



December 1, 2014

## **Human Rights Monitoring Report**

November 1 – 30, 2014

**Criminalization of politics**  
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**Lack of accountability of law enforcement agencies**  
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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 November 2014, despite facing persecution and continuous harassment and threats to its existence since August 10, 2013.

## **Criminalisation of politics continues**

1. Criminalisation of politics by Chhatra League<sup>1</sup> and Jubo League<sup>2</sup> started after the Awami League (AL) reassumed power through the controversial

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<sup>1</sup> Student wing of Awami League

<sup>2</sup> Youth wing of Awami League

Parliamentary Elections<sup>3</sup> on January 5, 2014. Most of the criminal activities are linked to vested interest and mainly occur by using political influence. Political violence continues as result of the criminalisation of Chhatra League at the educational institutions in the country. Allegations are made against Chhatra League for oppressing ordinary students with the support of the administration. For example, students are being accommodated in the residential halls of the Dhaka University bypassing the authority; randomly ousted from these halls; and obstructing any protests against the administration. Other student organisation in the Dhaka University allege that Chhatra League has, in fact, established control over the University authority by using power and taking control over the residential halls.<sup>4</sup> Furthermore, responsible persons in the government make statements and comments encouraging Chhatra League leaders and activists in public meetings; which shows that the former Chhatra League leaders and activists, who are now engaged with administration, were politically used; and that at present many Chhatra League leaders and activists are preparing to be used politically in future.

2. On November 12, 2014 the Prime Minister's political adviser, H. T. Imam, in a discussion meeting organised by Chhatra League at the Students and Teachers Centre (TSC) of the Dhaka University, said that "you will have to pass written exams in the BCS. Thereafter we will see to it". He also mentioned that during mentioning the 5<sup>th</sup> January's elections "I spoke to every Upazila during elections regarding the role of Bangladesh Police and administration; we recruited our men everywhere and talked to them and conducted elections by staging mobile court by them".<sup>5</sup> H T Imam's statements are damaging, unconstitutional and discriminatory. Article 29 (1) of the Constitution of Peoples' Republic of Bangladesh stated that, "There shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic."

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<sup>3</sup> The Awami League-led Government came to power through landslide victory in the 9<sup>th</sup> Parliamentary Elections on December 29, 2008. However again came to the power on January 05, 2014 through controversial 10<sup>th</sup> 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.

<sup>4</sup> The daily Prothom Alo, 12/11/2014

<sup>5</sup> The daily Prothom Alo, 13/11/2014

### **Attack on ordinary students and ousting them from residential hall**

3. On November 6, 2014 Chhatra League activists attacked students who were demanding an opportunity to sit entrance examinations a second time in Dhaka University. Students alleged that they had a programme in front of the Raju sculpture at the University. At around 11:15 am, a group of Chhatra League activists attacked their programme in the presence of police. The attackers snatched banners and festoons from the protesting students. Students further alleged that police came to the spot during the stay-in programme and Sub Inspector Shaheb Ali of Nilkhet Police Outpost threatened them to leave, otherwise they would be beaten by the Chhatra League. The President of Bangabandhu Sheikh Mujibur Rahman Hall unit Chhatra League, Darul Salam was present and the youths associated with him took part in the attack.<sup>6</sup>
4. On November 3, 2014 Chhatra League leaders and activists apprehended Fahmida Akhter, a third year student of History; Umme Kulsum Poly, a fourth year student of World Religion and Culture; and Maimuna Akhter, a first year student of Mass Communication and Journalism of Dhaka University, while they were saying early morning prayers at Shamsun Nahar Women's Residential Hall. They were accused of alleged involvement with Chhatra Songstha<sup>7</sup> and Hizb-ut Tahrir. Later they were taken to a room and beaten by Chhatra League activists. Chhatra League activists were allegedly trying to extract statements from them. Hall Provost Dr. Sajeda Banu stated in this regard that, three female students were apprehended under suspicion of being members of Chhatra Songstha and Hizb-ut Tahrir. 15-20 Islamic books were recovered from them. Their seats at the residential hall were cancelled and they were handed over to their local guardians.<sup>8</sup>

### **Political violence turned alarming**

5. According to information gathered by Odhikar, in November 2014, nine persons were killed and 854 were injured in political violence. 47 incidents of internal violence in the Awami League and five in the BNP<sup>9</sup> were recorded during this period. In addition to this, six persons were killed and 611 were injured in internal conflicts of the Awami League while 79 persons

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<sup>6</sup> The daily Prothom Alo, 07/11/2014

<sup>7</sup> Female student wing of Jamaat-e-Islami

<sup>8</sup> The daily Manabzamin, 04/11/2014

<sup>9</sup> BNP: Bangladesh Nationalist Party

were injured in conflicts within the BNP. Some examples of political violence are as follows:

6. On November 3, 2014 Chhatra League activists led by General Secretary of Polash Thana unit Chhatra League, Monir Molla, with local inhabitants, attacked Titas Gas authority when they went to cut illegal gas connections at Bhatpara area. The team from Titas Gas led by an Executive Magistrate of the district administration of Norshingdi. Attackers beat a member of Ansar<sup>10</sup> named Kalam and threw him into a pond. At least 20 people, including the Executive Magistrate of the mobile court, Zahir Hayat; Channel 9 and district correspondent of the daily Manabkantha, Ayub Khan Sarkar; Cameraman of Channel 24, Laxman Burman; cameraman of Shomoy TV, Kausar Hossain; members of police, Ansar and Titas Gas authority were injured. Ayub Khan Sarkar, Laxman Burman and Kausar Hossain were admitted to the National Institute of Traumatology, Orthopedics and Rehabilitation (NITOR - Pongu Hospital) with severe injuries. The attackers also vandalized cameras and motorcycles of Desh TV, Shomoy TV and Channel 9.<sup>11</sup>
7. A third year Honours student of Chittagong City College and Chhatra League leader Mahmudur Huq Manna was killed during a clash between two factions of Chhatra League in the city over establishing supremacy. On November 2, 2014 at around 9:00 pm, two factions of Chhatra League were tied in altercation with homemade weapons.<sup>12</sup>
8. On November 19, 2014 former Chhatra League leader and currently ICT Affairs Secretary of Jubo League, Shafiqul Islam alias 'Tender Shafiq' along with over 100 of his associates were roaming around in front of Shikkha Bhaban (the Directorate of Education) in Dhaka in order to grab tender bids. At that time, another former Chhatra League leader and Assistant Secretary of a Sub Committee of Awami League, Mizanur Rahman came to Shikkha Bhaban with 30-35 activists. A show down took place between the two groups in relation to tenders. An altercation took place when supporters of Shafiqul Islam's group attacked Mizanur Rahman's in broad daylight with pistols, hockey sticks, iron roads and knives. Six people were injured and were admitted to the Dhaka Medical College Hospital. Police played a silent role during the whole incident.<sup>13</sup>
9. On November 20, 2014 at around 10:30 am, more than one hundred Chhatra League activists led by Shahjalal University of Science and Technology unit

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<sup>10</sup> An auxiliary force

<sup>11</sup> The daily Jugantor, 04/11/2014

<sup>12</sup> Report sent by human right defender associated with Odhikar from Chittagong

