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Human Rights Monitoring Report

April 1 – 30, 2016

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Odhikar believes that 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 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 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. The Parliament, Judiciary and Executive cannot and should not, have any power to abrogate fundamental civil and political rights through any means, 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.

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 on violations and defend the victims. In line with this campaign, Odhikar prepares and releases human rights status reports every month. The Organisation has released this human rights monitoring report of April 2016, despite facing persecution and continuous harassment and threats to its existence since August 10, 2013.

Further hindrance to freedom of expression and the media

1. The present government is hell-bent on curtailing freedom of expression and preventing dissenting voices. Interventions by the government and the ruling party men; attacks on journalists and filing cases against them; and detention of journalists in prison continue to hinder freedom of speech and expression. Meanwhile a repressive law, the 'National Broadcasting Act' has been drafted, incorporating provisions for imprisonment and fine. The social media are also under constant monitor by the government. The repressive law - the Information and Communication Technology Act 2006 (amended 2009, 2013) - is being imposed against people who are critical of the decisions and activities of the people in high positions of the government.
2. According to information gathered by Odhikar, in April 2016, six journalists were injured, one was threatened and four were sued.

Repressive National Broadcasting draft Act

3. On April 20, 2016 the Information Ministry released a draft law called the 'National Broadcasting Act', incorporating the provisions of imprisonment and monetary fine. According to the draft, violations of any rules or provisions of this law will result in a sentence up to three months imprisonment and at least five hundred thousand taka fine or both. If violations of this Act continue the accused person will be fined up to one hundred thousand taka per day.¹ It is also mention in the draft law that if someone broadcasts, violating this law, he will be fined upto 100 million taka.

¹ The daily Prothom Alo, 12/04/2016

Such fine can be recovered by an administrative order. The Act also states that if anyone is harmed by an administrative order, he/she will not be able to seek legal recourse.²

Elderly journalist Shafique Rehman arrested and taken into 10-day remand

4. In the morning of April 16, 2016 members the Detective Branch (DB) of Police, posing as journalists of Boishakhi TV, entered the home of and arrested senior journalist Shafique Rehman (82), without warrant, at Eskaton Garden in Dhaka. Initially the DB police denied the arrest of Shafique Rehman but later they acknowledged it. He was shown as arrested under a case filed with Paltan Police Station in 2015 regarding a plan to abduct and kill the Prime Minister's son, who is also her IT advisor, Sajeeb Wajed Joy. In the afternoon of April 16, DB police produced Shafique Rehman in the Court of Dhaka Metropolitan Magistrate, Mazharul Islam and sought a 7-day remand. The Court granted a five-day remand.³ After completion of the five day remand, on April 22, the DB police produced him before the court of Dhaka Metropolitan Magistrate, Mahmudur Hassan and sought another 7-day remand. Meanwhile the lawyers of Shafique Rehman had appealed to the Court for an order for his medical checkup by deferring his remand hearing and also to allow him to talk with his wife and lawyers. But the court cancelled that appeal and granted the police 5-days remand again. On April 20, his wife Taleya Rehman organised a press conference and demanded the release of Shafique Rehman, stating that the allegations brought against him was false and fabricated. On April 25, Taleya Rehman organised another press conference and expressed fear that Shafique Rehman's life could be in danger due to his being taken into remand several times. She expressed her doubts as to whether there would be a proper investigation into the matter, given the government's extremely negative propaganda against her husband and the fabricated and incorrect information given against him.⁴

Mahmudur Rahman detained in jail for three years and taken into remand repeatedly

5. Mahmudur Rahman (62), the Acting Editor of the Daily Amardesh is in jail for the last three years. Mahmudur Rahman was arrested on April 11, 2013 from the Amar Desh newspaper office. After that, a team of Dhaka Metropolitan Detective Branch (DB) police raided the Amar Desh office at Tejgaon Industrial Area, seized important documents and computers. At

