



April 1, 2015

## Human Rights Monitoring Report

March 1 – 31, 2015

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Odhikar believes that 'democracy' is a form of the State and that freedom and human rights are its foundations. Democracy is not merely a process of electing a ruler; it is the result of the peoples' struggle for inalienable rights, which become the fundamental premise to constitute the State. 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 basis of democracy 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 willingness, commitment and capacity to ensure human rights, dignity and integrity of citizens. If the state does not ensure full participation in the decision making process at all levels – from the lowest level of the administration to the highest level – it cannot be called a 'democratic' state. Citizens realise their rights and responsibilities through participation and decision making processes. The awareness about the rights of others and collective benefits and responsibilities, can

be ensured and implemented through this process as well. There is no alternative. The Parliament, Judiciary and Executive cannot and should not, have any power to abrogate fundamental civil and political rights through any legislation, Judicial verdict or Executive order, as such rights are inviolable and are the foundational principles of the State.

Odhikar, being an organisation of human rights defenders in Bangladesh, has been struggling to ensure internationally recognised civil and political rights of citizens. Odhikar stands against all forms of human rights violations; and participates and remains directly involved in the human rights movement in Bangladesh. The dimension of constituting a democratic state has been achieved through historical movements and the universality of these civil and political rights has been established worldwide through various international declarations, conventions and treaties.

Thus Odhikar does not believe that the human rights movement merely endeavours to protect the ‘individual’ from violations perpetrated by the state; rather, it believes that the movement to establish the rights and dignity of every individual is part of the struggle to constitute Bangladesh as a democratic state. As part of its mission, Odhikar monitors the human rights situation in order to promote and protect civil, political, economic, social and cultural rights of Bangladeshi citizens and to report violations and defend the victims. In line with this campaign, Odhikar prepares and releases human rights status reports every month. The Organisation has released the human rights monitoring report for March 2015, despite facing persecution and continuous harassment and threats to its existence since August 10, 2013.

## **Worsening human rights situation due to political crisis**

1. Political unrest in Bangladesh reached the three month mark on March 31. The country wide blockade and strike called by BNP-led 20-Party Alliance on January 5, 2015, over the controversial January 5, 2014 Parliamentary Elections<sup>1</sup> continues. The senior leaders of the ruling party and responsible

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<sup>1</sup> The Awami League led government of 2009 – 2014 amended the Constitution, repealing the provision of an interim Caretaker Government without any consensus or referendum. The Election Commission then declared an Election Schedule, which was not shared with the then BNP-led parliamentary Opposition. The BNP-led Opposition refused to participate in the elections unless a caretaker government was reinstated. In 153 constituencies (out of 300), Awami League candidates were declared uncontested winners, even before the polling commenced, as there was no other candidate contesting. People did not even have the chance to exercise their right to franchise and the Parliament had also repealed the provision of negative voting. There were also widespread reports of irregularities and election-related violence on the day of polls. The present government is again led by the Awami League. The Parliamentary Opposition is

officers of law enforcement agencies are giving instructions, through their public statements, to strongly resist the BNP-led 20 Party Alliance. As a result, repression against the opposition continues. As in the previous two months, incidents of extrajudicial killings, shooting, torture in remand continued in March; and reports show that most of the victims of such incidents were activists of the BNP and Jamaat-e-Islami opposition parties. In order to get impunity lawfully, Police Headquarters even proposed amendments to the Torture and Custodial Death (Prevention) Act 2013<sup>2</sup>. The government randomly arrested many leaders and activists of the opposition almost every day in March. Among them, several ordinary people were arrested too.<sup>3</sup> Amongst the top leaders of the 20-Party Alliance, many have gone into hiding. Prisons are full of political detainees due to mass arrests and the inmates in prisons are living in inhumane conditions. Joint Forces operations in various districts of the country continue. There are reports of vandalizing, setting fire to and looting homes belonging to the BNP-led 20 Party Alliance leaders and activists during the operations led by Joint Forces.<sup>4</sup> The government did not permit the 20-Party Alliance to organise rallies, meetings and assemblies, however, the Ministers and activists of the ruling party are gathering the public in assemblies, protesting and chanting slogans across the country under full police protection.<sup>5</sup> At present, freedoms of expression and the media are under threat. Incidents of bomb attacks, vandalizing vehicles and setting fire to government offices continue during hartals and blockades. Many people were killed and injured due to these attacks. The government and the opposition are blaming each other for these incidents. The rights to life, health, livelihood, education, justice and security of the people are under constant threat due to the ongoing political impasse.

2. According to information gathered by Odhikar, in March 2015, 32 persons were killed and 561 were injured in political violence. 32 incidents of internal violence in the Awami League were also recorded during this period; and five persons were killed and 281 injured in these internal conflicts.

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the Jatiya Party, which, incidentally, also has Ministers in the Awami League government. However, the main opposition party to the Awami League, has always been considered to be the Bangladesh Nationalist Party (BNP).

<sup>2</sup> The daily Prothom Alo, 5/3/2015.

<sup>3</sup> The daily Jugantor, 19/01/2015

<sup>4</sup> The daily Nayadiganta, 04/03/2015

<sup>5</sup> The daily Manabzamin, 10/02/2015

## *Allegations of enforced disappearance<sup>6</sup> against law enforcement agencies*

3. According to information gathered by Odhikar in March 2015, nine persons have been disappeared; of them, two bodies have been found and four were later produced before the Court.
4. Several incidents of enforced disappearance have been reported during the current violent political situation. Families of victims of enforced disappearances claim that members of law enforcement agencies made the arrests and then the victims disappear.<sup>7</sup> Women are not excluded from being victims of enforced disappearance either. On January 14, 2014, Al Amin along with his wife Beauty Begum and domestic help Moushumi were picked up and disappeared from Mithapukur in Rangpur. They are yet to be found.
5. Joint Secretary General of BNP and former Deputy Minister Salah Uddin Ahmed was allegedly picked up by members of the law enforcement agency from House No. 49/B, Road 13/B, Sector-3 at Uttara, Dhaka. Salah Uddin's wife Hasina Ahmed informed Odhikar that Salah Uddin was operating party programmes in hiding at a residence belonging to a relative in Uttara.<sup>8</sup> She said that security guard and caretaker of the house, Akhtaruzzaman told her that on March 10, 2015 at around 10:10 pm, two RAB cars and two police cars came and parked in front of the house. They blocked the road and some men in plain clothes claiming to be the members of law enforcement agencies, entered the house forcibly and took Salah Uddin Ahmed away in blindfolds. In the morning of March 11, she went to the RAB office, Detective Branch of Police (DB) office and the local police station to search for Salah Uddin, but the law enforcement agencies denied his arrest. Given this situation, Hasina Ahmed went to Gulshan and Uttara Police Stations to file a General Diary (GD) but police did not accept it.<sup>9</sup> The security guard of Uttara Sector-3 Kolyan Samity, Mansur Ahmed said that he saw a white microbus in front of a residential building while he was patrolling the area on his bicycle. At that time he also saw six or seven men. When he asked for their identity, the men said they were members of law enforcement agencies.<sup>10</sup> On March 12, Hasina Ahmed lodged a writ petition at the High Court Division of the Supreme

<sup>6</sup> Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance states, "enforced disappearance" as: "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."

