



HUMAN RIGHTS REPORT 2013

Odhikar Report on Bangladesh



Published on April 15, 2014

Cover designed by Odhikar with photos collected from various sources:

Clockwise from left:

1. Collapsed ruins of the Rana Plaza building –photo taken by Odhikar, 24/04/2013
2. Bodies of workers recovered from Rana Plaza –photo taken by Odhikar, 24/04/2013
3. Mohammad Nur Islam and Muktar Dai, who were shot dead by BSF at Bojrak border in Horipur Police Station, Thakurgaon District – photo taken by Odhikar, 03/01/2013
4. Photo Collage: Rizvi Hassan, victim of enforced disappearance from Chittagong; Mohammad Fakhrul Islam, victim of enforced disappearance from Middle Badda, Dhaka; Abdullah Umar Al Shahadat, victim of enforced disappearance from Mirpur, Dhaka; Humayun Kabir and Mohammad Saiful Islam, victims of enforced disappearance from Laksam, Comilla; Mohammad Tayob Pramanik, Kamal Hossain Patowari and Ibrahim Khalil, victims of enforced disappearance from Boraigram, Natore. All photographs collected from their families by Odhikar during the course of fact finding missions.
5. A broken idol of the Hindu goddess Kali at Rajganj under Begumganj Upazila in Noakhali District – photo taken by Odhikar, 03/03/2013
6. Bodies of Hefazate Islam activists at Dhaka Medical College Hospital Morgue – Photo collected from the daily Jugantor, 07/05/2013

Contents

Introduction	8
Human Rights and the Struggle for Democracy	9
CHAPTER I: EXECUTIVE SUMMERY	11
Rule by terror	122
Extrajudicial killings.....	12
Abusing Section 144 of the Code of Criminal Procedure	13
The Ant-Terrorism Act 2009	14
Manipulation of the Judiciary	14
Freedom of thought and expression	15
Repressing and silencing Odhikar.....	17
Extrajudicial killings and torture by BSF	18
Minority rights	18
Worker's rights	20
Violence against women	20
CHAPTER II: DANGER & RISKS IN HUMAN RIGHTS ACTIVITIES	24
Abduction, Arrest and Detention of Adilur Rahman Khan; Arrest and Detention of Nasiruddin Elan.....	24
Surveillance and smear campaigns against Odhikar	30
Other information about risks against human rights defenders	32
CHAPTER III: CIVIL & POLITICAL RIGHTS	35
A. Freedom of thought, speech and expression	355
The Telecommunication Regulatory (Amendment) Act 2010.....	35
Information and Communication Technology Act 2006 (Amended in 2009 and 2013)....	35
Violations to freedom of expression and media	36
Shutdown of two TV channels supported by the Opposition	37
Arrest and mistreatment of Mahmudur Rahman.....	37
Obstruction on Internet use.....	38
Arrest of bloggers	38
Possible further obstructions on media.....	40
BUET teacher sentenced for allegedly threatening to murder the Prime Minister on Facebook.....	40
National University teacher was imprisoned due to alleged defamatory comments on Prime Minister and her family members on Facebook.....	41
Attacks and repression on journalists	42

Freedom of assembly.....	44
Abuse of Section 144 of the Code of Criminal Procedure	45
Prohibitions on meetings/processions	48
Use of pepper spray and ammunition to stop meetings	49
Rights of minorities.....	53
Violations against religious minority communities	54
One year after acts of arson on Buddhist temples and houses in Ramu, an independent investigation is yet to be completed	60
Rights of the ethnic minority communities	61
Fair trial	64
Withdrawal of ‘politically motivated’ cases	65
BDR mutiny trial verdict	66
International Crimes Tribunal (ICT)	68
CHAPTER IV: VIOLENCE BY POLITICAL PARTIES.....	71
Widespread political violence and criminalisation of politics	71
Contexts of political violence in 2013	72
The Caretaker Government Issue.....	73
Trial of war criminals, Shahbag Gonojagoron Moncho and the Hefazate Islam issue	75
Political Confrontations	76
CHAPTER V: RIGHT TO LIFE (ARBITRARY OR UNLAWFUL DEPRIVATION OF LIFE)	
.....	83
Extrajudicial killings	83
Types of Deaths.....	84
Culture of impunity.....	88
Public lynching.....	90
CHAPTER VI: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING	
TREATMENT OR PUNISHMENT.....	93
Torture and ill-treatment.....	93
Prisons and human rights.....	98
Anti-Terrorism Act 2009 (Amendment) Bill 2013 passed in Parliament.....	100
Enforced Disappearances.....	101
CHAPTER VII: BANGLADESH – INDIA BORDER SITUATION.....	106
Border violence.....	106
Follow-up on Felani: a trial for nothing.....	110
The issue of enclaves.....	112

CHAPTER VIII: LIVELIHOOD RIGHTS	114
Worker's rights.....	114
Situation of readymade garment factory workers: Some incidents.....	117
Bangladesh Labour (Amendment) Act, 2013 passed in Parliament.....	119
CHAPTER IX: VIOLENCE AGAINST WOMEN	121
Dowry related violence.....	121
Acid attacks.....	123
Rape.....	125
Stalking (sexual harassment).....	128
CHAPTER X: PERFORMANCE OF NATIONAL INSTITUTIONS	131
The Judiciary.....	131
The Police and Political use of the Police Force.....	133
Bribery and corruption within the police force.....	133
The Election Commission.....	134
The National Human Rights Commission.....	136
The Anti Corruption Commission.....	139
Amendment to the Anti Corruption Commission Act 2004.....	142
The Information Commission.....	143
Local Government.....	145
The Parliament.....	147
Joint submission of the second cycle Universal Periodic Review (UPR) Report.....	148
CHAPTER XI: RECOMMENDATIONS.....	151



Odhikar defends the dignity, freedom and rights of the people of Bangladesh, as human beings as well as citizens, consistent with international Declarations, Covenants, Protocols and Principles.

Odhikar defends human rights and unconditionally stands for the victims irrespective of the origin, race, religion, gender, nationality or ideology. We investigate, expose and hold abusers accountable.

Odhikar does not essentialise human rights as abstract international laws but historically achieved awareness, consciousness and consensus. On this basis, we educate and organise people to fight inequality, injustice and discrimination, both individually and collectively.

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

Acknowledgements

Odhikar would like to thank the grass roots human rights defenders associated with the Organisation, for their assistance in furthering the cause of human rights in Bangladesh. Statistical information found in the tables, charts and graphs of this report have been gathered from Odhikar's documentation section, while the primary information was collected from Odhikar's local and grass-roots level human rights defenders and from twelve national daily newspapers. The continuous dedication of human rights defenders is one of the major strengths of Odhikar.

Introduction

1. Human rights are not merely privileges enjoyed by an individual, or legal tools to protect a person from the criminality of the state; these are embodiments of freedom and dignity of the people internalised by the very structure and the constitution of the state. In the absence of a favourable political environment, it has been a difficult task to organise the categories that constitute the state of human rights in Bangladesh.
2. Due to repression and harassment, Odhikar is facing a regime that is increasingly becoming intolerant of human rights' defenders in Bangladesh. Despite this, we are pleased to present the Annual Human Rights Report of Bangladesh 2013. We tried to be true to the old format so readers can compare recent developments with the previous year's experiences. As always, we hope that the facts and analysis presented will be able to provide objective information to the human rights defenders who are concerned about Bangladesh. The present situation is of particular concern and we hope that the sources of information given here, coupled with our first hand fact-finding investigation and analysis, will be useful to all human rights defenders.
3. Odhikar, as an organisation, maintains a very effective human rights defenders network at the grass-roots level; and thereby tries its best to provide objective reports based on direct fact-finding investigation. Our credibility lies in our unconditional and unbiased stand for the victims of injustice, irrespective of their origin, place, race, religion, gender, nationality, ideology or politics. Bangladesh, in the last several years, has metamorphosed into a society polarised by 'secularists' and 'religious' orientations and by 'pro government' and 'anti government' divides. This has become blatantly evident in the last five years, aggravate by government propaganda. The challenge of human rights defenders to remain free from their own ideological and political orientation is enormous. We unconditionally stand by the victims of oppressions and maintain no prejudice with regard to their political leanings or ideological orientation. Odhikar firmly believes that all victims of oppression are in dire need of protection and deserve justice.
4. We hope different stakeholders will be able to use the report according to their interests and in accordance with the responsibilities they shoulder.
5. Odhikar is deeply grateful to all the human rights defenders at home and abroad who have and still are supporting the organisation in anyway they can. Their show of solidarity is Odhikar's strength in these trying times.

Human Rights and the Struggle for Democracy

6. It is Odhikar's observation that Bangladesh has not been constituted as a democratic state as such. We have, in the past, given warning about possible disasters ahead unless we address fundamental questions of the Constitution in relation to international human rights norms, Conventions, Declarations and Principals. The necessity to build up local institutions that can protect people from acts of violent abuse by the government in power, is the crucial task that converges human rights activities and the political task of reconstructing the polity. The show of abuse of human rights during the year 2013 is ample proof that drastic measures are needed now to implement this crucial task.
7. The singular focus on an electoral process as the only means to march towards democracy has miserably failed in Bangladesh. The violence and abuse of human rights in the near past culminated into an election on 5th January 2014 with hardly any participation of voters. The Opposition boycotted the election and a spree of violence, deaths and fatal injuries was unleashed. Odhikar has always insisted that addressing issues such as electoral process and peaceful transfer of power although important, is not enough. These are entry steps for human rights defenders, creating a scope to educate the people and make them more aware, responsible and competent in situations where fundamental issues of democracy need to be addressed. People need to ask themselves what should the ideal structure of a democratic state, appropriate to their society, should be; and what are the relevant institutions that can protect their rights; and what are pragmatically possible actions to realise such ideals and institutions. Searching for answers to these has always been the key in defining our tasks as human rights defenders in Bangladesh.
8. Democracy is a form of the state and not merely an electoral practice to select a ruler every five years. So, in a community where people are yet to constitute themselves as a democracy, with appropriate institution to defend their dignity and rights, the task of human rights defenders assume a meaning that can not be reduced merely as activities to protect victims of human rights violations by the state. However, by their very gesture of defending the dignity of human beings and rights of citizens, human rights defenders are already challenging the brutal power that is destroying the moral, social and cultural fabrics of society. In countries like Bangladesh, where democratic transformation remains unaccomplished, the human rights movement is directly constitutive of democracy. Constituting and reconstituting the state on the principles of human rights, particularly respecting and defending the values of life and related spiritual and material embodiments, is what we at Odhikar have always understood as our primary tasks.

9. Human rights defenders do not engage in partisan politics *per se*, but the very dynamics of the human rights movement is integral to a national political environment. Defending human rights in a political environment of liberal democratic values, with available juridical institutions and administrative structures, presupposes that freedom and dignity of individuals are not *abstract* principles, but are functioning norms of the society and state. They have concrete moral and political foundations. Human rights defenders in the peripheral societies carry the mantle both for now and the future, with new creative ideas of social and political possibilities for a better world. This is a double responsibility: realising the abstract into concrete, realising freedom, rights, dignity and justice in the form of a democratic state in the national instance; interrogating the same from the global perspective, to go beyond the unequal and unjust system of power and economic relations. The enormity of the responsibility overwhelms the human rights defenders, but they try their best to remain focused on their day-to-day tasks and responsibilities as a process. Odhikar is aware that it has a long way to go but what it has efficiently and courageously achieved today, definitely galvanises the process to a positive end.
10. Determination that Bangladesh is not a democracy, neither in juridical or in political form, is not a negative stance; but an affirmation of the task that people of Bangladesh must accomplish. Human rights are not liberal utopian ideas, but integral to the very movement of the democratic struggle of the people, providing the foundation and form to the state. The very nature of the human rights movement anticipates the state yet to come.
11. These are the reasons to constantly articulate the rights of the citizens as foundational principles of democracy; to resist all reductionist notions of rights, democracies, laws or governance. Finding an effective method or process to elect a government in a free, fair and transparent manner is of course important, but if the state itself is undemocratic, constructed by a Constitution hardly having any semblance with democratic polity, the electoral practice ends up being a reproduction of powers inimical to people and human rights. We have been saying this for quite a long time and repeated the same in our Annual Human Rights Report of 2012 (<http://odhikar.org/human-rights-report-2012-odhikar-report-on-bangladesh/>) in strong terms. The installation of a regime recently through an election on 5 January 2014, boycotted by the Opposition and participated by few, is the dire consequence of what we have been ignoring.

CHAPTER 1: EXECUTIVE SUMMERY

12. The 9th Parliamentary elections of December 29, 2008 brought to power an elected government. People voted overwhelmingly to a regime they thought will act to protect their rights and realise their demands. People learned the bitter way, that if human rights are not the constitutive foundation of the state; electing a government ends up being an exercise to legitimise brutalities and atrocities of the regime. The elected regime which came to power through December 29, 2008 elections abrogated people's rights by enacting repressive laws and amending the Constitution and set an unprecedented record of political repression, extrajudicial killings and enforced disappearance. Freedom of expressions and the right to assemble peacefully were, and still are denied, creating conditions for violent protests only to be silenced by use of brute force by the law enforcing agencies. In 2013 the people of Bangladesh were still in the grips of this repression.
13. Bangladesh was under a State of Emergency, declared by a military-backed regime from January 11, 2007 to December 16, 2008. Transition to an elected government in January 2009 was positive, as it signaled the end of the State of Emergency. The election to the 9th Parliament demonstrated the will and collective trust of the people of Bangladesh in the political process and rejection of authoritarian interventions. Nevertheless, in the absence of democracy, as the formal and institutional nature of the state, any exercise in an electoral process installs and reproduces an atrocious regime disastrous for human rights protection. Since such regimes are considered elected, the rampant, blatant and brutal violation of human rights achieves a political dimension and legal cover. Virulent repression of the opposition and other dissenting voices become the rule of the day. The political support for the regime, coupled with the power of the repressive state, creates an unbearable situation. The year of 2013 is further proof of our claim.
14. In our last annual report, we stated that after the elections of 2008, an undemocratic and dictatorial nature of power had commenced in various manifestations; and continued abusing the state institution for partisan interests and narrow economic gains. The least the people expected was a strengthening of the regained liberal sphere of politics from a near military takeover. People fought hard to defend a liberal space to nurture and widen the practice of a democratic culture. This should have been the way forward for Bangladesh. Instead, partisan violence between and within major political parties continued and the government engaged in brutally repressing the rights of the people to assemble and articulate their grievances. At the

end of 2013, it was clear that unless this was stopped, there were signs that we were heading for a more violent situation.

15. The political culture of the mainstream political parties is decadent and relentlessly violent. Civil society could play a better role, but it lacks unity due to partisan sentiments. Surprisingly there was ambivalence with regard to human rights. To some, human rights are privileges only for those who are acceptable to them ideologically and politically. To them, protecting victims is also conditional to ideological acceptance and not free from personal bias. Failure of the human rights organisations to speak unitedly has further jeopardised the fate of victims. Unity could at least stall the appalling increase of vulnerability of victims by translating the human rights' needs into a social network of protection.

Rule by Terror

16. In 2013, the government continued to rely on use of force, more overtly and violently. The ruling party political cadres armed with lethal weapons, joined the law enforcing agencies in public demonstrations. The repression of the opposition political parties has become a regular practice. Workers, social organisations and human rights defenders were not spared this treatment either.

Extrajudicial killings

17. Extrajudicial killings by the law enforcing agencies continued in 2013. The table below shows that police are used as the main instrument of repression, particularly in extrajudicial killings. From 18 reported victims in 2012 the rate of extrajudicial killings by the police jumped to 175 victims in 2013. There were no incidents of BGB¹ being involved in extrajudicial killings jointly with police during 2009 – 2012, but in 2013, the BGB was involved with police to kill 32 people extra judicially, while BGB alone killed 11 people, (compared to 8 for the years 2009 – 2012). Similarly, between 2009 - 2012 there were no incidents of killings by a joint operation by police, Armed Police Battalion, RAB and BGB; however, in 2013, such joint operations killed 64 people.

¹ Former BDR

Table 1: Persons killed extra-judicially (2009-2013)

Law Enforcement Agencies	2013	2012	2011	2010	2009	Grand Total
RAB	38	40	43	68	41	230
Police	175	18	31	43	75	342
Police and Armed Police Battalion, RAB, BGB	64	0	0	0	0	64
Joint Forces	8	0	0	0	0	8
RAB-Police	1	2	4	9	25	41
BGB (former BDR)	11	2	0	1	5	19
Police-BGB	32	0	0	0	0	32
RAB-Coast Guard	0	4	4	3	0	11
RAB-Police-Coast Guard	0	0	0	3	0	3
Coast Guard	0	0	0	0	1	1
Forest Guard	0	0	0	0	1	1
Ansar	0	3	0	0	2	5
Jail Authority	0	1	2	0	1	4
Army	0	0	0	0	3	3
Grand Total	329	70	84	127	154	764

Abusing Section 144 of the Code of Criminal Procedure²

18. Like previous years, the Government has used section 144 of the Code of Criminal Procedure to repress the meetings, mobilisations and protests of its political opponents. Such repression provoked violence and unleashed anarchy. The wide visibility of misusing section 144 of the Code of Criminal Procedure that existed throughout 2012, continued in 2013, to a lesser degree. Between January to December 2013, section 144 was imposed by the local administration in seven Divisions to stop political activists from forming assemblies, organising rallies, a total of 54 times compared to 105 times in 2012 in the same Divisions.

² Section 144 of the Code of Criminal Procedure, 1898 provides power to the Magistrate to issue orders to stop any meeting or gathering. See http://bdlaws.minlaw.gov.bd/sections_detail.php?id=75§ions_id=20789

Table 2: Section 144 of the Code of Criminal Procedure (2009 – 2013)

Year(s) Division(s)	2013	2012	2011	2010	2009	Grand Total
Dhaka	13	25	24	20	6	88
Chittagong	9	23	24	24	6	86
Khulna	14	21	18	19	0	72
Barisal	4	2	2	4	1	13
Rajshahi	12	21	15	28	6	82
Rangpur	1	6	9	14	4	34
Sylhet	1	7	11	5	5	29
Grand Total	54	105	103	114	28	404

The Anti-Terrorism Act 2009

19. The Anti-Terrorism Act (ATA) 2009 has always been used as a tool of repression. The broad definition of ‘terrorists activities’ under the ATA opens the legislation to potential abuse and is incompatible with the principles of legality requiring that criminal liability and punishment be limited to clear and precise provisions. This principle is enshrined in Article 15 of the International Covenant on Civil and Political Rights (ICCPR), which Bangladesh has ratified. The Act was amended in 2012 but by retaining the broadly applicable definition of ‘terrorist activities’ and reducing ‘terrorism’ to merely a question of crime punishable by death, the Amendment makes the Anti-Terrorism Act 2009 (Amended 2012) even more vulnerable to the worst kind of abuses.

Manipulation of the Judiciary

20. Next to the rule of terror, another tactic used by the government to suppress dissenting voices and repress opposition is the use and abuse of the judicial process. Judicial Magistrates maintain the practice of sending detainees to remand, whenever remand is sought by police. This generally implies torture of the accused, often brutal. The purpose is mainly to terrorise. Detainees are forced to admit a crime that they may or may not have committed; which releases the police from carrying out a thorough investigation. Remand is also need for

extracting information to deliver to the media that adds to the propaganda strategy of the regime.

21. The common practice to manipulate the Judiciary is by appointment of judges based on political consideration. There is yet to be a law on the appointment of High Court Judges, as directed by a ruling in the High Court Division (Raghib Rauf Chowdhury Vs. Bangladesh and others. Writ Petition No. 4403 of 2010); Repression of the media is another method.

Freedom of thought and expression

22. In Bangladesh restrictions on freedom of expression is increasingly becoming severe, and such freedom seem only allowed for those ideologically and politically close to the regime. Pro-government media is also used to defame opposition. Cases are launched against dissenters, mainly under the Information and Communication Technology (ICT) Act, 2006 (amended in 2009 and 2013) for criticising the Prime Minister or her family members in print and electronic form. Interestingly, when the Leader of the Opposition is criticised, the government and its law enforcement agencies remain silent. This shows that defamation laws and the provisions of the ICT Act are being used selectively.
23. The Information and Communications Technology Act, 2006 (amended in 2009 and 2013), has become the primary repressive instrument in the hands of the government to repress and silence opponents and dissenters. First amended in 2009, the law was originally introduced in 2006 during the BNP led four-party alliance government. On August 19, 2013, the Cabinet approved a draft to the amendment of the Information Communication and Technology Act, strengthening its repressive purpose through the amendment of sections 54, 56, 57 and 61; increasing the length of punishment and taking into cognizance new offences. This law is contrary to the freedoms of speech and expression enshrined in the Constitution of Bangladesh.
24. Odhikar continues to release monthly human rights monitoring reports despite facing threats to its existence. However, it did not publish the reports on its website in protest of the continuing harassment and persecution by the government; that has used the repressive Information and Communication Technology Act, 2006 (amended in 2009 and 2013) to challenge Odhikar's report and send its Secretary and Director to jail. Section 57³ of the ICT

³ Section 57 of the ICT Act: (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,

Act as amended in 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 increased for a term of a minimum of seven years and maximum of 14 years imprisonment.⁴ The government is also using this Act against other human rights defenders, journalists and people who have alternative beliefs. Odhikar urges the government to repeal this repressive law.

Table 3: Repression of journalists (2009-2013)

Repressing Journalists	2013	2012	2011	2010	2009	Grand Total
Killed	0	5	0	4	3	12
Injured	146	161	139	118	84	648
Attacked	7	10	24	17	16	74
Assaulted	37	50	43	43	45	218
Threatened	33	63	53	49	73	271
Grand Total	223	289	259	231	221	1223

25. In 2013, according to Odhikar's documented statistics, 146 journalists were injured, 33 were threatened, seven were attacked and 37 were assaulted. Some examples are as follows:
26. Private channels Diganta Television and Islamic TV did not get permission to broadcast in 2013 since they were shut down in May 2013. The press of the daily Amar Desh remains under lock and key and the Acting Editor Mahmudur Rahman who was arrested in April 2013 is still in jail, without trial, till the writing of this report.
27. The Government is continuing repression against Mahmudur Rahman, Acting Editor of daily Amar Desh. Previously he was sentenced to six months imprisonment for Contempt of Court. The Government arrested him for a second time on April 11, 2013. He and his family alleged that members of the intelligence agency tortured him after taking him into remand. Among

or causes to deteriorate or creates possibility to deteriorate law and order, prejudice the image of the State or person or causes to hurt or may hurt religious belief or instigate against any person or organization, then this activity of his will be regarded as an offence.

(2) Whoever commits offence under sub-section (1) of this section he shall be punishable for a term of minimum of seven years' imprisonment and a maximum of 14 years or a fine of Taka one crore or both.

⁴ The Director and Secretary of Odhikar were charged under the 2009 amendment of this Act.

others, three cases have been filed against Mahmudur Rahman at Tejgaon Police Station with regard to sedition and under sections 56⁵ and 57⁶ of the Information and Communication Technology Act, 2006 (amended 2009).

Repressing and silencing Odhikar

28. Secretary of Odhikar Adilur Rahman Khan was picked up late in the evening of 10 August 2013 from in front of his residence, when he was returning home with his family after visiting relatives. He was taken away, by men who showed no arrest warrant on any form of identification; and his family was unable to confirm where he had been taken for over an hour. His family and Odhikar's staff searched for him in police stations and the Headquarters of the Detective Branch of police, where they were met with denials, despite the television channels reporting that he had been arrested and taken to the Detective Branch Office. He was produced before the Magistrate's Court the next afternoon and charged for crimes committed under the Information and Communication Technology (ICT) Act 2006 (amended in 2009) for fabricating information and pictures concerning violence at a Hefazate Islam gathering in Shapla Chottor, Dhaka in May 2013.⁷
29. The government initially denied any deaths, violence and atrocities committed against the Hefazate Islam assembly.⁸ Odhikar verified 61 deaths during that time period. The arrest and framing of charges against Odhikar is simply a repressive measure to stop any further investigation into claims of deaths and injuries during the incidents of May 5 and 6, 2013.
30. On September 4, 2013 Odhikar's Secretary Adilur Rahman Khan and its Director ASM Nasiruddin Elan were formally charged under section 57 of the Information and Communication Technology (ICT) Act, 2006 (amended in 2009). They were both granted bail by the High Court Division of the Supreme Court of Bangladesh in October and December 2013 respectively.
31. Despite the surveillance, scrutiny and harassment, Odhikar remains steadfast in its reporting of violence and atrocities perpetrated by the Indian BSF on Bangladeshi nationals. By doing

⁵ Section 56 of the Information and Communication Technology Act 2006 refers to punishment for hacking with computer system.

⁶ Section 57 of the ICT Act refers to punishment for publishing fake, obscene or defaming information in electronic form.

⁷ More on this issue will be found later in this report.

⁸ They later stated that 11 persons had died of which one was a policeman and three pedestrian.

this, the BSF are violating international law; but the continuous acts perpetrated by them on Bangladeshi citizens shows that they are not concerned over this breach.

Extrajudicial killings and torture by BSF

32. Bangladeshi citizens are not only facing human rights violations by BSF but such attacks are tantamount to threats to the sovereignty of Bangladesh too. Between January and December 2013, Indian BSF killed 29 people and 79 people were injured by torture or by being shot at. During this time 127 persons were abducted by BSF compared to 74 in 2012. The figure indicates that border killings have reduced in number, but abductions have increased, making it difficult to determine whether the abducted people are alive or have died at the hands of BSF.
33. The Government of Bangladesh is clearly not doing enough to protest this continuous violence nor are they bringing this issue up at regional and international forums.

Table 4: Border Killings and Violence (2009 - 2013)

Year	Abduction	Killed	Injured	Grand Total
2013	127	29	79	235
2012	74	38	100	212
2011	23	31	62	116
2010	43	74	72	189
2009	25	98	77	200
Grand Total	292	270	390	952

Minority Rights

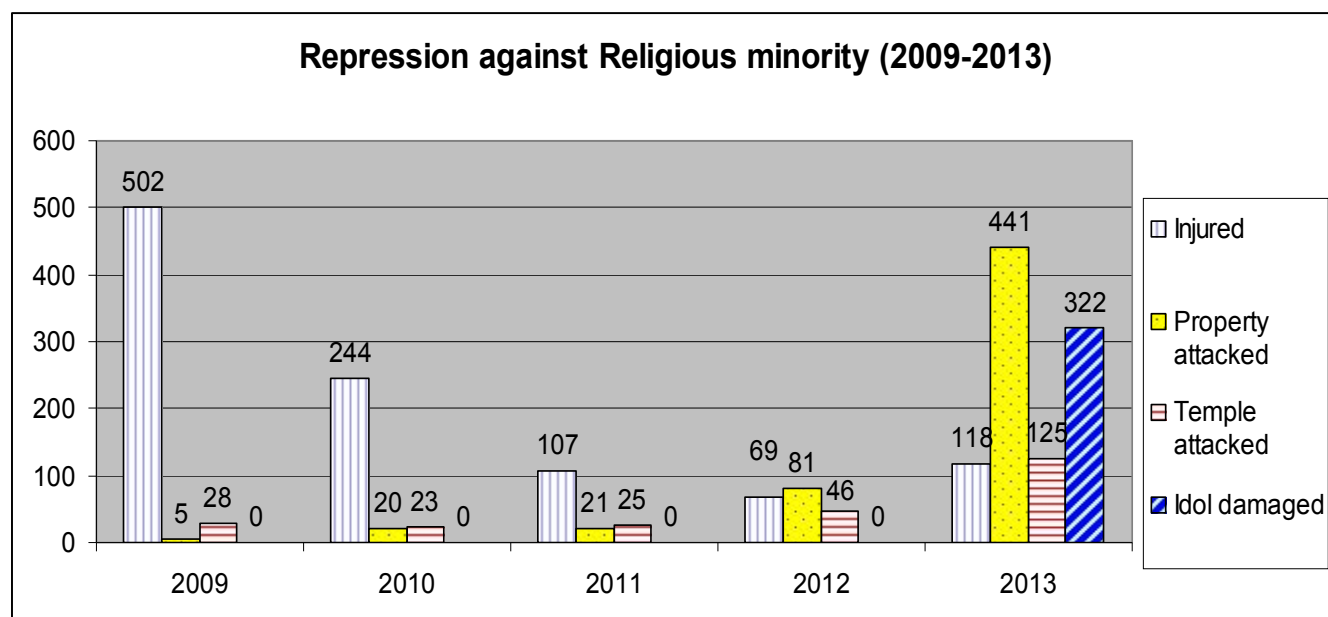
34. The Political, social and economic vulnerability of the religious minority groups in Bangladesh have not changed much since last year. Because of the politicisation of the issue, it has become difficult in real terms to protect the minority citizens by the state. The increasing polarisation of the society into ‘secularists’ and ‘Islamists’ creates political conditions for persecution on minority groups from both sides. The secularists are accusing the Islamists of attacking the places of worship and villages of non-Muslims, while Islamists respond by claiming that all incidents are a ploy of the government to show them in bad light. Between the blame game, perpetrators escape conveniently and remain outside the law.

35. While there are reports that allege that Bangladesh Nationalist Party (BNP) and Jamaat-e-Islami supporters are involved in many incidents of attacking and assaulting religious minority communities, there are also reports alleging the involvement of Awami League supporters in such heinous violations.

Table 5: Repression against Religious Minority (2009-2013)

Year (s)	Killed	Injured	Assaulted	Arrested	Abducted	Grabbing		Attack		Idol damage	Looted	Miscellaneous	Rape	Total
						Land	House	Property	Temple					
2013	0	118	0	0	0	4	0	441	125	322	2	13	1	1026
2012	0	69	2	0	0	0	1	81	46	0	24	0	1	224
2011	0	107	2	0	0	6	2	21	25	0	13	4	3	183
2010	2	244	0	0	0	9	1	20	23	0	4	6	6	315
2009	1	502	5	0	1	12	4	5	28	0	4	6	5	573
Total	3	1040	9	0	1	31	8	568	247	322	47	29	16	2321

Graph 1: Repression against Religious Minority (2009-2013)



Workers' Rights

36. The poor condition of the workers and the criminal negligence they suffer were fully revealed in the tragic deaths of the workers of Tazreen Garments on November 24, 2012, and most recently at Rana Plaza. On April 24, 2013 Rana Plaza, a 9-storied building situated at Savar Bus Stand, Savar collapsed, which resulted in the reported death of 1129 persons and about 3000 injuries. There were five garment factories from the second to seventh floors at Rana Plaza. About 5000 garments workers were working inside the building during the tragic incident.⁹ Later three others succumbed to injury and human remains were later found in the grounds where the building once stood.
37. Industrial/factory accidents and deaths are common in Bangladesh, and the systematic negligence of buyers, owners and the government of Bangladesh have reach intolerable levels. There were protests all around the world centering on the Rana Plaza incident and the need for stringent measures and safe working conditions. Apart from hazards such as fires and building collapses, the workers suffer irregular payment of wages, overdue overtime pay and poor working conditions on a regular basis.

Table 6: Fatalities in the Readymade Garments sector (2009 -2013)

Readymade Garments Workers (2009-2013)			
Year	Killed	Injured	Grand Total
2013	1145	5566	6711
2012	115	2773	2888
2011	4	917	921
2010	33	2389	2422
2009	7	1301	1308
Grand Total	1304	12946	14250

Violence against Women

38. Bangladesh has special criminal laws to punish perpetrators of acts of violence against women. Lack of implementation of laws, corruption in the law enforcement agencies and police disinterest in domestic violence issues – along with local political patronage – all play

⁹Fact finding report of Odhikar, http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/06/Fact-finding_RMG_Rana-Plaza_Eng.pdf

a part in protecting perpetrators and denying justice to victims. As a result, violence against women is widespread. Domestic violence, dowry violence, rape, acid throwing, stalking and discrimination against women prevail in society. Compared to 2012 there is less reporting in the overall incidents of such violence, but we have observed a marked increase in rape. It may indicate a law and order situation where women's vulnerability has significantly increased. From 456 in 2009 the reported incidents of rape have increased to 814 in the year 2013, a powerful social indicator reflecting the state of women.