<sup>13</sup> The daily Manabzamin, 20/11/2014

Chhatra League President, Sanjeeban Chakraborty Partha; Vice-President Abu Sayeed; and Organising Secretary, Sajidul Islam Sabuj attacked Shahporan residential hall of the University in Sylhet. Later they attacked at another student hall and Syed Muztaba Ali hall and ousted the supporters of rival Chhatra League Uttam-Anjan group from the residential halls. Supporters of Uttam-Anjan group took position in the campus after being ousted from the halls. Meanwhile supporters of Partha group captured all residential halls. Later, over one hundred supporters of Bidhan group came to the campus with local arms to help Uttam-Anjan group. Supporters of Partha-Sabuj group also took position with local arms in front of the halls. At that time, guns were seen in the hands of the two groups. Clashes took place between supporters of Uttam-Anjan group and supporters of Partha group when supporters of Uttam-Anjan group tried to take control over the residential hall. At one stage, the altercation spread out into the whole campus and initiated gun-fights between the supporters of the two groups. During the gun-fight, Chhatra League activist Sumon Das; University unit Chhatra League Vice-President, Anjan Ray; a student of Anthropology and Chhatra League activist Ziaur Rahman; and second year student of Sociology, Khalilur Rahman were shot. They were admitted to Osmani Medical College Hospital where Sumon Das succumbed to his injuries.<sup>14</sup>

10. Odhikar expresses grave concern over the persistence of political violence. Odhikar also believes that it is very important to curtail confrontational politics in order to contribute to political stability.

### **Hartal**

11. The International Crimes Tribunal-1 on October 29, 2014 sentenced to death Jamaat-e-Islami Amir, Motiur Rahman Nizami and Tribunal-2 on November 3, 2014 sentenced to death Jamaat leader Mir Kashem Ali for committing Crimes against Humanity during the Liberation War in 1971. In protest of this verdict, Jamaat-e-Islami called countrywide hartals on October 30 and November 2, 3, 5 and 6, 2014.
12. During the hartals, clashes took place between hartal supporters and members of law enforcement agencies in various parts of the country and picketers also vandalized and set fire to vehicles. It was learnt that police arrested about 300 people across the country during the hartal on

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<sup>14</sup> Report sent by human right defender associated with Odhikar from Sylhet

November 2 and 3;<sup>15</sup> and arrested 200 people from all over the country during hartal on November 5, 2014.<sup>16</sup>

## Extrajudicial killings continue

13. According to information gathered by Odhikar, a reported total of six persons were extra judicially killed in November 2014.
14. Odhikar believes that the country's laws and criminal justice delivery system are under serious threat due to the prevalence of extrajudicial killings; and that the government is not doing enough to stop this crime; rather the government has taken a completely contrary position violating commitments given to the international forum and human rights defenders in respect of stopping extrajudicial killings.
15. Types of deaths and the security forces involved in such killings and the identities of the deceased as a result of extrajudicial killings are stated below:

### Types of extrajudicial Killings

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

16. Among the six persons five were extra judicially killed in 'crossfire/encounters/gun fights'. Among them, two were killed by the police and three by RAB.

- ***Shot to death:***

17. Among the deceased, one was shot and killed by police.

- ***Identities of the deceased persons***

18. Of the six persons who were killed extra-judicially, one was youth and five were alleged criminals.
19. Odhikar expresses grave concern over the incidents of extrajudicial killings. Odhikar believes that the Constitution has guaranteed equal protection of law even to the dangerous criminals and they deserve a lawful trial. Odhikar demands the government bring all perpetrators to justice through impartial investigation by forming an independent inquiry commission in order to stop such killings.

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<sup>15</sup> The daily Amader Shomoy, 04/11/2014

<sup>16</sup> The daily Naya Diganta, 06/11/2014

## Lack of accountability of law enforcement agencies

### **Many people became disabled due to law enforcers**

20. The trend of shooting in the legs by law enforcement agencies has been observed since 2011 and is a matter of grave concern. Many people have become disabled due to being shot by law enforcement agencies. Moreover, the culture of impunity has been explicitly established through the statements given by the higher authority in favour of the perpetrators, without taking appropriate action against those responsible. As a result, incidents of indiscriminate shooting at people by members of law enforcement agencies continue.
21. Police of Jessore Kotwali Police Station allegedly shot in the legs of two youths named Mizanur Rahman (27) and Hafizur Rahman (28) of the Nursery Potti area close to the office of the Deputy Commissioner, Jessore. They were picked up from their houses. They were admitted to the 250 bedded General Hospital in Jessore with severe injuries, under police custody. Mizanur Rahman, while under treatment in the hospital said that in the early morning of November 13, 2014, some policemen led by Sub Inspector Soyeb Uddin of Kotwali Police Station entered their house by breaking the gate. After confirming his identity, police picked him up in a van in blindfolds and handcuffs. He was dropped to the ground after a while. Police shot him twice in his right knee.<sup>17</sup> Police claimed that the injured men were muggers. They were shot during a gun-fight with police. However, the families of the two wounded men alleged that police caught them at night and shot them while they were in blindfolds and legs tied. The police asked them the whereabouts of arms.<sup>18</sup> On November 20, Hafizur was admitted to the National Institute of Traumatology, Orthopedics and Rehabilitation (NITOR - Pongu Hospital) at Dhaka. His leg had to be amputated. He was shifted to Dhaka Medical College Hospital due to severe bleeding. On November 22, Hafizur died in Dhaka Medical College Hospital while under treatment.<sup>19</sup>
22. On November 9, 2014 a day labourer Moidur Ali (55) took shelter in a shop during a clash among Tableeg Jamaat, local inhabitants and police in Belabor Baroicha area under Norshingdi district. Police dragged him out of

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<sup>17</sup> The daily Prothom Alo, 14/11/2014

<sup>18</sup> Report sent by human right defender associated with Odhikar from Jessore

<sup>19</sup> The daily Prothom Alo, 23/11/2014



the shop and shot him in his right leg. His right leg, below the knee, had been amputated at the National Institute of Traumatology, Orthopedics and Rehabilitation (NITOR - Pongu Hospital) at Dhaka on November 16. Moidur Ali used to come from Itna of Kishoreganj district in order to work as a day labourer every winter, for the last six years. It is to be mentioned that an altercation took place between Tableeg Jamaat and local people over staying in the mosque at Belabor Baroicha area on November 9. As a result, violence erupted among Tableeg Jamaat, local inhabitants and police, where a rickshaw puller named Selim (30) was shot dead by police and five more men were injured.<sup>20</sup>

## **BGB atrocities on villagers in Dinajpur**

23. On November 28, 2014 members of Border Guard Bangladesh (BGB) Phulbari 29 Battalion recovered two motorcycles, from Nababganj Upazila, which were smuggled through the border. BGB Soldiers Al Amin (20) and Rubel Hossain (19) were bringing the two motorcycles to the office of the Rangamati Battalion in Phulbari. Before reaching the BGB office, a truck bearing the number Dhaka Metro-Ta-14-7708, on its way to Phulbari from Dinajpur, hit their motorcycles on the Dinajpur-Phulbari Highway at around 2:00 pm and Al Amin and Rubel died on the spot. According to local people, they were able to stop the truck and put up a barricade on the Highway. However, the truck driver and his helper fled. Over one hundred BGB members reached the spot and asked the villagers to hand over the truck driver and his helper. BGB members became angry hearing that the truck driver and his helper had absconded; and they vandalized shops and a rickshaw-van and beat local people in Rajarompur and Vimalpur Mor, which left 10 people injured. Several houses of the villagers were also damaged and ransacked. Later, hundreds of villagers blocked the Highway by setting fire to tyres and encircled the BGB men. At one stage, BGB men opened fire to disperse the villagers. One Rabiul Islam (24), resident of Vimalpur village was shot and injured. He was admitted to Dinajpur Medical College Hospital.<sup>21</sup>
24. Odhikar condemns this incident and expresses its concern. No doubt, the BGB members became seriously shocked due to the death of their colleagues in a road accident. But this in no way allows them to take the law in to their own hands as a measure of redress. The attack by BGB personnel