<sup>7</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>8</sup> Salah Uddin Ahmed was sending updates and press releases everyday as most of the top/senior leaders of BNP are in jail.

<sup>9</sup> Information gathered by Odhikar

<sup>10</sup> The daily Manabzamin, 16/03/2015

Court. The High Court Division Bench after primary hearing, acted on the petition by issuing a rule to the government and law enforcement officials as to why they should not be directed to find Salah Uddin Ahmed and bring him before the Court.<sup>11</sup> On March 15, Police Headquarters, Dhaka Metropolitan Police, RAB, Criminal Investigation Department (CID) and Special Branch (SB) of police submitted five separate reports to the High Court. All the institutions mentioned in their report that they did not arrest Salah Uddin Ahmed.<sup>12</sup> In the meanwhile, Salah Uddin Ahmed's personal secretary Osman Gani and his driver Shafique and Khokan were picked up by men in plain clothes, claiming to be from law enforcement and later handed over to the police station. Osman Gani's brother Mohsin Hossain informed Odhikar that on March 8 at around 2:30 am, two men in RAB uniform and 15 other armed men in plain clothes picked up Osman Gani from his house located at Badda in Dhaka. His family could not find his whereabouts until March 9. No agencies acknowledged the arrest of Osman Gani. On March 9 at around 8:00 pm, Mohsin was informed by police from Gulshan Police Station that his brother Osman Gani was handed over to the police station by RAB. Later Mohsin and other family members met Osman Gani at the police station. At that time he saw the two drivers of Salah Uddin Ahmed, Khokan and Shafique in the lock up. He said that Khokan and Shafique were arrested some time before Osman Gani was arrested. Osman Gani told Mohsin that he and Khokan and Shafique were tortured by RAB after being taken to an unknown destination for extracting information about Salah Uddin Ahmed. Later, Osman Gani, Khokan and Shafique were taken into remand and currently they are in Dhaka Central Jail.<sup>13</sup>

6. On March 13, 2015 Dhaka Metropolitan Detective Branch of police held a press conference at the DMP media centre and stated that on March 12, police arrested one of the Editorial Admins of the Pro-Jamaat-e-Islami facebook page 'Bansher Kella', Khandaker Ziauddin Fahad. Fahad's father Khandaker Samiruddin, who is the Chairman of Sadhonpur Union Parishad under Banskhali Upazila in Chittagong, said that Fahad went to his sister's house in Comilla. In the afternoon of March 9, some men claiming to be members of Detective Branch (DB) of police arrested him from there. However, DB officials denied the arrest of Fahad when Samiruddin went to the DB office to look for his son.<sup>14</sup> On March 18 Khandaker Samiruddin was arrested by RAB from Banskhali. RAB informed that Samiruddin was a witness in cases

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<sup>11</sup> The daily Prothom Alo, 13/03/2015

<sup>12</sup> The daily Prothom Alo, 16/03/2015

<sup>13</sup> Information gathered by Odhikar

<sup>14</sup> The daily Prothom Alo, 14/03/2015

relating to discovering a militants training centre in Lotmoni Hill under Sadhonpur Union and of arms recovery.<sup>15</sup>

7. On March 17, 2015 Khedpara Union Parishad member under Monirampur Upazila in Jessore and son of Rashed Biswas, Mezbah Uddin Chantu (40) was arrested from his friend's house at Moghbazar in Dhaka. Police recovered Chantu's body two days later, on March 19 from a railway track in Manikdi area in Jessore. Police claimed that he died in a train accident. Meanwhile, Chantu's brother Ruhul Quddus Mantu claimed that there were marks of electric shocks and stab wounds on Chantu's body. He also informed Odhikar that there were some political cases filed against Chantu as he was engaged with the BNP. He was hiding at friends' houses in Dhaka to avoid arrest. On March 17 at around 8:00 pm, some men in plain clothes picked him up from a friend's house at Moghbazar, Dhaka. Chantu's family contacted the Monirampur and Jessore Police Stations, RAB and DB offices since the morning of March 18, but they all denied the arrest. Later he went to some Awami League (AL) leaders for help. AL leaders contacted the police and informed him that Chantu was arrested by DB police and he may possibly be shown as arrested in Jessore or Monirampur Police Station in the evening of March 18. On March 19 at around 10:30 am, Chantu's body was found beside the railway track in Satmail Manikdi area of Jessore. Mantu also said that a Rent-a-Car businessman of Monirampur told him that police of Monirampur Police Station brought Chantu from Dhaka to Jessore DB office after hiring his microbus. The Officer-in-Charge of Monirampur Police Station, Molla Khabir Uddin threatened the microbus driver by calling him to the police station when he returned to Monirampur. He was threatened that he will be "killed in crossfire like Chantu" if he told anyone about this incident.<sup>16</sup>

### ***Extrajudicial killings***

8. It has been alleged that leaders and activists of the opposition are being killed extra-judicially in the name of 'crossfire'. The law and justice delivery system of the country is becoming increasingly questionable and human rights are being seriously violated due to the persistence of extrajudicial killings.
9. According to information gathered by Odhikar, in March 2015, a total of 12 persons were allegedly killed extra-judicially. Nine were killed in alleged 'crossfire/encounters/gun fights'. Of them, one was killed by RAB and eight were killed by the police. Two persons were reportedly shot dead by police. Furthermore, one was tortured to death by police.

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<sup>15</sup> The daily Jugantor, 19/03/2015

<sup>16</sup> Information gathered by Odhikar

### ***Identities of the deceased persons:***

10. Of the 12 persons who were killed extra-judicially, two were activists of Bangladesh Nationalist Party (BNP), one was an activist of Jamaat-e-Islami, one was a supporter of chairman candidate, one was a tailor, one was an accused in a murder case, one was a youth and five were alleged criminals.
11. Nazmul Huda Lablu, President of Shramik Kalyan Federation<sup>17</sup> and ex-president of Islami Chhatra Shibir<sup>18</sup> was killed in an altercation between police at Mithapukur in Rangpur. According to Police, on March 9, 2015 at around 3:30 am, a group of criminals were cutting trees at Baldipukur area to block the Rangpur-Dhaka Highway. At that time other criminals threw cocktails and petrol bombs at police when they tried to stop them. The criminals fled when police opened fire in self defense. Later Nazmul Huda Lablu was rescued with bullet wounds and taken to Rangpur Medical College Hospital, where doctors on duty declared him dead. The brother-in-law of the deceased informed the daily Naya Diganta that on March 8 at around 7:00 pm, Lablu was picked up at gunpoint by some men in plain clothes who said they were from the law enforcement agency from Shanerhat Kalanur Shahpur village under Pirganj Upazila. On March 9 at noon, police told the family to take him. Nurunnabi Shah, Lablu's father, said that "police staged a drama of 'gunfight' after killing my son".<sup>19</sup>