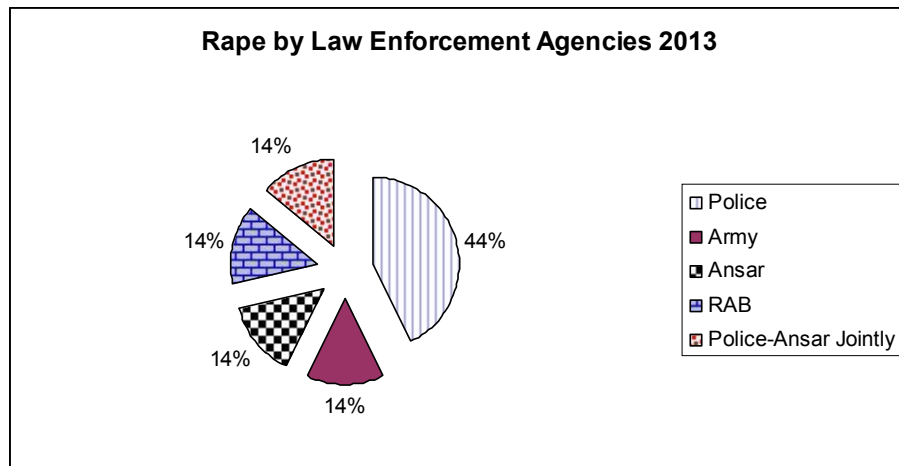
Table 7: Rape (2009 – 2013)

Year (s)	Total number of women	Total number of children	Unidentified	Total
2013	336	452	26	814
2012	299	473	33	805
2011	246	450	15	711
2010	248	311	0	559
2009	213	243	0	456
Total	1342	1929	74	3345

Table 8: Gang Rape (2009 – 2013)

Years (s)	Gang Rape			
	Women	Children	Unidentified age	Total
2013	127	94	15	236
2012	101	84	12	197
2011	119	115	5	239
2010	119	95	0	214
2009	97	79	0	176
Total	563	467	32	1062

Graph 2: Rape by law enforcement agencies in 2013

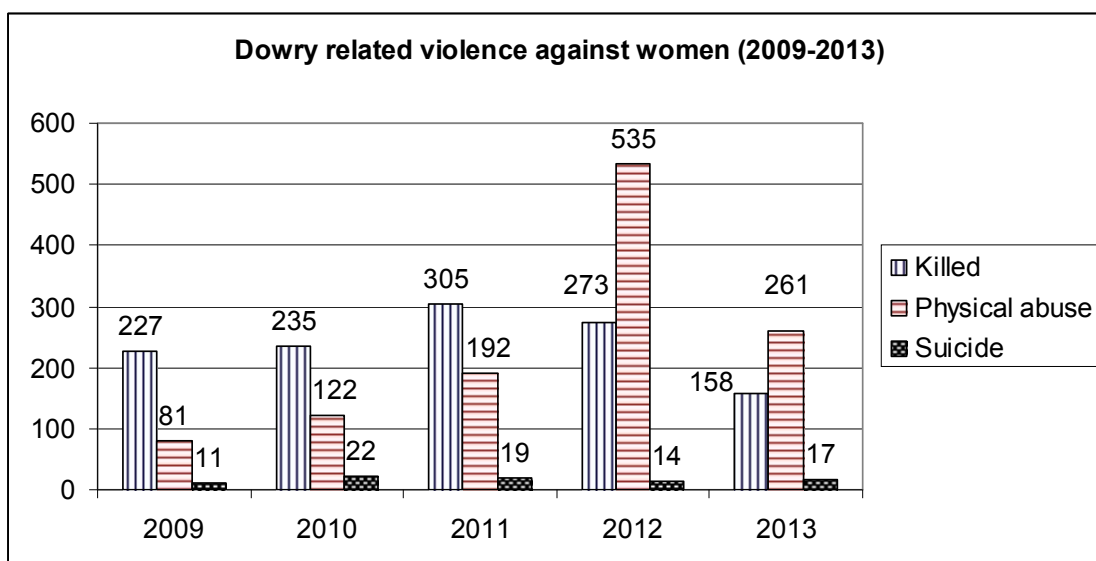


39. The police come out as the major perpetrators of rape by law enforcement officers. Almost 44% of the reported incidents are perpetrated by them. Reporting a rape attack becomes even more difficult if law enforcement authorities themselves are perpetrators. As it is, rape is probably the most under reported crime in Bangladesh, thanks to the social stigma attached to it.
40. Dowry related violence is widespread, despite laws prohibiting the practice and punishing offenders. The monetary transactions that seal the marriage ‘deal’ as dowry, continue throughout the marriage; and leads to physical harm and degrading treatment on the wife if she is unable to bring money from her father’s home. Every year women are being killed, abused or commit suicide due to such violence. This is one of the major causes of domestic violence in Bangladesh.

Table 9: Dowry related Violence against Women (2009-2013)

Dowry related violence against women (2009-2013)				
Years	Killed	Physical abuse	Suicide	Total
2013	158	261	17	436
2012	273	535	14	822
2011	305	192	19	516
2010	235	122	22	379
2009	227	81	11	319
Total	1198	1191	83	2472

Graph 3: Dowry related Violence against Women (2009-2013)



CHAPTER II: DANGERS & RISKS IN HUMAN RIGHTS ACTIVITIES

41. ‘A smooth sea never made a skilled sailor’¹⁰ - this becomes obvious when society’s whistleblower’s must face hurdles for the virtue of protecting human rights in the country. Oppressive States always act against human rights defenders and their organisations by using various means, such as arbitrary arrest and detention, physical attacks, harassment, intimidation, smear campaigns and continuous surveillance on their activities. Again, the repressive approach of the State is also reflected in its law enforcing apparatus and criminals affiliated to the majority party, who are unleashed to harass those who speak against the government. In Odhikar’s opinion, such course of action indicates that Bangladesh is becoming a ‘police state’; where only those receiving the blessings of the authority can work without hurdles while the rest remain in a risky environment.
42. Odhikar, in its Annual Human Rights Report in 2012, noted the harassment faced by human rights defenders in Bangladesh; and claimed it is worried about the obstacles that the Government keeps putting in Odhikar's way. In the last five years, Odhikar and its human rights defenders have faced monitoring by different intelligence agencies. However in 2013, the situation for human right defenders in Bangladesh crossed a critical threshold.

Abduction, arrest and detention of Adilur Rahman Khan; arrest and detention of Nasiruddin Elan

43. On 5 May 2013 the religious but non-political group Hefazate Islam held a ‘Dhaka blockade’ at all the entry points to Dhaka to highlight their 13 point demands; and rally at Shapla Chottor in the Motijheel area – the commercial hub of Dhaka city. They were given permission to hold the rally by the Government, who had allowed them to hold a similar rally the month before. From the morning of 5th May, hundreds of supporters of the Hefazate Islam began gathering and many came under violence from the police and activists of the ruling political party, the Awami League. There were reported incidents of vandalism and arson too. Late in the evening of 5th May, the Government decided to clear the Montijheel Shapla Chottor area of Hefazate Islam supporters, using the police, Rapid Action Battalion (RAB) and Border Guard Bangladesh (BGB). At around midnight, the area where the Hefazate Islam Supporters were gathered suddenly became dark as street and building lights went off. The ‘operation’ continued through the night of the 5th and early morning of the 6th

¹⁰ Quotation attributed to President Franklin D. Roosevelt.

of May. At around 2:00 am on 6th May, pro-opposition owned television channels airing the incident were shut down by the Government. After the incident, on receiving information of extrajudicial killings occurring on 5th and 6th May, Odhikar carried out a thorough fact finding mission and released the fact finding report on the human rights violations perpetrated (see- www.odhikar.org) on June 10, 2013, verifying 61 deaths – against the Governments initial claim of no casualties and later claim of 13 casualties.

44. On July 10, 2013 the Information Ministry sent Odhikar a letter, asking for the names, family names and addresses of the 61 deceased people. Being a human rights organisation and committed to defend the rights of people, Odhikar informed the Information Ministry, by a letter dated July 17, 2013 addressed to Information Minister Hasanul Huq Inu, that it will give the list of the deceased people only to an independent inquiry commission, if one is formed; as the Government is the alleged perpetrator. In the letter, Odhikar expressed concern for the security of victims' families; and requested those concerned to form an independent impartial commission headed by a retired judge, where Odhikar is willing to submit the names of the 61 victims killed. The Ministry did not reply or react.
45. On August 10, 2013, as people were celebrating the second day of Eid festivities, approximately 10-12 men in plainclothes waited on the road outside the residence of Adilur Rahman Khan, the Secretary of Odhikar, at 10:20 at night. They were in two vehicles, a white microbus and a blue Pajero. Adilur was returning home with his wife and children after visiting relatives. As soon as Adilur and his family entered the driveway of the house, the men blocked the driveway and gathered around Adilur. They had no warrant and no identification and said they belonged to the Detective Branch (DB) of Police. They took away him in the microbus, bearing the name and logo of United Commercial Bank Limited and license number Dhaka Metro 534206.
46. After sending out an urgent alert at 10:40 pm, Odhikar's defenders and Adilur's family held a press conference at 11:30 pm that same night, which was aired on the television channels. After that, they came to know from the late night news and other sources that Adilur was in the custody of the Detective Branch of Police (DB). However, between midnight and 2:00 am, Adilur's wife and Odhikar's human rights defenders went to and waited at the DB Headquarters and Gulshan Police Station, where the officers they spoke to denied any knowledge of the incident. At 2:30 am on 11 August, Adilur's wife returned to Gulshan Police Station to file a General Dairy (GD) about the abduction, but police flatly refused to accept it. The Officer in Charge said it was a 'sensitive issue' and they were under instructions from 'high up' not to accept any GD.

47. Prior to bringing Adilur Rahman Khan before the Magistrate in the afternoon of August 11, neither his family nor Odhikar knew the reason for his arrest. Authorities felt no obligation to inform the family about the specific charges against him. The fact was that he was literally abducted and then had to be produced before the court, mainly due to the pressure created by the press conference held by Odhikar and urgent alerts the Organisation sent to international human rights groups immediately after he was taken away; and mounting pressure on the authority from the recipients of the alert, to know of his whereabouts. At Court, his family and lawyers came to know that he had been arrested under Section 54¹¹ of the Code of Criminal Procedure, 1898 under suspicion of violating Section 57¹² of the Information and Communication Technology (ICT) Act, 2006 (amended in 2009). The charges were based on a report titled ‘Assembly of Hefazate Islam Bangladesh and Human Rights Violations’¹³ prepared by Odhikar regarding the human rights violations, in particular, the allegations of extrajudicial killings that erupted on May 5 and 6, 2013. The said report was uploaded on the Odhikar website. The Government denied that there were any deaths in the late night operation against Hefazate Islam’s gathering at Shapla Chottor in Motijheel, Dhaka on May 5; when law enforcers were clearing out protesters from the area. However, Odhikar did verify that at least 61 persons were killed on May 5 and 6, 2013.
48. In the Magistrate’s Court, the Public Prosecutor, Abdullah Abu asked for 10 days remand for Adilur Rahman Khan, while his lawyers asked for bail, as arrests under Section 54 are bailable offences. The Magistrate, Amit Kumar Dey, denied bail and ordered that Adilur Rahman Khan be taken into remand for 5 days.
49. On August 12, 2013 Adilur’s lawyers moved a Writ Petition in the High Court Division of the Supreme Court of Bangladesh, challenging the order of remand and its unconstitutionality. The learned Judge declared the remand illegal and ordered police to send Adilur to jail custody and any further questioning by the police would be done at the jail gate.

¹¹ Section 54 of the Cr.PC: Any police officer may, without an order from a Magistrate and without a warrant arrest any person under reasonable suspicion.

¹² Section 57 of the ICT Act says, ‘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.’

¹³ See <http://odhikar.org/assembly-of-hefazate-islam-bangladesh-and-human-rights-violations/>

50. On August 13, Adilur was brought to the Magistrate's Court from the DB office to be sent to jail. His lawyer made an application for Division to be granted to him, given his social standing profession and education. However, the Magistrate did not accept the application. Adilur was then taken to Dhaka Central Jail and, three hours later, to Kashimpur Jail-1 in Gazipur. The High Court granted him Division status on September 2, 2013 via a petition that had to be filed by his wife (as petitioner), as the affidavit allowing him to appoint a lawyer on his behalf (in the application to seek Division) failed to reach him in jail from the Commissioner's office. Incidentally, he saw the said affidavit on the Jail Superintendent's table when he was leaving Kashimpur Jail on bail, in October.
51. On September 4, 2013 Adilur Rahman Khan and Odhikar's Director ASM Nasiruddin Elan were charged under the Information and Communication Technology (ICT) Act, 2006 (amended in 2009). They would be tried in the Cyber Crimes Tribunal and the case was transferred to the Tribunal from the Magistrate's Court. While he was being charged, Adilur Rahman Khan was not present in the Court, in contravention to the Code of Criminal Procedure. He was in the holding cell waiting to be called up. His lawyers were informed by the Court that his matter would not be heard that day. At 2:00 pm, he was on his way back to Kashimpur Jail when the investigating officers presented their charge sheet and he was charged. His family and lawyers learnt of this from the television news at 3:00 pm.
52. On September 11, the Cyber Crimes Tribunal issued an arrest warrant against Nasiruddin Elan. On October 10, 2013 a Division Bench of the High Court Division of the Supreme Court issued an order of 'not to arrest and harass' Nasiruddin Elan for four weeks. Meanwhile, on November 6, the Cyber Crimes Tribunal Judge, KM Shamsul Alam rejected Elan's bail plea and ordered that he be sent to jail.¹⁴
53. Even after four court appearances, the Government had yet to appoint a Prosecutor to the Cyber Crimes Tribunal in the matter. Exasperated, the defense team requested a prosecutor not related to the matter to stay on in the Tribunal and perform his public duty! Furthermore, the Tribunal used delay tactics to stall the handing over of certified copies of the prosecution report and supporting evidence to Adilur's lawyers. Adilur was granted six month's interim bail by the High Court Division on October 8, 2013. However, he was released on October 11, 2013. His bail application was rejected three times by the lower Courts, although the offence was a bail-able one. Adilur was released on ad interim bail on October 11, 2013 after

¹⁴ Kashimpur Central Jail-2 in Gazipur

62 days of detention. The order for bail was dated October 9, meaning he was in illegal detention for one day.

54. On November 10, the Tribunal Judge had adjourned the Court without hearing the bail plea from Elan's lawyers as he was not produced before the Tribunal due to *hartal*. During the hearing on November 17, the next date of hearing was fixed on November 24 for framing charges and bail hearing for Elan. When a bail petition was filed before the High Court Division on November 20, the office of the Attorney General requested for more time for hearing. Previously the Cyber Crimes Tribunal did not provide the order sheet and certified copies of documents submitted by the Prosecution to the lawyers of Adilur and Elan, citing 'official reasons' and the lack of adequate manpower to the Tribunal. As a result, the plea for Elan's bail at the High Court Division was delayed. Later, on November 24 at around 3.00 pm, a High Court Division Bench comprising of Justice Borhan Uddin and Justice Kamrul Qader granted Elan 6-month interim bail. While opposing Elan's bail, the Deputy Attorney General, Abdullah Al Mamun said that if bail was granted the accused will destroy evidence and will also abscond abroad.
55. It is to be mentioned that on October 8, 2013 the Additional Attorney General, Momtazuddin Fakir had opposed the bail petition of Adilur citing the same reasons. Furthermore, on October 9, 2013 the Attorney General's office appealed to the Chamber Judge of the Appellate Division seeking a stay against Adilur's bail order. The Honourable Chamber Judge did not grant a stay.
56. Nasiruddin Elan's lawyers told the High Court that the Tribunal Judge, Shamsul Alam had rejected Elan's bail plea without mentioning any reason, which is a violation of section 71¹⁵ of the ICT Act, 2006 (amended in 2009). Besides, Elan was produced before the Tribunal from Kashimpur Central Jail-2 in handcuffs, which shows the government's vindictive attitude towards human rights defenders.

¹⁵ Section 71: Rules relating to bail.—The Judge of Cyber Tribunal shall not bail any person accused in committing crime under this Act, which is punishable, unless—

- (a) Hearing opportunity is given to the Government side on similar bail orders;
- (b) The Judge is satisfied that,—
 - (i) There is reasonable cause to believe that the accused person may not be proved guilty in the trial;
 - (ii) The offence is not severe in relative term and the punishment shall not be tough enough even the guilt is proved.
- (c) He writes down the reasons of similar satisfactions.

57. On November 24, 2013 Elan was granted bail by the High Court Division of the Supreme Court. Despite the High Court order, the jail authority did not release Odhikar Director Nasiruddin Elan in November. The jail authority informed Odhikar that they received the court's order granting bail to Elan but they also received 'specific instruction' from the office of the Attorney General, signed by Advocate on Record, Sufia Khatun, not to release Elan as the Attorney General's office had file an appeal against the High Court bail order.
58. Odhikar believes that this is a clear violation of fundamental rights and the flouting of a High Court Order, for which the Attorney General's office, Ministry of Home Affairs and the prison authority are solely responsible. Elan was released on bail on December 1, 2013
59. The number '61' became a very sensitive issue as the Government, with Ministers, some members of civil society, police officials and even the Prime minister denouncing Odhikar in public and in talk shows, on channels belonging to government party supporters. Odhikar and Adil were on media trial since the August arrest.
60. Authorities shut down two private television channels, belonging to supporters of the Opposition, in the early hours of 6 May for airing the operation live. The channels were able to partly broadcast the operation which was witnessed by many, but soon they were switched off. The channels are still barred.
61. Since Odhikar carries out fact finding missions and reports on incidents of extrajudicial killings, it carried out its own fact finding mission into the events of May 5 and 6, 2013. Initially, it found that 61 people had died. In light of this, on June 10, 2013, Odhikar published its fact-finding report¹⁶ on its findings, with the information that it had verified 61 deaths. It must be noted here that, the government reported 11 deaths including that of a policeman on the day of May 5 and denied any deaths occurred on the May 5 late night drive. In this regard, the government filed cases against more than 133,500 unnamed persons. As a result, the victim families have been facing insecurity and threats of possible further violations to their rights. In its fact finding report, Odhikar did not mention all the names or addresses of the 61 deceased persons, in order to protect the victim families from harassment, as per their request.

¹⁶Fact finding report of Odhikar on Hefazate Islam, <http://odhikar.org/assembly-of-hefazate-islam-bangladesh-and-human-rights-violations/>, accessed at about 2.00 pm on 16/12/2013

Surveillance of and smear campaigns against Odhikar

62. Odhikar has repeatedly mentioned that it would provide all relevant information including the list of 61 deceased persons, if an independent Inquiry Commission was formed. Odhikar would not hand over the list of 61 names to the government for the sake of the security of the victims' families; as the government had been accused of extrajudicial killings. The Detective Branch of Police on August 11 confiscated three laptops and two Central Processing Units¹⁷ from the Odhikar office and circulated names and addresses of the deceased, found in an unverified, draft list in one of the computers, to the media, claiming it to be 'the list'. This was not Odhikar's final list. In spite of repeated protests from Odhikar, the pro-government media have been presenting this list as "the list", and carrying out so called investigations base on it.
63. The presence of foreign nationals as observers¹⁸ at Adilur's trial has so annoyed the Government, that the Foreign Minister, on 19th August 2013 called a meeting of foreign diplomats to brief them on the current political situation of Bangladesh. In her note for diplomatic briefing, the then Foreign Minister, Dr. Dipu Moni stated: "... it has been brought to our notice that some of our colleagues in the diplomatic corps decided to show up at the Court in connection with Advocate Khan's case. We feel that such actions by the diplomatic envoys are rather uncalled for and amount to direct interference with, and to some extent intimidation of, our judicial process. I would like to take this opportunity to urge our colleagues within the diplomatic community to refrain from any such acts that may be seen as a deliberate attempt to meddle with a judicial process beyond the pales of regular diplomatic norms. It may be useful reminding ourselves that the art of diplomacy is best practiced through subtle acts and measured pronouncements and without deviating into unwarranted sensationalism. We do appreciate when our friends in the international community wish to extend their support to strengthen our capacity to uphold the rule of law, but it also pains us to see scant consideration being given to maintain the integrity of the judicial process of a sovereign nation."

¹⁷ Until March 14, 2014 Odhikar did not receive those laptops and CPUs which contained very important and sensitive information of victims and their families.

¹⁸ Representatives from the Netherlands, Swedish, Canadian, British and American Embassies and from the European Union took turns in attending hearings in the Magistrates Court, the Tribunal and the High Court Division of the Supreme Court.

64. From 11th August 2013, after Adilur was presented before the Chief Metropolitan Magistrate's Court, interviews of Adil's lawyers and his wife were taken. However, when these were aired, they were heavily censured so that no negative comments regarding the treatment of Adil or the government were made public. Pro-government television reporters visited Odhikar several times after that, with insulting questions and comments. Finally, Odhikar refused to entertain them. Pro Government newspaper reporters were no different, making speculative and questionable remarks and comments and labeling Odhikar as 'a right wing human rights organisation' and Adil as 'pro-opposition'. Talk shows on television invited pro-government 'analysts' and 'experts' and 'human rights activists' to comment on Odhikar's report and on Adil's character. Needless to say, all were biased against Adil and none had a word to say about the manner in which he was arrested and treated by the courts.
65. Even before the August 10 incident, Odhikar staff and human rights defenders who are associated with Odhikar were, and still are, under constant surveillance by the intelligence agencies. The movement of the Secretary of the Organisation, Adilur Rahman Khan, who is also an Advocate of the Supreme Court of Bangladesh, is under constant watch, visible since 2010, by the Special Branch of Police (SB) and other intelligence agencies. Furthermore, human rights defenders who are associated with Odhikar across the country are also being monitored by the intelligence agencies. Due to the stress of constant surveillance by the security forces and constant financial insecurity some staff of Odhikar have had to leave the organisation. Many human rights defenders in the grassroot level faced severe pressure and harassment from police and DB as they tried to take bring out rallies protesting Adilur's detention.
66. The NGO Affairs Bureau (NGOAB), which is under the Prime Minister's Office is putting barriers on releasing funds for the projects related to human rights, which are already approved by the NGOAB. The Foreign Donations (Voluntary Activities) Regulation Act, 2012, still in the form of a Bill and yet to be approved by Parliament, was developed by amending the Foreign Donations (Voluntary Activities) Regulation Ordinance, 1978 (XLVI of 1978) and integrating the Foreign Contributions (Regulation) Ordinance, 1982 (XXXI of 1982) with it. The NGOAB is imposing the proposed law on Odhikar even before it has been enacted.
67. Odhikar submitted the application for fund clearance for the third year's programme costs under the project 'Human Rights Research and Advocacy' funded by the Embassy of the Kingdom of the Netherlands to the NGO Affairs Bureau on October 30, 2012. However, the NGO Affairs Bureau asked Odhikar to bring 'no objection' certificates from the concerned

Deputy Commissioners (DC) and Odhikar sent all the relevant information and documents accordingly to the DC offices. Despite providing all relevant documents, Odhikar has been asked to explain various matters which are not even relevant to the project, like- why Odhikar does not have offices at the district level; whether local human rights defenders were paid, etc. As a result, the Office of the Deputy Commissioners have refused to give a certificate as the Organisation has no local office in the districts, no paid staff or income-expenditure and salary register at the district level. The said project has been accomplished on June 30, 2013 but the NGOAB has not released the remaining 50% fund of the last installment till the writing of this report. The project started on October 2010, and from the beginning the project faced tremendous hindrance from NGOAB for getting approval from releasing fund. The project activities mainly concern the documentation of human rights violations, fact finding, research and advocacy for building awareness regarding, mainly, the human rights violations of extrajudicial killings, gagging freedom of expression, violence against women and torture.

68. Odhikar submitted a two-year project document (FD-6) on 'Education on the Convention against Torture and OPCAT Awareness Programme in Bangladesh' project funded by the European Union to the NGO Affairs Bureau on December 27, 2010. The said project was cleared by the NGOAB on January 15, 2012 after 13 months of its submission. After completion of the first year programmes, Odhikar applied for fund release of the second year's activities on March 6, 2013. The NGOAB has been repeatedly putting up barriers against giving fund clearance to the said project. The Bureau has given 50% of the fund clearance for the second year after three months of its submission.
69. On July 12, 2012 Odhikar submitted a two-year project document (FD-6) on 'Empowering Women as Community Human Rights Defenders' funded by the Finnish NGO Foundation for Human Rights (KIOS), to the NGO Affairs Bureau for its approval. Odhikar had to wait for a long time to get it approved from the NGOAB. According to the circular of the NGO Affairs Bureau, the Bureau has to make a decision about the project approval within 45 days after receiving project related information. Odhikar received approval and fund clearance for the first year of the said project on January 1, 2013 after 172 days of its submission.

Other information about risks against human rights defenders

70. Human rights defender and Convener of the Illegal Sand Lifting Prevention Committee at Sonargaon, Narayanganj, Shahed Kayes was stabbed after being abducted by miscreants. On

July 25, 2013 Shahed Kayes along with two others were going to Ramprashader Chor by trawler on the river Meghna. It was then that Meghna Upazila Jubo League¹⁹ activist Zakir Hossain; Awami League activist Mohsin Mia; resident of Sonargaon Noonertek area and former Union Parishad member Osman Gani, Zakir Mia and Hossain Mia came on two speedboats and picked up Shahed Kayes. Shahed Kayes was taken 10 kilometers away to Farazikandi where he was beaten and attacked with knives and injured on his left hand and neck. Hearing the noise, police of Meghna Police Station approached and the miscreants escaped, taking Shahed's camera and cell phone. He informed Odhikar that miscreants, with the help of Sonargaon Upazila unit Awami League leaders, formed a group and were lifting sand illegally from the river beside Noonertek village. The miscreants attacked him for protesting against this illegal act. On July 2, 2013 two unidentified men approached Shahed Kayes on motorcycles and threatened to kill him, while he was in the Khasnagar Dighirpar area. Shahed Kayes filed a General Diary at Sonargaon Police Station in this regard.²⁰

71. On July 27, 2013 a human rights defender associated with Odhikar and Nandail Upazila correspondent of the daily Ittefaq, Shah Alam Bhuiyan, was attacked by Upazila unit Awami League's Relief and Social Welfare Affairs Secretary Mohammad Nazim Uddin, for publishing news on gambling dens. He was attacked and his right hand broken at a market in Nandail Municipality. He was admitted to the Upazila Health Complex. On July 26, Shah Alam Bhuiyan was threatened by Awami League leader Mohammad Nazim Uddin through a cell phone call. On the same day, Shah Alam filed a General Diary with Nandail Model Police Station. He informed Odhikar that he did not get any police security even after filing a complaint.²¹
72. After the arrest of Adilur Rahman Khan, the local level human rights defenders associated with Odhikar around the country also came under threats from law enforcement agencies. In the afternoon of 11 August, human rights defenders in Shirajganj tried to organise a human chain protesting the detention of Adilur Rahman Khan. The police stopped them from doing so. The organisers moved the event to another area, but were again stopped by police. After that, the main organiser, Golam Mustafa Rubel, was told by the Officer in Charge of

¹⁹ Youth wing of Awami League

²⁰ Report from human rights defender, Billal Hossain Robin associated with Odhikar from Narayanganj, Human rights monitoring report of Odhikar, July 2013

²¹ Report from human rights defender, Wahiduzzaman associated with Odhikar from Mymensingh, Human rights monitoring report of Odhikar, July 2013

Shirajganj Sadar Police Station, the Assistant Police Commissioner and the Officer in Charge of the Detective Branch, that Adilur was arrested in Dhaka and all such activities must be held in Dhaka and not in Shirajganj. They also wanted information on other human rights defenders, from him. On 12 August, in Sylhet, a man claiming to be from the Detective Branch of Police visited the home of journalist Muhibur Rahman. Finding Muhibur was away, he inquired about the journalist's activities and work. On 13 August, in Patuakhali town, the local human rights defenders formed a human chain to protest Adilur's detention. The next day, a man claiming to be from the Detective Branch of the police called the main organiser of the chain, Sohrab Hossain, and told him to stop all activities on behalf of Odhikar, as the Organisation and Adilur Rahman Khan were acting against the state. From 13 August, people claiming to be from Special Branch Police and Directorate General of Forces Intelligence, commenced monitoring Shaheen Aziz, a local human rights defender of Barisal. He received threatening phone calls and was harassed. On 14 August, at noon, a man claiming to be a police officer came to the daily Amar Desh local office in Chittagong and asked for Shohag Kumar Biswas, Odhikar's local human rights defender. He was told to return in the evening, as Shohag was out. The man did not return. Arafatuzzaman was called and summoned to the Munshiganj Sadar Police Station by Sub Inspector Salahuddin. He was questioned about Odhikar's activities from 8:00 pm to 11:00 pm. He was told to produce Odhikar's registration certificate and project description. The Odhikar team sent the relevant papers via e-mail and then he was released. Between 10 August and 18 August, in Chittagong, two human chains and one protest meeting were organised to protest the detention of Adilur and demand his release. After the events, a uniformed police officer went to the Kindergarden School where Syeda Rekha Pervin, a local human rights defender, taught; and asked other teachers for her address. For security reasons, she disassociated herself from Odhikar.

73. On December 9, 1998, the UN General Assembly adopted the Declaration on the Rights and Responsibilities of Individuals, Groups and Organs of Society to promote and protect Universally Recognized Human Rights and Fundamental Freedoms. This Convention provides in Article 1 that "Everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels". This is the goal Odhikar has intended to achieve since its inception. Odhikar believes that the Government is taking repressive actions against the Organisation and its human rights defenders because of Odhikar's reporting on and protests against human rights violations by the State. This is also the reason why some other human rights defenders are also being harassed.

Freedom of thought, speech and expression

74. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) states that "Everyone shall have the right to hold opinions without interference" and "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice".
75. The rights to freedom of speech and of expression are at risk in Bangladesh because of laws that deny this freedom and which are rooted in a culture of censorship, developed over the decades. However, extravagant freedom of speech and of expression are being enjoyed by select groups that have government 'protection', especially when used against dissident voices. Such misuse of freedom of speech borders and often amounts to the crime of defamation. In this way the State is actively and systematically abusing the freedoms of speech and expression, especially by denying the right to those who are critical about the misdeeds of the authorities.

The Telecommunications Regulatory (Amendment) Act, 2010

76. The Telecommunications Regulatory (Amendment) Act, 2010, is another law that denies freedom of expression. Section 97A of this Act, which was inserted in 2006, allows the authorities to tap any conversation or communication of any person "for national security", while section 97 B allows the authorities to use the information obtained by State agents through tapping of communications; and use this as evidence against suspects. This provision excludes the Evidence Act, 1872, in trying the persons accused under the Telecommunications Regulatory Act, 2010. The police, paramilitary force, and intelligence agencies of Bangladesh have been allegedly tapping all possible means of communications of private individuals and organisations as a part of a campaign of harassment and state sponsored repression.²²

Information and Communication Technology Act 2006 (Amended in 2009 and 2013)

77. The Information and Communications Technology (Amendment) Act, 2013 is the most popular repressive instrument in the hands of the Government to repress and silence

²² See AHRC Annual Report: The State of Human Rights in Bangladesh, 2013\

opponents and dissenters. First amended in 2009, the law was originally introduced in 2006 during the BNP-led four party alliance Government. On August 19, 2013, the Cabinet approved a draft to the amendment of the Information Communication and Technology Act, strengthening its repressive purpose through the amendment of section 54, 56, 57 and 61 and on October 6, 2013 the Parliament passed the amendment. Although the initial Act provided a highest punishment of 10 years imprisonment with no minimum punishment, the amendment enhances the maximum sentence to 14 years imprisonment, with a minimum of 7 years imprisonment for breaching the law, while incorporating new cognisable offences such as destroying information with a malicious intent, transfer of data without proper authority, hacking, release of vulgar and defaming information in the electronic media. Furthermore, according to the 2013 amendment, a person accused of violating the law would be arrested without warrant (cognizable) and the offences will be considered non-bailable²³. Fines amount to Taka 10 million and may be charged with, or instead of, a prison term.

78. On August 21, 2013 the President gave his consent to the amended version as an Ordinance, which on October 6, 2013 was enacted in Parliament. Due to some of the sections of this Act being made non-bailable and cognizable, law enforcers have the power to arrest anyone accused of violating the law without a warrant.

Violations to freedom of expression and media

79. At present, most of the media in Bangladesh, particularly the electronic media is owned or controlled by pro-government supporters. Bangladesh Television (BTV), the only State owned television channel, mostly broadcasts government and ruling party favoured news and propaganda. The present government closed down the electronic and print media owned by pro-opposition supporters/members such as Channel 1, Diganta TV, Islamic TV and the daily Amar Desh. The Government has kept the Acting Editor of Amar Desh, Mahmudur Rahman detained in Kashimpur Central Jail-2 since April 11, 2013.
80. During 2013 the Government decided to give permission to air 13 new private TV channels. All the owners of these channels are supporters of the Awami League or the government. Previously, the government issued 14 FM Radio licenses under the same process. This has

²³ In the 2006 Act and its 2009 amendment, offences were bailable and non-cognizable. It must be noted here that even though Adilur Rahman Khan was detained under the 2009 amendment, bail was rejected thrice by the lower courts, including the Cyber Crimes Tribunal.

deteriorated the situation of an already biased media, a severe hindrance to articulating dissenting voices.²⁴

Shut down of two TV channels supported by the Opposition

81. In the pre-dawn hours of May 6, 2013, a reported 10 thousand members of the police, Rapid Action Battalion (RAB) and Border Guard Bangladesh (BGB), swooped on leaders and activists of Hefazate Islam Bangladesh, in order to disperse their gathering at Shapla Chottor at Motijheel in Dhaka. Islamic Television and Diganta Television broadcasted the operation live. The broadcasts were stopped at 2:30 am and 4:27 am respectively. Both the TV channels are still barred from airing, due to the fact that they are owned or supported by the Opposition.

Arrest and mistreatment of Mahmudur Rahman

82. On April 11, 2013 at around 9.00 pm the Acting Editor of the daily Amar Desh, Mahmudur Rahman was arrested by the Detective Branch police (DB) from the Amar Desh office. Furthermore, government authorities stopped the publication of the daily Amar Desh without providing any valid reason. DB Police took Mahmudur Rahman to their office after his arrest. On the basis of three new cases filed against Mahmudur Rahman at Tejgaon Police Station, with regard to sedition and under sections 56²⁵ and 57²⁶ of the Information and Communication Technology Act, 2006 (amended in 2009), DB police took him to the Chief Metropolitan Magistrate's Court and prayed for 24 days remand. The Court granted 13 days remand.²⁷ At 8:30 pm on the same day, a team of DB police went inside the press of the daily Amar Desh in Tejgaon Industrial Area and took away a computer and some important and confidential documents and sealed the press.²⁸

83. It is to be mentioned that on April 20, 2013 in a press conference organised by the daily Amar Desh, journalists stated that Mahmudur Rahman received cruel and degrading treatment during remand. When his physical condition was worsening, he was hurriedly taken to the Court on April 17, 2013 before the remand period was over and moved to jail.

²⁴ See also <http://www.prothom-alo.com/bangladesh/article/83029/>

²⁵ Section 56 of the Information and Communication Technology Act 2006 refers to punishment for hacking with computer system.

²⁶ Section 57 of the ICT Act refers to punishment for publishing fake, obscene or defaming information in electronic form.