² The daily Prothom Alo, 22/04/2016

³ The daily Jugantor, 17/04/2016

⁴ The daily Manabzamin, 26/04/2016

around 10:45 pm they sealed the printing press of the Amar Desh office.⁵ On August 19, 2010 the Appellate Division of the Supreme Court sentenced him to six months for Contempt of Court for publishing an April 21, 2010 report on how the government influences the courts. On August 13, 2015 Mahmudur Rahman was sentenced to three years imprisonment and one hundred thousand taka fine by a temporary Court situated at Alia Madrassa field in Old Dhaka, over allegations that he did not respond to a notice given by the Anti Corruption Commission (ACC) regarding his property. The Court also gave the verdict of another month of jail if he fails to pay the fine. To date a total of 72 cases have been filed against him across the country, mainly for defamation and sedition. Later he was granted bail on all the cases. On February 14, 2016, after getting bail from the Appellate Division and when there was no bar to release Mahmudur Rahman, the Metropolitan Magistrate delayed in sending the Production Warrant Order to the jail; and the police of Shahbagh Police Station showed him as arrested in case (case no. 50(01/13) filed in 2013 under the Explosives Act.⁶ Mahmudur Rahman was granted bail in this case from the High Court Division and his lawyers also appealed to the Court regarding an Order that his client should not be shown as arrested further in any case. The High Court Division granted this appeal and issued an Order that Mahmudur Rahman will not be shown as arrested anymore. The Attorney General's office appealed to the Chamber Judge against this Order; the Chamber Judge put a stay on the High Court Order. As a result, on March 27, 2016 Mahmudur Rahman was shown again as arrested in a case filed with Motijheel Police Station and the latter requested a 10-day remand. On April 6, 2016 during the hearing of this case, lawyers of Mahmudur Rahman said that Mahmudur Rahman had been detained in jail before he was shown as arrested. The Court, then dismissed the appeal for remand and showed him as arrested.⁷ On April 5, 2016 police again appealed for a 7-day remand before the Court under a case filed with Kotwali Police Station. On April 12, the Metropolitan Magistrate of Dhaka rejected the application for remand and ordered the police to question him at the jail gate in four working days.⁸ On April 16, senior journalist Shafique Rehman was shown as arrested under a case filed with Paltan Police Station in 2015 about a plan to abduct and kill the Prime Minister's son Sajeeb Wajed Joy. Mahmudur Rahman was shown as arrested under this case as well. On April 22, 2016 Mahmudur Rahman's mother, Professor Mahmuda Begum, held a press conference and demanded the release of her son.⁹ On April 25, 2016 senior Assistant

⁵ The Daily Ittefaq, 18/04/2013

⁶ The daily New Age, 15/02/2016

⁷ The daily Naya Diganta, 07/04/2016

⁸ The daily Manabzamin, 13/04/2016

⁹ The daily Manabzamin, 23/04/2016

Commissioner of the Detective Branch of Police, Hassan Arafat appealed to the Court for a 10-day remand for Mahmudur Rahman under this matter. The Dhaka Metropolitan Magistrate, Golam Nabi granted a 5-day remand. On April 29, Mahmudur Rahman was brought to the DB office, Dhaka from Kashimpur jail in Gazipur for interrogation.¹⁰

Torture in remand

6. In Bangladesh, remand is synonymous to torture. There are many allegations that law enforcers inflict torture in custody to get confessional statements, after taking a person into remand. Torture in the custody of law enforcement agencies during remand is not only a criminal offence but also a serious violation of human rights. Article 35(5) of the Constitution says that “No one shall be subjected to torture, inhuman or degrading punishment or treatment”. The High Court Division of the Supreme Court in 2003 in the matter of BLAST vs. Bangladesh gave specific directives regarding interrogation in remand¹¹ and in 2013, the Parliament passed the Torture and Custodial Death (Prevention) Act. The High Court Division states in the directives that detainees should be medically examined before and after remand and that a report has to be submitted to the lower court; and the court will oversee that report accordingly. After arresting an accused person, his/her family has to be informed. Lawyers of the arrested person should be given permission to talk with their client; and the arrestees will be questioned in the presence of his/her lawyers. He/she would be questioned in a room where he/she can be seen from outside. However, the directives of the High Court Division and the prevalent laws are regularly violated by police and the lower courts. When anyone is arrested, it is now perceived that person will be physically or mentally tortured or both. Odhikar has, for the last 21 years, documented and carried out fact finding missions on incidents of torture, highlighting the fact that this practice must stop.

Killing of a blogger, a teacher and the editor of LGBTI rights based magazine

7. The possibility of extremism affecting the country became a matter of concern as soon as the freedom of expression was curtailed, controlled and persecuted by the government. Bloggers and foreign citizens were being attacked and even killed in Bangladesh since 2013. So far, seven bloggers and online activists and two foreigners, one teacher and the editor of a LGBTI magazine have been killed. The killings were acknowledged by an extremist group.

¹⁰ The daily Naya Diganta, 26/04/2016

¹¹ 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.

8. On April 6, 2016 in the evening, a student of Law in Jagannath University and online activist, Nazimuddin Samad was stabbed and shot dead by a group of criminals at Ekrapur intersection of Lakshmi Bazaar, when he was returning to his residence in Gendaria, after evening classes. His family and friends said that they believe Nazimuddin was killed as he has criticised the government and posted various status on his facebook account against terrorism and fanaticism. A case was filed with Sutrapur Police Station, Dhaka in this regard.¹²
9. On April 23, 2016 at around 7:30 am, some unidentified criminals stabbed to death Dr. Rezaul Karim Siddiqui, Professor of the English Department, Rajshahi University at the Bottola intersection of Shalbagan area under Boalia Police Station in Rajshahi Metropolitan City.¹³
10. On April 25, 2016 at night some unidentified criminals stabbed to death an Editor of LGBTI rights based magazine 'Roopbaan', Xulhaz Mannan and his friend Mahbub Rabbi Tonoy, after entering his home at Dhanmondi under Kolabagan Police Station in Dhaka. Xulhaz Mannan was also the Protocol Officer of former US Ambassador Dan W. Mozena.¹⁴
11. On April 30, 2016 at around 12:00 noon, Nikhil Joardar (50), a tailor, was hacked to death by three youths after calling him out from his shop near the Pakutia-Shutikalibari road under Gopalpur Upazila in Tangail District. The killers came on a motorbike and left the scene after killing Nikhil Joardar. According to a police source, Nikhil Joardar was arrested in 2012 for allegedly making defamatory comments against Prophet Hazrat Mohammad (pbuh).¹⁵
12. Odhikar believes that if any opinion or statement of any citizen goes against the government, he or she is being arrested persecuted or harassed by the state. Odhikar demands that the government repeal the repressive Information and Communication Act 2006 (amended 2009, 2013) immediately and also expresses concern about another proposed repressive law 'National Broadcasting Act'. Odhikar further demands that the government bring the perpetrators involved in killings of bloggers and online activists, teachers, foreign citizens and editor of LGBTI rights related magazine, to justice, through independent and unbiased investigations. At the same time Odhikar also urges the government to stop preventing people's fundamental rights to freedom of expression and assembly.

