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Human Rights Monitoring Report

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Odhikar believes that 'democracy' is a form of the State and that freedom and human rights are its foundations. Democracy is not merely a process of electing a ruler; it is the result of the peoples' struggle for inalienable rights, which become the fundamental premise to constitute the State. Therefore, the individual freedoms and democratic aspirations of the citizens - and consequently, peoples' collective rights and responsibilities - must be the foundational principles of the State.

The State's failure to recognise this basis of democracy at the founding moment, is a continuing curse that people in Bangladesh are forced to carry. A State cannot be 'democratic' if the people do not realise and participate as 'citizens' in all sectors of the functioning of the state. The democratic legitimacy of the State is directly related to its willingness, commitment and capacity to ensure human rights, dignity and integrity of citizens. If the state does not ensure full participation in the decision making process at all levels – from the lowest level of the administration to the highest level – it cannot be called a 'democratic' state. Citizens realise their rights and responsibilities through participation and decision making processes. The awareness about the rights of others and collective benefits and responsibilities, can be ensured and implemented through this process as well. There is no alternative. The Parliament, Judiciary and Executive cannot and should not, have any power to abrogate fundamental civil and political rights through any legislation, Judicial verdict or Executive order, as such rights are inviolable and are the foundational principles of the State.

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

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

Political situation and human rights violations

1. According to information gathered by Odhikar, in September 2015, eight persons were killed and 564 were injured in political violence. 28 incidents of internal conflict within the Awami League were recorded during this period; where one was killed and 283 were reported injured.

2. The criminalization of Chhatra League¹ and Jubo League² and repression against leaders and activists of opposition parties continue. The political situation is in a crisis due to the absence of an accountable government. Several incidents of intra party altercations occurred within the Chhatra League and Jubo League. Most of the violence is linked to vested interest and mainly occurs by using political influence. Moreover, clashes occurred between the ruling Awami League and its ally, Jatiya Samajtantrik Dal (JSD) over establishing local 'supremacy'. Two incidents are highlighted here:
3. On September 10, 2015 a violent altercation took place between Awami League and Jatiya Samajtantrik Dal (JSD) when JSD activists attacked the leaders and activists of Awami League at the Farakpur Rail Gate area under Bheramara Upazila in Kushtia District. At least 10 persons, including former Convener of Bheramara College unit Chhatra League, Tutul Raihan; a ward member of Mokarimpur Union Parishad, Sirajul Islam; and his son Nishan (15) were injured in the incident and a motorcycle was vandalized. Nishan had been admitted to Kushtia Medical College Hospital with severe injuries. On September 7, JSD activists had attacked and vandalized the office of Jubo League and Chhatra League at Bahadurpur area under the same Upazila.³
4. On September 5, 2015 a clash took place between supporters of Shah Mokhdum Thana unit Jubo League General Secretary, Golam Mostafa and supporters of local Jubo League leader Masud Rana, at Shah Mokhdum Police Station Mor in Rajshahi, over establishing supremacy in the area. During the clash, both groups opened fire and five persons were injured.⁴
5. Odhikar believes that the present government has led the country towards a volatile situation by repealing the Constitutional provision of conducting Parliamentary elections under a non-partisan caretaker government. This has allowed human rights violations, criminalisation and violence and the deterioration of the law and order situation. Odhikar demands an impartial election with the participation of all political parties, under a neutral government or under the supervision of the United Nations; in order to make a democratic and accountable government.

¹ Student wing of Awami League

² Youth wing of Awami League

³ The daily Manabzamin, 11/09/2015

⁴ The daily Manabzamin, 06/09/2015

Capturing polling centres, fake votes, violence and irregularities in Dohar

6. On September 21, 2015 Dohar Upazila Parishad Elections were held, with acts of ‘capturing’⁵ polling centres, casting fake votes, violence and irregularities. On election day, activists of Awami League, Chhatra League and Jubo League⁶ led by Keraniganj Upazila Chairman, Shahin Ahmed, forcibly ousted the polling agents of the candidates supported by BNP and Independent candidates from different polling stations and intimidated voters. Leaders and activists of Awami League, Chhatra League and Jubo League gathered within and outside the polling centres soon after the voting started. BNP supported candidate Sirajul Islam and independent candidate Mehbub Karim said that they did not get any assistance from RAB, BGB and police in this regard. During the elections, BNP supported candidate Sirajul Islam and independent candidate Mehbub Karim organised a press conference at noon and boycotted the elections in protest of the rigging, capturing of polling centres and fake votes. Awami League supported candidate Alamgir Hossain has been elected Chairman in the controversial Upazila Elections.⁷
7. Odhikar believes that ensuring transparent, creditable, free, fair and unbiased elections is the Constitutional responsibility of the Election Commission (EC). However, the EC 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 amount of violence, vote rigging and illegal activities perpetrated during the 10th Parliamentary Elections and Upazila Elections in 2014; and during the City Corporation Elections in 2015 has established that Bangladesh still needs a neutral interim government to hold free, fair, inclusive and credible polls.

