by forming an independent inquiry commission in order to stop such killings.

Torture

11. According to section 167 of the Code of Criminal Procedure, police can take an accused into their custody with the permission of Judges or Magistrates, for the sake of questioning. However, it has been seen that police often inflict torture on accused persons in their custody, taking the advantage of this section. Torture on accused persons in remand is mainly for two reasons – 1) to extract money by threatening to torture in remand; and 2) to hurt political opponents. The High Court Division of the Supreme Court of Bangladesh gave directives in the matter of BLAST vs Bangladesh (2003) regarding the measures to be taken when questioning an accused in

remand. The High Court Division says, in its directives, that the lower court should examine the medical report before granting remand and after remand; the relatives of the accused should be informed after he is taken into custody; the accused should be allowed to talk with his lawyer and he will be interrogated in the presence of his lawyer; he must be questioned in a room which has glass walls, where he can be seen from outside.⁶ The police and lower courts are violating such directives of the High Court Division. The lower courts hardly ever examine medical reports of the accused before and after remand and police continue to inflict torture upon the accused in remand.

12. Torture in custody is a very common practice in Bangladesh. Odhikar has, for the last 19 years, documented and carried out fact finding missions on incidents of torture, highlighting the fact that this practice must stop. On October 24, 2013 the Parliament, through voice vote, passed a torture prevention Act. Despite this, incidents of torture continue in Bangladesh. When a person is arrested by law enforcement agencies, it is immediately presumed that he will be physically and mentally tortured or suffer ill treatment.

Torture in police custody

13. A Jubo Dal⁷ leader and former Vice-President of Chandipur Union unit Jubo Dal, Saiful Islam Sumon was allegedly tortured all night and his eyesight ruined with a needle, while in police custody. He was arrested in Ramganj Upazila under Laxmipur district. Sumon's wife Shimu Akhter said that her husband is involved in local BNP politics and Jubo Dal⁸. He used to have a garment 'waste'⁹ business at Mirpur in Dhaka. On the night of August 6, 2014, Sumon returned home from Dhaka. On August 7 in the afternoon, police led by Lokman Hossain, the Officer-in-Charge of Ramganj Police Station arrested Sumon and took him to the police station where he was physically tortured and his eyes injured. On August 8 at around 5.00 pm, Sumon was taken to the Court by police. In court, Sumon described how he was tortured and how his eyes were damaged. Ramganj Upazila unit Jubo Dal President, Giasuddin Polash informed Odhikar that police inflicted torture on Saiful Islam Sumon in custody after he was arrested. He also alleged that Sumon was tortured as he was involved in the Jubo Dal.

⁶ The daily Amar Desh, 13/01/2011, 1st page, reported by Oliullah Noman, <http://www.amarshonline.com/pages/details/2011/01/13/62958>

⁷ Student wing of the Bangladesh Nationalist Party (BNP)

⁸ Youth wing of BNP

⁹ Garment waste is unwanted material which is recycled into waste cotton. It is also referred to as rubbish, trash, garbage, or junk depending upon the type of material and the regional terminology.

On August 13, 2014 Sumon's father Shamsun Nur Patwari filed a case with the Laxmipur District and Session's Judge Court in this regard. Allegations were brought against Officer-in-Charge Lokman Hossain, Sub Inspectors Mohammad Sharif Hossain, Monir Hossain, Mozammel Hossain and Lutfur Rahman. After hearing the case Judge Mohammad Manjurul Basid gave orders to the Laxmipur prison authority to submit a report to the Court within 24 hours after conducting a medical examination. On August 14, Saiful Islam Sumon was brought before a medical board at the office of the Civil Surgeon for examination, from Laxmipur District Jail. The chief of the medical team Dr. Mohammad Golam Faruk Bhuiyan said that a 6-member medical board led by him was formed as per order of the Court. Other members of the medical team were Dr. Mohammad Abul Khayer, Consultant, Surgery Department, Laxmipur Sadar Hospital; Medical Officer Dr. Anwar Hossain; Dr. Zakir Hossain; Surgeon (Retd.) Eye Department, Dr. Mohammad Altaf Hossain; and a consultant of Medicine Department in Ramganj Upazila Health Complex, Dr. Ahmed Ullah Nipu. The medical team examined Sumon's eyes and submitted a report to Laxmipur District and Session's Judge Court in the evening of August 14, 2014. Sumon's father said that Sumon was produced before the court on 31 August and he told him that he cannot see and that his eyes were. Police damaged both eyes with the needle of a syringe.¹⁰

14. Assistant Secretary General of Dhaka Metropolitan unit Jamaat-e-Islami Shafiqul Islam Masud, was tortured in police custody during remand after his arrest. The allegation was made by his lawyer Advocate Abdur Razzak. Abdur Razzak said that on August 9, 2014 police of Mohammadpur Police Station arrested 19 activists of Jamaat-Shibir, including Shafiqul Islam Masud, from a programme at a house on Zakir Hossain Road, Mohammadpur, Dhaka. On August 10, 2014 police produced them all before the Court after showing them as arrested under a case filed involving destructive activities. Police asked for a 10-day remand against all the arrestees, but the Court granted a four-day remand. At that time, all accused members of Jamaat-Shibir were physically fit. After the remand period, on August 14, arrestees including Shafiqul Islam Masud were taken to the Court again. At that time, Shafiqul Islam Masud was unable to walk to the Court. Police carried him to the Court and laid him on a bench. Police did not allow his lawyer and family members to talk to Shafiqul Islam Masud, who was unconscious for most of the time he was in Court. Other activists of Jamaat and Shibir who were in custody with Masud informed