²⁷ The daily Ittefaq/Prothom Alo, 12/04/2013, <http://archive.prothom-alo.com/detail/date/2013-04-12/news/344300>

²⁸ The daily Ittefaq, 13/04/2013, <http://www.ittefaq.com.bd/index.php?ref=MjBfMDRfMTNfMTNfMV8xXzFfMzM0MDE=>

Afterwards, he was admitted to the Bangabandhu Sheikh Mujib Medical University Hospital (BSMMU). On April 19, having taken permission from the government, the family of Mahmudur Rahman visited him at hospital. At that time, the family members observed several circular wounds on his wrists and his knees. They came to know in consultation with specialist doctors, that the wounds were probably due to application of electric shocks.²⁹

84. On June 12, 2013 Mahmudur Rahman was brought to the Court of Dhaka Metropolitan Magistrate, Mohammad Harun-ur-Rashid, from Kashimpur Central Jail-2 in a prison van. Sub Inspector Mir Rezaul Islam of Ramna Police Station appealed to the Court for a 10-day remand for the case against Mahmudur Rahman with regard to publishing provocative news, vandalising vehicles and arson attacks. Mahmudur Rahman decided to defend himself and did not appoint any lawyer. He told the Court, “I am not submitting any application for cancelling the remand order or for my release. I have not appointed any lawyer in this Court, because you will not be able to give a verdict independently after hearing from both sides, even if I appoint hundreds of lawyers.” The Magistrate granted a 3-day remand after the hearing.³⁰ Mahmudur Rahman was taken into 3-days remand again by the police and later sent back to Kashimpur Jail-2 in Gazipur.

Obstructions on Internet use

85. On September 17, 2012 the government stopped “Youtube” to prevent viewing and public rioting over the film “Innocence of Muslims”. The ban on Youtube was lifted on June 4, 2013, after 260 days of imposing the restriction on its access in the country.
86. Bangladesh Telecommunication Regulatory Commission (BTRC) gave instructions to obstruct the internet frequency in Bangladesh. The BTRC has instructed to provide a 75% bandwidth for reducing the speed to upload anything on the internet. The instruction was given on May 15, 2013, through an email to the International Gateway companies by BTRC's Senior Assistant Director, Sabina Islam.³¹

Arrest of bloggers

87. The Editor of the blog ‘Shonar Bangladesh’, Aminul Mohaimen, was arrested by the Detective Branch police on 16 February 2013 from his home in Dhanmondi in Dhaka.

²⁹ Written information provided in the press conference organised by the daily Amar Desh family.

³⁰ <http://archive.thedailystar.net/beta2/news/mahmudur-on-fresh-remand/>

³¹ <http://www.prothom-alo.com/bangladesh/article/2956/>

His computer, cell phone, cheque book and other documents were also seized. There were many calls to shut down this blog from various quarters, who claimed that it was ‘anti-government’³².

88. Farabi Shafiur Rahman, a blogger, was arrested on 24 February 2013 from Chittagong University Staff Club, on the allegation of threatening the imam who performed the funeral prayers (Janaza) of Rajib – another blogger. Shafiur was taken to Hathazari Police Station, where he was blindfolded and handcuffed and taken to the Police Superintendent’s office for interrogation. The next day, a team from the Detective Branch of Police brought him to their office in Dhaka. There he was interrogated and, according to him, tortured. A case has been filed against him under the Information and Communication Technology Act 2006 (amended in 2009). He is now out on bail, granted by the High Court Division of the Supreme Court³³.
89. The Detective Branch of police arrested bloggers Moshir Rahman Biplob, Russell Parvez and Subrata Adhikari Shubho on April 1, 2013 and Asif Mohiuddin on April 3, 2013 on the charge of hurting religious sentiments. They were arrested under Section 54 of the Code of Criminal Procedure for ‘hurting religious sentiments’ with their ‘derogatory’ postings about Islam and Prophet Muhammad (pbuh) on blogs and social networking sites. Later two separate non-First Information Report (FIR) cases were filed against four bloggers, who were charged under section 57(2) of the Information and Communication Technology Act, 2006 (amended in 2009).
90. On April 2, the Court granted 7-day police remand each to three of the four bloggers – Moshir Rahman Biplob, Russell Parvez and Subrata Adhikari Shubho, following their arrest under Section 54 of the Cr.PC.³⁴ All four bloggers are out on bail.³⁵
91. Md. Zahirul Haque, Judge, Metropolitan Sessions Court, on September 8, 2013, framed charges against the four bloggers in two cases under the Information and Communications

³² Green Bangla 24.com news. February 18, 2013.

³³ Statement of Farabi Shafiur Rahman, as sent to Odhikar.

³⁴ The Daily Star, 03/04/2013. On April 6, activist of Hefazate Islam across the country gathered in Dhaka and demanded restoration of the phrase “absolute trust and faith in Almighty Allah” in the Constitution, enactment of a blasphemy law with provisions for death penalty for people making derogatory remarks on Allah, Islam and the Quran, and exemplary punishment of the ‘atheist’ bloggers for ‘mocking’ Allah and the Prophet (SM).

³⁵ On May 12, 2013 a Dhaka Metropolitan Sessions Judge’s Special Court granted bail to two bloggers, Russell Parvez and Subrata Adhikari Shubho. Senior Special Judge Mohammad Jahurul Haque allowed the bail after hearing the bail plea of pleaders of two bloggers. Meanwhile, the same court granted bail to blogger Moshir Rahman Biplob on June 2 and blogger Asif Mohiuddin on June 16.

Technology Act 2006. The judge also fixed November 6, 2013 for beginning their trial in both cases. If convicted, they will face 10 years' rigorous imprisonment and a fine of Tk. 10 million.³⁶

Possible further obstructions on media

92. On September 5, 2013, the Information Ministry presented on its website the National Broadcasting Policy (draft), which is now open to the opinion of stakeholders.³⁷ The draft provides for the establishment of the “Broadcasting Commission” as a “statutory institution accountable to the Ministry of Information³⁸”, which needs to be effectively implemented through transparent appointment and work. The draft still needs to incorporate some specific provisions to make sure that the Authority respects freedom of speech provided by the Constitution of the People's Republic of Bangladesh³⁹ and the said Authority will not misuse such broadcasting law. In a time of repression against the media, when three TV channels have already been barred from airing and the freedom of media is frequently breached in the name of “state security”, broadcasting regulations in Bangladesh and in particular the question of issuing license for broadcasting⁴⁰, should incorporate legal guarantees to eliminate potential political abuse. Such Authority, turned away from its main purpose, might be used to shut down the voice of opposition, critics and those with different views. This will further weaken freedom of expression in Bangladesh.

BUET teacher sentenced for allegedly threatening to murder the Prime Minister on Facebook

93. On June 27, 2013 Dhaka Metropolitan Session Judge Mohammad Johurul Hoque ordered seven years imprisonment to Hafizur Rahman, Lecturer, Mechanical Engineering Department, Bangladesh University of Engineering and Technology (BUET); accusing him of threatening to murder Prime Minister, Sheikh Hasina on Facebook. The Court sentenced him to five years imprisonment under section 57 of the Information and Communication

³⁶ The daily Independent, 09/09/2013

³⁷ <http://www.newagebd.com/detail.php?date=2013-09-06&nid=64131#.UjvnblYvVB1> To see the draft, http://www.moi.gov.bd/National_Broadcasting_Policy.pdf

³⁸ Section 6.1 of the National Broadcasting Policy (draft)

³⁹ Article 39 of the Constitution of the People's Republic of Bangladesh

⁴⁰ Section 2.1 of the National Broadcasting Policy (draft)

Technology Act 2006 (amended in 2009) and two years under section 506 of the Penal Code 1860⁴¹, a total of seven years imprisonment. In 2012, Hafizur Rahman gave a status on Facebook, where he wrote *“Hyena, Oi Hyena. Tui desh ke kheyechish, ekhon BUET ke khabi- parbina! Amra tor pet, tarpor matha kete BUET-er geter samne taniye rakhbo, jate kore ar kono hyenar akromone BUET akranto na hoy.”*⁴²

94. The daily Bhorer Kagoj published the news on April 19, 2012. Based on that, A B Siddiqui, President of a front organisation of Bangladesh Awami League, Bangladesh Jononetri Parishad, filed a General Diary at Shahbagh Police Station. On June 17, 2012, Detective Branch of Police submitted an investigation report against Hafizur Rahman. At that time, five persons were presented in the court as witnesses. A B Siddiqui said that, he thought the status was given indicating the Prime Minister. However, Hafizur Rahman told the court that, he had not pointed to any individual and that the term “hyena” was used to indicate corruption and mismanagement. When the verdict was declared, Hafizur Rahman was not present in the court.

National University teacher was imprisoned due to alleged defamatory comments on Prime Minister and her family members on Facebook

95. On October 8, 2013 the President of Bangladesh Jononetri Parishad, AB Siddique filed a defamation case at the Chief Metropolitan Magistrate Court against an Assistant Professor of the Geography Department of the National University, AKM Wahiduzzaman, for posting allegedly defamatory comments on the Prime Minister and her family members on his Facebook page. On October 11, Wahiduzzaman was granted one month bail from the High Court Division. Later, on November 6, Wahiduzzaman surrendered at the Chief Metropolitan Magistrate Court and sought bail, but the Magistrate rejected his bail application and ordered that he be sent to jail. On November 7, the National University authority suspended AKM Wahiduzzaman as per section 10(4) of the National University Employees (Discipline and

⁴¹ Section 506 of the Penal Code refers to punishment for criminal intimidation. “Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or 168[imprisonment for life], or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.”

⁴² Hyena, hey hyena, you have eaten up the country, now you want to eat BUET. You cannot! We will cut your stomach and hang your head on the main gate of BUET, in order to stop any other hyena from attacking BUET

Appeal) Statute-8 for being arrested for a criminal offence.⁴³ In the meanwhile on November 24, a Division Bench of the High Court Division of the Supreme Court comprising of Justice Mohammad Shawkat Hossain and Justice Jahangir Hossain granted him 3 month ad-interim bail.⁴⁴ A charge was framed against him on February 10, 2014. However, on February 24, Wahiduzzman was granted one year interim bail by a Division Bench of the High Court Division of the Supreme Court comprising of Justice Borhanduddin and Justice Kamrul Qader. The case is under trial at the Court of Chief Metropolitan Magistrate, Harun-ur-Rashid.

Attacks and repression on journalists

96. In 2013, according to Odhikar's documented statistics, 146 journalists were injured, 33 were threatened, seven were attacked, 37 were assaulted, five were arrested and 19 were prosecuted. Some examples are as follows:
97. On January 5, 2013 Chhatra League activists beat and illegally detained Reuter's reporter Andrew Biraz; New Age reporter Sony Ramani; Bangla News photo journalist Harun-ar-Rashid Rubel; and Prothom Alo correspondent Hassan Raja when they were taking photos of crude bomb blasts at the Dhaka University campus. Chhatra League activists held the journalists captive after beating them and deleted the photographs after snatching away their cameras.⁴⁵
98. On March 7, 2013 the local Awami League brought out an anti-hartal procession in the Bashabo area in Dhaka. During this time, Awami League activists attacked ATN News reporter Ferdous Rahman and cameraman Giasuddin Al Mahmud; ETV's reporter Moinul Islam and cameraman Farid Ahmed when they were covering the news. They held the journalists captive in a local club after beating them and snatched away memory cards from their cameras. Police were present there at that time but did not take any action.⁴⁶
99. A female Ekushey Television journalist Nadia Sharmin was beaten allegedly by supporters of Hefazate Islam at Bijoy Nagar on April 6, 2013 during the long march and rally called by

⁴³ The daily Jugantor, 08/11/2013

⁴⁴ <http://www.dhakatribune.com/bangladesh/2013/nov/24/pm-defamation-3-months%E2%80%99-bail-teacher>

⁴⁵ The daily Manabzamin, 06/01/2013, http://mzamin.com/old_archive/oldarchive_details.php?nid=MzczMjI=&ty=MA==&s=MTg=&c=MQ==&seco=MjAxM3wxfDZ8MA

⁴⁶ The daily New Age, 08/03/2013, <http://newagebd.com/detail.php?date=2013-03-08&nid=42292#.Ux7m7j-SyCA>

them. The alleged reason for the attack being that she was not wearing *Hijab*⁴⁷ and was filming footage of a programme that included the presence of only men. She was admitted to the Dhaka Medical College Hospital.⁴⁸

100. On October 1, 2013 the New Age Editor Nurul Kabir and his family was threatened by a caller who introduced himself as wanted criminal Shahadat Hossain. The caller demanded money from his wife Fauzia Sultana and asked Nurul Kabir to stop ‘talking tough’ in talk-shows. No investigation has been done even after the filing of a General Diary (GD) in connection with this incident.⁴⁹
101. On October 28, 2013 a group of picketers threw cocktail bombs on a vehicle of the private TV channel, Channel 24, at Moghbazar Wireless Gate in Dhaka during hartal. Journalist Rashed Nizam of Channel 24, who was in the vehicle, was injured.⁵⁰
102. On November 9, a photojournalist of Focus Bangla, Mosharaf Hossain (25) was hit by a bullet, fired by police. He lost sight in one eye. GTV cameraman Mohammad Masum was also injured as he was with Mosharaf Hossain. Both were stationed in front of the BNP party office at Bongshal, Dhaka. Police opened fire when crude bombs were exploded in the area.⁵¹

Table 10: Freedom of Media (2009-2013)

Year (s)	Killed	Injured	Assaulted	Attacked	Arrested	Abducted	Threatened	Tortured	Sued	Miscellaneous	Total
2013	0	146	37	7	5	0	33	1	19	27	275
2012	5	161	50	10	0	0	63	2	36	15	342
2011	0	139	43	24	1	0	53	0	23	8	291
2010	4	118	43	17	2	1	49	0	13	16	263
2009	3	84	45	16	1	2	73	0	23	19	266
Total	12	648	218	74	9	3	271	3	114	85	1437

⁴⁷ Hijab is a veil that covers the head and chest, which is particularly worn by a Muslim female beyond the age of puberty in the presence of adult males outside of their immediate family. It can further refer to any head, face, or body covering worn by Muslim women that conforms to a certain standard of modesty.

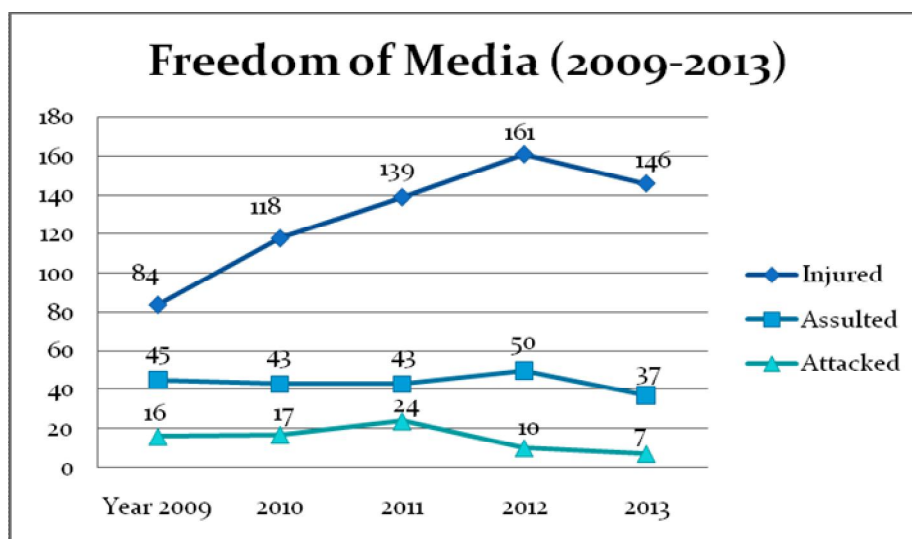
⁴⁸ The Daily Samakal, 7/04/2013, http://www.samakal.net/print_edition/details.php?news=13&view=archiev&y=2013&m=04&d=07&action=main&menu_type=&option=single&news_id=338491&pub_no=1371&type=

⁴⁹ The daily New Age, 12/12/2013, <http://newagebd.com/detail.php?date=2013-12-12&nid=76480#.Ux7orz-SyCA>

⁵⁰ The daily Prothom Alo, 29/10/2013, <http://www.prothom-alo.com/bangladesh/article/59734>

⁵¹ The daily Prothom Alo, 10/11/2013, <http://www.prothom-alo.com/bangladesh/article/70036>

Graph 4: Freedom of Media (2009-2013)



103. Journalists are an essential part of a vibrant democracy. The way they are attacked and harassed in Bangladesh, even by members and activists of the ruling party and other non-state actors, is particularly worrying as it is an illustration of the atmosphere of fear and repression which has taken place throughout the year 2013.
104. Odhikar strongly condemns violence against freedom of speech and expression; the shutting down of television channels; and the attacks on journalists. It also protests against the arrest and torture of the Acting Editor of the daily Amar Desh and the shutdown of the newspaper. Unfortunately, in Bangladesh, journalists face the repression of the State with the support of pro-government political activists. This calls into question the founding principles of Bangladesh, that the government claims to defend.

Freedom of Assembly

105. The right to freedom of peaceful assembly, claimed in Article 20 of the Universal Declaration of Human Rights and in Article 37⁵² of the Constitution of Bangladesh, is a fundamental right of the people of Bangladesh. It is to be noted that Bangladesh ratified the International Covenant on Civil and Political Rights (ICCPR) in 2000, which provides for freedom of assembly as well. However, the Government has violated this right several times in 2013, using different methods to put an end to meetings and processions where people have expressed their grievances against the Government.

⁵² Article 37: "Every citizen shall have the right to assemble and to participate in public meetings and processions peacefully and without arms, subject to any reasonable restrictions imposed by law in the interests of public order or public health."

106. The government prohibits or bans assemblies, political programmes and rallies organised by the Opposition political parties, or by people who have different views. There is a tendency to stop political programmes/meetings in the name of public safety by imposing Section 144⁵³ of the Code of Criminal Procedure. Other ‘tactics’ include holding of meetings on the same date, time and venue by the government political activities, ordering the police to cancel a meeting or using party activists to set up blockades to prevent people from assembling.

Abuse of Section 144 of the Code of Criminal Procedure

107. Several Opposition meetings have been cancelled under Section 144 of the Code of Criminal Procedure to prevent clashes, after the ruling party called their own programmes on the same day. This use of law seems questionable as it is a way to shut down the voice of opposition. While abusing the imposition of Section 144 of the Cr.PC to stop meetings of the Opposition political parties from taking place, the Government has also been abusing its power by sending armed law enforcement agencies to stop the meetings. Beyond the obvious violation of freedom of assembly, such interruptions led to inappropriate use of force by law enforcers, including the use of pepper spray and weapons which cause serious damage and provoke confrontations and violence.
108. According to Odhikar’s statistics, in 2013, a total of 54 instances of the imposition of Section 144 of the Code of Criminal Procedure, by the local administration, were recorded across the country; mainly to stop political gatherings and rallies from occurring. Some examples are as follow:
109. On January 24, 2013 the local BNP in Jhenaidah called a meeting at Chandipur Bishnupada High School ground, demanding the release of their leader Mirza Fakhrul Islam Alamgir and restoration of the caretaker government system. The local Awami League of Ganna Union announced a meeting to demand the hanging of war criminals at the same place and time. As a result, the local administration imposed Section 144 of the Cr.PC.⁵⁴

⁵³ Section 144 of the Code of Criminal Procedure, 1898 provides power to the Magistrate to issue orders to stop any meeting or gathering. See http://bdlaws.minlaw.gov.bd/sections_detail.php?id=75§ions_id=20789

⁵⁴ The daily Manabzamin, 25/01/2013, http://mzamin.com/old_archive/oldarchive_details.php?nid=Mzk5MDY=&ty=MA==&s=MjY=&c=MQ==&seco=MjAxM3wxflDI1fDA=

110. On February 8, 2013 Alinagar Union unit Chhatra Dal⁵⁵ called a local Chhatra Dal Council at Kaliganj High School field under Kalkini Upazila under Madaripur district. The local administration imposed Section 144 of the Cr.PC when the local Awami League, Jubo League and Chhatra League of Alinagar Union announced a meeting to demand the hanging of Abdul Quader Molla at the same place and time.⁵⁶

Table 11: Implementation of Section 144 of the Cr.PC in 2013

	Section 144 of the Cr.PC (January - December) 2013							
Month(s)	Dhaka	Chittagong	Rajshahi	Khulna	Sylhet	Rangpur	Barisal	Total incidents
January	0	2	3	2	1	0	1	9
February	3	1	1	5	0	0	0	10
March	2	0	2	0	0	0	0	4
April	1	0	0	1	0	0	0	2
May	0	0	0	0	0	0	0	0
June	1	0	0	0	0	0	1	2
July	1	1	0	0	0	0	0	2
August	1	0	3	0	0	0	0	4
September	0	1	0	0	0	1	2	4
October	3	3	2	5	0	0	0	13
November	1	1	1	0	0	0	0	3
December	0	0	0	1	0	0	0	1
Total	13	9	12	14	1	1	4	54

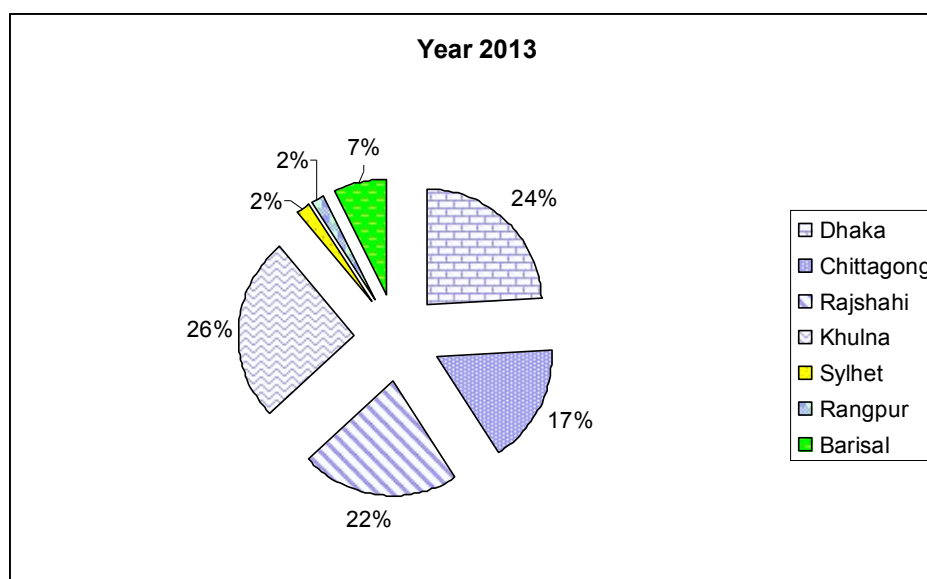
111. The district administration in Jhenaidah imposed section 144 for an indefinite period in the town and surrounding areas from 6.00 am on October 30, 2013, after opposition BNP and ruling Awami League and their front organisations announced rallies at the same time and venue.⁵⁷

⁵⁵ Chhatra Dal – Student wing of the Bangladesh Nationalist Party (BNP)

⁵⁶ The daily Ittefaq, 09/02/2013, <http://ittefaq.com.bd/index.php?ref=MjBfMDJfMDI5fMTNfMV8yNV8xXzE3Njc2>

⁵⁷ The daily Dhaka Tribune, 01/11/2013

Graph 5: Implementation of Section 144 of the Cr.PC in 2013



112. On November 4, 2013 the district administration in Swandeeep in Chittagong imposed section 144 of the Code of Criminal Procedure as the Awami League and BNP called meetings at the same time and place. The Upazila Nirbahi Officer of Swandeeep, Nur-E-Khaza Al Amin said that both the group announced meetings in favour of and against hartals within half a kilometer of the Upazila and hence the administration imposed section 144 in order to avoid any awkward situation.⁵⁸
113. On December 13, 2013 BNP and Awami League announced meetings at the same place and time in Daulatpur under Kushtia district. At 2.00 pm, the BNP called a meeting and special prayer at Allardurga High School field for the party activists who had died during the political violence. On the other hand Awami League leader Rezaul Huq Chowdhury announced a public gathering at the same time and place. The local administration imposed section 144 to avoid an untoward situation.⁵⁹
114. Odhikar believes that stopping peaceful public gatherings by imposing section 144 is interference on democratic rights and contrary to the Constitution of Bangladesh. The ruling political party must refrain from declaring counter programmes in order to obstruct the programmes of the Opposition. These kinds of ‘tactics’ only sheds light on the poor state of democracy in Bangladesh and the lack of respect for democratic values.

⁵⁸ The daily Amader Somoy, 05/11/2013

⁵⁹ The daily Manabzamin, 14/12/2013 <http://mzamin.com/detailsarchive.php?mzamin=MjgzNQ==&s=OQ>

Prohibitions on meetings/processions

115. Prohibition on meetings and assemblies occurred in 2013, violating the fundamental rights stipulated in the Constitution of Bangladesh. On May 19, 2013 the Home Minister Mohiuddin Khan Alamgir, at a meeting in Chittagong, declared a prohibition on all kinds of political meetings and programmes for one month. Later, in the evening he said in an interview with BBC that “this prohibition will continue for an indefinite period”. The government imposed a prohibition on meetings and gatherings and even on ‘human chain’ programmes. However, police said that prior permission was required before organising meetings and programmes at specified areas. It was stated, on behalf of the police, that meetings and political programmes will not be granted at some venues.
116. The main Opposition party BNP did not get permission to hold meetings in front of its party office on May 13 and 16, even though there was no written prohibition to hold meetings at the Purana Paltan and Naya Paltan areas.⁶⁰
117. One other example to illustrate this is a July 5, 2013 meeting of Nagorik Oikkyo at Netrokona district which was stopped by the local administration. Member-Secretary of the District Nagorik Oikkyo, Advocate Nazrul Islam Khan informed Odhikar that Nagorik Oikkyo hired a conference room at the Netrokona Press Club for organising a discussion meeting on July 5. Posters and leaflets were distributed in the city mentioning that the Convener of the Central Committee, Mahmudur Rahman Manna would be present at the meeting as chief guest. On July 3 the Secretary of the Press Club, Mokhlesur Rahman told Nazrul Islam that the Deputy Commissioner of Netrokona, who is also ex-officio President of Netrokona Press Club, directed him to cancel the booking of Nagorik Oikkyo. Advocate Nazrul Islam met the Deputy Commissioner and requested him to grant permission for the meeting, but the Deputy Commissioner asked him to organise the meeting elsewhere. Nagorik Oikkyo then got permission from the Head Teacher of Netrokona Unmesh Adorsha High School to hold its meeting there. On July 4, Nazrul Islam was informed by the Head Teacher that National Security Intelligence (NSI) and the Directorate General of Forces Intelligence (DGFI) personnel had told him that Chhatra League activists would attack the meeting. Later the Head Teacher cancelled the permission for the meeting.⁶¹

⁶⁰ The daily Manabzamin, 19/05/2013.

http://mzamin.com/old_archive/oldarchive_details.php?nid=NTQ4Mjl=&ty=MA==&s=MTg=&c=MQ==&seco=MjAxM3w1fDE5fDA=

⁶¹ Information collected from Nagorik Oikkyo

118. On December 29, 2013 at around 12.00 noon, pro-BNP journalists were demonstrating at the National Press Club chanting anti-government slogans using a loud speaker, during the BNP-led 18-Party Alliance's 'March for Democracy' programme. At that time, a procession of around 250 to 300 activists, led by Dhaka city unit Awami League General Secretary, Mofazzal Hossain Chowdhury Maya was passing through the adjacent road. Hearing the slogans, the AL activists started hurling bricks inside the Press Club. In retaliation the pro-BNP journalists also threw bricks at them. The pro-BNP journalists claimed that 40 members of their faction were injured. In the afternoon, seven opposition-leaning teachers of Dhaka University sustained wounds in an attack by activists of Muktiyoddha Projonmo League⁶². On the same day, around 80 to 90 teachers were obstructed by police who were on their way to Naya Paltan BNP Headquarters, after staging a sit-in at the intersection near Shikkha Bhaban. A group of 20 to 25 stick-wielding ruling party activists attacked the teachers, forcing them to retreat to Curzon Hall of the Dhaka University.⁶³ Meanwhile at around 3.15 pm, 300 to 400 activists belonging to the ruling party stormed into the Supreme Court and attacked pro-opposition lawyers, who had been demonstrating there since morning. They opened the main gate that police had kept shut. Three lawyers, including Advocates Rehana Parveen, Simki Imam and Ayub Ali were injured in the incident.⁶⁴

Use of Pepper Spray and ammunition to stop meetings

119. The rights of the people to assemble and express their grievances to the government has also been systematically repressed, often with violence and police brutality. At present there is an unwritten rule that the law enforcement agencies will put up barriers and stop meetings and processions by attacking with batons, throwing tear gas shells or rubber bullets in the name of 'public safety' when citizens bring out a procession or organise meetings to protest against any action of the state. Some examples are as follows:
120. On January 10, 2013 police stopped a peaceful hunger-strike by protesting non- MPO⁶⁵ registered school teachers at the Central *Shaheed Minar*⁶⁶ in Dhaka. The police also

⁶² A front organization of Awami League

⁶³ The Daily Star, 30/12/2013 http://www.thedailystar.net/print_post/ruling-party-cadres-go-on-the-rampage-4600

⁶⁴ Ibid

⁶⁵ MPO: Monthly Payment Order

⁶⁶ The Shaheed Minar ("Martyr Monument") is a national monument in Dhaka, Bangladesh, established to commemorate those killed during the Bengali Language Movement demonstrations of 1952

obstructed their preparations for another programme in front of the National Press Club and scattered the protesting teachers by throwing pepper spray and tear gas shells at them. Over 100 teachers, including Teachers Oikya Jote president, Professor Mohammad Ershad Ali were injured during this attack.⁶⁷

121. On January 15 a madrassa teacher, Sekander Ali, who was injured by pepper spray, died after returning to his village.⁶⁸ According to doctors, pepper spray is dangerous for people who have asthma and may cause death. It was learnt that Sekander Ali was suffering from asthma. Again on January 15, when the protesting teachers gathered in front of NAM Bhaban⁶⁹ to hold their programme, police used pepper spray on them.⁷⁰
122. On March 6, 2013 the Bangladesh Nationalist Party (BNP) organised a protest meeting in front of their party office at Paltan, Dhaka. During the meeting, cocktail bombs were exploded. Police marched towards the BNP office from Fakirapool and Nightingale Mor and fired towards the meeting point from an armoured vehicle. At the same time, police and RAB threw tear gas shells and sound grenades at BNP leaders and activists. As a result, the meeting dispersed. During this time, 31 people, including BNP's Standing Committee member Nazrul Islam Khan, Joint Secretary-General Amanullah Aman and Dhaka Metropolitan City BNP's Member-Secretary Abdus Salam were injured.⁷¹
123. On April 20, 2013, online activists and some young journalists showed their support for Mahmudur Rahman, Acting Editor of daily Amar Desh, near the National Press Club. Some Pro-government party youths started beating them till they left. One of the protestors was a female journalist who was also physically assaulted.⁷²
124. On July 11, 2013 police and Chhatra League activists attacked students who were protesting against the quota systems in all government services, including the Bangladesh Civil Service (BCS) examinations; and demanding revaluation of the results of the 34th BCS exam. Police shot tear gas shells, rubber bullets and live bullets at the protesters in front of the Dhaka University Central Library, Teachers Students Centre, Arts Faculty and Sir AF Rahman Residential Hall. Chhatra League activists also attacked them with sticks in front of the residence of the Vice-Chancellor. More than 100 students were injured in joint

⁶⁷ The daily Jugantor, 11/01/2013

⁶⁸ The daily Ittefaq, 16/01/2013. <http://www.ittefaq.com.bd/index.php?ref=MjBfMDRfMTZfMTNfMV8yXzFfMTE3MTQ=>

⁶⁹ Government residence for Members of Parliament

⁷⁰ The daily Jugantor, 11/01/2013

⁷¹ The Daily Ittefaq, 12/03/2013

⁷² The daily Ittefaq, 21/04/2013. <http://www.ittefaq.com.bd/index.php?ref=MjBfMDRfMTZfMTNfMV8yXzFfMTUxNDQ=>

attacks by police and Chhatra League. Among them Anwar, Sreejon, Inamul and Imran were admitted to Dhaka Medical College hospital with bullet injuries. Police arrested 20 persons from different areas in relation to this incident.

125. On November 16, police put up a barrier against a procession brought out after a meeting by the BNP-led 18 Party Alliance, demanding the release of BNP central leaders, at Sitakunda in Chittagong. Police baton charged protestors when they tried to push forward. The protestors threw bricks at the police. At least 13 people, including local Jamaat leaders Shafiqul Mawla, Mohammad Abu Taher and Sub Inspector Mohammad Anwar Hossain, along with bystanders were injured. 18 Party Alliance supporters vandalized and set fire to vehicles on the Dhaka-Chittagong highway when the news of clashes between RAB-police and 18 Party Alliance supporters spread. As a result, all vehicles stopped moving in that area. At least nine persons were injured during the clash while police, RAB and BGB tried to control the situation.⁷³
126. The State does not provide sufficient protection to the organisers and participants of assemblies. Rather it puts up restrictions on the pretext of maintaining law and order. Freedom of assembly is the right to peacefully protest and express grievances to the government. However, the government has systematically violated this right, provoking confrontation and violence.
127. The right to freedom of association is a fundamental and universal right enshrined in numerous international treaties and standards, especially Article 22 of the International Covenant on Civil and Political Rights (ICCPR). In its Communication No. 1274/2004, the United Nations Human Rights Committee (CCPR) observed: “The right to freedom of association relates not only to the right to form an association, but also guarantees the right of such an association to freely carry out its statutory activities. The protection afforded by Article 22 extends to all activities of an association [...]” This means that fundraising activities are also protected by Article 22.⁷⁴
128. ‘The right of NGOs to access funding is an integral part of the right to freedom of association. Without funding, NGOs cannot effectively engage in the defence and promotion of human rights. Many human rights bodies and special procedures, particularly those within the United Nations system, have emphasised the principle that access to funding is an integral part of the right to freedom of association, and that NGOs should

⁷³ The daily Prothom Alo, 17/11/2013, <http://www.prothom-alo.com/bangladesh/article/75538>

⁷⁴ The Observatory for the Protection of Human Rights Defenders: Violations of the right of NGOs to funding from harassment to criminalization, Annual Report 2013

have free access to funds, including foreign funds'.⁷⁵ The right to access funding in Bangladesh is restricted in various ways, by political consideration that constrain the receiving and use of funding. The Constitution of the People's Republic of Bangladesh guaranteed freedom of association in Article 38, which states that "Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interests of morality or public order". However, legal and administrative barriers or impediments are possibly at the highest mark, for human rights NGOs, in the present context of Bangladesh. No Bangladeshi person or organisation may receive or operate any foreign grant or contribution, whether in cash or kind, without prior permission of the Government.