¹² The daily Prothom Alo, 08/04/2016

¹³ The daily Jugantor, 24/04/2016

¹⁴ The daily Prothom Alo, 26/04/2016

¹⁵ The daily Manabzamin, 01/05/2016

Political violence and irregularities during Union Parishad elections continue

Political violence

13. According to information gathered by Odhikar, in April 2016, 29 persons were killed and 1379 were injured in political violence. Among them, 24 persons were killed and 1193 were injured in union parishad election related violence. 48 incidents of internal violence in the Awami League and two in the BNP¹⁶ were also recorded during this period. 11 persons were killed and 456 were injured in internal conflicts of the Awami League while 27 persons were injured in conflicts within the BNP.
14. Political violence has become serious across the country, centering around the Union Parishad¹⁷ elections held under political banners. Furthermore, internal conflicts among the leaders and activists of Chhatra League¹⁸ and Jubo League¹⁹ are common and most of the criminal activities and violence are linked to vested interest. During violent political altercations, these groups were seen in internal clashes in public, using lethal weapons. Moreover, leaders and activists of the opposition political parties were attacked too. In most cases, perpetrators could not be brought to justice. Several incidents of political violence took place. Two incidents are as follows:
 15. On April 13, 2016 an altercation took place at Shikkha Bhaban²⁰, Dhaka between supporters of the former Joint Secretary of Chhatra League's Central Committee, Mizanur Rahman and supporters of the former President of Dhaka University's Mohsin Hall²¹ unit Chhatra League, Sohel Rana Mithu, over capturing a tender bid of 440 million²² taka. 10 people were injured during this clash.²³
 16. On April 11, 2016 at around 10:30 pm, a few Chhatra League leaders and activists, including the Deputy Secretary of Jahangirnagar University unit Chhatra League, Firozur Rahman Sabuj; Assistant Secretary, Mehedi Hassan, attacked Ibrahim Khalil Biplob, President of Jahangirnagar University unit Chhatra Dal²⁴, when he went to the University campus for collecting exam notes. They beat Sabuj severely with an iron pipe and iron rods and broke his right hand and right leg. He was admitted to the National Institute of

¹⁶ BNP: Bangladesh Nationalist Party

¹⁷ Union Parishad (Council) is lowest tier in the local government institution.

¹⁸ Student wing of Awami League

¹⁹ Youth wing of Awami League

²⁰ Directorate of Education

²¹ A residential hall for male students

²² Approximately USD 5,611,839

²³ The daily Jugantor, 12/04/2016

²⁴ Student wing of the Bangladesh Nationalist Party (BNP)

Traumatology and Orthopedic Rehabilitation (NITOR) in Dhaka in a critical condition.²⁵

64 killed in three phases of Union Parishad elections

17. Election related violence gained magnitude soon after the declaration of the Union Parishad election schedule. The violence commenced at the time of submitting nomination papers and continued till polling day. According to information gathered by Odhikar, a total of 64 persons were killed and at least 3112 persons were injured in the three phases of the UP elections. Among them, 20 persons were killed and at least 784 persons were injured during the third phase.
18. On February 11, 2016, the Election Commission declared the electoral schedule of the Union Parishad²⁶ (UP) elections to be held in 4275 UPs in six phases. This was the first time that UP elections were conducted under a political banner. The first²⁷ and second²⁸ phase of elections were held with incidents of widespread irregularities; including violence, killing, vote-rigging, capturing polling stations, casting fake votes, snatching ballot papers and stuffing ballot boxes and attacks on electoral officials. All elections held starting from the 10th Parliamentary Elections on January 5, 2014, the Upazila Elections in 2014; the City Corporation Elections in 2015; the Municipality Elections in 2015; and the Union Parishad Elections in 2016 were highly controversial and farcical elections. Incidents of attacks on minority communities increased three-fold during the first and second phase of the UP elections. The Hindu-Boidhya-Christian Oikya Parishad alleged that the ruling party Awami League and its rebel candidates were responsible for this violence. They informed that more than 8,200 persons belonging to minority communities were harmed.²⁹ The third phase of the Union Parishad elections commenced on April 23, 2016 in 614 UPs, which were also marked with the capturing of polling stations, snatching ballot papers and casting fake votes by supporters of the ruling party Awami League (AL) nominated candidates. Some incidents are as follows:
 19. Elections in eight Union Parishads under Sreepur Upazila in Magura District were held amidst violence, capturing of polling stations and snatching ballot papers. Supporters of the AL-nominated candidate forcefully captured the Baroipara Government Primary School polling centre at Sreekole Union and stuffed ballot papers into boxes. The Presiding Officer of this polling centre informed that two books of ballot papers were snatched away and as a result