¹⁰ Report sent by human right defender associated with Odhikar from Laxmipur.

the lawyers that Shafiqul Islam Masud was brutally tortured by police in front of them.¹¹ On August 25, 2014 police produced Masud in the Court and sought 54 days of remand in a total of six cases. The Court granted 14 days remand. Masud's lawyers told the Court that Masud's arms and legs were fractured due to torture in remand.¹²

Allegations of torture and death in Army custody

15. Parbotto Chottogram Jonoshonghoti Shomity (MN Larma) leader, Timir Baran Chakma alias Duranto Chakma Babu (52) died on August 10, 2014 under medical treatment while in the custody of the Army in Matiranga Hospital. In the evening of August 9, 2014, members of the Army commenced an operation in Indumoni area under Guiyamara Upazila in Khagrachhari Hill District and arrested Duranto Chakma Babu (52), Nishumoni Chakma (40), Amarkanti Chakma (18) and Romel Tripura (38) in the morning of August 10, 2014. Sudhakar Tripura, Student and Youth Affairs Secretary of the Central Committee of Parbotto Chottogram Jonoshonghoti Shomity (MN Larma), alleged that Duranta Chakma died due to torture. Meanwhile, regarding his death the Army stated that Duranta Chakma suddenly fell sick due to an asthma attack and he was admitted to Matiranga Hospital where he died.¹³ Elena Chakma, the wife of Nishumoni Chakma, said, the Army surrounded their house at night and arrested the men at around 5.30 am; and after making the arrest, all of them were severely beaten and kicked by the Army men. Duranta Chakma's wife Alotara Chakma said that her husband did not suffer from asthma.¹⁴
16. Torture in custody during interrogation is a grave violation of human rights and nothing is being done to arrest the perpetrators even though the incidents of torture and impunity of law enforcement agencies are widely visible.

Death in jail

17. According to information gathered by Odhikar, in August 2014, eight persons died in jail allegedly due to 'illnesses'.
18. There were allegations that many prisoners died due to scarcity of proper medical facilities and the negligence of the jail authorities.

¹¹ Information gathered by Odhikar.

¹² The daily Naya Diganta, 26/08/2014

¹³ The daily New Age, 12/08/2014

¹⁴ CHT News, 18/08/2014

19. Odhikar believes that deprivation of medical treatment for any inmate in jail is a serious violation of human rights. Odhikar demands that the government provide sufficient medical facilities for inmates in every jail. It urges the authority to investigate allegations of medical negligence through an independent investigation.

Allegations of enforced disappearance against law enforcement agencies

20. Enforced disappearance is recognised world-wide a crime against humanity. The term 'Enforced Disappearance' is defined in Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance as the "arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law."
21. The whereabouts of persons remain unknown after they are picked up by men alleging to be members of law enforcement agencies. Furthermore, families of victims claim that members of law enforcement agencies are making arrests and then the victims have disappeared or their bodies are later found.¹⁵ Although law enforcement agencies deny allegations of involvement, many incidents of enforced disappearance took place across the country before and after the controversial elections on January 5, 2014. These incidents still continue.
22. On the night of August 9, 2014 Khairul Islam (28), a fourth year student of Electric and Electronic Engineering at Islamic University of Technology (IUT) was picked up from his house, by men claiming to be members of law enforcement agencies, in Kaulotia area under Gazipur City Corporation. Since then the whereabouts of Khairul is unknown to his family. His father, Abul Kashem informed Odhikar that at around 2.30 am on August 9, a group of armed men in plain clothes conducted an operation at their house. The armed men said they were from the law enforcing agency and picked up Khairul along with his cell phone and laptop. When Khairul's wife asked where her husband was being taken, the armed men told her to contact Gazipur Police Station. Abul Kashem followed them out to the road and

¹⁵ Odhikar only documents allegation of enforced disappearance where the family members or witnesses claim that the victim was taken away by people in law enforcement uniform or by those who said they were from law enforcement agencies.

saw two minibuses and two jeeps parked a few hundred yards ahead. Khairul was put into the first car and the vehicles started to move towards Gazipur city. In the morning of August 10, 2014, Abul Kashem searched various places, including Gazipur Police Station, Joydebpur Police Station and intelligence agencies for Khairul. The family of Khairul has no trace of him. On August 10, Abul Kashem filed a General Diary (GD No. 762) with Joydebpur Police Station in this regard.¹⁶

23. Odhikar believes that a democratic state needs to be constituted based on equality, human dignity and social justice; and there is no alternative way other than people's mobilization and fight against injustice. Thus human rights defenders have to be vocal against human rights abuses, including enforced disappearance. They have also to stand beside the families of the disappeared victims and build resistance against the crime of disappearance.