129. The NGO Affairs Bureau (NGOAB), under the Prime Minister's Office, drafted a proposed Bill, named the Foreign Donations (Voluntary Activities) Regulation Act, 2012 that has been developed by amending the Foreign Donations (Voluntary Activities) Regulation Ordinance, 1978 (XLVI of 1978) and integrating the Foreign Contributions (Regulation) Ordinance, 1982 (XXXI of 1982), in order to regulate NGO activities. The Bureau is already executing this proposed Bill on Odhikar even before it has been passed as an Act, which has resulted in obstacles to project implementation. The NGOAB has been repeatedly putting up barriers at giving fund clearance to Odhikar's human rights related advocacy programmes.⁷⁶
130. The proposed Bill also states that no NGO shall operate any activity by foreign donation without project approval; and that activities of the NGOs shall be limited/restricted within the approved project. This has a wide meaning. As the approval authority is under the Prime Minister's Office, human rights NGOs which are vocal against structural and systematic violence by the State actors, will face numerous restrictions that may not be faced by other NGOs.⁷⁷

⁷⁵ Supra, note 72

⁷⁶ See *Odhikar's* monthly human rights monitoring report of April and May 2013. www.Odhikar.org Odhikar has experienced similar challenges and impediments imposed by the authority in the past. In 2009 the Government abruptly cancelled Odhikar's on-going project on Human Rights Defenders Training and Advocacy Programme after seven months, which was previously approved by the NGO Affairs Bureau. On August 31, 2009, the NGO Affairs Bureau ordered Odhikar to shut down its torture prevention programmes supported by RCT, Denmark. The letter was signed and stamped by the NGO Affairs Bureau authority and stated that the project had been cancelled because of objections expressed by the Ministry of Home Affairs. There was no reason specified in the letter.

⁷⁷ Unpublished paper on Challenges to Create an Enabling Environment for Civil Society in Bangladesh: A Global Perspective, prepared by Sazzad Hussain, Programme Coordinator of Odhikar, for ICNL under a fellowship programme, August 2013.

131. According to the Bill the NGOAB shall send the submitted project proposal to the concerned Ministry for opinion within a specific time, after primary enquiry; and the concerned Ministry shall forward their opinion to the Bureau after examining the project proposal. The Bill goes on to add that it shall be assumed that the concerned Ministry has no objection to the project, if its opinion is not available within the stipulated time frame; and the Bureau shall approve of the project and allow clearance of money. Thus, according to this section of the Bill, it seems that the submission of a project proposal to a Ministry that may or may not pay attention to it, seems to be a waste of precious project implementation time.
132. As per section 10 (4) of the proposed Law, if the concerned Ministry has any objection to the submitted project proposal, it shall describe to the Bureau the reasons and/or give recommendations for necessary changes for project approval. The Bureau may send the proposal, with the recommendations or rejection, to the Prime Minister's Office and necessary steps shall be taken as per direction from the Prime Minister's Office, if the said comments from the Ministry are found to be unacceptable.
133. The proposed new Law also states that the Director General of the NGOAB can penalise foreign funded NGOs if it occurs to him or her that they are engaged in activities which are illegal or harmful. The punitive measures, as per section 24 of the Bill, include cancellation of registration, a bar on activities for a period, imposition of a fine equal to received donation, or three times the foreign donation the NGO received and punitive measures against those responsible, as per the country's law. However, which activities are 'harmful', the extent of harm and the kinds of harm have not been defined or discussed.
134. The Law, if it is enacted, will violate freedom of expression and association; and will control human rights and 'not-for-profit' organisations, which are vocal against injustices and violations perpetrated by both state and non-state actors. This kind of Law is contrary to the Bangladesh Constitution and several key international human rights documents, including the UN Declaration on Human Rights Defenders.

Rights of Minorities

135. Bangladesh opted for a secular nationalist ideology through the Constitution framed in 1972. But the principle of secularism was subsequently replaced by a series of Constitutional Amendments and Government Proclamations between 1977 and 1988. In 1988 Lieutenant General Hussain Muhammad Ershad changed the Constitution and made

Islam the state religion, and also gave the people the right to practice the religion of one's choice.⁷⁸

136. According to the 2011 census, the total population of Bangladesh was about 153 million, which ranks Bangladesh as the 8th most populous country in the world. Muslims constitute nearly 88.3% of the total population, while 10.5% are Hindus and Buddhists and Christians and the people belonging to other religions constitute 1.2% of the total population.⁷⁹ In Bangladesh, there are 45 districts where people belonging to ethnic minority communities live. They follow Hinduism, Christianity, Buddhism and indigenous faiths. Most of the ethnic minority population lives in the three Hill districts – Rangamati, Khagrachari and Bandarban – of the Chittagong Hill Tracts (CHT).⁸⁰ Religious minority groups continue to suffer from discrimination in key areas of public life: employment, higher education and access to justice. Violence and discrimination against religious and ethnic minorities continued throughout 2013.

Violation against religious minority communities

137. As a member of the United Nations and many of its sister organisations, Bangladesh is legally and morally obligated to respect and uphold internationally recognised principles and values, and human rights stay in the heart of these norms. Bangladesh is a party to many international conventions and treaties, including the International Covenant on Civil and Political Rights (ICCPR) and legally bound to ensure the religious and political freedom of its citizens. According to Article 18, Paragraph 1 of ICCPR: “Everyone shall have the right to freedom of thought, conscience and religion...to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private...” Article 6, Paragraph 1 of this Covenant holds the government of Bangladesh responsible for adopting legal measures for protecting minorities: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”
138. The “Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief” passed by United Nations General Assembly in 1981 condemns all types of discrimination based on religion (Articles 1-3). Article 2,

⁷⁸ Article 2A of the Constitution of the People’s Republic of Bangladesh

⁷⁹ Banglapedia: National Encyclopedia of Bangladesh, http://www.bpedia.org/P_0226.php

⁸⁰ Report to the Commission on Human Rights Sub-Commission on the Promotion and Protection of Human Rights at the 11th Sessions of Working Group on Minorities, June 2005

Paragraph 1 states that: “No one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other beliefs.” Article 4, Paragraph 2 strongly urges governments to take necessary actions to prevent sectarian violence: “All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.” The declaration carries a huge moral weight because of its overwhelming acceptance among the international community.

139. The persecution of religious minorities featured prominently within the political development of Bangladesh. Societal abuse and discrimination based on religious affiliation, belief, or practice continued in this reporting period. Clashes between religious groups occasionally occurred. In all cases, the minority status of the victims played a role, although it should be noted that religious minority groups are often deprived from political recourse. The major political party activists are often accused of instigating and engaging in violence against minority communities and in most of the cases they blame each other. Irony is that no impartial investigation has ever taken place and in most cases perpetrators are let off leniently or over looked. The culture of impunity and intolerance in a political atmosphere has had a negative impact on the society; and the attacks on minorities are evidence of this. Communal unrest in neighboring countries, particularly in India and Myanmar, have also ignited religious intolerance against minorities in several areas in Bangladesh.
140. Article 41 of the Constitution of Bangladesh guarantees citizens the right to practice their religion and to establish, maintain and manage religious institutions. Although Islam is recognised as the state religion of the People's Republic of Bangladesh, Article 12 of the Constitution states that “The principle of secularism should be realised by the elimination of any discrimination against or persecution of, persons practicing a particular religion”. In addition, offence against religious places or practices is a criminal offence.⁸¹

⁸¹ See section 295 – 298 of the Penal Code

Table 12: Repression on the religious minority community 2013

Months	Killed	Injured	Assaulted	Arrested	Abducted	Grabbing		Property damage	Temple attack	Looting	Idol damage	Miscellaneous	Rape	Total
						Land	House							
January	0	0	0	0	0	0	0	0	3	0	4	0	0	7
February	0	0	0	0	0	0	0	126	24	0	44	0	0	194
March	0	30	0	0	0	0	0	166	52	0	98	13	0	359
April	0	18	0	0	0	0	0	2	21	0	45	0	1	87
May	0	28	0	0	0	2	0	21	5	0	21	0	0	77
June	0	0	0	0	0	1	0	0	0	0	2	0	0	3
July	0	0	0	0	0	0	0	0	2	0	15	0	0	17
August	0	0	0	0	0	0	0	0	1	0	15	0	0	16
September	0	0	0	0	0	0	0	0	1	0	16	0	0	17
October	0	0	0	0	0	0	0	18	1	0	17	0	0	36
November	0	30	0	0	0	0	0	73	5	0	19	0	0	127
December	0	12	0	0	0	1	0	35	10	2	26	0	0	86
TOTAL	0	118	0	0	0	4	0	441	125	2	322	13	1	1026

141. Despite all this, religious minority communities have been targeted and have suffered violent attacks in 2013. Many vested interest groups attacked property belonging to religious minority communities and set fire to their temples, taking opportunity of the political unrest. Some examples are given below:

142. On February 6, 2013 local criminals set fire to a stage created for a three-day Islami Jalsa (religious meeting) organised by the Ahmadiyya Muslim Jamaat at Mouchak Scout Training Centre in Kaliakoir Upazila under Gazipur District. Though police were present when the crime occurred, they did not come forward to take any action.⁸²

143. Attacks on houses and temple belonging to the Hindu community also took place due to the violent political situation, after the verdict given by the International Crimes Tribunal on February 28, 2013 against Delwar Hossain Sayeedi, for committing crimes against humanity during the Liberation War in 1971. It is to be noted that the victims alleged that the perpetrators were influential criminals, and they were too afraid to name them.

⁸² The daily Samakal, 07/02/2013.

http://www.samakal.net/print_edition/details.php?news=14&view=archiev&y=2013&m=02&d=07&action=main&menu_type=&option=single&news_id=326234&pub_no=1311&type=

144. On March 3, 2013, at around 10:30 pm, criminals vandalized four (Hindu) idols of the goddess Kaali and set fire to the Kaali Mandir in Goalimandra Monipara village at Haldiya Union under Louhajang Upazila in Munshiganj District. Hearing this news, local people came and doused the fire. The Officer-in-Charge of Louhajong Police Station, Mohammad Zakiur Rahman said that the perpetrators could not be identified.⁸³
145. On March 5, 2013 at around 10:30 am, BNP activists attacked and set fire to 10 houses belonging to Kartik Das, Kingkor Das, Amio, Sona Das, Subal Das, Mukti, Tara Rani Das and Shankar Das, all of the Hindu community, at Dhopapara of Amadi Union under Koira Police Station in Khulna, during a dawn-to-dusk hartal called by the BNP. Furthermore, two men named Liton (25) and Abu Sayeed (20), residents of Khirol village, were apprehended and handed over to police by villagers while the men were vandalizing the houses of Polash Das and Shyam Prashad Singh. The Officer-in-Charge of Koira Police Station, Mir Khairul Kabir said, BNP-Jamaat activists attacked the houses belonging to the Hindu community. 15 persons were arrested in this regard.⁸⁴
146. On April 1, 2013, the Sri Sri Kali Mandir (Hindu temple) situated in Folda village at Bhuapur in Tangail was set on fire by criminals at around 12:00 am. A total of 20 idols were burnt. The criminals also robbed the ornaments the idols wore. On April 5, 2013 the Sri Sri Kali Mondir Committee President, Shri Smaron Dutta filed a case (No. 2, dated 05/04/2013) against Bhuapur's Awami Jubo League Adviser Taherul Islam Tota; General Secretary of Folda Union unit BNP, Abdul Hannan; BNP activist Nazmul Sharkar; Ershad Ali; and many more under Sections 143/448/295/436/380/ 427/506/114/34 of the Penal Code, 1860. The case number is 2; date: 5/4/2013.⁸⁵
147. On May 28, 2013, criminals set fire to a Buddhist family's house over a land dispute at Thakurpara in Comilla. It was reported that the house belonged to Subrato Proshad Barua and was located at Kandirpar, near Thakurpara Buddhist temple. After this incident, minority communities of the area are in a state of insecurity. The victim-family claimed that the arson attack was conducted by supporters of the Zila Parishad Administrator and Vice-President of the central committee of the Krishak League⁸⁶, Alhaj Omar Faruque. However, Omar Faruque denied the allegation of the involvement of his supporters in this attack. On May 29, 2013 Subrato Barua filed a case in this regard accusing three or four

⁸³ Report sent by Arafatuzzman, human rights defender associated with Odhikar in Munshiganj

⁸⁴ Report sent by Nuruzzuman, human rights defender associated with Odhikar in Khulna

⁸⁵ Information gathered by Odhikar, 11/04/2013

⁸⁶ The farmers wing of the Awami League

unknown persons. Subrato Barua told the journalists that a case against Omar Faruque over 23 decimals of land, adjacent to a Buddhist temple, was pending at the High Court Division of the Supreme Court. It is to be noted that earlier, on May 26, 2013 a group of criminals threatened Subrato Barua's family and told them to withdraw the case filed against Omar Faruque. They also vandalised valuables in his house.⁸⁷

148. On the night of May 12, 2013, criminals set fire to Shri Shri Sarbojanin Sanaton Harishobha Mandir (temple) of the Hindu community in Kanchanpur under Ramganj Upazila in Laxmipur. The President of Ramganj Upazila Hindu-Buddhist- Christian Oikko Parishad, Apurba Kumar Saha informed Odhikar that five idols and the boundary wall of the temple were burnt, which amounted to approximately three hundred and fifty thousand taka worth of damage. Police and local inhabitants said that criminals used petrol to set fire to the temple at night. The General Secretary of the Shri Shri Sarbojanin Sanaton Harishobha Mandir Committee, Prodip Kumer Saha filed a case with Ramganj Police Station (case no. 07, dated 12/05/2013) in this regard.⁸⁸
149. On November 2, 2013 four temples and 40 houses of the Hindu community were vandalized and set on fire during attacks at Bongram village in Santhia Upazila under Pabna District. Eye-witnesses of this incident, Pinchu Mia, Kartik Saha and Aarabinda said that at around 11.00 am, 10/12 youths, including Khetupara Union Chhatra League convener Zakir Hossain; Chhatra League activist Kawsar Habib Sweet; one Manik; and one Khokon circulated a Facebook page in Bongram Bazaar that defamed prophet Mohammad (pbuh). They also spread rumors that a student of class X of Miapur School and College and son of Babul Saha, Rajib Saha (15) has posted derogatory comments and mocking pictures about Prophet Mohammad (pbuh) on his Facebook page. In relation to this incident people vandalized and set fire to Babul Saha's house in Bongram. Later they attacked four temples and 40 houses belonging to the Hindu community. Police arrested nine people in connection with this incident.⁸⁹ In the meanwhile, the Communist Party of Bangladesh and the Socialist Party of Bangladesh blamed the State Minister for Home Affairs, Shamsul Huq Tuku for this incident. They alleged that the incident of attacks on temples and houses occurred with support of the State Minister.⁹⁰ Samprodayik Sahingsata Birodhi Nagorik Samaj, a citizen's group against communal violence visited Santhia on

⁸⁷ The daily New Age 29/05/2013 <http://www.newagebd.com/detail.php?date=2013-05-29&nid=50850#.UyFLIj-SyBs>

⁸⁸ Report sent by human rights defender affiliated with Odhikar in Laxmipur

⁸⁹ Report sent by a local human rights defender associated with Odhikar in Pabna, 03/11/2013

⁹⁰ The daily Prothom Alo, 10/11/2013 <http://www.prothom-alo.com/bangladesh/article/70282>

November 15 and published their findings at a discussion. As in the Ramu incident, the report on the finding stated that the locals alleged that different vested interest groups including a section of the ruling Awami League were involved in the communal attacks.⁹¹ A team from the National Human Rights Commission also visited the place of occurrence and stated that a group of hooligans, with the support of local Awami League, were involved with this attack and that they often extorted the minority groups of that area. The citizens belonging to the Hindu minority community at Santhia had to pay extortion regularly to them. The National Human Rights Commission also blamed the local administration.⁹²

150. On November 4, 2013, a group of Chhatra Dal⁹³ activists attacked 40 families belonging to the Hindu community in Satpatti Majhipara village under Mohendranagar union in Lamonirhat district. Fishermen have been living in Majhipara village for a long time. On November 3, in the evening, Chhatra Dal activist Shaon Islam and his associates demanded five thousand Taka to 15 fish vendor families belonging to the Hindu community as extortion towards expenses for supporting hartals. When the villagers refused, Chhatra Dal activists attacked 40 families and vandalized and looted their houses. 15 people were injured in this incident. The Hindu families have taken shelter in neighboring villages in panic.⁹⁴ A case was filed accusing 111 people in this regard and three were arrested.⁹⁵
151. On December 12, 2013, after the execution of the death penalty of Jamaat leader Adbul Qader Molla, activists of Jamaat-Shibir vandalized and set fire to at least 36 houses and shops belonging to the Hindu community in Satkhira between December 12 and 15, 2013.⁹⁶ Furthermore, 12 shops and five houses belonging to Hindu citizens were attacked by Jamaat-Shibir in Timebazar and Palpara under Khurushkul union in Cox's Bazaar during this period.⁹⁷
152. Odhikar observes with concern that citizens belonging to the Hindu community are under constant threat of political violence and attacks. Odhikar expresses its outrage over these criminal acts of violence against religious minority groups and also condemns the

⁹¹ The daily New Age, 30/11/2013 <http://www.newagebd.com/detail.php?date=2013-11-30&nid=74908>

⁹² The daily New Age, 20/11/2013 <http://newagebd.com/detail.php?date=2013-11-20&nid=73638#.UoxWt9lh3Dc>

⁹³ Student wing of the Bangladesh Nationalist Party (BNP)

⁹⁴ The daily New Age, 05/11/2013 <http://newagebd.com/detail.php?date=2013-11-05&nid=71851#.Unig61Pngwo>

⁹⁵ The daily Dhaka Tribune, 11/11/2013

⁹⁶ The daily Prothom Alo, 16/12/2013

⁹⁷ The daily Prothom Alo, 14/12/2013 <http://www.prothom-alo.com/bangladesh/article/98566>

government's failure to protect the life and livelihood of the citizens belonging to the Hindu community.

153. Odhikar strongly condemns the acts of arson and vandalism on places of worship; and asks the Government to protect the rights of minority groups as guaranteed by the Constitution. It is to be noted that the political protests and, in particular, hartals have often set the scene of violations of the rights of minority communities, with political groups blaming each other.

One year after acts of arson on Buddhist temples and houses in Ramu, an independent investigation is yet to be completed

154. On September 29 and 30, 2012, in Ramu Upazila under Cox's Bazaar district, a large number of monasteries, houses and establishments of the Buddhist community were subjected to arson and looting after a photo showing disrespect to the Holy Quran was shared on the Facebook profile of a Buddhist man called Uttom Kumar Borua of Haitupi village in Ramu. Houses of members of the Hindu community were also attacked.
155. Odhikar and the Asian Human Rights Commission led a fact-finding mission to investigate these heinous acts of violence, and found that the meetings and processions that took place before the attack on the homes and places of worship were led by the local leaders and activists of the Awami League.⁹⁸ The police had filed 13 cases in connection with the incidents while the victims lodged six more cases with four police stations. The inquiry reports, through victim's testimonies, revealed that people belonging to all major political parties were involved in the attacks.⁹⁹
156. The Government created a Committee to lead an investigation, headed by Additional Divisional Commissioner of Chittagong, M Nurul Islam, which identified 205 people allegedly involved in the attacks. At the same time, a judicial enquiry had been conducted, led by Chittagong District and Sessions Judge Abdul Quddus Miah. The enquiry found 298 people involved in the attacks.
157. On September 3, 2013, a national daily reported that 12 persons are on the list of both committees, including the name of ex-President of Bangladesh Chhatra League Ramu unit,

⁹⁸ <http://Odhikar.org/wp-content/uploads/2012/10/statement-AHRC-and-Odhikar-investigation-State-failures-2012-eng.pdf>

⁹⁹ The daily New Age, 03/09/2013. See <http://www.newagebd.com/detail.php?date=2013-09-03&nid=63719>

whose pictures were on banners hung in Ramu to welcome the Prime Minister on an official visit on September 3, 2013.¹⁰⁰

158. A year has passed and the Government still has to take legal action against the perpetrators of such heinous crimes, including people from the ruling party. Rebuilding the destroyed temples will not bring justice, security and truth to the victims, who are still under constant fear.¹⁰¹ It can only be achieved by bringing to light the accountability of the perpetrators through an independent judicial process, without any political consideration or other biasness.

Rights of the ethnic minority communities

159. Bangladesh also has a section of ethnic minority groups. By some estimates, more than two million ethnic people live in several districts (Dinajpur, Rangpur, Rajshahi, Bogra, Natore, Khulna, Tangail, Jamalpur, Sherpur, Netrokona, Sunamganj and Sylhet) of Bangladesh. However, about a third of them live in three districts – Khagrachori, Bandarban and Rangamati – of the Chittagong Hill Tracts. Other districts with a concentration of ethnic groups are Chittagong and Cox’s Bazaar districts.¹⁰² Most of the ethnic groups in the latter areas are Buddhist, Hindu and Christian.
160. Incidents of human rights violations including killings, attacks, harassment, sexual violence against women and children and the dispossession of ethnic peoples’ lands by Bengali settlers and military personnel were reported in the Chittagong Hill Tracts (CHT) region in Bangladesh. In 2013 clashes between the Parbatya Chattagram Jana Sanghati Samiti (PCJSS) and the United Peoples Democratic Front (UPDF) were widely visible, as they have disputes over the CHT Peace Accord. The ethnic minority communities in Bangladesh are the most deprived of economic, social, cultural and political rights mainly due to their ethnic status. The major problem for all minority communities is ‘land grabbing’ by influential people from the mainstream Bengali population. There are no adequate policies to protect the land of ethnic minority peoples; and their traditional land rights are being ignored. Law enforcement agencies are ineffective in upholding law and order and are sometimes slow to assist minority groups. This attitude promotes a greater atmosphere for acts of violence.

¹⁰⁰ The Daily Star, 03/09/2013. See <http://www.thedailystar.net/beta2/news/hurt-deep-down-buddhist-heart/>

¹⁰¹ The Daily Star, 03/09/2013. See <http://www.thedailystar.net/beta2/news/hurt-deep-down-buddhist-heart/>

¹⁰² Bangladesh Asiatic Society, Adivashi Jonogosthi, Dhaka, 2007.

161. Despite the passing of 16 years since the signing of the CHT Peace Accord¹⁰³ it has yet to be implemented, even though the manifesto of the Awami League promised its full implementation so as to uphold the rights of ethnic minorities. Except for the reconstitution of some committees and appointments to some posts, the government has not taken any effective measures towards implementation of the Accord. Hence, dissatisfaction and grievance have been mounting among the Hill peoples and permanent Bengali residents in CHT over the years.
162. It is the constitutional responsibility of the State to protect the fundamental rights of ethnic minority people along with protecting their land rights and property. It is essential that human rights abuses against ethnic minority communities are stopped and that the State performs its responsibility to end incidents relating to torture, abuse and harassment of ethnic minority groups.
163. Clashes between the Parbatya Chattagram Jana Sanghati Samiti (PCJSS) and the United Peoples Democratic Front (UPDF) over establishing 'political supremacy' and discontent over the lack of implementation of the Peace Accord have also caused the deterioration of the human rights situation in the CHT. Incidents of killings and abductions have increased in the Chittagong Hill Tracts area. Some examples are as follows:
164. On February 16, 2013, 70 leaders and activists of the Parbatya Chattagram Jana Sanghati Samiti (PCJSS) were allegedly abducted by a group of gunmen from Kattholi area in Longudu under Rangamati Hill District. Among the abductees 16 were identified. PCJSS leaders claimed that United Peoples Democratic Front (UPDF) members were involved in the abduction. However, the UPDF denied this.¹⁰⁴
165. On March 12, 2013, four PCJSS (MN Larma) leaders and activists, including Sudirgha Chakma (37), Jibon Chakma (35), Janendu Chakma (24) and Sukhen Chakma were shot dead by some unidentified gunmen in Langadu under Rangamati Hill district. It was learnt that unidentified miscreants opened fire at seven PCJSS activists while they were going to Darajpara for a 'mass contact' programme.¹⁰⁵

¹⁰³ The Chittagong Hill Tracts Peace Accord is a political agreement and peace treaty signed on 2 December 1997 between the Bangladesh Government and the Parbatya Chattagram Jana Sanghati Samiti (United People's Party of the Chittagong Hill Tracts), the political organisation that controlled the Shanti Bahini militia.

¹⁰⁴ The daily Star, 17/02/2013, <http://www.thedailystar.net/newDesign/news-details.php?nid=269437>

¹⁰⁵ The daily New Age, 13/03/2013. <http://www.newagebd.com/detail.php?date=2013-03-13&nid=42789>

166. On May 20, 2013, two activists of Pahari Chhatra Parishad¹⁰⁶, Samas Chakma (20) and Anurag Chakma (21) sustained bullet injuries when unknown miscreants opened fire on a vehicle. The miscreants also abducted the driver of the vehicle and his assistant.¹⁰⁷
167. On July 16, 2013 two activists of the UPDF were killed in a gunfight that occurred between activists of UPDF and PCJSS (Santu Larma group) over establishing supremacy in Bormachhori-Kutubchhori area under Khagrachhori.¹⁰⁸
168. On November 21, 2013 Shosanka Mitra Chakma (55), President of Baghaichori unit Jana Sanghati Samati; Nanda Kumar Chakma (48), Organising Secretary of the JSS were drinking tea at a tea stall when a group of 8 to 10 armed men opened fire on them leaving the two JSS leaders and one Judhistir Chakma dead in the Sajek College area of Baghaichhori under Rangamati Hill District.¹⁰⁹

Table 13: Violence against Ethnic Minority Communities (2009 – 2013)

Year	Killed	Injured	Arrested	Abducted	Looted	Property Damage	Land Grabbing	Miscellaneous	Rape	Total
2013	32	32	0	71	0	5	0	0	8	148
2012	30	78	0	34	0	0	0	0	15	157
2011	47	94	1	19	1	40	1	1	22	226
2010	6	140	0	0	0	0	2	17	4	169
2009	5	43	1	0	2	3	5	2	6	67
Total	120	387	2	124	3	48	8	20	55	767

¹⁰⁶ Student wing of the United Peoples Democratic Front (UPDF)

¹⁰⁷ The daily Sun, 21/05/2013. http://www.daily-sun.com/details_yes_21-05-2013_PCP-men-hurt-in-gunfire,-two-abducted_503_1_8_1_7.html

¹⁰⁸ The daily New Age, 17/07/2013. <http://www.newagebd.com/detail.php?date=2013-07-17&nid=57338#.Ut9PEdLxLrc>

¹⁰⁹ <http://ns.bdnews24.com/details.php?id=248625&cid=2>

Table 14: The violators responsible in 2013

Violators	Citizens belonging to ethnic minority groups				Grand Total
	Killed	Injured	Abduction	Rape	
Indigenous youth	1	0	0	0	1
Bangalee Settlers	0	0	0	7	7
Parbatya Chattagram Jana Sanghati Samity (PCJSS)	1	0	0	0	1
Parbatya Chattagram Jana Sanghati Samity (PCJSS) Santu group	2	0	0	0	2
Intra Party clash of JSS	1	0	0	0	1
United People's Democratic Front (UPDF)	0	1	70	0	71
Pahari Chhatra Parishad (PCP) and Bangali Chhatra Parishad (BCP)	0	15	0	0	15
Jana Sanghati Samity (JSS) and United People's Front (UPDF) jointly	3	4	0	0	7
Unknown miscreants	24	12	1	1	38
Grand Total	32	32	71	8	143

169. The implementation of the CHT Accord is crucial for the unhindered development of the country, and for good governance and rule of law to prevail in the CHT. The government has, time and again, promised that the CHT Accord will be implemented fully. In reality, this promise is yet to be fulfilled.

Fair Trial

170. The fair trial protections are afforded to individuals accused in criminal cases, and include, particularly, the right to a public trial by an independent and impartial Court or Tribunal established by law.¹¹⁰ These rights are examined in the light of the role of investigating and prosecuting authorities, the Courts and other institutions as well as victims' expectations of justice and accountability.
171. Despite formal separation of the lower Judiciary from the Executive, the conduct of many cases illustrated that there has been little positive change in the dispensation of criminal justice, at least for ordinary citizens. Further, apparently overt political manipulation by the government of the judicial process, in nationally important cases, undermined the people's

¹¹⁰ Article 35 of the Constitution of the People's Republic of Bangladesh

confidence in the integrity of the justice delivery system and its institutions. The culture of impunity also continues to be a threat to fair trial, rule of law and the people's access to justice.

Withdrawal of 'Politically motivated' cases

172. Like previous years, in 2013 the Government continued withdrawing cases branding them 'politically motivated' despite massive criticism. The National Committee for Withdrawing Politically Motivated Cases had its 31st and last meeting before the 10th Parliamentary Elections, on August 22, 2013, where the State Minister for Law, Advocate Qamrul Islam proposed dropping 277 more cases. Following the meeting, the State Minister for Law told reporters that out of total 277 cases — 166 are new cases and 111 are old cases — had been studied alongwith withdrawal recommendations.¹¹¹ The Committee recommended the withdrawal of 72 out of the 277 cases, including at least 10 murder cases, mostly filed against leaders and activists of the ruling Awami League and its front organisations.¹¹² Even though the Committee was formed in February 2009 to recommend withdrawal of "politically motivated" cases filed between 2001 and 2008, it went beyond its way in the last meeting and proposed dropping of at least two murder cases filed in 1988 and 1996 against Chhatra League¹¹³ men. The Committee recommended withdrawing 7,177 cases in five years against a total of 11,200 cases referred to it.¹¹⁴
173. The government action in withdrawing 'politically motivated' cases is, indeed, a politically motivated action, as no case against people who are not activists belonging to the ruling alliance (mainly Awami League) has been withdrawn. Odhikar expresses its concern over withdrawal of cases, bypassing the judiciary, which is an impediment to the criminal justice delivery system.

¹¹¹ The Daily Amader Shomoy, 23/08/2013
http://dainikamadershomoy.com/details_news.php?id=98851&&%20page_id=%205#.Uhc2QFNP3Dc

¹¹² The daily Naya Diganta, 30/11/2013

¹¹³ Bangladesh Chhatra League is the student organization backed by the ruling Awami League.

¹¹⁴ The Daily Star, 23/08/2013. See <http://archive.thedailystar.net/beta2/news/committee-crosses-line/>

BDR mutiny trial verdict¹¹⁵

174. The Bangladesh Rifles (BDR) mutiny occurred in February 25-26, 2009 during ‘BDR Week’, an annual celebratory event of the paramilitary Bangladesh Rifles. Senior BDR officers from the Army at the BDR headquarters in Pilkhana, Dhaka were attacked. A total of 74 people including high ranking officers from the army, the Director General of the BDR and his wife, as well as other civilians were killed. The mutiny also flared up in many BDR barracks across the country. It was decided by the Supreme Court that the mutineers would be tried under the law that governs the BDR.¹¹⁶
175. The trials were completed with the judgement in the case related to killing and other offences committed during the mutiny. The third Additional Metropolitan Sessions Court in Dhaka on November 5, 2013 sentenced 152 former Border Guards to death, 161 to life imprisonment and 256 to imprisonment for different terms for their involvement in the killing of 74 people, including 57 army officers, and other offences; 277 were found not guilty of the charges brought against them. Former lawmaker from BNP, Nasiruddin Ahmed Pintu and local Awami League leader Torab Ali, also a former Bangladesh Rifles member, were awarded life terms and fined Taka five hundred thousand each for their involvement in the killings. In default, Pintu and Torab will have to serve five more years in jail.¹¹⁷
176. The trials of the BDR soldiers for the mutiny at the BDR Headquarters in Dhaka and elsewhere across the country were concluded on October 20, 2012. A total of 5,926 BDR members were convicted and sentenced to imprisonment for varying terms ranging from four months to seven years. The first verdict in the BDR mutiny case was delivered in Panchagarh on April 7, 2010. The eleven Special Courts headed by military officers deputed to the paramilitary border force have jailed 5,926 BDR troopers, including 4,033 in Dhaka, in 57 cases filed in connection with the rebellion at the BDR headquarters and elsewhere. Only 115 men were acquitted since the first trial of the mutineers began at Rangamati on November 24, 2009.¹¹⁸
177. The mutiny and the concomitant carnage exposed a severe breach of discipline within a force, assigned to protect the country’s territorial border. Worst still, it left the country’s

¹¹⁵ Although referred to as the BDR (Bangladesh Rifles) in this section of the report, the BDR underwent a name change in 2010 and is now referred to as the BGB (Border Guard Bangladesh). BGB is the name used elsewhere in the report.

¹¹⁶ Odhikar’s Annual Human Rights Report 2010, page 37 to 45.

¹¹⁷ The daily New Age, “BDR MUTINY: 152 to die for murders”, November 6, 2013, p-1.