Extrajudicial killings

8. According to information gathered by Odhikar, in September 2015, 13 persons were killed extra judicially by the police. Among them, nine persons were killed in alleged ‘crossfire/encounters/gunfights’ by the police. Furthermore, four persons were allegedly shot dead by the police. Of the killed, one was a barber, one was a rice trader, one was an auto-rickshaw driver, one was a student, one was a youth and eight were alleged criminals.

⁵ Taking over a polling centre by force and intimidation, usually for the purpose of casting false/fake votes for the benefit of a particular candidate.

⁶ The ruling political party and its student and youth wings respectively.

⁷ The daily Jugantor, 22/09/2015

9. The law and justice delivery system of the country is becoming increasingly questionable and human rights are seriously violated due to the persistence of extrajudicial killings. Incidents of such killings were claimed as 'gunfight' or 'crossfire'⁸ by RAB and police, however, the family members of the victims alleged that their relatives were shot dead by members of law enforcement agencies. The impunity of law enforcement agencies, in terms of extrajudicial killings, is all too common, despite repeated demands to bring the responsible parties to justice. In many cases it is alleged that high-ranking police officers instigate their subordinates to shoot. On September 20, 2015 Deputy Inspector General (DIG) of Dhaka Range, S M Mahfuzul Huq Nuruzzaman addressed police in Faridpur that "you have to keep in mind that you are allowed to do whatever necessary to resist those who play with the life of the people or try to destroy government property. Shoot them directly if necessary. I will take all responsibility".⁹
10. On September 15, 2015 an adolescent was beaten and his mother sexually harassed in Saturia village under Kalihati Upazila in Tangail District. Residents of the same village, Rafiqul Islam and his brother-in-law Hafizur Rahman were allegedly involved in this crime. On September 18, villagers brought out a procession demanding exemplary punishment for the perpetrators and made a blockade on the Tangail-Mynem Singh highway. Police put up a barrier when angry villagers took to the highway in protest. At one stage, protestors marched towards the police station and police halted them again. At that time altercations occurred between the protestors and police. When police threw tear gas shells to disperse the protestors, they threw brick-bats at police in return. Police baton charged and also opened fire at the protestors during the clash. Farooq Hossain (30) of Kushtia Village under Kalihati Upazila; Shahim Hossain (32) and Shyamol Chandra Das of Salenka Village under Ghatail Upazila were killed.¹⁰ On September 20, 2015 another wounded man named Rubel succumbed to his bullet wounds at Dhaka Medical College Hospital. Police filed cases against 300 villagers at Kalihati Police Station and accused 600 villagers more in a case filed at Ghatail Police Station over this incident.¹¹
11. Possibilities of further violations to the human rights of the people belonging to these areas have been created due to cases filed against a large and random

⁸ On November 15, 2009 a Bench of the High Court Division of the Supreme Court of Bangladesh, issued a *suo moto* Rule on the government regarding the deaths of two brothers, Lutfar Khalashi and Khairul Khalashi in 'crossfire' in Madaripur. In the Rule the Court asked the government to show why the killings of the two brothers in 'crossfire' would not be declared illegal. On December 14, 2009 the State (Attorney General) appealed for time during the hearing to the same High Court Division Bench. The Court ordered that the practice of 'cross fire' be stopped until the hearing of the case is completed

⁹ The daily Manabzamin, 21/09/2015

¹⁰ The daily Prothom Alo, 19/09/2015

¹¹ The daily Jugantor, 21/09/2015

number of people. The police officers who were involved in the extrajudicial killings have not been brought to justice.

12. Everyone has the right to a fair trial; and equality before the law is a fundamental right. Odhikar believes that the law and justice delivery system of the country is becoming increasingly questionable; and the members of law enforcement agencies are enjoying full impunity.

The trend of shooting in the leg

13. According to information gathered by Odhikar, from January to September 2015, 32 persons were shot in the leg by the law enforcement agencies after their arrest.
14. Apart from extrajudicial executions, shooting in the legs of detainees/accused persons has been observed as a new trend of police brutality since 2013. Several people have already become disabled due to shooting by law enforcement agencies in the last few years. It was learnt that such incidents took place widely at the time of resisting the protests of the opposition parties. As a result, political activists and ordinary people have become victims of such brutality.
15. On September 8, 2015 a man named Mansur Ali Sheikh (45) was allegedly shot in the leg by police after being arrested in Shyamnagar Upazila under Satkhira District. Police claimed that Mansur Ali Sheikh was a drug peddler. They said that when police went to recover drugs in the area, drug peddlers threw crude bombs and shot at them during the operation. Police opened fire in return. Mansur Ali Sheikh got shot during this shootout. However, the victim's wife, Farida Khatun alleged that her husband is a farmer. He was arrested by police of Shyamnagar Police Station in the afternoon of September 7, from a local bus terminal.¹²
16. Odhikar urges the government to take legal action against the responsible persons after an unbiased investigation of all such incidents.