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<sup>20</sup> The daily Naya Diganta, 10 and 11/11/2014

<sup>21</sup> The daily Prothom Alo and New Age, 29/11/2014

on villagers at Phulbari is highly deplorable. A tendency of taking the law into ones own hands is being observed among the members of law enforcement agencies. This is happening due to the political use of the law enforcers and a prolonged impunity given to them. Even the BGB have been used in stopping political programmes of the opposition, even though their main task is to protect the border. It is to be mentioned that six people were killed by the same force in 2006 when people protested against an open-pit coalmine in Phulbari.

25. Odhikar demands the government immediately take effective measures through a fair investigation to prevent the recurrence of such atrocities by law enforcers in the future.

## **Torture in custody**

26. Odhikar has, for the last 20 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 the Torture and Custodial Death (Prevention) Act, 2013. Despite this, incidents of torture in the custody by law enforcement agencies, continue in Bangladesh.
27. A businessman named Tushar Kanti Pal (38) died when he jumped from the first floor of the Office of the Superintendent of Police (SP) in Khulna due to fear of torture in remand. This incident occurred on November 15, 2014 at around 2:45 pm, while he was being taken to the Court from the SP office. Before the incident, he was allegedly tortured physically and mentally in the name of interrogation at Dumuria Police Station and in the room of the Additional SP on the first floor of the SP office. On July 18, 2014, Mukta (21) the wife of Azizul Islam of Wapda area under Dumuria Upazila in Khulna was abducted. On July 22, Azizul Islam filed a case with Dumuria Police Station accusing unknown persons. On November 14, 2014 at around 9:00 pm, ASI Mohammad Mofizur Rahman, ASI BM Babul Akhtar and ASI Ashiqur Rahman, led by the Officer-in-Charge (Investigation) Kazi Kamal Hossain, arrested Tushar Kanti Pal from Pujakhola area close to Boira Shamshanghat in the city and took him to the police station. The wife of the deceased, Tanushree Pal informed Odhikar that she went to Dumuria Police Station at night hearing the news of her husband's arrest. At that time her husband told her that he was tortured by the police. She was told from the police station that her husband would be taken to the SP office in the afternoon of November 15, 2014. She was asked to be present there. The brother-in-law of the deceased, Apurba Pal told Odhikar that on November

15, 2015 at around 2:00 pm, Constable Sirajul from Dumuria Police Station informed him over telephone that Tushar Kanti Pal was taken to the SP office. He was also told to be present there. Apurba Pal had been present in the SP office when his brother-in-law was taken to the Additional SP (South) SM Shafiullah's room on the first floor, but he was not allowed in the room. About half an hour later Tushar came out of the room. Tushar told Apurba that he was tortured in that room and was threatened with further torture by taking him into remand. The plaintiff of the case, who was also present there, threatened Tushar that he had to pay 7/8 hundred thousand taka, which was the amount the plaintiff spent with regard to his wife's abduction. Tushar became upset soon after hearing this and jumped from the first floor. The on-duty doctor declared Tushar dead when he was taken to Khulna Medical College Hospital.<sup>22</sup>

28. Allegations of torture on Anita Bhattacharya, a nurse of a private hospital, in the custody of Kotwali Police Station in Sylhet were made. Anita's husband Kishore said that on November 7, 2014 police arrested Anita along with him and their son under a kidnapping case, from their house located at Alisakul in Shreemongol under Moulavibazar. They were taken to Sylhet Kotwali Police Station. Although police released her son on November 8 and her husband on November 9, Anita was produced before the court and police appealed for a 5-day remand. The Court granted 3-day remand and the investigating officer of the case, Sub Inspector Sirajul Islam, brought Anita back to Kotwali Police Station for interrogation. After failing to get any information during interrogation, the officer-in-charge (Investigation) Monir and Sub Inspector (SI) Hasina Akhter Ankhi physically tortured Anita. The OC (Investigation) Monir put a pipe into Anita's throat and poured in liquor. She was kicked by boots and forced to acknowledge the incident of kidnapping. SI Hasina Akhter Ankhi used a stick to violate her. On November 12, 2014 police produced Anita before the court and took her to the Osmani Medical College Hospital for treatment as she became seriously ill due to torture. She was sent to jail after getting primary treatment, despite suggestions given by the duty doctor of the hospital. Though the jail authority initially was not willing to accept an ill inmate in jail, later they accepted her and at around 9:00 pm, Anita was admitted to Osmani Medical College Hospital again. She was taken back to jail after three days of treatment in the hospital. On November 16, 2014 police took Anita into 3-day remand again through the court and interrogated her. Later she was sent back to jail after remand. It is to be mentioned that on

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<sup>22</sup> Report sent by human right defender associated with Odhikar from Khulna

July 21, 2013, a 4-year old girl, Joyee, daughter of school teacher Santosh Kumar Deb and Sorbani Deb was kidnapped from Bhangatikor area in Sylhet. Police had arrested Anita Bhattacharya under this case.<sup>23</sup>

29. Odhikar believes that despite the 2009 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.
30. Torture in custody is a severe violation of human rights. It appears that Bangladesh does not respect obligations despite being a State Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>24</sup>. Article 35 (5) of the Constitution of the People's Republic of Bangladesh also prohibits torture.

## Death in jail

31. According to information gathered by Odhikar, in November 2014, five persons died in jail due to illness. There were allegations that prisoners died due to scarcity of proper medical facilities and the negligence of jail authorities.
32. Odhikar demands that the government provide sufficient medical facilities for inmates in every jail. Odhikar believes that deprivation of medical treatment for any inmate in jail is a serious violation of human rights.

## Allegations of enforced disappearance against law enforcement agencies

33. The whereabouts of persons remain unknown after they are picked up by men alleging to be members of law enforcement agencies. 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.<sup>25</sup> The term 'Enforced Disappearance' is defined in Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance<sup>26</sup>. Enforced disappearance is a serious violation of human

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<sup>23</sup> The daily Manabzamin, 20/11/2014

<sup>24</sup> Bangladesh has ratified the Convention on October 5, 1998.

<sup>25</sup> 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.

<sup>26</sup> 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

rights. It is an instrument of repression resorted by the state. Victims of disappearance are often tortured and those who are found live in constant fear.