²⁵ The daily Manabzamin, 13/04/2016

²⁶ Union Parishad is lowest tier of the local government in Bangladesh

²⁷ The first phase of Union Parishad elections commenced on March 22, 2016

²⁸ the second phase of Union Parishad elections commenced on March 31, 2016

²⁹ The daily Jugantor and Naya Diganta, 23/04/2016

the voting of this centre was suspended. Voting was also stopped in Purba-Sreekole polling centre for about one hour due to a violent altercation between supporters of the AL-nominated candidate with symbol 'Boat' and supporters of independent candidate with symbol 'Pineapple'.³⁰ The AL-nominated Chairman candidates were elected uncontested in 10 out of 15 Union Parishads under Louhajang Upazila in Munshiganj District. Elections were held in different Unions, namely Kalma, Khidirpara, Bezgaon, Kanaksar and Haldia. The day before polls, on April 22, 2016, BNP-nominated candidate Mainul Islam's house was attacked and vandalized in Bazgaon Union and his supporters were beaten. The President of Upazila unit BNP, Shahjahan was also arrested from Mainul Islam's house. Later police raided in the houses of BNP activists on the pretext of arresting criminals in the area. As a result, BNP supported voters and activists left the area in fear. On election day, supporters of the AL-nominated candidate, Amir Hossain Talukdar, had free run through the area and were stuffing ballots into boxes after openly stamping the symbol 'boat' in different polling stations.³¹ 870 votes were cast by 9:30 am in Basudia Nesaria Madrassa polling centre of Khidirpur Union. Meanwhile 450 out of 785 votes were cast by 11:00 am in Folapakra Government Primary School polling centre of Kalma Union.³² Supporters of the AL-nominated candidate entered the five polling booths and cast fake votes in AC Academy polling centre of Chunta Union under Sorail Upazila in Brahmanbaria District. Criminals attacked journalists when they approached to take photos of this incident. The attacks injured ATN News Bureau Chief Pyjus Kanti Acharya and photo journalists Sumon Ray and Hassan Javed.³³

20. People are deprived from their right to franchise. The Caretaker Government system was incorporated in the Constitution through the 13th amendment to the Constitution, as a result of people's movement led by the then Opposition Awami League and its alliance between 1994 and 1996. However, in 2011 the caretaker government system were removed unilaterally by the Awami League government through the 15th amendment to the Constitution, without any referendum and ignoring the protests from various sectors; and a provision was made that elections were now to be held under the incumbent government. As a result, the farcical 10th Parliamentary elections were held on January 5, 2014 despite the boycotting of this election by a large majority of political parties. Criminal acts in the electoral system were initiated through this election. Since then, all local government polls were marred with widespread and widely reported irregularities, violence and vote rigging.

³⁰ The daily Manabzamin, 24/04/2016

³¹ The daily Jugantor, 24/04/2016

³² Ibid

³³ The daily Naya Diganta, 24/04/2016

Ensuring transparent, creditable, free, fair and unbiased elections is the Constitutional responsibility of the Election Commission (EC). However, the EC has totally failed to deliver. It is unfortunate that the EC also made public claims of fair and peaceful elections in order to disguise its failures.

Police barrier against peaceful programmes

21. On April 25, 2016 Progotishil Chhatra Jote³⁴ and Samrajjobad Birodhi Chhatra Oikya³⁵ called a half-day hartal across the country in protest acts of enforced disappearance, killings, rape, including the murder of Comilla Victoria College girl student Shohagi Jahan Tonu. During the hartal, when Progotishil Chhatra Jote tried to gather in front of Awashini Kumar Hall Chottor in Barisal the police barred their way, took away their banner and baton charged them. At least 15 people were injured in this attack.³⁶ Among the wounded persons, some were admitted to Barisal Sher-e-Bangla Medical College Hospital. Meanwhile, Chhatra League activists beat and wounded five activists of Progotishil Chhatra Jote in the Lalbagh area of Rangpur town while police baton charged students of Jahangirnagar University, when they blocked the Dhaka-Aricha Highway in front of the University. At least 10 persons were injured. Police arrested 12 students and took them to Ashulia Police Station and later released them after hartal.³⁷

Extrajudicial killings

22. The law and justice delivery system of the country is becoming increasingly unstable and human rights are violated due to the persistence of extrajudicial killings. This questions the level of democracy and rule of law in this country. According to information gathered by Odhikar, in April 2016, 11 persons were reportedly killed extra judicially.