### ***Torture in custody***

12. On March 19, 2015 at night, police arrested a man named Jahangir Hossain from Chokbazar Madrassa Goli in old Dhaka on the suspicion of being involved in a robbery case. The Court granted two-day remand when police produced Jahangir before the Court. However, police claimed that on March 20 at around 6:45 pm, Jahangir committed suicide by hanging himself in Chokbazar Police Station during remand. The family of Jahangir alleged that Jahangir died due to torture in police custody. There were wounds on different parts of the body. The deceased sister Shahinur said that nobody would believe that one can commit suicide by hanging with a blanket at the police station. She claimed that Police had beaten her brother to death. The police gave taka 10 thousand to her father and took his signature on a blank sheet of paper at the time of receiving body. Moreover, her father was threatened that if he speaks to anyone about the death of Jahangir, he and his other sons will face the same consequences.<sup>20</sup>

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<sup>17</sup> Labour Welfare Federation

<sup>18</sup> Student wing of Jamaat-e-Islami

<sup>19</sup> The daily Naya Diganta, 10/03/2015

<sup>20</sup> Information gathered by Odhikar and the daily Manabzamin, 22/03/2015

13. On March 17, 2015 an altercation took place between Sub Inspector (SI) of Kalaiya Police Outpost, Mohammad Halim Khan and Bauphal Upazila correspondent of the daily Prothom Alo, Mizanur Rahman at Langra Munshir Pole area in Kalaiya under Bauphal Upazila in Patuakhali District. Later it was mutually resolved. But police filed a case with Bauphal Police Station against Mizanur accusing him of beating a police officer. Mizanur was arrested in the evening of March 17 and was severely beaten by police in the room of the Officer-in-Charge, Noresh Chandra Karmokar. He was beaten until he became unconscious. According to Mizanur, he was tortured by Assistant Superintendent of Police (Sadar Circle), Saheb Ali; Officer-in-Charge of Bauphal Police Station, Noresh Chandra Karmokar; and two more police officers.<sup>21</sup> On March 22 Mizanur Rahman was produced before the Court from Patuakhali District Jail. At that time Mizanur could not walk. Two policemen physically supported him in the Court. Mizanur showed the marks of torture to the Magistrate by taking off his shirt. But the Court refused Mizanur's bail.<sup>22</sup> On March 24 the High Court Division Bench of the Supreme Court issued a rule as to why torture on Mizanur Rahman would not be declared illegal.<sup>23</sup>
14. Reports show that, in the last three months, apart from politicians, journalists were also arrested and taken into remand. Joint Secretary General of BNP, Ruhul Kabir Rizvi was taken into 27-day remand under different cases; and the Acting Secretary General of BNP, Mirza Fakhrul Islam Alamgir was taken into 12-day remand in four intervals. Private TV Owners' Association - ATCO President Mosaddek Ali Falu was taken into 13-day remand in different police stations under arson attack cases; Ekushey TV Chairman Abdus Salam was taken into 5-day remand under a pornography case. Furthermore, Convener of Nagorik Oikya, Mahmudur Rahman Manna was shown as arrested after 21 hours and the Court granted 10-day remand on February 25 in a sedition case.<sup>24</sup> On March 7, Manna was produced before the Court after a 10-day remand where he told the Magistrate that he was worried about the security of his life and he was tortured in police custody during interrogation.<sup>25</sup> However, the Court granted 10-day remand again in another case. During remand Manna became ill on March 10 and was admitted to Dhaka Medical College Hospital.<sup>26</sup> Son of Jamaat-e-Islami Dhaka

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<sup>21</sup> The daily Prothom Alo, 21/03/2015

<sup>22</sup> The daily Prothom Alo, 23/03/2015

<sup>23</sup> The daily Prothom Alo, 24/03/2015

<sup>24</sup> Information gathered by Odhikar

<sup>25</sup> The daily New Age, 11/03/2015

<sup>26</sup> The daily Manabzamin, 11/03/2015

Metropolitan unit President Moulana Rafiqul Islam Khan and SSC<sup>27</sup> Examinee Rifat Abdullah Khan, was arrested when he came out from Uttara High School, after appearing for a SSC examination. Police initially denied his arrest and only showed him as arrested after 48 hours. Later a case was filed against Rifat under the Information and Communication Technology Act, 2006 (amended in 2009 and 2013) for allegations of mockery against the Prime Minister. Rifat was taken into 5-day remand.<sup>28</sup>

15. Many people are not produced before the Court within 24 hours of arrest by law enforcement agencies. They are illegally detained in police stations and fall victim to torture to extract statements. Torture in remand is not only a criminal offence but also a grave violation of human rights. As per the Constitution of Bangladesh an arrestee must be produced before the Court within 24 hours of arrest. Article 35(5) of the Constitution says that "No one shall be subjected to torture, inhuman or degrading punishment or treatment". The High Court Division of the Supreme Court in 2003 in the matter of BLAST vs. Bangladesh gave 15 directives regarding interrogation in remand.<sup>29</sup> The High Court Division stated that the lower Court shall conduct medical examination of accused persons before granting and after remand period. The family/relatives of the accused should be informed soon after taking in police custody. The accused should be allowed to speak with his/her lawyer and questioning to be conducted in presence of defense lawyer. The accused should be questioned in a room where he will be seen from outside. However, police and the lower Courts have ignored those directives of the High Court Division. Even more important is the presence of the 2013 Torture and Custodial Death (Prevention) Act.
16. After ratifying the UN Convention against Torture by Bangladesh in 1998, there was no specific law in the country corresponding to this Convention in 15 years. As a result of prolonged struggle of human rights defenders, on October 24, 2013 ruling party Parliamentarian, Saber Hossain Chowdhury presented the 'Torture and Custodial Death (Prevention) Bill, 2013' in the Parliament which was passed into an Act by the Members of Parliament through a voice vote.<sup>30</sup> The Act has taken on board the important principle found in the Convention against Torture, including the definition of 'Torture'. However in March 2015 the Police Headquarters sent a proposal to the Ministry of Home Affairs regarding amendment to the Torture and Custodial

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<sup>27</sup> Secondary School Certificate

<sup>28</sup> The daily Manabzamin, 09/03/2015

<sup>29</sup> BLAST and Others vs. Bangladesh and Others, 55 DLR 323. The High Court Division of the Supreme Court of Bangladesh enumerated 15 directives regarding the arrest, detention and interrogation of accused persons in order to avoid and prevent torture in remand/custody. In 2013, the Parliament also passed a torture prevention Act.