34. Jewel Matubbar, a student of class XII in Surjanagar Elias Ahmed Chowdhury Degree College, and his brother Sohel Matubbar, a garment worker, were picked up by men claiming to be members of RAB from Tarail village under Bhanga Upazila in Faridpur District. Their father Amjad Matubbar alleged that his sons have been disappeared by RAB after being picked up. Amjad Matubbar informed Odhikar that two of his five sons live abroad and three live with him in Tarail village. On November 9, 2014 at night, he along with his wife and sons were sleeping. On November 10, 2014 at around 2:00 am, they woke up hearing a sound at their window. He opened the window and saw three men in plain clothes. They asked him to open the door. The men entered the house when Amjad Matubar opened the door and they took away his mobile phone. They were asking the whereabouts of his sons, Jewel and Sohel. Later he showed the men his sons' homes. They brought Jewel and Sohel out of the houses and took their mobile phones and laptop. Amjad also followed them out on the road. He saw 15 or 16 armed men in RAB uniform standing in an orchard close to his house. When he asked why his sons were being taken, the men in plain clothes replied that they are being taken for questioning on a 'matter'; and would be released the next morning. After that they left with his sons. He heard a part of the conversation among RAB members in the orchard while Jewel and Sohel were taking. They were saying that "nothing was there as they have got plans. Moreover, 2/3 members of a family live abroad, their status appears to be weak". The night guard Manik later told him that those who picked his sons up came with one white and two black microbuses. Later he looked for his sons in vain at Faridpur Detective Branch office and Faridpur and Madaripur RAB offices. He filed a General Diary (GD No. 555, dated 10/11/2014) with Bhanga Police Station in this regard.<sup>27</sup>
35. According to information gathered by Odhikar from January 2009 to November 2014, 164 persons have disappeared; of them, 20 bodies have been found later.

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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."

<sup>27</sup> Information gathered by Odhikar

## Barriers to meetings and assemblies

36. 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. However, the government and ruling party are hampering meetings and assemblies of the Opposition by either banning or attacking them. Such actions imply the shutting down of democratic space.
37. On November 8, 2014 the BNP sought permission from the Dhaka Metropolitan Police (DMP) for organising a meeting at Sohrawardi Uddan on the occasion of National Day of Revolution and Solidarity declared by BNP on November 7. The DMP authority did not grant permission and as result BNP decided to organise a protest rally across the country. However, the protest rallies in various districts were stopped by police. 10 BNP activists, including a woman Councilor of Gazipur City Corporation, Shirin Chaklader were shot when police opened fire at protest rally in Gazipur. Police also baton charged at the procession, which resulted in at least 50 BNP leaders and activists, including Gazipur City Corporation Mayor M A Mannan being injured. In Sirajganj 10/12 BNP activists were injured when police opened fire at a protest rally. Police also stopped BNP protest rallies in Thakurgaon, Bagerhat and Manikganj.<sup>28</sup>
38. On November 5, 2014 the Director of Begurt Institute of Photography, Imtiaz Alam Beg and his niece went to the Dhaka University campus. They were sitting on the bank of a pond at Shahidullah Hall<sup>29</sup>. When three or four Chhatra League activists made indecent comments at the girl. Imtiaz Alam Beg protested. As a result, Chhatra League activists attacked and beat them.<sup>30</sup> In protest of this attack, on November 10, 2014 an organisation named Broty called a meeting at the Shahid Minar. But before the meeting commenced about 150 students, most of them activists of various Chhatra League hall units, took over the place with a banner reading "Students of Dhaka University". A number of designated leaders of Shahidullah Hall unit Chhatra League were also present. They made a human chain on the main platform of the Shahid Minar. They stopped the meeting when representatives of various social and cultural organisations, including Broty, tried to speak. After the altercation, activists of cultural and civil society groups stepped back and stayed in the area, facing the Shahid Minar. It was learnt that Broty took permission from the University authority to organise

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<sup>28</sup> The daily Manabzamin, 10/11/2014

<sup>29</sup> Residential hall of Dhaka University for male students

<sup>30</sup> The daily Jugantor, 06/11/2014

the meeting. The Chhatra League activists organised the meeting under a banner of ordinary students, without permission and also barred the meeting of the activists of cultural and civil society groups.<sup>31</sup>

39. Odhikar believes that this is an obvious violation of the democratic rights of political parties and social groups. Furthermore, in recent times, it has been observed that government party-supporters have been obstructing others from using the Central Shahid Minar as a platform to exercise freedom of speech. The Shahid Minar is the symbol of independence, sovereignty, freedom of speech and the national integrity of Bangladesh. Anybody, irrespective of political ideology, can pay tribute and organise meetings at the Shahid Minar. Unfortunately a political culture of harassment against prominent citizens of the country has been created due to the ruling party's partisan role.

## **Hindrance to Freedom of expression and personal liberty**

40. Freedom of expression and personal liberty are the constitutional rights of any citizen. A democratic state cannot be constituted by excluding these rights. However, freedom expression and personal liberty is extensively hindered in Bangladesh today.

### **Attack on folk singer for singing in public meeting**

41. On November 2, 2014 at around 6:30 pm, JASAS<sup>32</sup> President and folk singer Abdul Khaleq was standing at Bhobaniganj More in Natore town; when some criminals attacked him and beat him with hammers. They cut his long hair with scissors. He was rescued by police of Natore Sadar Police Station and passersby and sent to Natore Sadar Hospital with severe injuries. Later he was referred to Rajshahi Medical College Hospital for better treatment. Abdul Khaleq said that criminals were beating him and saying "you sang at Khaleda Zia's public meeting, now you will pay for it". It is to be mentioned that on November 1, 2014 Abdul Khaleq presented a song in front of BNP Chairperson Khaleda Zia at Natore SN College field in a public meeting of the Twenty Party Alliance.<sup>33</sup>

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<sup>31</sup> The daily Prothom Alo, 11/11/2014

<sup>32</sup> JASAS: Jatiyatabadi Samajik Sangskritik Sangstha, a cultural organisation of BNP.

<sup>33</sup> The daily Prothom Alo, 03/11/2014



## **Communication technology under surveillance**

42. A law enforcement agency of Bangladesh has purchased expensive software from Germany for scrutinizing the communication technology network in the country. The names of the software are Fin fisher (alias Fin-spy) and Fin-fly. This information was disclosed by Wikileaks. However, it was not clearly mentioned in the report which particular law enforcement agency bought this spying software. The report reveals that Bangladesh purchased three licensed Fin-fisher software and three Fin-fly USB in November 2012, which cost about 8 hundred 31 thousand Euros.<sup>34</sup> Fin-fisher software is being used for intelligence surveillance. Everyone who uses the internet will come under this surveillance.
43. The State must be effectively responsible in order to protect the rights of the citizens and ensure space for participatory democracy. The government is determined to obstruct the freedom of opinion and expression in order to prevent dissenting voice. Odhikar believes that a democratic state should be constituted based on the principle of equality, human dignity and social justice and there is no alternative other than mobilisation and organisation of the people to resist this kind of oppression and injustice. Thus, human rights defenders have to be vocal and prevent against hindrance to freedom expression and personal liberty.

