



## **HUMAN RIGHTS REPORT 2014**

ON BANGLADESH

**In countries like Bangladesh, where democratic transformation remains unaccomplished, the human rights movement is directly constitutive of democracy. Constituting the state on the principles of human rights, particularly to respect, defend and protect the values of life and related spiritual and material embodiments, are what determine the future trajectory of the people in an increasingly competitive global economic world and the system of states.**

**Odhikar** defends the dignity, freedom and rights of the people as human beings as well as citizens; consistent with declarations, covenants, protocols and principles of human rights.

**Odhikar** unconditionally stands for the victim and acts to bring offenders to justice. We investigate (through fact-finding missions), expose and analyse human rights violations and hold abusers accountable.

**Odhikar** considers dignity, rights and duties as historically achieved global consciousness without essentialising human rights as abstract international laws. Educating and organising oppressed people to stand against inequality, injustice and discrimination is a necessary condition for peace and stability for all, both individually and collectively

**Odhikar** considers the human rights movement in Bangladesh as constitutive of democracy and integral to the just struggle of the people of Bangladesh to have a democratic constitution; and a state corresponding to it.

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## INTRODUCTION

1. The year 2014 started with all the symptoms of imminent political crisis, violence and the nightmare of human rights violations. The flawed and farcical elections and the consequent political situation pushed the country further towards an abyss and raised questions about the future trajectories of democracy in Bangladesh since 2007. We have, to the best of our ability, given clear warning in our monthly and annual reports, about the culminating violence. Consequently, disruption of the rule of law and degrading human lives and human dignity are expected outcomes of the past political activities. The Annual Report 2014 is an attempt to document what we have witnessed during the year, through our fellow human rights defenders, the media and through our own investigations.
2. We always argued that the immediate need is to address the problem from its core. The political crisis started to reveal itself more blatantly from the early days of 2014. It reflects acutely and intensely the failed effort to devise ways and means for peaceful transfer of power. The challenge of peaceful transfer of power is nothing new and Bangladesh has faced such crisis many times in the past. This time, holding of farcical elections is the unique act of the incumbents in power. The Awami League and associated Alliance members retained the reign of power in a manner that is morally and constitutionally unjustified. The Awami League's success in mobilising all coercive institutions of the State is significant in understanding the nature of the present power structure; and its ability to continue without any moral or constitutional legitimacy or respect to rule of law. Local media and civil society activists are debating endlessly and seeking peaceful alternatives for change. It is becoming increasingly clear that the country can at any time fall into a major armed conflict. We could avoid the present uncertainties, if we could address the core issues rather than the symptoms. Odhikar has repeatedly said that the struggle of the people's of Bangladesh to constitute it into a democratic state, with respect for human rights as a foundational principle, is the core challenge. Bangladesh has been facing this recurrent crisis since its coming into being in 1971. We have reiterated time and again that human rights are not merely privileges enjoyed by an individual, neither are they merely legal tools to protect a person from the criminality of the State; on the contrary, they are embodiments of freedom and dignity of the people internalised by the very structure of the modern democratic state. We need a Constitution where protecting human rights is obligatory for the State and relevant institutions are functional and active. The State has an obligation also to international human rights norms and we must devise ways to make it accountable to the global community.
3. The Constitution itself is not a guarantee to ensure human rights unless the people themselves are aware of their relation to State. This is an awareness they can build only through a constructive political process. The people must believe and realise that they themselves are the actors in determining the content of the Constitution, since it has direct implications for their lives and livelihood. If one organ of the State violates the rights of the people, then the people must have provisions in the constitution to defend and protect

themselves by empowering the Judiciary or Legislative with appropriate empowering clauses and arrangements. To achieve this goal, the minimum required is freedom of expression – particularly the right to dissent and criticise the government and documenting, presenting and analysing the facts such as human rights violations.

4. In countries like Bangladesh, where democratic transformation remains unaccomplished, the human rights movement plays a crucial role, albeit in the face of repression and threats. Constituting and reconstituting the state on the principles of human rights, particularly respecting and defending the values of life and related spiritual and material embodiments, is what we at Odhikar have always understood as our primary tasks.
5. The political environment in Bangladesh was never conducive for human rights education and awareness building. The inability to take into cognisance the inherent relation between human rights and democracy, divided the human rights and the political activities as if belonging to two separate spheres; making it a difficult task to organise the categories that address them both and contribute to the constitution of a democratic Bangladesh.
6. Major hindrances in resolving this political crisis, or even addressing the problem in a comprehensive manner, are the challenges and the problems relating to our electoral process. However, we have always argued that, while there is a need to remedy the electoral process, the most critical issue is the Constitution and State structures and examining the ability to respect and protect human rights. A shift from the singular focus on the electoral process to constitutional questions is vital, if we indeed, are concerned about the future trajectories of democracy in Bangladesh.
7. The assertion that democracy is a form of the state and not merely an electoral practice to select a ruler every five years has direct implications for human rights defenders. In a community where people are yet to constitute themselves as a democracy, with appropriate institutions to defend their dignity and rights, the task of human rights defenders assume a meaning that cannot be reduced merely to activities to protect victims of human rights violations by the State. However, by their very gesture of defending the dignity of human beings and rights of citizens, human rights defenders are already challenging the existing power. The rule by coercion, enforced disappearances, extrajudicial killings, deaths in custody and other violent means destroy the moral, social and cultural fabric of society.
8. The late publication of Odhikar's Annual Report 2014 is an indication of a situation beyond our control. It is becoming increasingly difficult to protect the human rights defenders who are working with Odhikar from the surveillance, harassment and threats, implicit and explicit, by the Bangladesh government.

## CHAPTER I: EXECUTIVE SUMMARY

9. Defending human rights has always been a risky endeavour in countries like Bangladesh. The heightened level of disproportionate violence the State demonstrated in the year 2013, to deal with dissenters, revealed its infinite power and the concrete nature of the risks involved in human rights activities. The farcical national elections (2014) and highly repressive way of dealing with the political opponents by the government (2013-14) made it clear that the government is not willing to leave any space for civil and political rights. As a result, the situation worsened in 2014 compared to 2013.
10. The nature of the political power in 2014 is not merely 'authoritarian'. The unrestrained use of force coupled with a high degree of surveillance on human rights defenders and civil society activists drastically reduce the civil and political space. Elimination of any potential voice of dissent and opposition has become the order of the day. A section of the media generates consent from the privileged urban middle class and thus reinforces the tactics of terror unleashed by the government. They demonise any legitimate protests of the people and justify the violation human rights as a necessity to combat 'terrorism'.
11. The rhetoric now deployed by the government and their supporters is extremely important: It argues, what Bangladesh needs now is 'development' and not democracy or human rights. Therefore, extrajudicial killings, enforced disappearances and other crimes against humanity with total impunity are justifiable as long as Bangladesh can maintain a high growth rate. The qualitative shift from human rights to 'development' is an alarming sign and civil society in general is yet to put forward a credible critique of such silencing of civil and political rights.
12. A weak opposition has further undermined the capacity for popular mobilisation within the limits of a liberal political principle and legitimate moral resistance. Political ambiguity and the lack of a clear civil and political goal to achieve rights and dignity for the people, has become the major challenge of human rights defenders in the face of the rule of terror.
13. Since the beginning of 2014, restrictions on freedom of expression, freedom of assembly and movement have sunk to the lowest level, unforeseen in the past, making it almost impossible for human rights defenders to articulate their concerns without fear of reprisals and intimidation by the government agencies. Over and above, experience shows that recourse to judicial protection is also minimal and in most cases ineffective. Violence and intimidation has become the primary modes of engagement by the ruling elite.

### CIVIL AND POLITICAL RIGHTS

#### Election

14. The controversial 10th Parliamentary Elections were held on January 5, 2014. Most of the political parties, registered with the Election Commission, including the main Opposition, the Bangladesh Nationalist Party (BNP)-led 18-Party Alliance, did not contest. They opposed the election on the ground that elections could not be free and fair with the Awami League

in power. The Awami League had already repealed the previous ‘caretaker’<sup>1</sup> government provision in the Constitution. Practically, all opposition political parties and alliances did boycott the elections. The Opposition alliance called for a countrywide boycott and for the people to resist the elections. As a result of this boycott, 153 candidates from the ruling Awami League and its alliance were elected uncontested, out of the 300 constituencies, even before the polls were held; which is an unprecedented incident in a democratic electoral system. Of these constituencies, Awami League got 127, Jatiya Party (Ershad) got 20, Jatiya Samajtantrik Dal got three, Worker’s Party of Bangladesh got two and Jatiya Party (Monju) got one seat. Later, polling took place in 147 constituencies on January 5, 2014. A total of 40,802,739 voters out of 91,948,861 could not cast their vote, as the candidates for the 153 constituencies, to which they belong, were declared elected unopposed.<sup>2</sup>

15. According to information from the Election Commission, 40.56 percent voters cast their votes. On the contrary, various media and election observers reported very low turnouts. For instance, Fair Elections Monitoring Alliance (FEMA) reported the voter turnout as 10 percent till 2:00 pm on the polling day and after the polling ended, it stated that the voter turnout was 14 percent.<sup>3</sup> Meanwhile, the daily New Age reported that in most of the polling centres, the turnout was in the range of 10-12 percent. Furthermore, candidates who lost the elections alleged large-scale rigging. During the polling, candidates both from political parties and independent ones, boycotted elections in at least 30 constituencies in protest against vote rigging.<sup>4</sup> Not a single vote was cast in 38 polling centres across the country, as recorded by the media.<sup>5</sup> In many polling centres, very few voters were present. Representatives from European Union and the Commonwealth; and organisations like National Democratic Institute, Asian Network for Free Elections and other election monitoring bodies refrained from observing this farcical elections.<sup>6</sup>
16. Odhikar refrained from directly observing the elections since the Election Commission could not ensure the participation of most of the political parties, especially of the opposition. However, Odhikar gathered primary and secondary level information on elections through its human rights defenders across the country and from the people working with different media outlets.

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<sup>1</sup> A caretaker government is a type of government that rules temporarily. The Caretaker Government of Bangladesh was a form of non-partisan government system in which the country was ruled by a selected government for an interim period during the transition from one elected government to another, after the completion of tenure of the former. As the outgoing government hands over its power, the caretaker comes into place. The main objective of the caretaker government is to create an environment in which an election can be held in a free and fair manner without political influence by the outgoing government. The head of the Caretaker government is called the Chief Adviser (in place of Prime Minister) and is selected by the President. The Chief Adviser selects the other advisers. The top positions of the administration are generally distributed among the advisers. The Chief Adviser and the other advisers are committed for their activities to the President. This provision has been repealed unilaterally by the ruling Awami League through the 15<sup>th</sup> Amendment to the Constitution.

<sup>2</sup> The daily Manab Kantha, 08/01/2014 and Bangladesh Election Commission, <http://www.ecs.gov.bd/English/index.php>

<sup>3</sup> The daily New Age, 10/01/2014

<sup>4</sup> The daily Samakal, 06/01/2014

<sup>5</sup> The daily Manabzamin, 06/01/2014

<sup>6</sup> <http://www.thefinancialexpress-bd.com/2013/12/22/9979/print>

## Political Violence

17. Political violence is a major destabilising factor in Bangladesh. There was a rise in political violence since 2008, the year of the ninth National Parliamentary Elections, which brought the Awami League led alliance to power. There was another rise in political violence in 2013 before the controversial 10<sup>th</sup> Parliamentary elections where 506 people were killed. In the last six years (January 2009-December 2014), approximately 1471 people were killed and 91,856 people were injured in political violence<sup>7</sup>.

## Media

18. Earlier, the Awami League and the BNP owned and controlled the media, especially the electronic media. Potential to maintain some form of balance was still available in a polarised media environment. However, since 2009, after assuming power, the Awami League started to clamp down on electronic media controlled by the opposition. Police raided and harassed dissenting daily newspapers such as the daily New Age without any justifiable cause or complaints. Similarly, another newspaper, Inqilab, was also intimidated.

19. Major threats to media freedom came from repressive laws and a policy enacted by the government to repress the dissent. The Information and Communication Technology Act 2006 (Amendment 2009 and 2013) is a law deemed contrary to the freedom of speech and expression. On August 4, 2014 the Cabinet approved the National Broadcasting Policy 2014, that imposes restrictions and keeps room for the government to manipulate and misuse the policy on the pretext of 'maintaining the standard' of news, programmes and advertisements in the electronic media. The Ministry of Information published a gazette of this Policy on August 7, 2014. According to the policy, the media cannot broadcast any news or statement that demeans the armed forces and law enforcement agencies.

20. TV channels are restricted in terms of selecting discussants/presenters in talk shows, which has been prompted after the approval of the Broadcasting Policy. The editors and reporters of different media face defamation and other charges for conducting their professional duties. The Channel 1, Diganta TV, Islamic TV and the daily Amar Desh are still closed. Mahmudur Rahman, the Acting Editor of Amar Desh who was arrested in April 2013, is still detained in Kashimpur Jail. Criminals backed by the ruling party and influential groups also attacked journalists.

21. In 2014, organised groups declared that eminent citizens of the country critical of the government cannot attend any event at Shahid Minar, the public place where people assemble for social, cultural and political causes. According to them, this applied not only to the living persons but also to Dr. Piash Karim, an eminent intellectual and a teacher. Government supported gangsters did not let Dr. Karim's body be taken to the Shahid Minar where people could pay Dr. Karim their respects, a custom for eminent persons of the country who pass away.

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Data compiled from Odhikar's documentation activities and monthly reports.

## Extrajudicial Killings and Enforced Disappearance

22. Extrajudicial killings have increased in 2014 compared to past years except 2013. The number of people shot dead was also very high in 2014.
23. High numbers of extrajudicial killings occurred in the month of January (39) and October (20). The highest number of killings took place in from January to April (88). Among the law enforcement agencies unlike previous years, the police was mostly involved in extrajudicial killings. Police allegedly killed 119 people in the year 2014 compared to Rapid Action Battalion (29) and Joint Forces (11). According to information gathered by Odhikar, from January to December 2014, 39 persons have been disappeared after being picked up allegedly by the men claiming to be members of law enforcement agencies. Among them, 10 people were found dead after being disappeared, four were returned with blindfolds, 17 were later shown arrested in cases after a long time of disappearance and whereabouts of eight are still unknown.
24. Many incidents of enforced disappearance took place across the country before and after the controversial elections on January 5, 2014. These incidents continue. The whereabouts of persons remain unknown after allegedly law enforcement agencies picked them up. The families of the victims claim that the members of law enforcement agencies are making arrests and since then the victims have been disappeared or their bodies are later found.<sup>8</sup> Many members of law enforcement agencies have reportedly been involved in criminal activities, as the government has politically misused these agencies for a long time. This is a dangerous indicator of the deteriorating law and order situation. Responsible persons of the government routinely deny incidents of enforced disappearance. As a result, incidents of enforced disappearance continue.

## Border Killings

25. According to information collected by Odhikar, between January and December 2014, the Indian Border Security Force (BSF) killed 35 Bangladeshis and injured 68 Bangladeshis. The sovereignty of Bangladesh is constantly under threat due to continuous misuse of force by the BSF and there is hardly any protest and action from the Bangladesh government.

## Public Lynching

26. Public lynching is an area that remained unaddressed by the human rights defenders in a comprehensive and effective manner. The issue is extremely serious and reflects the people's lack of trust in law enforcement and the judicial process. Each incident needs to be followed closely to understand the circumstances within which such brutal behaviour of the

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<sup>8</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.

masses could take place. The role of the law enforcement agencies should also be determined. From January to December 2014, a total number of 116 people were allegedly killed due to public lynching.

## **Workers Rights**

27. On December 5, 2013, the government declared a minimum monthly wage of BDT 5,300 for the garment workers. The new wage structure legally came into effect on January 1, 2014. However, concerning the implementation of the new wage structure it can vary from 87% (according to employer organisation BGMEA) and 40% (according to local trade unions). The workers of this sector are unhappy with their present salary.
28. After the Rana Plaza building collapse, the Bangladesh government and Western retailers set up an inspection regime for more than 3,500 garment factories to ensure structural integrity and fire and electrical safety. North American retailers including Walmart and Gap formed an Alliance and inspected around 587 factories. A compensation fund was set up through the International Labour Organization (ILO) and was designed to raise US\$40 million. Nevertheless, 16 months later, just under \$20 million had been raised.
29. The report of the retailers group said that worker representative structures such as trade unions and worker participation committees remained weak in the RMG sector and workers who had tried to exercise their freedom of association rights had been intimidated and harassed. The government amended its labour laws to make it easier for workers to form and join unions. However, workers said they continued to face tremendous negative pressure from the factory authorities.
30. Inadequate infrastructure, bureaucratic inefficiency and corruption are still the major problematic factors in industrialisation and for the growth of an industry. These are also increasing the entrepreneurs' cost of doing business. They are also losing price and delivery competitiveness to their business competitors. Furthermore, political stability of the country is a key to steady growth of the industry.

## **Situation of Minority Communities**

31. Social, economic and political vulnerability increased for groups belonging to Hindu, Christian and other religious and cultural minority communities. Their vulnerability has two aspects. Socio-economic vulnerability has decreased their political standing locally, where local political thugs are always ready to exploit the situation. Secondly, communalisation of such incidents obscures the possibility of arresting and punishing the offenders. Unilaterally blaming the so-called 'Islamists' or 'Islam' to prove that the minorities are not safe in Bangladesh, has further aggravated their situation, since it creates mistrust and alienation at the local level. The systematic politicisation of these incidents and the ensuing blame game makes the situation more vulnerable. Apathy of the government and the administration is the single most worrying issue for human rights defenders concerned about the safety and security of these vulnerable communities.

## Violence Against Women

32. When it comes to issues relating to violence against women, the government has never had a good record. There are several laws specifically dealing with this issue but lack of effective implementation, corruption, threats, fear, and financial constraints are some of the factors that ensure that such crimes continue. The number of victims and incidents of rape, dowry violence and acid violence were high in 2014. Stalking and sexual harassment are also becoming alarmingly common.
33. Odhikar's data shows that a total of 666 women and girls were raped and 272 were victims of sexual harassment. Furthermore, 237 women became victims of dowry violence. These are figures reported in the media or sent to Odhikar by its local level human rights defenders. Many instances of violence go unreported. It can be safely assumed that the actual statistics for violence against women is much higher.

## CHAPTER II: INCREASED RISKS FOR HUMAN RIGHTS DEFENDERS<sup>9</sup>

34. Risks for human rights defenders (HRDs) have increased compared with the situation in 2013. The Information and Communication Technology Act (2006) (amended in 2009 and 2013), the absence of legal and judicial protection, and the government's refusal to pay heed to criticisms or opinions given or published by any institution, organisation or any individual, all shed a dark cloud over HRDs. The Government plays an extremely aggressive role and seeks revenge against any voice that might undermine its image and power. Such organisations or individuals are characterised as 'militants' or 'anti-state' and are held in contempt and harassed in various ways. Human rights organisations and human rights defenders have become the primary targets of the government.

### SUPPRESSING HUMAN RIGHTS DEFENDERS: CASE OF ODHIKAR

35. Since its inception in 1994, Odhikar, a human rights organisation, has been contributing to the people's struggle for democracy, rule of law and human rights. Its strategic area of work has always been documenting and exposing human rights violations impartially and objectively. Because of its strong position, along with its credible and regular reporting, Odhikar has faced state oppression, surveillance and harassment in various forms during all regimes. However, after assuming power in 2009, the Awami league government, in power from 2009 to 2014, increased its surveillance, intimidation and harassment of Odhikar. The Detective Branch of Police (DB) kept Adilur Rahman Khan, Secretary of Odhikar, under constant surveillance. He is also a lawyer of the Supreme Court of Bangladesh. A heightened level of surveillance was experienced after the Universal Periodic Review (UPR) session of the UN, which was held in Geneva on April 29 2014, and where Odhikar and the Asian Legal Resource Center (ALRC), a Hong Kong based human rights organisation, jointly submitted a UPR report<sup>10</sup> that highlighted the human rights situation in Bangladesh. Odhikar conducted a fact-finding mission in June 2013 and found that 61 persons were allegedly killed extrajudicially by Bangladeshi security forces at a rally of Hefazate Islam supporters on 5 and 6 May 2013. Odhikar published the resulting report on its website and disseminated it to different stakeholders, including the Government. The Government, through the Ministry of Information, sought the list of victims included in the report and their addresses from Odhikar. Odhikar sent a reply indicating that it would only give the list to an independent inquiry commission, if such a commission was formed to investigate the incidents concerned. Following this, on August 2010 at 10:20 pm, the DB police, without any warrant, arrested Odhikar's Secretary Adilur Rahman Khan. He and Odhikar's Director ASM Nasiruddin Elan were kept behind bars for 62 and 25 days respectively. The Government then claimed that the report published by Odhikar was fabricated and filed a case under

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9 'Human rights defender' is a term used to describe people who, individually or with others, act to promote or protect human rights.

10 <http://1dgv051vgyxh41o8ci16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2012/10/report-UPR-report-ALRC-and-Odhikar-2012-eng.pdf>

Section 57 of the Information and Communication Technology Act 2006 (Amended 2009) against Adilur Rahman Khan and ASM Nasiruddin Elan. Three laptops and two central processing units (CPUs) belonging to Odhikar were confiscated by the DB Police on 11 August 2013 which contained many confidential documents with information on victims and their families. These documents have yet to be returned to Odhikar. During this period of uncertainty, Odhikar's human rights defenders at the grassroots level faced intimidation and harassment by State agents. Due to constant security threats and financial constraints, seven Odhikar staff members and human rights defenders left their jobs and several field level female human rights defenders<sup>11</sup> ceased human rights activism out of fear. Soon after the turmoil in August 2013, in the same month, the Anti-Corruption Commission started investigations into the financial transactions of Odhikar, as dictated by the Government. The Government also carried out a strong media campaign against Adilur and Odhikar through private television channels owned by pro-government party supporters.

36. The ongoing harassment against Odhikar continued in 2014. Besides the surveillance and harassment of human rights defenders associated with Odhikar, the Government hindered Odhikar's operational activities. This involved the refusal to release funds for human rights projects, including approved projects, in order to hamper Odhikar's human rights work.

### **The NGO Affairs Bureau: used as a tool of harassment**

37. The NGO Affairs Bureau (NGOAB), a government body under the auspices of the Prime Minister's Office, has been putting up barriers to the release of funds for the implementation of Odhikar's human rights programmes. Some examples are given below:
38. Activities related to Odhikar's 'Human Rights Research and Advocacy' project funded by the Dutch Embassy were completed in June 2013, but as of the date of publication of this report, the NGOAB has refused to authorise the disbursement of the last phase of funds to Odhikar until date. The goal of this project was to document and research human rights violations by the Indian Border Security Force along the Bangladesh-India border along with violations committed by the Bangladeshi Government including extrajudicial killings, political violence, rights of the religious and ethnic minority communities and violence against women. In order to implement the project on time, Odhikar had to borrow money from its general funds. It should be noted that the NGOAB has delayed the release of funds of this project since its inception in October 2010.
39. After completing the first year of activities under the 'Education on the Convention against Torture and OPCAT Awareness Programme in Bangladesh' project, funded by the European Union, Odhikar applied for the release of funds related to the second year of activities on 6 March 2013. On 15 May 2013 the NGOAB released 50% of the funds for the second year, three months after Odhikar submitted its funding request. On 21 August 2013 Odhikar submitted a further application to the NGOAB to release the remaining 50% of funds, along

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11 Odhikar has 400 trained HRDs, mostly volunteer human rights defenders working in the field.

with a project completion audit report of the first year. The NGOAB has been reluctant to approve fund clearance for this project. Over a year has passed and the NGOAB has still not released the remaining 50% of the project funds.

40. On 9 April 2014 Odhikar submitted an audit report and applied for the release of the funds for the second and final year (January to December 2014) under 'Empowering Women as Community Human Rights Defenders' project, funded by the Finnish NGO Foundation for Human Rights (KIOS) after the completion of the first year activities. The project was designed to take effective action in order to stop violence against women in four districts. The funds were not released by the NGOAB and the project period expired on 31 December 2014.
41. Along with human rights monitoring, Odhikar monitors pre-election and post electoral violence. Projects were prepared to address electoral and gender violence during the 10<sup>th</sup> Parliamentary elections, the funding agency being the International Federation for Electoral System (IFES). However, these two election-monitoring programmes run by Odhikar have been pending approval and fund clearance by the NGOAB since April 2013. The NGOAB has refused to approve the projects, stating that it cannot approve any project without a clearance from the Ministry of Home Affairs. It should be noted that Odhikar monitored and reported electoral violence during the ninth Parliamentary Elections with IFES support.

### **Anti-Corruption Commission: bias investigations**

42. The Anti-Corruption Commission (ACC) has subjected Odhikar to harassment since August 2013, in the name of an 'investigation'. This harassment escalated in January 2014 after Adilur Rahman Khan was released on bail. This is despite the fact that Odhikar has cooperated with the ACC and submitted all the documents that the ACC has requested. After one and a half years of investigation, the investigating officer and Deputy Director of the ACC, Harun-ar-Rashid, recommended that the Commission settle the case against Odhikar. However, the Commission decided to reinvestigate Odhikar, deeming the report submitted by Harun-ar-Rashid unsatisfactory. Assistant Director of the ACC, Rafiqul Islam, has been given authority to investigate the matter again.<sup>12</sup>
43. The ACC is attempting to generate controversy around Odhikar's activities and achievements in order to put an end to its human rights work, following the repressive dictates of the government. Odhikar has often criticised the discriminatory actions of the ACC and its non-transparent activities. The ACC has the right to investigate Odhikar's financial transactions at any time with due process of law. However, the ACC is harassing Odhikar in the name of investigation, a continuation of the government's attempts to silence Odhikar by putting pressure on it from different quarters/numerous angles.

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12 The daily Naya Diganta, 12/03/2015

## **Human rights defenders harassed by DB police**

44. Odhikar commemorated the International Day of the Disappeared on 30 August 2014. To mark this international day and express solidarity with the families of the victims of enforced disappearance, Odhikar organised rallies and human chains in Rajshahi, Khulna, Chittagong and Sylhet. Under this programme, at around 10:30 am, local human rights defenders associated with Odhikar held a rally in Rajshahi City and formed a human chain in front of the press club. The programme was coordinated by Moin Uddin, a local human rights defender working with Odhikar at Rajshahi. Following the programme, at around 5:30 pm, some officials from the Detective Branch (DB) of the Rajshahi Metropolitan City Police, led by Sub Inspector (SI) Mahabub, visited Moin Uddin's office. As Moin Uddin was absent from his office, DB Police called him on his cell phone and requested that he meet them at the DB office that night. The DB police called Moin Uddin several times throughout the night, threatening him in an attempt to elicit information about the programme and Odhikar, including a list of human rights defenders associated with Odhikar. On 31 August 2014 SI Mahabub and constable Mannan visited Moin Uddin's office and asked to see the banner and placards used in the programme and upon inspecting them noted down the headlines and slogans written on them. The DB police told Moin Uddin that he must obtain permission from the local authority before organising such events in the future.

## **Adilur Rahman Khan, Secretary of Odhikar interrogated**

45. Adilur Rahman Khan is regularly invited to attend seminars and conferences abroad. In 2014 he was repeatedly interrogated by immigration police at the airport and kept waiting for long periods of time, usually over an hour. For example, upon travelling to the USA on 14 November 2014 to receive the Robert F. Kennedy Human Rights Award<sup>13</sup>, Adilur was interrogated by immigration officers at the Hazrat Shahjalal International Airport in Dhaka and kept waiting for one and a half hours while the police obtained clearance from several intelligence agencies. By this time a number of human rights organisations, including the RFK Center for Justice & Human Rights and FIDH intervened and finally he was permitted to travel.

## **Attempt to kidnap Mohammad Nur Khan of ASK**

46. On 15 May 2014 there was an attempt to abduct Mohammad Nur Khan, the Director (Investigation) of Ain O Salish Kendra (ASK) from in front of the ASK office in Lalmatia, Dhaka. Mohammad Nur Khan informed Odhikar that at around 5:10 pm he and one of his colleagues took a rickshaw from outside the office after finishing work. At that time he saw a microbus about 30/35 yards ahead. When he took a left turn with the rickshaw, the microbus started following them. One of the passengers in the microbus was looking at him through the window. He also saw one man sitting in the microbus with a shotgun. Sensing he was in danger, Nur Khan jumped off the rickshaw and ran back to the office. It should be

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13 <http://odhikar.org/adilur-rahman-khan-receives-31st-annual-robert-f-kennedy-human-rights-award/>

noted that Nur Khan is very vocal against human rights violations, especially extrajudicial killings and enforced disappearances.

47. It is the duty of human rights defenders to highlight human rights abuses and take appropriate action in order to prevent future violations. But the government of Bangladesh is harassing Odhikar, those associated with the organisation, and other vocal human rights defenders and victims of human rights violations, silencing their voices and obstructing their activities. Odhikar believes that all institutions in Bangladesh must be accountable for their actions. Odhikar too, has ensured accountability in every activity it undertakes. Odhikar submits its project-related audit reports to the NGO Affairs Bureau every year. However, in spite of Odhikar's cooperation, the NGOAB continues to impede and interfere with Odhikar's work and human rights defenders associated with Odhikar continue to be targeted.

### **The Cabinet approves the draft Foreign Donations (Voluntary Activities) Regulation Act, 2014**

48. Throughout 2014 the government took several initiatives to silence the voices of human rights NGOs operating in Bangladesh. Of these initiatives, the Cabinet approved the draft Foreign Donations (Voluntary Activities) Regulation Act (2014), which regulates the funding contributions made to Bangladeshi non-governmental organisations by foreign sources. On 1 December 2014, the Cabinet gave the final approval to the draft Foreign Donations (Voluntary Activities) Regulation Act (2014), which requires mandatory registration with the NGO Affairs Bureau for all NGOs receiving foreign funds. Under this Act, the government will be empowered/able to monitor and evaluate the voluntary activities of NGOs. Individuals or NGOs who receive funds in order to implement projects will come under constant monitoring and evaluation under this Act. The decision-makers have also been given the authority to accept or reject the registration of NGOs under this law. In this regard, NGOs or voluntary organisations must satisfy the decision makers in order to be registered and subsequently be eligible to receive foreign funding. Moreover, the decision makers are also authorised to suspend or cancel the registration of an NGO if any 'irregularities' are found during project implementation by that NGO, without clearly defining the term "irregularities". The government can further appoint an administrator to file cases against persons involved in targeted organisations or to bring proceedings against an NGO in order to close it down or dissolve it. The affected NGO or person involved with such an organisation may appeal to the Secretary of the Prime Minister's Office within 30 working days of receipt of the order, but the decision given by the Secretary shall be deemed final in this regard. Furthermore, the law also prohibits the reception of foreign donations by any autonomous organisation such as a university.
49. The NGO Law violates freedom of expression and association and controls human rights NGOs and other voluntary organisations which are vocal against human rights abuses perpetrated by the State. Many human rights organisations which provide support to victims of human rights abuses may be erased and their actions blocked, leading these victims voiceless and without recourse.

## **Man arrested for speaking at Odhikar's meeting**

50. On 10 March 2014 Odhikar organised a meeting on the ratification of the Optional Protocol of Convention against Torture (OPCAT) and the Mass Awareness Campaign for the Prevention of Torture in Narayanganj District. At this meeting a victim of torture, Mohammad Ezaz, a businessman from the Riverview Market in Narayanganj, shared how he was abused by police. That is, upon assisting two businessmen whose wallets were confiscated by police without reason on 6 March 2014, Ezaz was asked to accompany Sub Inspector (SI) Nazrul to the Narayangani River Police Camp. Upon arrival, Ezaz was blindfolded, his hands and feet were bound and his shoes taken away. On 7 March 2014, Ezaz was summoned before the court on charges relating to a land dispute, yet the court granted him bail. On 8 March 2014 Ezaz briefed journalists at the Narayanganj Press Club as to the events and on 10 March 2014 gave his testimonial at the meeting organised by Odhikar, which were subsequently published in various local newspapers on 11 March 2014. Following his testimony, on 16 March 2014, Ezaz was arrested by SI Shafique of the Narayanganj District DB Police from his shop at the Riverview Market. On 17 March 2014, Ezaz was summoned to court on charges under the Narcotics Control Act, and was released on bail on 25 March 2014.

## CHAPTER III: CIVIL AND POLITICAL RIGHTS

### FREEDOM OF THOUGHT, SPEECH AND EXPRESSION

51. Article 39(1) of the Constitution of the People's Republic of Bangladesh guarantees freedom of thought, speech and expression<sup>14</sup> and Articles 18 and 19 of the Universal Declaration of Human Rights (UDHR) recognise the freedom of expression as a basic human right. However, these rights are regularly curtailed in the name of state security, public order, protection of religious sentiment and maintaining good relations with friendly countries. The situation in 2014 further deteriorated because of the repressive nature of the State and its draconian laws,<sup>15</sup> including national security legislation, along with sedition and criminal libel laws.

### Violations to freedom of expression and media

52. There is no neutral electronic media in Bangladesh owned by any professional journalist. Previously, the Awami League and the BNP owned and controlled the media, especially the electronic media. In a polarised media environment there was some form of balance. However, after assuming power since 2009, the Awami League started shutting down the Opposition (BNP) controlled electronic media. The state owned Television channel, BTv, focuses predominantly on news about the government and remains engaged in negative campaigns against the BNP led 20-Party Alliance (formerly 18-Party Alliance). The government has approved 13 other private electronic media channels, yet all of the owners are supporters of the ruling party. Meanwhile, the government has closed down the electronic and print media owned by pro-opposition supporters such as Channel 1, Diganta TV, Islamic TV and the daily Amar Desh. The broadcasting of Diganta TV and Islamic TV was shut down for airing live the violence carried out by law enforcement agencies on the early morning of 6 May 2013, focusing on a rally conducted by Hefazate Islam. Both the TV channels remain closed. The Acting Editor of the daily Amar Desh, Mahmudur Rahman, was arrested in April 2013 and is still detained in Kashimpur Central Jail-2.