¹¹⁸ <http://news.priyo.com/2012/10/21/national-61766.html>

territorial border under-protected, if not unprotected, albeit for a short period of time. Most importantly, the rebellion induced a pervasive sense of insecurity, mistrust and acrimony within the civilian population and the regimented forces alike. It is in this context that a credible and competent inquiry into the mutiny and the associated bloodletting, followed by transparent and incontrovertible trial of the accused masterminds and perpetrators, has all along been deemed as crucial. Regrettably, however, questions remain not only about the adequacy of the inquiry but also about the quality of the trial. Many of the convicted, according to media reports, branded the verdict as ‘sheer injustice’ and lamented that they have been ‘convicted without [committing] any offence’. One defence lawyer alleged that the verdict was pronounced to satisfy the state mechanism and a section of the people and that some ‘were convicted who were far from the spot at the time of the killings.’¹¹⁹ There was dissatisfaction with the verdict among friends and families of the army officers killed in the mutiny, too. The brother of a slain army officer was quoted in a report published in New Age on November 6, 2013 as saying that the ‘trial did not include the conspirators; it only shed light on the operators’ and that he did not think that ‘a ruling party leader, an opposition party leader and a BDR officer are the only conspirators.’ The widow of another slain army officers demanded that ‘all the inquiry reports’ should be made available so that ‘we can understand whether the verdict is proper.’¹²⁰ It is expected that these questions would be answered in the higher courts where those convicted are entitled to appeal against the verdict.

178. In the trials of the mutiny cases, various miscarriages of justice were reportedly perpetrated. Every accused in a trial has the right to legal representation. Article 10A(3) of the Bangladesh Rifles Order states that accused soldiers must conduct their own defence but can engage lawyers of their choice to provide legal assistance. Nevertheless, the lawyers were not allowed to be alone with their clients when giving advice. The lawyers, engaged by the accused BDR men to assist them in the trials, alleged that justice had not been done by the verdicts. The accused who engaged counsel were given longer sentences for the same allegations in comparison with those who did not do so.¹²¹
179. The two inquiry committees—one commissioned by the Government and the other by the Army—did recommend further investigations to ascertain the cause and context of the mutiny, although they did identify dissatisfaction among BDR soldiers as a major cause.

¹¹⁹ The daily New Age, 07/11/2013. <http://www.newagebd.com/detail.php?date=2013-11-07&nid=72023#.Ut9W-NLxLrc>

¹²⁰ The daily New Age, 07/11/2013. <http://www.newagebd.com/detail.php?date=2013-11-07&nid=72023#.Ut9W-NLxLrc>

¹²¹ The daily New Age, 21/10/2013. <http://newagebd.com/detail.php?date=2013-10-21&nid=69782#.UmYu-IPngwo>

However, the Awami League-led government has thus far not heeded their recommendations.¹²² It goes without saying that suspicion and unease over the rebellion will linger on until and unless such unpleasant questions about the inquiries and the trial are effectively addressed and further inquiries commissioned in line with the recommendations of the previous committees.

International Crimes Tribunal (ICT)

180. On the night of December 12, 2013, the death sentence was carried out on Jamaat-e-Islami leader Abdul Quader Molla, who had been convicted by the International Crimes Tribunal-2; for committing crimes against humanity during the 1971 War of Independence.¹²³ The Jamaat-e-Islami Assistant Secretary General was the first person to be executed for perpetrating genocide and crimes against humanity during the War of Liberation.
181. The International Crimes Tribunal-2 sentenced Quader Molla to life term imprisonment on February 5, 2013. The verdict triggered protests organised by bloggers at Shahbagh, pressing for capital punishment for all ‘war criminals’ amid which the government on February 18, 2013 amended the International Crimes (Tribunals) Act 1973 to allow the state to appeal against the inadequacy of a Tribunal sentence. The Government then appealed against the February 5 Tribunal verdict and the Appellate Division sentenced Quader to death on September 17, 2013.¹²⁴
182. The International Crimes Tribunals¹²⁵ were formed to try the 1971 war crimes suspects and have so far sentenced seven people to death—fugitive former Jamaat leader Abul Kamal Azad on January 21, 2013; Jamaat Naye-e-Amir Delwar Hossain Sayedee on February 28, 2013; Jamaat Assistant Secretary General Muhammad Kamaruzzaman on May 9, 2013; Jamaat Secretary General Ali Ahsan Muhammad Mujahid on July 17, 2013; Bangladesh Nationalist Party lawmaker Salauddin Quader Chowdhury on October 1, 2013; and absconding suspected Al-Badr bosses Md Ashrafuzzaman Khan alias Naye Ali and Chowdhury Mueenuddin on November 3, 2013. Former Jamaat Chief Ghulam Azam was sentenced to 90 years imprisonment on July 15, 2013 and former Minister from Bangladesh

¹²² The daily New Age, 07/11/2013

¹²³ The International Crimes Tribunal initially gave life imprisonment to Abdul Quader Mollah. However, the sentence was enhanced to death penalty after the ‘Gono Jagoron Moncha’, a group of government backed protesters publicly demanded the death sentence. Due to this demand the law was amended, paving the way for the Attorney General’s office to appeal for enhanced punishment.

¹²⁴ “SC hands Quader death penalty”, the daily New Age, 18/09/2013, p-1

¹²⁵ There are two such Tribunals. Both the Tribunals are situated in the Supreme Court of Bangladesh premises.

Nationalist Party, Abdul Alim was sentenced to imprisonment till his natural death, on charges of crimes against humanity and genocide. Appeals preferred by all but the three in hiding are now pending with the Appellate Division.

183. Sukhranjan Bali, a Hindu man from Pirojpur, a southern district of Bangladesh and a witness at the International Crimes Tribunal, whom defence lawyers claim to have been abducted from outside the Tribunal in November 2012 by law enforcement agents, has been found in a Kolkata Jail. Sukhranjan Bali confirmed that on the morning of November 5, 2012 he was taken from outside the Tribunal gates by Bangladeshi law enforcement officials while he was on his way to give deposition on behalf of Jamaat-e-Islami leader Delwar Hossain Sayedee. In a statement given whilst in detention in India, Bali says that he was ‘abducted from the court premises in a police van and was taken to an office in Dhaka’ which he thought belonged to the Detective Branch of the Police because of the words on a seal which he saw on the desk at which he was sat.¹²⁶
184. Bali was due to appear to give evidence as a defense witness before the Tribunal¹²⁷. He had previously been listed as a prosecution witness. The defense complaints to the ICT led to the Judges asking for the prosecution, rather than an independent body, to investigate the allegations. The prosecution returned to the Tribunal and denied the defense allegations entirely, saying that there had been no abduction, despite eyewitnesses stating otherwise. The judges ordered no further investigation into Bali’s disappearance. No information about his whereabouts was made public and the government ignored calls to set up an investigation. Bali had been expected to counter prosecution allegations about the involvement of Delwar Hossain Sayedee in the 1971 murder of Bali’s brother. Sayedee has since been sentenced to hang, in part for the murder of Bali’s brother.¹²⁸ Bali said in the statement that, he remained in illegal detention in Dhaka for six weeks before being handed over to India’s Border Security Force near the end of December 2012 and that he has been detained in different Indian jails for the past four and a half months. In April, Bali was sentenced by an Indian court to 110 days in jail for entering the country illegally. He has already completed his term but is still in jail.¹²⁹

¹²⁶ The daily New Age, 16/05/2013, Witness alleges state abduction, By David Bergman
http://www.newagebd.com/detail.php?date=2013-05-16&nid=49319#.Ux_-Bs79HIU

¹²⁷ A court expressly set up to try people suspected of war crimes during Bangladesh’s 1971 war of independence.

¹²⁸ Statement of Human Rights Watch. <http://www.hrw.org/news/2013/05/16/india-protect-bangladesh-war-crimes-trial-witness>

¹²⁹ <http://bangladeshwarcrimes.blogspot.com/2013/05/sukharanjan-bali-bbc-and-bangladeshs.html>

185. The execution of Quader Molla was postponed at the last minute on the night of December 10, 2013 following an order issued by the Chamber Judge of the Appellate Division of the Supreme Court and after a petition seeking a review of the death sentence was heard in the presence of a full bench hearing on December 11; although two State Ministers of the Government had publicly said earlier in the day that he would be hanged past midnight and that all legal options had been exhausted.¹³⁰ Such controversy has only deepened the uneasiness in society.
186. Equally, violent protests were unleashed across the country against the execution of Quader Molla by his supporters. The violence was also unleashed following the verdict sentencing Delwar Hossain Sayedee to death on September 17, 2013. Violence had also marked the general strikes the Jamaat enforced on the days of the pronouncement of verdicts against its leaders by the Tribunals.
187. While the majority of the people want the perpetrators to be punished for the crimes they committed more than four decades ago, they also want the war crimes trials to be above and beyond any question or controversy. With several cases nearing completion and several others under way, the State must ensure that the trial process meets the expectations of transparency and credibility.

¹³⁰ "Molla execution stayed: SC full bench to hear stay petition today", the daily New Age, 11/12/2013, p-1

Widespread Political Violence and Criminalisation of Politics

188. Human rights as the constitutive foundation of the democratic state; and the defining relation between the citizens and the political authority, are the premise upon which Odhikar organises and structures its research and advocacy activities. Political environment under which we work is starkly different from an already constituted democratic polity. While space for human rights advocacy in a democracy is more or less ensured and the state-institutions, particularly the Judiciary, is obliged to protect human rights, the same is not true in Bangladesh.
189. Ours is a situation where we are yet to constitute into a democratic polity; but even before endeavouring to such a difficult journey, we are yet to develop a social consensus to collectively realise the necessity to recognise and protect human rights for *all*, irrespective of religion, class, gender, social hierarchy or ideological bend. There is a gulf of difference between a pre-democratic social, cultural, juridical and political environment and democracy built on positive rights and responsibilities. Besides, we have a long way to go to internalise democracy as culture before we could even contemplate democracy as a politico-juridical state-form; a long way indeed to establish the dignity, political equality of the individual, and the justice for all, despite the fact that they are enshrined in our Proclamation of Independence (10 April 1971). After 43 years since the independence of Bangladesh it seems we are not progressing in terms of democratization, as we should have done by now.
190. A violent and unstable political situation brought immense sufferings to the people of Bangladesh in 2013. Right to life and livelihood, freedom of speech and expression, freedom of assembly and association, rights of vulnerable communities such as religious and ethnic minorities were severely affected due to violent and criminal political environment. The situation has been complicated by the precarious undemocratic environment; indicating that the transition process from the present violent and intolerant confrontation, to a peaceful resolution of political differences, is increasingly becoming difficult for Bangladesh, unless all stakeholders realise the gravity of the situation.

Contexts of political violence in 2013

191. According to information gathered by Odhikar, in 2013, 506 persons were killed and 24,176 injured in political violence. 263 incidents of internal violence in the Awami League and 140 in the BNP were also recorded during this period. In addition to this, 28 persons were killed and 2980 were injured in internal conflicts of the Awami League while six were killed and 1592 were injured in BNP's internal conflicts.

Table 15: Statistics of political violence in 2013

Month(s)	Killed	Injured	Arrested	Others	Total
January	18	1643	424	0	2085
February	86	2772	31	70	2959
March	76	3055	18	0	3149
April	27	1450	3	0	1480
May	24	703	0	0	727
June	9	862	23	0	894
July	31	1278	17	0	1326
August	9	864	0	0	873
September	12	1056	0	0	1068
October	38	3433	2648	0	6119
November	55	4217	4	0	4276
December	121	2843	3	0	2967
Total	506	24176	3171	70	27923

Table 16: Party-wise statistics of political violence in 2013

Month(s)	Due to intra party clash activists/ leader killed			Injuries: Intra party clash			Total Incidents of Intra Party clash		
	Awami League	BNP	Others	Awami League	BNP	Others	Awami League	BNP	Others
January	2	1	0	288	159	13	27	10	1
February	1	0	0	393	71	0	29	4	0
March	2	0	0	380	99	0	27	10	0
April	6	1	0	240	38	0	29	6	0
May	2	0	0	169	23	0	15	3	0
June	2	0	0	322	111	5	28	11	1
July	3	0	0	261	230	0	27	19	0
August	0	1	0	197	297	0	15	26	0
September	2	1	0	275	300	0	23	24	0
October	2	2	0	187	122	0	15	14	0
November	3	0	0	220	90	0	22	8	0
December	3	0	0	48	52	50	6	5	1
Total	28	6	0	2980	1592	68	263	140	3

The Caretaker Government Issue

192. The political environment in Bangladesh became polarised into two major political parties in 1991 after the downfall of Lieutenant General Hussein Muhammad Ershad in December 1990. However, the Awami League government forged ties with Ershad from 1994 to 2001. The combined Opposition led by Awami League, Jatiya Party and Jammāt-e-Islami¹³¹ started demanding constitutional amendment to establish a neutral ‘Caretaker Government’. This led to a two year long violent political movement, which forced BNP to go through the controversial February 15, 1996 elections and to concede to the demands of the combined Opposition, led by Awami League, Jatiya Party and Jammāt-e-Islami to

¹³¹ Jammāt-e-Islami is accused of committing crimes against humanity during the war of liberation in 1971.

introduce a ‘Caretaker Government’ system for the Parliamentary Elections by enacting the 13th Amendment to the Constitution.

193. In 2013, political violence continued due to the unresolved political crisis over the ‘Caretaker Government’ issue for the 10th Parliamentary elections. The caretaker government system was in place since 1996, signifying lack of trust between the two major political parties due to politicisation of bureaucracy and other institutions. The possible role of a strong Election Commission providing sufficient executive power to conduct a free and fair election by amending Constitution, has never been considered as an alternative. Political parties irrespective of their history and ideology want an Election Commission that they can manipulate while in power. On June 30, 2011, the present Awami League led Grand Alliance government, in the presence of an absolute majority in Parliament, passed the Fifteenth Amendment Bill¹³² to the Constitution of the People’s Republic of Bangladesh without any referendum or public opinion; and ignoring protests from various sectors of the society, including the main Opposition and other political parties. This amendment abolished the ‘Caretaker Government’ system. The Supreme Court, after revoking the Thirteenth Amendment on May 10, 2011 through a majority judgement, opined that the next two general elections could be held under the ‘Caretaker Government’, but this was bypassed and the Fifteenth Amendment was adopted by using the majority in the Parliament¹³³.
194. The main reason for the present political crisis is the Fifteenth Amendment to the Constitution. The Prime Minister Sheikh Hasina was willing to conduct elections without a ‘Caretaker Government’ and it has been stated from her party that the Chief of the interim government would be the current Prime Minister. Meanwhile the Opposition leader, Khaleda Zia was demanding elections under a non-partisan government. For the Caretaker Government issue, the BNP led 18 Party Alliance called a number of general strikes (hartals) and blockades in 2013; The hartals and blockades were violent, and involved vandalizing and torching vehicles, hurling petrol and crude bombs. During this time the security forces allegedly killed a number of people by indiscriminate firing. The petrol bombs were thrown at public transport. However, neither the government, nor the

¹³² Among other things, the 15th Amendment imposed a ban on amending the Constitution's preamble and basic structure. It also makes criticism of the Constitution a punishable offence.

¹³³ The 15th Amendment also includes that criticism of the Constitution is a punishable offence. It has also made 62 Articles totally non-Amendable

opposition political parties took responsibility for the casualties of violence. Instead they blamed each other. During hartals/blockades the government arrested leaders of the BNP led 18-Party Alliance.

Trial of war criminals, Shahbag Gonojagoron Moncho and the Hefazate Islam issue

195. During 2013, the verdicts against some war criminals of the 1971 Liberation War were delivered; and on December 12, 2013 the death penalty against Jamaat-e-Islami Assistant Secretary General Abdul Qader Molla was executed. Earlier, on February 5, 2013 the International Crimes Tribunal-2 sentenced Jamaat-e-Islami leader Abdul Quader Molla to life imprisonment for committing crimes against humanity during Bangladesh's Liberation War in 1971. In protest of the judgment and to demand the death penalty for Abdul Quader Molla, some bloggers called for a movement and initiated a mass protest at Shahbagh intersection in the evening of the same day. From the third day of protests, as more and more general students and people began gathering at Shahbagh, it turned into a peoples' movement. In protest of this verdict they were demanding the death sentence to all war criminals, including Quader Molla and a ban on Jamaat-e-Islami and its student organisation Islami Chattra Shibir.¹³⁴ Initially the gathering seemed free of political influence. However, the Shahbagh movement soon came under the influence and control of the ruling party. Since this period of time, the Bangla language daily Amar Desh and the daily Naya Diganta and two teachers who were critical of the government and the Shahbagh gathering, Dr. Asif Nazrul and Dr. Piyash Karim of Dhaka University and BRAC University respectively; were labeled by the protest leaders as dissenters who must be ostracised. On February 10, the Islami Bank ATM booth at Khulna was set on fire after speakers at Shahbagh rally in the Capital demanded that Islami Bank should be banned. Demonstrators at Shahbagh on February 10, 2013 burned copies of the daily Amar Desh and Naya Diganta and called on the people to boycott the dailies and Islami Bank.¹³⁵ Acting Editor of Amar Desh Mahmudur Rahman, in his newspaper, reported that some bloggers of the Shahbagh movement defamed the prophet of Islam. After this Amar Desh offices came under attack in various places. Mahmudur Rahman was sued on February 23,

¹³⁴ Ibid. It must be noted here that another 'Razakar' (collaborator) called Abul Kalam Azad, who is currently absconding, was awarded the death sentence by the ICT on January 21, 2013 for war crimes committed in 1971.

¹³⁵ The daily New Age, 11/02/2013. <http://www.newagebd.com/detail.php?date=2013-02-11&nid=39753#.Ut9eHdLxLrc>

a day after the Shahbagh protesters demanded that he be arrested within 24 hours.¹³⁶ It is to be mentioned that on February 22, five police officers filed four cases with Shahbagh Police Station and one case with Ramna Police Station against Mahmudur Rahman for instigating religious provocation against the initiators of the Gonojagoron Moncho (Shahbagh movement), and the bloggers.¹³⁷ It was also revealed that the convener of the Shahbagh movement, Imran H Sarkar, is affiliated with the ruling party- backed doctor's association Swadhinota Chikitshok Porishod (SACHIP), and was engaged with the politics of Chhatra League (student front of Awami League) during his student life.¹³⁸

196. Meanwhile, on April 6, Hefazate Islam, claimed as non political religious entity of the Quomi Madrassa teachers and students and their followers, called for the highest punishment of the bloggers involved in the Shahbagh movement, for defaming Islam and its prophet. They published their 13-point demand and demanded changes to the country's Constitution; separation of men and women in public life; and stopping 'the infiltration of alien cultures'. Hefazate Islam organised two 'long marches' towards Dhaka. One on April 6 and another one on May 5, 2013. The April 6, 2013 long march ended peacefully at Dhaka. The May 5 programme of Dhaka blockade and 'Shapla Chottor' assembly led to violence at some places, with clashes between members of Hefazat and supporters of the ruling party. On the evening of May 5, the Government decided to flush the Hefazate Islam men out of the Motijheel area. The 'operation' by the law enforcing agencies led to many casualties.¹³⁹

Political Confrontations

197. Internal political clashes also took place in Bangladesh in 2013. This is a common trend. These clashes mainly occur due to criminalisation and vested interests, as party activists try to gain political influence in order to serve their own financial interests. Far away from the political agenda they claim to defend, the factions of the different parties enter into violent confrontations to establish supremacy and leadership among party activists. Economical or financial motivations have led to bloody clashes in the political parties themselves, which

¹³⁶ <http://bdinn.com/news/mahmudur-sued/>

¹³⁷ The daily Prothom Alo, 24/02/2013. <http://archive.prothom-alo.com/detail/date/2013-02-24/news/331605>

¹³⁸ The Financial Express, 24/02/2013. <http://www.thefinancialexpress-bd.com/old/index.php?ref=MjBfMDJfMjRfMTNfMV8zXzE2MTEyOQ==>

¹³⁹ <http://odhikar.org/assembly-of-hefazate-islam-bangladesh-and-human-rights-violations/>

is particularly common in the youth wings and student wings of the ruling party. The following are instances of political violence in 2013 that indicate the nature and degree of the criminalisation of politics:

198. On January 2, 2013 students of Rajshahi College joined a procession of Chhatra League¹⁴⁰ on the instruction of Chhatra League leaders. Chhatra League activists attacked the students entering residential halls, because they had returned without listening to speeches during the meeting that took place after the procession. Chhatra League activists broke the hands of Imdadul Huq, a Master's degree student of the Chemistry Department; and Mosaddek Hossain of the Philosophy Department.¹⁴¹
199. On January 19, 2013, an altercation took place between two factions of Chhatra League at Mymensingh Agricultural University over, among other things, establishing 'supremacy' on campus; previous enmity; and tender bids. University unit Chhatra League President, Shamsuddin Al Azad and General Secretary, Rafiquzzaman Emon led the two groups. A 10-year old child named Rabbi was killed and at least 50 persons were injured.¹⁴²
200. February 2013 was a month of turbulence. According to documentation gathered by Odhikar from different newspapers, 58 people were allegedly extrajudicially killed in relation to political violence in clashes between police and protestors during hartals called by Jamaat-Shibir, against the demand for a ban on the Jamaat-e-Islami; and to protest the International Crimes Tribunal (ICT) verdict for Delwar Hossain Saydee on February 28, 2013. Cases were filed against 43,203 people across the country.¹⁴³ During this month, one blogger named Rajib Haider, belonging to the Shahbagh Movement, was killed.
201. On February 5, 2013 four persons were shot dead and 30 people, including 16 policemen, were injured in clashes between police and Jamaat-Shibir activists during a hartal in Chittagong. The deceased were: Imran (24), a second year student of the Chittagong Polytechnic Institute; Shafiqul Islam (25), an official of the company Yongone Group; Afzal Hossain (20), a shopkeeper; and one Abid.¹⁴⁴

¹⁴⁰ Student wing of Awami League

¹⁴¹ The daily Jai Jai Din, 03/01/2013 http://jjdin.com/?view=details&type=single&pub_no=347&cat_id=1&menu_id=14&news_type_id=1&index=19

¹⁴² The daily Prothom Alo 20/01/2013 <http://www.prothom-alo.com/detail/date/2013-01-20/news/322889>

¹⁴³ The daily Jugantor, 24/02/2013 <http://archive.thedailystar.net/newDesign/news-details.php?nid=270267>

¹⁴⁴ The daily Prothom Alo, 06/02/2013. <http://archive.prothom-alo.com/detail/date/2013-02-06/news/327136>

202. On February 18, 2013 three persons were killed in Dhaka, Cox's Bazaar and Comilla Districts during a dawn to dusk hartal called by Jamaat-e-Islami. A youth named Mohammad Iqbal died in an accident when hartal supporters attacked a vehicle at Middle Badda, Dhaka. Ibrahim was killed in a clash between police and Jamaat-Shibir activists at Choddogram in Comilla. Jamaat-Shibir activists attacked a microbus which was transporting a patient in the Chainda area under Ramu Upazila in Cox's Bazaar. Hafiz Abdur Rahman (60), who was in the microbus, died due to this attack.¹⁴⁵
203. On February 19, 2013 the local Udichi Cultural Group constructed a Gonojagoron Moncho in Dharmapasha under Sunamganj District, in order to express solidarity with the Shahbagh Movement in Dhaka. The Gonojagoron Moncho was vandalised by local Awami League, Chhatra League¹⁴⁶ and Jubo League¹⁴⁷ activists. Joint Convener of Dharmapasha Upazila unit Udichi, Chayon Kanti Das said, "on February 19 Awami League, Chhatra League and Jubo League activists vandalised the Gonojagoron Moncho and took the microphone away. Some Udichi activists were injured in this attack".¹⁴⁸
204. On February 22, 2013 clashes occurred between police and activists of an alliance of 12 Islamist groups, when they brought out protest rallies across the country against the bloggers who allegedly defamed Islam. Supporters and activists of the alliance marched towards Gonojagoron Moncho and the rally at Shahbagh after Jumma¹⁴⁹ prayer. Clashes broke out at Paltan, Kataban and Chankharpool areas in Dhaka when police stopped their march. At least 300, including some policemen, were injured and over 50 people were shot during clashes between police and the activists of the Islami alliance across the country. Sylhet MC College student Mostafa Morshed; Madrasha teacher Abdus Salam at Jhenaidah; and one Abdur Rahman Suhin were shot dead by police. Two men named Moznu Mia (26) and Yusuf Kokil (28) were killed in police firing in Polashbari under Gaibandha District. The protestors vandalised the Gonojagoron Moncho stages set up at

¹⁴⁵ The daily Jajaidin, 19/02/2013

http://jjdin.com/?view=details&type=single&pub_no=393&cat_id=1&menu_id=13&news_type_id=1&index=1

¹⁴⁶ The student wing of the Awami League

¹⁴⁷ The youth wing of the Awami League

¹⁴⁸ The Amader Shomoy, 20/02/2013

¹⁴⁹ Jumma (Friday prayer) is a congregational prayer that Muslims hold every Friday, just after noon in the place of midday. Muslims pray ordinarily five times each day according to the sun's sky path regardless of clock time.

various places including Chittagong, Sylhet, Rajshahi, Bogra, Feni and Chandpur and the Shaheed Minar¹⁵⁰ in Sylhet was vandalised by Jamaat-Shibir activists.¹⁵¹

205. On February 28, 2013 the International Crimes Tribunal-1 sentenced to death Jamaat leader Delwar Hossain Sayedee, who was accused of crimes against humanity during the Liberation War in 1971. In protest of this verdict, Jamaat-e-Islami initiated attacks and set fires to various places, including Hindu temples, when police and other members of law enforcement agencies opened fire.
206. In March 2013, police and other law enforcement agencies used different weapons, including submachine guns, at protestors and they, with the BGB and RAB killed at least 47 people. During this time protestors attacked the local administrative offices and police stations. One policeman was also killed by the protestors. It has been learnt from the information sent by local human rights defenders associated with Odhikar, that many of those who were shot dead by security forces, were students, farmers and members of the general public, who were not involved in any political party/group.
207. On April 6, 2013, leaders and activists of Hefazate Islam were marching towards Dhaka from Nagar Kanda Upazila under Faridpur District when Awami League supporters threw bricks at them when they reached the Bhanga municipal area. Both groups locked into an altercation on the Khulna-Dhaka Highway. Awami League leader Nousher Ali was killed and about 50 people, including 7 policemen and the district correspondent of private TV channel, GTV, Monir Hossain were injured.¹⁵²
208. On July 5, 2013, the Progotishil Chhatra Jote¹⁵³ of Dhaka University was campaigning against diploma courses, alleging that education was becoming a business. That day, the leaders and activists of Progotishil Chhatra Jote, took their position at the Faculty of Arts and Music Department of Dhaka University, before the entrance examinations started. There, activists of Chhatra League attacked the activists of Progotishil Chhatra Jote. GM

¹⁵⁰ The Shaheed Minar ("Martyrs Monument") is a national monument established to commemorate those killed during the Bengali Language Movement demonstrations of 1952. The main, Central Shaheed Minar is in Dhaka.

¹⁵¹ The daily Jugantor, 23/02/2013 <http://www.jugantor.us/2013/02/23/news0253.htm>

¹⁵² The daily Prothom Alo, 07/04/2013

¹⁵³ Progressive Students Alliance

Jilani Shuvo, President of Dhaka Metropolitan Chhatra Union¹⁵⁴ and activist, Farhan Habib were injured.¹⁵⁵

209. On September 15, 2013, the Communist Party of Bangladesh (CPB) and Bangladesher Samajtantrik Dal (BSD) were holding a joint rally in Sylhet city when they were attacked by Bangladesh Chhatra League (BCL) activists. They grabbed chairs and threw those at the CPB and BSD activists and vandalised the podium. Member of the police and RAB watched the attack without intervention. Some witnesses reported that half an hour later, as the rally came to an end, another group of BCL men attacked the rally. At least 35 people were injured, including ten policemen. On September 16, 2013, the two left-leaning parties called a six hour hartal in north-eastern Sylhet city, supported by the main Opposition. The CPB also brought out a procession from its central office in Dhaka and vandalised at least 10 vehicles at the Paltan intersection. Activists of the BCL were also involved in clashes with law enforcement agencies.¹⁵⁶
210. On October 25, the BGB and police opened fire when the Opposition 18-Party Alliance activists brought out a procession, breaking section 144 (of the Cr.PC) at Chokoria in Cox's Bazaar. Shechchhasebak Dal¹⁵⁷ leader Saiful Islam Badsha (28) and BNP activist Mohammad Mizan were shot dead.¹⁵⁸
211. After the completion of a 60-hour hartal, on November 8, three members of the Standing Committee of BNP, Moudud Ahmed; Rafiqul Islam Mia; M K Anwar; and Adviser Abdul Awal Mintu; and Special Assistant to BNP Chairperson, Shimul Biswas were arrested. At the same time, a large police force was deployed outside the office and residence of the leader of the Opposition Khaleda Zia as a surveillance measure. In protest, the BNP led 18-Party Alliance called an 84-hour hartal from November 10 to November 13.
212. On November 28, a public bus belonging to the company Bihongo Poribohon came under arson attack at Shahbagh in the Capital Dhaka during the 71-hour country-wide blockade called by the 18-Party Alliance. 19 persons were seriously burnt due to the fire. Of them, a school student Nahid Morol and garment factory worker Robin Munshi (18) died.¹⁵⁹

¹⁵⁴ Student wing of the Communist Party of Bangladesh

¹⁵⁵ The daily Star, 06/07/2013. <http://www.thedailystar.net/beta2/news/three-hurt-in-bcl-attack/>

¹⁵⁶ The daily Star 16/09/2013 <http://www.thedailystar.net/beta2/news/bcl-men-attack-cpb-bsd-rally-in-sylhet/>

¹⁵⁷ Voluntary wing of BNP

¹⁵⁸ The Daily Ittefaq and Manabzamin, 26/10/2013 <http://mzamin.com/details.php?id=NzY2MDQ=&ty=MA=&s=MTg=&c=MQ>

¹⁵⁹ The daily New Age, 29/11/2013

213. On November 30, at around 3:45 am, BNP Joint Secretary General Ruhul Kabir Rizvi Ahmed and its Central Committee member Belal Ahmed, were arrested by Detective Branch (DB) Police, from the BNP central party office at Naya Paltan, Dhaka. Police allegedly ransacked rooms of the party office during this operation. Furthermore, cameras of two private television channels were broken by police when they were recording video footage of the incident.¹⁶⁰ Earlier, on November 25, 2013 at around 9.00 pm DB Police arrested BNP Standing Committee Member Brigadier General (Retd.) ASM Hannan Shah from in front of the Japanese Embassy at Gulshan, Dhaka.¹⁶¹ On November 26, Hannan Shah was sent to DB Police custody on a 2-day remand by Metropolitan Magistrate Tareque Moinul Islam Bhuiyan.¹⁶²
214. On December 12, 2013 Abdul Quader Molla, Assistant Secretary General of Jamaat-e-Islami was executed for committing crimes against humanity in 1971. After his execution, the activists of Jamaat-e-Islami went on the rampage, vandalising and burning vehicles and attacking police stations, government offices and shops in different places across the country. More than 500 persons were wounded in clashes in Lakshmipur, Comilla, Rajshahi, Narayanganj and Satkhira. About a 100 of them had been shot at. Four died in Lakshmipur as the Rapid Action Battalion fired at the blockaders; another died in Comilla in police firing. A trucker died after being wounded in a clash in Feni.¹⁶³
215. The Speedy Trial Tribunal-4 on December 17, 2013 awarded eight leaders and activists of Bangladesh Chhatra League (BCL) the death sentence; and 13 others life term for killing Biswajit Das¹⁶⁴. The trial of the killing of Bishwajit began on July 14 with the deposition of the sub-inspector of Sutrapur Police Station Mohammad Jalal Uddin, also the complainant in the case, who filed the case accusing 25 unknown people. On March 5, Detective Branch Inspector Tajul Islam, also the investigation officer, pressed charges against 21 BCL activists of the Jagannath University unit. The trial began in June and the Court heard the testimonies of 33 of 60 prosecution witnesses, and recorded the evidences. The Court also

¹⁶⁰ The daily Prothom Alo (online), 30/11/2013, <http://www.prothom-alo.com/bangladesh/article/86503>

¹⁶¹ The daily Ittefaq, 26/11/2013

¹⁶² The daily Newage, 27/11/2013 <http://newagebd.com/detail.php?date=2013-11-27&nid=74553#.UpWMKSfngwo>

¹⁶³ The daily New Age (online edition), 13/12/2013, <http://www.newagebd.com/detail.php?date=2013-12-13&nid=76630>

¹⁶⁴ 24-year-old tailor Biswajit was attacked and hacked at by BCL activists of the Jagannath University unit on December 9, 2012 near Bahadur Shah Park in Old Dhaka during a countrywide blockade of the BNP-led 18-Party Alliance.

ordered Tk 20,000 fine for each of the life term receivers. Judge ABM Nizamul Haque of the Speedy Trial Tribunal-4 pronounced the judgment.¹⁶⁵

216. The government created obstacles to stop the ‘March for Democracy’ movement led by BNP and its 18-Party Alliance and its meeting at Naya Paltan on December 29, 2013 in protest of election on January 5, 2014. On this day, at Malibagh in Dhaka, law enforcement officers opened fire on a pro-opposition procession. One activist, a Law student of Uttara University, Mansur, was killed and another, Mohammad Jihad, later succumbed to his injuries. Pro-opposition lawyers at the Supreme Court premises and pro-opposition journalists at the National Press Club also came under attack from pro-government activists.
217. Before 29 December, police arrested 650¹⁶⁶ people under different cases from the night of December 27 to the evening of December 28, 2013. Law enforcers also stopped buses and trains headed for Dhaka. Such obstruction on meetings is wholly undemocratic. Moreover, the BNP chairperson, Khaleda Zia was confined to her home, which was then heavily guarded; and Opposition leaders and activists were restricted and arrested.