## **Sedition case**

44. Odhikar observes with grave concern that citizens are being labeled 'traitor' for expressing opinions and making comments. This type allegation has become a process of violating freedom of thought and conscience. According to the Fifteenth Amendment to the Constitution, the death penalty is the highest punishment for sedition. As a result, accusing any citizen for being a 'traitor' is a serious matter.
45. On March 19, 2014 Kishorganj District BNP President, Advocate Fazlur Rahman made a statement in favour of BNP-supported Upazila Parishad Chairman candidate, in a meeting at Noorpur DD Madrassa field in Pashchingram; regarding the Itna Upazila Election on March 23, 2014. During his speech, he had commented on the President of Bangladesh and the head of the government. He said, "Abdul Hamid was involved with Khandkar Mostaq's party and now he is the President of Bangladesh. He was a member of Khandkar Mostaq's party, who killed Bangabandhu". He also said, "This Awami League is not Sheikh Mujib's Awami League, this is

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<sup>34</sup> The daily Manabzamin, 04/11/2014



Hasina League. Sheikh Hasina, Syed Ashraf and Abdul Hamid are running this party with their relatives". On that day, an Awami League supporter, Advocate Mohammad Ali Hossain, filed a General Diary (GD No. 511) with Itna Police Station accusing Fazlur Rahman for making defamatory and provocative statements which amount to sedition. On August 18, 2014 police submitted a report as a non FIR case. It was mentioned in the report that: Abdul Hamid is the President and head of the state while Sheikh Hasina is the head of the government of Bangladesh. Advocate Fazlur Rahman's provocative comment about them has created hatred, dissidence, enmity, concern and agitation among people. As a result, a huge public reaction was created in the area. Such statement of Advocate Fazlur Rahman is harmful for socio-economic condition, public safety and discipline, which tantamount to sedition and an offence under section 124(ka)<sup>35</sup> of the Penal Code.

46. On August 27, 2014 Additional Chief Judicial Magistrate, Dr. Fazlul Bari issued an arrest warrant against Advocate Fazlur Rahman taking this matter into cognizance. On October 27, 2014, a Bench of the High Court Division of the Supreme Court issued an order not to arrest or harass Advocate Fazlur Rahman. On October 29, 2014 the Chamber Judge of the Appellate Division of the Supreme Court put a stay on the High Court Division's order. Later on November 6, 2014 the Appellate Division of the Supreme Court also ordered not to arrest or harass Fazlur Rahman, keeping the High Court Division's Order. After the Order of the Appellate Division, Fazlur Rahman returned to Bangladesh from the USA and surrendered before the Additional District and Session Judge Court-2 in Kishoreganj on November 19, 2014 and sought bail. The judge, Shahidul Islam ordered him to be sent to jail refusing his bail petition.<sup>36</sup> On November 23, 2014 a bench of the High Court Division of the Supreme Court, comprising of Justice Syed AB Mahmudul Huq and Justice Mohammad Akram Hossain Chowdhury granted Fazlur Rahman ad-interim bail for six months and he was released on November 26.

47. It is to be mentioned that according to section 124 (ka) of the Penal Code, 'sedition' is: whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the

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<sup>35</sup> Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law shall be punished with 5[imprisonment for life] or any shorter term, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

<sup>36</sup> Report sent by human right defender associated with Odhikar from Kishoreganj

Government established by law shall be punished with imprisonment for life to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

48. Fazlur Rahman's statements were made towards particular individuals and not the Government as a whole. Further there was no indication that he was attempting to bring hatred or disaffection. He was practicing the particular brand of political speeches common in Bangladesh today. His comments appear to be more defamatory than sedition.

## **Freedom of the media**

49. In November 2014, according to information gathered by Odhikar, four journalists were injured, one was threatened and five journalists were sued. Incidents of attacks and threats on journalists continue. There are allegations that such attacks are generally perpetrated by leaders and activists of the ruling party.
50. A local correspondent of the daily Naya Diganta, Golam Azam was included in the charge sheet of a murder case in Pirgachha Upazila under Rangpur District. The local journalist community believe that Golam Azam's name has been included in the charge sheet for collecting information. The President of Pirgachha Press Club, Sirajul Islam Siraj said that Golam Azam went to the spot to gather information about the case, but that his name had been deliberately included under the murder case and in the charge sheet. Investigating officer of this case, Mohammad Rafiqul Islam said, "Name of the journalist should not have been included in the charge sheet, however, I see what happened". It is to be mentioned that on February 28, 2013 police constable Mojibur Rahman was killed during a clash between police and activists of Jamaat-Shibir.<sup>37</sup>
51. Odhikar expresses concern over the various kinds of attacks on journalists.

## **Arrest under Special Powers Act 1974**

52. Odhikar observes with concern that the repressive Special Powers Act of 1974 is still being used against people who are engaged with opposition politics. In the past, those were in power also used this repressive law against opponents. Despite some election promises to do away with this Act, there are no indications it will even be repealed.

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<sup>37</sup> The daily Nayadiganta, 14/11/2014

53. On November 20, 2014, the Organising Secretary of Magura District unit Chhatra Dal<sup>38</sup>, Abdur Rahim was released on bail by District and Session Judge from 10 cases filed by police under the Special Powers Act 1974, including vandalisation of vehicles and attacks on election office. Police of Magura Sadar Police Station arrested him again from the jail gate soon after he was released. On November 27, 2013 the General Secretary of Magura District unit Kriskok League<sup>39</sup>, Shamim Ahmed filed a case under sections 16/2 of the Special Powers Act 1974, mentioning 18 names and 20-25 unknown persons, for vandalising vehicles, blasting crude bombs and shooting. Police showed Abdur Rahim as arrested under that case under 'suspicion' and sent him to court. His lawyer Wasiquir Rahman informed Odhikar that police arrested his client improperly under a case filed one year ago and where his name was not even mentioned.<sup>40</sup>
54. Odhikar demands the repressive Special Powers Act, 1974 be repealed immediately, so that rights and freedoms are not abused.

## **Information and Communication Technology Act, 2006 (Amended 2009 and 2013) still exists**

55. The latest amendment to the ICT Act was made on October 6, 2013. Section 57<sup>41</sup> 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 amended from a maximum of 10 years, with no minimum to a term of a minimum of seven years and maximum of 14 years imprisonment. This law has curtailed the freedom of expression and the government is using this Act against human rights defenders, journalists, bloggers and people who have alternative opinions.
56. On November 11, 2014 Jhenaidah Municipality Mayor and the Joint Secretary of the Central unit of Shechchasebak League<sup>42</sup>, Saidul Karim

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<sup>38</sup> student wing of BNP

<sup>39</sup> Farmers wing of Awami League

<sup>40</sup> Report sent by human right defender associated with Odhikar from Magura

<sup>41</sup> 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.

<sup>42</sup> The Voluntary wing of Awami League, an associate organisation of Awami League

Mintu filed a case under section 57(1) of the Information and Communication Technology Act, 2006 (Amendment 2009 and 2013) against Jhenaidah District correspondent of the daily Bangladesh Protidin, Sheikh Ruhul Amin; District correspondent of Shomoy TV, Shahnewaz Khan Sumon; Editor of the daily Naya Diganta, Alamgir Mohiuddin; News Editor, Jhenaidah correspondent of the daily Aurnonity, Sajjad Ahmed; proprietor of Smart Computers, Rony Saha; Editor and Publisher of the daily Nir Bangla published from Narayanganj, Imdadul Huq Milon; and its News Editor, for publishing a report against the Mayor. The Court took cognizance of this case and ordered the Officer-in-Charge of Jhenaidah Sadar Police Station to take necessary measures.<sup>43</sup>

57. Odhikar believes that the repressive Information and Communication Technology Act, 2006 (Amendment 2009 and 2013) is being used indiscriminately and in order to take away freedom of expression. This is a matter of grave concern. Odhikar urges the government to repeal this repressive law immediately.<sup>44</sup>

## Public lynching

58. In November 2014, eight people were reportedly killed due to public lynching.

59. People are often being killed by lynch-mobs. The lack of respect for law, distrust of the police and instability in the country has increased fear and insecurity among people, who have resorted to taking the law into their own hands, fearing that they will not get justice any other way.