Type of death

'Crossfire/encounters/gunfights'

23. Seven persons were killed by 'crossfire/encounters/gunfights'. Three of them were killed by police and four by RAB.

Shot to death

24. Four persons were shot to death by police during this period.

³⁴ Progressive Student Alliance

³⁵ Students Unity against Imperialism

³⁶ The daily Prothom Alo, 26/04/2016

³⁷ The daily Prothom Alo, 26/04/2016

The identity of the deceased:

25. Of the 11 persons who were killed extra-judicially, one was an activist of Bangladesh Nationalist Party (BNP), one was a member of Gonobahini, four were farmers and five were alleged criminals.
26. A private company called S. Alam Group signed an agreement with the government to set up a coal based power plant in Gondamara area under Banshkahli Upazila in Chittagong District. Disputes had been created between local inhabitants and S. Alam Group from the beginning, over acquiring land for this project. Locals were extremely annoyed at the company for allegedly cheating the ordinary people in the name of this power plant. For this matter, altercations occurred at different times between the local inhabitants and the men, who were involved with the project. On April 2, 2016 Shahidul Alam, the brother of S. Alam Group's Chairman, Saiful Alam Masud, visited the project area where the local people attacked his motorcade. A case was filed with Banshkhali Police Station in this regard and police arrested seven local inhabitants for allegedly being involved into the attack. On April 4, locals organised a meeting in Gondamara area under the banner of 'Committee to Protect House and Land' demanding the release of the arrestees. In the meanwhile, Union unit Awami League leader Shamsul Alam, who is a supporter of the AL party Member of Parliament Mostafizur Rahman, called another meeting at the same place in favour of the coal based power plant. The local administration imposed Section 144 of the Code of Criminal Procedure for calling two meeting simultaneously in the same place. However, police and criminals shot at local people when they tried to assemble there, violating section 144. As a result more than one hundred people were shot. Among them, Mortuza Ali (52) of Gondamara Village; and his brother Ankur Ali, Zaker Ahmed (35); and Zahir Uddin were shot dead.³⁸ Three separate cases were filed with Banshkhali Police Station in this regard. Of these cases, one was filed by police and the other two were filed by victim-families. In the cases filed by police, 57 people, including former Chairman of Gondamara Union Parishad, Liakat Ali's name were mentioned. Furthermore, three thousand two hundred unknown people were accused in the FIR.³⁹
27. Odhikar believes that the heightened state repression has created instability and put Bangladesh into serious crisis. The government is adhering to the practice of using the law enforcement agencies against its political opponents and those with alternative ideas, to resist them. Furthermore, supporters of the ruling party attack the opposition political parties and ordinary people with lethal weapons at different times with assistance from the police. Human

³⁸ The daily Jugantor, 05/04/2016

³⁹ The daily Prothom Alo, 06/04/2016; <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-045-2016/?searchterm=Impunity%20and%20corporate>

rights of many innocent people are being violated due to cases where the perpetrators or accused persons are filed 'unknown'.

Shooting detainees in the legs by members of law enforcement agencies

28. According to information gathered by Odhikar, in April 2016, three persons were shot in the leg by the law enforcement agencies after arrest.
29. Apart from extrajudicial executions and incidents of torture in custody, shooting in the legs of detainees/accused persons by members of the law enforcement agencies has been highlighted as a new method to shut down protests from the opposition political parties. This has become a common phenomenon in Bangladesh since 2011. Even ordinary citizens have been victims of such brutality. Several people have had to be amputated due to such shooting by law enforcement agencies in the last few years.
30. There were allegations of the shooting of a construction worker named Israfil Gazi (40) in his right leg by police, in Dikdena Village under Monirampur Upazila in Jessore District. Later the police showed Israfil as arrested and admitted him to Jessore Sadar Hospital. Israfil Gazi, who was in a hospital bed in handcuffs and chains, said that on April 2 in the evening, he was drinking tea at Shahidul's tea stall in Dikdena village. At around 8:30 pm, four policemen came on two motorbikes and asked him his name and address. After that, one of the policemen took him behind the tea stall. A few minutes later, a constable, under orders from a Sub Inspector, shot Israfil in the right leg. Police tied his leg with a gamchha⁴⁰ and took him to the police station. He was then admitted to the hospital. Assistant Superintendent of Police, Billal Hossain said that there were 13 different cases filed against Israfil Gazi. During the incident, Israfil and his associates were on the bank of the Kapotakkho River. When police went there to arrest him, the latter opened fire at police. Police returned fire in self defense, which caused Israfil to be shot in the leg. He also claimed that police recovered a pipe gun and bullets from Israfil. The Officer-in-Charge of Monirampur Police Station, Taherul Islam informed that Israfil was a fugitive and accused in several cases. Arrest warrants were also issued against him. However, the local people and witnesses to the event, claimed that the police statements were not true.⁴¹