¹² The Daily Star, 09/09/2015

Instances of lack of accountability of the law enforcement agencies

Child illegally detained in police station for 10 days

17. A 13-year old street child called Rajib was detained at Sutrapur Police Station for 10 days. He was released on September 9, 2015. A police source said that a youth named Sumon of Kamalapur area sent Rajib to collect donations from a businessman at Raisaheb Bazar Mor in old Dhaka. That businessman apprehended the child and informed the Officer-in-Charge (OC) of Sutrapur Police Station. The OC, Khalilur Rahman Patwary sent police to arrest the child and he was put in the lock-up. Police conducted operations almost every day, taking Rajib with them, to find and arrest Sumon. The arrest of Rajib was not recorded in the police station (accused) register. The homeless child was originally from Choumuhoni of Brahmanbaria District.¹³
18. Street children like Rajib are also being used by vested interest groups for their interest. Children are living in vulnerable conditions and deprived of food, clothes, shelter and education. The Government must take effective measures to ensure the safety, security and welfare of such children.

11-month infant detained at the police station

19. On September 16, 2015 Raju Ahmed, a resident of Moheshpur, under Jhenaidah District, his wife and 11-month old infant Rasel went to visit his relative in Latima Village. At around 8:00 pm, a team of police led by Sub-Inspector Amir Hossain, of Moheshpur Police Station raided that house to arrest Raju Ahmed. Raju however, fled the house. Police arrested his wife and 11-month old son instead. There was no female police during the operation and the male police picked her and her infant up and took them to the police station. They were kept there all night.¹⁴
20. Odhikar believes that illegal detention in police stations is contrary to the Constitution and existing law of the country. This is also a violation of the Convention on the Rights of the Child (CRC) and the ICCPR. Such disregard proves that members of law enforcement agencies are enjoying impunity. Odhikar demands the government take legal action against the responsible policemen immediately after conducting an impartial investigation.

¹³ The daily Prothom Alo, 09/09/2015

¹⁴ The daily Prothom Alo, 18/09/2015

Allegations of enforced disappearance¹⁵ against law enforcement agencies

21. According to information gathered by Odhikar, from January to September 2015, 45 persons have been disappeared. Of them, nine were later found dead and 30 were later produced before the Court or freed in different places. The whereabouts of six persons are still unknown.¹⁶
22. Enforced disappearance is a serious violation of fundamental human rights. It is imposed against people who have been labeled as ‘enemies of the State’, on the pretext of maintaining peace and order and protecting ‘national security’. The families of the victims claim that the members of law enforcement agencies are making arrests; and since then the victims have disappeared or their bodies are later found. In some cases, law enforcement agencies deny the arrest; but days later, the arrested persons are produced in public or handed over to a police station and later appear in Court. In the past, incidents of enforced disappearance were denied by responsible persons of the government and no action was taken against any member of law enforcement agencies, despite having evidence after investigations by the Ministry of Home Affairs.¹⁷ As a result, incidents of enforced disappearance continue.
23. Odhikar, as a member of the Asian Federation Against Involuntary Disappearances (AFAD) and the International Coalition Against Enforced Disappearance (ICAED), has been working on documentation, fact finding and creating a network of victim families; and also campaigning against enforced disappearance.
24. On September 18, 2015 Ariel Dulitzky, Chair of the UN Working Group on Enforced or Involuntary Disappearances (WGEID) urged all the Heads of State to prioritize on the searching of victims of enforced disappearance. On September 14, 2015, the Working Group’s 107th Session commenced in Geneva. During the session, the Working Group submitted its annual report to the Human Rights Council on the state of enforced disappearances around the world. Apart from Pakistan, China, Syria, United Arab Emirates, Kenya and other countries, the state of enforced disappearance and various cases of

¹⁵ Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance states, “enforced disappearance” as: “arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”

¹⁶ 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.

¹⁷ The daily Prothom Alo, 12/08/2012 <http://archive.prothom-alo.com/detail/date/2012-08-12/news/281302>

enforced disappearance in Bangladesh were also discussed in the 107th session.¹⁸

25. Odhikar believes that every incident of enforced disappearance needs to be investigated in an independent and fair manner. Odhikar demands that the government take immediate measures to return the disappeared persons to their families and take action against the perpetrators.