¹⁶⁵ The daily New Age, 18/12/2013, <http://www.newagebd.com/detail.php?date=2013-12-18&nid=77160#UyAMIM79HIU>

¹⁶⁶ The daily Prothom Alo, 29/12/2013, <http://www.prothom-alo.com/bangladesh/article/110542>

CHAPTER V: RIGHT TO LIFE (ARBITRARY OR UNLAWFUL DEPRIVATION OF LIFE)

Extrajudicial killings

218. Extrajudicial killings are infringements of the right to life.¹⁶⁷ This is also enshrined in the Constitution of the People's Republic of Bangladesh.¹⁶⁸ Extrajudicial killings have been carried out in Bangladesh by different regimes, since the independence of the country. Odhikar has focused on this major issue since 1994, through continuous fact finding and reporting. The number of extrajudicial killings in Bangladesh came down in 2012, but in 2013 figures rose alarming in an atmosphere of continuous political turmoil and repression.
219. Moreover, in the name of sustaining public tranquility, police indiscriminately opened fire, violating the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials; which escalated extrajudicial deaths in 2013. Different terminologies have been used by the law enforcement agencies to distract from extrajudicial killings, such as, 'deaths during cross-fire', 'encounter' etc. However, cross-fire is widely used when members of law enforcement agencies typically pick up a victim and then, according to those agencies, while recovering weapons with the arrestee, his 'hidden accomplices' emerge, open fire and in the process, the arrestee becomes the sole casualty.
220. The Government assured they would end this, even at various forums including the Universal Periodic Review (UPR) Session of the UN Human Rights Council. During the period from January to December 2013, according to information gathered by Odhikar, 329 persons were allegedly killed extra-judicially by law enforcement agencies. It is to be noted that among the 329 persons who were extrajudicially killed, 169 were shot to death, four were killed in cross-fire and one was beaten to death during political violence. 70 persons

¹⁶⁷ The right to life is a fundamental human right, internationally recognised in article 3 of the Universal Declaration of Human Rights, 1948 and in article 6 of the International Covenant on Civil and Political Rights. Article 3 of the UDHR entails that everyone has the right to life, liberty and security of person and according to article 6 of the International Covenant on Civil and Political Rights adopted in 1966 and ratified by Bangladesh in 2000, "every human being has the inherent right to life". The Covenant also says: 'this right shall be protected by law. No one shall be arbitrarily deprived of his life.'

¹⁶⁸ Article 32 of the Constitution of the People's Republic of Bangladesh says: "no person shall be deprived of life or personal liberty, save in accordance with law".

were killed extra judicially in 2012, 84 persons were killed extra judicially in 2011, 127 in 2010 and 154 in 2009.

Table 17: Extrajudicial killings (January-December 2013)

Month (s)	RAB	Police	RAB - Police	BGB	Police - BGB	Police and Armed Police Battalion, RAB, BGB	Joint Force	Total
January	2	6	0	1				9
February	4	44	0	0	19			67
March	3	35	0	5	9			52
April	3	6	0	0	0	0		9
May	3	5		2		64		74
June	4	6	0					10
July	7	4		2				13
August	0	10	0	0	0	0		10
September	0	5	0	0	0	0		5
October	2	10	1		2			15
November	0	12	0	0	0	0		12
December	10	32	0	1	2	0	8	53
Total	38	175	1	11	32	64	8	329

Types of deaths

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

221. Among the 329 persons extra judicially killed in 2013, 65¹⁶⁹ were reported killed in ‘crossfire/ encounters/gun fights’. Among the deceased, 27 were killed by the Rapid Action Battalion (RAB), 36 by the police and two by the joint force.

- **Death due to torture:**

222. Between January and December 2013, 11 persons were reported tortured to death. Among the deceased 10 were tortured by the police and one by Rapid Action Battalion (RAB).¹⁷⁰

¹⁶⁹ Among the 65 person allegedly killed in ‘crossfire/ encounters/gun fights’, four were allegedly killed in relation to political violence which is also included in the ‘political violence’ statistical part.

- **Shot and killed¹⁷¹:**

223. 245¹⁷² persons were shot and killed by law enforcement agencies in 2013. Of them 126 were killed by police, 64 were killed by joint force of Police and Armed Police Battalion, RAB, BGB; 28 jointly by police-BGB, 10 by BGB, one jointly by RAB-police, six by joint force, one jointly by RAB- Coast Guard and nine by RAB.

- **Beaten to death:**

224. Seven persons were beaten to death. Among them six¹⁷³ persons were beaten to death during this period by police, which, in the literal sense is not death in police custody, but a manifestation of police brutality and one person was also beaten to death by RAB.

- **Strangled to death:**

225. One person was also strangled to death by the police.

- **Identities of the deceased:**

226. Of the 329 deceased persons killed extra-judicially, reports show that 26 were activists of BNP, Shechchashebok Dal (voluntary wing of BNP), Chhatra Dal and Jubo dal (youth and student wing of BNP); two were activists of Awami League; 94 were activists of Jamaat-e-Islami, Islami Chhatra Shibir (student wing of Jamaat-e-Islami) and Allama Sayedee Mukti Parishad; 61 were supporters of Hefazate Islam and other citizens; one was from Gonomukti Fauj; one was an ultra-left Purba Banglar Communist Party (M-L People's War) leader; one was from the LDP party; one was a Union Parishad Chairman; eight were businessmen and petty traders; one was a tailor; four were women; one was a fisherman; one was land broker; one was an electrician; four were garment factory workers; one was an owner of Mohini Garments at Baghmara, Rajshahi; one was a hawker; 59 were alleged criminals; one was Madrassa teacher; nine were students; five were farmers; one was watchman; five were drivers of a cars, pick up van, CNG vehicle and taxi; three were van pullers/rickshaw pullers; one was a tea stall attendant; two were a brick field worker and

¹⁷⁰ The statistics of torture to death is also included in the Chapter V: Torture & Other Cruel, Inhuman or Degrading Treatment or punishment

¹⁷¹ Here 'shot and killed' means persons who were not killed in 'crossfire' or 'encounter'; but who were killed during actions by law enforcing agencies.

¹⁷² Among the 245 shot and killed, 169 were allegedly extrajudicially killed in relation to political violence which is also included in the 'political violence' statistical part.

¹⁷³ Among the six beaten to death, one was beaten to death in relation to political violence which is also included in the 'political violence' statistical part.

day labourer; one was a shop owner; one was a member of Hindu community; and the professions or identities of 32 could not be found/were not reported.

227. The former Foreign Minister Dipu Moni said that the Government was keen to stop all kinds of extrajudicial killings in Bangladesh, at a high level meeting at the UN Human Rights Council in Geneva on April 29, 2013.¹⁷⁴ However, extrajudicial killings continue. As a result, the government is violating its obligations to uphold human rights. Some examples are as follows:
228. On January 5, 2013 at around 7:45 pm Mohammad Rafikul Islam Majumdar (42) was abducted and killed by men who said they were RAB officials, claimed his mother -in -law, brother and relatives. Rafikul was the General Secretary of Ward 56, Dhaka unit of Bangladesh Nationalist Party (BNP) and Vice President of the Hawkers' Market Committee in Dhaka. On January 4, 2013 Rafikul went to his in-law's house in Anandanagar village under Shailokupa Upazila in Jhenidah district. The next day at around 7:30 pm about six or seven men identifying themselves as RAB personnel picked him up from his in-law's house. The same night at around 10:00 pm Rafikul's body was found in an onion field belonging to Alfaz Mia in Adabaria village under Kumarkhali upazila in Kushtia. Rafikul was handcuffed (the word "Police" was engraved on the handcuff in English); there was a wound on the back of his head and he appeared to have been strangled with a woolen scarf. According to the post mortem report, Rafikul was strangled after being tortured.¹⁷⁵
229. An ultra-left Purba Banglar Communist Party (M-L People's War) leader Enamul Haque alias Ena Mandal (35) was killed in 'gunfight' with the police at Mirpur in Kushtia on January 27, 2013. The deceased, Enamul Haque alias Ena Mandal of Musainagar under Mirpur Upazila, was wanted in nine cases, including a triple murder case.¹⁷⁶
230. On February 28, 2013 the International Crimes Tribunal-1 delivered a death sentence on Jamaat-e-Islami's Nayeb-e-Amir Delwar Hossain Sayedee for crimes against humanity committed during the Liberation War in 1971. A country wide general strike was called by Jamaat to protest against the judgement, where several persons were killed in clashes between the police and protesters in Rajganj of Begumganj Upazila and Dotter Haat under

¹⁷⁴ Human rights monitoring report: April 2013, <http://odhikar.org/human-rights-monitoring-report-april-2013/>

¹⁷⁵ <http://Odhikar.org/bnp-leader-mohammad-rafikul-islam-majumdar-was-abducted-and-killed-by-men-identifying-as-rab/>, accessed at about 3:45 pm on December 23, 2013

¹⁷⁶ The daily New Age, 28/01/2013 <http://newagebd.com/detail.php?date=2013-01-28&nid=38252#.UQYs-DfmDDc>

Noakhali district. Following the clash on March 1, 2013 at around 1:45 pm, Korban Ali, son of Lokman Hossain was shot dead allegedly by RAB-11 officials in front of a mosque in Mutubi Village of Shonaimuri Upazila under Noakhali District. When Korban's nephew and the locals tried to approach Korban's body, RAB fired a few more indiscriminate shots which injured some people. Amena, who was standing in her yard, also got shot in the firing. Korban's father claimed that his son was innocent and was killed without any reason.¹⁷⁷

231. On February 28, 2013, police opened fire during the 'hartal' called by Jamaat-e-Islami, to protest against the judgement delivered against its leader Delwar Hossain Sayeedi at Dotterhaat of Sadar Upazila and Rajganj of Begumganj Upazila in Noakhali. Due to police firing, a fish trader Shahid Ullah alias Liton (33) and a shop keeper named Nuruddin (17) were killed at Begumganj. At Dotterhaat, a pick-up van driver's assistant Khokon (16) was killed due to police firing. Their families alleged that they were shot dead, despite having no affiliation with any political parties.¹⁷⁸
232. On March 3, 2013 at around 11.00 am Md. Mahbubur Rahman was returning home after his work in a paddy field. In order to buy food for his son, he went to Roichpur Samaj Kalyan crossing. Supporters and activists of Jamaat-e-Islami¹⁷⁹ were engaged in an agitation programme in that area in support of the hartal called by their party. The activists started throwing brick-bats at the BGB members who had arrived to stop them. The BGB members started firing at random and a bullet hit Mohammad Mahbubur Rahman in his back, and emerged from his chest. Mohammad Mahbubur Rahman died on the spot. Frightened of being arrested and in order to avoid being harassed by the police, his family members buried him in the family graveyard in Roichpur without a post-mortem examination.¹⁸⁰
233. In the pre-dawn hours of May 6, 2013, a reported 10 thousand members of the police, Rapid Action Battalion (RAB) and Border Guard Bangladesh (BGB), attacked thousands

¹⁷⁷ <http://Odhikar.org/korban-ali-25-shot-to-death-and-amena-akhter-13-injured-by-shooting-in-mutubi-village-of-shonaimuri-upazila-under-noakhali-district/#sthash.gPpA16jz.dpuf>, accessed at about 3:51 pm on December 23, 2013

¹⁷⁸ <http://Odhikar.org/police-allegedly-killed-one-at-dotterhaat-of-sadar-upazila-and-two-others-at-raiganj-of-begumganj-upazila-of-noakhali-district/#sthash.xNn3VBPO.dpuf>, accessed at about 3:54 on December 23, 2013.

¹⁷⁹ The largest Islamist political party in Bangladesh

¹⁸⁰ Fact finding report of Odhikar

of leaders and activists of Hefazat Islam Bangladesh, in the dark.¹⁸¹ Odhikar conducted a fact-finding mission into the incident and released a report on June 10, 2013 with the information that it had verified 61 deaths occurring on May 5-6, 2013. The government reported 11 deaths, including three pedestrians and a police on May 5 during the day; and denied that any deaths occurred during the late night operation conducted on May 5.¹⁸²

234. On November 26, 2013 Siraj Khan, a driver of a three wheeler was beaten to death by Sub Inspectors (SI) Asad, Ramzan Ali, Aminul and Assistant Sub Inspectors (ASI) Azad, Harun, Jewel at Nolgora in Madaripur. Siraj Khan and five others were playing cards, when the aforementioned police officers came and claimed that they were gambling. They detained Siraj and beat him up. Later local people chased away the police team from the area. Siraj was declared dead by the doctors after he was taken to the Upazila Health Complex. SI Asad, Ramzan Ali, Aminul and ASI Azad, Harun, Jewel were ‘closed’¹⁸³ from the Madaripur Police Station.¹⁸⁴
235. On December 12, 2013 at around 7.30 pm an activist of the student wing of Jamaat-e-Islami Anwar (20) was shot dead when the police attacked a procession which was brought out after the execution of Jamaat-e-Islami Assistant Secretary General Abdul Quader Molla at Manoharganj, Comilla. The clash continued for about half an hour leaving 30 Shibir activists injured with bullets. Of the injured Anwar was pronounced dead after he had taken to Dhaka Medical College Hospital.¹⁸⁵

Culture of Impunity

236. Impunity entails the denial of rights to victims, justice and redress. It goes against the principles of rule of law by not bringing perpetrators of human rights violations to justice. Bangladesh provides both de facto and de jure immunity, by not bringing perpetrators to account, whether in criminal, civil, administrative or disciplinary proceedings.
237. In Bangladesh, successive governments have consistently failed to meet obligations to investigate violations; to take appropriate measures in respect of perpetrators, particularly

¹⁸¹ On May 5, 2013 the Hefazate Islam organised an assembly and a rally at the Shapla Chottor area of Motijheel in Dhaka city. They stayed on through the evening till the Government organised a ‘sweep up’ operation late on May 5th night.

¹⁸² <http://Odhikar.org/assembly-of-hefazate-islam-bangladesh-and-human-rights-violations/>

¹⁸³ A disciplinary action within the law enforcement agency

¹⁸⁴ The daily Jugantor, 28/11/2013

¹⁸⁵ The daily New Age, 13/12/2013

in the area of justice, by ensuring that those suspected of criminal activities are prosecuted, tried and duly punished; to provide victims with effective remedies and to ensure that they receive reparation for the injuries suffered; to ensure the inalienable right to know the truth about violations; and to take other necessary steps to prevent a recurrence of violations. This has enabled the culture of impunity to take deep root.

238. In February 2009 Bangladesh came under the Universal Periodic Review (UPR) for the first time at the UN Human Rights Council in Geneva. In the review meeting, Bangladesh Foreign Minister, Dipu Moni said the Awami League Government has ‘zero tolerance’ for extra-judicial killings and torture in custody. On February 11, 2009, Bangladesh Prime Minister Sheikh Hasina said in Parliament that “The criminals must be brought to justice according to the law, so there should be no extra-judicial killings in any circumstance” and added “legal action would be taken against those guilty of such killing.”¹⁸⁶
239. On May 16, 2009, the Minister for Home Affairs, Sahara Khatun said, “the law enforcers should have the right to save themselves when they come under attack. Incidents of encounter occur only when members of the law enforcing agencies come under attack from criminals.”¹⁸⁷ In the meanwhile, on October 3, 2009 at the BBC Bangladesh Talks held at the Bangabandhu International Convention Centre, the Shipping Minister Shahjahan Khan stated, ‘extra-judicial killings or crossfire are taking place because crime is not being tackled properly. It is taking place as an alternative way to stop crimes. A time will come when crime will come to an end on its own. There will no longer be a need for extra-judicial killings.’¹⁸⁸ Contradictory statements by such Ministers holding the highest profiles, demonstrate the ambivalence of the government with regard to extra-judicial killings.
240. The hypocritical position of the government has contributed to the alarming violation of human rights and is cause for concern. Extra-judicial killings continue in Bangladesh because of the indemnitylike situation granted by the State to law enforcement agencies; and because the criminal justice system has not been able to effectively deliver justice.
241. There is a dangerous erosion in the condition of human rights in Bangladesh. Article 31 of the Constitution of the People’s Republic of Bangladesh is absolutely clear on the fact that, ‘to enjoy the protection of the law, and to be treated in accordance with law, and only in

¹⁸⁶ See Odhikar monthly report for February 2009 at www.odhikar.org

¹⁸⁷ See Odhikar monthly report for May 2009 at www.odhikar.org

¹⁸⁸ See Odhikar monthly report for October 2009 at www.odhikar.org

accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law.’ In addition to this, Article 32 states, ‘No person shall be deprived of life or personal liberty save in accordance with law.’ The comments made by the Ministers inspire the law enforcement agencies to engage in unconstitutional activities. The attempt to give validity to this practice of killing is, indeed, worthy of condemnation.

242. Odhikar believes that the continuing trend of extrajudicial killing is of great detriment to a healthily functioning society and undermines the rule of law. Impunity is seen everywhere, but nowhere more publicly than in the extrajudicial killings carried out by the law enforcement agencies. Not a single individual has ever been made accountable in a Court of law.

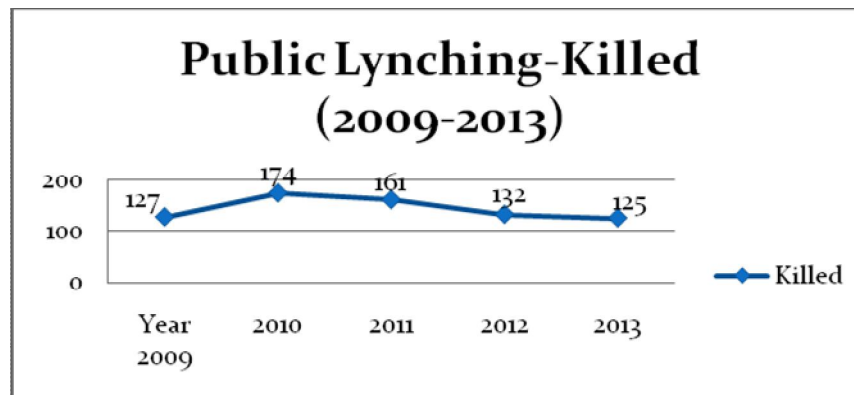
Public Lynching

243. Public lynching or mob beating is a most regrettable form of violence. Its continuous trend indicates that the bridge of rule of law is unable to connect with the other side of society’s general population. Such public violence takes place due to lack of faith in the law enforcement agencies and the notion that justice is not prevailing in society. People suspected of being thieves, robbers or other crime suspects are becoming victims of public lynching, even though there may be no evidence against them. Most of the time in such scenario, the mob are not willing to hand over the suspects to the police because they lack confidence and faith in them. But it is also alleged that the police in some cases allowed the mob to snatch the victim from their custody.
244. Experiences and information from the previous year reported that trends of public lynching are manifested in two forms. Either the public spontaneously take the law into their own hands; or the police instigate members of the public to physically attack the suspect. Between January to December, 2013 a total of 125 people were allegedly killed due to public lynching while the number of public lynching documented in 2012 was 132, in 2011 it was 161. In 2010 the figure was 174 and in 2009, 127 persons were victims of public lynching.

Table 18: Public Lynching (2009-2013)

Public Lynching (2009-2013)	
Year (s)	Total
2013	125
2012	132
2011	161
2010	174
2009	127
Total	719

Graph 6: Public Lynching (2009-2013)



245. On January 19, a mentally disabled girl named Morzina was killed by a mob who suspected her of being a child kidnapper at Kaliakoir, Gazipur.¹⁸⁹
246. On January 21, 2013 a mentally disabled man was beaten to death by mob who suspected him of being a member of a dacoit gang at Konabari Industrial area in Gazipur.¹⁹⁰
247. On March 5, 2013 Rummon (25) a suspected robber was killed by angry villagers at the time of robbery at Natun Hat, Shahpur Union in Ishwardi, Pabna.¹⁹¹
248. On April 11, 2013 in protest of the hartal¹⁹² called by the Jamaat-e-Islami, Awami League leader of Chittagong North District, ATM Peyarul Islam and his men took about 300

¹⁸⁹ The daily Star, 22/01/2013, <http://www.thedailystar.net/newDesign/news-details.php?nid=266091>

¹⁹⁰ The daily Jugantor, 22/01/2013, <http://www.jugantor.us/2013/01/22/news0644.htm>

¹⁹¹ The Daily Star, 06/03/2013 <http://www.thedailystar.net/beta2/news/pabna-mob-beat-robber-dead/>

¹⁹² General strike

motorcycles and other vehicles and travelled from Jaftongor Union Police Camp to various parts of Fatikchari, chanting slogans against the hartal. Some locals got into a fight with some Awami League and Chatra League activists when the Officer-in-Charge of the nearby Bujhpur Police Station used sticks to beat them up till they were scattered. While the motorcycles crossed Kazirhat Market and were coming back through the same route, locals attacked them; hurling stones from a distance; and Awami League activists also countered that. At this time glasses of the windows of the Kajirhat Mosque were smashed. Then an announcement was made through the mosque's megaphone that Awami League and Chhatra League activists attacked Kajirhat Madrassah and the mosque. Similarly, many other mosques of the locality declared the same. In moments, thousands of villagers used whatever they could as weapons and attacked the Awami League and Chhatra League activists, cutting off trees in order to create a blockade so that they would not be able to escape. Bottopur Union Shecchashebok League's President Faruk Iqbal Bipul (35); Chhatra League activist Jamal Uddin Rubel (23); and leader of Jaftongor's unit Jubo-League, Forkan were killed and at least 300 Awami League and Chhatra League activists were injured in mob beating. Moreover due to the firing from Border Guard Bangladesh (BGB) and the police, over 50 villagers were injured in the incident.¹⁹³

249. On November 29, 2013 Abdul Motaleb (25), an alleged robber was beaten to death by a mob during a robbery at Palakhal village under Barura upazila in Comilla district.¹⁹⁴

¹⁹³ Fact finding report of Odhikar

¹⁹⁴ The daily New Age, 30/11/2013, <http://www.newagebd.com/detail.php?date=2013-11-30&nid=74938#.UtzfavtxXIU>

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

Torture and Ill-treatment

250. Article 35 of the Constitution of Bangladesh explicitly prohibits torture.¹⁹⁵ Even though there is no definition of ‘torture’ in the penal laws, acts amounting to torture in police custody are common and almost systematic in Bangladesh. There are several crucial factors that may explain the prevalence of torture: it is still considered by law enforcement agencies as a quick and efficient way to investigate cases and to maintain law and order. Again, through torture, law enforcement agencies are abusing their authority to extract money or force people to confess crimes they did not commit. The high level of corruption that prevails in police stations is also a catalyst for torture in Bangladesh.
251. The perpetrators of acts amounting to torture enjoy impunity, the main reason for such human rights violations. Bangladesh is a State Party to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),¹⁹⁶ but it has failed to submit its report on torture for the fourth time at the UN Committee Against Torture. Furthermore it has, till 2013, violated its international commitments by refusing to ensure compensation of victims.¹⁹⁷ On October 24, 2013, the Parliament through a voice vote, passed the Torture and Custodial Death (Prevention) Bill 2013 into an Act. This Bill was introduced as a Private Members Bill by Awami League MP, Saber Hossain Chowdhury in October 2009. It is too early to comment how far this new law will be implemented.
252. The Special Powers Act, 1974 and the Anti-Terrorism Act, 2009 (amended in 2013) allow preventive detention and extend the power of the police to detain and interrogate ‘suspects’ in the name of ‘State security’ and the ‘fight against terrorism’. Section 54 of the Code of Criminal Procedure contributes to this impunity, allowing for arrest and detention without a warrant on nine different grounds for up to 24 hours. This provision creates a framework

¹⁹⁵ Article 35(5) “No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment”

¹⁹⁶ Bangladesh ratified CAT on October 5, 1998

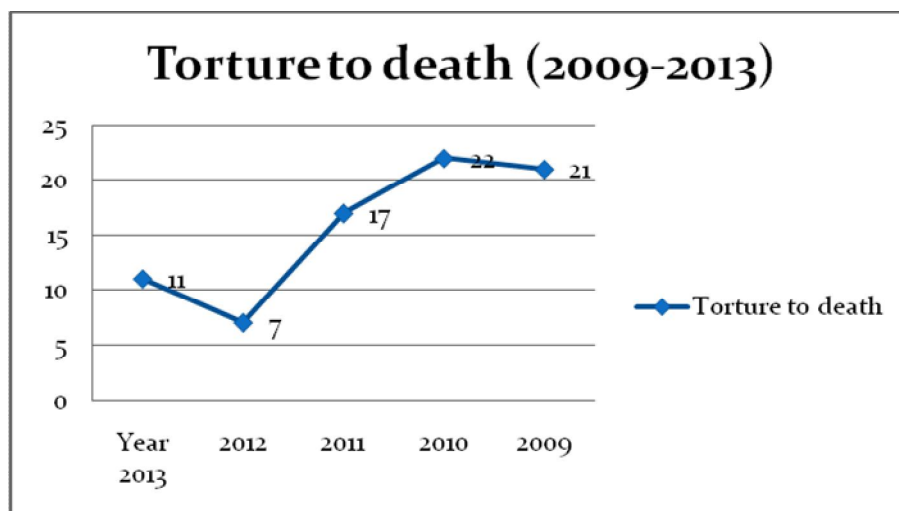
¹⁹⁷ Article 14 reads: “(1) Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation”. See <http://www.unhchr.ch/tbs/doc.nsf/Statusfrset?OpenFrameSet>.

for political misuse, as a tool to arbitrarily arrest and often torture political opponents and others. The amendment of the Information and Communication Technology Act, 2006 voted by the Cabinet on August 19, 2013, is also alarming in the way it creates non-bailable offences on which people, including human rights activists, can be arrested without warrant¹⁹⁸ and potentially subjected to torture.

Table 19: Persons tortured to death (2009-2013)¹⁹⁹

Year	RAB	Police	RAB-Police	Joint Force	Army	BGB (Former BDR)	Coast Guard	DB Police	Jail authorities /Police	Navy	Drugs and Narcotics	Members of Task Force	Grand Total
2013	1	10	0	0	0	0	0	0	0	0	0	0	11
2012	0	5	0	0	0	1	0	0	1	0	0	0	7
2011	1	14	0	0	0	0	0	0	2	0	0	0	17
2010	2	20	0	0	0	0	0	0	0	0	0	0	22
2009	3	11	0	0	0	5	1	0	1	0	0	0	21
Total	7	60	0	0	0	6	1	0	4	0	0	0	78

Graph 7: Torture to death (2009-2013)



¹⁹⁸ See Chapter II : Dangers & Risks in Human Rights Activities

¹⁹⁹ The statistics on tortured to deaths are also added in the statistics on extrajudicial killings.

Some incidents of torture in custody and custodial death

253. On March 31, 2013 Delwar Hossain, President of the Central Committee of the Islami Chhatra Shibir²⁰⁰ was arrested by Detective Branch police from Shyamoli, Dhaka on allegations of vandalizing vehicles. Two cases were filed against Delwar Hossain and he was taken into 53-day remand in five intervals. Delwar's mother, Toiyaba Khatun alleged in a press conference organised on April 8, 2013, that Delwar was severely tortured in custody during remand.²⁰¹ Meanwhile the Secretary General of Chhatra Shibir, Abdul Jabbar said that Delwar was produced before the Court on May 20, 2013, lying on a stretcher and in chains, in bad physical condition. Police sought 17-day remand again. Considering his health, the Court did not grant remand and ordered the police to submit reports on May 28 with physician's recommendations.²⁰²
254. On May 14, 2013 Shamim Reza (28), a resident of Sonargaon Upazila in Narayanganj District, was arrested by police as a suspect in the murder of the wife of Rafiqul Islam, Pirojpur Union Parishad Chairman; and three others. Shamim Reza was allegedly blindfolded and beaten for six days by Sonargaon Police Station Inspector (Investigation), Arup Tarafdar and others, after he was detained at the police quarters. On May 22, Shamim died in hospital while under treatment.²⁰³
255. On June 5, 2013 at around 7.00 pm Mohammad Shamim Sarkar (33) and Mohammad Saiful Islam Khan (25), residents of Hemayetpur, Savar were arrested by the police of Savar Model Police Station, led by Assistant Sub Inspector (ASI) Akidul Islam. ASI Akidul Islam called Shamim Sarkar's younger brother Biplob Sarkar at 12:00 midnight to meet him with Taka two hundred thousand. Since the family was unable to give the money, Shamim and Saiful were taken to Savar Tannery Police Outpost and tortured all night by SI Md. Emdadul Huq of Ashulia Police Station, ASI Akidul Islam, constables Md. Mofazzel Hossain, Md. Ramjan Ali and Md. Yusuf. Shamim was also given electric shocks. At one point, Shamim fell seriously ill and the police took him to Sir Salimullah Medical College Hospital, Dhaka where the doctors on duty declared Shamim dead.²⁰⁴

²⁰⁰ Student wing of Jamaat-e-Islami

²⁰¹ The daily Prothom Alo, 09/04/2013

²⁰² The daily Amar Desh, 21/05/2013

²⁰³ Fact finding report of Odhikar. See www.odhikar.org

²⁰⁴ Fact finding report of Odhikar. See www.odhikar.org

256. On October 11, 2013 at around 5:30 pm, Mohammad Jahangir Alam Ratan went to Akkelpur Bazaar under Akkelpur Police Station in Jaipurhaat district from Charmatha intersection in Bogra district. At around 9:00 pm, while going to Jaipurhaat via Rajkanda near Akkelpur Bazaar, he was attacked by muggers. They took Taka 25 thousand and a gold chain from him at gun point. During this time, two pedestrians were walking on the same road. Two of the muggers apprehended him while others attacked the pedestrians. At one stage, the two pedestrians screamed, “Dacoits! Dacoits!” and got into an altercation with the muggers. Using this opportunity, Ratan freed himself and ran away, jumping into a river beside the road. He took shelter inside a house by swimming across the river. At around 10:00 pm, the owner of the house Bashu handed him over to the police to save him from being beaten up by the gathering mob. Ratan was an outsider and the local people thought that he was a member of the muggers’ gang. Ratan was later taken to Akkelpur Police Station. Later the police contacted Ratan’s family. The family of Ratan alleged that the police demanded two hundred thousand taka in order to release Ratan. But as the family did not agree to this, on October 12, 2013 at around 6:00 pm, Sub-Inspector of Akkelpur Police Station, Enamul tied up Ratan’s hands, blindfolded him and beat him on his legs and the soles of his feet with a stick at the police station. As Ratan’s family was refused to pay, Ratan was produced before the Court as a suspected criminal for robbery by the police. On November 10, 2013 Ratan was released on bail.²⁰⁵
257. In the early morning of November 13, 2013 Assistant Sub Inspector, Masudur Rahman of Tekala Police Outpost under Doulatpur Police Station in Kushtia arrested a youth named Zakir Sadik (22) from his house in Char Pragpur village and beat him all the way to the police station. Later at around 11.00 am Zakir Sadik died in Doulatpur Thana Health Complex. The family of Zakir Sadik alleged that police killed him by inflicting torture in Doulatpur Police Station. The Residential Medical Officer of the hospital stated that he saw marks of wounds on the body while conducting an autopsy.²⁰⁶
258. On November 24, 2013 Junayed Hossain Leon, a General Secretary of Kapasia Upazila unit Chhatra Dal, was arrested from his house at Torgaon area under Kapasia Police Station of Gazipur. A case had been filed against Leon. Shah Reazul Hannan, Advisor of Kapasia

²⁰⁵ Fact finding report of Odhikar (Unpublished)

²⁰⁶ Report sent by a local human rights defender associated with Odhikar from Kushtia, 14/11/2013

Upazila unit Chhatra Dal, alleged that Leon was tortured by Sub Inspector (SI) Nazmu Islam in Kapasia Police Station.²⁰⁷

259. On December 26, 2013 Ilias Kanchan (42), General Secretary of South Chittagong unit Jubo Dal was arrested by police of Anoara Police Station from his in-laws house at Moheshkhali, Cox's Bazaar. He was taken to Anoara Police Station and allegedly beaten there. Moreover, he was forced to pay Taka 50 thousand to stop the torture. He was shown as arrested in a drug dealing case. Now he is out on bail.²⁰⁸
260. In Bangladesh, the culture of impunity is deeply rooted in the criminal justice system. Successive Governments have failed to investigate acts amounting to torture, prosecute the perpetrators and punish them, while victims cannot get the compensation they deserve. Moreover, Bangladesh has put a reservation to Article 14 of the Convention against Torture regarding compensating the victims. Without a proper independent system to investigate such violations, without withdrawing the reservation from CAT and with the present weak criminal justice system, torture is being continuously practiced by law enforcement agencies, which are protected by the culture of impunity. The Government seems reluctant to take measures to put an end to custodial violence and contributes in this way to the perpetration of human rights violations.
261. Odhikar believes that there should be an independent investigation cell. This is because offences perpetrated by the members of law enforcement agencies are investigated by members of the same agency. Such investigation cannot be neutral and unbiased. Therefore, OPCAT should immediately be ratified by Bangladesh for the effectiveness of the newly passed anti-torture law.
262. It is stated in the Torture and Custodial Deaths (Prevention) Act 2013, that if anybody dies as a result of torture in custody, the person responsible for this will be sentenced to life imprisonment or a fine of Taka one hundred thousand.²⁰⁹ Odhikar expresses concern that this part of the Act will dilute the effectiveness of the law. Monetary punishment cannot be equivalent to life imprisonment.

²⁰⁷ Banglanews24.com, 25/11/2013

²⁰⁸ Information gathered by human rights defender associated with Odhikar, in Chittagong.

²⁰⁹ The daily Dhaka Tribune, 25/10/2013, <http://www.dhakatribune.com/law-amp-rights/2013/oct/25/js-passes-bill-stop-custodial-deaths>

263. Odhikar urges the Government to implement the recommendations delivered by the High Court Division of the Supreme Court on April 7, 2003 in *BLAST vs Bangladesh*.²¹⁰ It also demands the proper implementation of the anti-torture law, which has been passed in the Parliament on October 24, 2013; and the ratification of the Optional Protocol to the Convention against Torture.