⁴⁰ A thin cotton towel

⁴¹ The daily Manabzamin, 04/04/2016/ Information collected by Odhikar

Allegations of enforced disappearance

31. Enforced disappearance is a grave violation of fundamental human rights. It is a repressive tool used by governments. 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 crime of enforced disappearance violates an individual's right to freedom of expression, thought and conscience; and right to justice and fair trial. The victims of enforced disappearance are often tortured and they live in fear and uncertainty. Many people have disappeared after being picked up by men claiming to be members of law enforcement agencies. The families of the disappeared claim that members of law enforcement agencies arrest and take away the victims and then they are no longer found. In some cases, law enforcement agencies deny the arrest; but days later, the arrested persons are produced before the public by the police or law enforcement; or handed over to a police station and appear in Court, or the bodies of the disappeared persons are recovered. Recently several incidents of enforced disappearance occurred in Jhenaidah and the bodies of the disappeared persons were later recovered. It was learnt that these victims were activists of opposition political parties. Furthermore, incidents of enforced disappearance allegedly occur to conceal crimes.
32. According to information gathered by Odhikar, in April 2016, eight persons have been disappeared. Of them, one was found dead, one was shown arrested and the whereabouts of six persons are still unknown.⁴²
33. On March 27, 2016 Mizanur Rahman Shohagh, a friend of Anwar Hossain Liton, younger brother of deceased theater activist Shohagi Jahan Tonu (who was killed in Comilla Cantonment on March 20, 2016) was picked up by some men claiming to be members of law enforcement agency, from his home at Narayansar Village under Burichong Upazila in Comilla District. His father Nurul Islam said that at around 1:00 am, the men entered their home and said that they wanted to check the house. They said they were law enforcers; and there would not be any problems. After waiting for half an hour, they picked up his son. The men arrived there on a motorbike, a jeep and a microbus. They told him that they would return his son the next day at 10:00 am. The family searched for Shohagh at the police station, RAB office and DB police office, after Shohagh was not returned. But the law enforcement agencies denied the arrest of his son.⁴³ On April 12, 2016 at around 6:00 am, Shohagh was found alive near a petrol station on the Dhaka-Chittagong Highway, in a

⁴²Odhikar 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.

⁴³The daily Prothom Alo, 08/04/2016

dazed and frightened state. Later, Shohagh said that after putting him into a microbus, he was blindfolded and his two hands tied behind his back. He was detained in a room for 15 days in this manner. His blindfolds were removed and hands untied only at the time of eating. There were four other men detained in the room with him.⁴⁴

34. On April 10, 2016 in the afternoon, four unknown men picked up Sohanur Islam, a first year student of Kaliganj Shahid Noor Ali College, from the Jamtola area of Ishwarba Village under Kaliganj Upazila in Jhenaidah, into an 'easy bike'⁴⁵ and left. The eye-witnesses informed that police from Kaliganj Police Station picked him up. Meanwhile, the Officer-in-Charge of Kaliganj Police Station, Anwar Hossain and DB police denied the arrest. Sohanur's younger brother, Masud said that they were there waiting for their mother, who was coming from Dhaka. A man approached them and began chatting with them. Later another man, a little farther away called to them. He asked his brother for his name and then grabbed Sohanur and took him away. Sohanur's father Mohsin Ali said that he has cloth business in Dhaka. He returned home on hearing of the arrest and came to know from locals that his son had been taken by police. On April 11, he went to Kaliganj Police Station and waited all day to file a General Diary (GD), but the police refused to accept his GD.⁴⁶ On April 20, 2016, in the morning, the body of Sohanur was found at Pannatola field in Kharadoga village in Chuadanga District. It is to be mentioned that on March 25, 2016 a few men in plain clothes, claiming to be members of the law enforcement agency, picked up a second year (Honours) student of Jhenaidah Government KC College, Shamim Mahmud, from Kaliganj Town in Jhenaidah; and on March 18, 2016 Abuzar Gifari, a third year (Honours) student of Jessore MM Collge, was picked up from in front of his house, by men claiming to be from the Detective Branch (DB) of Police, and taken away.⁴⁷ In the morning of April 13, 2016, the bodies of Abuzar Gifari and Shamim Mahmud were recovered from Baharampur Sarbojanin cemetery in Toiyabpur Union of Jessore. They had been shot.⁴⁸
35. On April 14, 2016 citizens belonging to an ethnic minority 'Garo' community, Probhat Marak (60) and Bivas Sangma (25) from Gozni Village of Garo Pahar under Jhinaigati Upazila in Sherpur; and Rajesh Marak (22) from Bhaluka, Mymensingh, were picked up by men claiming to be from the law enforcement agency. Bivas Sangma was a second year graduate student of Tinani Adarsha Degree College of Jhinaigati while Probhat was a day-labourer and Rajesh is a student of a private university in Dhaka. They were

⁴⁴ The dail Prothom Alo, 13/04/2016

⁴⁵ A battery-run four wheeler

⁴⁶ Report sent by local human rights defender associated with Odhikar from Jhenaidah

⁴⁷ See Odhikar's monthly human rights monitoring report for March 2016

⁴⁸ Report sent by local human rights defender associated with Odhikar from Jhenaidah

all related to each other. Bivas' mother Birola Sangma said that in the early morning of April 14 at around 4:00 am, her son went to bed after guarding the crops from wild elephants all night. After some time, around 12 men in black outfits and plain clothes came to their home and began calling Bivas. When she asked who they were, they claimed that they were from the law enforcement agency. At the time of taking Bivas, the men also took two cell phones from their house. Swapna Hagidak, Bivas's cousin, said that the men who were wearing black clothes had 'RAB' written on their shirts. Bivas was assaulted by them while they were taking him away. Probhat Marak's daughter, Promita Sangma said that they were in Dhaka when her father was taken away. They came to know from their relatives that her father was picked up by some men in black uniform. Rajesh's sister Shikha Marak said that her brother was also picked up, by men claiming to be members of the law enforcement agency, from their elder sister's house located near Bhaluka College in Mymensingh.⁴⁹

36. Odhikar expresses grave concern over the persistent incidents of enforced disappearance. Odhikar believes that enforced disappearance is a crime against humanity, which is considered an international crime.