Death in jail

26. In September 2015, a reported six persons died in prison due to 'illness'.
27. It is alleged that due to lack of proper treatment facilities and negligence by the prison authorities, many prisoners become ill. Furthermore, allegations are made by inmates that they are given sub-standard and small amounts of food; and that the prisoners are ill-treated when they complain against such treatment.
28. Odhikar demands the better treatment for all inmates in every jail. Deprivation of fundamental rights in jail is a violation of human rights.

Human rights of minority communities

29. Incidents of land grabbing, intimidation, extortion and various kinds of illegal activities, including attacks on places of worship belonging to religious minority citizens, continue under political shelter.
30. On September 1, 2015 a group of 50-60 men, led by local criminals Harun and Hokka, attacked a Hindu temple with homemade weapons, in order to grab the temple land. This took place in the Krishtanagar area of Raj Phulbaria under Savar in Dhaka. The criminals vandalized nine effigies after entering the temple by breaking the tin-sheet wall. The criminals also beat the people who had gathered to prevent the vandalism. At least 15 persons were injured during this incident.¹⁹
31. Odhikar strongly condemns the incidents of attacks on religious minority groups and demands the government bring all perpetrators involved into this incident to justice; and ensure security of citizens belonging to all minority communities.

¹⁸ The daily Prothom Alo, 19/09/2015

¹⁹ The daily Jugantor, 02/09/2015

Hindrance to and attacks on meetings and assemblies

32. The political situation of the country has become repressive as a result of the government's restraint on opposition parties and alternative voices; by taking away the rights to freedom of expression and assembly and by curtailing the holding of peaceful meetings and rallies.²⁰

Attack by police on private university students protesting to withdraw VAT on tuition fees

33. Students of private universities started protests and blocking the roads from September 9, 2015 in various places of the country, including Dhaka, to demand the withdrawal of Value Added Tax (VAT) on tuition fees. On September 9, 2015 police used excessive force, including batons, tear gas shells and rubber bullets at the students of East-West University to disperse them when they blocked roads at Aftabnagar under Badda Police Station in Dhaka. At least 30 students and the Additional Registrar of East-West University were shot at and injured.²¹ The protest against imposing VAT on private education extended to other cities and became large-scale. As a result of the protest, the government, on September 14, withdrew the 7.5% VAT on tuition fees.
34. Education is a fundamental right, though it is not constitutionally recognised in Bangladesh under fundamental rights; but regarded as a fundamental principle of state policy. Over the years, education has become a lucrative business. In continuation of this, the government imposed VAT on tuition fees of private universities. Education cannot be considered a 'commodity' Odhikar hopes that the government will never impose VAT on education again.²²

Police beat up protesters and admission seekers into medical colleges

35. On September 30, 2015 at around 11:30 pm, police broke up a protest rally near the National Museum in Dhaka city; and physically and verbally

²⁰ It is to be mentioned that on September 18, 2015 villagers in Tangail brought out a protest rally against sexual harassment of a woman and beating of her son. They made a blockade on the Tangail-Mynemsingh highway demanding exemplary punishment for the perpetrators. Police put up a barrier when villagers took to the highway in protest. At one stage, altercations occurred between the protestors and police. When police threw tear gas shells to disperse the protestors, they threw brick-bats at police in return. Four people were shot dead by police when police opened fire at the protestors during the clash.

²¹ The daily Jugantor, 10/09/2015

²² It must be noted that VAT has also been imposed on fees of English medium private schools. This was challenged soon after the above incident; and the High Court stayed the imposition of VAT on such schools for six months.

assaulted the protesters. The rally was organised by medical college admission seekers demanding a new admission test for medical and dental colleges. The protesters also demanded the scrapping of the previous admission tests results, as they alleged that the question papers of the tests had been leaked. It was learnt that as per scheduled programme the admission seekers brought out a protest rally from the Dhaka University Teacher-Student Centre area; and were heading to the Shahbagh Square. Police also ripped the dress of a female protester. At that time 15 protesters were arrested from the spot and taken to the Shahbagh Police Station. It is to be mentioned that on September 18, 2015 admission tests in public and private medical and dental colleges were held simultaneously across the country. After the exams, allegations of leakage of question papers were disseminated in social media. Since then, admission seekers were demanding a fresh admission test by canceling the previous result. Samajtantrik Chhatra Front²³ brought out a procession against the arrest and beating up the medical and dental college admission seekers. When this procession went to Shahbagh, the police attacked the rally and dragged 16 leaders and activists of Samajtantrik Chhatra Front inside the service delivery room of Shahbagh Police Station. Police locked them in and physically assaulted them.²⁴