Parliament's authority to impeach Supreme Court judges

24. On August 18, 2014 the Cabinet approved of a proposal to amend the Constitution and restore Parliament's authority to impeach Judges of the Supreme Court on grounds of misconduct or incapacity. The final approval has been given to the draft Constitution (Sixteenth Amendment) Act, 2014 based on vetting. The Legislative and Parliamentary Affairs Division of the Law Ministry brought this proposal to the Cabinet. It has been said in the proposal that the provision of creating the Supreme Judicial Council is contrary to Article 7 of the Constitution. It is to be noted that this amendment was made under Article 96 of the 1972 Constitution. The 1972 Constitution had given the power to Parliament to impeach judges. In 1975, through the fourth Amendment to the Constitution, the power of impeachment of judges was transferred to the President. The power was transferred to a 'Supreme Judicial Council' through a Martial Law Proclamation.¹⁷ This remained unchanged in the most recent 15th Amendment to the Constitution.
25. Odhikar expresses grave concern over the decision to transfer the power to impeach the Supreme Court Judges to the Parliament. Odhikar believes that judges will not be able to work independently if the authority to impeach them is given to Parliament. People already have doubts about the present Parliament, created through the 5th January 2014 controversial elections.

¹⁶ Information gathered by Odhikar

¹⁷ The daily Inqilab and the Daily Star, 19/08/2014

The present government has unilateral power in the Parliament and thus there is possibility of further loss to the independence of the Judiciary.

Situation of ready-made garment workers

26. According to information gathered by Odhikar, in August 2014, 98 workers were injured and 152 were terminated during protests for over-due wages and other reasons.
27. On August 7, 2014 the Chhatra League¹⁸ and Jubo League¹⁹ activists and police attacked workers of Tuba Group, who were on hunger strike and demanding their wages and bonus that remained unpaid for three months. They were in the factory in the North Badda area of Dhaka city. The workers were also ousted forcibly from the factory by police. Police baton charged them and used rubber bullets, pepper spray and threw tear gas shells. At least 10 persons, including journalists were injured.²⁰ It is to be mentioned that in the morning of August 7, some other factory workers expressed their solidarity to this protest and gathered in front of Tuba Group. Police attacked the gathering to disperse the workers from the street. At that time workers became angry and vandalised vehicles and made a blockade on the street. Police arrested the President of the Garment Sramik Oikkyo Forum, Moshrefa Mishu and the Joint General Secretary of Bangladesh Trade Union Kendra²¹, Joly Talukder. They were released later.²² Saydia Gulrukh, who is engaged with this movement alleged that criminals hired by Tuba Group owners had attacked them on August 6, 2014 when she and other activists went to the factory in Badda for providing water and food to the garment workers of Tuba Group.²³ It is to be mentioned that on July 29, 2014 about 12 hundred workers of five garment factories of Tuba Group started their protests, which included the hunger strike, to protest the nonpayment of their salary, overtime for the months of May, June and July 2014 and for their Eid bonus.
28. 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. It is very important to save this industry by respecting the human rights of workers and ensuring they receive sufficient wages with which to live with dignity.

¹⁸ Student wing of Awami League

¹⁹ Youth wing of Awami League

²⁰ The daily Naya Diganta, 08/08/2014

²¹ There is no trade union in Bangladesh. But workers have organisations affiliated with left wing political parties.

²² The daily New Age, 08/08/2014

²³ The daily New Age, 13/08/2014

Meetings and assemblies prohibited

29. Banning and attacking meetings and assemblies imply the shutting down of democratic space. The right to freedom of assembly and the holding of peaceful meetings, rallies and processions are the democratic and political rights of every citizen, as enshrined in Article 37 of the Constitution of the People's Republic of Bangladesh.
30. On August 9, 2014 Tuba Group Sramik Songram Committee called for a workers' strike at all garment factories in support of their demands, including a 5-point demand; and in protest of police atrocities on workers of Tuba Group on August 6 2014. In support of this strike, on August 8, Garment Mazdur Union organised a street meeting at Tejgaon Mor in Dhaka. Police barred the meeting and an altercation broke out between Mazdur Union activists and police. Later more police came and stopped the meeting.²⁴
31. Odhikar condemns the incidents of attacks and barriers to such meetings and rallies. Odhikar believes that this kind of prohibition and attacks on peaceful protest meetings and rallies are tantamount to interference with the democratic rights of the citizens of Bangladesh, which is also contrary to the perceptions laid down in our Proclamation of Independence.

Freedom of expression and of the media

The Cabinet approves the National Broadcasting Policy 2014

32. On August 4, 2014 the Cabinet approved of the National Broadcasting Policy 2014, by imposing restrictions and keeping room for the government to misuse the policy on the pretext of 'maintaining the standard' of news, programmes and advertisements in the electronic media. The Ministry of Information published a gazette of this policy on August 7, 2014. It has been stated in the gazette that the policy will be effective very soon. According to the policy, any news or statement that demeans the armed forces and law enforcement agencies cannot be broadcasted. The policy restricts the airing of anything that demeans government officials who are in a position to punish people for criminal offences. Inconsistent and misleading information must also be avoided in talk-shows. Any incident that may hurt religious sentiments; cause hatred among the people; and anything relating to mutiny, anarchy and violence cannot be aired. Various restrictions are also imposed on advertisements. The policy will be implemented after forming a Broadcast Commission by a 'search committee'. This Commission