53. A major threat to media freedom comes from the passing of the Information and Communication Technology Act, 2006 (Amended in 2009 and 2013), which is contrary to the freedom of speech and expression. This Act was enacted during the BNP regime and the present ruling party, the Awami League, has rendered it more repressive through the latest amendments.

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14 Article 39 (2) of the Constitution of the People's Republic of Bangladesh: Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence– (a) the right of every citizen to freedom of speech and expression; and (b) freedom of the press, are guaranteed.

15 Information and Communication Technology Act, 2006 (amendment 2009 & 2013), Special Powers Act, 1974 and section 124 of the Penal Code, 1860.

54. TV channels are restricted as to whom they can invite as presenters in talk-shows as a result of the approval of the broadcasting policy. The editors and reporters of print media face defamation and other charges over conducting their professional duties. Needless to say, talk-show guests and news reporters must show the government in a 'positive' light, or face repercussions.
55. On 24 May 2014 the daily Prothom Alo published a report titled 'The local government assistance project at Bauphal exists on paper not in reality.' Due to this report, on 26 May 2014, Shaheen Hawlader, Organising Secretary of Kanokdia Union unit of the Awami League under Bauphal Upazila and a supporter of the Chief Whip of the Parliament, ASM Firoze, filed a case at the Speedy Trial Court in Patuakhali against the Bauphal correspondent of the daily Prothom Alo, ABM Mizanur Rahman, accusing him of extortion and mugging. On 3 June 2014 police submitted a report to the Court after investigation. On 9 June 2014 the Court issued a warrant of arrest under sections 4 and 5 of the Law and Order Disruption (Speedy Trial) Act (2002) against ABM Mizanur Rahman. It is to be noted that the ruling party members had earlier filed two more cases against Mizanur Rahman accusing him of initiating a quarrel and of rape. Mizanur Rahman had been acquitted from the case relating to the quarrel and there were significant delays in the police's investigation and submission of a final report relating to the rape case, in which they found no proof supporting the charges laid.<sup>16</sup>

## **Amar Desh Acting Editor and his treatment in Jail**

56. Mahmudur Rahman<sup>17</sup> was deprived of proper medical treatment in a specialized hospital despite a Court Order. On 19 April 2014 he was brought to the Physical Medicine and Rehabilitation Department of Bangabandhu Sheikh Mujib Medical University (BSMMU) from Kashimpur Central Jail for better medical treatment. The Chairman of the Physical Medicine and Rehabilitation Department, Professor Dr. Moinuzzaman, advised him to visit the hospital from Kashimpur Jail for treatment every alternate day and did not admit him to the Hospital. However, Mahmudur Rahman's family said that he was in no physical condition to make the near six-hour journey to and from BSMMU for physiotherapy every alternate day, due to severe pain in his hands and body. He was suffering from osteoarthritis, had blood pressure problems, had severe pain in his right shoulder and hands and had been suffering from decay of vertebra for over a month.
57. It should be mentioned that, upon his application on 16 April 2014, the Court ordered the jail authority to provide Mahmudur Rahman with proper treatment in a specialised hospital.<sup>18</sup>

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16 The daily Prothom Alo, 17/06/2014

17 It is to be noted that the Acting Editor of the daily Amar Desh, Mahmudur Rahman has been detained in Kashimpur Jail-2 from April 11, 2013. A total of 69 cases are filed against him under various Acts, including the Information and Communication Technology Act 2006 (Amended in 2009). There are allegations that Mahmudur Rahman had been tortured in various ways during remand.

18 The daily Naya Diganta, 21/04/2014

58. On 28 April 2014 the charges against Mahmudur Rahman were framed by a District and Session Judge, Basudeb Roy, when Rahman appeared before the Special District and Session Judge Court-3 from Kashimpur Jail in a case filed by the Anti-Corruption Commission (ACC). Mahmudur Rahman addressed the Judge, stating: “[t]he Prime Minister had asked the ACC to file fabricated cases to punish me, as a report was published in the daily Amar Desh regarding corruption against the Prime Minister, her son and the Power, Energy and Mineral Resources Affairs Adviser”.<sup>19</sup> On 28 May 2014 the hearing of a case filed by the ACC against Mahmudur Rahman commenced in the Special Judge Court established at the Alia Madrassa grounds in Bokshi Bazaar, Dhaka. Deeming the ACC’s case to be false, baseless and politically motivated, the lawyers of Mahmudur Rahman stated that this case cannot be continued under any circumstances.<sup>20</sup>

### **Police attempt New Age office search: intimidation to objective journalism**

59. On 28 December 2014 at around 8:20 pm, a group of 20 policemen led by the Officer-in-Charge of Tejgaon Industrial Area Police Station, Salauddin, stormed the New Age premises without giving any reason and began a search that lasted for approximately half an hour. OC Salauddin said that he had ‘serious information’ about ‘something’ for which they needed to search the newspaper office. However, OC Salauddin refused to explain the ‘serious information’. New Age journalists asked the police to provide a search warrant. However, the policemen, including OC Salauddin, did not disclose the reasons for their presence and OC Salauddin ordered the policemen to search each corner of the office. New Age employees assured OC Salauddin of their cooperation, if he could give specific reasons for the search. OC Salauddin shouted and threatened the journalists saying that they would see ‘New Age employees later on’, when asked why the police were not showing any official order. After they had failed to enter the newsroom, the police officers left the New Age premises, threatening the journalists. Later, following instruction of the ‘higher authority’, the police team left the area. Before leaving the area, the police team videoed the New Age staff and journalists who were present.<sup>21</sup>

### **ICT sentences David Bergman for Contempt of Court**

60. On 2 December 2014 the International Crimes Tribunal-2 sentenced British journalist David Bergman<sup>22</sup> for using ‘derogatory and unfair words and phrases’ to describe a Tribunal judgement, in two articles posted in his personal blog. The three-member Tribunal unanimously passed the sentence of ‘simple imprisonment till rising of the court with a fine

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19 The daily Amar Desh online version, 29/04/2014

20 The daily Amar Desh online.com, 29/05/2014

21 The Daily Star, 29/12/2014

22 David Bergman is a contributing special correspondent of the New Age, who has been observing the trial process of the International Crimes Tribunal with regard to crimes against humanity committed during the Liberation War in 1971. On February 18, 2014 Abul Kalam Azad, a Supreme Court lawyer, filed a case of Contempt of Court.

of Taka five thousand.’ The fine should be paid within seven working days or serve imprisonment for seven days. The presiding judge, Justice Obaidul Hassan, pronounced the verdict in the presence of two other judges — Justice Mozibur Rahman Mia and Justice Shahinur Islam.<sup>23</sup> David Bergman paid the fine. In support of David Bergman and in order to uphold freedom of expression, 49 prominent citizens also issued a joint statement for which they also came under the scrutiny of the Tribunal.

## Attacks on journalists

61. From January to December 2014, according to information gathered by Odhikar, one journalist was killed, 92 were injured, 24 were assaulted, two were attacked, 19 were threatened, six were arrested and 33 were sued for performing their professional duties. In addition, incidents of attacks on newspaper offices and journalists occurred during times of information gathering or over publishing reports. Allegedly, in most cases, leaders and activists of the ruling party were involved in such incidents. Some examples are given below:
62. On 16 April 2014 the video camera of Shomoy Television’s Rangpur correspondent, Ratan Sarkar, was confiscated when he was filming the casting of fake votes by Thakurgaon District unit Jubo League General Secretary, Abdul Mazid Apel, at Thakurgaon Road Girls High School polling centre, during the Upazila Elections.<sup>24</sup> Ratan Sarkar was also severely beaten by Abdul Mazid Apel. The members of law enforcement agencies present at the time remained silent spectators.<sup>25</sup>
63. On 1 August 2014 city correspondent of the local daily Juger Alo, Harun-ar-Rashid; senior reporter of the daily Dabanol, Shariful Islam Sumon; and city correspondent of the daily Dabanol, Mia Mohammad Sohel, were returning from Burirhat, Rangpur when they witnessed 15-20 plain clothed policemen beating a youth in front of the Town Hall in Rangpur City. When the journalists took pictures on their cameras, the police stepped forward in anger and, using abusive language, broke the cameras and, after taking away their notepads, beat them.<sup>26</sup>
64. On 23 October 2014 the Jubo League organised a procession brandishing weapons in Chuadanga town. Police escorted the procession. Journalists took photographs when the procession came near the Press Club. When Chuadanga correspondent of Maasranga TV, Faizar Chowdhury, was taking footage with his camera, Jubo League activists attacked him. Faizar Chowdhury ran to the Press Club as the armed Jubo League activists attacked journalists. Four journalists, including Maasranga TV correspondent, Faizar Chowdhury; Boishakhi TV correspondent, Moriom Shely; and District correspondent of the daily New Nation, Mizanul Huq Mizan, were injured during this attack. Jubo League activists ransacked

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23 The daily New Age, 03/12/2014 <http://newagebd.net/73014/ict-sentences-bergman-to-token-imprisonment/#sthash.Jk1SB6EC.dpbs>

24 This upazila election was pending and scheduled to hold on April 16, 2014.

25 Report sent by human right defender associated with Odhikar from Thakurgaon.

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

furniture in the Press Club and vandalised five motor bikes parked outside. Police, who followed the procession, remained silent. It should be mentioned that there was a dispute between the two factions of the Chuadanga District Jubo League over establishing supremacy in the area and for tender bids. One faction of Jubo League brought out this procession as a show of force.<sup>27</sup>

65. On 15 December 2014 the Supreme Court summoned the daily Prothom Alo Editor, Matiuir Rahman, and its Joint Editor, Mizanur Rahman Khan, to appear before the Court on 5 January 2015 in connection with a contempt petition in relation to publishing an article entitled “Prodhan Bicharpoti Bechche Neowa” (Selection of the Chief Justice). Supreme Court lawyer, Sirajum Monir, filed the petition before the Court. An eight-member Bench of the Appellate Division of the Supreme Court, headed by Chief Justice Md. Muzammel Hossain, issued a show-cause notice on the two journalists.<sup>28</sup>
66. It has been observed that a majority of journalists are often attacked by criminals backed by the ruling party and influential groups. Odhikar believes that the government must be proactive in order to prevent attacks on journalists and also demands that the criminals involved in attacking journalists should be arrested and tried for their crimes. Furthermore, it is also very important for the media to publish and circulate fair and impartial news, free from any kind of bias or negative influence. Odhikar believes that there is a wide scope for the Information and Communication Technology Act (2006) (Amendment 2009 and 2013) to violate freedom of expression and of the media. The government is putting journalists, human rights defenders and government critics in jail after arresting them under this repressive Act.

## **THE ATTITUDE OF THE GOVERNMENT TOWARDS FREEDOM OF ASSOCIATION, ASSEMBLY AND EXPRESSION**

### **FREEDOM OF ASSEMBLY**

67. The government pursued an extremely intolerant policy in 2014 to curb dissenting voices and assemblies. The government used section 144 of the Code of Criminal Procedure to stop different meetings and assemblies organised by the Bangladesh Nationalist Party (BNP) on the pretext of mitigating violence. The government used its security forces and in many cases hired thugs to attack opposition parties with lethal weapons.
68. Section 144<sup>29</sup> of the Code of Criminal Procedure (1898) allows the Government to ban meetings, assemblies and rallies. The Government sometimes prohibited meetings and rallies for ‘security’ reasons. The Government imposed section 144 to ban the programmes of the 20-Party Alliance (formerly known as 18-Party Alliance) led by BNP, after the

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27 The daily Prothom Alo, 24/10/2014 and information gathered by Odhikar

28 The daily Prothom Alo, 16/12/2014

29 Section 144 of the Code of Criminal Procedure, 1898 provides power to the Magistrate to issue orders to stop any meeting or gathering. See [http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=75&sections\\_id=20789](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=75&sections_id=20789)

supporters of the ruling party scheduled their own programmes at the same venue and time. This occurred even when authorities granted the BNP permission to hold a meeting, only to cancel it later. Police rarely interfered with ruling party processions on such occasions, but police often worked in tandem with ruling party activists to disrupt and discourage opposition processions. Prohibition of and attacks on such meetings and rallies shrink democratic space. Some incidents are given below:

69. On 9 March 2014 Gono Morcha<sup>30</sup> and UBINIG<sup>31</sup> jointly organised a human chain in protest of BT Brinjal<sup>32</sup> in Pabna district. A group of men, led by Chholimpur Union unit of the Awami League President Abul Hashem Promanik, attacked UBINIG official Arfan Ali and forced the participants of the human chain to disperse. Later, the protesters went to form a human chain in a BT Brinjal field in Mathalpara village when 20-25 local men, including UP member Wazed Ali, Astol Ali and Khokon Sardar, led by Abul Hashem Promanik, attacked them again and put an end to the human chain programme. Men also prevented journalists present from taking photos of the attack. The central leader of the Sommilito Nari Somaj, women's rights activist Farida Akhter, was assaulted by attackers and 12 persons were injured at that time. It should be mentioned that the government has initiated moves to cultivate the controversial genetically modified, BT Brinjal, in Bangladesh. Many voluntary organisations and civil society groups are protesting against this initiative. The human chain programme was organised as part of this movement.<sup>33</sup>
70. On 24 May 2014 police put an end to the rally organised by Jatiyotabadi Ainjibi Forum<sup>34</sup> at the Supreme Court premises, held in protest of the killing of Advocate Chandon Kumar Sarkar<sup>35</sup> and on-going incidents of enforced disappearance and killings. BNP Chairperson Khaleda Zia was supposed to deliver her speech as the chief guest in the meeting. From the night of 23 May 2014, police interfered in and tried to halt the preparations being made for the programme. The entry points of the Supreme Court were blocked with iron fences by police, who also harassed and checked lawyers entering the Court premises. Furthermore, police kept the whole area blocked by taking control of the roads around the Supreme Court. They also arrested 15 lawyers from the Supreme Court.<sup>36</sup> As a result the meeting could not be held.

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30 A left leaning political organisation

31 UBINIG is a policy and action research organization in Bangladesh, by a group of activists to support peoples' movement for social, economic, political and cultural transformation.

32 BT Brinjal is a genetically modified variety of eggplant that is reportedly extremely hazardous to health if consumed.

33 Report sent by human right defender associated with Odhikar from Pabna, 11/03/2014; protest note of anti BT Brinjal Morcha, 10/03/2014

34 An organisation of lawyers supported by BNP

35 He was one of the seven people, who were disappeared and then murdered in Narayanganj district. Some high level members of Rapid Action Battallions (RAB) gave their confessional statements that they were involved in the abduction and murder after police arrested them after a huge public outcry.

36 The daily Prothom Alo, 25/05/2014

71. On 21 September 2014 activists of Chhatra League<sup>37</sup> and Jubo League<sup>38</sup> attacked and opened fire on a Munshiganj District BNP rally organised in support of the dawn-to-dusk hartal called by the 20-Party Alliance on 22 September 2014 in protest of the Sixteenth Amendment to the Constitution allowing Parliament to impeach judges. Chhatra League and Jubo League activists chased BNP activists and dispersed them before making a procession in front of the BNP office at the Chottor supermarket in Munshiganj. BNP activists took shelter in their party office. Later in the evening, BNP leaders and activists organised a meeting in front of the party office where Chhatra League and Jubo League activists opened fire at the meeting in the presence of inactive police.<sup>39</sup>
72. On 8 November 2014 the BNP sought permission from the Dhaka Metropolitan Police (DMP) to organise a meeting at Suhrawardi Uddan on the occasion of National Day of Revolution and Solidarity declared by BNP on 7 November 2014. 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 Councillor of Gazipur City Corporation, Shirin Chaklader were shot when police opened fire at the protest rally in Gazipur. Police also baton charged 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>40</sup>
73. On 27 December 2014 BNP called rally to gather public support for a fresh anti-government movement demanding general elections under a non-party administration. But the Chhatra League threatened to foil the programme until BNP chief Khaleda Zia's elder son Tarique Rahman apologised for terming Sheikh Mujibur Rahman<sup>41</sup> a “big Razakar”.<sup>42</sup> Occupying the venue, Chhatra League called a counter-rally in protest of Tarique's comments against Sheikh Mujibur Rahman. As a result, local administration of Gazipur imposed section 144 of the Cr.PC.<sup>43</sup>

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37 Student wing of Awami League

38 Youth wing of Awami League

39 The daily Manabzamin, 22/09/2014

40 The daily Manabzamin, 10/11/2014

41 He was the first president of Bangladesh and father of the current Prime Minister Sheikh Hasina; who was assassinated on August 15, 1975.

42 On January 5, 2015 Tarique Rahman made a statement in a meeting in UK calling January 5, 2014 a ‘death of democracy’ day. He stated against the Chief Justice, made provocative statements about the BDR mutiny and mentioned Sheikh Mujibur Rahman a ‘big Razakar’.

43 The Daily Star, 27/12/2014

## Body of Dr. Piash Karim barred from Shahid Minar

74. On 13 October 2014 BRAC University teacher and political analyst Professor Dr. Piash Karim died of cardiac arrest. His family and other renowned citizens decided that as an eminent citizen of this country, the body of Dr. Piash Karim would be kept for some time at the Shahid Minar,<sup>44</sup> so that the general public could pay their respects. After this announcement, certain government affiliated organisations declared they would prevent the body of Piash Karim from entering the Shahid Minar. Dr. Amena Mohsin, wife of Dr. Piash Karim and Professor of Dhaka University, appealed to the Dhaka University authority in order to obtain permission to keep the body of Piash Karim at the Shahid Minar. The University authority refused her application and gave permission to the government supported organisations to organise a meeting there. The family of Piash Karim changed their decision to take his body to the Shahid Minar; but protesting ruling party supporters under the banner of ‘Muktijoddha Sangsad Sontan Command’ organised a meeting at the Shahid Minar where nine eminent citizens, including two Editors of daily newspapers, were prohibited from coming to the Shahid Minar. An organisation named ‘CP Gang’ also made a public call to prevent these persons from displaying their names and photographs at the Shahid Minar. The prohibited persons are: Professor Dilara Chowdhury; Dhaka University Professor Amena Mohsin; senior journalist Mahfuz Ullah; TV talk show presenter and the Chief Editor of the daily Manabzamin, Matiur Rahman Chowdhury; Editor of the New Age, Nurul Kabir; Poet and columnist Farhad Mazhar; Dhaka University teacher, Professor Dr. Asif Nazrul; journalist and talk show discussant, Golam Mortuza; and Advocate of the Supreme Court of Bangladesh, Dr. Tuhin Malik. The President of the Muktijoddha Songsad Sontan Command, Mehedi Hassan, said in a meeting that the nine have been declared persona non grata at the Shahid Minar as they have requested that the body of ‘traitor’ Piash Karim be brought to the Shahid Minar. Twenty organisations applied to organise meetings at the Shahid Minar, but the University authority permitted only two organisations to do so. Leaders and activists of various government supported organisations and the student organisations associated with the government were present in the meeting.<sup>45</sup> It should be mentioned that late Dr. Piash Karim and the nine eminent citizens of the country prohibited by the groups were vocal against the repression, corruption and injustices perpetrated by the current government. A majority of them have made strong statements at various meetings and TV talk shows and have also been critical of the 5 January 2014 elections.

## FREEDOM OF ASSOCIATION

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

75. On 2 November 2014 JASAS<sup>46</sup> President and folk singer Abdul Khaleq was attacked by criminals who beat with hammers, cut his hair with scissors and said “you sang at Khaleda

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44 The Shahid Minar is a martyr monument in Dhaka, Bangladesh, was established to commemorate those killed during the Bangla Language Movement demonstrations of 1952.

45 The daily Manabzamin, 18/10/2014

46 JASAS: Jatiyatabadi Samajik Sangskritik Sangstha, a cultural organisation of BNP.

Zia's public meeting, now you will pay for it". He was rescued and taken to the hospital with injuries. It should be mentioned that on 1 November 2014 Abdul Khaleq presented a song in front of BNP Chairperson Khaleda Zia at Natore SN College field at a public meeting of the 20-Party Alliance.<sup>47</sup>

## REPRESSIVE POLICY, LAWS AND SEDITION CASES

### Communication technology under surveillance

76. It has been reported in the media that a law enforcement agency of Bangladesh has purchased expensive software from Germany for scrutinising the communication technology network in the country. The names of the software purchased are Finfisher (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>48</sup> Fin-fisher software is being used for intelligence surveillance. Everyone who uses the internet in Bangladesh will come under this surveillance.

### The Cabinet approves the National Broadcasting Policy 2014

77. On 4 August 2014 the Cabinet approved the National Broadcasting Policy (2014) by imposing restrictions and keeping room for the government to misuse the policy on the pretext of 'maintaining the standard' of news, programmes and advertisements in the electronic media. The Ministry of Information published a gazette of this policy on 7 August 2014. According to the policy, any news or statement that demeans the armed forces and law enforcement agencies cannot be broadcast. The policy restricts the airing of anything that demeans government officials who are in a position to punish people for criminal offences. Inconsistent and misleading information must also be avoided in talk-shows. Any incident that may hurt religious sentiments; cause hatred among the people; and anything relating to mutiny, anarchy and violence, cannot be aired. Various restrictions are also imposed on advertisements. The policy will be implemented after forming a Broadcast Commission by a 'selection committee'.<sup>49</sup>

78. It is clear that the government has approved the broadcasting policy to control the media and curb freedom of expression. According to the policy, any news or statement that 'demeans' the armed forces and law enforcement agencies cannot be broadcast. Through this policy, the law enforcement agencies and armed forces will enjoy impunity and their accountability will be unquestioned. It should be mentioned that the activity of the present

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47 The daily Prothom Alo, 03/11/2014

48 The daily Manabzamin, 04/11/2014

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

Election Commission, which has been created by such a Selection Committee, is already the cause of much debate in the country.

## Arrests under the Special Powers Act 1974

79. Odhikar observes with concern that the repressive Special Powers Act enacted in 1974 is still being used against people who are engaged in opposition politics. In the past, those who were in power also used this repressive law against opponents. Despite election promises to do away with this Act, there are no indications that it will be repealed in practice.
80. In January 2014, a student of Northern University in Khulna claimed that a teacher of the Law Department of the University, Rajib Hasnat Shakil, criticised Bangladesh's former President Sheikh Mujibur Rahman, current President Abdul Hamid and current Prime Minister Sheikh Hasina in the class room. Based on this allegation, Sub Inspector Ahmed filed a case with Sonadanga Police Station against Rajib Hasnat Shakil under section 16(2) of the Special Powers Act (1974). On 3 July 2014 police arrested him. The Officer-in-Charge of Sonadanga Police Station, Maruf Ahmed, informed Odhikar that he investigated this case. On 6 July 2014 he submitted a final report to the Court stating that he could not find any evidence. On 10 July 2014 Rajib Hasnat Shakil was released from jail on bail.<sup>50</sup>
81. On 25 October 2014 police arrested 63 leaders and activists of BNP and its affiliated organisations, including Syed Moazzem Hossain Alal, President of Central unit Jubo Dal.<sup>51</sup> Sub-Inspector Shihab of Mohammadpur Police Station told Odhikar that on 26 October 2014 Syed Moazzem Hossain Alal was holding a meeting at his residence with leaders and activists for 'plotting destruction' during a hartal<sup>52</sup> called by Islamic political parties. Based on the information, police conducted an operation and arrested them from his house. A case was filed in this regard with the Mohammadpur Police Station under section 15/1 (ka)<sup>53</sup> of the Special Powers Act (1974).<sup>54</sup>
82. On 20 November 2014, the Organising Secretary of Magura District unit Chhatra Dal<sup>55</sup>, Abdur Rahim, was released on bail by a District and Sessions Judge from 10 cases filed by police under the Special Powers Act (1974), including vandalising vehicles and attacks on an election office. Police of Magura Sadar Police Station arrested him again from the jail gate soon after he was released. On 27 November 2013 the General Secretary of Magura District unit Krishok League<sup>56</sup>, Shamim Ahmed, filed a case under sections 16/2 of the Special Powers

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50 Report sent by human right defender associated with Odhikar from Khulna

51 Youth wing of the Bangladesh Nationalist Party (BNP)

52 General strike

53 No person shall do any act with intent to impair the efficiency or impede the working of, or to cause damage to, (a) any building, vehicle, machinery, apparatus or other property used, or intended to be used, for the purposes of the Government or of any local authority or nationalised commercial or industrial undertaking ;

54 Information gathered by Odhikar

55 student wing of the Bangladesh Nationalist Party (BNP)

56 Farmers wing of Awami League

Act (1974), mentioning 18 names and 20 to 25 unknown persons for vandalising vehicles, detonating crude bombs and shooting. In this case, police recorded Abdur Rahim as arrested under 'suspicion' and sent him to court. His lawyer Wasiqur Rahman informed Odhikar that police arrested his client improperly in a case filed one year ago and where his name was not even mentioned.<sup>57</sup>

83. Odhikar believes that filing such politically motivated cases and making arrests merely based on unproven allegations are violations to freedom of thought, speech and conscience. This has created an undemocratic political culture. It is to be noted that the Special Powers Act (1974) has been used as one of the main tools to violate human rights and prevent dissenting voices of opposing political parties. This repressive law has mainly been used against the opposition since its birth. 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 in 2009, 2013)**

84. At least 14 persons were arrested under the Information and Communication Technology Act, 2006 (amended in 2009 and 2013) in the year 2014.
85. The repressive Information and Communication Technology Act, 2006 (amended in 2009 and 2013)<sup>58</sup> (ICT Act) is used by the government against human rights defenders, journalists, bloggers and people who have alternative beliefs. The latest amendment to the ICT Act was made on 6 October 2013. Section 57 of the ICT Act states that publishing or transmitting any 'defamatory' or 'false' information on a website in electronic form, is considered to be a cognizable and non-bailable offence. Moreover, punishment for committing this offence has been increased for a term of a minimum of seven years and maximum of 14 years imprisonment. This law has curtailed the freedom of expression and has become a tool of repression. Ironically, when the very same news is published in the newspapers in print form, if there is defamation, the maximum punishment is only two years imprisonment and a fine. Some examples are as follows:
86. On 19 August 2014 the Detective Branch of Police (DB) arrested Shamsuzzoha from Dhaka over the allegation of ridiculing Prime Minister Sheikh Hasina. The investigating officers said that Shamsuzzoha had made a comment on his Facebook account about a photograph of the Prime Minister where she was wearing a Saree and a Scarf, "Achcha, etai ki Pakhi dress?"

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57 Report sent by human rights defender associated with Odhikar from Magura

58 In 2013, the amendment made to the Act made the offence mentioned in Section 57 non-bailable and cognizable. Section 57 of the ICT Act states: (1) If any person deliberately publishes or transmits or causes to be published or transmitted in the website or in electronic form any material which is fake and obscene or its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, or causes to deteriorate or creates possibility to deteriorate law and order, prejudice the image of the State or person or causes to hurt or may hurt religious belief or instigate against any person or organization, then this activity of his will be regarded as an offence. (2) Whoever commits offence under sub-section (1) of this section he shall be punishable for a term of minimum of seven years' imprisonment and a maximum of 14 years or a fine of Taka one crore or both.

(Is this called the ‘Pakhi’ dress<sup>59</sup>?)” A case was filed against him with Kafrul Police Station under section 57 of the ICT Act.<sup>60</sup>

87. On 3 September 2014 police arrested Imran Hossain Arif (30 years old) from Kumarkhali Upazila in Kushtia, under section 57(2) of the ICT Act (2006) (amended 2009 and 2013). On 20 August 2014 Imran Hossain Arif posted this status on his facebook page: “if Bangabandhu Sheikh Mujibur Rahman was the father of the nation, then Sheikh Hasina is my sister and Sajib Wajed Joy is my nephew”<sup>61</sup>. For this reason, local Jubo League leader Anik Hossain filed a case against him with Kumarkhali Police Station under the ICT Act.<sup>62</sup>
88. On 24 September 2014 Cyber Crime Tribunal Judge AKM Shamsul Islam sentenced Tanmoy Mallik to seven years imprisonment and a 10 thousand taka fine, along with six months of additional imprisonment for non-recovery of a fine under the ICT Act. Tanmoy, of Gurkathi village under Dakop Upazila in Khulna, allegedly circulated a song mocking former President Sheikh Mujibur Rahman and his daughter the Prime Minister Sheikh Hasina.<sup>63</sup>
89. On 17 October 2014 police arrested Shukur Ali (35 years old) and his son Sizan Hossain (13 years old) for playing parodies mocking Prime Minister Sheikh Hasina on a cell phone in Shitlai village under Kahalu Upazila in Bogra District. The Officer-in-Charge of Kahalu Police Station, Sumit Kumar Kundu filed a case against the arrestees under the ICT Act.<sup>64</sup>
90. On 20 October 2014 the Court framed charges against a member of BNP’s Standing Committee, M K Anwar, under section 57(1)(2) of the ICT Act. Dhaka Metropolitan Session Judge Mohammad Zahurul Huq made this order. This is the first time that a charge has been framed under the ICT Act against any political leader for giving a political statement at a press conference. It should be mentioned that on 6 May 2013 M K Anwar made a comment during a press conference at BNP’s central office regarding the violence at a Hefazate Islam rally on 5 May 2013. He said, “Incidents of looting at Baitul Mokarram<sup>65</sup> were conducted under the leadership of Shechchasebak League<sup>66</sup> leader Debashish Biswas. Religious books, including the Quran, were set on fire”. Police initially lodged a General Diary alleging that this kind of communal and provocative statement has created a public disturbance and later submitted a report on 27 June 2013 concerning MK Anwar after investigation.<sup>67</sup>

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

60 The daily Nayadiganta, 21/08/2014.

61 Sheik Mujibur Rahman was the former president of Bangladesh, Prime Minister Sheikh Hasina is her daughter and Swajeeb Wazed Joy is her son- Translation. Actual version was in Bangla.

62 Report sent by human rights defender associated with Odhikar from Kushtia

63 The daily Prothom Alo, 25/09/2014

64 The daily Prothom Alo, 19/10/2014

65 located in southern part of Dhaka

66 Voluntary wing of ruling Awami League , an associate organisation of Awami League The daily Inqilab, 12/11/2014

67 The daily Prothom Alo, 21/10/2014

91. On 11 November 2014 Jhenaidah Municipality Mayor and the Joint Secretary of the Central unit of Shechchasebak League, Saidul Karim Mintu, filed a case under section 57(1) of the ICT Act 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 Aurthonity, Sajjad Ahmed; proprietor of Smart Computers, Rony Saha; Editor and Publisher of the daily Nir Bangla published from Narayanganj, Imdadul Huq Milon; and the News Editor of the daily Nir Bangla, 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>68</sup>
92. It is clear that a wide scope has been created to violate freedom of speech, expression and media under the ICT Act as the Law is being used indiscriminately and violating democratic process. The government is putting journalists, human rights defenders and citizens who have alternative beliefs and who are critical of the government behind bars by arresting them under this Act – which was made even more repressive after the amendments introduced in August 2013. This repressive law immediately needs to be repealed as it is contrary to the freedom of expression.<sup>69</sup>

## SEDITION CASES

93. A sedition case was filed against Jalal Ahmed (20), a first year student of the Television and Film Studies Department of Dhaka University; and a final year student of the English Department of the same University Mohammad Ashique (30), for allegedly plotting to topple the present government. On 9 August 2014 Detective Branch (Motijheel zone team) Inspector Mohammad Rafiqul Islam arrested Jalal, a resident of Mohsin Hall at Dhaka University, at the Baitul Mokarram Mosque, under section 54 of the Code of Criminal Procedure<sup>70</sup>, claiming he was in possession of a draft of a handwritten guidebook of a 'master plan of their movement'. The police claimed that the 24-page book was full of 'hatred' and 'disobedience' towards the government and involved a plot to topple the government through a violent movement with leaders and activists of various political parties. Jalal was taken into remand in two phases, since his arrest and a proposal was later sent to the Home Ministry for its approval to prosecute the two students for the offence of Sedition. On 4 October 2014 Detective Branch (Motijheel zone) Sub-Inspector Mizanur Rahman filed a case with the Paltan Police Station against Jalal and Ashique for treason under section 124A of the Penal Code after obtaining permission from the Home Ministry on 29 September 2014. Currently Jalal is detained at the Dhaka Central Jail and Mohammad Ashique is absconding.<sup>71</sup>

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68 The daily Inqilab, 12/11/2014

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

70 Section 54 of the Code of Criminal Procedure lays down instances when the police can make an arrest without a warrant.