Rallies of opposition parties stopped

36. On September 6, 2015 police stopped a rally organised by the leaders and activists of Barisal District unit BNP that was protesting the price hike of gas and electricity. When the protest rally was marching towards the BNP office, police stopped it in front of the Central Jail area and baton charged it. Seven activists of BNP were injured in this incident and police arrested three activists.²⁵
37. On September 16, 2015 leaders and activists of the Communist Party of Bangladesh (CPB) and the Socialist Party of Bangladesh (SPB) assembled on the Dhaka-Rangpur highway under Mithapukur Upazila in Rangpur District to protest the increasing prices of gas and electricity. When the protest rally started to move forward, after the meeting, police and the activists of Sechchasebak League²⁶ attacked it. Police severely beat two women activists. Police also beat activists who had taken shelter in various shops around the area. Police also opened fire and threw tear gas shells, which resulted in 15 protestors being injured. Local people rescued them and took them to

²³ Student wing of the Socialist Party of Bangladesh

²⁴ The daily New Age, Manabzamin and Daily Star, 01/10/2015

²⁵ The daily Manabzamin, 07/09/2015

²⁶ Voluntary wing of Awami League

Mithapukur Health Complex, but Sechchasebak League activists handed over injured protestors Anik, Fazlu, Ratan and Nahid to the police. On the same day, a blockade programme organised by the Communist Party of Bangladesh (CPB) and the Socialist Party of Bangladesh (SPB) to protest the increasing prices of gas and electricity, was also stopped by police in Kotiadi Upazila under Kishorganj District. Seven protestors were injured during this incident.²⁷

38. Odhikar believes that stopping peaceful programmes is a violation of the Constitutional rights of the citizens.

Violations to freedoms of expression

Use of the repressive Information and Communication Technology Act 2006

39. According to information gathered by Odhikar, from January to September 2015, 27 persons were arrested under the Information and Communication Technology Act 2006 (amended 2009, 2013).
40. The latest amendment to the ICT Act was made on October 6, 2013. Section 57²⁸ of the ICT Act 2013, states that publishing or transmitting in a website in electronic form, of any defamatory or false information is considered to be a cognizable and non-bailable offence. Moreover, punishment for committing this offence has been amended from a maximum of 10 years imprisonment, with no minimum; to a term of a minimum of seven years and maximum of 14 years imprisonment. This law has curtailed the freedom of expression and the government is using this Act against human rights defenders, journalists, bloggers and people who have alternative opinions.
41. On June 24, 25, and 28, 2015 a local daily newspaper 'Sangu' of Chittagong published three reports on the KDS Group Chairman and President of Chittagong Metropolitan Chamber of Commerce, Khalilur Rahman, which apparently tarnished his image. A case was filed under section 57(1) of Information and Communication Technology Act 2006 (amendment 2013) against the newspaper's Editor Kabir Hossain, News Editor Badrul Islam

²⁷ The daily Jugantor, 17/09/2015

²⁸ 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 10 million or both.

Masud and Chief Reporter Chompak Chakraborty, at Bayezid Police Station for publishing the reports on KDS Group Chairman. On September 21, 2015 Additional Chief Metropolitan Magistrate Nurul Alam Mohammad Nipu passed the order after rejecting the bail prayer of Kabir Hossain; and sent the editor of the local daily to jail.²⁹

42. Odhikar expresses grave concern over state interference on the freedom of expression of the citizens. Odhikar believes that it is a misuse of power to arrest and harass persons whose opinions are critical of how a government carries out its public duties.

Human rights violations by BSF in border areas

43. According to information collected by Odhikar, in September 2015, four Bangladeshi citizens were killed by the Indian Border Security Force (BSF). Among them, three were gunned down and one was drowned in the river by BSF. Furthermore, seven Bangladeshi men were shot and injured.
44. BSF has continued human rights violations on Bangladeshi citizens at the border areas over the years, ignoring protests made by various groups from both sides of the border. This matter has been repeatedly raised in regular meetings between border guards of the two countries. The BSF has not deviated from its policy of shooting at anyone seen near the border.
45. On September 9, 2015 at around 5:00 am, BSF members of Kamarhat Camp under 22 BSF Battalion, shot and injured two Bangladeshi cattle traders named Mobarak (35) and Moinul Islam (30) at the main pillar 346 of Chapsha border under Thakurgaon District. The BSF then took away Mobarak. Moinul was admitted to Thakurgaon District Hospital; and shifted to Rangpur Medical College Hospital when his condition deteriorated. He succumbed to his injuries on September 16. Meanwhile on September 19, Mobarak died in Raignaj Hospital in West Dinajpur in India while under treatment.³⁰
46. On September 18, 2015 some BSF members chased two adolescents, who went to catch fish in a pond at West Ramkrishnapur Village adjacent to the sub-pillar of main pillar 276/8 under Bhutiapara border in Dholahar Union under Sadar Upazila in Joypurhat District. When the villagers protested, 30-35 BSF members entered 400 yards into Bangladeshi territory and shot indiscriminately at the villagers. Abu Zafar Bidyut, Farooq, Sayem, Porimal Mardi and Nirmol Mardi of Ramkrishnapur Village were injured. Sayem (37)