Prisoners and Human Rights

264. The ICCPR in Articles 7 and 10 provide the right of every human being to be treated at all times with humanity, dignity and respect. The UN General Assembly on December 9, 1988 adopted a ‘Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment’, which claims in the first principle that “*All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.*”²¹¹ The right to be treated with humanity and dignity, also included in the Convention Against Torture²¹² stands for the most fundamental principles for the treatment of prisoners. However, the condition of prisons, and their inmates in the country is far from the principles of ‘dignity’ and ‘humanity’.

265. Odhikar conducted a research into the condition of 10 jails of Bangladesh in Khulna, Barisal, Rangamati, Chittagong, Feni, Narayanganj, Rajbari, Sylhet, Thakurgaon and Pabna, in 2012 and 2013; to analyse the internal and external factors shaping human rights violations in jail. Overcrowding and the health and sanitation problems that come with it, remains the most important internal factors. The number of detainees in most Bangladeshi prisons grossly outnumbers the actual capacity of the prison. This is particularly obvious in Khulna District Jail, which has a number of detainees 6 times the capacity of the prison. The number of detainees’ staying in the jails are 3.5 times, 2.5 times, 2.5 times, 2.3 times, 2 times and 2 times more than the actual capacity in Feni, Chittagong, Narayanganj, Rajbari, Sylhet, Thakurgaon and Pabna jails respectively.²¹³

²¹⁰ Bangladesh Legal Aid and Services Trust and others vs. Bangladesh and others. 55 DLR (2003) 363. The High Court division, in this ruling, laid down a set of fifteen guidelines regarding exercise of powers of arrest and remand. The Court directed recommendations to be implemented within six months to amend special provisions regarding these issues in the Penal Code, the Evidence Act, the CrPC and the Police Code. The Government has not yet implemented those recommendations.

²¹¹ <http://www.un.org/documents/ga/res/43/a43r173.htm>

²¹² Bangladesh is a State Party to the ICCPR and to the CAT.

²¹³ « Police Station monitoring report, exploring human rights violations at the police stations and jails », Odhikar

266. This overcrowding impacts on other human rights issues, like the prisons' unhealthy environment, lack of medical facilities and inadequate aeration. These inhumane conditions are catalysts to the spread of various kinds of diseases. Despite the fact that the Prisons Act, 1894 has specific provisions binding medical officers or their subordinate to give treatment without delay,²¹⁴ there are not enough doctors in the prisons of Bangladesh. According to section 94 of the Jail Code, there should be separate hospitals for the male and female prisoners which is not always followed in the prisons of Bangladesh. On the other hand, section 129 of the Jail Code illustrates that there should be enough space for sleeping for the prisoners but gross overcrowding makes this impossible. Reports show that 59 prisoners died in jail in 2013. Among the 59 prisoners it was reported that 54 died due to illness; three allegedly committed suicide and two were died in other reasons. The food supply is also inadequate and sub standard. According to the Jail Code, every prisoner is entitled to 116 grams of bread; 291 grams of rice; 233.28 grams of vegetable; 145.48 grams of pulse; 14.58 grams of date-palm; 36.45 grams of meat or fish every day. The research made by Odhikar's team underlines that food provided in jail is often less than the amount described in the Government rule. As a result, inmates suffer from malnutrition and become victims of infectious disease. Without proper treatment, proper food and decent living conditions, prisoners fall ill and weak, while those who can afford to pay, enjoy basic services.²¹⁵

Table 20: Death in jail (2009 – 2013)

Year (s)	Jail custody
2013	59
2012	63
2011	105
2010	60
2009	50
Total	337

²¹⁴ http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=69

²¹⁵ «Police Station and Jail Monitoring Report: Exploring human rights violations at the police stations and in prisons», Odhikar Report, June 2013

Anti-Terrorism Act 2009 (Amendment) Bill 2013 passed in Parliament

267. On June 11, 2008, the unelected, military-backed ‘caretaker’ Government promulgated an Anti-Terrorism Ordinance 2008. On February 19, 2009, the newly elected Government, in a Cabinet meeting, approved the Anti-Terrorism Bill to be made into law, without due consideration or feedback from the people of Bangladesh. In 2010, Odhikar and its partner FIDH, carried out a study²¹⁶ on the potential political misuse offered by this law, through a vague definition of terrorism, breaching the principle of legality. Despite the criticism, the Anti-Terrorism (Amendment) Bill 2012 was passed by the Parliament on February 16, 2012, enhancing the maximum punishment of 20 years, to the death penalty.
268. On June 11, 2013, the Anti-Terrorism (Amendment) Bill 2013 was passed in the Parliament, according to which crimes committed abroad can be tried under domestic law. This means that if any person takes shelter after committing a crime abroad, which would have been punishable if committed in Bangladesh, the said crime is considered to have been committed in Bangladesh. The amendment also provides that photographs, video, conversations on skype, facebook, twitter can be produce before the Court as evidence. A proposal for further scrutinising and judging the public opinion was brought by the opposition Parliament Members but rejected by the ruling party MPs. The Bill also proposed further power to the Bangladesh Bank to investigate allegations of financing ‘terrorist’ activities.²¹⁷
269. Odhikar expresses concern about the possibility of human rights violations through misuse of these provisions, that strengthen the repressive nature of the ATA law instead of strengthening human security. These new provisions violate right to privacy as guaranteed by the Constitution of Bangladesh²¹⁸, and also increase the risk of irreversible miscarriage of justice through a wider scope of the punishable crimes. Odhikar reaffirms its concern over the unclear definition of ‘terrorist activities’ under this Act, which has already led to human rights abuses. Odhikar demands the repeal of all existing repressive laws, including the Anti-Terrorism Act, 2009 (amended in 2012 and 2013).

²¹⁶ Bangladesh : Criminal justice through the prism of capital punishment and the fight against terrorism »

http://www.fidh.org/IMG/pdf/Report_eng.pdf

²¹⁷ The daily Ittefaq, 12/06/2013, <http://www.ittefaq.com.bd/index.php?ref=MjBfMDZfMTJfMTNfMV8yXzFfNDgwNTI=>

²¹⁸ Article 43 of the Constitution states that “Every citizen shall have the right, subject to any reasonable restrictions imposed by law in the interests of the security of the state, public order, public morality or public health – (b) to the privacy of his correspondence and other means of communication”

Enforced Disappearances²¹⁹

270. Cases of enforced disappearances have been recorded in Bangladesh since the birth of the Nation. Many people were disappeared during the 1971 Liberation War and the practice of state-sponsored disappearances continued under the successive regimes. The regimes then change the techniques of oppression with time. Extra judicial killings appeared as most prolific in 2001. Due to massive advocacy and campaigns by the human rights organisations and the pressure by the international community, the law enforcement agencies changed their tactics. Along with extra-judicial killings, the law enforcement agencies have allegedly become involved in making people disappear – usually political opponents and witnesses to crimes²²⁰.
271. On April 29, 2013, during the second cycle of Universal Periodic Review session on Bangladesh, at the UN Human Rights Council in Geneva, the Foreign Minister Dipu Moni denied allegations of enforced disappearance. She claimed that this term does not exist in Bangladeshi laws²²¹ which recognise abduction and kidnapping as cognisable offences and explained that crimes are often committed by criminals in the disguise of law enforcers. She added that “the association of law enforcement agencies or State machinery with such criminal acts was deliberately done to undermine their credibility and create misperception in the public mind”.²²² However, Odhikar has conducted fact-finding missions on such allegations of enforced disappearances 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. It demonstrates that the practice of enforced disappearance is a reality in Bangladesh and particularly targets members or supporters of the opposition or persons belonging to alternative political beliefs or have some specific information. Some extracts of the fact-finding reports are as follow:

²¹⁹ Odhikar reports on ‘enforced disappearances’ when the incident involves persons dressed as, or claiming to be members of a law enforcement agency. This is based on the statements made by witnesses.

²²⁰ Incidentally, the BNP prepared a draft list of the victims of enforced disappearances and extrajudicial killings by gathering information across the country. They claimed that at least 60 persons were disappeared and 261 activists belonging to the 19-Party Alliance were extrajudicially killed by police, RAB, joint forces and hoodlums of Awami League in three months, before and after the 10th Parliamentary elections. Of the 261 extrajudicially killed, 81 were Jamaat-Shibir activists and rests were from BNP and its front organisations. See The daily Jugantor, 23/02/2014

²²¹ A similar argument is used by the Government to explain that ‘torture’ does not exist in Bangladesh as a crime.

²²² ‘Year of shrinking democratic space, violence and disenfranchisement’ by Dr. C R Abrar,
<http://www.thedailystar.net/supplements/year-of-shrinking-democratic-space-violence-and-disenfranchisement-4689>

272. On January 25, 2013, JSD²²³ leader Mohammad Ali Mohabbat, resident of Kumarkhali upazila in Kushtia, was picked up allegedly by men claiming to be from RAB, from in front of Garrison Cinema Hall built beside Captain Abul Bashar Market near Khulna Cantonment. Mohammad Ali Mohabbat was blindfolded and detained in an unknown place and later produced before the Court in Jhenaidah on August 8, 2013.²²⁴
273. On April 4, 2013, the Rajshahi team of Rapid Action Battalion-5 picked up the Rajshahi Chhatra Shibir²²⁵ office secretary Anwarul Islam Masum from his maternal uncle's house at the Notun Bilshimola Bondho Gate area of Ward 11 under Rajpara Police Station. When Masum was not produced before the Court within 24 hours, family members rushed to the RAB local office and RAB Railway Colony Camp, but the officers there denied having any information with regard to the arrest. After five months in captive in an unknown place, Masum was released on August 8, 2013.²²⁶
274. Abdullah Omar Nasif Shahadat (26), of Kazla village under Motihar Police Station in Rajshahi was arrested by RAB-3 on May 4, 2013 in the late afternoon, from residence no. 707 at Moddho Monipur at Mirpur-2 in Dhaka. His whereabouts have been unknown since his arrest. RAB also arrested Shahadat's friend Sabid, but later released him. The family of Shahadat alleged that members of RAB-5 shot him dead on May 12 at around 3.30 am in a field near Binodpur Radio Centre, near Rajshahi University, after keeping him 'disappeared' for eight days. One of his hands and one leg had also been broken.²²⁷
275. On May 11, 2013 at around 7.00 pm Mohammad Fakhrul Islam (30), a resident of 323/A Moghbagar, Dhaka, was allegedly picked up by RAB-3 from Segun Bagicha, Dhaka. His family searched for any information regarding him at various places, including RAB-3, Ramna and Shahbagh Police Stations. Fakhrul's family claimed that RAB members have 'disappeared' Fakhrul.²²⁸
276. On November 3, 2013 at around 5.00 am Mir Mohammad Tanveer Rahman Khashru (46), son of late Ershad Ali Mir and Lutfun Nahar, was arrested from Tepakhola village under

²²³ JSD – Jatiya Shamajtantrik Dal (National Socialist Party)

²²⁴ Fact finding report, Odhikar, <http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/06/Fact-Finding-disappearance-Mahobbat-Kustia-2013-Eng.pdf>

²²⁵ Student wing of the Jamaat-e-Islami

²²⁶ Fact finding report of Odhikar, See <http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/08/Fact-Finding-disappearance-Anwarul-Rajshahi-2013-eng.pdf>

²²⁷ Fact finding report of Odhikar

²²⁸ Fact finding report of Odhikar

Faridpur Municipality by some men identifying themselves as members of Detective Branch (DB) of Police. When his family members went to the DB office they denied the arrest of Tanveer Rahman. However 14 days after his arrest, members of RAB-8 office acknowledged that Tanveer was arrested and he was produced before the Court of Senior Judicial Magistrate Mohammad Abdullah Al Masud on November 17, 2013.²²⁹

277. The International Convention for the Protection of All Persons from Enforced Disappearance (CED) was adopted in December 2006 by the UN General Assembly and defines the crime of enforced disappearances and sets out the State Party obligations to take appropriate measures to prevent and investigate such acts.²³⁰ Odhikar, being a vocal human rights organisation and member of AFAD²³¹, raises awareness on this issue through its human rights defenders' network and to the people of Bangladesh, while advocating to the government to accede to the CED, recover the victims and take action against the perpetrators. On August 30, 2013, for International Day of Victims of Enforced Disappearances,²³² Odhikar organised four meetings in Dhaka to build a network of victim's families. However, after forming this network, Odhikar was informed that law enforcement agencies threatened the families of the disappeared.
278. Odhikar expresses grave concern regarding the incidents of enforced disappearances committed by the law enforcement agencies. It demands that the Government take stern action against perpetrators.²³³ Odhikar demands the Government of Bangladesh accede to the International Convention for the Protection of All Persons from Enforced Disappearance.

²²⁹ Fact finding report of Odhikar

²³⁰ <http://www.ohchr.org/EN/HRBodies/CED/Pages/ConventionCED.aspx>

²³¹ Asian Federation Against Involuntary Disappearances

²³² Since the resolution adopted by the UN General Assembly on December 21, 2010

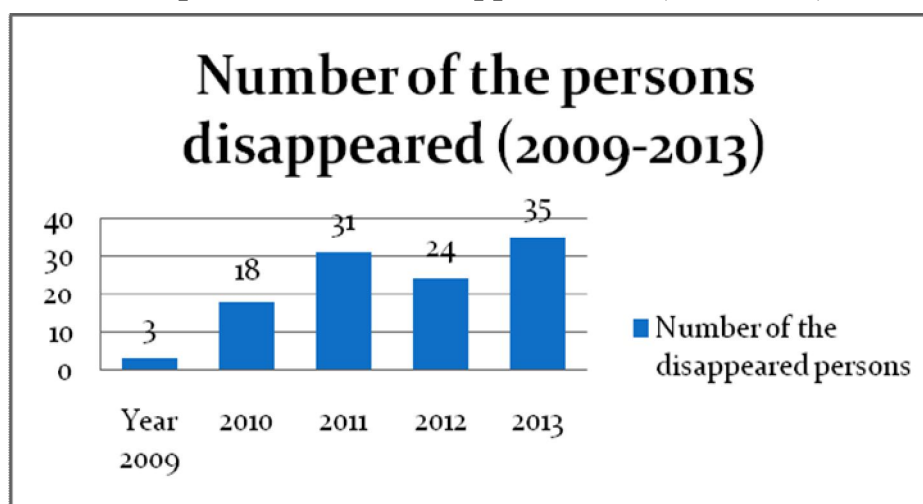
²³³ On June 24, 2013, the newspaper the 'New Age' published a news entitled "Crimes in police on rise", reconfirming the escalation of crime within the police force. see <http://www.newagebd.com/detail.php?date=2013-06-23&nid=54194#.UdEnNtjz6ho>

Table 21: Enforced Disappearance 2013

Year	Total number of Disappeared persons	Found Dead	Returned Alive	Still no trace of their whereabouts
2013	35	2	16	17

Table 22: Perpetrators of Enforced Disappearance (2009-2013)

Year (s)	No. of the disappeared persons	Allegedly disappeared by						
		RAB	Police	RAB-Police	DB Police	RAB-DB Police	Industrial Police	Other
2013	35	10	1	0	17	0	0	7
2012	24	10	0	0	6	2	1	5
2011	31	14	2	0	11	0	0	4
2010	18	14	2	0	2	0	0	0
2009	3	3	0	0	0	0	0	0
Total	111	51	5	0	36	2	1	16

Graph 8: Enforced Disappearance (2009-2013)

279. In recent years, the instances of enforced disappearance have been on the rise in Bangladesh. People are abducted and disappearing from various places in broad day light by men claiming to be the members of law enforcement agencies. Some are recovered as dead. In many cases families of the disappeared claim that law

enforcing agencies picked up the victim. Despite the law enforcing agencies denying allegations, in some cases they have later produced the arrested persons in press conference or handed them over to police stations.

280. Criminal Law in Bangladesh has no provisions for the crime of enforced disappearance. This is an international crime. If it is widespread it will be considered a ‘crime against humanity’, implying that Bangladesh could become vulnerable to external humanitarian intervention. To combat this nightmare in addition to reporting, campaigning and protesting, it is essential that we engage in massive public campaign to make people aware of the heinous nature of the crime and demand it is stopped immediately.

CHAPTER VII: BANGLADESH – INDIA BORDER SITUATION

Border violence

281. Bangladesh shares a 4,095 km common international border with India. The Indo-Bangladesh border passes through West Bengal (2,216 km.), Assam (262 km.), Meghalaya (443 km.), Tripura (856 km.) and Mizoram (318 km.).²³⁴ This border has been the scene of serious violations of human rights and international norms by the Indian Border Security Force (BSF) that continued to take place in 2013. The barbed wire fence is about to be completely built along the border and sometimes within the 150 yard limit and even in some places within the Bangladesh territory.²³⁵ At the same time, instances of BSF shooting, killing and torturing Bangladeshi citizens with no legal basis continue, breaching the Memorandum of Understanding and related treaties.²³⁶
282. Moreover, in 2013 members of the BSF also illegally entered into Bangladesh territory and attacked people residing along the border. They burned the house of a man living within the territory of Bangladesh. Sometimes BSF took away cattle that were grazing near the border area. BSF also killed/tortured/abducted/detained unarmed citizens of Bangladesh crossing border, who were either totally innocent, ignorant or who may have been engaged in cattle trading or smuggling, without handing them over to police. Incidents also showed that BSF abducted Bangladeshi people from the territory of Bangladesh who were working in their agricultural lands near the border. An incident of rape by BSF was also reported in 2013. Furthermore, India has occupied some lands belonging to Bangladesh since the independence of the latter. This also creates tension in the border areas.

²³⁴ <http://www.banglanews24.com/English/detailsnews.php?nssl=5c43c8214da50ad8be043a9f47cc390b&nttl=3011201382134>

²³⁵ Joint India-Bangladesh Guidelines for Border Authorities 1975 is the protocol which indicates the actions to be taken by border forces. Bangladesh is representing against Indian edifice of the fence based on Para 8 (e) which prevents construction of any structure having defense potential. In 1975, a guideline for the management of the Indo-Bangla border was formulated by the two countries which agreed not to construct any permanent structure within the 150-yard limit.

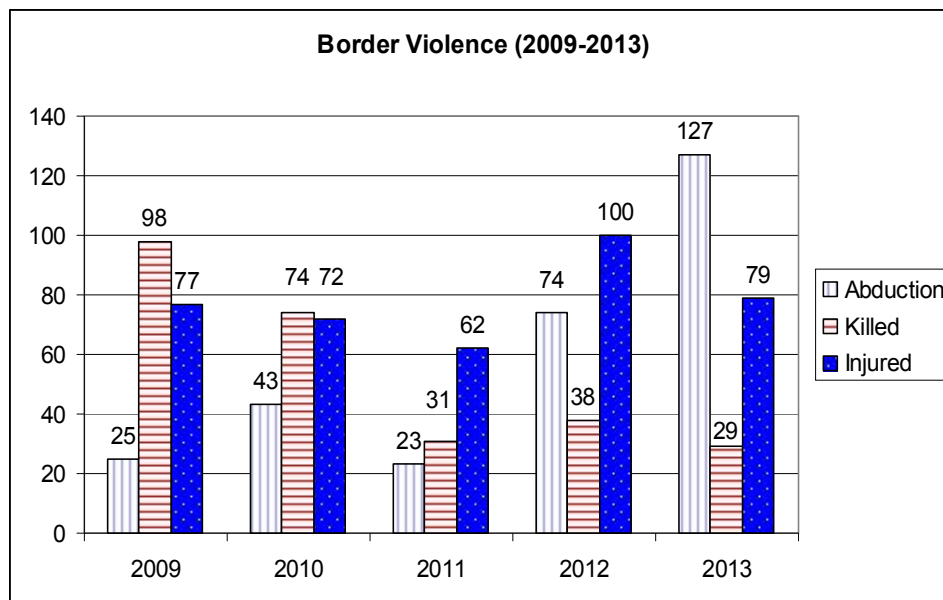
²³⁶ According to the Memorandum of Understanding and related treaties signed between the two countries in 1975, if citizens of the two countries illegally cross the border, it would be considered as trespass and as per law those persons should be handed over to the civilian authority. However, Odhikar has repeatedly noticed that India has been violating treaties, shooting at anyone seen near the border or anyone trying to cross the border, which is a clear violation of international law and human rights.

283. In 2013, according to Odhikar documentation, 29 people were killed and 79 were injured either by torture or firing by Indian BSF. During this time 127 persons were abducted and one was raped by Indian BSF.

Table 23: Border Violence (January-December 2013)

Name of the month	Killed by BSF				Injured (by BSF)				Abducted	Rape	Looting / Snatching	Push in	Missing	Other	Grand Total
	Gunned down	Tortured	Other	Total	Bullet Shot	Tortured	Other	Total							
January	4	1	0	5	12	4	0	16	12	0	75	41	0	0	149
February	1	0	0	1	5	1	1	7	3	0	0	0	0	0	11
March	2	0	0	2	1	4	1	6	16	0	0	0	0	0	24
April	0	1	0	1	2	2	0	4	12	0	0	0	0	0	17
May	1	0	2	3	8	2	0	10	10	0	0	0	0	0	23
June	3	0	0	3	8	2	0	10	7	0	1	0	0	0	21
July	1	2	0	3	1	2	0	3	12	1	0	0	0	0	19
August	0	3	2	5	3	0	0	3	13	0	0	0	0	0	21
September	0	2	0	2	3	0	0	3	16	0	0	0	0	0	21
October	0	1	1	2	8	3	0	11	15	0	0	0	0	0	28
November	0	0	0	0	3	2	0	5	6	0	0	0	0	0	11
December	0	1	1	2	0	1	0	1	5	0	1	0	0	0	149
Total	12	11	6	29	54	23	2	79	127	1	77	41	0	0	354

Graph 9: Border Violence (2009 – 2013)



284. BSF justifies the killings by claiming that suspects usually evade arrest, or that they have to shoot back in self-defense. Suspicion of a crime or evasion of arrest cannot alone justify the use of lethal force. Officials are required to exercise restraint and “act in proportion to the seriousness of the offence.”²³⁷ This is not the case here.

Some incidents of human rights violations by BSF in 2013

285. On June 12, 2013 the Indian High Commissioner, Pankaj Saran said, “killing at the border has decreased and to my knowledge, not a single incident of killing took place in the last six months.” He said this at a ‘meet the press’ organised at the National Press Club.²³⁸ However, in reality, the previous day (June 11, 2013) two Bangladeshi cattle traders, Habibur Rahman (35) and Faruk Hossain (26) were shot dead by the BSF members of Indian Angrail camp at Putkhali border under Benapole in Jessore district.²³⁹

²³⁷ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 122 (1990).

²³⁸ The daily Manabzamin, 13/06/2013 <http://www.mzamin.com/details.php?id=NTgzMjc=&ty=MA==&s=Mjc=&c=MQ>

²³⁹ Fact finding report of Odhikar, 08-11/07/2013

286. On January 1, 2013 two Bangladeshi men named Nur Islam (32) and Muktar Dai (23) were shot dead by the BSF near main pillar 361/5 at Bujruk border under Haripur Upazila in Thakurgaon District.²⁴⁰ The next day, on January 2, BSF shot and killed two more Bangladeshi citizens named Mohammad Masud (22) and Shahidul Islam (23) at Bibhishon border under Gomostapur Upazila in Chapainawabganj district.²⁴¹
287. On January 10, 2013 members of BSF took away 75 cattle that were grazing near main pillar no. 383 at Mondumala border, Baliyadangi Upazila of Thakurgaon from their headers.²⁴²
288. On February 16, 2013 Moksedul Mia, a student of Phulbari Degree College was shot by BSF of Kursharhat Outpost while he was helping cattle traders bring cows across the international pillar no. 939 at Thosh Bidyabagish border under Phulbari Upazila in Kurigram District. He was admitted to Rangpur Medical College Hospital in a critical condition and later succumbed to his injuries.²⁴³
289. On April 9, 2013 in Damurhuda under Chuadanga District near the Chakuliya border, Nur Alam who was paralyzed, went to a quack doctor ('kabiraz') on a three wheeler cycle van for treatment. From Noluapara, under the jurisdiction of Chapra Police Station in Rajerbari District in India, BSF members, while patrolling, entered the Bangladesh border and injured Nur Alam, hitting him with a rifle butt. Later, locals rescued him after he was left at the border by the BSF, and he was taken to the nearby clinic.²⁴⁴
290. On May 11, 2013 a 13-year old Indian named Swarup Shikari was allegedly beaten to death by BSF members of Dharampur Camp, who assumed he was a Bangladeshi cattle trader. The occurrence took place at Medinipur border under Jibonnagar Upazila in Chuadanga District. His body was left in Bangladesh territory near the border fence.²⁴⁵
291. On May 12, 2013 BSF members of Phulbari camp picked up a Bangladeshi farmer named Imani from the Daburi border under Ranishankoil Upazila in Thakurgaon District, while he was working in a field near international pillar 317.²⁴⁶

²⁴⁰ Fact finding report of Odhikar, 2-4/01/2013. See www.odhikar.org

²⁴¹ The daily Prothom Alo, 03/01/2013 <http://www.prothom-alo.com/detail/date/2013-01-03/news/318370>

²⁴² The daily Amar Desh, 14/01/2013 <http://www.amardeshonline.com/pages/details/2013/01/14/182826#.UPPq2jfmDDc>

²⁴³ Ahsan Habib Nilu, local human rights defender engaged with odhikar at Kurigram

²⁴⁴ The daily Amar Desh, 10/04/2013 <http://www.amardeshonline.com/pages/details/2013/04/10/195901#.UWUDrdhP3Dc>

²⁴⁵ The daily Inqilab, 13/05/2013 <http://www.dailyinqilab.com/2013/05/13/107936.php#.UyFSrz-SyBs>

²⁴⁶ The daily Manabzamin, 13/05/2013, <http://www.mzamin.com/details.php?nid=NTQwOTM=&ty=MA==&s=MjY=&c=MQ>

292. On May 24, 2013 a Bangladeshi cattle trader, Belal Hossain (24), of Satkuri village under Hakimpur Upazila in Dinajpur District, was tortured by the BSF at the Mongla border in Dinajpur. It was learnt that BSF members of Agra camp caught Belal Hossain from near the border and beat him with sticks, leaving him critically injured and unconscious.²⁴⁷
293. On July 11, 2013 at around 11 am a BSF jawan allegedly raped a 30-year-old Bangladeshi woman in front of her 6-year old son at Khedapara village under Gaighata Police Station in North-24-Parganas district of West Bengal. The woman was trying to cross the border when BSF approached. She and her son were hiding in a lemon orchard when one BSF personnel found them. He offered to let her go in exchange for sex. When she refused, the BSF jawan raped her.²⁴⁸
294. On September 9, 2013 BSF members of 91 BSF camp chased and captured one Bazlur, when he went to a nearby area of the border at Ramkrishnapur frontier, Daulatpur Upazila, Kushtia to collect grass for his cattle. BSF members took him to Baushmari camp and tortured him to death.²⁴⁹
295. On October 24, 2013 BSF members killed a Bangladeshi man called Kamruzzaman and hanged his body from a tree at Benapole Check Post, Jessore.²⁵⁰
296. On December 8, 2013 a group of 50-60 armed members of BSF allegedly set fire to a house at Harivasha Tiapara border under Sadar Upazila of Panchaghar owned by Asaduzzaman, a resident of Tiapara village. Asaduzzaman built that house on his inherited property situated on the zero line. BSF illegally intruded into Bangladesh and burned the house.²⁵¹

Follow-up on Felani: a trial for nothing?

297. Despite the promise of the BSF to use non-lethal weapons at the border²⁵², BSF are still shooting Bangladeshi citizens along the border and in the territory of Bangladesh with impunity. The shooting and killing of a 15-year old Bangladeshi girl Felani Khatun by the

²⁴⁷ The daily Prothom Alo, 25/05/2013 <http://prothom-alo.com/detail/date/2013-05-25/news/354985>

²⁴⁸ 'Scourge of the border' by Saad Hammadi, Xtra, The daily New Age, 06/12/2013, <http://newagebd.com/supliment.php?sid=270&id=1906>

²⁴⁹ The daily New Age, 10/09/2013

²⁵⁰ The daily Jugantor, 25/10/2013

²⁵¹ The daily Ittefaq, 09/12/2013, <http://www.ittfaq.com.bd/index.php?ref=MjBfMTJfMDIfMTNfMV8xMl8xXzkxODU3>

²⁵² See: <http://news.outlookindia.com/items.aspx?artid=793328>

Indian BSF on January 7, 2011 has shocked public opinion on both sides of the Indo-Bangla border and focused the attention on the human rights violations committed by the BSF, which have been reported by Odhikar for a long time.

298. According to the fact finding report of Odhikar, on January 7, 2011 at approximately 6:00 in the morning, Nurul Islam's daughter, 15-year old Felani Khatun, was shot and killed by the BSF. According to Nurul Islam, an eye-witness to this killing, he and Felani were crossing into Bangladesh, by climbing over a barbed-wire fence using bamboo ladders, through the vacant space between number 3 and 4 S pillars, which are adjacent to the number 947 main pillar of the Kitaber Kuthi Anantapur border. In order to do this they had made a deal with two Indian smugglers, namely Mosharaf Hussein and Buzrat in exchange of 3,000 Indian Rupees. While they were crossing the fence, Felani's clothes got tangled in the barbed-wire, which frightened her and caused her to scream in panic. In response to her scream, the BSF on patrol opened fire at them. Felani was shot and killed, but her father managed to escape. The body of the deceased teenager hung on the fence till 11 am that morning; five hours later, the BSF brought down Felani's body and took it away.²⁵³
299. It took more than two and half years to establish a Special Court in Koch Bihar in India for the trial of Felani's killing. Despite frequent reports of killings and torture along the border, it was the first time BSF authorities tried one of its personnel, bringing hope for the families of all the victims killed or abused by BSF along the border. The trial began on August 13, 2013. Amiya Ghosh was the only BSF member accused in the killing and he pleaded not-guilty. The Court delivered the verdict on September 5, 2013, declaring him "not guilty" because of 'inconclusive and insufficient' evidence against him.²⁵⁴
300. Odhikar has been advocating for the accountability of the BSF involved in Bangladeshi killings for several years. The establishment of an Indian Court in charge of the trial of those involved in Felani's killing could have been a step towards the end of the culture of impunity for the BSF. Instead the Court has failed to bring justice for Felani and her relatives and refused to give the details of the decision, calling into question its ability to deal with this issue in an independent way. This verdict will only encourage the growth of impunity that prevails for the BSF; while it is not to be forgotten that they are still shooting at sight along the India-Bangladesh border, creating an atmosphere of fear for the people living in those areas. To make sure that the BSF will be accountable in the future for

²⁵³ <http://odhikar.org/teenage-girl-felani-killed-by-the-bsf-firing-at-anantapur-border-under-kurigram-district/>

²⁵⁴ <http://www.newagebd.com/detail.php?date=2013-09-07&nid=64262#.UirVScYvVBQ>

killing unarmed Bangladeshi citizens and ensure the prevention of further human rights violations by the BSF, it is necessary to conduct impartial investigations into such violations – something which has not been done yet. This is also the only way to ensure proper compensation for the families of the victims killed by BSF.

The issue of enclaves

301. The relationship between the two countries needs to be understood in light of the disputed areas along the borders. It is to be remembered that India and Bangladesh have yet to demarcate some parts of their common border – something settled in the Land Boundary Agreement (LBA) of 1974 – and in this way address the issue of their enclaves. According to Article 2(ii) of the LBA, there are 111 officially recognised Indian enclaves in Bangladesh and 51 Bangladeshi enclaves in India.²⁵⁵ The people living in these enclaves are stateless, deprived of their rights as citizens and often living in miserable conditions. Without being entitled to the status of refugees, they are often the first victims of human rights violations that take place along the border.
302. The LBA of 1974 stated that Indian enclaves in Bangladesh and Bangladeshi enclaves in India should be exchanged expeditiously and the people in the enclaves offered a choice of citizenship. A treaty signed between Dhaka and Delhi in 2011 reaffirmed the exchange of enclaves without further delay and the option for the people living in the enclaves to choose the country they want to live. However, the LBA and this new treaty have not been enforced as yet, since the Constitution of India needs to be amended before the treaty can be ratified. On August 19, 2013, the Minister of External Affairs of India could not even introduce the Constitution 99th Amendment Bill in the Upper House of the Indian Parliament because of the resistance of the regional parties.²⁵⁶ However, on December 19, 2013 Indian External Affairs Minister Salman Khurshid placed the Constitution Amendment Bill at the *Rajya Sabha*, the Upper House of the Indian Parliament to pave the way for ratifying the Land Boundary Agreement (LBA) between Bangladesh and India, but it needs to be approved by *Lok Sabha*, the lower house of the Indian Parliament.²⁵⁷ After the placement of the Bill, the Chief Minister of West Bengal, Mamata Banerjee stated that,

²⁵⁵ <http://newagebd.com/detail.php?date=2013-09-08&nid=64374#.Ujwg1yc5LIU>

²⁵⁶ <http://bdnews24.com/bangladesh/2013/08/19/delhi-again-fails-to-introduce-lba-bill>

²⁵⁷ The daily Dhaka Tribune, 19/12/2013, <http://www.dhakatribune.com/foreign-affairs/2013/dec/19/bill-placed-indian-parliament-lba>, accessed at about 11.44 am on 31/12/2013

she will “*not let go a single inch of land to Bangladesh*”.²⁵⁸ In addition to that, there was strong resistance from the members of the Assam Gana Parishad, BJP and Trinomul Congress against the placement of the Land Boundary Agreement.