71 The daily New Age, 13/10/2014

94. Jalal's lawyer, Advocate Mesbah, told Odhikar that the allegation of treason against a 20-year-old student is laughable. Furthermore, police kept Jalal detained for 56 days under section 54 of the Code of Criminal Procedure, violating a High Court Order. As per the High Court directive, an arrested person cannot be detained for more than 15 days under section 54 of the Cr.PC. Jalal's uncle told Odhikar that he met Jalal on 26 September 2014 in Dhaka Central Jail. Jalal informed him that he was picked up after his prayers at Baitul Mukarram Mosque on 9 August 2014 and police put a paper in his pocket. An allegation of treason was made against him based on this paper.<sup>72</sup>

## RIGHTS OF MINORITY COMMUNITIES

### Rights of the ethnic minority communities

95. More than 48 indigenous ethnic communities live in Bangladesh in addition to the Bangalees. According to the official census of 2011, the total number of Indigenous Peoples in Bangladesh was 1,586,141 which represent 1.8% of the total population of the country.<sup>73</sup> The Chittagong Hill Tracts (CHT) is the only region in the country where ethnic minority communities are largely concentrated. People belonging to the ethnic minority communities also live in several other districts of Bangladesh, namely Rajshahi, Dinajpur, Mymensingh, Tangail, Sylhet, Patuakhali, Barguna, Barisal, Chittagong and Cox's Bazaar.<sup>74</sup>
96. The Constitution of Bangladesh does not afford the ethnic, linguistic and cultural minorities of Bangladesh any special status. Article 23A of the Constitution of the Bangladesh defines ethnic minority communities as "tribes, minor races, ethnic sects and communities". Article 6(2) of the Constitution states that the people of Bangladesh shall be known as 'Bangalee' as a nation. However, the people belonging to the ethnic minority communities are not 'Bangalees', but Bangladeshis as citizens. They are separate from 'Bangalees'. Over the years, many members of the ethnic minority communities have faced racial discrimination, inequality and deprivation at a local level. Despite the Constitutional provisions, where it is stated that "all citizens are equal before law and are entitled to equal protection of law"<sup>75</sup> and that there will be no "discrimination against any citizen on grounds of religion, race, caste, sex or place of birth."<sup>76</sup>
97. The Chittagong Hill Tract Accord (CHT Accord) was signed on 2 December 1997 by the Government of Bangladesh and Parbatya Chattagram Jana Samhati Samiti (PCJSS) with the aim of resolving the CHT problem by political and peaceful means. It has been 17 years since the signing of the CHT Accord yet it remains to be implemented, despite the fact that the

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72 Information gathered by Odhikar

73 Survival under Threat: Human Rights Situation of Indigenous Peoples in Bangladesh, edited by Prof. Mong Shanoo Chowdhury. <http://kapaeeng.org/wp-content/uploads/2014/12/HR-Situation-of-ips-in-Bangladesh.pdf>

74 Human Rights Report 2012 on Indigenous Peoples in Bangladesh, Kapaeeng Foundation

75 Article 27 of the Constitution states that "all citizens are equal before law and are entitled to equal protection of law."

76 Article 28 (1) of the Constitution states that "the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth."

manifesto of the Awami League promised its full implementation to uphold the rights of ethnic minorities. Except for the reconstitution of some committees and appointments to some posts, the government has not taken any effective measures towards implementation of the Accord. The government has not even come up with a time-framed 'Road Map' regarding the implementation of the CHT Accord.

98. Though it is the constitutional responsibility of the State to protect the fundamental rights of ethnic minority communities along with their land rights and property, the government did not perform its responsibility to prevent incidents relating to unlawful arrest and torture, abuse and harassment of ethnic minority groups, rape and sexual assault against ethnic women and children, killings, arson and land grabbing of minority groups. Incidents of killings, injuries and rapes have increased in the Chittagong Hill Tracts area. Some examples are as follows:

99. On 16 December 2014 approximately 50 houses and seven shops belonging to an ethnic minority community were set on fire at three villages at Nannierchar upazila in Rangamati Hill District. Rangamati District unit United Peoples Democratic Front leader Sachal Chakma said that Bangalee settlers set 37 houses on fire at Suridas Para village, seven houses at Bagachari village and six houses at Nabin Talukdar Para village. The attackers also beat up Ogasa Bhikkhu at a Buddhist temple and robbed four bronze statues of Buddha from the temple. The attackers also robbed seven shops on the Rangamati-Khagrachari road and set them on fire. Victims and angered ethnic minority citizens continued their blockade on the Rangamati-Khagrachari road for an indefinite period at Bagachari, protesting against the attack and looting, demanding protection of the lands of hill people allegedly occupied by Bangalee settlers and requesting the removal of Bangalee settlers from the area.<sup>77</sup>

100. On 25 November 2014 a gunfight took place between the Parbatya Chattagram Jana Samhati Samiti (MN Larma group) and Parbatya Chattagram Jana Samhati Samiti (Shantu Larma Group) in the Jibtali area under Baghaichhari upazila in Rangamati. During the hour long fight, Shyamol Chakma (35), a member of Parbatya Chattagram Jana Samhati Samiti (MN Larma group), was killed.<sup>78</sup>

101. On 4 August 2014, Bichitra Tirki (36) was working in her rice field along with her fellow workers at Jinarpur village under Parbotipur Union of Gomostapur Upazila in Chapainawabganj District. A group of about 30 to 35 miscreants, led by Afzal Hossain, attacked her using sticks and sharp weapons with the intent to take the land which she had inherited from her husband. Further, three of the perpetrators, namely Rezaul Karim, (30), Akbar Ali (25), and Akhter Hossain (35), sexually harassed her. As a result of this attack, Bichitra incurred serious physical injury. Shortly thereafter, she was taken to a local hospital and later transferred to Chapainawabganj General Hospital for better treatment. She filed a case accusing 18 persons for the incident with the Gomostapur Police Station that same day. The police have arrested 10 out of 18 persons. However, Afzal Hossain, the mastermind

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77 The New Age, 28/12/2014

78 The daily Manabzamin, 26/11/2014

of the attack, and some of the main perpetrators, continue to enjoy impunity for the attack. After about four weeks of her stay in the hospital, on 31 August 2014, Bichitra returned home.<sup>79</sup>

102. On 30 May 2014, 20 people of the Khasi community were injured in an attack by Bangalee land grabbers at Nahar Punjee, a locality of the ethnic minority community at Srimangal in Moulvibazar District. The victims were beaten with sticks and attacked with sharp objects when they resisted the attackers' advance. About 200 people led by Pijush Kanti Bhattacharya, manager of Nahar Tea Garden, which has long claimed approximately 200 acres of land where the Khasi people reside, started marching towards Nahar Punjee in order to evict its residents and occupy the land.<sup>80</sup> On 5 June 2014 Nitay Tanti (40), a tea worker who was injured during a clash with Khasi people, died at Osmani Medical College Hospital, Sylhet.<sup>81</sup>

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79 <http://kapaeng.org/update-bichitra-tirki-fights-back/>

80 The Daily Star, 31/05/2014

81 The Daily Star, 06/06/2014

**Table: Violence against ethnic minority communities (January – December 2014)**

Month	Killed	Injured	Abducted	Property damage	Rape	Total
January	2	14	0	9	2	27
February	0	8	0	0	1	9
March	2	1	0	0	1	4
April	4	2	0	0	1	7
May	3	29	2	0	0	34
June	2	0	2	0	2	6
July	2	2	4	0	0	8
August	1	0	0	0	1	2
September	3	1	0	0	0	4
October	1	0	0	0	0	1
November	1	0	0	0	1	2
December	0	1	0	54	2	57
<b>Total</b>	<b>21</b>	<b>58</b>	<b>8</b>	<b>63</b>	<b>11</b>	<b>161</b>

<b>Statistics on Violence against Ethnic Minority Communities 2014</b>					
<b>Violators</b>	<b>The violators responsible for the numbers of</b>				<b>Grand Total</b>
	<b>Killing</b>	<b>Injury</b>	<b>Abduction</b>	<b>Rape</b>	
Bangalee Settlers	1	20	0	10	31
Parbatya Chattagram Jana Samhati Samiti (PCJSS)	2	1	0	0	3
UPDF & JSS (Santu group)	3	1	0	0	4
MN Larma Group	2		0	0	2
United People's Democratic Front (UPDF)	1	2	0	0	3
Pahari Chhatra Parishad (PCP) and Bangali Settlers	0	8	0	0	8
Parbatya Chattagram Jana Samhati Samiti (PCJSS) and United People's Front (UPDF) jointly	1	1	0	0	2
Swapon Mahato group and Shreebesh Mahato group, ethnic community groups	0	10	0	0	10
Army	1	0	0	0	1
Unknown Miscreants	10	15	8	1	34
<b>Total</b>	<b>21</b>	<b>58</b>	<b>8</b>	<b>11</b>	<b>98</b>

## Violence against religious minority communities

103. Article 41 of the Constitution of Bangladesh guarantees citizens the right to practice their religion and to establish, maintain and manage religious institutions. Although Islam is recognised as the state religion of the People's Republic of Bangladesh, Article 12 of the Constitution states that, “[t]he principle of secularism should be realised by the elimination of any discrimination against or persecution of, persons practising a particular religion”. In addition, any offence against religious places or practices is a criminal offence.<sup>82</sup>

**Table: Violence against religious minority communities (January - December 2014)**

Month(s)	Killed	Injured	Assaulted
January	1	30	2
February	0	12	0
March	0	6	0
April	0	0	0
May	0	4	0
June	0	10	0
July	0	0	0
August	0	0	0
September	0	0	0
October	0	9	0
November	0	0	0
December	0	7	0
<b>Total</b>	<b>1</b>	<b>78</b>	<b>2</b>

**Table: Harm to the property of religious minority citizens 2014**

Month (s)	Land Grabbing	Property damage	Temple attack	Looting	Idol damage
January	4	329	19	0	52
February	8	0	3	0	23
March	0	1	4	0	15
April	0	30	1	0	23
May	0	0	2	0	5
June	0	0	1	0	12
July	0	4	0	0	0
August	1	0	0	0	2
September	0	0	0	0	44
October	0	0	0	0	5
November	0	0	1	1	0
December	1	7	1	0	12
<b>Total</b>	<b>14</b>	<b>371</b>	<b>32</b>	<b>1</b>	<b>193</b>

104. Attacks on religious minority communities after elections have become a common phenomenon. Despite the known areas of vulnerable localities where such violence could take place, the apathy of the government and the local administration is the single most worrying issue for human rights defenders who are concerned about the safety and security of these vulnerable communities. Such incidents occur repeatedly due to the failure to arrest and punish perpetrators or sometimes due to the fact that the perpetrators enjoy the support of the government. Furthermore, the systematic politicisation of these incidents and the ensuing blame game makes the situation more vulnerable. The practice of attacking socially, economically and politically vulnerable groups belonging to Hindu, Christian or other religious and cultural minority communities by the local thugs associated with the ruling party, opposition and other power elites, during the pre and post-election period are extremely worrying. Some influential and vested interest groups attacked citizens belonging to the Hindu religion, taking the opportunity of violent political situations, and also vandalised and set fire to places of worship. Incidents of attacks on citizens belonging to the Hindu community occurred across the country during and after the 5 January elections. Houses, shops and business offices belonging to members of religious minority communities and places of worship were attacked during that time.<sup>83</sup> There were allegations that the activists of ruling Awami league, BNP and Jaamat-e-Islami were responsible for perpetrating such attacks. Some incidents are given below:

105. On 5 January 2014 supporters of the BNP-led 820-Party Alliance ransacked and set fire to at least 150 houses and shops belonging to Hindu citizens at Kornai village of Chehelgazi union in Dinajpur. Victims alleged that the local UP member Nazir Ahmed; Akbar Ali of Dumurtoli;

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<sup>83</sup> It has been seen since the independence of Bangladesh that after every elections the religious minority communities have been deliberately targeted for political and financial benefits. Awami League, BNP, Jatiya Party and Jamaat - all are allegedly involved in these attacks.

Mahbubul Alam of Katapara; Sahabul Alam of Mohadebpur; Abul Kana of Bokripara; and Nuhu Mia of Kornai village, led the attack. All of them were supporters of BNP and Jamaat-e-Islami. Moreover, before the Election Day, BNP and Jamaat activists threatened citizens belonging to religious minority communities not to go to the polling stations.<sup>84</sup>

106. On 5 January 2014 at least 40 families from the Hindu community were affected by post-election violence in Malopara village in Abhoynagar Upazila in Jessore District. In retaliation, four houses were attacked in an area inhabited by Muslims at Chapatola Village adjacent to Malopara on 6 January 2014. At least seven persons from both sides were injured in these incidents. On 27 December 2013 Awami League leader and Whip of the 9th Parliament, Abdul Ohab, who was not nominated by the Awami League to be a candidate for the 10 Parliamentary elections, threatened religious minority groups in a public meeting at Sundaly Primary School field to vote for him as an independent candidate. Odhikar's fact-finding reveals that 202 votes were cast out of 400 votes in specified booths under Champatola Madrassa polling centre in Malopara. Among them, Awami League candidate Ranjeet Roy received 132 votes with the symbol 'Boat' while Abdul Ohab received 70 votes with the symbol 'Kolosh'<sup>85</sup>. Supporters of Abdul Ohab expressed their anger against citizens belonging to the religious (Hindu) minority at Champatola Madrassa area. At around 10:00 am, four Hindu citizens were beaten by supporters of the 18-Party Alliance while on their way to the polling centre at Pukurkanda in Malopara. At around 4:00 pm, tensions spread between both sides over the incident that took place in the morning when inhabitants of Champatola were returning via Malopara. A rumour was spread that two Muslims were killed by Hindus. After hearing this rumour, the supporters belonging to the BNP led alliance, which had control over the 'Champatola' area, attacked the supporters of the Awami League which had control over 'Chengutia Bazaar'. Before this attack, more than 100 outsiders gathered at Chengutia Shalbon. During this attack, at least 43 houses of citizens belonging to the minority community were vandalised. On the night of 6 January 2014, four houses belonging to Muslim families were vandalised and looted in the presence of police.
107. On 7 January 2014 a group of criminals attacked some Christian families at Bhagra in Shreepur Union under Jamalpur District. 15 persons were injured in this attack. The victims claimed that they were attacked by men who opposed the elections and because they voted for 'Boat'.<sup>86</sup>
108. On 9 February 2014, three local AL leaders and their four aides, Rabiul Islam alias Miron (46), Nazrul Islam (52), Mukul Hossain (37), Anar Ali alias Anar (52), Sultan Ali Khan (67), Abdus Samad (42) and Nasimuddin (60) forcibly occupied 43 decimals of land belonging to Bhabani Kanta Sen at Rasulpur Village under Hatibandha Upazila in Lalmonirhat. Bhabani and his two sons, Bidhan Chandra Sen and Bidyut Chandra Sen, were later picked up by a group of ruling party men and forced to sign a non-judicial stamp which stated that they

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84 The daily Prothom Alo, 07/01/2014

85 A Kolosh or Kolshi is a large water pot usually made of clay.

86 The daily Prothom Alo, 09/01/2014. The boat is the symbol of the Awami League.

were willingly handing over the ownership of the land. Meanwhile, the accused built a house on the land but police did not take any steps to remove the illegal structure. On 2 March 2014 Human Rights and Peace for Bangladesh, a legal aid organisation, filed a writ petition at the High Court Division. Police submitted a charge sheet in the case, accusing seven Awami League men.<sup>87</sup>

109. On 11 May 2014 a group of criminals, led by local Awami League leader Bazlur Rahman Nayeem, attacked and beat citizens belonging to the Hindu community while taking property belonging to a Hindu crematorium in Moharajpur village in Niamotpur Upazila in Naogaon District. During the attack, criminals vandalised images of Lord Shiva at a temple close to the crematorium and also set fire to the temple.<sup>88</sup>
110. On 26 October 2014 supporters of Abul Khayer, Khaulia Union chairman and Union AL president, attempted to occupy Samir Shikder's land at Sonnasi village in Morelganj Upazila in Bagerhat. During this time, Samir Shikder and his family tried to stop them. But supporters of the president of the local Awami League beat them, leaving five injured.<sup>89</sup>
111. On 1 December 2014 followers of a leader of the student wing of the Awami League vandalised seven idols of a Hindu temple and seven houses of the members of the Hindu community. The attack on the Hindu families was carried out after they had protested against the use of substandard construction materials in a school building which was being constructed by Shawon Hawladar, a leader of the Gournadi Unit student wing of the Awami League. In this incident, 20 people (including seven Hindus) from both sides were injured. A case was lodged with Gournadi Police Station against 64 people in this connection. Police arrested four of the accused - Titu Mridha, Saiful Islam, Harun Molla and Kamrul Sardar. Hasanuzzaman, Sub Inspector of Dashar Police Camp, was withdrawn and closed to the district police line for negligence in duty.<sup>90</sup>

## **Violence against the Dalit<sup>91</sup> community**

112. Members of the Dalit community are one of the most neglected groups within Bangladesh's Hindu community. The government must ensure the protection of citizens belonging to the Dalit community and ensure their right to perform their religious and cultural practices. However, Odhikar is concerned that the attitude of a section of the society towards the Dalit community remains discriminatory.
113. On 7 November 2014 an attack on the Dalit community took place over a football match at Baka at Paikgachha Upazila in Khulna. The attackers vandalised their houses and sexually abused Dalit women. The President of the Khulna City Corporation unit Dalit Parishad,

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87 The Daily Star, 12/12/2014

88 The daily Manabzamin, 14/05/2014. The boat is the symbol of the Awami League.

89 The daily Amader Shomoy, 2/11/2014

90 The daily Jugantor, 3/12/2014

91 Dalits are a group of people traditionally regarded as untouchable and belonging to the Hindu religion.

Sanjoy Das, informed Odhikar that on 7 November 2014, some men belonging to the Ghosh community, Bholanath Ghosh, Ripon Ghosh, Liton Ghosh, Taposh Ghosh, Sumon Ghosh, Uttam Ghosh, Mithun Ghosh, Ujjal Ghosh and Nuruddin, attacked Baka Daspra (of the Dalit community with axes, sticks, crowbars and iron rods while the football match was in play. In order to evacuate Dalits from their land, criminals vandalised the houses of approximately 100 Dalit families, robbed them, injured six people and sexually abused Dalit women. Police of Baka Outpost failed to protect the Dalits. A case was filed with Paikgachha Police Station in relation to this matter. In the meantime, the men belonging to the Ghosh community filed a counter case in an attempt to mask these events.<sup>92</sup>

### **Attack on 'Bihari Camp'<sup>93</sup> at Mirpur: 10 persons died due to fire and gunshots**

114. On the morning of 14 June 2014 altercations took place between the Urdu speaking people<sup>94</sup> of 'Bihari Camp' and supporters of the ruling party of the Awami League and Dhaka-16 constituency Member of Parliament, Ilias Molla, at E & D Block of New Kurmitola in Mirpur-12 in Dhaka city. During the clash, nine members of a family died in a fire and another person was shot dead. At least 50 people were injured during the clash which started at 5:30 am and continued until 12:30 pm. Those who died in fire were: Baby (40), wife of Yeasin, a resident of Bihari camp; his elder daughter Shahana (23); Shahana's son Maruf (3); his second daughter Afsana (20); youngest daughter Roksana (9); elder son Ashique (25); Ashique's pregnant wife Shikha (18); and twin sons Lalu and Bhulu (12). A Bihari youth named Azad (25) was shot dead and one man named Mohammad Josho (23) was reported missing. The link road of the Airport-Mirpur flyover in Dhaka was made in 2007. During that time the New Kurmitola area came under the Bihari Camp. At that time it was decided that those families who lost land due to the construction of the link road would be shifted to another place. According to the decision, the Bihari families were rehoused in slums created on plots of land belonging to the National Housing Authority, located at the northern side of the New Kurmitola Bihari Camp. In 2009, Ilias Molla encroached on 30 Bighas of land adjacent to Kurmitola Bihari Camp with the help of local Awami League activists and created a slum called Raju Slum there. Local Jubo League activists have maintained the slum since its creation. Electricity is available at Raju slum thanks to power connections to the Kurmitola Bihari Camp.<sup>95</sup> The inhabitants of Raju slum have never paid

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92 Report sent by human right defender associated with Odhikar from Khulna

93 Bihari camp was made for the stranded Pakistanis who were not able to return to Pakistan after the Independence of Bangladesh. The Camp is located at Mohammadpur, Dhaka.

94 During the partition of the Indian Sub Continent in 1947, when India and Pakistan were being divided, Muslims from Uttar Pradesh, Bihar and other areas of India took refuge in Pakistan. Many came to East Pakistan (now Bangladesh). During the Liberation War, a section of them supported Pakistan. After Liberation on 16 December 1971, many became assimilated within Bangladesh. Those who wanted to be repatriated to Pakistan, found refuge in the Red Cross sponsored camps, called 'Geneva Camps' in 1972. After several rounds of repatriation to Pakistan, those who were unable to go, remained as 'Stranded Pakistanis' in the Geneva Camps. They are stateless persons. They speak Urdu and not Bangla. However, many of their children who were born after the liberation of Bangladesh have become Bangladeshi nationals. This community remains vulnerable.

95 Fact finding of Odhikar

any electricity bills, yet Ilias Molla's men used nonetheless to collect money for electricity bills from every house in Raju slum. They were collecting Taka 50 for a bulb and Taka 100 for a fan by producing illegal electric connections. Likewise, they collected Taka 200 – Taka 250 from every house, which comes to a total of more than 150 000 taka per month.<sup>96</sup> On 10 June 2014 Bihari leaders cut the illegal electricity connections to Raju slum and tensions ensued. On 10 June 2014 at around 10:30 pm, the inhabitants of Raju Slum blocked roads around the Mirpur flyover area, demanding electricity in the slum. In order to remove the blockade, the police of Pallabi Police Station asked for help from MP Ilias Molla. At around 10:45 pm, Ilias Molla arrived in the area. At one stage, the people from Bihari Camp argued with Ilias Molla. Local witnesses testified that the argument escalated into physical confrontation between some inhabitants of Bihari Camp and Jubo League activists, who came with Ilias Molla. To bring the situation under control, Ilias Molla called Jalal Uddin, President of Kurmitola Bihari Camp, on his mobile phone and asked him to provide electricity connections to Raju slum. When he refused this proposal, Ilias Molla threatened the Bihari community leaders. On the evening of 11 June 2014 some inhabitants of Raju slum filed a case against Bihari community leaders, including Jalal Uddin. Local people said that Jalal Uddin went into hiding since the case was filed. On the night of 13 June 2014, Biharis were celebrating the occasion of Shab-e-Barat<sup>97</sup> with fireworks near Baunia Dam and the link road off the Bihari Camp. In the early morning of 14 June 2014, activists of Ilias Molla deliberately attacked Kurmitola Bihari Camp under the pretext of protesting against the noise of the fireworks.<sup>98</sup> During that time clashes occurred between the two groups. The local police also took side with the MP's men and attacked Biharis. MP Ilias Molla's men locked four houses in the Bihari Camp from the outside, poured kerosene on them and set them on fire, all in the presence of the police. When Bihari Camp residents approached the houses to bring the fire under control, police threw tear gas shells and rubber bullets at them. Police also opened fire with live bullets. As a result, nine persons including women and children were burnt to death and one Azad was shot dead by police. Video footage on the news showed local Jubo League activists beating Mohammad Josho, an inhabitant of Bihari Camp, which left him severely injured. The whereabouts of Josho is now unknown.<sup>99</sup> A total of six cases were filed in relation to this incident. Of them, police filed two cases and four cases were filed by local people. Bihari community people alleged that police are harassing Urdu speaking Bihari people, instead of taking legal action against MP Ilias Molla.<sup>100</sup> Ilias Molla is still at large and justice for the deceased victims remains non-existent.

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96 The daily Manabzamin, 18/06/2014

97 The preceding night is known as *Laylatul Bara'ah* or *Laylatun Nisfe min Sha'ban* in the Arab world, and as **Shab-e-barat** in Iran, Afghanistan, Pakistan, India and Bangladesh. These names are translated to *the night of records, the night of assignment, the night of deliverance or the night of salvation*, and the observance involves a festive nightlong vigil with prayers.

98 Allegations made by local Urdu speaking Biharis.

99 The daily Manabzamin, 23/06/2014

100 Information gathered by *Odhikar*.

## FAIR TRIAL

### International Crimes Tribunal (ICT)

115. Trials against perpetrators of genocide, crimes against humanity and war crimes committed during the 1971 liberation war continue. The Tribunals have so far handed down verdicts against 15 people, among whom 12 were sentenced to death and three were served with life imprisonment.
116. On 3 November 2014 the Appellate Division of the Supreme Court of Bangladesh upheld the death sentence against Muhammad Kamaruzzaman, Assistant Secretary General of Jamaat-e-Islami, for war crimes, a verdict initially handed down by the International War Crime Tribunal despite concerns regarding the fairness of the trial.<sup>101</sup>
117. On 29 October 2014 the International Crimes Tribunal-1 sentenced the Amir of Jamaat-e-Islami, Motiur Rahman Nizami, to death for committing crimes against humanity during the Liberation War in 1971. In protest of this verdict, Jamaat-e-Islami called countrywide hartals on 30 October and 2 – 3 November 2014.
118. During the hartals, clashes took place between hartal supporters and members of law enforcement agencies in various parts of the country and picketers also vandalised and set fire to vehicles. Further, police arrested about 300 people across the country during the hartal on 2-3 November 2014<sup>102</sup> and arrested 200 people from all over the country during the hartal on 5 November 2014.<sup>103</sup>
119. The Prosecution also urged the Law Minister to amend the Tribunal's Act to allow it to prosecute Jamaat-e-Islami, which had committed crimes against humanity during 1971 and the issue is still pending before the judges.
120. The majority of the people want the perpetrators to be punished for the crimes they committed during the 1971 liberation war; they also want the war crimes trials to be above and beyond any controversy. With several cases nearing completion and several others underway, the State must ensure that the trial process meets the expectations of transparency and credibility.

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101 The Daily Star, 03/11/2014

102 The daily Amader Shomoy, 04/11/2014

103 The daily Naya Diganta, 06/11/2014

## CHAPTER IV: VIOLENCE BY POLITICAL PARTIES

### VIOLENCE RELATED TO THE CARETAKER GOVERNMENT ISSUE

121. Politics in Bangladesh has never been beyond controversy. Since the birth of the country in 1971, the people have continued to be trapped by political violence under different regimes that have caused many deaths and injuries and harm to public and private property. Many victims and their families have become physically disabled and mentally traumatised due to the political violence and in most cases victims and their families have not obtained/been afforded justice.
122. During the people's movement in the 1990s, when the Military dictator Lt. General HM Ershad was toppled, there was hope amongst the people that confrontational and violent politics would come to an end. Further, there was hope that Bangladesh would move towards a healthy democratic system where rule of law, human rights and good governance would prevail and the country would be guided by the three basic principles of the liberation war – equality, human dignity and social justice. However, after the 1990s the distrust between the two major political parties – the Awami League and Bangladesh Nationalist Party (BNP) - became so heightened that a Caretaker Government system was introduced to the Constitution in 1996 through pressure created by a joint movement, led by the Awami League, the Jatiya Party and Jamaat-e-Islami, to conduct elections under a neutral government.
123. However, the Caretaker system was abolished by the Awami League government through the 15<sup>th</sup> Amendment to the Constitution, prior to the holding of the controversial 10th Parliamentary Elections on 5 January 2014. On 30 June 2011, the then Awami League-led Grand Alliance government<sup>104</sup>, in the presence of an absolute majority in Parliament, passed the Fifteenth Amendment Bill to the Constitution of the People's Republic of Bangladesh, without any referendum or public opinion and ignoring protests from various sectors of society, including the main opposition and other political parties. The Bill was adopted on 3 July 2011 after the then President, the late Zillur Rahman, gave his consent. This amendment abolished the 'caretaker' government system and incorporated the provision that all future elections will be conducted under the ruling party. Most of the political parties, including the then 18-Party (now 20-Party) Alliance led by BNP and the Democratic Left Front, boycotted the 10th Parliamentary Elections as they were not conducted under a neutral government. The Opposition alliance also called for resistance to these elections. As a result of this boycott, 153 candidates from the ruling Awami League and its alliance were elected uncontested out of the 300 constituencies, even before the elections were held. Across the country, a total of 40,802,739 voters out of 91,948,861 voters could not cast their vote, as the candidates for the 153 constituencies, to which they belong, were declared

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104 On December 29, 2008, the then Awami League led Grand Alliance won a two-third majority in Parliament, under the 9<sup>th</sup> Parliamentary elections held under a military-backed caretaker government, which was in power from January 11, 2007 for about two years, instead of the Constitutional provision of ninety days.

elected unopposed.<sup>105</sup> The ruling party Awami League reassumed power through these elections and its former political ally, the Jatiya Party, has become the Opposition in Parliament; but have also accepted ministries in the government. As a result, the same party is both in opposition and in the Government. A vulnerable situation for democracy has been established due to the absence of an effective opposition in the Parliament.

124. Political violence started long before the 10th Parliamentary elections on 5 January 2014, as the Opposition alliance demanded that the elections not be held without a neutral 'interim' government system. The BNP led 18-Party (now 20-Party) Alliance announced continuous blockades and hartals soon after the declaration of the Election Schedule on 25 November 2013. Odhikar documentation shows that from 25 November 2013 to 10 January 2014, 21 persons died and 65 were injured in arson and petrol bomb attacks. Many ordinary people were arbitrarily arrested during the 'special operation' conducted by Joint Forces across the country, both before and after the polls. Incidents of violence in many polling centres started the night before the elections. During this time, several polling centres were set on fire. The Election Commission was required to suspend polling at 392 centres in eight constituencies across the country due to non-stop violence.<sup>106</sup>
125. The law-enforcers arrested and detained opposition leaders and activists on a large scale prior to the political programmes announced by the opposition alliance. The government also stopped the operation of public transport systems to prevent opposition activists from travelling to join programmes. The ruling party political activists, armed with lethal weapons, joined the law enforcement agencies when they broke up or attacked public demonstrations. Furthermore, acts of violence took place between the activists of Awami League and BNP.