<sup>30</sup> Information gathered from Odhikar

Death (Prevention) Act. The police proposed to change the definition, investigation of complaints procedure and reduce punishment for the sake of their own benefits. The Act of 2013 defines torture in the same manner as it is defined in the Convention against Torture. Section 11(4) of the Act of 2013 says that the Court while disposing off a petition regarding an act of torture, shall make such orders as deemed necessary, including but not limited to, the detention of the accused person for periods of, at least, seven days, which may be extended as required from time to time. The police authority has sought the repeal of this section. Like the CAT, the 2013 law says that nothing justifies torture, not even a state of war, threat of war, internal political instability or any public emergency; or on an order of a superior officer or a public authority. The police recommended this section be repealed too.<sup>31</sup>

17. The law had been passed basically due to pressure put by the families of victims and human rights defenders though it was tabled in the Parliament in 2009. Odhikar had campaigned since 2009 for the enactment of such a law; and also organised several meetings with the government and the opposition in order to pass the law. Odhikar believes that if the proposed sections are repealed or amended as per recommendations from the Police Headquarters, this Act will lose all purpose and members of law enforcement agencies will enjoy more impunity. Although, after passing this law, levels of torture have not declined and a new trend of shooting in the legs have been added; Odhikar believes that this law, as it stands, is necessary for a democratic society.

### ***Shooting in the legs after arrest by law enforcers***

18. According to information gathered by Odhikar, in March 2015, seven persons were shot in the leg allegedly by the police.
19. A new trend of police brutality is being highlighted. Police are shooting in the legs of detainees/accused persons more and more. Law enforcers are not only targeting political opponents but allegedly attacking ordinary citizens in this manner too. Several people have already become disabled due to shooting by law enforcement agencies in the last few years. Some cases of March 2015 are as follows:
20. On March 1, 2015 at noon, police arrested Main Uddin (32) and Arif Hossain from Kamolnagar Upazila under Laxmipur District. Later police took them to the Chor Lawrence Berargoje area on the Ramgati-Laxmipur Highway under Kamolnagar and they were shot in their legs at around 1:00 am. The police told the families that the men were shot in 'gunfight', as alleged by the

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<sup>31</sup> The daily Prothom Alo, 5/3/2015.

families of victims. On March 11, Arif succumbed to his injuries in the National Institute of Traumatology Orthopedics and Rehabilitation in Dhaka while under treatment. Police claimed that the men were activists of Jubo Dal<sup>32</sup> and Chhatra Shibir, but the victims' family and locals claimed that they had no connection with politics.<sup>33</sup>

21. On March 3, 2015 Mohammad Noman came to Sadarghat in Dhaka to do some shopping. At that time some cocktail bombs exploded near the Victoria Park. Police caught Noman when he ran in fear to find a safe place. Later police beat him and shot him in his left leg. Noman, son of a poor farmer of Bhola Abdul Monnaf, was admitted to the National Institute of Traumatology Orthopedics and Rehabilitation (Pongu Hospital) under police custody.<sup>34</sup>
22. On March 5, 2015 at around 9:30 pm, a youth named Mohammad Yeasin (32) was returning home from Dewarhat area in Chittagong. During that time police of Pahartoli Police Station caught him and Azizur Rahman, officer in charge of that police station, shot him in his leg at Bandor Toll road area. Yeasin was admitted to Chittagong Medical College Hospital in a critical condition. Yeasin's family alleged that he was shot by police as he was involved in Jubo Dal.<sup>35</sup>

### ***Inhuman conditions in prisons due to mass arrest***

23. In such heightened political conflict, mass arrests are common. This results in tremendous pressure on prisons across the country. As a result of mass arrests, a human disaster has been created in prisons due to overcrowding. The total official capacity of all sixty-eight prisons in the country is 34,167 but the prisons are three times as overcrowded as a result of mass arrests. Severe environmental and health disasters have been created due to scarcity of food, medicine, water and lack of sanitation<sup>36</sup>.
24. On March 5, 2015 Choyra Begum came to see her son in Sylhet Central Jail. She could not see him without paying money and was waiting at the jail gate for a long time. She was able to see her son through a wire fence after paying Tk. 500 (USD 6.42)<sup>37</sup> to the jail guard.<sup>38</sup>
25. On March 9, 2015 at around 11:00 pm, grill mechanic Hiru Mia was returning home after having dinner at Al-Madina Restaurant located at Railway Station road in Gaibandha. He was stopped by police and one of the Sub Inspectors

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<sup>32</sup> Youth wing of BNP

<sup>33</sup> The daily Jugantor, 12/03/2015

<sup>34</sup> The daily Manabzamin, 15/03/2015

<sup>35</sup> The daily Manabzamin, 08/03/2015

<sup>36</sup> The daily New Age, 23/02/2015

<sup>37</sup> 1 Dollar= 77.87 taka; date: 31/3/2015, source www.xe.com

<sup>38</sup> The daily Jugantor, 07/03/2015

of Gaibandha Police Station took him to the police station in a police van. In the police station Hiru Mia requested police to release him. But police told him he was a cadre of either Jamaat or BNP and was involved in killing people by throwing petrol bombs. Later police told him that he will be sent to Court after being implicated in a case and shown as a Jamaat leader. His family and neighbours came to the police station when they heard about his arrest. Later police sent him to the Court by showing him arrested under section 54 of the Code of Criminal Procedure, in exchange for money, without accusing him for carrying out petrol bomb attacks. On March 11, Hiru Mia was released on bail and recalled the incident to journalists.<sup>39</sup>

26. On March 18, 2015 at around 1:30 pm, a physically disabled man named Sumon went to BNP Chairperson Khaleda Zia's office, where Police arrested him. He said that he came to meet Khaleda Zia, who has been confined in the BNP office for the last two and half month.<sup>40</sup>

### ***Hindrance to freedom of expression and the media***

27. According to information gathered by Odhikar, in March 2015, 16 journalists were injured, one was tortured and one journalist was arrested.
28. Incidents of attacks on journalists, arrest and filing cases against journalists continue in March during the violent political situation. Activists of the ruling party and members of law enforcement agencies are reportedly involved in these incidents.
29. On March 3, 2015 a journalist of a private TV channel Ekushey Television (ETV), Kanak Sarwar was arrested by Dhaka Metropolitan Detective Branch (DB) of Police on sedition charges. On January 7, Assistant Sub Inspector of Tejgaon Police Station, Borhanuddin filed a sedition case. BNP's senior Vice-President Tareque Rahman, ETV Chairman Abdus Salam and four or five unknown persons were also accused in that case. Journalist Kanak Sarwar was also shown as arrested in that case. It is stated in the case that on January 5, 2015 Tareque Rahman gave a statement in a meeting in UK calling January 5, 2014 the 'death of democracy' day. He made comments against the Chief Justice, provocative statements against the Army regarding the BDR mutiny and statements that were deemed threats to the sovereignty of Bangladesh. His statements were aired live on ETV at 1:28 am Bangladeshi time. ETV Chairman Abdus Salam and Kanak Sarwar were arrested due to this reason.<sup>41</sup>
30. On March 1, 2015 a group of criminal vandalized and set to fire two buses belonging to Hanif Enterprise at Shiroil (Dhaka-Rajshahi) Bus Terminal in

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<sup>39</sup> The daily Manabzamin, 19/03/2015