60. Odhikar believes that due to the weak criminal justice system, the tendency to resort public lynching is increasing, as people are losing their confidence and faith in the police and judicial system.

## Human rights violations in border areas by BSF

61. According to information collected by Odhikar, in November 2014, four Bangladeshis were killed by the Indian Border Security Force (BSF). Among them, one was shot and three were tortured to death. Furthermore, five Bangladeshies were injured by the BSF. Among them, one was shot, two were tortured and two were injured when the BSF members threw bombs at

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<sup>43</sup> The daily Inqilab, 12/11/2014

<sup>44</sup> The ICT Act 2006 (Amended in 2009) is also the law under which the Secretary and Director of Odhikar have been charged. Also charged under this Act are bloggers and journalists in 2013.

them. 12 Bangladeshis were abducted, allegedly by the BSF during the reporting period. Some incidents are as follows:

62. On November 6, 2014 a 12-year old Bangladeshi named Liton was beaten to death by BSF members at Joharpur border under Chapainababganj Sadar Upazila. Liton was the son of Anamul Huq, a resident of Joharpur Belapara village under Narayanpur Union in Chapainababganj. Lt. Col. Abu Jafar Sheikh Mohammad Bazlul Huq, captain of Chapainababganj BGB 9 Battalion informed Odhikar that in the morning of November 6, Liton and another boy were cutting grass in the area adjacent to the border. At that time, BSF members of Pirojpur Camp under 20 BSF Battalion, chased them and caught Liton. Later BSF took him to the Indian side of the border and released him after a severe beating. Liton died at noon, after entering into Bangladesh.<sup>45</sup>
63. Odhikar believes that a sovereign state would never passively 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 or physically harming anyone seen near the border or anyone trying to cross the border; and illegally entering Bangladesh, which are clear violations of international law and human rights.

## **Violence against the Dalit community**

64. Members of the Dalit community are extremely neglected compared to other citizens in society. The government has to ensure the protection of citizens belonging to the Dalit community; and ensure the right to perform their religious and cultural practices. However, Odhikar has been observing with concern that the attitude of society towards the Dalit community is still discriminatory.
65. On November 7, 2014 incident of attack on the Dalit community took place over football match at Baka under Paikgachha Upazila in Khulna. The attackers vandalized their houses, looted and sexually abused the women. The President of the Khulna City Corporation unit Dalit Parishad, Sanjoy Das informed Odhikar that on November 7, some men belonging to the Ghosh community, Bholanath Ghosh, Ripon Ghosh, Liton Ghosh, Taposh

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<sup>45</sup> Report sent by human right defender associated with Odhikar from Chapainababganj

Ghosh, Sumon Ghosh, Uttam Ghosh, Mithun Ghosh, Ujjal Ghosh and Nuruddin attacked Baka Daspara (Dalit community) with axes, sticks, crowbars and iron rods while a football match was in play. In order to evacuate Dalits from their land, criminals vandalized the houses of about 100 Dalit families, looted their cash, injured six people and sexually abused the women. Police of Baka Outpost failed to stop the attackers and protect the Dalits during the attacks. At present, the members of the Dalit community are living in fear. A case was filed with Paikgachha Police Station in relation to this matter. In the meanwhile, the men belonging to the Ghosh community filed a case apparently to hide the real facts.<sup>46</sup>

66. Odhikar condemns the incident of attacks on Dalits and urges the government to ensure the protection of the citizens belonging to Dalit community and all minority communities.

## **Violence against women**

67. In November 2014, many women became victims of rape, dowry related violence, acid attacks and sexual harassment.

### **Sexual harassment and stalking**

68. According to information gathered by Odhikar, in November 2014, a total of 39 girls and women were victims of sexual harassment. Among them, four were injured, one was assaulted, one was abducted and 30 were sexually harassed in various ways. During this period, three female committed suicide due to sexual harassment. Furthermore, one man and one woman were injured by the stalkers when they protested against such acts.
69. On November 6, 2014 at around 8:00 pm, a stalker Saiful Molla and his associates attacked Babul Khan, a resident of Ramnagar village under Rupsha Upazila as he protested the stalking of his 11 year old niece, a student of class VI of Gazi Memorial Secondary School, under Rupsha Upazila in Khulna. It was learnt that Saiful Molla was stalking Babul Khan's niece for a long time during her way to and from school and tutor. Saiful Molla beat Babul Khan when he protested. Her elder uncle Shahidul Khan filed a complaint with Rupsha Police Station against five men, including Saiful Molla.<sup>47</sup>

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<sup>46</sup> Report sent by human right defender associated with Odhikar from Khulna

<sup>47</sup> Report sent by human right defender associated with Odhikar from Khulna

70. Laxmi Rani Sarkar Moni, an examinee of the Junior Secondary School (JSS) Certificate, of Madhabpur Auliabad R K High School, had been stalked by village doctor Sreebash Sarkar of the same village during her way to and from school. In the night of November 11, 2014, Sreebash Sarkar attempted to rape Moni by entering her home where she was reading. On November 12, she committed suicide in shame, as the matter became public knowledge.<sup>48</sup>
71. On November 16, 2014, a school student named Sharmin Sultana committed suicide due to stalking, in Katakhalia area under Munshiganj Municipality. Sharmin was a student class IX of AVJM Girls High School in Munshiganj town. The family of the deceased informed Odhikar that on November 16 in the morning, a local youth named Mohammad Anik (22) blocked Sharmin Sultana's way and proposed a love affair. Sharmin refused his proposal; as a result Anik verbally abused her. Sharmin returned home and committed suicide by hanging herself in the bathroom. Sub Inspector of Munshiganj Sadar Police Station, Fazlu Mia said that at around 12:30 pm, police recovered her body and sent it to Munshiganj General Hospital for autopsy.<sup>49</sup>

### **Dowry-related violence**

72. In November 2014, according to Odhikar documentation, 34 women were subjected to dowry violence. Of these women, it has been alleged that 18 women were killed because of dowry; 14 were abused in various ways over dowry demands and two women committed suicide. Some incidents are as follows:
73. On November 1, 2014 a housewife named Mukta Khatun (18) was severely beaten by her husband Farooq Hossain and her in-laws, over dowry demands in Khukni Jugipara under Enayetpur Upazila in Sirajganj District. Mukta Khatun was admitted to Sirajganj General Hospital in critical condition. On November 2 at noon, she succumbed to her injuries. The family of the deceased informed Odhikar that Mukta married Farooq Hossain two and half months ago. Mukta's husband was demanding gold ornaments and one hundred thousand Taka and she was even sent to her father's house for dowry.<sup>50</sup>
74. A housewife named Shilpi Begum (32) was beaten to death by her husband Tomsher Ali (36) over dowry demands in Dhopakhalia village under

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<sup>48</sup> The daily Manabzamin, 14/11/2014

<sup>49</sup> Report sent by human right defender associated with Odhikar from Munshiganj

<sup>50</sup> Report sent by human right defender associated with Odhikar from Sirajganj