²⁹ The Daily Star, 22/09/2015

³⁰ The daily Manabzamin, 10/09/2015 and the daily Naya Diganta, 20/09/2015

died when he was being transferred to Shaheed Ziaur Rahman Medical College Hospital in Bogra in a critical condition.³¹

47. According to the Memorandum of Understanding and related treaties signed between Bangladesh and India, if citizens of either country illegally cross the border, it would be considered trespass and as per law those persons should be handed over to the civilian authority. However, we have noticed that India has been, over the years, repeatedly violating such treaties, killing or physically harming anyone seen near the border or anyone trying to cross the border; and also attacked Bangladeshi citizens by illegally entering Bangladesh, which are clear violations of international law and human rights. To some extent, BGB and local inhabitants have made joint resistance against illegal trespass of BSF.
48. Odhikar believes that the role of the Bangladesh Government should be independent and sovereign in order to protect its citizens. No independent and sovereign state would passively watch its citizens being indiscriminately killed, tortured and abducted by another state.

Public lynching continues

49. In September 2015, 11 people were reportedly killed due to public lynching.
50. People are being killed by public lynching in different places of the country. The lack of respect for law, distrust of the police and instability in the country has increased fear and insecurity among people. Odhikar believes that due to a weak criminal justice system, the tendency to resort to public lynching is increasing, as people are losing their confidence and faith in the police and judicial system.

Violence against women

51. In September 2015, a significant number of women became victims of sexual harassment by stalkers, of rape and of dowry violence.

Sexual harassment

52. According to information gathered by Odhikar, in September 2015, a total of 26 girls and women were victims of sexual harassment. Of them two were injured, three were assaulted and 21 were stalked and harassed. During this

³¹ The daily Jugantor, 19/09/2015

time, seven male and one female were injured and one female was assaulted by the stalkers when they protested.

53. On September 5, 2015 a criminal named Badsha beat and injured a college student as she refused his proposal of love, at Demra area in Dhaka. Police arrested two stalkers in this regard.³²

Rape

54. In September 2015, Odhikar recorded a total number of 101 females who were raped. Among them, 31 were women, 69 were children below the age of 16 and the age of one victim could not be determined. Of the women, three were killed after being raped; one committed suicide and 12 were victims of gang rape. Out of the 69 child victims, four were killed after being raped; eight were victims of gang rape. Furthermore, eight women and children were victims of attempted rape.
55. On September 11, 2015 a student of class five, belonging to the Hindu community, was raped by Kagapasha Union unit Jubo League leader Shamsul Alam Chowdhury, in Kagapasha Village under Baniachong in Habiganj District. Police arrested Shamsul Alam Chowdhury.³³

Dowry-related violence

56. In September 2015, according to Odhikar documentation, 14 women were subjected to dowry violence. Of these women, it has been alleged that 10 were killed because of dowry and four women were physically abused over dowry demands. During this period, a victim's two-year-old daughter was killed with her mother.
57. On September 8, 2015 a housewife named Sabina Yeasmin (26) and her daughter Ayesha Siddiqui (2) were strangled to death by her husband Rauf over a dowry demand of 50 thousand taka, in Tarali Village under Kaliganj Upazila in Satkhira District. Raouf later fled the scene.³⁴
58. Odhikar expresses grave concern over the incidents of violence against women. Odhikar believes that women are being victimized mainly due to lack of implementation of laws and lack of proper investigation. Since the perpetrators of violence against women escape punishment, potential violators are encouraged and incidents of violence increase.