<sup>40</sup> The daily Jugantor, 19/03/2015

<sup>41</sup> The daily Manabzamin, 04/03/2015

Rajshahi. The next day, Sub Inspector of Boalia Model Police Station Shariful Islam filed two cases regarding this. The Rajshahi Bureau Chief of the daily Jugantor, Anu Mostafa was accused in those two cases. It was learnt that the Manager of Hanif Enterprise, Manjur Rahman Khokon went to the police station to file a case on the day of incident. But police did not accept his FIR<sup>42</sup> and recorded a case by themselves. It is alleged that Anu Mostafa has been accused deliberately in this case after publishing reports in the Jugantor against some recent controversial and illegal activities of some dishonest and corrupt police officers. It was learnt that the Additional Commissioner of Police; the Officer-in-Charge (Investigation) Ashiqur Rahman; OC of Boalia Police Station Alamgir Hossain; OC (Investigation) Mahmud; and the OC of Shibganj Police Station, Moynul Islam were involved in accusing Anu Mostafa in the case. Anu Mostafa had reported that some police officers of Boalia Police Station, including DB police, have been earning huge amounts of money by taking advantage of the current political violence; and police are arresting ordinary people and extracting money from them.<sup>43</sup>

### ***Meetings and assemblies prohibited***

31. 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. Banning and attacking meetings and assemblies imply the shutting down of democratic space. The present government does not allow the opposition political parties to held meetings and also engages the police and party activists to disrupt such gatherings.
32. On March 5, 2015 at around 11:00 am, police barred a rally brought out by District BNP in support of the general strike and took away the rally banners when it reached Muktarpur ferry terminal in Munshiganj. Police gathered in front of the BNP office in the morning and prevented leaders and activists from entering the party office. Later, the BNP tried to conduct a meeting which was stopped by police.<sup>44</sup>
33. On March 3, 2015 at around 11:15 am, members of the Progotishil Chhatra Jote<sup>45</sup> were gathering to hold a meeting in protest of the death of blogger Avijeet Roy, after a protest rally on the Rajshahi University campus. A group of police, led by Assistant Commissioner of Rajshahi Metropolitan Police, Rakibul Alam came and stopped the meeting. Activists of Progotishil Chhatra

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<sup>42</sup> First Information Report

<sup>43</sup> Report sent by human right defender associated with Odhikar from Rajshahi.

<sup>44</sup> The daily Jugantor, 06/03/2015

<sup>45</sup> Progressive Students Alliance

Jote asked the police if Chhatra League<sup>46</sup> activists were allowed to hold meetings and rallies on campus and if so, why can't they? ACP Rakibul Alam said, "only Chhatra League is allowed to conduct meetings and rallies on this campus, you are not". Progotishil Chhatra Jote could not hold the meeting due to police obstruction. On the same day the Chhatra League brought out a procession and conducted a meeting on the University campus.<sup>47</sup>

### *Incidents of bomb attacks*

34. According to information gathered by Odhikar, in March 2015, 13 persons were killed and 131 persons were injured due to petrol bombs and arson attacks during blockades and hartals.
35. People are being seriously injured and even killed when petrol bombs are hurled on or into public vehicles during the on-going political violence. Moreover, houses belonging to political leaders are also being attacked with petrol bombs. The government and the 20-Party Alliance are blaming each other for the petrol bomb attacks. Reports show that, both sides are involved in such attacks.
36. On the night of March 2, 2015 criminals threw cocktail bombs at the house belonging to Rajshahi City Awami League President and former Mayor AHM Khairuzzaman Liton. A cocktail exploded on the veranda of his house on the first floor but no one was hurt. Liton was in Dhaka when the incident occurred. Soon after this incident, Awami League activists attacked the house belonging to BNP's central committee member and Mayor of Rajshahi City Corporation Mosaddek Hossain Bulbul. Bulbul's mother-in-law Sahara Khatun was injured when a brick hit her on the head. She was taken to Rajshahi Medical College Hospital. Bulbul was not at home during the incident.<sup>48</sup>
37. On the night of March 4, 2015 truck loaded with potatoes (Dhaka-Metro-D-14-4337) was coming to Shibganj Bazar from Mohadebpur under Naogaon District. At around 11:15 pm, criminals threw petrol bombs on the truck when it reached the Neemtola Kathal area in Rohanpur-Kansat Road. The truck caught on fire; and the truck driver Firoze (36), helper Selim and owner of the potatoes, Shaheb Ali (28) were seriously injured. Local inhabitants and police rescued them and admitted them to Gomostapur Upazila Health Complex. They were shifted to Rajshahi Medical College Hospital when their conditions deteriorated. On March 5 at around 6:00 pm, truck helper Selim died in hospital.<sup>49</sup>

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<sup>46</sup> Student wing of Awami League

<sup>47</sup> The daily Manabzamin, 04/03/2015

<sup>48</sup> Report sent by human right defender associated with Odhikar from Rajshahi.

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

38. On March 5, at midnight, hand-made crude bombs were exploded in rapid succession in different places in Jessore, which led to panic among the people. It was learnt that more than 30 bombs exploded in the residence of BNP standing committee member, Tariqul Islam; District BNP General Secretary, Advocate Syed Saberul Huq Sabu; BNP Organising Secretary Delwar Hossain Khokan; BNP Joint Secretary Mizanur Rahman Khan; and City BNP Secretary Munir Ahmed Siddiqui Bachchu. Eye-witnesses said that criminals threw five bombs at around 1:00pm at Tariqul Islam's house located at the Ghop area and windows broke due to the explosions. Tariqul Islam's driver said that five youths participated in the attack and they had guns and were disguised. Five more crude bombs (cocktails) exploded at Syed Saberul Huq's house located at Upashahar; and later bombs were thrown at the houses and business offices belonging to BNP leaders Golam Reza Dulu; Mizanur Rahman Khan; Delwar Hossain Khokan; and former President of District BNP Shahidul Islam Nayan's son Biplob Chowdhury, and his brother Sanajoy Chowdhury; Munir Ahmed Siddiqui Bachchu; and Municipality Councilor Salahuddin Ahmed.<sup>50</sup>
39. On March 10, 2015 three fingers on the right hand of Assistant Secretary of Jubo Dal<sup>51</sup>, Firoze Sarkar Biplob were blown off, when he was making bombs in a house in Robertsonganj area in Rangpur. He was admitted to Rangpur Medical College Hospital under police custody.<sup>52</sup>
40. On March 13, 2015 police arrested a Ward unit Jubo League<sup>53</sup> Joint Secretary Mortuza Raihan from Balubari Shipahipara in Dinajpur town, for carrying petrol bombs.<sup>54</sup>
41. On March 22, 2015 Sharif, a businessman of Jhikargachha in Jessore died at the burn unit in Dhaka Medical College Hospital. On March 19, Sharif came to Chittagong by truck, sitting beside the truck driver. Criminals threw petrol bombs on the truck at around 12:00 am while it was returning to Harinapur.<sup>55</sup>

### ***Allegations of vandalization and lootings during Joint Forces operation***

42. On March 4, 2015 about 18 houses, including houses belonging to Shibganj Upazila Chairman Professor Keramat Ali and Vice-Chairman Shahidul Huq Haideri, were allegedly vandalized during operations by Joint Forces in Shibganj and Kansat under Chapainababganj district. Victims Ziaul Huq and Sadek Ali said that during a search operation members of the Joint Forces