Dhonbari Upazila in Tangail. Shilpi Begum, daughter of Siraj Mia of Korna village under Ghatail Upazila had married Tomsher Ali, son of late Usman Ali of Dhopakhalai village under Dhonbari Upazila 14 years ago. Tomsher Ali used to put pressure on Shilpi Begum for dowry soon after their marriage. On November 10, 2014 Tomsher Ali demanded fifty thousand taka to go abroad. He asked Shilpi to bring the money from her father. As Shilpi Begum refused to do so, Tomsher beat her and strangled her to death. He hung her body from the ceiling. Tomsher Ali has been absconding since the incident took place. The father of the deceased, Siraj Mia filed a murder case with Dhonbari Police Station in this regard.<sup>51</sup>

### **Acid violence**

75. According to information gathered by Odhikar, in November 2014, four persons became victims of acid violence. Of them three were women, and one man. Some incidents are as follows:
76. Criminals threw acid at a woman named Zahura Begum (35) over enmity in Khajura of Kuakata under Patuakhali district. On November 8, 2014 at around 8:00 pm, Salam, Mostafa, Kamal and Swapon stopped Zahura Begum when she was returning home and threw acid at her and fled. Hearing her screams, locals rescued her and sent her to Barisal Shere Bangla Medical College Hospital. Kuakata River Police Outpost in-charge, Sanjoy Mondol told Odhikar that he came to know of the matter later. Appropriate action will be taken if any complaint is filed.<sup>52</sup>
77. Incidents of acid throwing are occurring due to lack of implementation of relevant laws as well as ineffective investigation and a weak criminal justice system.

### **Rape**

78. In November 2014, Odhikar recorded a total number of 54 females who were raped. Among them, 19 were women, 33 were children below the age of 16 and the age of two persons could not be determined. Of the women, one was killed after being raped; eight were victims of gang rape. Out of the 33 child victims, two were killed after being raped; three were victims of gang rape. Furthermore, five women and children were victims of attempted rape. Some incidents are given below:
79. On November 6, 2014 at around 3:30 pm, a student of class II in Rupsha Government Primary School was raped by one Rezaul Islam (25), son of

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<sup>51</sup> Report sent by human right defender associated with Odhikar from Tangail.

<sup>52</sup> Report sent by human right defender associated with Odhikar from Patuakhali



Mohammad Abul Kalam in Rupsha Beribadh of Khulna city. The father of the victim filed a case with Khulna Sadar Police Station in this regard. The child was admitted to the One Stop Crisis Centre at Khulna Medical College Hospital. Police arrested Rezaul Karim.<sup>53</sup>

80. A mentally disabled girl (18), the daughter of a poor farmer of Rashulpur village in Gala Union under Tangail Sadar Upazila, was raped by her neighbour Haider Ali's son Jewel alias Shawkat (20). Jewel entered her home and raped the girl. In the morning of November 5, 2014 the parents of the disabled girl went to work on their agricultural land, while their daughter was alone in the house. Taking advantage of this, Jewel alias Shawkat raped the girl. After this, influential villagers and the father of the accused, Haider Ali, tried to come to a compromise by promising a settlement. The matter was informed to Union Parishad member Abdus Samad but he was not able to resolve it. Three days after the incident, on November 8, 2014 the father of the victim, Habibur Rahman filed a case (case # 21/529) under section 9/1<sup>54</sup> of the Prevention of Women and Children Repression Act 2000 (amended 2003).<sup>55</sup>
81. 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.

## **Anti Corruption Commission and its accountability**

82. The Anti Corruption Commission (ACC) was formed under the Anti Corruption Commission Act, 2004 in order to prevent corruption in the country and to investigate other specific crimes, including forgery. According to Article 2 of this Act, "This Commission will be independent and impartial"; however, the ACC is functioning as per instructions of the ruling party, which has been reflected in several of its activities over the years. ACC had initiated investigation into acts of corruption by the former Ministers, Members of Parliament, influential politicians and bureaucrats. However, most of the accused persons under investigation are being given a 'clean chit' by the ACC which is filing the cases secretly. The ACC has

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<sup>53</sup> Report sent by human right defender associated with Odhikar from Khulna

<sup>54</sup> Whoever commits rape with a woman or a child, shall be punished with rigorous imprisonment for life and with fine.

<sup>55</sup> Report sent by human right defender associated with Odhikar from Tangail

given impunity to all the accused in 5,349 registered cases, including cases registered by the then Anti Corruption Bureau (which was abolished in 2004) in three years and eight months.

83. Between January and August 2014, about 1600 politicians, backed by the ruling party; and high-level government officers were given clean chits. Among them, the ACC has given impunity to 10 persons, including former Communication Minister, Syed Abul Hossain for the Padma Bridge scam; and former Health Minister AFM Ruhul Huq for possessing illegal property. Furthermore, allegations of corruption have been removed in eight months, from the Deputy Leader of the Parliament, Sajeda Chowdhury; former Health Affairs Adviser to the Prime Minister, Syed Modassed Ali; Minister for Rehabilitation and Disaster Management, Mofazzal Hossain Chowdhury Maya; Health Minister, Mohammad Nasim; and former Ambassador of Bangladesh to the Philippines, Mazeda Rafiqun Nesa. On November 30, 2014 the ACC submitted a charge sheet excluding the former Director General of the Eastern Railway (suspended) G M Yusuf Ali Mridha from corruption relating to recruitment in the railway sector. On July 29, 2014 the ACC submitted a charge sheet in a corruption case excluding Mridha's name from corruption charges in relation to the recruitment of Record Keeper and Goods Assistant Grade-2 position. It is to be noted that on April 9, 2012, Yusuf Ali Mridha was arrested with a sack full of money on his way to the residence of the former Railway Minister, Suranjeet Sengupta<sup>56</sup>.
84. The Commission also removed allegations brought against some senior leaders of Awami League and some men associated with the ruling party in 2013. Among them, the Commission acquitted former parliamentarian HBM Iqbal and former Chief Whip and Awami League leader Abul Hasnat Abdullah from two cases. In June 2013, the ACC acquitted former Minister Mohiuddin Khan Alamgir from an allegation of corruption. In the meanwhile, the ACC continues legal proceedings under the cases filed against top leaders of the BNP.<sup>57</sup>
85. Furthermore, about 50 officials of the Anti Corruption Commission have been accused of taking bribes from persons under investigation in order to set them free. There were allegations that the ACC officials demanded bribes from the accused by threatening to file case against them, investigate

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<sup>56</sup> The daily Prothom Alo, 01/12/2014

<sup>57</sup> The daily Manabzamin, 10/10/2014

and provide charge sheet. Most of the victims did not dare to complain to the ACC, but made allegations to some intelligence agencies.<sup>58</sup>

86. On August 10, 2013 men from the law enforcement agency picked up Odhikar's Secretary Adilur Rahman Khan without warrant and showed him arrested under the ICT Act for publishing a fact finding report on extrajudicial killing centering a rally by Hefazate Islam on May 5-6, 2013. Soon after this incident, the Anti Corruption Commission started investigations into the financial transactions of Odhikar; which escalated in January 2014 after Adilur Rahman Khan was freed on bail. The ACC is putting pressure on a 20-year old human rights organisation, Odhikar since August 2013, in the name of investigation.
87. Odhikar believes that all institutions of this country have to be accountable. Odhikar too, has ensured accountability in every activity. Odhikar submits its project related audit reports to the NGO Affairs Bureau every year. The ACC is trying to make Odhikar's activities and achievements controversial in order to stop its human rights work, by following the repressive dictates of the government. Odhikar has often criticised the discriminatory actions of the ACC and its non-transparent activities. Odhikar has also been asking that the annual income and expenditure of ACC officials be publicised on the ACC website. The ACC can investigate Odhikar's financial transaction at any time with due process of law. However, the ACC is harassing Odhikar in the name of investigation at a time when the government is trying to shut down Odhikar by putting pressure on it from different quarters.