²⁴ Information gathered from Dr. Faizul Hakim, President, Bangladesh Trade Union Federation, 10/08/2014

will monitor and examine various matters, including recommendations for issuance of license for broadcasting and ensuring quality. Furthermore, the Commission will conduct on-spot inquiry based on received allegations and take appropriate measures after hearing and also send necessary recommendations to the government. The government will take action as per the recommendations.²⁵

33. It is obvious that the present government is trying to control the media. Almost all the electronic media are under government's control or owned by pro-government party supporters. The government attacked the print and electronic media owned by or affiliated to the opposition. The Acting Editor of the daily Amar Desh, Mahmudur Rahman has been detained in jail from April 11, 2013 without any acceptable cause. Apart from closing down the daily Amar Desh, broadcasting of Diganta TV and Islamic TV were shut down due to reporting live the attack on a Hefazate Islam rally by security forces on May 5 and 6, 2013 at Shapla Chottor in Motijheel, Dhaka.
34. Odhikar believes that the government has approved of the broadcasting policy to control the media and curb freedom of expression. There are many vague terms in the policy that can be misinterpreted. The Commission which is stated in the Policy, will make recommendations the government and the government will take action based on the recommendations. In addition to this, there is possibility to appoint members of the Commission from the government's 'reliable' people; as the Commission is formed by the government's approved Search Committee. The activity of the present Election Commission, which has been created by such a Search Committee, is already the cause of much debate in the country.
35. Odhikar expresses grave concern over the approval of the Broadcasting Policy 2014, imposing many restrictions by the Cabinet. Odhikar also believes that this policy is contrary to the Constitutional guarantees of freedom of speech.

Attacks on journalists

36. In August 2014, according to information gathered by Odhikar, 14 journalists were injured, one was assaulted, three were threatened, one was arrested and four journalists were sued. During this time, one case was filed against the daily Prothom Alo and one case was filed against the daily Kaler Kantha and the Daily Sun newspapers. Incidents of attacks, arrests and threats on journalists occurred during the time of gathering

²⁵ Odhikar's statement issued on 06/08/2014, <http://odhikar.org/odhikars-statement-the-national-broadcast-policy-2014-empowers-the-government-to-put-draconian-restrictions-on-media-and-curb-the-freedom-of-expression/> and the daily Prothom Alo, 05/08/2014

news/information or due to publishing reports. During this time, allegations of the involvement of a Minister of the ruling party and/ or members of law enforcement agencies have been found.

37. On August 1, 2014 city correspondent of the local daily Juger Alo, Harun-ar-Rashid; senior reporter of the daily Dabanol, Shariful Islam Sumon; and city correspondent of the daily Dabanol, Mia Mohammad Sohel were returning from Burirhat after gathering information, when they saw 15-20 plain clothes policemen beating a youth in front of the Town Hall in Rangpur City. When the journalists were capturing this incident on their cameras, police stepped forward with anger and, using abusive language, broke their cameras and notepads after beating them.²⁶
38. On August 9, 2014 the Minister for Social Welfare, Mohsin Ali verbally attacked journalists in a meeting on the occasion of Indigenous Peoples Day organised by the local Organising Committee of the Ethnic Minority Community, at the Zila Parishad auditorium in Sylhet. The Minister asked the journalists to leave the meeting venue. He said, "Journalists are uneducated, they report against people in exchange for money".²⁷
39. At midnight on August 19, 2014, police arrested the News Editor of the daily Inqilab, Rabiullah Robi from the Inqilab office located at Ram Krishna Mission Road in Dhaka. Police also inquired about some other journalists. Proloy Kumar Joardar, the Assistant Inspector General of the Police Headquarters, filed a case with Wari Police Station under the Information and Communication Technology Act, 2006 (amended in 2013) against him for publishing a report on August 18, 2014 titled "Unilateral supremacy of a police officer by naming the Prime Minister: he created an unwritten Hindu League in the police force". He alleged in the FIR that Inqilab has attacked religious sentiments by publishing false and fabricated news. Furthermore, this had created indiscipline within the police force. The Editor, News Editor, City Editor and the concerned reporter of the daily Inqilab all have been accused in the case.²⁸ On August 20, 2014 police produced Rabiullah Robi before the Court and sought 10-day remand but the Court granted a five-day remand. Meanwhile, the Detective Branch of the police led by Assistant Sub Inspector of Wari Police Station, Moniruzzaman raided the Inqilab office on August 20, 2014. Police confiscated two CPUs and two monitors from the News and Composing section during the operation.²⁹ On August 24, 2014 the daily Inqilab authority made a statement by

²⁶ Report sent by human right defender associated with Odhikar from Rangpur

²⁷ Report sent by human right defender associated with Odhikar from Sylhet

²⁸ The daily Prothom Alo, 20/08/2014

²⁹ The daily Inqilab, 21/08/2014

withdrawing the news and expressing its regrets.³⁰ On August 26, Robiullah Robi was sent to Dhaka Central Jail.³¹