Public lynching continues

37. In April 2016, six people, who allegedly were robbers, were reportedly killed due to public lynching.
38. Due to a weak criminal justice system, lack of respect for law, distrust of the police and instability in the country, the tendency to resort to public lynching is increasing, as people are losing their confidence and faith in the police and judicial system. At the same time, the social fabric is crumbling resulting in insensitivity, insecurity, lack of empathy and fear. As a result, incidents of killings by mob violence continue.

Human rights violations by BSF in border areas

39. According to information collected by Odhikar, in April 2016, one Bangladeshi citizen was gunned down and one was tortured by the Indian Border Security Force (BSF). Furthermore, two Bangladeshi men were shot by the BSF. Two Bangladeshis were also abducted by BSF personnel.
40. Human rights violations on Bangladeshi citizens continued on the India-Bangladesh border areas in April as well. 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

⁴⁹ The daily Prothom Alo, 22/04/2016

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. An independent and sovereign state cannot passively watch its citizens being indiscriminately killed, tortured and abducted by another state.

41. In the early morning of April 18, 2016, a group of Bangladeshi cattle traders, including Monser Ali (45), went to bring cows near the international pillar 1062 at Behularchor border under Roumari Upzila in Kurigram District. At that time BSF members of Jhalorchor outpost in Kochbihar District of India opened fire. Monser Ali was shot and fell on the spot. Later, his fellow cattle traders took him to Roumari Health Complex, where the duty doctor declared him dead.⁵⁰
42. Odhikar observes with grave concern that the government has not taken any effective steps to stop human rights violations at the border by BSF, despite the issue being repeatedly raised by human rights groups. Furthermore, no initiative was taken by the Bangladesh Government to investigate and make the Indian Government accountable and compensate the victims or the families of the victims.

Human rights violations on religious minority communities

43. At a press conference on April 22, 2016, the Hindu-Buddha-Christian Oikya Parishad⁵¹ alleged that the human rights situation of citizens belonging to minority communities is deplorable. On behalf of the Organisation, it stated that incidents of violence against minority communities had tripled in the first three months of 2016, compared to the whole of 2015. It claimed that 732 incidents of violence occurred between January and March. Among these incidents, killing; abduction; gang rape; attacks on houses, business places and temples; vandalisation; robbing; arson attacks; and forced eviction were the most common. In some cases, criminals influenced local administration and hindered the necessary procedure to be taken by the authority after such incidents. Several incidents of land grabbing even took place during a trial or by violating a court Order. The Organisation stated that criminals used political influence and power while conducting such crimes as many leaders of the ruling party were involved in various incidents.⁵²
44. Odhikar expresses concern over incidents of land grabbing, intimidation, extortion and various kinds of illegal activities, including attacks on members

⁵⁰ Report sent by local human rights defender associated with Odhikar from Kurigram

⁵¹ The Hindu-Buddhist-Christian Unity Council

⁵² The daily Manabzamin, 23/04/2016

of religious minority communities; and also on their places of worship continue. Odhikar believes that such incidents occur due to the unavailability of justice for similar incidents in the past; and also due to the politicisation of these incidents.⁵³

Violence against women

45. Violence against women continues and most of the victims are not getting justice due to a culture of impunity.

Sexual harassment

46. According to information gathered by Odhikar, in April 2016, a total of 25 girls (below the age of 18) and women were victims of sexual harassment. Of them four were injured, four were assaulted and 17 were victims of stalking. During this time, one man was killed and 27 men and one woman were injured by the stalkers when they protested.
47. On April 2, 2016 a few local youth were sexually harassing a girl student of class VII during a Puja⁵⁴ in Kali Mandir (temple) at Gondagram Hindupara under Shahjahanpur Upazila in Bogra District. At that time a man named Ratan protested such behaviour and he was beaten by the youth. Ratan's brother-in-law Sanatan Modak was stabbed when he approached to save Ratan. People present in the temple took him to Bogra Shahid Ziaur Rahman Medical College Hospital where the doctors declared him dead. Police arrested two youths named Rajib and Rony in connection with this incident.⁵⁵

Dowry-related violence

48. In April 2016, according to Odhikar documentation, 16 women were subjected to dowry violence. Of these women, it has been alleged that 12 were killed and four were physically abused over dowry demands.
49. A housewife named Noor Banu had been under pressure by her husband Shahabuddin for two hundred thousand taka dowry in Kaetpara Union under Rupganj Upazila in Narayanganj District. In the night of April 20, 2016 Shahabuddin asked Noor Banu to bring money from her parents. But Noor Banu refused to do so. That infuriated Shahabuddin and he hit her with a brick and also pushed a needle under her nails. Later he hit Noor Banu in the eye with some metal object. She was admitted to Rupganj Upazila Health

⁵³ The attacks are blamed on the opposition parties and 'religious' groups although eyewitness accounts may state otherwise. See Odhikar's fact finding report on the attacks at Ramu and Cox's Bazaar, dated 29/09/2012 at www.odhikar.org

⁵⁴ Puja is a prayer ritual performed by Hindus to host, honour and worship one or more deities, or to spiritually celebrate an event.