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105 The daily Manab Kantha, 08/01/2014 and Bangladesh Election Commission, <http://www.ecs.gov.bd/English/index.php>

106 The Daily Ittefaq, 16/01/2014

**Table: Statistics of Political Violence in 2014**

<b>Political Violence: 2014</b>				
<b>Month(s)</b>	<b>Killed</b>	<b>Injured</b>	<b>Arrested</b>	<b>Total</b>
January	53	1472	8	<b>1533</b>
February	10	1166	0	<b>1176</b>
March	22	1343	1	<b>1366</b>
April	17	593	283	<b>893</b>
May	17	412	8	<b>437</b>
June	13	246	102	<b>361</b>
July	8	599	5	<b>612</b>
August	6	497	0	<b>503</b>
September	14	652	46	<b>712</b>
October	12	918	432	<b>1362</b>
November	9	854	52	<b>915</b>
December	9	677	384	<b>1070</b>
<b>Total</b>	<b>190</b>	<b>9429</b>	<b>1321</b>	<b>10940</b>

126. According to information gathered by Odhikar, in 2014, 190 persons were killed and 9,429 injured through political violence. 374 incidents of internal violence within the Awami League and 39 within the BNP were also recorded during this period. In addition to this, 43 persons were killed and 4,247 were injured in internal conflicts within the Awami League, while two persons were killed and 397 were injured due to BNP's internal conflicts. Some incidents are given below:

**Table: Party-wise statistics of political violence in 2014**

Political Violence: 2014											
Month	Activists/leaders killed in intra-party clashes		Injuries: Intra party clash			Total incidents of intra-party clash			AL initiated violence		
	AL	BNP	AL	BNP	Others	AL	BNP	Others	Total incidents	Killed	Injured
January	2	0	224	15	0	20	1	0	34	6	334
February	0	0	240	42	0	23	3	0	46	1	530
March	3	1	427	25	0	30	3	0	50	5	621
April	8	0	396	0	0	40	0	0	47	9	421
May	2	0	231	32	20	31	3	1	39	4	249
June	3	1	111	15	20	20	3	1	24	4	122
July	2	0	428	52	5	35	5	1	40	3	460
August	2	0	351	22	0	31	3	0	35	3	363
September	4	0	326	38	30	26	3	1	31	7	337
October	7	0	563	51	29	43	6	1	47	8	589
November	6	0	611	79	15	47	5	1	52	6	631
December	4	0	339	26	0	28	4	0	37	4	438
<b>Total</b>	<b>43</b>	<b>2</b>	<b>4247</b>	<b>397</b>	<b>119</b>	<b>374</b>	<b>39</b>	<b>6</b>	<b>482</b>	<b>60</b>	<b>5095</b>

127. On 4 January 2014, Jobaitul Huq (55), the Assistant Presiding Officer of Molani Chheprikura Government Primary School polling centre, died in Thakurgaon Sadar Hospital after being attacked by anti-election protesters.<sup>107</sup>

128. On 5 January 2014 criminals led by Ashik Al Shams, son of the then State Minister for Home Affairs Shamsul Huq Tuku and his APS, Anisuzzaman, stamped 475 ballot papers in the Ebtedaye Madrassa polling centre and 238 ballot papers in the Shahidnagar Government High School in the Pabna-1 (Beda-Sathiya) constituency. The Presiding Officers of the two polling centres, Atiqur Rahman and Shakhawat Hossain, filed written complaints to the Upazila Nirbahi Officer in this regard.<sup>108</sup>

107 The daily Prothom Alo, 06/01/2014

108 The online versions of the daily Prothom Alo and Manabzamin, 05/01/2014

129. At around 6:00 am on Election Day, a group of criminals threw petrol bombs and cocktails in Garozaripa Government Primary School polling centre in the Sherpur-3 (Shreebardi-Jhenaigati) constituency. As a result, many important documents, including ballot papers, were burnt. Polling in this centre was suspended. Two polling officers, Kalpana and Hira Nasrin, were injured by crude bombs at around 10:00 am in Bagrakosa Sherpur High School polling centre.<sup>109</sup>
130. Activists of BNP and Jamaat attacked the Palpara and Sahapur polling centres in the Tangail-2 (Gopalpur-Bhuapur) constituency at around 11:00 am on Election Day. The attackers fled when police fired blank shots. At least five voters were wounded.<sup>110</sup>
131. A group of pro-opposition activists stole ballot boxes at around 2:00 pm from the Chor Bhurungamari Government Primary School polling centre in the Kurigram-1 constituency. The Assistant Presiding Officer, Swapon Kumar, was injured during this attack.<sup>111</sup>
132. Eight activists of BNP and Jamaat were shot during a clash with police at the Ramnagar Government Primary School polling centre at Manda Upazila in the Naogaon-4 constituency. Among the injured persons, a Jubo Dal activist named Babul Hossain (28) died.<sup>112</sup>
133. On 2 February 2014 at around 10:00 am, students of Rajshahi University surrounded the University Administrative Building in protest of increased tuition fees and for the removal of the evening Master's degree courses in various departments. At around 11:30 am Chhatra League activists, led by University Chhatra League unit President Mizanur Rahman and General Secretary Touhid Al Hossain, brought out a procession. Chhatra League activists threw crude bombs on the protesting students while passing the administrative building. They chased the protesters and 8-10 cocktails<sup>113</sup> were detonated by the Chhatra League. The protesters retaliated by throwing bricks, in response to which some Chhatra League activists took out pistols and opened fire. The on-duty policemen allegedly fired rubber bullets and threw tear gas shells at the students. At least 100 students were injured, including 12 with gunshot wounds, during this attack.<sup>114</sup>
134. On 2 May 2014, an altercation took place between Chhatra League activists of F. Rahman Hall<sup>115</sup> of Dhaka University and a Sub-Inspector of the New Market Police Station in a restaurant at Nilkhet, Dhaka. At one stage police arrested a second year student of Political Science, Noushad; a second year student of Economics, Bipul; second year students of Bangla, Mukit and Rassel; and a first year student of English, Sohan, and took them to the New Market Police Station. Due to this, Chhatra League activists and students attacked the

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109 The daily Prothom Alo, 06/01/2014

110 The daily Prothom Alo, 06/01/2014

111 Report sent by HRDs from Kurigram.

112 Report sent by human rights defender associated with Odhikar from Naogaon, 06/01/2014

113 Cocktails are crude home-made hand bombs.

114 The daily Prothom Alo, 03/02/2014

115 One of the Residential Halls for male students of Dhaka University

police station and liberated their detained colleagues. Chhatra League activists also vandalised the signboard of the New Market Police Station, the car of the Officer-in-Charge and his name plate. Three students and Constable Shamim, Sub- Inspectors Hanif and Iftekhar and Ansar member Sabuj were injured during the attack.<sup>116</sup>

135. On 20 May 2014 criminals set fire to a car containing Awami League leader Ekramul Huq and shot him to death in broad daylight on Academy Road in Feni. Also in the car were Phulgazi Union Parishad Chairman, Mohiuddin; the Editor of a local weekly newspaper Feni Samachar, Mohibullah Farhad; and driver Abdulla Al Mamun, all of whom were injured. On 21 May 2014 the elder brother of the deceased, Rezaul Huq, filed a case with the Feni Police Station accusing BNP leader and BNP backed Upazila Chairman candidate, Mahtab Uddin Chowdhury, for his death, along with 35 unnamed men.<sup>117</sup> A murder case was filed against BNP supporters and BNP activists were arrested. In the meanwhile, it has been reported in the media that Awami League MP Nizam Uddin Hazari was involved in this incident.<sup>118</sup> On 24 May 2014, RAB arrested eight youths from Bashundhara Residential Area in Dhaka who were allegedly involved in the murder of Ekramul Huq. They were brought before journalists at the media centre of Rapid Action Battalion. In their statements, the arrestees said that Ekramul Huq was killed due to a conflict with Awami League leader Zihad Chowdhury when he sought to establish control over that area. However, some top level leaders of the Awami League were also reportedly involved in the killing.<sup>119</sup>
136. On 16 August 2014 activists of the Government Kobi Nazrul Islam College unit Chhatra League allegedly vandalised at least 12 buses after failing to receive extortion money for organising programmes for National Mourning Day<sup>120</sup> on 15 August 2014. The windows of four buses of the Victor Paribahan Company were vandalised on the road running along the north side of Bahadur Shah Park in Dhaka City. At the same place, six buses of Ajmeri Paribahan and two more buses of Victor Paribahan were vandalised on 17 August 2014. Chhatra League activists also blocked the road after vandalizing vehicles at night on 16 August 2014, resulting in significant traffic congestion. The activists vandalised 12 buses and some transport workers as the money which was demanded was not paid. The police were informed but no action was taken.<sup>121</sup>
137. On 24 December 2014 sudden attacks by ruling party men in the presence of police left 50 people, mostly BNP supporters, injured. They were waiting at Bakshi Bazar, Dhaka to greet Khaleda Zia, who was due to appear at hearings in two graft cases at the Special Judge's Court-3. The ruling party men severely physically assaulted BNP activists with sticks and

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116 The daily Inqilab, 03/05/2014

117 Report sent by human right defender associated with Odhikar from Feni

118 The daily Prothom Alo, 22/05/2014

119 The Jugantor, 25/05/2014

120 On 15 August 1975, a section of the military assassinated the then President of Bangladesh, Sheikh Mujibur Rahman along with most of his family members except the present Prime Minister Sheikh Hasina and her sister Sheikh Rehana.

121 The daily Prothom Alo, 18/08/2014

kicked them. Video footage was taken of the violence by various television channels. The clash spread to several areas. Five vehicles, including a microbus belonging to the ruling AL lawmaker from Netrakona-1, Chhabi Biswash, was set on fire, and a sports utility vehicle of the Malaysian High Commission and a microbus of National Television were damaged. Chhabi Biswash was admitted to Dhaka Medical College Hospital with injuries to his head.<sup>122</sup> Two cases have been filed against 150 leaders and activists of the BNP, Jatiyatabadi Juba Dal and Jatiyatabadi Chhatra Dal in this connection.<sup>123</sup> However, no case was filed and no action taken against the ruling party activists.

138. The present government suffers from the problem of legitimacy. The continuous violence and disruption of normal life has made people pessimistic about politics and democracy.<sup>124</sup> Such pessimism does not strengthen democracy; rather, it provides a scope for the third party intervention. Democracy is of the people, by the people and for the people, but this idea is served well only when it is participatory and includes all shades of political colours. The following are instances of political violence in 2014 that indicate the nature and degree of the criminalisation and violent politics:

### **THE UPAZILLA PARISHAD ELECTIONS 2014**

139. The Awami League announced the Upazila Election schedules immediately after reassuming power through the 10<sup>th</sup> Parliamentary Elections on 5 January 2014. During the Upazila elections, incidents of snatching ballot papers and ballot boxes; rigging; inserting fake votes and capturing polling stations recommenced. Many people were killed and injured due to election-related violence. The Upazila Elections were held in six phases between February and May 2014. Even though in the local government elections where there is no provision for direct participation of political parties, the major political parties take keen interest in the candidates. BNP and Jamaat-e-Islami participated in the Upazila Parishad Elections, though they boycotted the 10th Parliamentary Elections. The first phase of elections were held on 19 February 2014; the second phase on 27 February 2014; the third phase on 15 March 2014; the fourth phase on 23 March 2014; the fifth phase on 31 March 2014; and the sixth phase of Upazila Elections were held on 19 May 2014.<sup>125</sup>

### **The first phase of elections**

140. Elections were held in 97 Upazilas on 19 February 2014 during the first phase. Clashes and altercations took place in many electoral areas and incidents of vandalising and removing ballot papers and ‘capturing’ polling centres also occurred. The Election Commission postponed voting in 10 polling centres.<sup>126</sup> Incidents of casting fake votes; crude bomb<sup>127</sup>

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122 The Newage, 25/12/2014

123 The Newage, 25/12/2014; <http://newagebd.net/79834/150-bnp-men-sued-in-2-cases-over-bakshibazar-violence>

124 <http://thediplomat.com/2013/08/political-uncertainty-looms-in-bangladesh/>

125 Election Commission Bangladesh, <http://www.ecs.gov.bd/English/index.php>

126 The daily Bangladesh Protidin, 22/02/2014

explosions; theft of ballot boxes; vandalism and destruction of electoral materials; entering polling centres and beating election officials took place in 15 polling stations out of 49 in Sonatola Upazila in the Bogra District.

### The second phase of elections

141. On 27 February 2014 the second phase of elections in 114 Upazila Parishads was held, with allegations of massive rigging. Clashes took place in many Upazilas during the elections. About 200 people were injured and two persons were killed at Sonaimuri in Noakhali during the violence.<sup>128</sup> Incidents of attacks and firing at supporters of the BNP supported candidates; stuffing ballot boxes; capturing polling stations; and casting fake votes also occurred during the polls. At least 20 persons were injured.
142. Noakhali district was worst hit by electoral violence during the second phase of elections. On Election Day, the supporters of Awami League-backed Chairman candidate AFM Babul tried to capture the Nandiapara Degree College polling centre by firing gunshots and detonating crude bombs at around 1:30 pm. A clash broke out as the supporters of the BNP backed Chairman candidate, Anwarul Haque, resisted the ruling party men. At one stage, law enforcers opened fire to bring the situation under control. Saddam Hossain (22), a resident of Nandiapara and a supporter of Islami Chhatra Shibir,<sup>129</sup> died on the spot. Voting was cancelled at all 117 polling stations in Noakhali Sadar Upazila as the situation went out of control.<sup>130</sup>
143. During the violence, supporters of Awami League-supported candidate Anisuzzaman Anis 'captured' almost all 106 polling stations after 10:00 am during the polls. The ruling party activists and supporters illegally stamped on ballot papers after forcibly driving out the agents of BNP supported candidates. In addition to this, Awami League activists started firing at supporters of the BNP candidate in front of Malirpathor Government Primary School polling centre. During this attack, Panchsar Union unit BNP's General Secretary Ayat Ali Dewan and his son Mamun Dewan were stabbed.<sup>131</sup>

### The third phase of elections

144. Three persons were killed in election related violence during the third phase of the Upazila Elections held on 15 March 2014. On election day, activists and supporters of Awami League 'captured' polling centres; ousted the opponent's polling agents and intimidated and obstructed voters at the polling stations in Bagerhat Sadar, Morelganj, Sharonkhola, Rampal and Mongla Upazilas. Awami League activists placed check posts at various polling stations

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127 'Cocktails' are small, homemade explosive devices or bombs.

128 The daily Manabzamin and Jugantor, 28/02/2014

129 The student wing of Jamaat-e-Islami

130 The Daily Star, 28/02/2014

131 Report sent by human right defender associated with Odhikar from Munshiganj, 28/02/2014

and obstructed opponent candidates and voters from entering the polling stations. Activists of the Awami League, led by local UP member and Awami League leaders Zahidur Rahman, Sabur Hossain and Motahar Rahman, obstructed female voters, including veiled women, who were presumed to be the supporters of BNP and Jamaat at the Karapara Union Parishad polling centre in Bagerhat Sadar Upazila. Upon receiving this information, 10 - 12 Islami Chhatra Shibir<sup>132</sup> leaders and activists, including Shibir leader and student of Bagerhat Government PC College, Mohammad Manzarul Islam, rushed to the site and helped voters to enter the polling station. Awami League activists attacked Shibir activists with sharp weapons and sticks. During this time Mohammad Manzarul (24) was caught by Awami League activists and taken to the Megnitola area where he was stabbed to death in broad daylight.<sup>133</sup>

### The fourth phase of elections

145. Five persons were killed in election related violence during the fourth phase of elections held on 23 March 2014. On election day, incidents of capturing polling centres, confiscating ballot papers, rigging, violence and shooting occurred in Gazaria Upazila under Munshiganj District. At around 11:00 am, clashes took place between supporters of Awami League MP Mrinal Kanti Das-backed Chairman candidate Refaetullah Khan Tota and supporters of Munshiganj District Awami League President Mohammad Mohiuddin-backed candidate Amirul Islam in the Bororaipara Government Primary School polling centre. During the clash, Baluakandi Union Parishad Chairman, Shamsuddin Prodhan, was stabbed by supporters of Tota. He died on the way to the Dhaka Medical College Hospital. At around 12:00 pm, a group of criminals attacked journalists and vandalized their vehicles on the Dhaka-Chittagong Highway in the Chor Bausia Dakshinkandi area. Four journalists were injured.<sup>134</sup> At least 50 persons, including Lucky Akhter, wife of BNP rebel candidate Abdul Mannan Dewan Mona, were injured during a clash between inhabitants of Dori Bausia village in Gazaria. On 28 March 2014, Lucky Akhter died in Dhaka Medical College Hospital while under treatment.<sup>135</sup>

### The fifth phase of elections

146. The fifth phase of the Upazila Elections were held on 31 March 2014. One person was killed in electoral violence. The BNP led Alliance-backed candidates, Awami League rebel candidates, Jatiya Party supported candidates, and independent candidates in 23 Upazilas, boycotted elections due to massive irregularities.<sup>136</sup> From the morning of election day,

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132 Student wing of the Jamaat-e-Islami

133 Report send by human right defender associated with Odhikar from Khulna and the daily Bangladesh Protidin, 16/03/2014

134 Report send by human right defender associated with Odhikar from Munshiganj

135 The daily Manabzamin, 29/03/2014

136 The Daily Ittefaq and New Age, 01/04/2014

leaders and activists of the ruling party cast fake votes by openly stamping the ballot papers in favour of the Awami League backed Chairman candidate, Obaidur Rahman, in different polling centers in Madarganj Upazila in the Jamalpur District. This is also the electorate of Mirza Azam who is a State Minister for Textiles and Jute. Voters were allegedly forced to leave the polling booth without casting their votes. A person carrying a badge of the Awami League supported Chairman candidate Obaidur Rahman, entered the female polling centre of Nurunnahar Mirza Kashem Degree College and started casting fake votes openly by stamping the ballot papers. At that time, a few female voters were waiting outside the polling centre. BNP supported candidate Foyezul Islam boycotted the election at around 11:00 am on that day in protest of the ‘capturing’ of polling centres by the ruling party activists.<sup>137</sup>

### **The sixth phase of elections**

147. On 19 May 2014, the sixth phase of elections was held in 12 Upazilas with reports of massive violence and rigging. There were several allegations of ‘capturing’ polling centres; confiscating ballot papers and ballot boxes; casting fake votes; forcibly ousting the polling agents of the opponents; and barring journalists from entering the polling stations; perpetrated by ruling party supported candidates.<sup>138</sup> Allegations of stamping ballot papers were found against the Assistant Presiding Officer, Ali Azam, of the Chandpur Government Primary School polling centre in Panchthubi Union in Sadar Upazila in Comilla.<sup>139</sup> Activists of Awami League supported candidate Abdul Matin Chowdhury allegedly ousted polling agents of the opponent candidates and cast fake votes in Kamarkhand Upazila in the Sirajganj District.<sup>140</sup> Allegations of ‘capturing’ polling centres and casting fake votes were found against Awami League supported candidates in 29 polling stations in Taltoli Upazila in Barguna, despite the presence of law enforcement agencies.<sup>141</sup>

### **By-election in Narayanganj-5 constituency**

148. On 26 June 2014 a by-election in the Narayanganj-5 constituency was held amid allegations and reports of rigging and irregularities. Allegations of intimidation and obstruction of voters at the polling stations; ousting of the polling agents of independent candidate, S A Akram; and intimidation and obstruction of the members of law enforcement agencies who were on duty on election day, were reported. Voters’ presence was found to be poor. Most of the polling stations were under the control of supporters of the ruling party Awami League MP, Shamim Osman, brother of Jatiya Party candidate, Selim Osman. The Returning Officer had declared the results of 104 polling centres out of 141. The result of the Malibagh

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137 The daily Prothom alo (Online) 31/03/2014

138 The daily Inqilab, 20/05/2014

139 The daily Prothom Alo, 20/05/2014

140 Ibid

141 Ibid

Government Primary School polling centre at Bondor was withheld due to rigging and irregularities. Jatiya Party candidate, Selim Osman's brother and Awami League lawmaker Shamim Osman, threatened and verbally abused Assistant Superintendent of Police, Mohammad Basiruddin, via cell phone as he did not allow Osman's men to capture the Madanpur Kewdhala Government Primary School polling station. Independent candidate S A Akram alleged that the supporters of the Jatiya Party were stamping ballot papers after capturing various polling centres. The Election Commission and the administration did not take any action after the specific allegations were made. The Returning Officer told the journalists that voters' presence was poor. Initially the voter turnout was reported at 30 - 35 percent but the figure rose to 45 percent after the declaration of election results. It should be mentioned that this constituency was vacant after the death of Jatiya Party Member of Parliament, Nasim Osman, another brother of Shamim Osman and Selim Osman.

149. Odhikar believes that it is very important to form a strong and effective Election Commission in Bangladesh, which would hold free and fair elections under a neutral interim government. Odhikar also believes that the removal of the provision of elections under an interim government, through the Fifteenth Amendment to the Constitution, has caused a serious political crisis. Reconstituting a democratic state, having historical achievements of principles of democracy and respecting internationally accepted norms of human rights as its foundation is the order of the day. The scale of violence and illegal activities reported during the 10th Parliamentary Elections and the Upazila Elections establishes the fact that Bangladesh still needs a neutral interim government to hold free, fair, inclusive and credible polls. The people of the country are still not able to freely practice their voting rights within a system of neutral government.

## CHAPTER V: ALLEGATIONS OF ENFORCED DISAPPEARANCE

150. Enforced disappearance is recognised as a crime against humanity. The term ‘Enforced Disappearance’ is defined in Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance as the “arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorisation, 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.”
151. According to information gathered by Odhikar, from January to December 2014, 39 persons have disappeared after allegedly being picked up by men claiming to be members of law enforcement agencies. Among them, 10 people were found dead after disappearing, four were returned, 17 were later found arrested in cases after a long term of disappearance and the whereabouts of eight are still unknown.

**Table: Enforced Disappearance (January-December 2014)**

Enforced Disappearances in 2014						
Month	No. of disappeared persons	Allegedly disappeared by				
		RAB	Police	DB Police	RAB-DB Police	Unidentified law enforcement agency
January	1	1	0	0	0	0
February	7	2	0	4	1	0
March	2	2	0	0	0	0
April	18	16	0	1	0	1
May	2	0	2	0	0	0
June	0	0	0	0	0	0
July	0	0	0	0	0	0
August	3	0	0	2	1	0
September	4	2	0	1	1	0
October	0	0	0	0	0	0
November	2	2	0	0	0	0
December	0	0	0	0	0	0
<b>Total</b>	<b>39</b>	<b>25</b>	<b>2</b>	<b>8</b>	<b>3</b>	<b>1</b>

152. Many incidents of enforced disappearance took place across the country before and after the controversial elections on 5 January 2014. These incidents still continue. The families of the victims claim that the members of law enforcement agencies or men stating that they were from the law enforcement agencies were making arrests and since then the victims

have disappeared or their bodies were later found.<sup>142</sup> Many members of the law enforcement agencies have reportedly been involved in criminal activities, as the government has politically misused these agencies for a long time. This is a dangerous indicator of the deteriorating law and order situation in Bangladesh. Incidents of enforced disappearance have been systematically denied by the responsible persons of the government and, as a result, they continue.

153. Currently, the main reason for enforced or involuntary disappearances are to silence the voices of dissenters, government critics, and members of the opposition political parties in order to clear the platform for the ruling party and sometimes over previous enmities. Political identities of the disappeared persons show that they became victims of enforced disappearance due to their involvement in the opposition political parties. Thus, the acts of enforced disappearance have become an institutionalised practice of repression resorted to by the government. However, often the incidents of enforced or involuntary disappearances conclude with extrajudicial killings. Those incidents that are publicised are justified by state actors on the basis that the victims were engaged in anti-state activities. There have also been instances where law enforcers have received money from influential people to make a person disappear. Those influential people exploit the law enforcement agencies to take revenge on rivals in politics or in business.
154. Case studies also show an abnormal trend where suspected or accused persons were either arrested without a warrant or picked up by the members of law enforcement agencies and subsequently disappeared. Due to the persistent and bold reporting in the media, several victims of disappearance have been produced in the Court as 'arrested' under pending cases after a long time or are entangled in a gunfight where it is often claimed that the person who disappeared died in crossfire between members of law enforcement agencies and the accomplices of the accused. According to the law, arrested people must be brought before a magistrate within 24 hours of their arrest. But in many cases the law enforcers do not follow this legal provision and keep the arrestees under their custody while their families have no idea where they are.
155. Family members of the disappeared and witnesses claimed that they had little doubt that those who took away the victims belonged to the state agencies. Those picked up were taken to destinations unknown to the families. When relatives approached the local police stations and RAB offices, the agencies denied their involvement. The victims' names did not appear in the list of detainees. However, many cases remain unreported due to fear of threats. On the other hand, in those incidents where the victims of enforced disappearance were found dead, family members face harassment and receive threats not to complain, by the law enforcers. Cases of enforced and involuntary disappearances also could not be filed as there is no penal provision to define 'enforced disappearance' under the laws of Bangladesh.

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142 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.

156. Most of the time, the cases are filed as 'abduction against unknown miscreants' at the police stations. In reality, no law enforcement officer will file any case against their colleagues. However, to seek legal proceedings, members of the victims' families could file a habeas corpus application under writ jurisdiction in the High Court Division under the article 102 (2) (b) (i) of the Constitution of Bangladesh, which reads:....."(2) The High Court Division may, if satisfied that no other equally efficacious remedy is provided by law – (b) on the application of any person, make an order – (i) directing that a person in custody be brought before it so that it may satisfy itself that he is not being held in custody without lawful authority or in an unlawful manner[...]." However, in most cases, the family members of the disappeared victims cannot file the Writ Petition in the High Court Division of the Supreme Court due to poor financial conditions, threats from the perpetrators aimed at the surviving members of the families or constant fear of not getting back the victim if they proceed further. The level of psychological trauma faced by family members goes without saying. Many have told Odhikar that if the victims actually committed a crime, then why is he not being produced before the Court? Why is he being hidden?
157. The Government of Bangladesh is yet to sign the International Convention for the Protection of All Persons from Enforced Disappearance. Odhikar has been campaigning for Bangladesh's accession to this Convention and also campaigning for anti-disappearance legislature in Bangladesh.

### **Some incidents:**

158. On 29 January 2014 Nuruzzaman Nura was picked up by a group of people from the Prem Road area in Shashongaon, Fatullah, in Narayanganj. Local people identified one person from the group as Alam, a RAB informant. Later they asked the group about their identity. The group of people identified themselves as members of RAB-11 and left with Nuruzzaman Nura. Later, the family contacted RAB and the Detective Branch office but there was no news of Nura. They filed a General Diary on 4 February 2014. On 5 February and 7 February 2014 they went to file a case but police did not accept the case. Finally, on 3 February 2014 the family filed a case in the District Court accusing Alam. Odhikar gathered this information from Saidur Rahman Shakil, a nephew of Nura, on 28 February 2014.<sup>143</sup>
159. On 9 April 2014 Rahmatullah Sentu, a transport businessman, was picked up by Rab-10 men from Roy Shaheb Bazar intersection in Old Dhaka. At a press conference at the National Press Club, Sentu's wife Afreen Lovely on 8 May 2014 said this occurred at around 11:00 am on 9 April 2014 when she and her husband were returning from the office of a lawyer's assistant. When they were nearing Jalal Store on Goalnagar Lane, 10 to 12 plain clothed men approached them and started dragging Sentu towards English Road. "My husband and I started screaming for help and several shop owners and other locals came forward and tried to save him," she said. Locals even had a scuffle with the abductors, but they overpowered them and forced Sentu into an off-white microbus parked before a shop called Subu

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143 The daily Kaler Kantha, 10.02.2014 and Odhikar gathered information from members of victim family

Hardware Store on Johnson Road. Lovely then sought help from the policemen who were on duty in the area. When some police tried to stop the microbus, three or four men in Rab uniform, and equipped with arms, came from nearby. "The RAB men started beating the locals. In panic, I stepped aside. The RAB men then made way for the microbus to drive away," she said. Soon afterwards, a vehicle marked with RAB-10 arrived at the site and the uniformed RAB men left the area in that vehicle.<sup>144</sup>

160. On 29 April 2014 seven people, including Panel Mayor of Narayanganj City Corporation, Nazrul Islam, and Advocate Chandon Kumar Sarkar were killed and their bodies thrown into the River Shitalakkha after disappearing on 27 April 2014, allegedly due to RAB-11 Head, Lt. Col. Tareque Sayeed; Major Arif Hossain; and Lt. Commander M M Rana. This allegation was made by Nazrul's father-in-law Shahidul Islam. Shahidul Islam also alleged that these killings were conducted by RAB for six crore taka, with the help of Sajedul Islam Chowdhury (alias Dipu Chowdhury), son of Disaster and Rehabilitation Minister Mofazzal Hossain Chowdhury Maya, and arranged by Siddhirganj Thana Awami League Vice-President Noor Hossain, over internal conflicts in the ruling Awami League and in order to establish supremacy in Narayanganj.<sup>145</sup> It is to be mentioned that the head of RAB-11, Lt. Col. Tareque Sayeed, is also the son-in-law of Mofazzal Hossain Chowdhury Maya. On 11 May 2014, a Bench of the High Court Division comprising of Justice Mirza Hossain Haider and Justice Khurshid Alam Sarkar passed an order to arrest the three former RAB officers. After the order from the High Court Division, Narayanganj District Police arrested Lt. Col. Tareque Sayeed and Major Arif Hossain on 17 May 2014; and Lt. Commander M M Rana on 18 May 2014 from the Dhaka Cantonment area. They were shown as arrested under section 54<sup>146</sup> of the Code of Criminal Procedure and were produced before the Narayanganj District Court. In the meantime all three<sup>147</sup> of them have made statements before the Magistrate under 164 of the Code of Criminal Procedure, incriminating themselves. They have been transferred to Dhaka Central Jail.<sup>148</sup> On 14 June 2014 at night, one of the prime accused persons of the seven murders, Narayanganj City Corporation's Councillor Nur Hossain, along with his associates Wahiduzzaman Selim and Khan Sumon, were arrested by Indian police from Indroprostha Apartments located at Koikhali, Baguihati in Kolkata. Currently they are detained in Dumdum Jail in India.<sup>149</sup> In the meantime, on 30 June 2014 Senior Judicial Magistrate of Narayanganj, H M Shafiqul Islam, exempted Lt. Col. Tareque Sayeed, Major Arif Hossain and Lt. Commander M M Rana from the case under section 54 of the Cr.PC; and fixed the next

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144 <http://www.thedailystar.net/another-abduction-claim-against-rab-23344> , The Daily Star, 09.04.2014, accessed at about 2.28 p.m. on 12/01/2015

145 The daily Jugantor, 06/05/2014

146 Section 54 of the Code of Criminal Procedure 1898 stated about the grounds, when police may arrest someone without warrant.

147 Major Arif Hossain, Lt. Commander M M Rana and Lt. Col. Tareque Sayeed have made their statements before the Magistrate on June 4, 5 and 14 respectively.

148 Information gathered by Odhikar

149 The daily Jugantor, 23/06/2014

date of hearing for two cases filed in relation to the seven murders on 20 August 2014.<sup>150</sup>

161. On 8 May 2014 Shahnaz Parvin, the wife of Laksam Municipality unit BNP President, Humayun Kabir Parvez, in a press conference organised in Laksam, Comilla, claimed that former Member of Parliament Saiful Islam Hiru and Laksam BNP President, Humayun Kabir Parvez disappeared at the hands of the former head of RAB-11, Lt. Col. Tareque Sayeed. Their whereabouts have been unknown since 27 November 2013.<sup>151</sup>
162. Zahidul Islam Sohel (30 years old), son of Yunus Ali of Moghbazar, Dhaka, was picked up by and allegedly disappeared at the hands of men claiming to be members of the law enforcement agency. Sohel's wife Taslima Akhter Sathi made this allegation. Sathi informed Odhikar that on 27 August 2014 she and her husband went to the house of her elder sister Mahfuza Akhter Brishti in Badda, Dhaka. They stayed there until 29 August 2014. At around 11:00 am on 29 August 2014, her sister Brishti's door-bell rang. Brishti opened the door and three men with cropped hair entered the house, saying that they were from the law enforcement agency and were looking for Sohel. Sohel came forward and identified himself. One of the men held him by the collar and the other put handcuffs on him and asked him to go with them. The men slapped him when Sohel asked them why he was being taken. Brishti asked them for identification and why they were hitting Sohel as he was ill. One of them took out a pistol and said "we are from the administration. We will shoot you if you do not keep quiet". Sathi also said that Sohel had cancer. Sohel returned to Bangladesh from Saudi Arabia in late 2013 after being diagnosed with cancer. He was under treatment in Green View Clinic at Dhanmondi, Dhaka. She said that he was not involved with any political party and there was no case or General Diary (GD) filed against him. Brishti further informed Odhikar that the men who claimed to be members of the law enforcement agency had a mobile phone tracking machine with them. While entering the house, they told the security guard that they had come to check the mobile network. Brishti followed the men and Sohel to the road. She saw six or seven more men waiting there. They left with Sohel in two black minibuses – NOAH, Dhaka-Metro Cha 53-6402 and VOXY, Dhaka-Metro Cha 53-2532. After that, the family searched for Sohel at different places, including Badda Police Station, Ramna Police Station, Detective Branch (DB) Office and RAB office, but did not find him. Police, RAB and DB denied arresting Sohel. Brishti informed Odhikar that she came to know from a news report on television, broadcast on the morning of 28 September 2014 that five or six accused persons in a murder case that took place in Moghbazar, Dhaka, were to be produced in front of journalists by DB police. Hearing this news, she assumed that her sister's husband Sohel might be produced along with those accused persons. At around 5:30 pm, she and her sister Sathi went to the DB office at Mintu Road in Dhaka. There they saw Sohel. Sohel informed them that he was detained in the RAB-1 office for a month after being arrested. Soon after his arrest, he was kept blindfolded in a room and his hands and legs were tied for three days. He was untied only at meal times. After three days he was detained

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150 The Court ordered their arrest under Section 54 of the Code of Criminal Procedure. However, once they made statement before the Magistrate, incriminating themselves, they will be tried for the crime of murder.

151 The daily Prothom Alo, 10/05/2014

in a room that looked like a lock-up. Brishti also said that the spokesman of the DB Police, Monirul Islam, informed her that RAB handed Sohel over to them after arrest. Monirul Islam also said that Sohel might have been arrested due to mistaken identity. On 29 September 2014 DB Police produced Sohel in Court showing him arrested under section 54 of the Code of Criminal Procedure<sup>152</sup>. The Court ordered that he be sent to jail.<sup>153</sup>

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

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152 Section 54 of the Code of Criminal Procedure lays down nine circumstances when police can arrest anyone without warrant.

153 Information gathered by Odhikar

## CHAPTER VI: EXTRAJUDICIAL KILLINGS

164. Arbitrary or unlawful deprivation of life continued in 2014. The right to life<sup>154</sup> and personal liberty were under threat in Bangladesh, despite the fact that they are guaranteed by the Constitution of the country. Extrajudicial killings defy the rule of law and fundamental justice where the state does not allow the victim to move the court effectively for recourse. As a result, laws and the criminal justice delivery system are under threat due to the prevalence of extrajudicial killings. Families of the victims alleged that their relatives were being shot and killed by the members of the law enforcement agencies. It is often seen that members of a law enforcement agency arrest the alleged perpetrator from home and later, according to the arresting officers, his followers attempt to rescue this perpetrator and the law enforcement enters into a 'gunfight' with them and the perpetrator was the only one killed. Despite the demand for bringing the perpetrators to justice, the government is denying that incidents of extrajudicial killings occur. As a result, a culture of impunity in law enforcement agencies prevails. Furthermore, the Ministers of the government have made statements in support of extrajudicial killings at various times. On 8 March 2014 Shipping Minister, Shahjahan Khan, stated at a BBC-Bangladesh dialogue held at the BIAM Auditorium in Dhaka that "those who are involved in criminal activities, set fire to vehicles in the name of protest, cut peoples tendons off, if they are killed in crossfire that should not be called extrajudicial killing". However, it was not proven by the court that the persons who were killed in 'crossfire' were in reality engaged in alleged crimes; rather, many of the victims were affiliated with opposition political parties. Regrettably, all these activities continued despite the pledge made by the Awami League in its 2008 election manifesto to stop such killings.<sup>155</sup> In 2014, a total of 172<sup>156</sup> people were killed by different law enforcement agencies.
165. The Government uses law enforcement agencies to hold on to power. Hence there was a lack of political will to do away with impunity. Thus, the image of law enforcement agencies has been tarnished before the international community.
166. Odhikar believes that extrajudicial killings are miscarriages of the country's legal and criminal justice system. The culture of blatant impunity in the law enforcement agencies only adds to this.

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154 Right to life is embedded as a fundamental human right under article 32 of the Constitution of the People's Republic of Bangladesh. Article 32 says: "no person shall be deprived of life or personal liberty, save in accordance with law". The right to life is a fundamental human right, internationally recognised in article 3 of the Universal Declaration of Human Rights, 1948 and in article 6 of the International Covenant on Civil and Political Rights. Article 3 of the UDHR entails that everyone has the right to life, liberty and security of person and according to article 6 of the International Covenant on Civil and Political Rights adopted in 1966 and ratified by Bangladesh in 2000, "every human being has the inherent right to life". The Covenant also says: 'this right shall be protected by law. No one shall be arbitrarily deprived of his life.'