## Activities of Odhikar hindered

88. The state repression on Odhikar, that commenced on August 10, 2013, continues. The case filed under section 57 of the Information and Communication Technology Act, 2006 (Amended 2009) against Odhikar's Secretary Adilur Rahman Khan and its Director ASM Nasiruddin Elan, has been stayed by the High Court Division. Human rights defenders who are associated with Odhikar are being watched and sometimes harassed. Apart from that, the NGO Affairs Bureau (NGOAB), which is under the Prime Minister's Office, has barred the release of all project related funds that were to be utilized by Odhikar for its human rights programmes.
89. The government has taken a strategy to stop Odhikar from functioning as an effective human rights watch dog. For example, activities of the two-year 10-month project on 'Human Rights Research and Advocacy', funded by

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<sup>58</sup> The Daily Ittefaq, 23/10/2014

the Netherlands Embassy was accomplished in June 2013 but the NGOAB has not released the last phase of funds. This project had been implemented mainly to document, research and advocate human rights violations by the Indian Border Security Force along the border, extrajudicial killings, political violence, rights of 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 has been barring the release of funds of this project since October 2010.

90. After the completion of the first year activities of the project 'Education on the Convention against Torture and OPCAT Awareness Programme in Bangladesh', funded by the European Union, Odhikar applied for the release of funds for the second-year activities on March 6, 2013. On May 15, 2013 the Bureau gave 50% of the funds for the second year, three months after 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. A year has passed and the NGOAB has not released the remaining 50% of the project funds.
91. The NGOAB has not released the second-year funds of the project 'Empowering Women as Community Human Rights Defenders' funded by the Finnish NGO Foundation for Human Rights (KIOS). The project was designed to take effective action in order to stop violence against women in four districts. The project will end in December 2014. In order to stop violence against women (VAW) Odhikar worked on dowry related violence, acid violence, rape and sexual harassment; and also monitored cases of VAW, conducted research and advocacy in coordination with trained women human rights defenders in first year. Odhikar cannot implement the project activities for the second year due to non-release of funds.
92. Human right activities of Odhikar face serious barriers due to non-release of funds and seven staff have already left the Organisation due to financial and security reasons.
93. 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.

<b>Statistics: January-November 2014*</b>													
<b>Type of Human Rights Violation</b>		<b>January</b>	<b>February</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>August</b>	<b>September</b>	<b>October</b>	<b>November</b>	<b>Total</b>
Extrajudicial killings**	Crossfire	20	13	7	14	5	7	11	6	5	17	5	<b>110</b>
	Torture to death	0	2	1	0	2	2	1	1	1	0	0	<b>10</b>
	Shot to death	18	1	6	4	1	0	3	0	1	3	1	<b>38</b>
	Beaten to death	1	1	0	0	1	1	0	0	0	0	0	<b>4</b>
	<b>Total</b>	<b>39</b>	<b>17</b>	<b>14</b>	<b>18</b>	<b>9</b>	<b>10</b>	<b>15</b>	<b>7</b>	<b>7</b>	<b>20</b>	<b>6</b>	<b>162</b>
Disappearances		1	7	2	18	2	0	0	3	2	0	2	<b>37</b>
Human rights violations by Indian BSF	Bangladeshis Killed	1	1	2	2	4	4	0	6	7	2	4	<b>33</b>
	Bangladeshis Injured	4	3	3	2	1	10	6	13	4	10	5	<b>61</b>
	Bangladeshis Abducted	13	8	12	4	17	5	9	8	6	4	12	<b>98</b>
Death in Jail		1	5	4	7	5	4	3	8	2	8	5	<b>52</b>
Attack on journalists	Killed	0	0	0	0	1	0	0	0	0	0	0	<b>1</b>
	Injured	2	9	7	25	5	2	1	14	8	5	4	<b>82</b>
	Threatened	1	1	3	2	1	1	0	3	4	1	1	<b>18</b>
	Assaulted	0	1	0	2	15	0	0	1	2	3	0	<b>24</b>
	Arrested	4	0	0	0	0	1	0	1	0	0	0	<b>6</b>
Political violence	Killed	53	10	22	17	17	13	8	6	14	12	9	<b>181</b>
	Injured	1472	1166	1343	593	412	246	599	497	652	918	854	<b>8752</b>
Dowry related violence (including women victims, their children and relatives)		12	15	14	22	18	32	26	19	26	19	34	<b>237</b>
Rape		39	51	42	59	65	47	57	60	49	87	54	<b>610</b>
Sexual harassment /Stalking of women		14	12	29	25	22	12	22	20	40	25	39	<b>260</b>
Acid Violence		1	3	6	7	6	4	5	4	8	16	4	<b>64</b>
Public lynching		16	6	11	13	11	6	8	12	5	10	8	<b>106</b>
RMG Workers	Killed	0	0	0	0	0	0	1	0	0	0	0	<b>1</b>
	Injured	60	135	65	51	49	115	122	98	50	0	0	<b>745</b>

\*Odhikar's documentation

\*\*From January-November 21 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 must stop. The Government should also take legal action against criminal acts 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. All parties must come to a consensus to curtail violence and confrontational politics and stop 'blame games' when violence occurs.
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 Torture and Custodial Death (Prevention) Act, 2013.
3. The Government has to explain all incidents of enforced disappearances and killings allegedly perpetrated by men claiming to be Detective Branch police and RAB. 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. The Government should refrain from attacking peaceful public programmes and carrying out repressive, unconstitutional activities.
5. Interference on freedom of opinion and expression and personal liberty must stop.
6. The Government should investigate incidents of attacks on journalists and take legal measures to punish the perpetrators. The ban on the publication of the daily Amar Desh, Diganta TV and Islamic TV should be removed. The detained Acting Editor of the daily Amar Desh, Mahmudur Rahman should be released.
7. The repressive Information and Communication Technology Act, 2006 (Amended in 2009 and 2013) and the Special Powers Act, 1974 should immediately be repealed.
8. The Government should protest strongly against human rights violations on Bangladeshi citizens by the BSF and take initiatives 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. Human rights violations on 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 facilities.

10. 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 the print and electronic media in order to eliminate violence against women.
11. The Anti Corruption Commission has to be independent and neutral instead of acting under the government's instruction.
12. The case filed against Odhikar's Secretary and its Director under the Information and Communication Technology Act, 2006 (Amended in 2009) must be withdrawn. All repressive measure and harassment against human rights defenders associated with Odhikar should be stopped. The government must release the funds of Odhikar to enable it to continue its human rights activities.

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

**Email: [odhikar.bd@gmail.com](mailto:odhikar.bd@gmail.com), [odhikar.documentation@gmail.com](mailto:odhikar.documentation@gmail.com)**

**Website: [www.odhikar.org](http://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.