40. On August 19, 2014 Pulak Chatterjee, the General Secretary of Barisal Press Club and Bureau Chief of the daily Samakal, was stabbed by a group of criminals. It has been learnt that three men attacked him with sharp weapons in front of the gate of his house at midnight when he returned after finishing work. The criminals fled the scene when local people approached on hearing his shouts. Pulak was admitted to Shere Bangla Medical College Hospital in Barisal with severe injuries. Pulak's younger brother Deepak Chatterjee alleged that his brother was attacked due to professional reasons in relation to some enmity.³²
41. Odhikar expresses concern over the attacks, arrests, and threats on journalists while they carry their professional duty. Odhikar urges the journalists to report true information and be free from biasness. Odhikar believes that the Information and Communication Technology Act, 2006 (Amendment 2009 and 2013) has wide scope to violate freedoms of expression and the media. The government is putting journalists, human rights defenders and people who have alternative beliefs in jail after arresting them through this repressive Act.

Information and Communication Technology Act 2006 (Amended in 2009 and 2013) is yet to be repealed

42. The repressive Information and Communication Technology Act, 2006 (amended in 2009 and 2013)³³ (ICT Act) is still in existence. The latest amendment to the ICT Act was made on October 6, 2013. Section 57 of the ICT Act 2013, states that publishing or transmitting in a website in electronic form, of any defamatory or false information is considered to be a cognizable and non-bailable offence. Moreover, punishment for committing this offence has been increased for a term of a minimum of seven years and maximum of 14 years imprisonment. This law has curtailed the freedom of

³⁰ The daily Inqilab, 25/08/2014

³¹ The daily Inqilab, 27/08/2014

³² The daily Prothom Alo, 20/08/2014

³³ In 2013, the amendment made to the Act made the offence mentioned in Section 57 non-bailable and cognizable. Section 57 of the ICT Act states: (1) If any person deliberately publishes or transmits or causes to be published or transmitted in the website or in electronic form any material which is fake and obscene or its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, or causes to deteriorate or creates possibility to deteriorate law and order, prejudice the image of the State or person or causes to hurt or may hurt religious belief or instigate against any person or organization, then this activity of his will be regarded as an offence.

(2) Whoever commits offence under sub-section (1) of this section he shall be punishable for a term of minimum of seven years' imprisonment and a maximum of 14 years or a fine of Taka one crore or both.

expression and the government is using this Act against human rights defenders, journalists, bloggers and people who have alternative beliefs.

43. On August 19, 2014 the Detective Branch of police arrested one Shamsuzzoha from an office located at Bashundhara Residential Area at Bhatara in Dhaka, over the allegation of teasing the Prime Minister Sheikh Hasina. The concerned investigating officers informed that Shamsuzzoha had commented on his Facebook account about the Prime Minister and commenting on her photograph where she was wearing a *Saree* and *Scarf*, “Achcha, etai ki Pakhi dress? (Is this called the ‘Pakhi’ dress³⁴)” A case was filed against him with Kafrul Police Station under section 57 of the Information and Communication Technology Act³⁵.
44. Odhikar urges the government to repeal this repressive law immediately.³⁶

Public lynching

45. In August 2014, 12 people were reportedly killed due to public lynching.
46. Odhikar believes that the lack of respect for law; distrust of law enforcement agencies; the weak criminal justice system; and instability in the country has increased insecurity among people, who have resorted to taking the law into their own hands, fearing that they will not get justice any other way.

Human rights violations in border areas by BSF

47. According to information collected by Odhikar, in August 2014, six Bangladeshis were killed by the Indian Border Security Force (BSF). Among them, two persons were shot dead, two were tortured to death and one drowned into river when BSF members chased him. The body of one person was found in the river after he was abducted by BSF. 13 were also injured by the BSF. Among them, three were shot, seven were tortured and three were injured by crude bomb explosion. Eight Bangladeshis were also abducted, allegedly by the BSF.
48. On August 5, 2014 the BSF members of Mathura Camp shot and killed a Bangladeshi cattle trader named Raju Ahmed (25) at Tajpur, near sub pillar number 58S of the main pillar 278 at Korla border under Panchbibi Upazila

³⁴ ‘Pakhi dress’ is a style of dress made famous by an Indian television serial, that was much in demand by young women and girls at the last Eid festival in Bangladesh.

³⁵ The daily Nayadiganta, 21/08/2014.

³⁶ The ICT Act 2006 (Amended in 2009) is also the law under which the Secretary and Director of Odhikar have been charged.