³² The daily Manabzamin, 06/09/2015

³³ The daily Manabzamin, 13/09/2015

³⁴ The daily New Age, 09/09/2015

Human right activities hindered by the government

Activities of Odhikar hindered

59. Odhikar, as a human rights organisation, has come under government fire during various regimes, for being vocal against human rights violations and for campaigning to stop them. However, the present Grand Alliance government, led by the Awami League, after assuming power in 2009, started harassment on Odhikar for its reports on the human rights situation of the country. On August 10, 2013 at 10:20 pm, Odhikar's Secretary Adilur Rahman Khan was picked up by persons claiming to be from the Detective Branch (DB) of police, for publishing a fact finding report on extrajudicial killings during a rally organised by the religious group Hefazate Islam on May 5-6, 2013. The police, at first, denied detaining him. Adilur and Odhikar's Director ASM Nasiruddin Elan, were charged under section 57(1) of the Information and Communication Technology Act, 2006 (Amended 2009). They were in jail custody and later, Adilur and Elan were released on bail after spending 62 and 25 days in prison respectively. On August 11, 2013 at night, the DB police raided the Odhikar office and confiscated two CPUs (Central Processing Unit) and three laptops, which contained sensitive and confidential information and documents relating to victims of human rights abuses. Odhikar regularly faces harassment by different organs of the government. Adilur Rahman Khan, staff members of Odhikar and the office are under surveillance by intelligence agencies. Human rights defenders who are associated with Odhikar are being watched and sometimes harassed and human rights activities hindered.
60. On 29 August 2015, the National Press Club authority abruptly cancelled a programme, which was scheduled to be held on 30 August at the National Press Club auditorium. At 5:20 pm on 29 August, Odhikar received a phone call from an employee of the National Press Club that, as per the instructions of the General Secretary, the Club was cancelling its permission; and would not allow Odhikar to host the programme at their premises. August 30 is the International Day of the Victims of Enforced Disappearances, to remember all those who have been disappeared and to show solidarity and support to their families. At 9:30 am on that day, family members of victims of enforced disappearance were to come together at a solidarity meeting at the National Press Club auditorium. This was scheduled to be jointly organised by members of the families of the disappeared, the Asian Federation against Involuntary Disappearances (AFAD), the Asian Legal Resource Centre (ALRC), the International Federation for Human Rights (FIDH) and Odhikar. The meeting was organised to allow family members of victims of disappearance to recall the incidents, remind everyone of the issue and

demand justice and recovery. Odhikar also received information that a few victim families who were supposed to attend the programme had been threatened over the telephone and told not to participate. On August 30, 2015 law enforcement agencies in various districts also inquired about local human rights defenders who are associated with Odhikar; and advised them not to conduct any programmes in relation to the International Day of the Victims Enforced Disappearance.

61. The NGO Affairs Bureau (NGOAB), which is under the Prime Minister's Office, has barred the release of all project related funds of Odhikar, for eighteen months, in order to stop its human rights activities. The Organisation is still operating due to the volunteer services of grassroots level human rights defenders associated with Odhikar and their commitment to human rights activism.
62. As a human rights organisation, it is Odhikar's duty to highlight human rights violations and take appropriate action and measures to prevent future violations. The Government is harassing Odhikar, everyone associated with the organisation and victims of human rights violations; gagging their voices and hampering Odhikar's activities.

Child rights activists arrested

63. On September 12, 2015 police entered a house and arrested four activists of a voluntary organisation 'Adommo Bangladesh Foundation' that provided shelter to homeless and street children. Police claimed that Arifur Rahman (24), Hasibul Hasan (19), Zakia Sultana (19) and Firoze Alam (21) were arrested under allegations of trafficking 10 children; and were taken into remand. Police also brought children to the police station from a house located at Banashree in the Rampura area of Dhaka. Police filed a case with Rampura Police Station against the four child rights activists. The arrestees claimed that they were working for the rehabilitation of street children with the approval of the government. After taking the children to the police station, they said they were homeless and living at Sadarghat Launch Terminal and Kamalapur Rail Station. They have learned how to write and read their names apart from getting better food and shelter.³⁵ Among the 10 children, a child named Mobarak was handed over to the custody of his family by police and the other children were sent to the correction centre for children and adolescents in Tongi with the permission of the Court. On January 29, 2014 'Adommo Bangladesh Foundation' was registered as a voluntarily organisation. Most of the activists engaged with this organisation

³⁵ The daily Prothom Alo, 13/09/2015

are college and university students. 'Adommo Bangladesh Foundation' was involved in various welfare activities for the children, including giving them primary education, distribution of warm clothes during winter and entertainment. One of the Board Members of the Organisation and a student of Home Economics College, Ranta Biswas, informed that they had rented a flat at Banashree in December 2014 to make a shelter home for homeless children. 10 children had been staying in that rented flat.³⁶

64. The present government has taken very strong position against voluntary organisations. Unlike Odhikar, which is vocal against violations of civil and political rights, even the activists who work with economic, social and cultural rights are under persecution and attack. Odhikar demands the release of the arrestees immediately and an independent and impartial investigation into this matter.