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

<sup>51</sup> Youth wing of the BNP

<sup>52</sup> The daily Prathom Alo, 11/03/2015

<sup>53</sup> Youth wing of Awami League

<sup>54</sup> The daily Jugantor, 15/03/2015

<sup>55</sup> The daily Prothom Alo, 23/03/2015

vandalized a fridge, TV, fans and furniture and took away gold ornaments and cash.<sup>56</sup>

## **City Corporation Elections under a turbulent political situation**

43. The government has decided to hold Dhaka North and Dhaka South City Corporation and Chittagong City Corporation Elections during the current violent political situation. The Election Commission of Bangladesh declared the election schedule and that the elections will be held on April 28, 2015. The country wide blockades and strikes called by the BNP led 20-Party Alliance since January 5, 2015 continue. However, hartals have been withdrawn from the Dhaka and Chittagong Metropolitan areas since March 29, 2015 in light of the forthcoming City Corporation elections. Incidents of petrol and crude bomb explosions, vandalisation of vehicles continue. Incidents of enforced disappearance, torture and extrajudicial killings occur and assemblies are barre. Arrests continue and leaders and activists of BNP led 20-Party Alliance are either in jail or in hiding. Under such circumstances how a free, fair and credible election be conducted? Furthermore, the impartiality of the present Election Commission (EC) has been questioned. The EC's role was questioned during the last Parliamentary and Upazila Elections. The ruling party leaders and activists were involved in capturing polling stations, vote rigging, snatching ballot papers and boxes; and in acts of violence during the upazila elections and the EC failed to control the situation at that time.

## **Human rights violations by BSF in border areas**

44. According to information collected by Odhikar, in March 2015, one Bangladeshi citizen was gunned down by the BSF. Furthermore, five Bangladeshis were injured by them. Of the five, three were shot and two were tortured. Three Bangladeshis were abducted, allegedly by the BSF, during this period.

45. On March 22, 2015 a Bangladeshi citizen named Tariqul Islam (35) was shot dead by BSF at Wahedpur border under Charpaky union of Shibganj Upazila in Chapainawabganj District in Bangladesh. Lieutenant Colonel Abu Zafar Sheikh Mohammad Bazlul Huq, Border Guard Bangladesh Commanding Officer of Battalion 9 said that on March 22 at around 1:00 am, Tariqul Islam, son of Yusuf Ali of Jamaipara village, along with four others were trying to enter India through international pillar 16/4-S to bring over cows. At that

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<sup>56</sup> The daily Naya Diganta, 05/03/2015

time, 20 Battalion BSF members of Chandnichok Camp shot at them. Tariqul Islam was shot and his associates rescued him and brought him home, where he died at around 2:30 am.<sup>57</sup>

46. India has been, over the years, repeatedly violating treaties, shooting at or physically harming anyone seen near the border or anyone trying to cross the border; and illegally entering Bangladesh. Such acts are clear violations of international law and human rights; and threats to the sovereignty of Bangladesh.
47. Odhikar believes that the role of the Bangladesh Government should be independent and sovereign in order to protect its citizens. No independent and sovereign state would passively watch its citizens being indiscriminately killed, tortured and abducted by another state.

## The human rights of minority communities

48. Vested interest groups are oppressing religious minority citizens due to various interests including land grabbing and extortion. As a result members of these communities are leaving their houses. The perpetrators are yet to held accountable.
49. 14 Hindu families of Chandantala village (known as Mogpara) under Panchakoralia union of Taltoli upazila in Barguna district are leaving their houses and have been compelled to live in different areas of Barguna district because of oppression by local Juba League<sup>58</sup> leader Jakir Hossain, his younger brother Abdus Salam and his associate Abdur Rashid. The families who left their house are those of Kartik Roy (60), Horen Roy (55), Yadob Sarkar (42), Madhab Sarkar (45), Dhiren Sarkar (75), Suvash Sarkar (44), Ramesh Sarkar (32), Ripon Roy (40), Nila Rani (50), Ranjit Sarkar (60), Shamol (41), Sumanto (42), Babul (35) and Jiten Roy (65). Victim families said that the miscreants have been harassing them for a long time. Juba League leader Jakir Hossain and his associates pressured the people of the Hindu community to sell their lands at a lower price than the current market price. The women of the Hindu community are also left vulnerable and insecure due to such criminal activies. Recently, Abdur Rashid blocked the road and sexually harassed a teenage girl of the community. A case was filed under "Nari O Shishu Nirjatan Daman Ain- 2000 (Amended 2003)"<sup>59</sup> against him but he compelled the family to withdraw the case using pressure from local Awami League leaders. At the beginning of 2013, three

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<sup>57</sup> Report sent by human right defender associated with Odhikar from Chapainababganj.

<sup>58</sup> Youth wing of Awami League

<sup>59</sup> The Suppression of Repression against Women and Children Act 2000 (Amended 2003)

families left the village and took shelter in the town because of harassment of Awami League leaders. At the beginning of 2014, two more families also left the village for the same reason. On the night of March 12, 2015, nine families of Mogpara village were compelled to leave their houses together. On the morning of March 13, 2015 40-50 miscreants, led by local Juba League leader Jakir Hossain, his younger brother Abdus Salam and his associate Abdur Rashid demolished the houses, looted all the goods and cut down large trees. Eti Rani (14) is among those who left their houses. She said that she is a student of class X of Bogirhat High School. Her education has now become uncertain.<sup>60</sup>

50. Odhikar strongly condemns the incidents and also urges the government to bring the perpetrators before justice. Odhikar also urges government to ensure security of the victims and bring victim families back to their homes with security.

## Public lynching continues

51. In March 2015, eight people were reportedly killed due to public lynching.
52. 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.

## School student kidnapped and killed in Sylhet

53. On March 11, 2015 at around 11:00 am, Abu Sayeed, a student of class IV in Shahi Eidgah Hazrat Shahmeer (Rah) Government School was kidnapped on the way to his maternal uncle's house in Rainagar, Sylhet. The kidnappers demanded a ransom of five hundred thousand taka. The family of Abu Sayeed was willing to give two hundred thousand taka. In the night of March 11, Sayeed's father filed a General Diary with Kotwali Model Police Station in this connection. The kidnappers killed Sayeed because his father told the police. On the night of March 14 police recovered the body of Sayeed from the house belonging to Constable of Airport Police Station, Ebadur Rahman, at 37 Kumarpara Jhornarpar. Police arrested Constable Ebadur Rahman; General Secretary of Olama League<sup>61</sup>, Abdur Rakib; and RAB informer Geda Mia.

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<sup>60</sup> The daily New Age 29/3/2015; the daily Prothom Alo 30/3/2015 and a report sent by a human rights defender associated with Odhikar from Patuakhali.