in Joypurhat District. The BSF took the body of Raju Ahmed after killing him.³⁷

49. On August 21, 2014 Mohammad Akhtarul Islam (30), a resident of Proadhanpara village in Chaklahat Union under Panchagarh Sadar Upazila, had gone to Shingrod border to catch fish, when BSF members of the Sakati Outpost abducted him in gun point. Hearing this, the BGB³⁸ sent a letter to the BSF asking for the return of Akhtarul Islam. The BSF denied arresting any Bangladeshis. On August 22, 2014 local people saw Akhterul's body floating in the river. Police recovered the body from the river adjacent to the border. Eye-witness Rafiqul Islam said that in the afternoon of August 22, he was working in a field near the border. At that time he saw something being thrown into the river from a BSF vehicle. The body of Akhtarul floated to Bangladesh later on. Jahanara Begum, wife of the deceased Akhterul Islam said, "My husband went to catch fish in a flooded field. BSF beat him to death after abducting him. The next day, in the morning, his body was dumped into the river in the presence of local people".³⁹
50. Odhikar believes that a sovereign state would never sit and watch its citizens being indiscriminately killed, tortured and abducted by another state. According to the Memorandum of Understanding and related treaties signed between Bangladesh and India, if citizens of either country 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 noticed that India has been repeatedly violating treaties, shooting at anyone seen near the border or anyone trying to cross the border; and illegally entering Bangladesh, which is a clear violation of international law and human rights.
51. Odhikar believes that the Bangladesh Government should demand specific explanations from the Indian Government regarding killing, abduction and torturing of Bangladeshi citizens living along the border areas, and if need be, take the issue to an international forum.

Violence against minority communities

52. The government has to ensure the protection of citizens belonging to religious and ethnic minority groups; and ensure the right to perform religious and cultural practices. However, Odhikar has been observing with concern that influential and vested interest groups are attacking citizens belonging to religious minority communities over issues such as land and

³⁷ The daily Jugantor, 06/08/2014

³⁸ BGB: Border Guard Bangladesh, previously known as BDR.

³⁹ Report sent by human right defender associated with Odhikar from Panchagarh

for extortion. Incidents of attacks on minority groups are being politicised and thus action cannot be taken against the perpetrators. Such incidents are continuing, as the perpetrators are not punished.

53. On August 5, 2014 at around 2:00 am, a group of 10 or 12 criminals entered the Kali Mandir (temple) of Jibon Kumar Sarkar in Hajipur village under Raiganj Upazila in Sirajganj District. They set fire to the temple, which damaged it and four effigies that were inside. Later they attacked the houses of Santosh Kumar Sarkar, Ranjit Deb and Barun Kumar in the same village. The criminals fled the area when villagers chased them. Police arrested Manzil Khan, Abdul Berek and Abdus Salam Khan of the same village in connection to this incident.⁴⁰
54. Odhikar condemns the crime of attacks on citizens belonging to minority communities. Odhikar urges the government to ensure the protection of the citizens belonging to all minority communities.

Violence against women

55. Violence against women continues. In August 2014, many women became victims of rape, dowry related violence, acid attacks and sexual harassment.

Dowry-related violence

56. In August 2014, according to Odhikar documentation, 18 women were subjected to dowry violence and one woman was injured when she tried to protect her daughter from dowry violence perpetrated by her son-in-law. Of these women, it has been alleged that 11 women were killed because of dowry; six were abused in various ways over dowry demands and one woman committed suicide. Some incidents are as follows:
57. On August 5, 2014, a housewife named Roksana (19) was killed by her husband Alamgir Hossain Babu and his family members, over dowry demands at Monurchora village under Pirgachha Upazila in Rangpur District. It was learnt that Alamgir Hossain Babu married Roksana four months ago. Babu started demanding dowry from Roksana's father soon after the marriage. On the date of the incident, an altercation took place between Roksana and Babu in this regard. At one stage, Babu and his family members strangled Roksana to death and hanged her body from the ceiling to conceal the crime.⁴¹
58. On August 22, 2014, a housewife named Tumpa Rani was allegedly killed by her husband Rajon Kumar Das over a dowry of two hundred thousand

⁴⁰ Report sent by human right defender associated with Odhikar from Sirajganj

⁴¹ The daily Star, 07/08/2014

taka, at Narinda in Dhaka Metropolitan City. They were married four months ago. Tumpa Rani's father Nitai Pal told the police that his daughter used to be ill-treated and she was killed as he failed to give her husband money. He claimed that Tumpa's husband had tried to hide the death as suicide, by hanging her body from the ceiling.⁴²

Acid violence

59. According to information gathered by Odhikar, in August 2014, two women became victims of acid violence.
60. On August 23, 2014, in Rajshahi city, a housewife named Shikha Begum became a victim of an acid attack by her ex-husband Mohammad Sumon and his brother Masum over their divorce. Shikha's ear, neck and arm were burnt with acid. She was admitted to Rajshahi Medical College Hospital. On August 25, police arrested Mohammad Sumon.⁴³
61. Incidents of acid throwing are occurring due to lack of implementation of the Acid Crimes Prevention Act 2002 and the Acid Control Act 2002, as well as ineffective investigation and a weak criminal justice system.