155 The daily New Age, 12.11.2014, <http://newagebd.net/65782/extrajudicial-killing-continues-apace/#sthash.a3r99cyd.dpbs>, accessed at around 4.25 pm, 10.02.2015

156 Among 172 people were extra judicially killed, 21 were killed in political violence which is also included in the statistical part of the political violence.

**Table: Extrajudicial Killings (January-December 2014)**

<b>Information on extrajudicial killings by law enforcement agencies from January - December 2014</b>									
<b>Month</b>	<b>RAB</b>	<b>Police</b>	<b>BGB</b>	<b>Joint Forces</b>	<b>Ansar</b>	<b>Army</b>	<b>Coast Guard</b>	<b>BGB-RAB</b>	<b>Total</b>
January	4	22	2	11	0	0	0	0	<b>39</b>
February	2	14	1	0	0	0	0	0	<b>17</b>
March	6	6	1	0	0	1	0	0	<b>14</b>
April	5	8	0	0	0	0	3	2	<b>18</b>
May	2	7	0	0	0	0	0	0	<b>9</b>
June	0	9	1	0	0	0	0	0	<b>10</b>
July	1	13	0	0	1	0	0	0	<b>15</b>
August	2	4	0	0	0	1	0	0	<b>7</b>
September	0	7	0	0	0	0	0	0	<b>7</b>
October	2	18	0	0	0	0	0	0	<b>20</b>
November	3	3	0	0	0	0	0	0	<b>6</b>
December	2	8	0	0	0	0	0	0	<b>10</b>
<b>Total</b>	<b>29</b>	<b>119</b>	<b>5</b>	<b>11</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>172</b>

## **TYPES OF DEATHS**

### **Crossfire/encounter/gun fight:**

167. Among the 172 persons extra judicially killed in 2014, 119 were killed allegedly in ‘crossfire/ encounters/gun fights’. Among the deceased, 23 were allegedly killed by the Rapid Action Battalion (RAB), 83 by the police, eight by Joint Forces, two jointly by RAB-BGB and three by the coast guard.

### **Death due to torture:**

168. Between January and December 2014, 11 persons were allegedly tortured to death. Among the deceased nine were tortured allegedly by the police, one by Rapid Action Battalion (RAB) and one by army.<sup>157</sup>

### **Shot and killed:**

169. Among the deceased, 38 persons were shot and killed in 2014. Of them, 25 were killed by

<sup>157</sup> The issue of ‘torture’ will be dealt with in more detail later in this report.

police, six were killed by RAB, two by BGB, three by joint force, one by Ansar and one by the army.

### **Beaten to death:**

170. Among the deceased, four persons were beaten to death during this period. Among them, three were beaten to death by BGB and one by police, which in a literal sense is not death in police custody, but a manifestation of police brutality.

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

171. Of the 172 deceased persons killed extra judicially, reports alleged that 14 were activists of BNP and of the volunteer, student and youth wings of BNP; one was an activist of the Jatiya Gonotantrik Party; 21 were activists of Jamaat-e-Islami and members of the student wing of Jamaat-e-Islami; three were members of the ultra-left Purba Banglar Sarbahara Party; seven were members of the ultra-left Purba Banglar Communist Party (ML); one was a member of the ultra-left Purba Banglar Communist Party (Janajuddha); three were members of the New Biplobi Communist Party; one was a leader of the Parbatya Chattagram Jana Samhati Samiti (MN Larma); four were activists of the Awami League; one was a ruling Awami League-backed chairman candidate in the Upazila polls; one was a supporter of Chairman candidate Hamidul Haq; one person's profession could not be identified; two were businessmen; one was a garment factory worker; one was a welder; one was a day-labourer; one was a mason; one was a student; one was a driver; one was a convicted member of Jamaat-ul-Mujahideen Bangladesh (JMB); one was the wife of Abdul Mannan, a rebel chairman candidate of BNP in Gazaria Upazila, Munshiganj; one was an agent of AL backed Vice Chairman Candidate; one was a journalist; one was a tea vendor; one was a petty entrepreneur; one was a waste trader; one was a ward member; one was a fisherman; one was an unidentified youth; one was a contractor; one was an assistant contractor; and 94 were alleged criminals.

### **Some incidents of extrajudicial killings:**

172. On 20 January 2014 police recovered the body of Chhatra Dal leader Atiqur Rahman (26 years old) from Nariadanga bypass road in Syedpur Upazila in Nilphamari district. He was one of the accused in a case concerning an attack on the motorcade<sup>158</sup> of the then Member of Parliament (currently Minister for Cultural Affairs) Asaduzzaman Noor on 14 December 2013, at Ramganj Bazaar in Nilphamari. Atiqur's elder brother, Aminul Islam, said that Atiqur had been in hiding since the incident. He came to know that Atiqur and Mohidul (26 years old) were arrested by the Detective Branch of Police on the night of 13 January 2014 from a house adjacent to Shafia Girls School in Deldwar Upazila in Tangail. After his arrest, his family went to police stations and other places looking for him.<sup>159</sup> Two days before that

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158 On December 14, 2013, motorcade of the then Member of Parliament Asaduzzaman Noor was stuck near Ramganj bridge in Nilphamari when Jamaat-Shibir activists cut off the roads. A clash between police, Awami League and Jamaat-Shibir took place during that time. Four Awami League activists and one Jamaat activist were killed during the clash.

159 The daily Prothom Alo, 21/01/2014

incident, on 18 January 2014, the body of Golam Rabbani, another accused person involved in the alleged attack on Asaduzzaman Noor's motorcade and Laxmichap Union unit BNP Organising Secretary, was recovered by Nilphamari police. The family of Golam Rabbani alleged that RAB had arrested Rabbani from a relative's home and later his body was found.<sup>160</sup>

173. On 27 January 2014, Vice-President of Tala Upazila unit Chhatra Dal<sup>161</sup>, Azharul Islam (28 years old) was shot dead by Joint Forces in Satkhira. On 26 January 2014, Azharul Islam was arrested by members of the Joint Forces from a shrimp factory at Ghona. His wife Kamini Parvin Chompa said that she waited with her mother-in-law and son at Tala Police Station until 12:00 am after her husband was arrested. At around midnight, they were forced to leave the police station gate. A few moments later 7 - 8 police vehicles arrived in front of the Station and took her husband away. The next morning she learnt that her husband was shot dead sometime between midnight and in the early hours of 27 January 2014 at the Magura Kheyaghat area.<sup>162</sup>
174. On 3 March 2014 at around 11:00 am, contractor Mohammad Washim and his assistant Songram Chowdhury were killed in 'crossfire' by RAB at Mohammad Washim's own residence at 131 New Jurain under Kadamtoli Police Station in Dhaka. Families of the deceased men claimed that they were shot and killed in their presence by RAB. Sonia Begum, wife of Washim, and Salma Chowdhury, wife of Songram, alleged that some of their workers were also beaten after being arrested by RAB and were forced to make false statements that Washim and Songram had abducted them. They claimed that RAB killed the two men in exchange for money over a dispute with Babul, son of Alam of Alambagh, regarding the collection of tolls from Postogola Bridge. Sonia Begum informed Odhikar that Mohammad Washim used to control Alambagh CNG stand apart from collecting tolls from Postogola Bridge. According to her, Washim woke up at around 11:00 am on 3 March 2014 and went to the bathroom. His business assistant Songram was waiting for Washim with some men at the office on the fifth floor of the seven-storied building. During this time they heard the sound of firing. A group of plain clothed armed men were approaching their apartment on the 6<sup>th</sup> floor and opened fire as they climbed up. At that time, Sonia closed the main door of the house. RAB members kicked the door and, fearing the door would break, Sonia opened it. Four to five armed men entered the house, vandalised the furniture and dragged Washim out of the house by breaking down the door of the bathroom. After taking Washim out of the house, he was shot on the stairs. Sonia begged a RAB officer for mercy for her husband's life, who became angry and slapped her and pushed her into the house. Men from RAB showed her some weapons and said "these were recovered from your house". At one stage, RAB members locked the apartment door from outside. After some time, two female RAB members in uniform came to their house and kept her and her mother locked in a room. At around 3:00 pm, neighbours freed them by opening the locked

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160 The daily Prothom Alo, 21/01/2014

161 Chhatra Dal is the student wing of Bangladesh Nationalist Party (BNP)

162 The daily Manabzamin, 28/01/2014

door. She assumed that Washim had died on spot when he was shot. Sonia Begum said that in June 2013, a team of RAB also threatened to abduct and kill Washim in 'crossfire'. RAB then told Washim that Babul had paid them 30 million taka to kill him in 'crossfire'. He managed to pay RAB 60 million Taka for his freedom. The wife of deceased Songram Chowdury, Salma Chowdhury, informed Odhikar that on 3 March 2014 at around 9:00 am, Songram went to Washim's house. At around 11:00 am she heard people shouting and the sound of firing. She and her daughter Shanta came to their veranda. From there they saw Songram climb down a pipe outside Washim's apartment building. Plain clothed RAB members then shot him down. Later she heard more gun shots and a team of RAB, in uniform, had come to the spot. Her daughter Shanta went down and requested a RAB member to take her father to hospital, but RAB paid no heed and forced her to go home.<sup>163</sup>

175. On 7 May 2014, Kusholia Union unit General Secretary of Jamaat-e-Islami, Ashraful Islam, was shot dead by police in Kaliganj Upazila under Satkhira District. The Officer-in-Charge (OC) of Kaliganj Police Station, Golam Rahman, claimed that police were informed by their sources that a group of criminals were holding a meeting at the Bhodrokhali Primary School field. Receiving this information, a police team led by the OC reached the site where Ashraful was killed in 'gunfight' between police. Ashraful's wife, Papia Khatun, alleged that her husband was picked up by police from their village home on 6 May 2014 at around 12:30 am and that Ashraful was shot and killed at the Bhodrokhali Primary School ground.<sup>164</sup>
176. Mezbah Uddin Tareque's father, Abu Zafar Shikdar, told Odhikar that on 13 September 2014 at around 3:00 am, approximately 10 men came to his Dania, Dhaka residence and said they were from the Detective Branch (DB) of police from Mintoo Road, Dhaka. They took away his son Tareque in the presence of his family. Tareque is the eldest of three sons. Abu Zafar claimed that there was no General Diary (GD) or case filed against Tareque in any police station. He also said that Tareque started his career with Adamji Garments at EPZ as a store keeper after his Higher Secondary examination in 2010. Tareque left the job in August 2014 and he was trying to go to Malaysia with a student visa. For this purpose Tareque had submitted his passport to the Malaysian Embassy. He was supposed to leave Bangladesh soon. After the arrest of his son, Abu Zafar was waiting in front of the DB police office at Mintu Road on the morning of 13 September 2014. Failing to obtain any information about his until till dusk, Abu Zafar went to Mugda Police Station to lodge a General Diary. At that time, police informed him that an incident of crossfire took place in the morning in the area under the jurisdiction of the Mugda Police Station. At around 8:00 pm, Abu Zafar saw the body of his son with bullet wounds at the Dhaka Medical College Hospital morgue. Local inhabitants informed him that Mezbah Uddin Tareque was beaten with handcuffs on the road after he was arrested. At one stage Tareque became unconscious and he was taken by armed men in a white microbus. On 14 September 2014 at around 9:00 pm, the Public Relations Department of the Dhaka Metropolitan Police sent a press release to various newspapers which stated that on 13 September 2014, at around 2:30 am, a man named

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163 Fact finding report of Odhikar, 04/03/2014

164 The daily Prothom Alo, 08/05/2014

Tareque Masud had been arrested in allegations of arms trading. Later, a gun fight occurred between criminals at the Balur Math adjacent to Mandra New Green Model Town in Mugda, Dhaka, where police took Tareque in an operation to arrest his associates. During this time, Tareque Masud died in the gun fight. Abu Zafar Shikdar said that the name of his son is not Tareque Masud but Mezbah Uddin Tareque. He commented that the police had perhaps killed his son based on false information and were now staging a drama of 'gun-fight' in order to conceal the incident.<sup>165</sup>

177. On 10 November 2014 Musharraf Hossain, an alleged criminal, was killed in 'gunfight' while in the custody of RAB a few hours after his arrest at Sandeep Upazila in Chittagong. RAB-7 commanding officer Lieutenant Colonel Miftah Uddin Ahmed said that Msharraf Hossain (35 years old) was arrested at Haramiya in Sandeep at about 10:00 am. According to his informants, the battalion recovered 30 firearms from three places in drives between noon and 3:30 pm. The battalion was locked in 'gunfight' with Musharraf's associates who opened fire, sensing the presence of law enforcers. The battalion claimed that Musharraf was shot dead by his associates.<sup>166</sup>

## Public Lynching

178. Public lynching or mob beating is the result of lack of respect for the rule of law; distrust of law enforcement agencies; and a weak criminal justice system. The tendency to take the law into one's own hands is increasing, as people are losing confidence and trust in the Police and Judiciary. The practice of public lynching shows a fault in the society that paves a way for the non-functioning of the legal system. There is a fear thif such violations of the right to life may continue until and unless the law and order situation comes under control, through an institutional development of the legal system. Thieves, gang of robbers, muggers and child kidnappers are the usual victims of public lynching, yet sometimes it is found that some of the lynching victims were actually innocent. In such a scenario, the mob is usually unwilling to hand over the suspect to the law enforcers because of their lack of confidence and faith in them. The general perception of the lack of accountability of the police propels people to take matters into their own hands. It has been seen from data in previous years that the reported trend of public lynching has two forms. We see the public either spontaneously taking the law into their own hands or the police encouraging the public to take matters into their own hands.
179. From January to December 2014, a total of 116 people were allegedly killed due to public lynching.

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165 Information collected by Odhikar

166 The daily New Age, 11/11/2014

**Table: Public Lynching (January-December 2014)**

<b>Month</b>	<b>Total</b>
January	16
February	6
March	11
April	13
May	11
June	6
July	8
August	12
September	5
October	10
November	8
December	10
<b>Total</b>	<b>116</b>

180. On 11 June 2014 Shakil, a suspected mugger, was beaten to death by a group of passengers. On that day, a gang of muggers boarded a Dhaka-bound 'Agnibina' intercity train from Mymensingh. When the muggers swooped on a passenger in a compartment of the train at Gafargaon Railway Station, other passengers rushed in and caught two of the gang members, named Shakil and Kabir, while the others managed to flee. The passengers physically assaulted the two muggers and handed them over to the Railway Police at Gafargaon. They were admitted to Gafargaon Upazila Health Complex and then referred to Mymensingh Medical College Hospital (MMCH) where Shakil succumbed to his injuries.<sup>167</sup>
181. On 5 September 2014 an unknown man (35 years old) was beaten to death by a mob who suspected him of theft of a CNG-run Auto rickshaw in the Rajabari area of Basta Union under the jurisdiction of the Keraniganj Police Station in Dhaka District. Police said that the deceased man was roaming around the area suspiciously before local people beat him. He died on the spot.<sup>168</sup>

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167 The Daily Star, 13/02/2014, [http://www.thedailystar.net/print\\_post/mugger-killed-in-mob-beating-on-intercity-train-28290](http://www.thedailystar.net/print_post/mugger-killed-in-mob-beating-on-intercity-train-28290), accessed at around 3.34 pm, 11/02/2014

168 The Daily Ittefaq, 06/09/2014

## CHAPTER VII: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

### TORTURE AND INHUMAN OR DEGRADING TREATMENT

182. Torture and other cruel, inhuman or degrading treatment have occurred under all regimes in the 43 years since the independence of Bangladesh, although the Constitution of Bangladesh explicitly prohibits torture and ill-treatment.<sup>169</sup> People from all walks of life – including political activists, journalists, teachers and human rights defenders – have been tortured and become victims of inhuman or degrading treatment perpetrated by the different law enforcement agencies. Torture is inflicted to humiliate a person and as an exercise to show power and authority. Torture is also applied as an alternative to intensive investigation. The premise is, once tortured, the person will open up and tell the ‘truth’. Again, through torture, law enforcement agencies are abusing their authority to extort money or force people to confess crimes they did not commit. The high level of corruption that prevails in police stations is also a catalyst for torture in Bangladesh. Thus, torture is carried out when suspects are collected by law enforcement agencies and taken into custody. When the suspects are taken into remand for further questioning, torture is routine, although it is sometimes stopped if the family of the victim can pay the torturers what they demand.
183. After Bangladesh's ratification of the UN Convention against Torture in 1998, there was no specific law in the country corresponding to this Convention for 15 years. As a result of the prolonged struggle of human rights defenders, a ruling party Parliamentarian, Saber Hossain Chowdhury, presented the ‘Torture and Custodial Death (Prevention) Bill’ before the Parliament in 2009 which was passed into an Act by the Members of Parliament through a voice vote in 2013.
184. The law had been passed primarily due to pressure by the families of victims and human rights defenders. Odhikar had campaigned, since 2009, to enact this Bill and organised several meetings with the government and the opposition in order to pass the law. Yet despite the entry into force of this law, the level of torture has not declined; rather, a new trend of shooting the legs of victims has been added and the perpetrators are enjoying complete impunity under political shelter. Nevertheless, Odhikar believes that this law is necessary for a democratic society, especially if it is implemented fully.

### Preventing acts of torture

185. The ultimate aim of an anti-torture legal regime must be to prevent acts of torture before they occur. Several preventive measures are already in place, yet they are not adequately implemented. Some of these measures include: proper registration of every detainee from

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<sup>169</sup> Article 35 (5) of the Constitution of Bangladesh “No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment”.

the moment of arrest or apprehension;<sup>170</sup> prompt access to legal counsel;<sup>171</sup> production before a judge within 24 hours;<sup>172</sup> and inadmissibility of evidence obtained under torture.<sup>173</sup> Furthermore, in the matter of BLAST and Others vs. Bangladesh (55 DLR 323), the High Court Division of the Supreme Court laid down fifteen guidelines in order to prevent torture in remand.

186. The most effective preventive measure against torture is the regular inspection or monitoring of places of detention. Regular inspections can ensure the adequate implementation of safeguards against torture, create a strong deterrent effect and provide a means to generate timely and adequate responses to allegations of torture and ill-treatment by law enforcement officials. However, Bangladesh has not ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) (2002), the objective of which is to establish a system of regular visits undertaken by independent international and national bodies to places of detention.
187. While the new law represents a major step forward in efforts to bring an end to the entrenched practice of torture and resulting custodial deaths by the police and other law enforcement agencies in Bangladesh, significant amendments are needed if it is to fully comply with CAT and effectively end the impunity that has been enjoyed by perpetrators thus far.

## Torture in custody

188. Torture in the custody of law enforcement agencies is a widespread and common practice in Bangladesh. When a person is arrested by law enforcement agencies, the fear that he will be physically and mentally tortured or suffer ill treatment are well-founded. Some instances of torture that occurred in 2014 are as follows:
189. On 1 February 2014 Mohammad Mohsin (27 years old), a resident of Baroigaon village in Chokrada Union under the jurisdiction of Shibpur Upazila in Norshingdi, was arrested by

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170 Section 44 of the Police Act, 1861: "It shall be the duty of every officer in charge of a police-station to keep a general diary in such form as shall from time to time, be prescribed by the Government and to record therein all complaints and charges preferred, the names of all persons arrested, the names of the complainants, the offences charged against them, the weapons or property that shall have been taken from their possession or otherwise, and the names of the witnesses who shall have been examined."

171 Article 33(1) of the Constitution of Bangladesh: "No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice."

172 Section 61 of the Criminal Procedure Code, 1898: "No police-officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court."

173 Section 24 of the Evidence Act, 1872: "A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the Court to have been caused by any inducement, threat or promise having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him."

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police of Shibpur Police Station as a suspect in a robbery case. Mohsin's family alleged that he was tortured by the police in a room on the first floor of the Police Station for three days after he was arrested<sup>174</sup> and died as a result. Later the police made a public statement that Mohsin had committed suicide by hanging himself.<sup>175</sup>

190. On 14 June 2014 a 22-year old youth named Shahin Molla was allegedly tortured to death by police at Dasar Police Station in Madaripur District. On 8 June 2014 at around 8:30 pm, Sub Inspector of the Dasar Police Station, Nazmul Hassan, arrested Shahin and his friends Mukut and Shah Alam from Naiarbari Bridge at Gaoranodi. The deceased's aunt, Selima Begum, alleged that SI Nazmul Hassan sent messages to the guardians of the three men through a police informer, Nazrul Islam, after they were taken to Dasar Police Station. When their guardians reached the police station, SI Nazmul Hassan demanded 75 000 Taka from them in exchange for releasing each of the three arrestees. That night, the families of Mukit and Shah Alam arranged their release by paying 70 000 Taka. Selima Begum was ready to pay 20 000 Taka for the release of her nephew Shahin, but SI Nazmul told her that he would not be able to release him unless 70 000 Taka were paid. On 9 June 2014, Selima Begum managed to collect the money by borrowing it from her relatives and went to SI Nazmul. SI Nazmul told her that Shahin could not be released as a case had been filed against him. On the same date, Shahin was shown as arrested under the Narcotics Control Act and produced before the Court and the Court sent him to jail. On 10 June 2014, Selima went to visit Shahin in jail, who told her that he was severely tortured in custody by the police, instructed by SI Nazmul Hassan, because they could not pay the money. On 14 June 2014, Shahin became seriously unwell and was admitted to Madaripur District Hospital, where he died.<sup>176</sup>
191. On 12 July 2014 a garment waste<sup>177</sup> trader named Mahbubur Rahman Sujon (30 years old) was allegedly tortured to death by police affiliated with Mirpur Police Station. The family of the deceased claimed that police killed Sujon as he failed to pay extortion money and that the police were bribed by his rivals. Sujon's wife Momtaz Sultana said that on 12 July 2014 at around 12:45 am, four policemen from Mirpur Police Station, including Sub Inspector Zahidur Rahman Khan, along with Constables Asad and Mithun, came to their house at Shongkor under the jurisdiction of the Dhanmondi Police Station. Police caught Sujon when he opened the door. They started ransacking furniture at their home. Policemen hit Sujon on the head with an iron rod and also kicked him. They took Sujon to the bathroom and put his head in a bucket full of water and tortured him. Later Sujon, along with his wife Momtaz and their son Mosharaf Hossain (6 years old), were brought to Mirpur Police Station. Momtaz and Mosharaf were locked in a room of the police station and Sub Inspector Zahid and other policemen took Sujon to another room in the station and tortured him. On 12 July 2014 at

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174 According to the Code of Criminal Procedure, a person has to be presented before a Magistrate within 24 hours of his/her arrest.

175 Fact finding report of Odhikar

176 The daily Prothom Alo, 16/06/2014

177 Garment waste is the waste material produced by garment manufacturing factories. These are bought by traders for recycling.

around 8:00 am, Momtaz was taken to another room where SI Zahid told her to sign a blank sheet of paper. When she refused to do, SI Zahid threatened her by showing her bullets, taken out of his pocket, and told her that she would also be accused in a case and sent to court. She then signed the paper in fear. After signing the document, Momtaz was put in a vehicle. At that time Momtaz asked SI Zahid as to Sujon's whereabouts and where she was being taken. SI Zahid replied that Sujon was admitted to a hospital and she was being taken there. Later Momtaz was dropped at Mirpur near the house of her in-laws. SI Zahid told Momtaz “your husband has died and his body is kept in Dhaka Medical College Hospital. You will go there with your mother-in-law.” Momtaz went to Dhaka Medical College Hospital with her in-laws, where they saw Sujon’s body with marks of injuries.<sup>178</sup> It was revealed during fact finding that marks of injuries were found in various parts of Sujon’s body including his head, hands and legs. On 14 Jul, 2014 the post-mortem was conducted under the leadership of Professor Dr. Habibuzzaman, the Head of the Forensic Department of Dhaka Medical College Hospital, and Assistant Professor Dr. AKM Shafiuzzaman, who found these marks on Sujon’s body.<sup>179</sup>

192. It is to be noted that three persons allegedly died in the hands of Sub Inspector (SI) Zahidur Rahman Khan in the current year. In January 2014, SI Zahid shot a youth named Javed Hossain in the leg. Later Javed died due to extreme bleeding at the National Institute of Traumatology and Orthopaedic Rehabilitation. In February, SI Zahidur allegedly tortured and killed a Bihari youth named Mohammad Jony. During that time, SI Zahidur was posted in the Pallabi Police Station. He was ‘closed’ from Pallabi Police Station after that incident. There were several allegations against SI Zahidur in relation to torturing people in custody for bribes and extortion.<sup>180</sup> On 17 July 2014 SI Rafiqul Islam Khan of Mirpur Police Station filed a case against SI Zahidur Rahman Khan, ASI Rajkumar, Constables Anwar and Rashedul, and police informers Nasim, Polash, Faysal and Khokon, for allegedly torturing and killing Mahbubur Rahman Sujon. Among the accused persons, police have arrested SI Zahidur Rahman Khan and informer Nasim so far.<sup>181</sup>
193. Parbatya Chattagram Jana Samhati Samiti (MN Larma) leader, Timir Baran Chakma alias Duranto Chakma Babu (52 years old), died on 10 August 2014 under medical treatment while in the custody of the Army in Matiranga Hospital. On the evening of 9 August 2014, members of the Army commenced an operation in the Indumoni area under Guiyamara Upazila in Khagrachhari Hill District and arrested Duranto Chakma Babu (52 years old); Nishumoni Chakma (40 years old); Amarkanti Chakma (18 years old); and Romel Tripura (38 years old). Sudhakar Tripura, Youth Affairs Secretary of the Central Committee of Parbatya Chattagram Jana Samhati Samiti (MN Larma), alleged that Duranto Chakma died due to torture. Meanwhile, the Army stated that Duranto Chakma suddenly fell sick due to an

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178 Information gathered by Odhikar and the daily Manabzamin, 14/07/2014

179 The daily Ittefaq, 15/07/2014

180 The daily Prothom Alo, 15/07/2014

181 The daily Prothom Alo, 18/07/2014

asthma attack and he was admitted to Matiranga Hospital, where he died.<sup>182</sup> Elena Chakma, the wife of Nishumoni Chakma, said that the Army surrounded their house at night and arrested the men at around 5:30 am and that, after making the arrest, all of them were severely beaten and kicked by the Army men. Duranta Chakma's wife Alotara Chakma said that her husband did not have asthma.<sup>183</sup>

194. Anita Bhattacharya, a nurse of a private hospital in Sylhet, was allegedly tortured in police custody at the Sylhet Kotwali Police Station. Anita's husband Kishore said that on 7 November 2014 police arrested Anita along with him and their son from their house located at Alisakul in Shreemongol, Moulavibazar, in connection to a kidnapping case. They were taken to Sylhet Kotwali Police Station. Although police released her son on 8 November 2014 and her husband on 9 November 2014, Anita was brought before the Court and police sought a 5-day remand. The Court granted a 3-day remand and the investigating officer of the case, Sub Inspector Sirajul Islam, brought Anita back to the Kotwali Police Station for interrogation. After failing to get any information during the interrogation, the Officer-in-Charge (Investigation) Monir and Sub Inspector (SI) Hasina Akhter Ankhi, physically tortured Anita. It is alleged that the OC (Investigation) Monir put a pipe into Anita's throat and poured in liquor. She was kicked and forced to acknowledge the incident of kidnapping. SI Hasina Akhter Ankhi used a stick to torture her. On 12 November 2014 police brought Anita before the Court and took her to the Osmani Medical College Hospital for treatment, as she became seriously ill due to the torture. She was taken to jail after three days of treatment in the hospital. On 16 November 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 21 Jul1, 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 arrested Anita Bhattacharya under that case.<sup>184</sup>

## LACK OF ACCOUNTABILITY OF LAW ENFORCEMENT AGENCIES

### Many people became disabled after being shot by law enforcers

195. The trend of law enforcement agencies shooting the legs of victims as a means of torture has been observed since 2011 and is a matter of grave concern. The State Minister for Home Affairs mentioned in a statement that the incident of Limon's shooting was a mere accident, which further demonstrated the culture of impunity enjoyed by law enforcement agencies.<sup>185</sup> As a result, incidents of indiscriminate shooting at people by members of law

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182 The daily New Age, 12/08/2014

183 CHT News, 18/08/2014

184 The daily Manabzamin, 20/11/2014

185 On March 23, 2011, Limon Hossain (16), son of a day-labourer Tofazzal Hossain of Satura village under Rajapur Upazila in Jhalokathi district, and a HSC examinee of Kathalia PGS Polytechnic College, was shot in his left leg by a team of RAB-8 led by Deputy Assistant Director (DAD) Mohammad Lutfar Rahman, when he was returning home with grazing cattle in front of local resident Shahid Zomaddar's house. RAB members kept wounded Limon without medical aid for about two/three hours at the spot. Later he was admitted to the Barisal Medical College Hospital in Barisal and shifted to the Orthopaedic Hospital at Dhaka

enforcement agencies continue. Some examples are as follows:

196. On 14 October 2014 Abul Kashem, father of Nazrul Islam, filed a case (Petition Case No. 2/2014) with the Noakhali District and Sessions Judge, Mohammad Abdul Quddus Mia, under section 15 of the Torture and Custodial Death (Prevention) Act (2013), against police for the attempted murder of his son in the name of 'crossfire' in Sonapur Union under the jurisdiction of the Sonaimuri Upazila in Noakhali. Nazrul Islam is the President of Sonapur Union's Ward No. 1 unit Chhatra Dal. The Court took cognizance of the case and ordered the District Superintendent of Police to take necessary action. 17 police officers, including the current Officer-in-Charge (OC) of Sonaimuri Police Station, Ashraf Ul Islam; former OC Abdus Samad; Sub-Inspector (SI) Iqbal Bahar Chowdhury; and Sub Inspector Mohammad Asad, were named as accused. The lawyer of the complainant, Advocate Mohammad Rabiul Hassan Polash, stated that Nazrul Islam, son of Abul Kashem, was arrested from Chittagong Port area on 16 September 2014 in connection to a murder case and taken to Sonaimuri Police Station by Sub Inspector Iqbal Bahar Chowdhury. That night the police shot him in his left leg in order to forcibly extract a statement. Police left him seriously wounded in the corridor of Noakhali Medical College Hospital. Later the family of Nazrul Islam admitted him to the same hospital. Nazrul was shifted to the National Institute of Traumatology and Orthopaedic Rehabilitation (NITOR - Pongu Hospital) at Dhaka for better treatment, where doctors were required to amputate his left leg in order to save his life.<sup>186</sup>
197. On 16 October, 2014, a woman named Sajoara Akhter Saju (40 years old) went to save her younger brother, Osman Goni, from being arrested by police in the Kottapara area under the jurisdiction of the Satkania Upazila in Chittagong. Police shot her in her left leg. Sajoara Akhter informed Odhikar that on 16 October 2014 at around 7:00 pm, her younger brother, Osman Goni, was sitting in a road side tea stall near their house. Hearing Osman Goni's cries, she and her mother came out of their house and saw two plain clothed men and three policemen forcibly taking Osman Goni towards the main road. In response, Saju and her mother tried to free Osman Goni from the police. At that time one policeman pushed her down and shot her in her left leg. Sajoara Akhter was admitted to Chittagong Medical College Hospital first and later she was referred to the National Institute of Traumatology and Orthopaedic Rehabilitation at Dhaka. On 18 October 2014, doctors had to amputate her leg from the knee down. Sajoara Akhter learnt that the police of Satkania Police Station had filed a case against her and some members of her family.<sup>187</sup>
198. Police of Jessore Kotwali Police Station allegedly shot two youths in the leg. They were Mizanur Rahman (27 years old) and Hafizur Rahman (28 years old) of the Nursery Potti area, located close to the office of the Deputy Commissioner, Jessore. They were admitted to the 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 13 November 2014,

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when his condition deteriorated. Limon's left leg had to be amputated at the Orthopaedic Hospital in Dhaka. For detail information, please see Odhikar Annual Human Rights Report 2011 and 2012 at [www.odhikar.org](http://www.odhikar.org)

186 Report sent by human right defender associated with Odhikar from Noakhali

187 The daily New Age, 26/10/2014; and information gathered by Odhikar

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policemen led by Sub Inspector Soyeb Uddin of the Kotwali Police Station entered their house by breaking the gate. After confirming his identity, police blindfolded him, handcuffed him and put him in a van. He was taken out and thrown to the ground after a while. Police shot him twice in his right knee.<sup>188</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 their legs were tied. The police asked them the whereabouts of arms.<sup>189</sup> On 20 November 2014, Hafizur was admitted to the National Institute of Traumatology and Orthopaedic Rehabilitation. His leg had to be amputated. He was shifted to Dhaka Medical College Hospital due to severe bleeding. On 22 November 2014, Hafizur died in Dhaka Medical College Hospital.<sup>190</sup>

199. On 7 January 2014 at around 5:30 pm, Jubo Dal<sup>191</sup> activist Mohammad Arafat was surrounded by four or five men, claiming to be police, in front of his hardware shop in Chittagong Metropolitan City. He was taken to Pahartoli Police Station in a private car. Later the police blindfolded Arafat and took him to Sagorika seashore in a car. He was then asked whether he was a member of Chhatra Shibir<sup>192</sup> and also instructed to inform them of the whereabouts of Shibir leaders. Arafat said that he was not a member of Chhatra Shibir but a Jubo Dal<sup>193</sup> activist. The men then shot him in his leg. Arafat was taken to the Chittagong Medical College Hospital. On 7 January 2014 Arafat's leg was operated on. He had to go for another operation on 12 January 2014 due to an infection and his left leg had to be amputated. On 7 January 2014, Sub Inspector Abu Sadek of Pahartoli Police Station, being a plaintiff, filed two cases accusing 13 persons, including Arafat, under the Arms and Explosives Act. According to the law, arrestees need to be brought before the Court within 24 hours of arrest. However, in this case, police detained Arafat in Chittagong Medical College Hospital under their custody for 4 months and 22 days without sending him to Court. On 13 March 2014 an investigating officer, Sub Inspector Toyab Ali of Pahartoli Police Station, submitted a charge sheet without showing Arafat as arrested. In the case document, Arafat was recorded as being under treatment. The 12 other accused persons were awarded bail from the High Court Division of the Supreme Court, but Arafat was not released on bail as he was not shown as arrested; as a result, Arafat's lawyers could not appeal for his bail in the Court. On 6 May 2014 when Arafat's lawyers explained the situation to the Court, Chittagong Metropolitan Session Judge, SM Mujibur Rahman, ordered the police to bring Arafat before the Court on 14 May 2014. Due to a hartal (general strike) on 14 May 2014, Arafat was brought before the Court of Chittagong Metropolitan Session Judge, SM Mujibur Rahman on 19 May 2014. The Court rebuked Sub Inspector Toyab Ali of Pahartoli Police

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188 The daily Prothom Alo, 14/11/2014

189 Report sent by human right defender associated with Odhikar from Jessore

190 The daily Prothom Alo, 23/11/2014

191 Student wing of Bangladesh Nationalist Party (BNP)

192 Student wing of Jamaat-e-Islami

193 Youth wing of Bangladesh Nationalist Party (BNP)

Station and gave orders to the jail authority for Arafat's proper treatment. On 20 May 2014 Arafat was released on bail in both cases.<sup>194</sup>

200. Torture in custody is endemic and Bangladesh does not respect the obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. According to this Convention, "No person shall be subjected to torture whether in physical or mental and other cruel, inhuman or degrading treatment or punishment". Torture and degrading treatment are strictly prohibited as per Article 35(5) of the Constitution of the People's Republic of Bangladesh as well. It is also prohibited by law under the Torture and Custodial Death (Prevention) Act, 2013.
201. Odhikar believes that torture in custody during remand or interrogation is a serious violation of human rights. Despite the claim of 'zero tolerance' on torture, the Government has not taken steps or 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.
202. Odhikar urges the Government to implement the recommendations of the High Court Division of the Supreme Court in the 2003 judgement of BLAST vs. Bangladesh<sup>195</sup> and to effectively implement the anti-torture law of 2013.