³⁶ The daily Manabzamin, 20/09/2015

Statistics: January-September 2015*											
Type of Human Rights Violation		January	February	March	April	May	June	July	August	September	Total
**Extrajudicial killings	Crossfire	12	30	9	8	14	6	7	19	9	114
	Shot to death	5	5	2	1	0	3	0	0	4	20
	Beaten to death	1	0	0	0	1	0	0	0	0	2
	Strangled to death	0	1	0	0	0	0	0	0	0	1
	Tortured to death	0	0	1	0	2	0	0	0	0	3
	Others	0	2	0	0	1	0	0	0	0	3
	Total	18	38	12	9	18	9	7	19	13	143
Shot on legs by law enforcement agencies		2	16	8	1	3	0	0	0	2	32
Disappearances		14	9	11	3	3	3	0	2	0	45
Human rights violations by Indian BSF	Bangladeshis Killed	2	5	1	9	3	3	5	3	4	35
	Bangladeshis Injured	11	7	5	4	2	6	5	6	7	53
	Bangladeshis Abducted	4	9	3	0	0	1	3	0	0	20
Attack on journalists	Injured	6	3	16	16	5	0	6	1	1	54
	Threatened	1	1	0	2	10	15	1	1	0	31
	Assaulted	2	1	0	0	0	0	0	3	0	6
	Tortured	0	0	1	0	0	0	0	0	0	1
	Arrested	2	0	1	1	1	0	1	1	0	7
Political violence	Killed	48	40	33	11	5	11	5	13	8	174
	Injured	1947	722	580	262	272	320	475	426	564	5568
Dowry related violence (including women victims, their children and relatives)		13	15	15	13	17	14	23	16	15	141
Rape		33	45	41	44	82	65	65	106	101	582
***Sexual harassment /Stalking of women		19	9	19	6	9	13	5	34	26	140
Acid violence		8	4	3	5	4	1	5	6	0	36
Public lynching		12	7	8	15	15	11	9	19	11	107
Arrest under Information and Communication Technology Act		1	2	3	1	1	6	2	4	7	27

*Odhikar's documentation

**In January-March five persons were allegedly extra judicially killed by the law enforcement agencies during political violence which is also included in the statistical part of the Political Violence.

***It is to be noted that numerous women became victims of sexual harassment by gangs in Dhaka University campus during celebrations of Bangla New year on April 14, 2015 which could not be determined as victim women did not report, so that in the statistical part of sexual harassment/stalking of women couldn't be added.

Recommendations

1. In order to stop unstable and confrontational politics, an initiative of forming an accountable government needs to be taken immediately through holding free and fair Parliamentary elections by ensuring the participation of all political parties, under a neutral, interim government or under the supervision of the United Nations.
2. Incidents of extrajudicial killings by law enforcement agencies must be investigated and the perpetrators be brought to effective justice. Extrajudicial killings in the name of 'crossfire' and 'gunfight' must be stopped. The law enforcement agencies must follow the international guidelines "Basic Principles on the use of Force and Firearms by Law Enforcement Officials" and the "UN Code of Conduct for Law Enforcement Officials".
3. The Government has to explain all incidents of enforced disappearance and post-disappearance killings allegedly perpetrated by law enforcement agencies. All victims of disappearance should be returned to their families. The Government must bring the members of the security and law enforcement agencies, who are involved in the incidents of enforced disappearance and killing; to justice. Odhikar urges the government to accede to the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the UN on December 20, 2006.
4. Interference to freedom of expression and of the media must be stopped. The ban on the publication of the daily Amar Desh and the broadcasting of Diganta TV, Islamic TV and Channel One should be removed. All persons who were detained for political reasons, including Acting Editor of the daily Amar Desh Mahmudur Rahman, should be released immediately. All repressive laws, including the Information and Communication Technology Act, 2006 (amendment 2009, 2013) and the Special Powers Act, 1974 must be repealed.
5. The Government should refrain from attacking peaceful public events and from carrying out repressive, unconstitutional activities.
6. The Government should take all measures to protect the rights of the citizens belonging to religious, ethnic and linguistic minority communities and ensure their security. Perpetrators of attacks on all minority communities must be brought to justice.
7. The Government should protest strongly against human rights violations on Bangladeshi citizens by the BSF and take initiatives to investigate and make the Indian Government accountable; and compensate the families of the

victims. The Government should also ensure the safety and security of the Bangladeshi citizens residing at the border areas.

8. The Government must ensure the effective implementation of laws to stop violence against women and the offenders must be effectively punished under prevalent laws. The Government should also execute mass awareness programmes in the print and electronic media, in order to eliminate violence against women.
9. The case filed against Odhikar's Secretary and its Director under the Information and Communication Technology Act, 2006 (Amended in 2009) must be withdrawn. All repressive measure and harassment against human rights defenders associated with Odhikar should be stopped. The government must release the funds of Odhikar to enable it to continue its human rights activities.

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Notes:

1. Odhikar seeks to uphold the civil, political, economic, social and cultural rights of the people.
2. Odhikar documents and records violations of human rights and receives information from its network of human rights defenders and monitors media reports in twelve national daily newspapers.
3. Odhikar conducts detailed fact-finding investigations into some of the most significant violations, with assistance from trained local human rights defenders.
4. Odhikar is consistent in its human rights reporting and is committed to remain so.