<sup>61</sup> A religious wing of Awami League

They gave confessional statements before the Court about their involvement in this incident.<sup>62</sup>

54. Odhikar condemns and expresses deep concern over this incident. Odhikar believes that such type of heinous incidents is increasing in society due to impunity of the members of law enforcement agencies.

## Blogger Oyasiqur Rahman Babu was stabbed to death

55. On March 30, 2015 at around 9.30 am Oyasiqur Rahman Babu was on his way to work from home while three miscreants indiscriminately stabbed and critically injured him at Dakkhin Begunbari of Tejgaon industrial area. After admitting him to the Dhaka Medical College Hospital at around 10.30 am he died. Two suspects were arrested in this incident.<sup>63</sup>

56. The present Government is repressing dissident voices. As a result, rule of law is declining. Miscreants are taking advantage of this lawlessness and attacking the dissidents. Blogger Avijit was killed in front of police, but police could not arrest the perpetrator as yet. Odhikar believes that as the perpetrators are not getting arrested such incidents are being repeated.

## Violence against women

57. In March 2015, a significant number of women have been victims of rape, dowry related violence, acid attacks and sexual harassment by stalkers. Furthermore, a woman, who was witness of a case relating to violence against women, was shot dead by a leader of the ruling party. For example, on March 6, Bogadana Union unit Jubo League, Joint Convener Jasim Uddin physically assaulted a woman named Bibi Hazera after picking her up at gun point as a threat to withdraw his name from a case filed against him. In the morning of March 7, Jasimuddin and his associates were threatening Bibi Hazera not to be witnessed in the case. Jasimuddin then shot Hazera to death.<sup>64</sup>

### *Sexual harassment and stalking*

58. According to information gathered by Odhikar, in March 2015, a total of 19 girls and women were victims of sexual harassment. Of them two were injured, six were assaulted and 11 were stalked. Furthermore, one man was killed and six women and 11 men were injured by the stalkers when they protested against such acts.

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<sup>62</sup> Report sent by human right defender associated with Odhikar from Sylhet.

<sup>63</sup> The daily Jugantor, 31/03/2015

<sup>64</sup> The Daily Ittefaq, 08/03/2015

59. A local debauched youth named Jamal was stalking a teenage girl (15) of Mirapara Borhan Uddin Residential Project at Tilaghar area in Sylhet. The family of the girl informed this to stalker's relatives, but to no avail. In the morning of March 9, 2015, the father of the girl Bahar Uddin (60) chased Jamal away. At around 1:00 pm, Jamal and his associates attacked Bahar Uddin's house. Five persons, including Bahar Uddin and his daughter were injured.<sup>65</sup>

### ***Dowry-related violence***

60. In March 2015, according to Odhikar documentation, 11 women were subjected to dowry violence. Of these women, it has been alleged that eight were killed because of dowry and three were physically abused over dowry demands.
61. On March 9, 2015 a housewife named Rameda (24) was slaughtered by her husband Sumon for 30 thousand taka dowry in Kamalnagar Upazila under Laxmipur District.<sup>66</sup>

### ***Rape***

62. In March 2015, Odhikar recorded a total number of 35 females who were raped. Among them, 12 were women, 22 were children below the age of 16 and the age of one person could not be determined. Of the women, three were killed after being raped; seven were victims of gang rape. Out of the 22 child victims, three were killed after being raped; eight were victims of gang rape. Furthermore, three women and children were victims of attempted rape.
63. On March 9, 2015 a girl student of class X, belonging to an ethnic minority community, was returning home with Manosh Kanti Chakma and Sujon Jyoti Chakma after attending a religious event in Dhighinala under Khagrachhari Hill District. At that time Kobakhali Union unit Chhatra League President Mohammad Sohel; Dighinala Upazila unit Motshyajibi League<sup>67</sup> General Secretary Mohammad Shohag; Publicity Secretary Mohammad Saiful Islam; and Finance Affairs Secretary Mohammad Amir Hossain surrounded them and took them to Kobakhali Bazar. Later they raped the girl in a field after confining Manosh Kanti Chakma and Sujon Jyoti Chakma in the Sobuj Songha Club. Police arrested Mohammad Sohel in this regard.<sup>68</sup>

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<sup>65</sup> Report sent by human right defender associated with Odhikar from Sylhet.

<sup>66</sup> The daily Jugantor, 11/03/2015

<sup>67</sup> Fishermen wing of Awami League

<sup>68</sup> The daily Manabzamin, 11/03/2015

### *Acid violence*

64. According to information gathered by Odhikar, in March 2015, three persons became victims of acid violence. Of them two were women and one was a girl.
65. SSC examinee Tahmina Akhter was burnt when criminals threw acid at her in Joyrampur village under Habiganj Sadar Upazila. In the night of March 11, at around 1:00 am, two or three criminals managed to enter her room and threw acid on her. Tahmina's family believes that she was being stalked by two youth on the way to and from her school and they might have done this. Tahmina was admitted to the burn unit of Dhaka Medical College Hospital.<sup>69</sup>
66. Odhikar expresses grave concern regarding the persistence of 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.

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

67. The repressive law, Information and Communication Technology Act 2006 (amendment 2009 & 2013) is still functioning. The latest amendment to the ICT Act was made on October 6, 2013. Section 57<sup>70</sup> of the ICT Act 2013, states that publishing or transmitting in a website or in any other 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.

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<sup>69</sup> The daily Prothom Alo, 13/03/2015

<sup>70</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.

68. Odhikar believes that the repressive Information and Communication Technology Act, 2006 (Amendment 2009 and 2013) is being used indiscriminately. Odhikar urges the government to repeal this repressive law immediately.<sup>71</sup>

## Accountability of the Anti Corruption Commission

69. 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". As per law ACC will work an independent and impartial institution but ACC is not carrying out its responsibility. However, the ACC is functioning as per instructions of the ruling party, which has been reflected in several of its activities over the years. The ACC had initiated investigations 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 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.<sup>72</sup>
70. Between January and August 2014, about 1600 politicians, backed by the ruling (Awami League) party; and high-level government officers under ACC investigation, were given clean chits. Among them, the ACC has given impunity to 10 persons, including former Communication Minister, Syed Abul Hossain for the widely known Padma Bridge scam; and former Health Minister AFM Ruhul Huq for possessing illegal property. Furthermore, allegations of corruption have been removed from the Deputy Leader of the Parliament, Sajeda Chowdhury; former Health Affairs Adviser to the Prime Minister, Syed Modasser 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.<sup>73</sup>
71. 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

<sup>71</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.