Rape

62. In August 2014, Odhikar recorded a total number of 57 females who were raped. Among them, 23 were women, 33 were children below the age of 16 and the age of one person could not be determined. Of the women, two were killed after being raped; 12 were victims of gang rape. Out of the 33 child victims, three were killed after being raped; seven were victims of gang rape. Furthermore, nine females were victims of attempted rape. Some incidents are given below:
63. A female leader of an ethnic minority community was beaten and raped by a group of criminals in Zinarpur village under Gomostapur Upazila in Chapainabganj. She was the President of the Jatiyo Adibashi Porishod Chapainawabganj district; and vocal against the crime of land grabbing. On August 4, 2014 she was working in a paddy field with a few workers. Criminals approached her with sharp weapons and demanded three hundred thousand taka. Criminals beat her when she refused to give the money. Three criminals, including Akhter Hossain, Rezaul Karim and Akbar Ali, raped her. Police arrested Akhter Hossain, Rezaul Karim, Akbar Ali and Ziaul Karim in connection with this incident.⁴⁴

⁴² The daily Jugantor, 23/08/2014

⁴³ The daily Star, 25/08/2014

⁴⁴ Report sent by human right defender associated with Odhikar from Chapainabganj

64. On August 3, 2014 a 12-year old girl was picked up by two local Jubo League activists Rashid Akul (32) and Khalil Ahmed (40) at gun point and raped when she went to take a bath in a pond in Phengram village at Muria Union under Bianibazar Upazila in Sylhet District.⁴⁵

Sexual harassment and stalking

65. According to information gathered by Odhikar, a total of 19 girls and women were victims of sexual harassment in August 2014. Among them, one was injured, one was abducted and 17 were sexually harassed in various ways. During this period, one woman was killed and one man was injured by the stalkers when they protested against such acts.

66. On August 3, 2014 a pregnant women named Nasima went to the local village doctor's dispensary in Hashimpur village under Kumarkhali Upazila in Kushtia District. At that time Jhantu, the doctor, tried to rape Nasima. Nasima started shouting and hearing her screams, people of the area rushed to the spot and took her home, promising her that Jhantu would be punished. Nasima became angry with the inaction of the men who failed to keep their promise; and went to file a case with Kumarkhali Police Station on August 5, 2014. The officer-in-Charge of the police station Sheikh Lutfar Rahman asked her to come later, without taking her case. Later local influential people forced her to sign a compromise paper in an ineffective arbitration. After being humiliated and frustrated, Nasima committed suicide at midnight on August 5, 2014.⁴⁶

67. Odhikar expresses serious concerns over the increase in violence against women. Odhikar believes that women are being victimized mainly due to lack of implementation of laws; failure of the Judiciary; lack of victim and witness protection; corruption and criminalisation of the members of law enforcement agencies; economic instability; and weak administration. Odhikar believes that since the perpetrators of violence against women escape punishment, potential violators are encouraged and incidents of violence increase.

Activities of Odhikar hindered

Human rights defender associated with Odhikar harassed by DB police

68. Odhikar commemorated the International Day of the Disappeared on August 30, 2014. To mark this international day and express solidarity with the families of the victims of enforced disappearance, Odhikar organised

⁴⁵ Report sent by human right defender associated with Odhikar from Sylhet

⁴⁶ Report sent by human right defender associated with Odhikar from Kushtia

rallies and human chains in Rajshahi, Khulna, Chittagong and Sylhet. Under this programme, at around 10:30 am, human rights defenders associated with Odhikar brought out a rally from Sonadighi Mor in Rajshahi City; and formed a human chain in front of the press club. The programme was coordinated by Moin Uddin, the local focal person of Odhikar at Rajshahi. After the programme, at around 5:30 pm, some officials from Rajshahi Metropolitan City Detective Branch (DB) of Police led by Sub Inspector (SI) Mahabub, visited his office. Moin Uddin was not in the office. DB police called him on his cell phone and asked him to meet them at the DB office by the night of 30th August. They wanted to know about the said programme and about Odhikar. DB police called Moin Uddin several times that night and asked him to provide a list of human rights defenders who are associated with Odhikar and they also threatened him. On August 31, 2014 SI Mahabub and constable Mannan visited Moin Uddin's office and wanted to see the banner and placards used in the programme; and noted down the headline and slogans written on them. DB police told Moin Uddin that he has to take permission from the local authority before organising such events in the future.

69. Human rights defenders who are associated with Odhikar are being harassed and intimidated by the state agents. Odhikar expresses grave concern about this incident and urges the government to refrain from acts of harassment and intimidation. According to Article 5 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels: (a) To meet or assemble peacefully; (b) To form, join and participate in non-governmental organisations, associations or groups; (c) To communicate with non-governmental or intergovernmental organisations.

NGO Affairs Bureau is yet to release Odhikar's funds

70. The NGO Affairs Bureau (NGOAB), which is under the Prime Minister's Office, has barred the release of funds for Odhikar's programmes. The government has taken such a strategy to stop Odhikar from functioning as an effective human rights watch dog.
71. Activities of the two-year 10-month project on 'Human Rights Research and Advocacy', funded by the Netherlands Embassy was accomplished in June 2013 but the NGOAB did not release its last phase of funds till date. This

project had been implemented mainly to document, research and advocate on human rights violations by the Indian Border Security Force along the border, extrajudicial killings, political violence, rights of the religious and ethnic minority communities and violence against women. In order to implement the project on time, Odhikar had to borrow money from its general funds. It is to be mentioned that the NGOAB had been putting barriers to release fund of this project since October 2010.