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194 Report sent by human right defender associated with Odhikar from Chittagong, 08/05/2014

195 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.

## CHAPTER VIII: HUMAN RIGHTS ISSUES ALONG THE BORDER AREAS

203. Bangladesh shares three of its borders with India. Human rights violations by the Indian Border Security Force (BSF) have long taken place along these borders. Instances of Indian BSF shooting, killing, torturing and abducting unarmed Bangladeshi civilians in the border areas violate international norms and treaties.<sup>196</sup> Members of the BSF also illegally enter Bangladesh territory and attack people residing along the border, and shoot and abduct Bangladeshis. Odhikar notes with mounting concern that very little is being done about the continuous acts of violence, death and terror perpetrated by the BSF on Bangladeshi citizens along the Bangladesh-India border. Odhikar questions the Bangladeshi Government's continued lack of action over the years, in allowing its citizens to be violated by a foreign entity in a perceived peaceful times.
204. According to information collected by Odhikar, between January to June 2014, 35 Bangladeshis were killed by the Indian Border Security Force (BSF). Of them, 17 were gunned down, 13 were tortured to death and five were killed by other means. During this period, 68 Bangladeshis were injured. Of them, 43 were shot, 19 were tortured and six were injured in different ways. In addition, 99 Bangladeshis were allegedly abducted by the BSF.

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<sup>196</sup> According to the Memorandum of Understanding and related treaties signed between the two countries, if citizens of both countries illegally cross the border, it would be considered trespass and as per law those persons should be handed over to the civilian authority. However, we have noticed that India has been repeatedly violating treaties, shooting at anyone seen near the border or anyone trying to cross the border; and illegally entering Bangladesh, which is a clear violation of international law and human rights.

**Table: Human Rights Violations in Bangladesh-India Border Area (January-December 2014)**

Human Rights Violations in Bangladesh-India Border Area in 2014												
Month	Killed by BSF				Injured by BSF				Abducted	Missing	Other	Grand Total
	Gunned down	Tortured	Other	Sub Total	Shot	Tortured	Other	Sub Total				
January	0	1	0	1	2	2	0	4	13	0	0	18
February	1	0	0	1	2	1	0	3	8	0	0	12
March	2	0	0	2	3	0	0	3	12	0	0	17
April	2	0	0	2	1	1	0	2	4	0	5	13
May	1	2	1	4	1	0	0	1	17	0	0	22
June	3	1	0	4	9	1	0	10	5	0	0	19
July	0	0	0	0	5	1	0	6	9	0	0	15
August	2	2	2	6	3	7	3	13	8	1	0	28
September	1	4	2	7	4	0	0	4	6	0	0	17
October	2	0	0	2	7	3	0	10	4	0	0	16
November	1	3	0	4	1	2	2	5	12	0	0	21
December	2	0	0	2	5	1	1	7	1	1	0	11
<b>Total</b>	<b>17</b>	<b>13</b>	<b>5</b>	<b>35</b>	<b>43</b>	<b>19</b>	<b>6</b>	<b>68</b>	<b>99</b>	<b>2</b>	<b>5</b>	<b>209</b>

### Incidents of border violence recorded by Odhikar

205. In the morning of 19 May 2014, BSF killed a Bangladeshi citizen named Sirajul Islam (40 years old) by stabbing him with bayonets at Putkhali border under the jurisdiction of the Sharsha Upazila in Jessore District. On 18 May 2014 at around 10:30 pm, Sirajul went to India with some cattle traders through the Putkhali border. The BSF chased them while they were returning with cows. Sirajul was caught by BSF members and taken to Angrail Camp where he was stabbed with bayonets. He died while under treatment.<sup>197</sup>
206. On 21 July 2014 a 12-year old boy, Nazmul Huq, went to cut grass at the zero line near the international pillar No. 937 at Nonderkuti border under the jurisdiction of the Phulbari Upazila in Kurigram District. At that time, a BSF patrol team of the Thoraikhana Camp under the 124 BSF Battalion stabbed Nazmul Huq with a grass cutting knife. Nazmul's left wrist was cut.<sup>198</sup>

197 The daily Amar Desh, online report, 20/05/2014

198 The daily Inqilab, 23/07/2014

207. On 21 August 2014 Mohammad Akhtarul Islam (30 years old), a resident of Proadhanpara village in Chaklahat Union under the jurisdiction of the Panchagarh Sadar Upazila, had gone to the Shingrod border to catch fish, where BSF members of the Sakati Outpost abducted him at gunpoint. Hearing this, the BGB<sup>199</sup> sent a letter to the BSF asking for the return of Akhtarul Islam. The BSF denied arresting any Bangladeshis. On 22 August 2014 local people saw Akhterul's body floating in the river. Police recovered the body from the river adjacent to the border. Eye-witness Rafiqul Islam said that in the afternoon of 22 August 2014, he was working in a field near the border. At that time he saw something being thrown into the river from a BSF vehicle. The body of Akhtarul floated to Bangladesh later on. Jahanara Begum, wife of the deceased Akhtatarul Islam, said, "My husband went to catch fish in a flooded field. BSF beat him to death after abducting him. The next morning, his body was dumped into the river in the presence of local people".<sup>200</sup>
208. On the morning of 5 October 2014, 15 - 20 BSF members of the Phashidewa Camp chased some cattle traders while they were bringing cows from India through Goalgoch border, near the main pillar 448 at Banglabandha Union under the jurisdiction of the Tetulia Upazila in Panchagarh District. The BSF also chased Bangladeshi labourers who were lifting stones from the Mohananda River at the border. In protest, Bangladeshi labourers threw brickbats at the BSF. At one stage BSF members entered Goalgoch village inside Bangladesh and searched for cows in five houses. At that time they beat Bangladeshi citizens and fired several rounds of bullets. A Bangladeshi citizen named Abu Bakkar Siddique (50 years old) was shot and injured by them. Meanwhile, villagers claimed that BSF took gold ornaments and cash at gunpoint, entering some houses. Azizul Huq of Goalgoch village said, "BSF took one hundred thousand taka and gold ornaments from my house at gun-point." Apart from that the BSF took 20,000 taka from Rustam Ali; 30,000 taka from Safiqul Islam; and 20,000 taka and gold ornaments from Mofazzal Hossain of the same village.<sup>201</sup>
209. On 6 November 2014 a 12-year old Bangladeshi named Liton was beaten to death by BSF members at Joharpur border under the jurisdiction of the Chapainababganj Sadar Upazila. Liton was the son of Anamul Huq, a resident of Joharpur Belapara village under the jurisdiction of the Narayanpur Union in Chapainababganj. Lt. Col. Abu Jafar Sheikh Mohammad Bazlul Huq, captain of Chapainababganj BGB 9 Battalion, informed Odhikar that on the morning of 6 November 2014, Liton and another boy were cutting grass in the area adjacent to the border. At that time, BSF members of Pirojpur Camp under the 20 BSF Battalion, chased them and caught Liton. The BSF took him to the Indian side of the border and released him after a severe beating. Liton died at 12:00 pm, after re-entering Bangladesh.<sup>202</sup>

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199 BGB: Border Guard Bangladesh, previously known as BDR

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

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

202 Report sent by human right defender associated with Odhikar from Chapainababganj

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## BANGLADESH DEPRIVED OF GETTING ADEQUATE WATER

210. In 1982 India established a barrage across the River Teesta at Gajaldoba. After that, India diverted water unilaterally to Mohananda River through a diversion canal. The Indian Government is following a very negative attitude in terms of releasing water to downstream Bangladesh. As a result, Bangladesh's largest Teesta Barrage Project is about to stop. This is the largest irrigation project in Bangladesh. The water flow has drastically decreased since February 2014 and created a situation of water scarcity in Bangladesh. The dry riverbed of Teesta has brought crisis to the lives of Bangladeshi farmers', mainly in the northern areas. The farmers of Nilphamari, Rangpur and Dinajpur are dependent on the Teesta Barrage Project. Water experts state that this adversity has been created due to refusal of Teesta river water sharing by India. Bangladesh has 54 undivided rivers with India. Among them, the Teesta River is 366 kilometers long. This river runs from a glacier in Sikkim in India and winds through the Nilphamari District of Bangladesh. The Teesta River flows along 117 kilometers in Bangladesh and 249 kilometers in Sikkim and West Bengal in India.<sup>203</sup> It should be noted that India had struck first on Bangladesh's river flow by establishing the Farakka Barrage on the River Ganges in 1975 and a large part of its flow has been diverted to India's Bhagirathi River.<sup>204</sup> Odhikar urges the United Nations to help Bangladesh receive adequate water from India in order to save the lives and livelihood of the people of Bangladesh.

## BANGLADESH-MYANMAR RELATIONS

211. The Border Guard Police of Myanmar have recently been threatening to violate the human rights of Bangladeshi citizens along the Bangladesh-Myanmar border. While three sides of Bangladesh are surrounded by India, the South-East part of the country shares its border with Myanmar.

### Human rights violations by Myanmar Border Guard Police

212. On 28 May 2014 at around 9:30 am, the Border Guard Police (BGP) of Myanmar opened fire at members of the Bangladeshi Border Guard (BGB) belonging to the newly established Painchhori BOP when a patrol team of that Camp arrived at the Dochhori and Techhori connecting areas of a canal at the Naikkhonchhori border under the jurisdiction of the Bandarban District. At that time, BGB's Nayek Subeder, Mizanur Rahman, was shot dead on the spot. The BGP of Myanmar entered into Bangladeshi territory, violating the UN Convention and took the body of Mizanur Rahman and his arms and ammunition. In response, the BGB took position with white flags near Pillar No. 50 at the border in order to bring back the body of Mizanur Rahman. On 30 May 2014 at around 3:00 pm, BGP sent word that the body had to be handed over to BGB near Pillar No. 52. BGP members of Myanmar opened fire again at the BGB members when they marched towards No. 52 pillar.<sup>205</sup>

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203 The daily Manabzamin, 22/04/2014 and JaiJaiDin, 18/03/2014

204 The weekly Amader Budhbar, 12/02/2014

205 The daily Naya Diganta, 31/05/2014

213. It should be noted that, in late 1991, the then Myanmar Border Guards Nasaka attacked Reju Fatrajhiri BD<sup>R206</sup> Camp at Ghundhum border in Naikkhongchhori and looted arms and ammunition after killing a BDR member of Bangladesh. About 250,000 Rohingya refugees also took shelter in Bangladesh in 1991 as they fled from ethnic cleansing in the Rakhaine State of Myanmar.

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206 BDR: Bangladesh Rifles was the previous name of Bangladesh border security force. Now it has been re-named as Border Guard Bangladesh (BGB) after the BDR mutiny in February 2009.

## CHAPTER IX : WORKERS RIGHTS

214. The Readymade Garment (RMG) Industry is one of the major contributors to Bangladesh's economy. Garment factories contribute to 13% of the GDP, add value to 78% of total exports and employ around 4 million workers, mostly women, working on 5,400 apparel factories.<sup>207</sup> Moreover, it has also created employment in related services. In the early 1980s there were only 50 factories in Bangladesh that received investment in the RMG sector. The USA is the largest importer of Bangladeshi RMG products, followed by Germany, the UK, France, and other member states of the European Union. In fact, Bangladesh is the 6<sup>th</sup> largest supplier of apparel in the US market.<sup>208</sup> Cheap but hard working honest labour, cheaper gas and power supplies have helped Bangladesh become a preferred RMG Zone in the world market. However, incidents of fires and building collapses, such as the Tazreen Garments and Rana Plaza disasters, have damaged the reputation of Bangladesh's garment to some extent.
215. A risky working environment, the almost non-existence of fire exits, shortage of fire extinguishers and other safety measures, a lack of training and the use of sub-standard building material, bribery during plan approval, the construction of illegal extensions and violations of building codes all contribute to the recurrence of fire mishaps and building collapses in the factories of Bangladesh. The industry has many challenges to overcome, including the fact that too many owners and managers of the factories fail to pay wages and bonuses on time, dismiss workers without any valid reason, and lay off or close factories without notice. These factors, coupled with unsafe structural conditions, result in the industry being unstable, which may lead to a destruction of this vital sector. The factories of the RMG industries must be developed in a planned manner and the authorities must take appropriate measures so that accidents do not take place. According to BGMEA, 211 garments were close down for security purposes within the past one and half years.<sup>209</sup>
216. On 5 December 2013, the government declared a minimum monthly wage of BDT 5,300 for garment workers. The new wage structure came into effect on 1 January 2014. However, in regards to the implementation of the new wage structure, it can vary from 87% (according to the employer organisation, BGMEA) and 40% (according to local trade unions). The workers of this sector are unhappy with their present salary.
217. Odhikar has observed that clashes take place between the ready-made garment workers and factory owners, due to poor wages, wages or bonuses not being paid on time, and demands for increased wages. The tripartite agreement must be implemented in order to save this industry and the livelihood of factory workers.
218. According to information gathered by Odhikar, from January to December 2014, one worker died due to a factory fire. However, 417 workers were injured by the police during unrest, 141 workers were injured by the garment's authority, and 66 were injured due to fire.

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207 The Daily Star, 24/10/2014; <http://www.thedailystar.net/securing-positive-dynamics-in-rmg-sector-47238>

208 <http://www.scribd.com/doc/45953315/Major-Country-Wise-RMG-Export#scribd>

209 The daily Manabzamin, 26/09/2014

## Some incidents of workers unrest

219. On 4 January 2014, at least 20 persons were injured, including four with gunshot wounds, in a clash between police and garment factory workers over protests demanding increased wages in two RMG factories named Section Seven Ltd and Section Seven Apparels Ltd in Chittagong Export Processing Zone (EPZ). Workers alleged that wages were supposed to be paid under the new salary structure from December 2013. The factory authorities also obtained additional work from workers on the pretext of increasing their wages. Despite this, wages were not increased and the factory authorities could not provide a proper explanation for this. As a result, angry workers gathered outside the factories. During this time, the factory authority closed the main gates of the factories, which caused the infuriated workers to vandalise the area.<sup>210</sup>
220. On 18 February 2014 workers of CPM Composite Knitwear Limited were protesting for unpaid wages at the Zinzira area in Savar, Dhaka. An altercation occurred with police when the factory workers vandalised the factory and blocked the roads. At least 100 people were injured during the clash, including 11 with gunshot wounds. The workers claimed that they were yet to be paid three months' salary. The management changed the date for payment several times but did not pay them until the violence took place. In addition, workers became furious when they heard about the possible closure of the factory.<sup>211</sup> Workers were granted a weekly holiday on 6 March 2016. After the holiday, on the morning of 7 March 2014, workers came to the factory to join work, but found the main gate locked. The security officers inside the gate told workers that the factory was temporarily closed by order of the owners, as the building structure was found to be vulnerable. This made the workers annoyed and the security officers stopped workers while they were trying to enter the factory by breaking the locks. Later, annoyed workers chanted slogans in front of the factories. On 8 March 2014 at around 9:30 am, hundreds of workers of the Softex Garment factory gathered in front of the Kudrat Ali Super Market and brought out a procession against the closing down of the factory without any notice and to demand the payment of wages for three months. Workers put barricades on the main road of Pallabi and several public transport on Pallabi-Gulistan Road were vandalised. Hearing of the unrest, workers of other garment factories joined them. At one stage, police baton-charged the workers, fired blank shots and threw tear gas shells at them. At least 10 workers were injured in this incident.<sup>212</sup>
221. On 5 May 2014 workers of Provatex Apparel Limited in Savar blocked the Dhaka-Aricha Highway to demand overdue wages. Receiving this information, industrial police attended the site and ordered the workers to withdraw the blockade and leave. The workers declared that they would not leave the highway without their wages. Police baton charged at them; and at least 15 workers were injured.<sup>213</sup>

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210 The daily Prothom Alo, 05/01/2014

211 The daily Bangladesh Protidin, 19/02/2014

212 The daily Manabzamin, 09/03/2014

213 The daily Manabzamin, 05/05/2014

222. On 16 June 2014 at least 30 persons were injured during an altercation between the owners of the Aron Star Sweater factory and factory workers at Rugganj in Narayanganj. Workers alleged that they were protesting inside the factory without joining work as the owners did not fulfil their 6-point demand, including the payment of salaries and other benefits for the month of May, regular overtime and bonuses. Workers also blocked the Dhaka-Sylhet highway.<sup>214</sup>
223. On 13 September 2014 workers of DH Sweater Garments Ltd at Jamgara in Ashulia in the jurisdiction of Dhaka staged demonstrations and stopped their work to demand an increase of the piece rate. During this time, a gang of hired criminals, on behalf of the factory authority, attacked them with sticks. In this incident, 10 workers were injured.<sup>215</sup>
224. After the Rana Plaza disaster in 2013, the Bangladesh government and Western retailers set up an inspection regime for more than 3,500 garment factories to ensure structural integrity and fire and electrical safety. North American retailers, including Walmart and GAP, formed an Alliance, which inspected about 587 factories.<sup>216</sup> A compensation fund was set up through the International Labour Organization (ILO) and was designed to raise US \$40 million. However 16 months later, just under US \$20 million of funds had been raised.<sup>217</sup>
225. The report of the retailers group stated that worker representative structures such as trade unions and worker participation committees remained weak in the RMG sector and workers who attempted to exercise their freedom of association rights had been intimidated, harassed and even terminated. The government amended the labour laws to make it easier for workers to form and join unions. However, workers continue to face tremendous pressure and intimidation.<sup>218</sup>
226. Inadequate infrastructure, bureaucratic inefficiency and corruption are still major hindrances in industrialisation and for the growth of industry. These are also increasing entrepreneurs' cost of doing business. They are also losing price and delivery competitiveness to their business competitors. The political stability of a country is key to the steady growth of an industry. This is lacking in Bangladesh due to the absence of a democratic atmosphere.<sup>219</sup>

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214 The daily Jugantor, 17/06/2014

215 The Daily Amader Shomoy, 14/09/2014

216 Newage, 24/07/2014

217 <http://www.cleanclothes.org/news/press-releases/2014/10/09/rana-plaza-compensation-fund-pays-first-installments-to-1-587-beneficiaries>

218 The Newage, 24/07/2014

219 <http://coreconcept-apparelmerchandising.blogspot.com/2014/10/rmg-industry-of-bangladesh-past-present.html>

**Table: Statistics of violations in RMG factories (January – December 2014)**

<b>Ready-made Garment Factories: (January-December 2014)</b>										
<b>Month</b>	<b>Killed by fire</b>	<b>Injured</b>					<b>Total of people injured</b>	<b>Victim from law enforcement agency</b>	<b>Worker terminated</b>	<b>Total victims of violations</b>
		<b>During demonstration</b>		<b>Fire</b>	<b>Stampede</b>	<b>Other</b>				
		<b>By police</b>	<b>By Garment Authority</b>							
January	0	45	15	0	0	0	60	0	20	<b>80</b>
February	0	100	5	0	0	30	135	0	0	<b>135</b>
March	0	65	0	0	0	0	65	0	0	<b>65</b>
April	0	0	1	50	0	0	51	0	0	<b>51</b>
May	0	49	0	0	0	0	49	0	12	<b>61</b>
June	0	0	60	0	0	55	115	0	0	<b>115</b>
July	1	64	20	13	0	25	122	0	0	<b>123</b>
August	0	84	0	3	1	10	98	1	152	<b>251</b>
September	0	10	40	0	0	0	50	4	0	<b>54</b>
October	0	0	0	0	0	0	0	0	0	<b>0</b>
November	0	0	0	0	0	0	0	0	0	<b>0</b>
December	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>TOTAL</b>	<b>1</b>	<b>417</b>	<b>141</b>	<b>66</b>	<b>1</b>	<b>120</b>	<b>745</b>	<b>5</b>	<b>184</b>	<b>935</b>

## CHAPTER X: VIOLENCE AGAINST WOMEN

227. Women of all ages face violence and discrimination in Bangladesh. Along with the patriarchal attitude of society, the weak criminal justice system creates severe hindrances for women to access justice. If politically and financially powerful persons are involved in crimes related to violence against women, police remain silent spectators and do not take action against them due to their political affiliations, unless they have been told to make an arrest to 'set an example'. In the same manner, access to justice by victims is rendered difficult when 'political' people are involved in committing crimes and violence.
228. There are also allegations of severe corruption and politicisation in the lower judiciary and police administration. Non-implementation of law is also the cause of a failure to address such violence. Female victims and their families are regularly intimidated by perpetrators and they live under constant risk of becoming victimised again. Social awareness activities to curb violence against women are ineffective as they are not regularly held.

### DOWRY AND RELATED VIOLENCE

229. The Dowry system is deeply rooted in society and its cruelty takes away the lives of many brides. Dowry has become a serious social ailment, with women in all sectors and their families being affected. Poor women have been victims of physical assault and death by their husbands and in-laws due to failure to provide a dowry.
230. Dowry-related violence is considered to be the root cause of domestic violence. Women are treated as burdens in many poor, rural families and urban slums and thus many parents try to marry off their daughters by giving dowry. Poverty and lack of security contribute to a lack of female education at the primary or secondary level. As a result, women are unable to become self sufficient. Parents, however, save money for giving dowry for their daughters' marriages. However, the demand for dowry does not end at the marriage ceremony. The demand for money and other goods continues after marriage, with women being reduced to a mere tool to procure material benefit for the husband for as long as possible.
231. In 1980, Bangladesh passed the Dowry Prohibition Act banning dowry. The law contains provisions for imprisonment or a fine or both for taking dowry. The Women and Children Repression Prevention Act, 2000 (amended 2003), in particular Section 11 (a) (b) and (c), also contains provisions for stringent punishments for dowry-related violence.
232. According to the Dowry Prohibition Act 1980, giving and taking dowry is a punishable offence and according to the section 11 (a), (b) and (c) of the Women and Children Repression Prevention Act, 2000 (Amended in 2003) the punishments to such crimes have been mentioned. Regardless of the laws, dowry violence is a vicious cycle and the root cause for domestic violence in the country.

233. In 2014, Odhikar recorded that 237 females were subjected to dowry violence. Of these females, 233 were adult women and four were under-aged brides.<sup>220</sup> It has been alleged that among the 233 women victims, 120 were killed because of dowry, 103 were physically abused in various ways for dowry-related demands and 10 women committed suicide due to dowry-related violence. Among the four under-aged brides, three were killed and one committed suicide because of dowry. During this time, one female child was killed and one male child was injured as they were victimised with their mothers. Furthermore, ten relatives of victims were also physically abused for dowry.

**Table 25: Dowry-related violence in 2014**

Month	Women victims (Brides)			Total	Girl victims (Under-aged brides)		Total	Total Female Victims			
	Killed	Physically abused	Suicide		Killed	Suicide		Total Killed	Total Physically abused	Total Suicide	Grand Total
January	7	5	0	12	0	0	0	7	5	0	12
February	11	3	1	15	0	0	0	11	3	1	15
March	4	8	2	14	0	0	0	4	8	2	14
April	14	8	0	22	0	0	0	14	8	0	22
May	8	8	1	17	0	0	0	8	8	1	17
June	12	12	0	24	1	0	1	13	12	0	25
July	8	14	1	23	0	1	1	8	14	2	24
August	11	6	1	18	0	0	0	11	6	1	18
September	15	10	1	26	0	0	0	15	10	1	26
October	7	10	1	18	0	0	0	7	10	1	18
November	18	14	2	34	0	0	0	18	14	2	34
December	5	5	0	10	2	0	2	7	5	0	12
<b>Total</b>	<b>120</b>	<b>103</b>	<b>10</b>	<b>233</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>123</b>	<b>103</b>	<b>11</b>	<b>237</b>

234. On 3 March 2014 a pregnant housewife, Safia Begum (27 years old), was strangled to death over dowry demands in Maghan village under the jurisdiction of the Mohanganj Upazila in Netrokona District. Soon after the marriage, Safia Begum's husband Hanif started abusing her for dowry. On 3 March 2014, Safia was forced to bring 200 00 taka from her father's house. Hanif beat Safia when she refused to bring more money and strangled her to death at midnight. An unnatural death case was filed with Mohanganj Police Station in this regard.<sup>221</sup>

220 The Child Marriage Prohibition Act specifically stipulates that a male has to be 21 years or over and a female has to be 18 years or over in order to be eligible to marry.

221 The Daily Ittefaq, 15/03/2014

235. A housewife named Amena Begum (18 years old) was allegedly killed by her in-laws over dowry demands in Tangail. On the afternoon of 1 July 2014, local people saw Amena's body floating in the river at Poshna adjacent to her in-laws house and they informed the police. Police recovered the body and sent it to the morgue for an autopsy. Blood was coming out of the deceased's nose and her throat was bruised. A murder case was filed with Kalihati Police Station in this regard. Amena's family alleged that Amena's husband, Harun, and his family members were pressurising her for dowry soon after the marriage and for this Amena had been physically and mentally abused.<sup>222</sup>
236. On 1 November 2014 a housewife named Mukta Khatun (18 years old) was severely beaten by her husband, Farooq Hossain, and her in-laws over dowry demands in Khukni Jugipara under the jurisdiction of the Enayetpur Upazila in Sirajganj District. Mukta Khatun was admitted to Sirajganj General Hospital in a critical condition. She succumbed to her injuries on November 2 at 12:00 pm. Her family informed Odhikar that Mukta married Farooq Hossain in August 2014. Mukta's husband was demanding gold ornaments and 100,000 taka and she was even sent to her father's house for more dowry.<sup>223</sup>

## ACID ATTACKS

237. Despite the existence of the Acid Control Act, 2002 and Acid Crime Control Act, 2002, girls and women are falling victim to acid violence due to the non-implementation of the laws. Many men have also fallen victim to acid attacks. Though it is a punishable offence to buy, sell or import acid without a licence, due to a loose monitoring system, acid is readily available and such violence can be perpetrated upon any person. A majority of the acid attacks on women occur due to refusal of proposal of love, marriage or sexual advances or over land disputes.
238. According to information gathered by Odhikar, between January – December 2014, it was reported that 66 persons became victims of acid violence. Of these affected persons, 44 were women, seven were men, 10 were girls and five were boys.

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222 Report sent by human right defender associated with Odhikar from Tangail

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

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**Table: Statistics of Acid Violence in 2014**

Month	Female		Male		Grand Total
	Adult	Child	Adult	Child	
January	1				1
February	3	0	0	0	3
March	4	1	0	1	6
April	3	2	2	0	7
May	3	1	2	0	6
June	3	0	1	0	4
July	3	0	1	1	5
August	4	0	0	0	4
September	3	4	0	1	8
October	12	2	0	2	16
November	3	0	1	0	4
December	2	0	0	0	2
<b>Total</b>	<b>44</b>	<b>10</b>	<b>7</b>	<b>5</b>	<b>66</b>

Reasons for Acid Violence in 2014						
Sl No.	Reasons for acid violence	Female		Male		Grand Total
		Adult	Child	Adult	Child	
1	Dowry	2	0	0	0	2
2	Refusal of Proposal for/ marriage, Love, dating or sex	4	4	1	0	9
3	Marital Problems/ Family dispute	11	1	1	0	13
4	Stalking/sexual harassment	0	1	1	0	2
5	Due to victim's decision to divorce or seek divorce or money	1	0	0	0	1
6	Conflict over land, property or inheritance	10	0	1	0	11
7	Enmity	5	0	2	3	10
8	Unidentified reasons	10	4	1	2	17
9	Withdrawal of case	1	0	0	0	1
	<b>Total</b>	<b>44</b>	<b>10</b>	<b>7</b>	<b>5</b>	<b>66</b>

239. On April 24, 2014 at night, a group of criminals wearing masks threw acid on a woman named Laily Akhter (19) when she was returning home with her cousin Chompa after recharging her mobile phone in Nolkata village under Bhandaria Upazila in Pirozepur District. Parts of Laily Akhter's back, legs and left eye were burnt with acid. She was admitted to Barisal Medical College Hospital. A case was filed with Bhandaria Police Station accusing seven criminals. Police arrested one of the culprits named Delwar Hossain.<sup>224</sup>
240. On July 14, 2014 a housewife named Minara Akhter Sathi was beaten and burnt with acid by her husband, school teacher Rafiqul Islam over dowry demands in Ratanpur village under Panchbibi Upazila in Joypurhat District. Minara Akhter was admitted to Joypurhat District Hospital with severe acid burns. Minara Akhter alleged that her mother gave three hundred thousand taka to Rafiqul Islam at the time of marriage by selling a house. Her husband often tortured her for two hundred thousand taka more.<sup>225</sup>
241. On October 7, 2014 at midnight, rivals threw acid at a sleeping husband and wife in Kamarkhand under Sirajganj district. The victims are: Shah Alam alias Rojgar (44), son of late Rahim Box of Modhya Bhodraghat under Kamarkhand Upazila; and his wife Arjina Khatun (38). They were admitted to the Surgery Ward of Sirajganj General Hospital in critical condition. Shah Alam's legs, back and a part of his mouth and Arjina Khatun's legs, right hand and a part of her mouth were burnt. Shah Alam informed Odhikar that at around 2:00 am, criminals threw acid at them while they were sleeping. Residential Medical Officer of Sirajganj General Hospital, Dr. Faridul Islam informed Odhikar that on October 8, 2014 at around 4:00 am, the husband and wife were admitted to the hospital. 50% of Shah Alam's body and 40% of Arjina Khatun's body were burnt. They are being treated in the surgery ward. However, they will be sent to the burn unit at Dhaka Medical College Hospital soon for better treatment.<sup>226</sup>

## RAPE

242. It is alarming that there are significant numbers of female children who are victims of rape and that child rape is on the rise. If an incident of rape is revealed, in most probability, it will not be brought before the court and 'local elites' will try to resolve the matter through a biased village arbitration that may punish the victim more. If the matter goes to the court, the victim becomes victimised again as a majority of such cases are not held in camera and the pattern of questions asked by the male Judges during the court proceedings become humiliating.
243. In 2014, Odhikar recorded a total number of 666 females who were raped. Among them, 244 were women, 393 were children below the age of 18 and the age of 29 females could not be determined. Of the women, 31 were killed after being raped, 118 were victims of gang rape, and seven women committed suicide after being raped. Out of the 393 children,

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224 The daily Prothom Alo, 26/04/2014

225 The daily Jugantar, 16/07/2014

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

34 children were killed after being raped, 92 were victims of gang rape and five committed suicide after being raped. During this period, 71 women and children faced the sexual violence related with attempted rape.