<sup>72</sup> The daily Manabzamin, 10/10/2014

<sup>73</sup> The daily Manabzamin, 10/10/2014

Abdullah from two cases. In June 2013, the ACC acquitted former Minister Mohiuddin Khan Alamgir from an allegation of corruption. Furthermore, some top government officials were acquitted from corruption charges.<sup>74</sup> From charges of obtaining property with illegal income, the ACC acquitted the ruling party MP of Cox's Bazar-4, Saimum Sarwar and his wife Syeda Selina Akhter. On January 15, 2015 the ACC Secretary Maksudul Hassan Khan informed the Cabinet Secretary about this through a letter.<sup>75</sup> Another ruling party parliamentarian of Narayanganj-4, Shamim Osman, was also acquitted from charges of obtaining property with illegal income by the ACC. After getting permission about the disposal of complaint from the Commission on November 17, 2014. The ACC Secretary Maksudul Hassan Khan informed the relevant authority of this through letters on December 15, 2014.<sup>76</sup> In the meanwhile, the ACC continues legal proceedings under the cases filed against top leaders of the BNP.<sup>77</sup>

72. Furthermore, about 50 officials of the Anti Corruption Commission have been accused of taking bribes from persons under investigation. There were allegations that the ACC officials demanded bribes from the accused by threatening to file case against them, investigate and provide charge sheet. Most of the victims did not dare to complain to the ACC, but made allegations to some intelligence agencies.<sup>78</sup>
73. 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. The Anti Corruption Commission started investigations into the financial transactions of Odhikar soon after August 10, 2013; which escalated in January 2014 after Adilur Rahman Khan was freed on bail. The ACC is putting pressure on a 20-year old and vocal human rights organisation, Odhikar, in the name of investigation, even after Odhikar cooperated and submitted all the documents sought by the ACC. Recently the investigating officer and Deputy Director of the ACC, Harun-ar-Rashid recommended the Commission to settle the matter as kept in record after investigating into Odhikar's matter for one and half years. But the Commission has decided to reinvestigate Odhikar as the report submitted by Harun-ar-Rashid was not

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<sup>74</sup> The daily Manabzamin, 10/10/2014

<sup>75</sup> The daily Prothom Alo, 19/01/2015

<sup>76</sup> The daily Prothom Alo, 21/01/2015

<sup>77</sup> The daily Manabzamin, 10/10/2014

<sup>78</sup> The Daily Ittefaq, 23/06/2014

deemed satisfactory. Assistant Director of the ACC, Rafiqul Islam has been given authority to investigate the matter again.<sup>79</sup>

74. 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 Odhikar down by putting pressure on it from different quarters. The ACC once again has emerged as a subservient and dependent body to the government.

## Activities of Odhikar hindered

75. The severe state repression on Odhikar commenced on August 10, 2013. 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, for publishing a report on human rights violations, is pending. Human rights defenders who are associated with Odhikar are being watched and sometimes harassed and human rights activities hindered. 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 to implement human rights awareness and documentation activities. As a result, all activities from the grass roots level to the Odhikar office are being hindered.
76. 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 by hampering Odhikar's activities.

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<sup>79</sup> The daily Naya Diganta, 12/03/2015

Statistics: January-March 2015*					
Type of Human Rights Violation		January	February	March	Total
Extrajudicial killings**	Crossfire	12	30	9	<b>51</b>
	Shot to death	5	5	2	<b>12</b>
	Beaten to death	1	0	0	<b>1</b>
	Strangled to death	0	1	0	<b>1</b>
	Tortured to death	0	0	1	<b>1</b>
	Others	0	2	0	<b>2</b>
	Total	<b>18</b>	<b>38</b>	<b>12</b>	<b>68</b>
Shot on legs by law enforcement agencies		2	16	7	<b>25</b>
Disappearances		14	9	9	<b>32</b>
Human rights violations by Indian BSF	Bangladeshis Killed	2	5	1	<b>8</b>
	Bangladeshis Injured	11	7	5	<b>23</b>
	Bangladeshis Abducted	4	9	3	<b>16</b>
Attack on journalists	Injured	6	3	16	<b>25</b>
	Threatened	1	1	0	<b>2</b>
	Assaulted	2	1	0	<b>3</b>
	Tortured	0	0	1	<b>1</b>
	Arrested	2	0	1	<b>3</b>
Political violence	Killed	48	40	32	<b>120</b>
	Injured	1947	722	561	<b>3230</b>
Dowry related violence (including women victims, their children and relatives)		13	15	11	<b>39</b>
Rape		32	43	35	<b>110</b>
Sexual harassment /Stalking of women		19	9	19	<b>47</b>
Acid violence		9	3	3	<b>15</b>
Public lynching		12	7	8	<b>27</b>

\*Odhikar's documentation

## Recommendations

1. The main reason for the current political crisis is forcible assumption of power through conducting connived, highly criticised and controversial elections on January 5, 2014. Constitutional and moral crises have been created around the legitimacy of the government. There is no alternative other than holding a free, fair and credible Parliamentary election immediately by ensuring the participation of all political parties, under a neutral government, in order to resolve this. The on-going political crisis has already become the cause of severe human rights violations. All parties must come to a consensus to curtail violence and confrontational politics and stop the culture of 'blame games' when violence occurs and ensure punishment of the perpetrators, as provided under the law.
2. The use of petrol bombs and other explosives is becoming a common practice during hartals and political violence. Ordinary citizens are the victims of such attacks. This has led to several deaths and many more have become permanently maimed. Odhikar urges the government to bring the perpetrators before justice.
3. Incidents of extrajudicial killings by law enforcement agencies must be investigated and the perpetrators be brought to effective justice. The law enforcement agencies must follow the international guidelines "Basic Principles on the use of Force and Firearms by Law Enforcement officials and the UN Code of Conduct for Law Enforcement officials".
4. The Government has to explain all incidents of enforced disappearance and killings allegedly perpetrated by law enforcement agencies. Victims of disappearance should be handed back to their families. It must bring the members of the security and law enforcement 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.
5. Torture in custody must stop. The Government should ratify the Optional Protocol to the UN Convention against Torture. The Torture and Custodial Death (Prevention) Act, 2013 must not be changed as per recommendations from the Police Headquarter.
6. The Government should refrain from attacking peaceful public events and from carrying out repressive activities.
7. Mass arrests and human rights abuses in prisons must be stopped.
8. Freedom of opinion and expression and of the media must be ensured. The Government should investigate incidents of attacks on human rights

defenders and journalists; and take appropriate measures to bring the perpetrators to justice. The ban on the publication of the daily Amar Desh and the broadcasting of Diganta TV, Islamic TV and Channel One should be removed. All political detainees, including the Acting Editor of the daily Amar Desh, Mahmudur Rahman<sup>80</sup> should immediately be released.

9. 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.
10. The Government should take all measures to protect the rights of the citizens belonging to religious and ethnic minority communities and ensure their security. Perpetrators of attacks on all minority communities must be brought to justice.
11. The Government must ensure the effective implementation of laws to stop violence against women and the offenders must be effectively punished under the prevalent laws. It should also execute mass awareness programmes in the print and electronic media in order to eliminate violence against women.
12. All repressive laws, including the Information and Communication Technology Act, 2006 (amendment 2009 and 2013) and the Special Powers Act, 1974 must be repealed.
13. The Anti Corruption Commission and, indeed, all Commissions, have to be independent and neutral instead of acting under the government's instruction.
14. 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 must cease. The government must release the funds of Odhikar urgently to enable it to continue its human rights activities.

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<sup>80</sup> Mahmudur Rahman is in jail since April 11, 2013.

**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.