72. After completion of the first year activities under the 'Education on the Convention against Torture and OPCAT Awareness Programme in Bangladesh' project, funded by the European Union, Odhikar applied for the release of funds for the second year's activities on March 6, 2013. On May 15, 2013 the Bureau gave 50% of the funds for the second year, after three months of the submission of Odhikar's request. On August 21, 2013 Odhikar submitted an application to the NGO Affairs Bureau for releasing the remaining 50% of funds, along with a project completion audit report of the first year. The NGOAB has not released the remaining 50% of the project funds even after one year of submission.
73. On April 9, 2014 Odhikar submitted an audit report and applied for the release of second year funds under 'Empowering Women as Community Human Rights Defenders' project, funded by the Finnish NGO Foundation for Human Rights (KIOS) after the completion of first year activities. The project was designed to take effective action in order to stop violence against women in four districts. Odhikar cannot implement the project activities for the second year due to non-release of funds.
74. As a human rights organisation it is Odhikar's duty to highlight human rights violations and take appropriate actions and measures to prevent future violations. The Government is harassing Odhikar, everyone associated with the organisation and victims of human rights violations; gagging their voices and hampering their activities.

Statistics: January-August 2014*										
Type of Human Rights Violation		January	February	March	April	May	June	July	August	Total
Extrajudicial killings**	Crossfire	20	13	7	14	5	7	11	6	83
	Torture to death	0	2	1	0	2	2	1	1	9
	Shot to death	18	1	6	4	1	0	3	0	33
	Beaten to death	1	1	0	0	1	1	0	0	4
	Total	39	17	14	18	9	10	15	7	129
Disappearances		1	7	2	18	2	0	0	1	31
Human rights violations by Indian BSF	Bangladeshis Killed	1	1	2	2	4	4	0	6	20
	Bangladeshis Injured	4	3	3	2	1	10	6	13	42
	Bangladeshis Abducted	13	8	12	4	17	5	9	8	76
Death in Jail		1	5	4	7	5	4	3	8	37
Attack on journalists	Killed	0	0	0	0	1	0	0	0	1
	Injured	2	9	7	25	5	2	1	14	65
	Threatened	1	1	3	2	1	1	0	3	12
	Assaulted	0	1	0	2	15	0	0	1	19
	Arrested	4	0	0	0	0	1	0	1	6
Political violence	Killed	53	10	22	17	17	13	8	6	146
	Injured	1472	1166	1343	593	412	246	599	497	6328
Dowry related violence (including women victims, their children and relatives)		12	15	14	22	18	32	26	19	158
Rape		39	51	42	57	65	47	56	57	414
Sexual harassment /Stalking of women		14	12	29	25	22	12	22	19	155
Acid Violence		1	3	6	5	6	4	5	2	32
Public lynching		16	6	11	13	11	6	8	12	83
RMG Workers	Killed	0	0	0	0	0	0	1	0	1
	Injured	60	135	65	51	49	115	122	98	695

*Odhikar's documentation

**From January-August, 20 persons were extra judicially killed by the law enforcement agencies due to political violence which is also included in the statistical part of the Political Violence

Recommendations

1. Political violence and the practice of confrontational politics must stop. The Government should take legal action against criminal acts also perpetrated by its party activists. Free and fair Parliamentary elections must be held immediately by ensuring participation of all political parties, under a neutral, interim government.
2. Incidents of extrajudicial killings and torture by law enforcement agencies must be investigated and the perpetrators be brought to effective justice. The Government should ratify the Optional Protocol to the UN Convention against Torture; and effectively implement the anti-torture Act of 2013.
3. The Government has to explain all incidents of enforced disappearances and killings allegedly perpetrated by the law enforcement agencies. The Government must bring the members of the security forces who are involved in the incidents of enforced disappearance and killing to justice. Odhikar urges the government to accede to the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the UN on December 20, 2006.
4. Peaceful meetings and assemblies should not be obstructed. The Government should refrain from attacking peaceful programmes and carrying out repressive, unconstitutional activities.
5. The Government must revoke the authority given to the Parliament to impeach the Supreme Court Judges.
6. The National Broadcasting Policy 2014 must be repealed and the freedom of speech and expression be ensured. The Government should investigate incidents of attacks on journalists and take legal measures to punish the perpetrators. The ban on the publication of Amar Desh, Diganta TV and Islamic TV should be removed. The detained Acting Editor of the daily Amar Desh, Mahmudur Rahman should immediately be released.
7. The repressive Information and Communication Technology Act 2006 (Amended in 2009 and 2013) should immediately be repealed.
8. The Government should protest strongly against human rights violations on Bangladeshi citizens by the BSF and take initiative to investigate and make the Indian Government accountable and compensate 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 should take all measures to protect the rights of the citizens belonging to religious and ethnic minority communities and ensure their security. The Government has also to ensure their right to perform religious and cultural practices.

10. Human rights violations of readymade garment factory workers must be stopped. RMG factories need to be brought under synchronized security programmes and the factories should be made with adequate infrastructural and other facility.
11. The Government must ensure the effective implementation of laws to stop violence against women and the offenders must be effectively punished. The Government should also execute mass awareness programmes in print and electronic media in order to eliminate violence against women.
12. All repressive measure taken against Odhikar and its staff, Secretary and Director, must be withdrawn.
13. The government should release funds of Odhikar to continue its human rights activities.

Tel: +88-02-9888587, Fax: +88-02-9886208

Email: odhikar.bd@gmail.com, odhikar.documentation@gmail.com

Website: www.odhikar.org

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.