⁵⁵ The daily Manabzamin, 04/04/2016

Complex.⁵⁶ No case was filed in this regard. After a few days of this incident, it was mutually compromised through a mediation and Noor Banu was sent to her in-laws house.⁵⁷

Rape

50. In April 2016, Odhikar recorded a total number of 69 females who were raped. Among them, 15 were women, 52 were children below the age of 16 and the age of two victims were not determined. Of the women, one was killed after being raped and eight were victims of gang rape. Out of the 52 child victims, 13 were victims of gang raped. 10 women and children were victims of attempted rape.
51. On April 16, 2016 at around 8:30 pm, a girl student of class IX was raped by Jamal Uddin, Joint Convener of Chorshahi Union unit Jubo League⁵⁸, after taking her to his home, in Daserhaat under Lakshmipur Sadar Upazila. Police recovered the girl and admitted her to Lakshmipur Sadar Hospital. On April 17, the victim's brother filed a case with Chandraganj Police Station. Jamal Uddin was arrested on April 22.⁵⁹

Acid violence

52. According to information gathered by Odhikar, in April 2016, it was reported that three women and one girl became victims of acid violence.
53. On April 25, 2016 a housewife named Afrina Nasrin was burnt when her neighbour Khorshed Alam threw acid on her due to some previous enmity, at Nahali Village under Bashail Upazila in Tangail District. She was admitted to Tangail Medical College Hospital. The Residential Medical Officer (RMO) of the hospital, Abdus Sohban informed Odhikar that different parts of Afrina Nasrin's body were burnt with acid. Police arrested Khorshed Alam.⁶⁰

Activities of Odhikar hindered

54. 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

⁵⁶ The daily Manabzamin, 22/04/2016

⁵⁷ Report sent by local human rights defender associated with Odhikar from Narayanganj

⁵⁸ Youth wing of Awami League

⁵⁹ Report sent by local human rights defender associated with Odhikar from Lakshmipur

⁶⁰ Report sent by local human rights defender associated with Odhikar from Tangail

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. These have not been returned to Odhikar. 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; and finally the government did not allow Odhikar to observe the International Day of the Victims of Enforced Disappearances on August 30, 2015 to remember all those who have been disappeared and to show solidarity and support to their families.

55. Furthermore, the NGO Affairs Bureau (NGOAB), which is under the Prime Minister's Office, has for the last two years, barred the release of all project related funds of Odhikar, 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.

Statistics: January-April 2016*							
Type of Human Rights Violation		January	February	March	April	Total	
Extrajudicial killings	Crossfire	6	10	11	7	34	
	Shot to death	2	0	0	4	6	
	Torture to death	1	2	0	0	3	
	Total	9	12	11	11	43	
Shot on legs by law enforcement agencies		2	0	2	3	7	
Enforced Disappearances		6	1	9	8	24	
Death in Jail		8	3	4	5	20	
Human rights violations by Indian BSF	Bangladeshis Killed	3	1	1	2	7	
	Bangladeshis Injured	4	4	0	2	10	
	Bangladeshis Abducted	0	5	0	2	7	
Attack on journalists	Injured	9	2	5	6	22	
	Assaulted	9	1	0	0	10	
Local Government Election	Municipality Election	Killed	0	0	1	0	1
		Injured	0	0	58	0	58
	Union Parishad Election	Killed	0	0	41	23	64
		Injured	0	0	2127	985	3112
Dowry related violence against women		22	19	14	16	71	
Rape		59	57	60	69	245	
Sexual harassment /Stalking against women		27	23	20	25	95	
Acid Throwing		4	4	3	4	15	
Public lynching		2	11	5	6	24	
Situation of Ready-made Garments Workers	Injured	25	31	12	34	102	
Arrest under Information and Communication Technology Act		1	4	0	1	6	

*Odhikar's documentation

Recommendations

1. Interference to freedom of expression and of the media must be stopped immediately. The Government must withdraw cases filed against all human rights defenders and journalists; and it should also bring the perpetrators to justice through proper and unbiased investigation. All persons who were detained for political reasons or for expressing their opinions and thoughts

should be released immediately. Perpetrators who are involved in the killings of bloggers, online activists, teachers, members of the minority communities should be brought to justice. All repressive laws, including the Information and Communication Technology Act, 2006 (amendment 2009, 2013) and the Special Powers Act, 1974 must be repealed. Furthermore, the proposed enactment of another repressive law 'National Broadcasting Act' should be halted.

2. Free fair and inclusive Parliamentary elections should be held under a neutral government or under the supervision of the United Nations; and initiatives should be taken for the restoration of democracy and the voting rights of the people and for fixing dysfunctional institutions.
3. Incidents of extrajudicial killings and torture by law enforcement agencies must be investigated and the perpetrators be brought to effective justice. The Government must ratify the Optional Protocol to the Convention against Torture; and effectively implement the Torture and Custodial Death (Prevention) Act, 2013.
4. The law enforcement agencies must follow 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".
5. 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 erring members of the security and law enforcement agencies to justice before the law. 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.
6. The Government should protest strongly against human rights violations on Bangladeshi citizens by the Indian Border Security Force (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.
7. The Government must ensure the effective implementation of laws to stop violence against women and children 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.
8. Attacks and repression on all minority communities must be stopped. The Government should take all measures to protect the rights of the citizens belonging to religious and ethnic minority communities and ensure their security.

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 measures 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.