**Table: Statistics of Rape (January-December 2014)**

Month	Total number of victims	Total number of women	Total number of children	Unidentified age	Gang Rape			Killed after being raped			Committed suicide after being raped		
					Women	Children	Age unknown	Women	Children	Age unknown	Women	Children	Age unknown
January	39	13	22	4	5	2	2	2	1	1	0	0	0
February	51	22	24	5	11	4	4	3	1	0	2	1	0
March	42	15	26	1	7	8	1	0	4	0	1	0	0
April	59	20	34	5	8	16	4	3	3	0	1	0	0
May	65	20	41	4	9	6	2	2	7	0	0	0	0
June	47	15	30	2	9	9	1	2	0	0	1	0	0
July	57	20	36	1	10	9	1	1	2	0	0	2	0
August	60	25	34	1	13	8	0	2	3	0	0	1	0
September	49	16	32	1	11	10	0	2	2	0	1	0	0
October	87	30	55	2	13	11	0	5	6	0	1	1	0
November	62	23	37	2	10	4	2	1	2	0	0	0	0
December	48	25	22	1	12	5	0	8	3	0	0	0	0
<b>Total</b>	<b>666</b>	<b>244</b>	<b>393</b>	<b>29</b>	<b>118</b>	<b>92</b>	<b>17</b>	<b>31</b>	<b>34</b>	<b>1</b>	<b>7</b>	<b>5</b>	<b>0</b>

244. On 10 May 2014 a mentally disabled girl was gang raped by criminals in Ratanpur village under the jurisdiction of the Sokhipur Upazila in the Tangail District. It was learnt that four criminals of the Hatibandha village raped the girl in a jungle while she was returning to Berabari village from her maternal uncle's house at Hatibandha. Later she was handed over to four other criminals in the Ratanpur area who also gang raped her. The victim was admitted to Tangail General Hospital. On 13 May 2014, her uncle, as plaintiff, filed a case with the Sokhipur Police Station accusing the eight criminals. Police arrested three accused persons, named Ramprashad, Alam Mia and Polash.<sup>227</sup>

245. On the night of 1 September 2014, a female student of class VIII was strangled to death after being raped in Sudin Village under the jurisdiction of the Amoldighi Upazila in Bogra District. The family of the victim said that she went to bed after completing her studies and dinner. At around 1:30 am, criminals entered her room and strangled her with her scarf after violating her.<sup>228</sup>

227 The daily Manabzamin, 14/05/2014

228 The daily Manabzamin, 02/09/2014

246. On 10 October 2014 at 12:00 am, a housewife was raped by criminals in the absence of her husband at Moukhali village in Chandkhali under the jurisdiction of the Paikgachha Upazila in the Khulna District. Criminals also tried to strangle her. Hearing her screams, neighbours rushed to the site and the rapists fled. She was referred to the One Stop Crisis Centre in Khulna Medical College Hospital in a critical condition. The Officer-in-Charge of Paikgachha Police Station, Sikdar Akkas Ali, said that her father-in-law, Selim Talukder, had been missing since the incident. As a result, he is under suspicion.

### STALKING (SEXUAL HARASSMENT)

247. A majority of the victims of stalking are young women at the school and college level.
248. According to information gathered by Odhikar, a total of 272 girls and women were victims of sexual harassment between January – December 2014. Among them, two were killed, 35 were injured, eight were abducted, 20 were assaulted, 14 committed suicide and 193 were sexually harassed in various ways. During this period, five men were killed and 35 were injured by the stalkers when they protested against such acts. Further, three women were killed and 13 women were injured by the stalkers when they protested against such acts.
249. On 15 April 2014, a 15-year old madrasa student, Jamena Akhter, was sexually harassed by Pallabi Thana unit Jubo League General Secretary Jewel Rana and his associates Rakib, Sahabuddin and Jewel at Pallabi's Bauniabad Colony in Dhaka. Jamena Akhter committed suicide on the evening of the incident.<sup>229</sup>
250. A student of class IX, Umme Kulsum Ritu, was stalked by a local debauched youth, Shimul Chandra Mandol, while on her way to and from school in Khilgaon, Dhaka. Later Shimul started to stand in front of Ritu's home. On 6 September 2014, Shimul Chandra Mandol and his associates came to Ritu's home in the absence of her parents and behaved indecently with Ritu. They also threatened her. After this incident, Ritu locked herself in her room and ingested poison. She was taken to Dhaka Medical College Hospital in a critical condition, where she died.<sup>230</sup> Shimul Chandra Mondol is yet to be arrested.
251. On 4 September 2014 a group of stalkers stabbed to death a youth named Basir Uddin for protesting against the stalking of his sister at Uttarpara under the jurisdiction of the Debidwar Upazila in Comilla. It was learnt that Basir Uddin's younger sister was harassed on her way to and from school by a group of men including Oliullah, Mahbub, Arif and Sanaullah. Basir Uddin was stabbed as he had protested against this crime.<sup>231</sup>
252. Odhikar campaigns continuously against all forms of violence and harassment against women and female children. Due to the absence of the rule of law, perpetrators in Bangladesh enjoy immunity. A weak criminal justice system and high level of corruption and criminalisation within the law enforcement agencies have further aggravated this situation.

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229 The Daily Ittefaq, 16/04/2014

230 New Age, 08/09/2014

231 The daily Jugantor, 05/09/2014

## CHAPTER XI: PERFORMANCE OF NATIONAL INSTITUTIONS

### THE JUDICIARY

253. A Judiciary fully independent of the Executive is the essence in a democracy according to the doctrine of Separation of Power. The doctrine has also been reflected in the Constitution of Bangladesh, which says, “The state shall ensure the separation of the Judiciary from the Executive organ of the state.”<sup>232</sup> Although successive political governments have often highlighted the lofty ideals of an “independent Judiciary,” in reality they did very little for an effective separation of the Judiciary from the Executive. The Supreme Court, in a judgement delivered on December 2, 1999, detailed 12 directives on the Government on how the lower Judiciary should be separated from the Executive and ordered placing the lower Judiciary under the supervision of the Supreme Court. The governments of alliances led by the Awami League and the Bangladesh Nationalist Party dragged their feet on the implementation of the directives for seven years or so, repeatedly obtaining an extension of the deadline. Ironically, a military-backed ‘caretaker’ regime implemented some of the directives, resulting in amendments to the Code of Criminal Procedure; and four sets of Rules on the service and salaries and financial benefits of the lower court judges on November 1, 2007. While leaders of different political parties claimed their respective contributions towards making the Judiciary independent of Governmental interference, some basic issues directly linked with the independence of the Judiciary have never been addressed and have impacted on the independence of the Judiciary. The Judiciary has increasingly been subjected to political manipulation under successive governments to the extent that its independence is found to be often compromised by controversial appointments, promotions, removals, and conduct of judges.<sup>233</sup>
254. It is indeed very unfortunate that even seven years after the lower judiciary had been declared independent of the Executive; the Supreme Court did not get full control over it. For instance, in the absence of a separate Secretariat, ordered in the 12-point directives issued by the highest court in a landmark judgement on December 2, 1999 in the matter of Secretary, Ministry of Finance vs. Md. Masdar Hossain and others, 52 DLR (AD) 82, 20 BLD (AD) 104; the transfer, promotion and posting of judges are now being carried out by the Ministry of Law, Justice and Parliamentary Affairs, of course, in consultation with the Supreme Court. Moreover, according to Masdar Hossain, quoted in a New Age report, there have so far been many cases in which the Law Ministry has not complied with the recommendations made by the Supreme Court on transfer, promotion and posting of judges.<sup>234</sup>

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232 Article 22, the Constitution of the People’s Republic of Bangladesh

233 [http://www.ti-bangladesh.org/beta3/images/2014/fr\\_nis\\_NICSA\\_14\\_en.pdf](http://www.ti-bangladesh.org/beta3/images/2014/fr_nis_NICSA_14_en.pdf) A publication of TIB titled “National Integrity System Assessment Bangladesh” Authors: Professors Salahuddin Aminuzzaman and Sumaiya Khair, 14 May 2014

234 “No more delay in ensuring independent judiciary,” New Age, November 2, 2014, p-8

255. It is, however, shocking that the Law Ministry now questions the necessity of the establishment of a separate Secretariat under the Supreme Court, ordered and decided by the highest court 15 years ago. Acting Law Secretary Abu Saleh Sheikh Md Zahirul Haque has said, as quoted in a New Age report, that there is no necessity of establishing separate Secretariat for the Supreme Court, since the Law Ministry is acting as the Secretariat of the Supreme Court.<sup>235</sup>
256. The higher Judiciary is also suffering from indirect government supervision, in particular through the appointment of Judges and state Attorneys, who are often known for their political allegiances. While the politicisation of these appointments has been pointed out for several years, no government has enacted a law detailing the procedure, qualifications and way of appointment of Judges of the higher Judiciary.
257. In a writ petition filed by Raghbir Rauf Chowdhury (Writ Petition 4403 of 2010), Honourable Justice Md. Imman Ali issued a Rule Nisi asking the Government to explain 'why guidelines should not be framed in respect of the process of the selection of persons for being appointed as Judges of the Supreme Court of Bangladesh and to publish the same in Bangladesh Gazette Extraordinary in order to bring transparency and competitiveness in such a process under the Constitution by causing a wider pool of applicants to be considered through public notifications inviting application as mandated by the settled principles of Separation and Independence of Judiciary being the basic structure of the Constitution ...' Neither the petition has yet been disposed of nor guidelines have been framed.
258. Although the government has never enacted a law on appointment of the Supreme Court Judges, it has already restored the Parliament's power to remove the Supreme Court Judges for of a misconduct or incapacity through the 16<sup>th</sup> Amendment to the Constitution<sup>236</sup>, that too in defiance of enormous criticism on part of conscious citizens in general, constitutional experts in particular, and all opposition political parties. Moreover, no law has yet been enacted detailing the procedure of an inquiry into allegation of misconduct or incapacity of a Supreme Court judge for his/her removal by the Parliament.
259. Odhikar recommends enactment of a law guiding the appointment of Supreme Court Judges and another law detailing the procedure of inquiry into allegation against Supreme Court Judges for removal, the establishment of a separate Secretariat for the lower Judiciary under the Supreme Court, the implementation of the 12-point directive of the Supreme Court in its entirety and to ensure the effective and actual separation of the Judiciary from the Executive.

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235 'Independent judiciary still a far cry,' New Age, November 1, 2014, p-1

236 On September 17, 2014 the Parliament unanimously passed the much-talked "The Constitution (Sixteenth Amendment) Bill, 2014" restoring the parliament's power to remove Supreme Court judges for their 'misconduct or incapacity'.

## BANGLADESH POLICE

260. The Police Force is a designated disciplined force of any sovereign country which acts under the rule of law. In Bangladesh, we see quite opposite. Bangladesh Police has a reputation of abusing its authority through coercive and corrupt means. They have been used by all the regimes for the latter's political benefit and not to protect the interest of the ordinary citizens. The force is responsible for generating victims of torture and creating fabricated criminal charges against civilians and political opponents for a very long time. To keep the police subservient to the ruling elite, the government has kept the salary of the police force low.<sup>237</sup> This serves as an incentive for the police officers to demand and accept bribes. Furthermore, corruption and nepotism during the recruitment process, transfer and promotions are widespread.
261. Widespread torture of detainees is common in criminal investigations in Bangladesh under all regimes, and has become an unmistakable feature of the government's crackdown against independent and political voices. Persons detained by police are routinely subjected to physical and psychological abuse, often from the initial moments of their arrest. The concerned authority often refuses to hold police and security forces accountable for acts of torture, and even tacitly encourage torture through its broadcasting of political prisoners' public "confessions" as tools of political propaganda.<sup>238</sup>

## Political use of the Police Force

262. In the face of huge criticisms from home and abroad against extrajudicial killings in the name of crossfire, gunfight or encounter and enforced disappearance, the law enforcers have resorted to shooting people in their legs to maim them. The trend, which came to light in 2011, is a matter of grave concern. Moreover, the State Minister for Home Affairs Asaduzzaman Khan made a statement that the incident of shooting Limon Hossain, a college student, in his leg was a mere accident<sup>239</sup> which further acknowledges the culture of impunity enjoyed by law enforcement agencies. A tendency of taking the law into one's own hands is also being observed among the members of law enforcement agencies. This tendency continues due to the political use of the law enforcers and a culture of prolonged impunity. Even the Border Guard Bangladesh (BGB) has been used in foiling political programmes of the opposition, even though its main task is to protect the border.
263. The police force has over the years drawn flak for its failure to protect the citizens and for deviating from proper policing. Instead of upholding the rule of law, the police have been indiscriminately used by governments and major political forces for self serving interests. Consequently, the police enjoy political patronage and impunity. This state of affairs has

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237 This is also the observation of Transparency International Bangladesh and has been mentioned in their reports on corruption in the law enforcing agencies in Bangladesh.

238 Social research on police remand and the desecration of human fundamental right of Bangladesh.  
<http://www.write3.com/details/5374>

239 'Shooting of Limon: State Minister terms it an accident', The Daily Star, October 23, 2014.

impeded the independence of the police force, undermined accountability structures and led to create a deficit in the public trust regarding their ability and willingness to function in the public interest.<sup>240</sup>

## **Bribery and corruption within the police force**

264. Police integrity is compromised by nepotism, political patronage and an absence of sanctions for wrong doing. Much depends on political consideration and personal gains. This leads to a loss of discipline, arrogance and a culture of impunity among police officers. The police are publicly known for their corrupt practices that range from accepting money from traffic rule violators to helping criminals escape. The reluctance on the part of the police to offer protection without bribes or pressure from some higher authority, has virtually privatised state security services in favour of the rich and influential.<sup>241</sup> Experts claim that the chain of bribery and collusion between different levels of officers exists within the police administration, with the benefits of corruption being shared among different levels. Recruitment and postings are also sources of corruption within the police force. Unfortunately, where a complaint is filed against a police officer, in most cases there is no investigation undertaken into it, as any prosecution of a public servant needs government sanction.<sup>242</sup> Even the National Human Rights Commission Chairman, Mizanur Rahman, has mentioned that the law enforcement agencies are the worst violators of human rights in the country.<sup>243</sup>
265. In Bangladesh, the officers of law-enforcement agencies conceal their illegal assets using the names of their wives, children, or in-laws; and thus there is no effective mechanism or institution for holding policemen accountable for their illegal wealth. The political regimes and the institutions, such as the Anti-Corruption Commission, which is obliged to curb corruption, constantly keep their eyes averted so that the rampant corruption can serve their mutual purposes. Subsequently, the chain of command is systematically replaced by a “chain of corruption” within the law-enforcement agencies.<sup>244</sup>

## **THE NATIONAL HUMAN RIGHTS COMMISSION**

266. The National Human Rights Commission of Bangladesh (NHRC) was established in 2007 under the Human Rights Commission Ordinance and reconstituted under the National

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240 [http://www.ti-bangladesh.org/beta3/images/2014/fr\\_nis\\_NICSA\\_14\\_en.pdf](http://www.ti-bangladesh.org/beta3/images/2014/fr_nis_NICSA_14_en.pdf); A publication of TIB titled “National Integrity System Assessment Bangladesh” Authors: Professors Salahuddin Aminuzzaman and Sumaiya Khair, 14 May 2014

241 [http://www.ti-bangladesh.org/beta3/images/2014/fr\\_nis\\_NICSA\\_14\\_en.pdf](http://www.ti-bangladesh.org/beta3/images/2014/fr_nis_NICSA_14_en.pdf); A publication of TIB titled “National Integrity System Assessment Bangladesh” Authors: Professors Salahuddin Aminuzzaman and Sumaiya Khair, 14 May 2014

242 Section 197 of the Code of Criminal Procedure states that if any case is to be brought against a public servant, it first needs government sanction.

243 <http://www.thedailystar.net/tags/>; National Human Rights Commission Chairman Mizanur Rahman

244 The State of Human Rights in Bangladesh, 2013 by AHRC. <http://1dgy051vgyxh41o8ci16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/12/AHRC-SPR-008-2013-HRRpt-Bangladesh.pdf>

Human Rights Commission Act 2009 on June 22, 2010 after the Parliamentary elections. The Commission comprises of a full-time Chairman, a full-time Member and five part time Members. With power to investigate but no authority to sanction any action, the NHRC has been established as an “independent body”<sup>245</sup> for “protecting, promoting and providing guarantee to human rights properly”.<sup>246</sup>

267. The process of selecting the NHRC Chairman and Members questions the independence of the Commission, with six out of seven members of the Selection Committee being government officials, a Member of Parliament from the Treasury Bench and Ministers; resulting in a selection being based on loyalty to the government.
268. The NHRC Act 2009 empowers the NHRC to investigate any complaint of human rights violations and make recommendations to the government to take action against the perpetrators. However, these recommendations are not binding and therefore, mostly ignored. Besides these limited powers, the NHRC failed to take effective measures against human rights violations, whereas the Commission itself acknowledged that these human rights violations are taking place in Bangladesh. NHRC Chairman Mizanur Rahman, after attending a roundtable organised by ActionAid Bangladesh at CIRDAP Auditorium on May 5, 2014, told reporters, the recent killings and abductions are the testimony of a worsening human rights situation in the country. He had also said, “In 2013 the government in its Universal Periodic Review report said that there were no enforced disappearances and extrajudicial killings but now we feel insulted for the ongoing incidents”.<sup>247</sup> The NHRC is, however, yet to take any remedial action in these regards keeping the national human rights institution practically ineffective.
269. The facts and statistics mentioned in this report provide a poignant reminder of the abysmal human rights situation in Bangladesh. Incidents of human rights violations reported by national and international human rights watchdogs in 2014 were also not investigated by the NHRC. The NHRC seems to forget the main purpose for which it was created.
270. The NHRC Act 2009 empowers the NHRC to recommend ratifications of international human rights instruments, but the Commission has so far made no effective recommendation. While Odhikar has been advocating for the ratification of the OPCAT as a real opportunity to improve the prevention of torture, it had no support from this institution.
271. Considering the human rights situation in Bangladesh in 2014, the country needs a national institution empowered to protect those rights. But such institution should follow the Paris Principles, adopted by the UN General Assembly in March 4, 1994,<sup>248</sup> according to which the national human rights institutions have “all necessary guarantees to ensure the pluralist

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245 NHRC Act 2009, Chapter II, section 3 (2), see [http://www.nhrc.org.bd/PDF/NHRC%20Act%202009\\_1\\_.pdf](http://www.nhrc.org.bd/PDF/NHRC%20Act%202009_1_.pdf)

246 NHRC Act 2009, Preamble

247 <http://newagebd.net/8843/human-rights-threatened-nhrc-chairman/#sthash.2nztprRQ.dpbs>

248 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>

representation of the social forces of civilian society”<sup>249</sup> and shall “Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner”<sup>250</sup>. The role and work of the NHRC of Bangladesh unfortunately fell far from these expectations in 2014, being a powerless institution that does not serve the interest of the people of Bangladesh.

## THE INFORMATION COMMISSION

272. The Information Commission, since its establishment on July 1, 2009, has so far made little progress in ensuring the people’s right to information through the proper implementation of the Right to Information Act, 2009. The 2009 Act envisages a three-member ‘independent’ Information Commission to oversee the information dissemination process. It is evident that the Government intends to have control over the Commission formation of a five-member ‘Selection Panel’ designed to choose the members of the Commission. The government has direct control over three of the five members of the selection panel under the 2009 Act, which says that the presence of three of the five members will make a quorum and that the decisions will be made at the meeting/s of the Selection Committee based on the opinion of the majority of the members. There is, therefore, hardly any scope for independent people, politically or intellectually, to be a member of the ‘independent’ Information Commission. Moreover, the 2009 Act stipulates that the Commission will require the Government’s approval for a set of Rules to be framed by the Commission for its functioning.
273. The government’s intention to keep the Commission a ‘toothless’ body is also evident in the very little jurisdiction that the 2009 Act has granted to it, to punish errant authorities responsible for providing information to the public. True, the Commission has been given the power to take action against an authority or an official concerned, in case the latter are found guilty, upon an investigation into the allegation of a citizen, of denying the citizen any information without valid reason, or of providing the citizen with inadequate or false or misleading information. But the kind of punishment that the Commission could award an errant official is absolutely insignificant: a fine of Tk 50 per day for a certain period, which will not exceed Tk 5,000. Besides, the Commission would ‘recommend’ to the [higher] authorities concerned ‘departmental action’ against the errant authority or official, and could ‘request’ the [higher] authorities concerned to inform the Commission as to what action the former has taken against the errant authority/official. Notably, the Law is completely silent as to what would happen if the higher authorities refuse to honour the Commission’s ‘recommendation’ for a departmental action against the authority/official for violating the Right to Information Act and/or refuse to entertain the Commission’s ‘request’ to inform the body about the actions taken.

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249 Article 1 of the Chapter titled as ‘Composition and guarantees of independence and pluralism’ of the Paris Principles, <http://www.un.org/documents/ga/res/48/a48r134.htm>

250 Article a of the Chapter titled as ‘Methods of operation’, <http://www.un.org/documents/ga/res/48/a48r134.htm>

274. Even after five years, the Commission has made little progress in the proper implementation of the 2009 Act. Many organisations, both government and non-government, are yet to appoint designated officers for providing people with information. The Commission ordered the appointment of ‘Designated Officer/s’ and ‘Appellate Officer/s’ in at least five of the appeals, against the denial of information to people, it disposed of in 2014, according to the decisions in the appeals posted on the website of the Commission.<sup>251</sup> The designated officers are transferred and their positions remain vacant, depriving people of their right to information. In such backdrop, the High Court on October 2, 2013 asked the government authorities to explain why they would not be ordered to take necessary steps to make it mandatory that ‘right to information’ officers are made permanent and non-transferrable at all government and statutory offices. The Court also issued a Rule asking the Attorney General, the Supreme Court Registrar, the Judicial Service Commission, the Dhaka District and Sessions Judge, the Dhaka Chief Metropolitan Magistrate Court, and the Bangladesh Bar Council to explain why they would not be directed to appoint designated officers at their offices as mandated in the Right to Information Act 2009. The bench of Justice Mirza Hussain Haider and Justice Muhammad Khurshid Alam Sarkar passed the Order after hearing a Writ Petition filed by Supreme Court lawyer Abdul Halim, who was denied information from the Supreme Court Registrar. He then filed a complaint to the Information Commission but the Commission did not take any action against the Registrar. He also prayed for appointment of designated officers in six other judicial offices, which do not have such officers, although the RTI Act, 2009 makes a mandatory provision for appointment of RTI officers within 60 days after its enactment.<sup>252</sup> No further development about the writ petition has yet been reported.
275. The Information Commission in 2014 disposed of 139 appeals against denial of information to people by different offices/officials, according to information posted on the website of the Commission. Of the appeals, 78 ended with direction to the officers concerned to provide the information sought and one of the 78 appeals ended with a fine imposed on an official concerned. The Commission fined Bangladesh Inland Water Transport Corporation’s Public Relations Officer Tk 2,000 for violating the Commission’s order to provide an applicant with information. The Commission also reprimanded the Satkhira Sadar Upazila Nirbahi Officer for not providing an applicant with information.<sup>253</sup>
276. Odhikar recommends the establishment of the people’s right to information by establishing an effective and truly independent Information Commission.

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251 <http://www.infocom.gov.bd/>

252 The daily New Age (online edition), 02/10/2013, <http://www.newagebd.com/detail.php?date=2013-10-02&nid=67700#.UsFaxfsq7IV>

253 <http://www.infocom.gov.bd/>

## THE ELECTION COMMISSION

277. On January 5, 2014, the 10<sup>th</sup> Parliamentary Elections were held unilaterally, without the participation of the opposition political parties, due to which the people became deprived from casting their votes. The opposition political parties were demanding elections under a neutral 'caretaker' government; a provision which the government removed from the Constitution by introducing the controversial 15<sup>th</sup> amendment to the Constitution.
278. The Election Commission is a constitutional body. The Constitution of the People's Republic of Bangladesh specifically lays out its composition and functions. According to Article 118(1) of the Constitution, the Election Commission consists of a Chief Election Commissioner and not more than four Election Commissioners and the appointment of the Chief Election Commissioner and other Election Commissioners shall, subject to the provisions of any law made in that behalf, be made by the President. In the 1972 Constitution, there was no mention of the maximum number of Election Commissioners. The number of Election Commissioners along with the Chief Election Commissioner was fixed to a maximum of five by the 15th Amendment to the Constitution.
279. However, the neutrality of the Election Commission has become hampered due to the arbitrary appointment of the Chief Election Commissioner and other Election Commissioners with partisan image, recruitment of local level election officials with partisan background, politicization and planned placement of officials of the administration before elections.<sup>254</sup> All these are reflected in the results of elections in favour of the ruling party. A number of irregularities and corruption within the EC has also been observed in respect to promotion and transfer of the officials at both the EC Secretariat and at the field offices and financial irregularities and lack of transparency in a number of cases.<sup>255</sup>
280. The unilateral announcement of the 10<sup>th</sup> Parliamentary Elections Schedule by the Election Commission on November 25, 2013 triggered political violence across the country. The schedule was announced by the Chief Election Commissioner, Kazi Rakibuddin Ahmed, through a speech to the nation without having any compromise between the Government and the Opposition.
281. Odhikar believes that the country is being placed in an extremely vulnerable position by abolishing the process of free, fair and inclusive elections under a neutral government system. As a result, the controversial 10<sup>th</sup> National Parliamentary elections were held on January 5, 2014 and extensive irregularities and violence occurred in Upazila Parishad Elections. There seems to be a serious lack of professionalism in terms of delivering the function of the Election Commission. Poor understanding of the electoral laws; non-implementation of the laws; non-performance of their regular duties; lack of accountability and the absence of stock-taking indicate the present leadership of the Election Commission is completely unable to conduct any elections in future.

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254 The Daily Star, 09/02/2012, <http://archive.thedailystar.net/newDesign/news-details.php?nid=221691>

255 <http://archive.thedailystar.net/beta2/news/the-choice-between-the-unpalatable-and-disastrous/>

282. A serious lack of professionalism in terms of delivering the functions of the Election Commission has been manifested during the elections held under the present Commission. A poor understanding of electoral laws, non-implementation of the laws, non-performance of regular jobs, lack of accountability and absence of stock-taking indicate that the Commissioners as well as other officials of this institution are failing miserably.<sup>256</sup> There is no government policy on strengthening the EC in terms of using the experience of field level officials through their proper placement. No successive governments have ever shown interest in strengthening the EC in terms of legal reforms, through enacting enabling laws for the EC administration. No government has really wanted to create an empowered, independent Election Commission.<sup>257</sup>
283. Odhikar believes that ensuring transparent, credible, free and fair elections is the constitutional responsibility of the Election Commission. The Election Commission has to conduct elections in a free, fair and impartial manner, without being biased towards the ruling party. This is the mandatory duty of the EC. The Election Commission has failed to hold a free, fair and impartial election. Odhikar believes that it is very important to form a strong and effective Election Commission in Bangladesh; which would hold free and fair elections under a neutral government. The provision of elections under a ‘Caretaker’ government has been repealed through the Fifteenth Amendment to the Constitution, which has caused a serious political crisis. The amount of violence and illegal activities perpetrated during the 10<sup>th</sup> Parliamentary Elections and Upazila Elections establish that Bangladesh still needs a neutral government and a strong independent Election Commission to hold free, fair, inclusive and credible polls.

### **ANTI CORRUPTION COMMISSION AND ITS ACCOUNTABILITY**

284. The Anti Corruption Commission (ACC) was established under the Anti Corruption Commission Act, 2004 in order to prevent corruption in the country and to investigate other specific crimes, including forgery and money laundering. Section 2 of the Act says, “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 investigations into acts of corruption by the former Ministers, Members of Parliament, influential politicians and bureaucrats. However, most of those graft suspects have been given a ‘clean chit’ by the ACC. The ACC has given impunity to all the accused in 5,349 registered cases, including cases registered by the then Bureau of Anti Corruption, which was abolished and merged into the ACC in 2004, in the last three years and eight months period.
285. Between January and August 2014, about 1,600 politicians, backed by the ruling party Awami League, and high-level government officers were given clean chits. Among them, the ACC had given impunity to former Communication Minister, Syed Abul Hossain for the

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256 Bangladesh Election Commission, A Diagnostic Study by TIB, [http://www.ti-bangladesh.org/research/ES\\_ElectionCommission.pdf](http://www.ti-bangladesh.org/research/ES_ElectionCommission.pdf)

257 Ibid

Padma Bridge scam and former Health Minister AFM Ruhul Huq for possessing illegal wealth. Furthermore, clean chits were given to the Deputy Leader of the Parliament, Sajeda Chowdhury; former Health Affairs Adviser to the Prime Minister Syed Modasser Ali; the Disaster Management and Relief Minister Mofazzal Hossain Chowdhury Maya; the Health Minister, Mohammad Nasim; and former Ambassador of Bangladesh to the Philippines, Mazeda Rafiqun Nesa. On 30 November 2014, the ACC submitted a charge sheet in a corruption case relating to recruitment in the Bangladesh Railway which excluded the suspended Director General of the Eastern Railway, G M Yusuf Ali Mridha, from the list of accused. On 29 July 2014, the ACC also dropped Mridha from the charge sheet in a corruption case for the recruitment of Record Keeper and Grade-2 Goods Assistant. It is to be noted that on 9 April 2012, Yusuf Ali Mridha was arrested with a sack full of money amounting to seven million Taka on his way to the house of the then Railway Minister Suranjit Sengupta.<sup>258</sup>

286. It is to be noted as well that the Commission also relieved some senior Awami League leaders and people associated with the ruling party of graft charges in 2013. Those ruling party men include former parliamentarian HBM Iqbal and former Chief Whip and Awami League leader Abul Hasnat Abdullah. In June 2013, the ACC relieved former Minister Mohiuddin Khan Alamgir of an allegation of corruption. In the meanwhile, the ACC continues legal proceedings in the cases filed against top leaders of the BNP.<sup>259</sup>
287. About 50 officials of the Anti Corruption Commission have been accused of taking bribes from graft suspects for setting them free. There were allegations that ACC officials demanded bribes from the accused threatening to file cases, investigate and press charges against them. Most of the victims did not dare to complain to the ACC, but made allegations to intelligence agencies.<sup>260</sup>
288. On 10 August 2013, the law enforcers picked up Odhikar's Secretary Adilur Rahman Khan without any warrant and later showed him arrested under the Information Communication Technology Act for publishing a fact finding report on extrajudicial killing, centring on a rally of Hefazate Islam on 5-6 May 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 released on bail. The ACC is putting pressure on the 20-year old human rights organisation, Odhikar, since August 2013 in the name of investigation.

## THE PARLIAMENT

289. The present Parliament was established by the controversial 10<sup>th</sup> Parliamentary Elections held on 5 January 2014. Most of the political parties, which are registered with the Election Commission, practically all opposition political parties including the main opposition, the Bangladesh Nationalist Party (BNP)-led Alliance, boycotted the elections. The Opposition

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258 The daily Prothom Alo, 01/12/2014

259 The daily Manabzamin, 10/10/2014

260 The Daily Ittefaq, 23/10/2014

alliance called on all for boycotting and resisting these elections. As a result of this boycott, 153 candidates from the ruling Awami League and its alliance were elected uncontested, out of the 300 parliamentary constituencies even before the polling was held. Of these constituencies, Awami League got 127 seats, Jatiya Party (Ershad) 20, Jatiya Samajtantrik Dal three, Worker's Party of Bangladesh two, and Jatiya Party (Monju) got one seat. Later polling took place in the remaining 147 constituencies on 5 January 2014. A total of 40,802,739 voters out of the 91,948,861 voters could not cast their vote, as the candidates for the 153 constituencies, to which they belonged, were declared elected unopposed.<sup>261</sup>

290. The ruling Awami League reassumed power through this controversial elections and its former political ally Jatiya Party became the Opposition in Parliament but also accepted ministries in the government, creating an unprecedented vulnerable situation for democracy, due to absence of an effective Opposition in the Parliament.
291. Odhikar believes that the Parliament should be made the centre of all activities through conducting a free, fair and inclusive election under the supervision of the United Nations. The political crisis which has been created through flawed and farcical elections on 5 January 2014 must be resolved immediately.

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<sup>261</sup> The daily Manab Kantha, 08/01/2014 and Bangladesh Election Commission, <http://www.ecs.gov.bd/English/index.php>

## CHAPTER XII: RECOMMENDATIONS

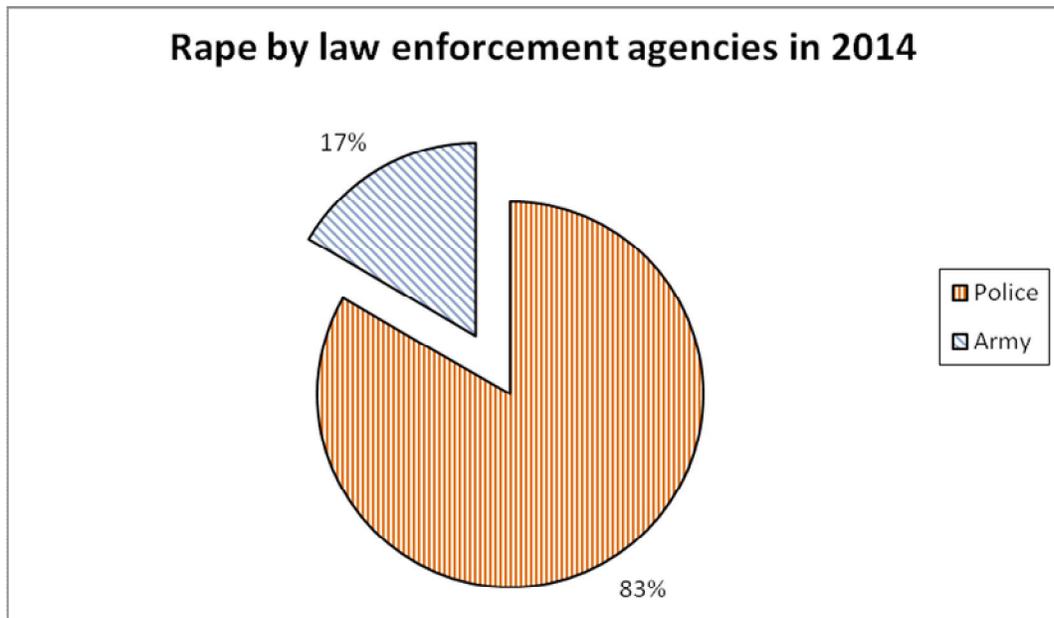
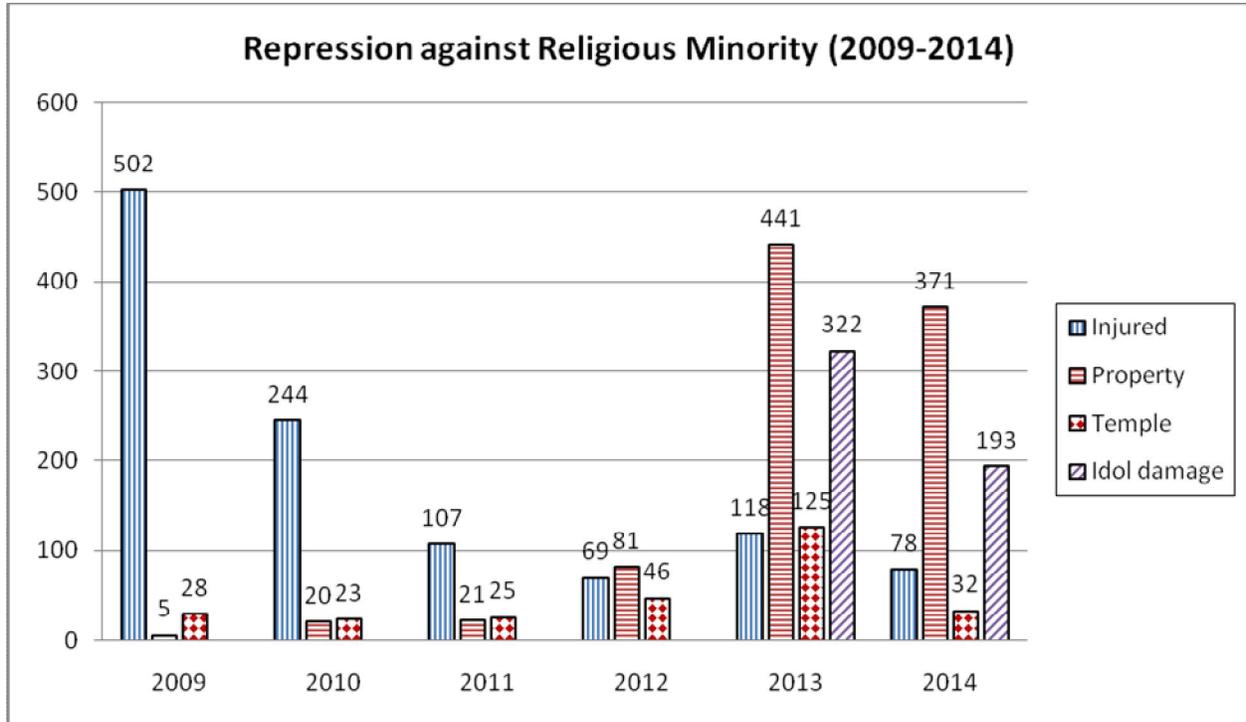
292. A political crisis has been created due to the forcible assumption of power through conducting connived and controversial elections on 5 January 2014. The political crisis has already become the cause of severe human rights violations. There is no alternative other than holding a free, fair, inclusive and credible election immediately by ensuring the participation of all political parties, under a neutral government or under the supervision of the United Nations, in order to resolve this. 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.
293. The Government must stop the practice of denial of civil and political rights of the people and cease all forms of repression, particularly on the opposition political parties and non-party dissenting voices. The Government must also respect the freedoms of assembly and association. Denial of the right of assembly and the rightful expression of grievances, paves the way for political violence. The Government must also stop the indiscriminate imposition of Section 144 of the Code of Criminal Procedure.
294. Freedom of opinion and expression must be ensured as guaranteed under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other UN treaties. The Government should stop applying repressive laws. Furthermore, such laws, including the Special Powers Act 1974, the Information and Communication Technology Act 2006 (Amended in 2009 and 2013) and the Anti-Terrorism Act 2009 (amended in 2012 and 2013) should immediately be repealed.
295. The Government must take legal action against its party activists, who are involved in criminal activities and corruption. This is the main reason for criminalisation of politics that is already out of control. The law enforcement agencies need to play a non-partisan, proactive and independent role to stop political violence and to take legal measures against perpetrators and carry out their duties in an accountable and unbiased manner. The opposition political parties should also follow peaceful democratic means; and develop trust and confidence in people articulating democratic demands.
296. The Government must bring all involved in the acts of enforced disappearance, extrajudicial killings, death in custody, torture and other cruel, inhuman or degrading treatment before justice, through proper and independent investigation. The Government has failed to keep its commitment to stop extra judicial killings; made at the UN Human Rights Council during the second cycle of the UPR session in April 2013. The International community must ensure that the principle of the right to life is upheld. The Government should take effective measures to find out and/or return the victims of enforced disappearance. Odhikar and FIDH demand that the Bangladesh Government thoroughly investigate each reported incidence of disappearance effectively; and put in place a directive that security forces must operate within the internationally accepted norms and laws. Agencies and individuals who commit such crimes must be identified, investigated and prosecuted. Odhikar and FIDH also urge the government to accede to the International Convention for the Protection of All Persons from

Enforced Disappearance, which was adopted by the UN General Assembly on 20 December 2006.

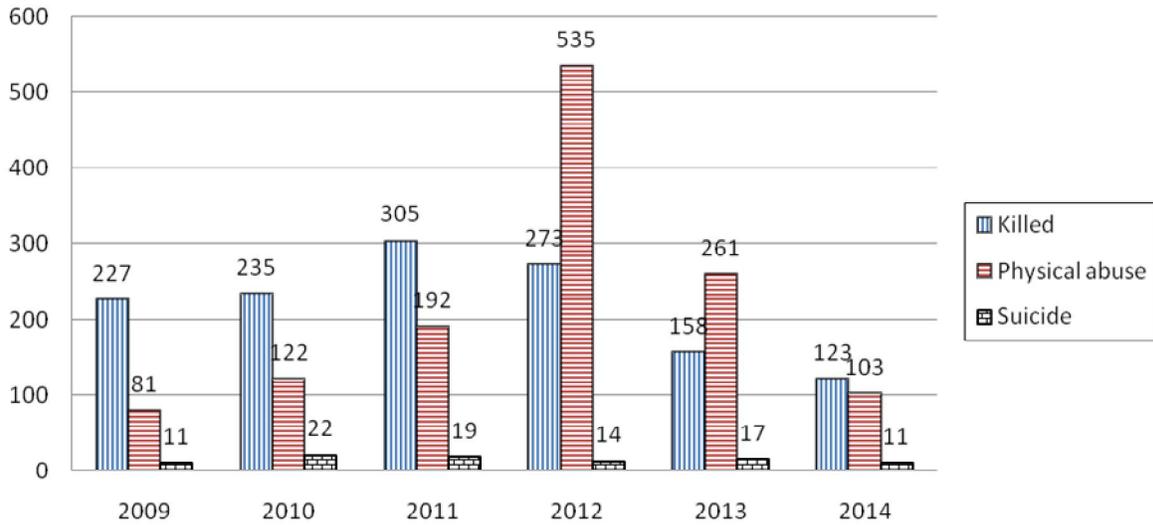
297. There must be an immediate end to torture and killing in the custody of law enforcement agencies, and torture in any form. Incidents of torture and ill-treatment by law enforcement agencies must be investigated and the perpetrators be brought to justice under the Torture and Custodial Death (Prevention) Act, 2013. The Bangladesh Government should ensure accountability of law enforcement agencies and take action to put an end to the cycle of impunity. In order to truly control and prevent custodial torture, the Government must ratify the Optional Protocol to the UN Convention against Torture, Other Cruel and Inhuman or Degrading Treatment or Punishment.
298. The Bangladesh Government must stop repressing media and should withdraw the ban from the daily Amar Desh, Diganta TV, Islamic TV and Channel-1 TV. Incidents of attacks on journalists must properly be investigated and perpetrators of such acts must be brought to justice. Mahmudur Rahman, Acting Editor of the daily Amar Desh must be released unconditionally.
299. The Government should withdraw the proposed Bill initiated by the NGO Affairs Bureau, which is intended to extend further control over NGOs, as it violates freedoms of expression and association.
300. The Bangladesh Government should protest against the ongoing human rights violations on Bangladeshi citizens by the Border Security Force (BSF) of India; and investigate all incidents and demand from the Indian Government adequate compensation for the families of the victims and punishment of the perpetrators. Odhikar and FIDH also call upon the UN bodies to investigate such violations of international law and human rights. The Bangladesh Government should also ensure the safety and security of the Bangladeshi citizens residing at the border areas.
301. Workers must have the right to organise into trade unions in order to enter into collective bargaining for wages, benefits, health and medical facilities and housing arrangements. A welfare programme for garment workers will have to be supervised and established by the government. The Government must resolve infrastructural problems in Ready-made Garment factories, ensure security and health and safety measures for the workers in the workplace. Wages and bonus should be adequate and given to garment factory workers on time. Repression must be stopped by the factory authorities and industrial police.
302. The Labour Law must be amended immediately as per ILO standards. The Government should take all necessary measures to protect the rights of the religious and ethnic minority communities and also ensure their security.
303. Acts of violence against women must stop. The Bangladesh Government must ensure the implementation of laws appropriately to stop violence against women and the offenders must be brought to justice under the purview of the law to ensure that justice is served. The Government should also develop a mass awareness programmes in order to eliminate violence against women.

304. 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 immediately, to enable it to continue its human rights activities.

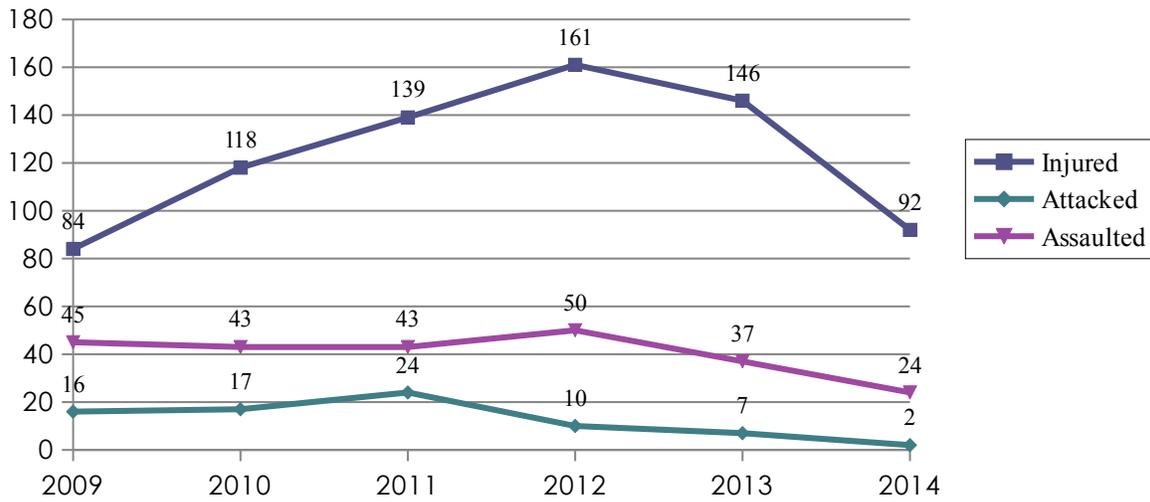
## ANNEX 1: HIGHLIGHTED STATISTICS BY GRAPH FROM 2009-2014

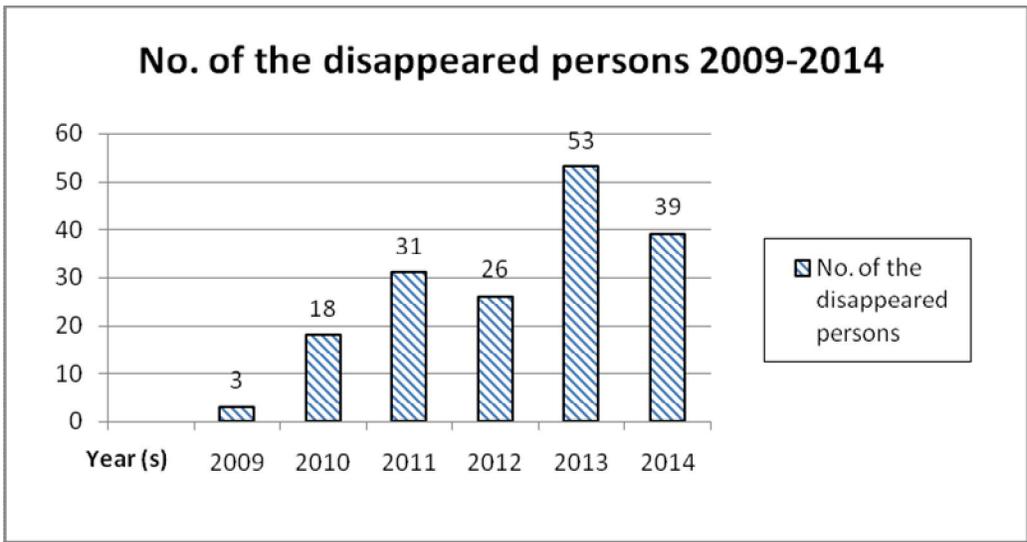
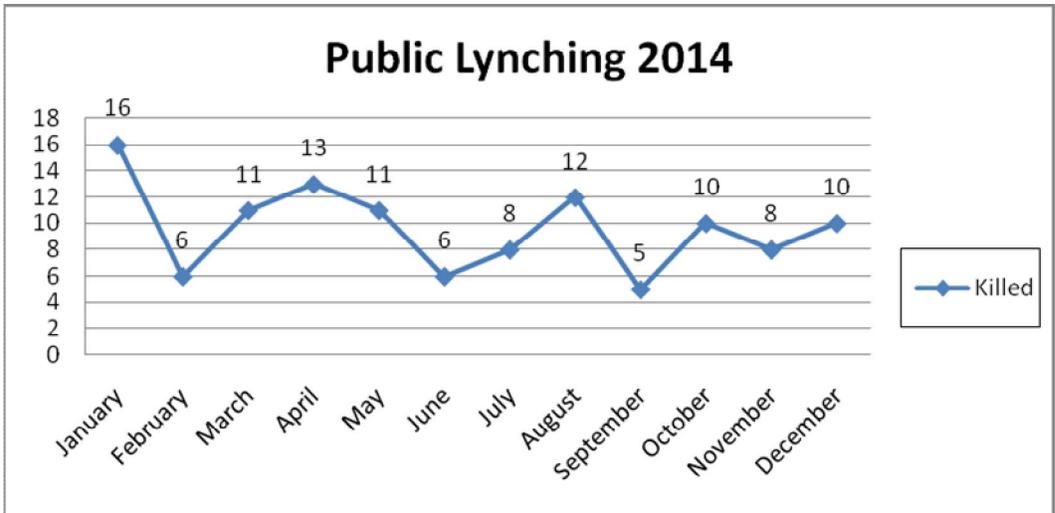


### Dowry related violence against women (2009-2014)

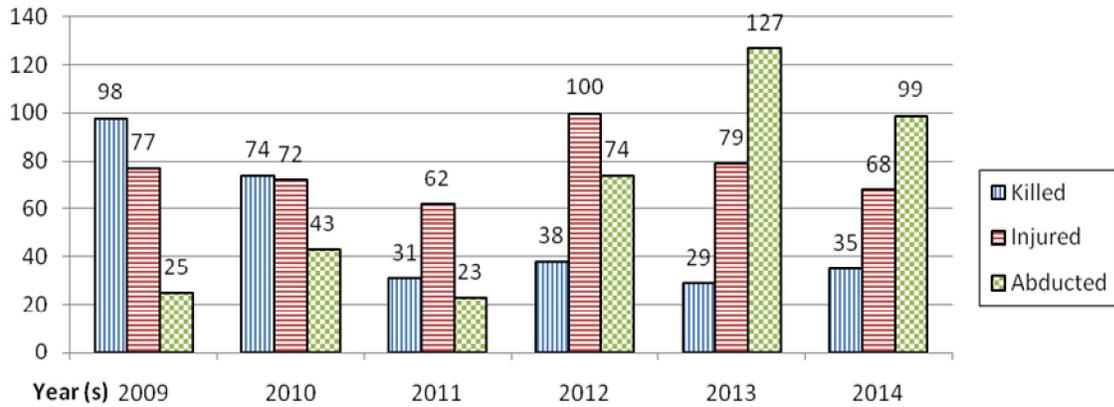


### Freedom of the Media (2009-2014)

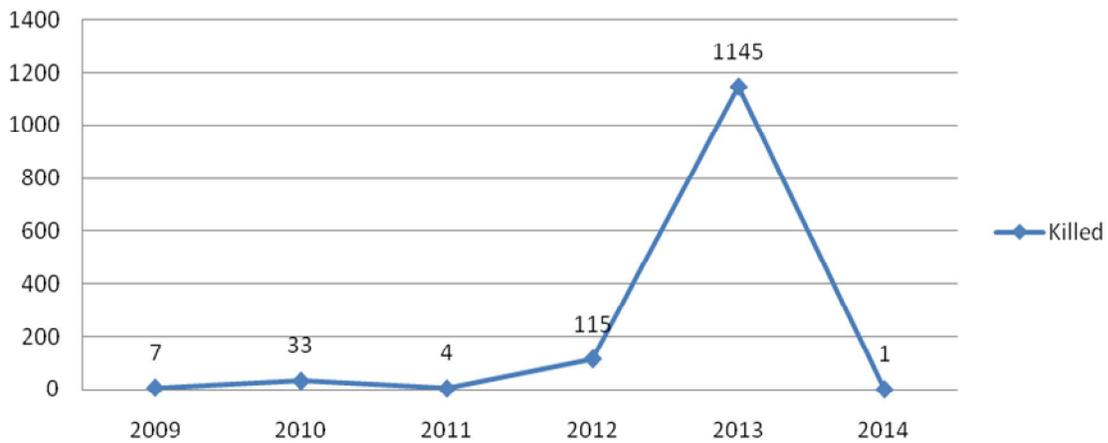


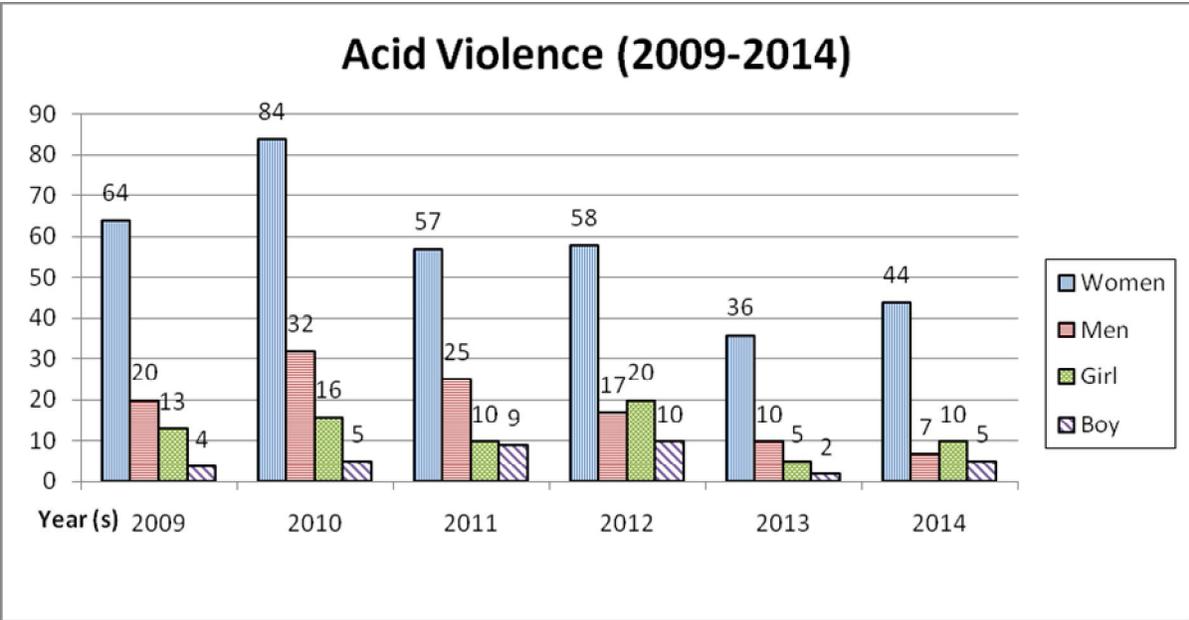
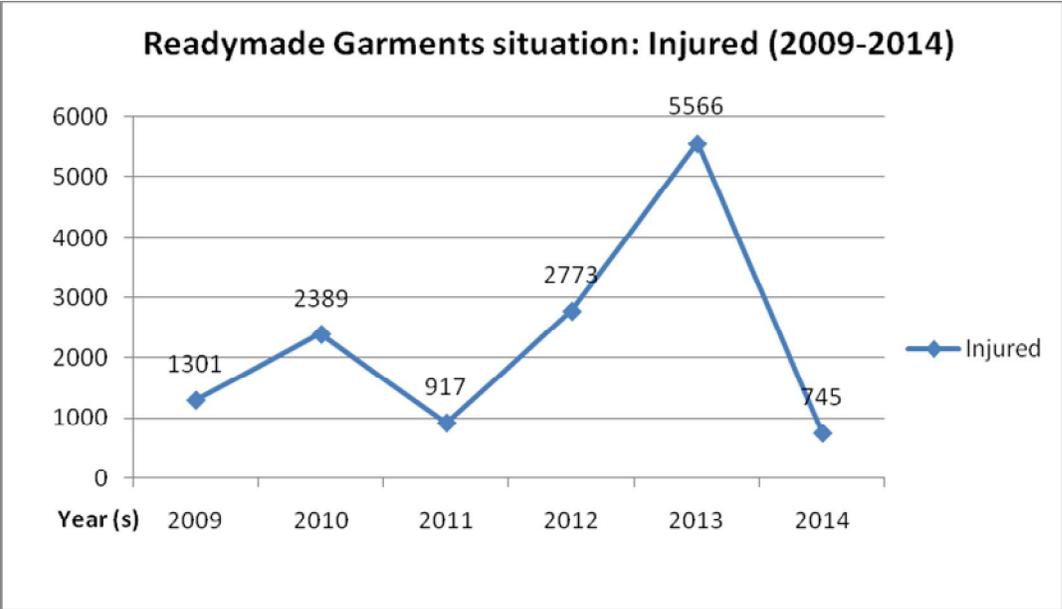


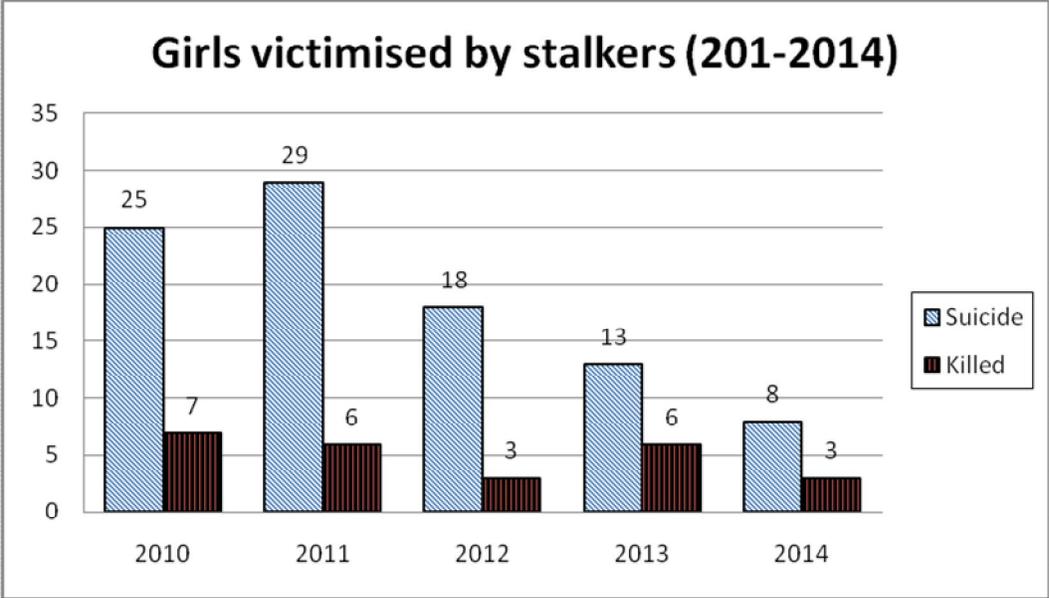
### Border Violence (2009-2014)



### Readymade Garments situation: Killed (2009-2014)







## ANNEX 2: COMPARABLE STATISTICS OF HUMAN RIGHTS VIOLATIONS FROM 2009 - 2014

Table: Comparable Statistics between 2009- 2014*								
Type of Human Rights Violations		2009	2010	2011	2012	2013**	2014***	Total
Extrajudicial killings	Crossfire	129	101	65	53	65	119	532
	Torture to death	21	22	17	7	11	11	89
	Shot to death	4	2	1	8	245	38	298
	Beaten to death	0	2	1	2	7	4	16
	Strangled to death	0	0	0	0	1	0	1
	Total	154	127	84	70	329	172	936
Enforced Disappearances		3	18	31	26	53	39	170
Human rights violations by Indian BSF	Bangladeshis Killed	98	74	31	38	29	35	305
	Bangladeshis Injured	77	72	62	100	79	68	458
	Bangladeshis Abducted	25	43	23	74	127	99	391
Death in Jail		50	60	105	63	59	54	391
Attack on journalists	Killed	3	4	0	5	0	1	13
	Injured	84	118	139	161	146	92	740
	Threatened	73	49	53	63	33	19	290
	Assaulted	45	43	43	50	37	24	242
	Arrested	1	2	1	0	5	6	15
Political violence	Killed	251	220	135	169	506	190	1471
	Injured	15559	13999	11532	17161	24176	9429	91856
Dowry related violence against women		319	379	516	822	436	237	2709
Rape		456	559	711	805	814	666	4011
Sexual harassment /Stalking of women		No information	273	672	479	333	272	2029
Acid Violence		101	137	101	105	53	66	563
Section 144		28	114	103	105	54	4	408
Public lynching		127	174	161	132	125	116	835
RMG Workers	Killed	7	33	4	115	1145	1	1305
	Injured	1301	2389	917	2773	5566	745	13691

\*Odhikar's documentation.

\*\*Note: In 2013, among the 329 extra-judicially killed by law enforcement agencies, 174 were extra-judicially killed in relation to political violence which is also included in the statistical part of 'political violence'.

\*\*\*Note: In 2014, among the 172 extra-judicially killed by law enforcement agencies, 21 were extra-judicially killed in relation to political violence which is also included in the statistical part of 'political violence'.

## ANNEX 3: TABLE OF UN TREATIES AND CONVENTIONS SIGNED/RATIFIED/ACCEDED BY BANGLADESH

SL NO.	CONVENTION	DATE OF RATIFICATION	RESERVATIONS/ DECLARATIONS
1	ILO Convention - Forced Labour Convention, 1930 (No.29)	Ratified in June 1972	
2	ILO Convention - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	Ratified in June 1972	
3	ILO Convention - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	Ratified in June 1972	
4	ILO Convention – Abolition of Forced Labour Convention, 1957 (No. 105)	Ratified in June 1972	
5	ILO Convention – Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	Ratified in June 1972	
6	ILO Convention – Labour Inspection Convention, 1947 (No. 81)	Ratified in June 1972	
7	ILO Convention – Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	Ratified in April 1979	
8	International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) 1966	Acceded in 1979	
9	Convention on the Elimination of All Forms of Discrimination against Women 1979	Acceded in 1984	Declaration  The Government of the People's Republic of Bangladesh does not consider as binding upon itself the provisions of article 2, and 16 (1) (c) as they conflict with Sharia law based on Holy Quran and Sunna.
10	International Convention on the Suppression and Punishment of the Crime of Apartheid 1973	Acceded in 1985	

11	Convention on the Rights of the Child 1989	Signed and ratified 1990	Article 14, paragraph 1  Article 21 applies subject to the existing laws and practices in Bangladesh
12	ILO Convention – Equal Remuneration Convention, 1951 (No. 100)	Ratified in January 1998	
13	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984	Acceded in 1998	Declaration  The Government of the People's Republic of Bangladesh will apply article 14 para 1 in consonance with the existing laws and legislation in the country.
14	Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages 1964	Acceded in 1998	Reservations  Article 1: Consent to marriage  Article 2: Minimum age for marriage
15	International Covenant on Economic, Social and Cultural Rights 1966	Acceded in 1998	Declarations: "Article 1: It is the understanding of the Government of the People's Republic of Bangladesh that the words "the right of self-determination of Peoples" appearing in this article apply in the historical context of colonial rule, administration, foreign domination, occupation and similar situations.  Articles 2 and 3: The Government of the People's Republic of Bangladesh will implement articles 2 and 3 in so far as they relate to equality between man and woman, in accordance with the relevant provisions of its Constitution and in particular, in respect to certain aspects of economic rights viz. law of inheritance.  Articles 7 and 8: The Government of the People's

			<p>Republic of Bangladesh will apply articles 7 and 8 under the conditions and in conformity with the procedures established in the Constitution and the relevant legislation of Bangladesh.</p> <p>Articles 10 and 13: While the Government of the People's Republic of Bangladesh accepts the provisions embodied in articles 10 and 13 of the Covenant in principle, it will implement the said provisions in a progressive manner, in keeping with the existing economic conditions and the development plans of the country."</p>
16	Convention on the Prevention and Punishment of the Crime of Genocide 1949	Acceded in 1998	<p>Declaration</p> <p>Article IX: For the submission of any dispute in terms of this article to the jurisdiction of the International Court of Justice, the consent of all parties to the dispute will be required in each case.</p>
17	Convention on the Political Rights of Women, 1953	Acceded in 1998	<p>Reservations</p> <p>Article 3: Consonance with Constitution</p> <p>Article 9: Consent of disputing parties</p>
18	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women 1999	Signed and Ratified in 2000	<p>Declaration</p> <p>The Government of the People's Republic of Bangladesh declares in accordance with Article 10 (1) thereof, that it would not undertake the obligations arising out of Articles 8 and 9 of the said Optional Protocol.</p>
19	International Covenant on Civil and Political Rights	Acceded in 2000	Declarations:

		<p>“Article 10: So far as the first part of paragraph 3 of Article 10 relating to reformation and social rehabilitation of prisoners is concerned, Bangladesh does not have any facility to this effect on account of financial constraints and for lack of proper logistics support. The last part of this paragraph relating to segregation of juvenile offenders from adults is a legal obligation under Bangladesh law and is followed accordingly.</p> <p>Article 11: Article 11 providing that “no one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation,” is generally in conformity with the Constitutional and legal provisions in Bangladesh, except in some very exceptional circumstances, where the law provides for civil imprisonment in case of wilful default in complying with a decree. The Government of People’s Republic of Bangladesh will apply this article in accordance with its existing municipal law.</p> <p>Article 14: So far as the provision of legal assistance in paragraph 3(d) of Article 14 is concerned, a person charged with criminal offences is statutorily entitled to legal assistance if he does not have the means to procure such assistance.</p> <p>The Government of the People’s Republic of Bangladesh, notwithstanding its acceptance of the principle of compensation for miscarriage of justice, as stipulated in Article 14, paragraph 6, is not in a position to guarantee a comprehensive implementation of this provision for the time being. However, the</p>
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20	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography 2000	Signed and ratified in 2000	
21	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict 2000	Signed and ratified in 2000	<p>Declaration</p> <p><i>Declaration:</i></p> <p>“In accordance with Article 3 (2) of [the Optional Protocol], the Government of the People’s Republic of Bangladesh declares that the minimum age at which it permits voluntary recruitment into its national Armed Forces is sixteen years for non-commissioned soldiers and seventeen years for commissioned officers, with</p>

		<p>informed consent of parents or legal guardian, without any exception. The Government of the People’s Republic of Bangladesh further provides hereunder a description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced: The process of recruitment in the national Armed Forces is initiated through advertisement in the national press and the media for officers and other ranks without exception. The first induction of new recruits is conducted invariably in a public place such as a national park, school ground or a similar place. Public participation is welcomed in such programmes. Before a recruit presents himself he has to submit a written declaration from his parents or legal guardians consenting to his recruitment. If the parent or legal guardian is illiterate the declaration is verified and counter signed by the Chairman of the Union Parishad. The recruit is required to present birth certificate, matriculation certificate and full school records. All recruits whether officers or other ranks have to undergo rigorous medical examination including checks for puberty. A recruit found to be pre-pubescent is automatically rejected. Officers and other ranks without exception are required to undergo two years of compulsory training. This ensures that they are not assigned to combat units before the age of 18. All officers and other ranks are carefully screened before being assigned to combat units. These tests include tests of psychological maturity including an understanding of the elements of international law of armed</p>
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			conflict inculcated at all levels. The Government of the People's Re Bangladesh declares that stringent checks in accordance with the obligations assumed under the Optional Protocol will continue to be applied without exception."
22	ILO Convention No. 182 on the worst forms of Child Labour 1999	Ratified in 2001	
23	The Convention against Corruption 2005	Ratified in 2007	Reservation to Art. 66
24	Convention on the Rights of Persons with Disabilities 2006	Signed and ratified in 2007	
25	Rome Statute of the International Criminal Court	Signed in 1997 and ratified in 2010	
26	UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	Signed in October 1998 and ratified in August 2011	