303. Odhikar expresses its concern about the deprivation of rights of the vast number of people living inside the enclaves and asks the Government of Bangladesh to immediately pursue activities and means to implement the LBA of 1974 for the betterment of the people living there and the return of Bangladeshi land.
304. Odhikar urges the Bangladesh Government to include the issue of border killings in the pursuit of its foreign policy with India and take effective steps to stop illegal intrusion, killing, torture and abduction by the BSF. The Bangladesh Government must ensure security and start strong social safety net programme, for the people who live along the border areas.
305. Odhikar demands a proper investigation of all incidents and punishment of guilty BSF members under international law and compensation for the victims from the Indian Government.
306. Odhikar also calls upon the UN bodies to take a position and investigate such violations of international law and human rights.
307. Odhikar urges human rights organisations all over the world to take up this issue and pressure India to stop such kind of violence upon the citizens of another independent and sovereign State.
308. Odhikar urges the Government of Bangladesh to take a stronger, international stand against such violations to its citizens and sovereign territory. Bangladesh did not fight for independence to face threats to its sovereignty. It fought repression and ill treatment and discrimination. Now, as an independent country, its citizens are again facing threats along its border areas.

²⁵⁸ The daily Jugantor, 20/12/2013

Worker's rights

309. Since the 1980s, starting as a response to adjust the economy and resolve the balance of payment deficit; export oriented readymade garment industries took root and have been growing fast. The processes of underdevelopment, coupled with the failure to constitute a democratic state, contributed to the rapid pauperisation of the rural areas, releasing cheap labour and forcing people – mainly women in their late teens – to leave their homes and localities in search of a livelihood to survive. The social and economic atmosphere created conditions to coerce them into work places with meager wages and unsafe working conditions. At present, about 40 hundred thousand people work for almost 4700 industries, where at least 80% of workers are women.²⁵⁹ By this, much foreign remittance is earned that keeps Bangladesh's economy stable. The remittance received is around 20 billion US Dollars per year. Thus Garment manufacturing factories are considered as a major source of revenue for Bangladesh, and the factory workers are the main contributing factor to this success. However, it is still debatable as to what extent Bangladeshi workers gained in social and developmental terms, from the implementation of an economic model that is basically built on the exploitation of the population, particularly of young women.
310. Risky working environments, the almost non-existence of extra exits, shortage of fire extinguishers and other safety measures, lack of training and the use of sub-standard building material; bribery during plan approval, construction of illegal extensions and violation of building codes all contribute to the recurrence of fire mishaps and building collapses in the factories of Bangladesh. Odhikar recalls the fire mishap in Tazreen Fashions Limited on November 24, 2012 where 113 workers died²⁶⁰, the Smart Export Garments Limited incident on January 26, 2013 where 08 female workers died; and lastly the Rana Plaza building collapse on April 24, 2013 where 1131 died. The negligence of the owners in maintenance for ensuring a safe working environment has cost many lives and livelihoods; and also tarnished the image of Bangladesh in the international manufacturer arena.

²⁵⁹ Export and Development Bureau

²⁶⁰ Fact finding report of Odhikar. <http://odhikar.org/a-bloodstained-garment-sector-impunity-of-government-officials-and-factory-owners-tazreen-fashions-limited-tragedy/>

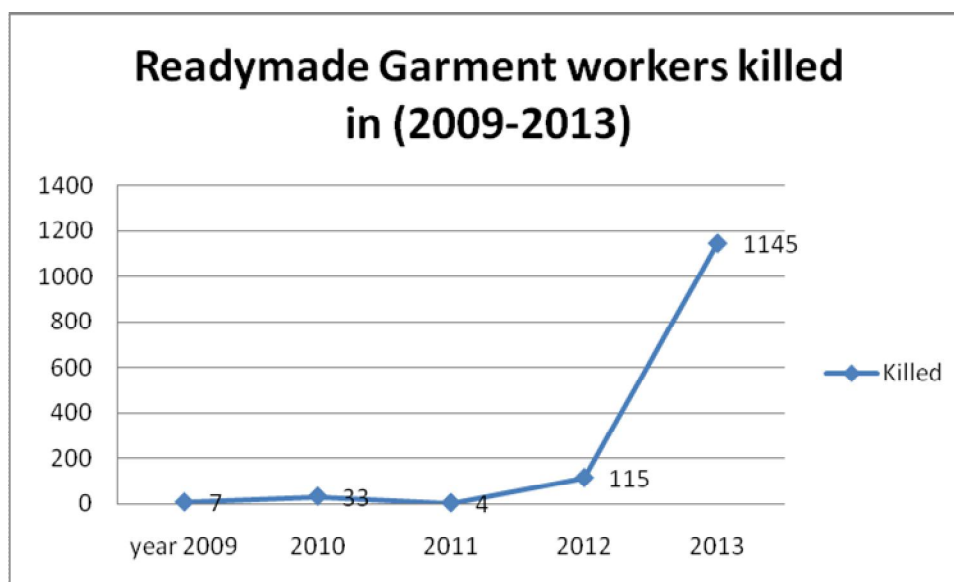
311. Termination of workers without any proper reason; closure of factories without notice; and wages, bonuses not paid on time are the main reasons for workers' protest which indicates workers are exploited and deprived of their rights. Sometimes in the time of unrest, law enforcement agencies use excessive force to disperse the agitated workers. Moreover, there are allegations of sabotage being conducted to ruin this industry. Compensation for industrial and workplace accidents is almost non-existent or grossly insufficient.
312. Workers took to the streets demanding a minimum wage of Taka 8,114 while on November 13, 2013 owners agreed to Taka 5,300 as the minimum wage, after meeting the Prime Minister on November 4, 2013.²⁶¹ Meanwhile, a group of workers started calling for the implementation of Taka 5,300 as the minimum wage set by the Wage Board from November 2013. However, another group of workers were protesting in demand for Taka 8,114 as the minimum wage.
313. According to information gathered by Odhikar, in 2013, 1145 workers died, of which two were gunned down by police during demonstrations; 11 died in factory fire and 1132 died in factory building collapse. 5566 garment workers were injured during protests against termination, closure of factories, demands for overdue wages, bonus, in demand of leave and against mishaps of fire and building collapse. During such protest, 43 members of law enforcement and industrial police were also injured. During this time, 1728 workers were also terminated.

²⁶¹ The daily Bangladesh Protidin, 14/11/2013 <http://www.bd-pratidin.com/2013/11/14/26880>

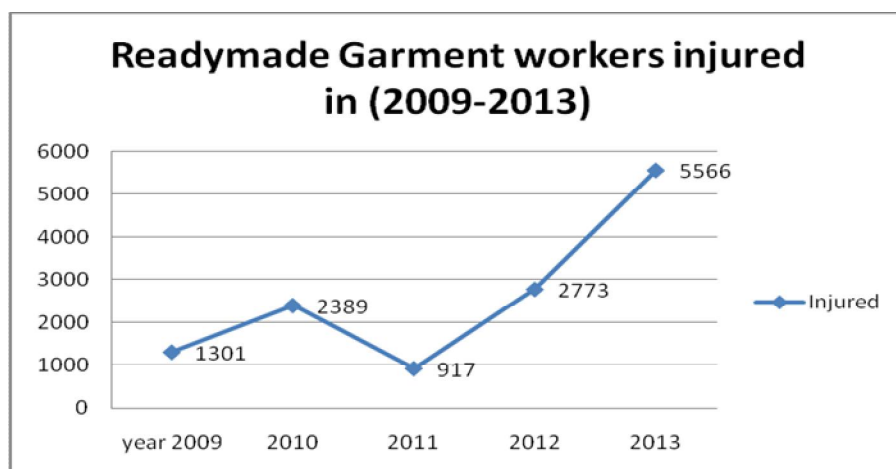
Table 24: Statistics of readymade garment workers unrest throughout 2013

Month(s)	Died					Subtotal	Injured					Subtotal	Arrested	Raped (inside the Factory)	Property Damage	Victim law enforcement agency	Terminat ed	Case filed	Total
	During Demonstration		Fire	Stam pede	Other		During demonstration		Fire	Stamp ede	Other								
By police	By Garment Authority					By p olice	By G arment A uthority												
January	0	0	8	0	0	8	0	70	0	65	100	235	0	1	0	0	0	0	244
February	0	0	0	0	0	0	76	17	0	0	85	178	0	0	0	4	193	0	375
March	0	0	0	0	0	0	75	0	0	0	0	75	0	0	0	0	0	0	75
April	0	0	0	0	1129	1129	145	0	0	50	2488	2683	0	0	0	0	0	0	3812
May	0	0	0	0	1	1	316	0	0	45	0	361	3	0	0	0	120	0	485
June	0	0	0	0	1	1	192	40	0	35	0	267	8	0	0	0	167	0	443
July	0	0	0	0	0	0	98	0	0	0	0	98	0	0	0	12	60	0	170
August	0	0	0	0	1	1	121	4	0	s	20	145	0	0	0	0	665	0	811
September	0	0	0	0	0	0	507	5	5	0	11	528	0	0	0	25	200	0	753
October	0	0	3	0	0	3	125	21	4	86	30	266	3	0	0	0	32	0	304
November	2	0	0	0	0	2	685	25	0	20	0	730	18	0	0	2	98	0	850
December	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	193	0	193
TOTAL	2	0	11	0	1132	1145	2340	182	9	301	2734	5566	32	1	0	43	1728	0	8515

Graph 10: Fatalities in readymade garment factory (2009-2013)



Graph 11: Fatalities in readymade garment factory (2009-2013)



314. Odhikar demands that workers need to be brought under a synchronised security programme and the infrastructure of the factories to be built systematically so that the safety and security of the workers are ensured.

Situation of readymade garment factory workers: Some incidents

315. On January 26, 2013 eight women workers died and more than 50 workers were injured due to a fire at Smart Export Garment Factory at Mohammadpur in Dhaka. It was learnt that workers died mainly due to suffocation and were trampled on in the rush to get out. Garment workers who witnessed the fire, informed Odhikar that it started in the heap of garment ‘wastage’ kept on the first floor of the building. The main gate was locked when the fire began. There was no fire extinguisher in the factory. It was learnt during fact finding that Smart Export Garment Factory was making clothes for international markets without approval from the Labour Ministry, BGMEA²⁶² and Fire Service.²⁶³
316. On February 10, 2013 the workers of the readymade garment factory belonging to Azmat Group were protesting against late payment of wages and vandalised property in Ashulia,

²⁶² BGMEA: Bangladesh Garment Manufacturers and Exporters Association

²⁶³ Fact finding report of Odhikar, 27-28/01/2013, <http://1dgy051vgvxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/04/fact-finding-RMG-Smart-Export-Garments-Dhaka-2012-eng.pdf>

- Dhaka. Police threw tear gas shells, fired rubber bullets and baton charged the workers to disburse them. At least 30 people – workers and police – were injured.²⁶⁴
317. On April 24, 2013 Rana Plaza, a 9-storied building situated at Savar Bus Stand, Savar collapsed, which resulted in the reported death of 1131 persons and about 3000 injuries. There were five garment factories from the second to seventh floors in the building. About 5000 garments workers were working inside the building during the tragic incident.²⁶⁵ Later three others succumbed to injury and human bones have been found in the destroyed Rana Plaza site.
 318. On May 13, 2013 workers of ABM Garment Factory protested over the termination of 13 workers from the factory at Kafrul in Dhaka. An altercation took place between police and workers when workers came out of the street and started vandalising vehicles. Police arrested three workers.²⁶⁶
 319. On October 8, 2013 seven garment factory workers died due to a fire at Aswad Composite Mills Ltd. belonging to Pall Mall Group, at Beraiderchala area under Sreepur Upazila in Gazipur District. Families of the victims claimed that several workers were still missing after the incident. The fire service was able to control the blaze after 10 hours.²⁶⁷
 320. On November 18, workers of Kashimpur and Konabari areas protested for a minimum wage of Taka 8,114 and for increasing the production wage. Police fired rubber bullets and threw tear gas shells when a clash broke out between workers and police. Workers also threw bricks at police. More than 50 workers were injured, out of which 10 were shot by police during the clash. Wounded workers Badsha Mia and Ruma Akhter were declared dead by doctors when they were taken to Enam Medical College Hospital in Savar.²⁶⁸
 321. On November 28, rumour of the deaths of garment factory workers caused a large hoard of people to set fire to the 10-storied building of Standard Garments Factory, belonging to the Standard Group, at the Zarun area of Konabari under Gazipur. The factory lost around Taka hundred crore worth of goods and machinery. After an announcement was made by a

²⁶⁴ The daily Manabzamin, 11/02/2013, http://mzamin.com/old_archive/oldarchive_details.php?nid=NDIxOTY=&ty=MA==&s=MjY=&c=MQ==&seco=MjAxM3wyfDExfDA

²⁶⁵ Fact finding report of Odhikar, http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/06/Fact-finding_RMG_Rana-Plaza_Eng.pdf

²⁶⁶ The daily Prothom Alo, 14/05/2013 <http://www.prothom-alo.com/bangladesh/article/1830>

²⁶⁷ The daily Naya Diganta, 10/10/2013 <http://www.dailynayadiganta.com/welcome/post/24084#.UIZBoINP3Dc>

²⁶⁸ The Daily Ittefaq, 19/11/2013 <http://www.ittfaq.com.bd/index.php?ref=MjBfMTFfMTIfMTNfMV8xZfFODY3Mzk>

megaphone that two workers had died, thousands of workers, including several outsiders, set fire to the factory. Some people tried to block fire fighters from approaching the factory, but were dispersed by the police.²⁶⁹ Apart from the Company's huge financial loss, as many as 27,000 workers in the Standard Garments Factory have lost their jobs.²⁷⁰

Bangladesh Labour (Amendment) Act, 2013 passed in Parliament

322. On July 15, 2013 the Bangladesh Labour (Amendment) Act 2013 was passed in Parliament. In the amended law a number of issues, including the ILO Convention no. 87 relating to the right to freely organise meetings and assemblies; and ILO Convention no. 98 relating to right to collective bargaining as per ILO standards, have been approved. However, some important features of the Law were found to be below ILO standards. The amended Law did not consider the workers and labourers working in EPZs, non-profit education and training institutions, hospitals, clinics and diagnosis centres, farmlands and households. Furthermore, there is now in place a complicated process to call strikes. Two-third votes of the unions would be necessary to call a strike. It was three-fourth in the earlier Law. Although some developments have been made as result of this amendment, if the government feels that any strike might cause harm to the workers, they can stop it. The government can misuse this provision. Strikes are prohibited in foreign investing institutions which are operational in three years. The foreign investors will be benefited due to this discriminatory section related to strikes. The amended Law highlights the monitoring by a 'Participation Committee' and 'Safety Committee'. These two Committees will be manned by a combination of management and workers. Where there is no union in a factory, workers of that factory will directly elect their representatives for these two Committees. However, it was not clear what role would be played by the said Committees. No changes were brought in the amended Law for electing labour leaders according to workers' own choice. The amended Law also reduces the duration of maternity leave by two months for the workers of readymade garment factories. It also cancels 5% profit sharing of workers; in its place it includes a new clause having a welfare board and welfare fund. Workers fear that the owners will deprive them of their rights of getting a welfare fund. They fear losing jobs as the Law says that an employer can terminate a worker for

²⁶⁹ The daily Prothom Alo, 29/11/2013 <http://www.prothom-alo.com/economy/article/86446>

²⁷⁰ The daily New Age, 01/12/2013 <http://newagebd.com/detail.php?date=2013-12-01&nid=74993>

any misconduct and the workers will not be able to receive any kind of benefits. The new Law does not specify any measures in order to prevent sexual harassment of female workers. The RMG workers continued to be deprived of their rights till the end of 2013 even after the amendment of the Law.²⁷¹

²⁷¹ The daily New Age, 17/07/2013 and A Big Letdown, a cover story of the Star, a weekly publication of the Daily Star, 26/07/2013, Page-8, <http://archive.thedailystar.net/beta2/news/a-big-letdown/>

CHAPTER IX: VIOLENCE AGAINST WOMEN

323. Violence and discrimination against girls and women in Bangladesh is widespread. In the patriarchal society of Bangladesh, women become victims of acid violence, rape, dowry related violence, domestic violence, stalking etc. It is quite disturbing that apart from the patriarchal attitude of society, the weak justice delivery system also makes lives miserable for women. There are even allegations of rape against law enforcement agencies. As the political situation is very unstable and pro-government activists/ supporters are freed from blame due to political backing, many of them are involved in committing violence against women; in such cases police remain silent spectators and do not take action against them due to their political affiliations; unless they have been told to make an arrest to 'set an example'. In the same manner access to justice by the victim is exceedingly difficult when 'political' people are involved in committing crimes and violence.
324. In the present, class based society of Bangladesh, women who come from the impoverished sections of the society are the poorest of the poor and thus become further victimised in various ways. There are also allegations of corruption in the lower judiciary and police administration. There is no victim and witness protection law in Bangladesh. Victim women and their families are regularly intimidated by the perpetrators and they live under constant risk of becoming victimised again. Social awareness mechanisms to curb violence against women are not effective in Bangladesh due to the patriarchal system and lack of effective implementation of the laws.

Dowry and related violence

325. In Bangladesh, dowry related violence is considered to be the root cause of domestic violence. Women are treated as burden in mainly poor, rural families and thus many parents try to marry off their daughters by giving dowry. Poverty and lack of security contribute to stop a girl's education at the primary or secondary level. As a result, she is unable to become self sufficient. Parents, however, save money for giving dowry for their daughters' marriages. However, the demand for dowry does not end at the marriage ceremony. According to the Dowry Prohibition Act of 1980, giving and taking dowry is a punishable offence and according to the section 11 (Ka), (Kha) and (Ga) of the Women and Children Repression Prevention Act 2000 (Amended in 2003) the punishments to such

crimes have been mentioned. Regardless of the laws, dowry violence is a vicious cycle and the root cause for domestic violence in the country.

326. In 2013, Odhikar recorded that 436 females were subjected to dowry violence. Of these females, 430 were women and six were under aged brides. It has been alleged that among the 430 women victim 154 were killed because of dowry, 261 were abused in various ways for dowry demands and 15 women committed suicide due to dowry related violence. Among the six under aged brides, four were killed and two committed suicide because of dowry. Furthermore, during the dowry violence a 40-day old baby girl was killed by her father and one five- year old girl was physically abused along with the dowry victim. On the other hand, one male relative was killed and two were physically abused for not giving dowry. Furthermore, one woman relative was killed, another was physically abused and one committed suicide in humiliation for not giving dowry.

Table 25: Dowry related violence'2013

Month (s)	Victim Women (Bride)			Sub Total	Victim Girls (Under age bride)			Sub Total	Total Victim Female				Victim women's Children					Total	Victim's Relatives										Grand Total
	Killed	Physically abused	Suicide		Killed	Physically abused	Suicide		Total Killed	Total Physically yabused	Total Suicide	Grand Total	Killed	Physically yabused	Suicide	Gender			Women			Sub Total	Men			Sub Total	Total Relatives		
																Female	Male		Killed	Physically yabused	Suicide								
January	10	26	1	37	0	0	0	0	10	26	1	37	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	37
February	13	26	2	41	0	0	0	0	13	26	2	41	1	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	42
March	17	30	0	47	3	0	1	4	20	30	1	51	0	0	0	0	0	0	0	0	0	0	1	2	0	3	3	54	
April	13	48	0	61	1	0	1	2	14	48	1	63	0	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0	64
May	15	30	0	45	0	0	0	0	15	30	0	45	0	0	0	0	0	0	0	0	1	1	0	0	0	0	1	46	
June	15	36	1	52	0	0	0	0	15	36	1	52	0	0	0	0	0	0	1	0	0	1	0	0	0	0	1	53	
July	12	3	3	18	0	0	0	0	12	3	3	18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18
August	11	9	0	20	0	0	0	0	11	9	0	20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20
September	15	35	6	56	0	0	0	0	15	35	6	56	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	56
October	9	6	1	16	0	0	0	0	9	6	1	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16
November	10	5	1	16	0	0	0	0	10	5	1	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16
December	14	7	0	21	0	0	0	0	14	7	0	21	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	21
Total	154	261	15	430	4	0	2	6	158	261	17	436	1	1	0	2	0	2	1	0	1	2	1	2	0	3	5	443	

327. On June 8, 2013 a housewife named Moyna Begum was beaten and strangled to death by her husband Rezabuddin over dowry demands in Kongshapotti village under Dhamrai upazila in Dhaka district.²⁷²
328. On August 14, 2013 Moklesur Rahman alias Shohag (30) killed Ratna Khatun (25) in demand of dowry. On August 12, 2013 Moklesur Rahman demanded Taka 50,000 from Ratna. When she refused, Moklesur beat up her. Later on August 13, 2013 at around 8 am she informed the incident to her father Abdus Sabur. Her father went to Rosulpur village, Sirajganj to Ratna's in laws house and requested Moklesur and his father not to physically abuse her. At that time, Moklesur and his father demanded Taka 50,000 from Abdus Sabur. However, Abdus Sabur tried to take his daughter with him but they stopped him from doing so. On August 14, 2013 Ratna was strangled to death in her in laws house. A case was filed under section 11 (Ka) of Nari O Shishu Nirjatan Daman Ain, 2000 (amended in 2003) at Kamarkhand Police Station, Sirajganj. However, police mentioned in their investigation report that she committed suicide thus police framed the case under section 306 of the Penal Code, 1860. Her family could not file a Naraji Petition against the police report, as they cannot afford to do so.²⁷³
329. On December 16, 2013 at Manda in Naogaon, Al Amin alias Fenci killed Jesmin Seba (21) as she refused to fulfill his demands for dowry. Al Amin alias Fenci and Jesmin Seba were married in 2010. After the marriage, the husband and in laws of Jesmin pressurized her to give dowry and often physically abused her. A case was filed in Manda Police Station after her death.²⁷⁴
330. Reshma from Pangsa, Kalukhali, Rajbari was allegedly killed by her husband Rashed Biswas, for dowry on December 20, 2013²⁷⁵

Acid Attacks

331. In spite of the Acid Control Act 2002 and Acid Crime Control Act 2002, girls and women are facing acid violence. It is a punishable offence to buy, sell or import acid without a licence; however due to a loose monitoring system, acid can be made readily available and

²⁷² The daily Jugantor, 09/06/2013

²⁷³ Fact Finding Report of Odhikar (unpublished)

²⁷⁴ The daily Ittefaq, 19/12/2013

²⁷⁵ The daily Naya Diganta, 23/12/2013 <http://dailynayadiganta.com/details.php?navadiganta=NDg3MQ==&s=MTE=&c=MQ>

such violence can be perpetrated upon any person. A majority of the acid attacks on women occurs due to refusal of the proposal of love, marriage or sex advances or over land disputes.

332. According to information gathered by Odhikar, between January – December 2013, it was reported that 53 persons became victims of acid violence. Of these affected persons, 36 were women, 10 were men, five were girls and two were boys.

Table 26: Acid Violence (2009 – 2013)

Year (s)	Adult Women	Adult Men	Girl	Boy	Grand Total
2013	36	10	5	2	53
2012	58	17	20	10	105
2011	57	25	10	9	101
2010	84	32	16	5	137
2009	64	20	13	4	101
Total	299	104	64	30	497

Graph 12: Acid Violence (2009 – 2013)

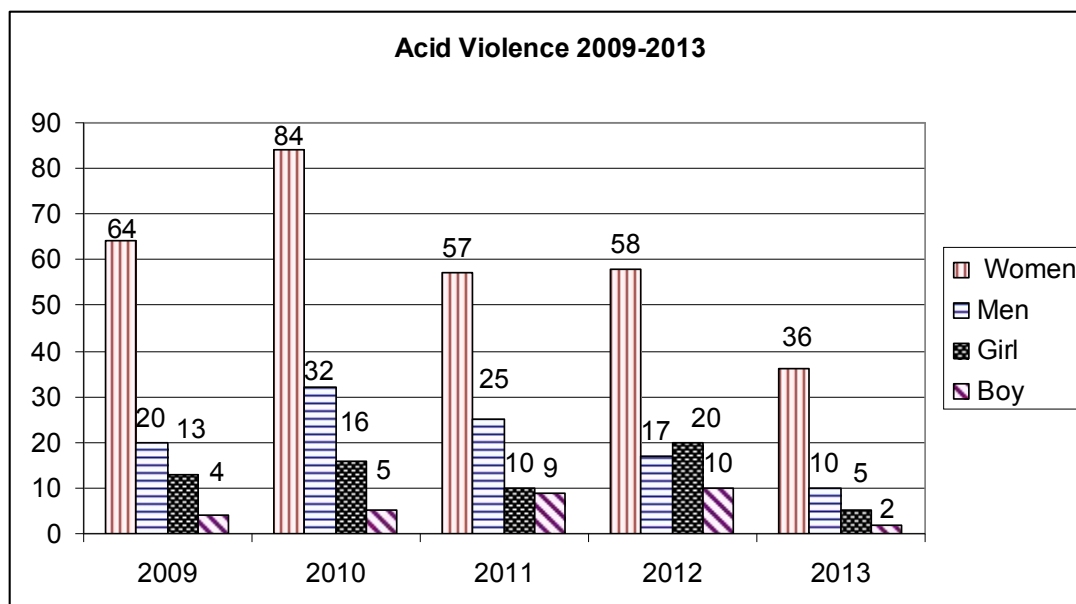


Table 27: Reasons for Acid Violence in 2013

	Reasons for acid violence	Female		Male		Grand Total
		Adult	Child	Adult	Child	
1	Dowry	2				2
2	Refusal of Proposal for/ marriage, Love, dating or sex.	9	2	1		12
3	Marital Problems/ Family dispute	5	1	2		8
4	Conflict over land, property or inheritance.	11	1	4	1	17
5	Enmity	3	1			4
6	Unidentified Reasons	4		1	1	6
7	Miscellaneous	2		2		4
	Total	36	5	10	2	53

333. On June 16, 2013 a garment worker Ayesha Begum (40) was burnt with acid by her husband Monju and his brothers when Ayesha tried to protect her daughter's chastity. It was learnt that the father attempted to rape his daughter at Shukoni village in Demra, Dhaka. Ayesha Begum was under treatment at the Dhaka Medical College Hospital. A case was filed with Demra Police Station in this regard but police could not arrest anyone.²⁷⁶
334. Rowshan Ara Begum, a woman from Dokkhinpara village, Rotonkandi Upazila, Shajadpur, Sirajganj became the victim of acid attack on August 24, 2013 over a land dispute by a group of people opposing Rowshan's husband, Hazrat Ali.²⁷⁷
335. On November 24, 2013 Mohammad Hafizur Rahman Dollar (18) threw acid on a school girl through holes in the corrugated iron sheet of her room, when she was studying, in Belkuchi Upazila of Sirajganj. Dollar offered her to a marriage proposal but she refused. As a result Dollar retaliated. Later, a case was filed on December 3, 2013 under section 5 (Ka) (Kha) of Acid Crimes Control Act, 2002 with Belkuchi Police Station, Sirajganj. Police arrested the accused and he is detained in jail now.²⁷⁸

²⁷⁶ The daily Manabzamin, 18/06/2013 <http://www.mzamin.com/details.php?nid=NTkwNDc=&ty=MA==&s=MjU=&c=MQ>

²⁷⁷ The daily Jaijaidin, 27/08/2013 http://jjdin.com/?view=details&archiev=yes&arch_date=27-08-2013&type=single&pub_no=581&cat_id=1&menu_id=16&news_type_id=1&index=7

²⁷⁸ Fact Finding Report of Odhikar (unpublished)

Rape

336. Rape carries with it a social stigma in Bangladesh. If a woman becomes a victim of rape, she and her family usually try to hide the crime as the victim is labelled ‘bad’ or ‘immoral’ and the family can be excluded from the local society. It is alarming that there are significant numbers of girl children who are victims of rape and child rape is on the rise. If an incident of rape is revealed, in most probability, it will not be brought before the Court and the ‘local elites’ will try to resolve this matter through abusive village arbitration. If the matter goes to the Court, the victim becomes victimised again as a majority of such cases are not held in camera and the pattern of questions asked by the male Judges during the Court proceedings simply become humiliating.
337. In 2013, Odhikar recorded a total number of 814 females who were raped. Among them, 336 were women, 452 were children below the age of 16 and the age of 26 females could not be determined. Of the women, 30 were killed after being raped; 127 were victims of gang rape and two women committed suicide after being raped. Out of the 452 child victims, 40 children were killed after being raped, 94 were victims of gang rape and four were committed suicide after being raped.

Table 28: Rape 2013

Month (s)	Total number of victims	Total number of women	Total number of children	Unidentified age	Gang Rape			Killed after being raped			Committed suicide after being raped		
					Women	Children	Unidentified age	Women	Children	Unidentified age	Women	Children	Unidentified age
January	109	39	67	3	15	18	2	3	6	1	1	0	0
February	93	42	50	1	14	10	1	5	0	0	0	0	0
March	115	51	61	3	18	13	2	4	6	0	0	0	0
April	111	59	48	4	18	12	2	2	3	0	0	0	0
May	43	17	26	0	6	6	0	2	0	0	0	0	0
June	79	38	41	0	14	6	0	0	4	0	1	3	0
July	61	20	39	2	6	6	0	2	5	0	0	0	0
August	66	20	43	3	11	9	1	3	3	0	0	0	0
September	57	23	30	4	8	3	1	3	3	0	0	0	0
October	26	11	14	1	5	3	1	2	2	0	0	0	0
November	31	9	22	0	7	5	0	3	5	0	0	0	0
December	23	7	11	5	5	3	5	1	3	0	0	1	0
Total	814	336	452	26	127	94	15	30	40	1	2	4	0

338. On April 3, 2013 a Hindu woman was gang raped by four men Mostafa Paik, Lal Mia Talukder, Firoze Molla and Hossain Sheikh in Kotalpara area of Gopalganj District.²⁷⁹
339. On May 30, 2013, a college girl of Phulmalirchala village in Ghatail Upazila under Tangail District was raped by Jubo League leader Mukul Mia (28) and his associate Nurul Islam (29), after they kidnapped her when she was returning home from college. They took the girl to a house of Abdul Khaleque in Kamalpur village where Mukul raped her while Nurul Islam took the video of the incident. Mukul released the video on the internet and the victim filed a case with Ghatail Police Station accusing Mukul Mia and Nurul Islam on June 3, 2013. When the news spread, angered locals put several educational institutes at the village under lock and key, demanding the arrest of the culprits. They set the houses of Mukul and Nurul on fire on June 9, as police failed to arrest them. Meanwhile the victim and her family were allegedly being threatened by the accused to withdraw the case.²⁸⁰
340. On June 8, 2013 a student of Rajdiya Abhoy Pilot High School was raped by Sub Inspector (SI) Zahidul Islam of Sirajdikhan Police Station in Munshiganj. SI Zahidul was a tenant of the residence belonging to the girl's family. The parents of the girl went out while she stayed at home. When they were unable to return that night, they requested the wife of SI Zahidul to take care of their daughter. SI Zahidul raped her when the girl slept at his residence. A case was filed in this connection and SI Zahidul Islam has been suspended from his job and arrested.²⁸¹
341. A Juba League activist Saifuddin Litu, brother of the Upazila vice-Chairman Zainul Abedin Mamun, along with 10 to 12 associates, raped a woman and abducted her daughter at Quresh Mushir Bazar of Daganbhuiyan in Feni on September 10, 2013. The woman filed a case with Daganbhuiyan Police Station against 20 people, with four being named. In the first information report, she, however, said that she had been raped by Saifuddin and others helped him in the incident. The police arrested Shah Alam, a local Juba League activist, on September 11, 2013 in the afternoon.²⁸²
342. A 17 year old girl was reportedly raped by five police constables when she was in their custody at Govindaganj Police Station at Gaibandha on September 28, 2013. Later she was

²⁷⁹ The daily Amar Desh, 05/04/2013 <http://www.amardeshonline.com/pages/details/2013/04/05/195180#.UWE5qNhP3Dc>

²⁸⁰ The daily Jai Jai Din, 09/06/2013 and the daily Manabzamin, 10/06/2013

²⁸¹ Fact finding report of Odhikar

²⁸² The daily New Age, 12/09/2013, <http://newagebd.com/detail.php?date=2013-09-12&nid=64942#.UjWVsVNP3Dc>

sent to safe custody in Gaibandha District Jail. After taken to jail, the girl complained to the Jail Superintendent that she was raped while in police custody. As girl's health deteriorated after she informed him about the incident, the Jail Superintendent produced the girl before the Chief Magistrate's Court once again and had her confession recorded. Afterward the court ordered police on October 3 to consider the confessional statement as the first information report for taking necessary action to run a probe into allegation. The District Civil Surgeon was also ordered to give a report on the girl's medical examination. The police filed the case on October 4 following the order. The district police have formed a three-member probe body to look into the allegations.²⁸³

343. On November 22, 2013 a mentally disabled housewife was reportedly gang raped at Goalkanda village under Shibchar Upazila of Madaripur District. On that day, a group of teenagers from the village allegedly raped the woman at around 7:00 pm. After hearing her screams, villagers caught one of the alleged miscreants, beat him up and handed him over to the police. The other suspected miscreants managed to flee the scene. A case was filed against the three suspects with Shibchar Police Station.²⁸⁴

Stalking (Sexual Harassment)

344. Incidents of stalking are frequently taking place all over the country. A majority of the victims of stalking are young women at the school and college level. The High Court Division of the Supreme Court on January 26, 2011, ordered that stalking should be defined as an offence of sexual harassment, which warrants imprisonment for 3–10 years. The Division Bench of Justice M Imman Ali and Justice Sheikh Hassan Arif also ordered that the word 'eve teasing' should not be used to describe stalking of any woman or girl.
345. The Court further ordered for installation of a separate unit or cell or team at every police station across the country to prevent sexual harassment at private or public places such as educational institutions, workplaces, transports, markets, bus stoppages. Unfortunately the existence of such separate units are not visible yet.
346. According to information gathered by Odhikar, a total of 333 girls and women were victims of sexual harassment from January to December 2013. Among them, 13 committed suicide, six were killed, 21 were injured, 15 were assaulted, 12 were

²⁸³ The daily New Age, 07/10/2013 <http://newagebd.com/detail.php?date=2013-10-07&nid=68328#.UIUYZ1MfrIU>

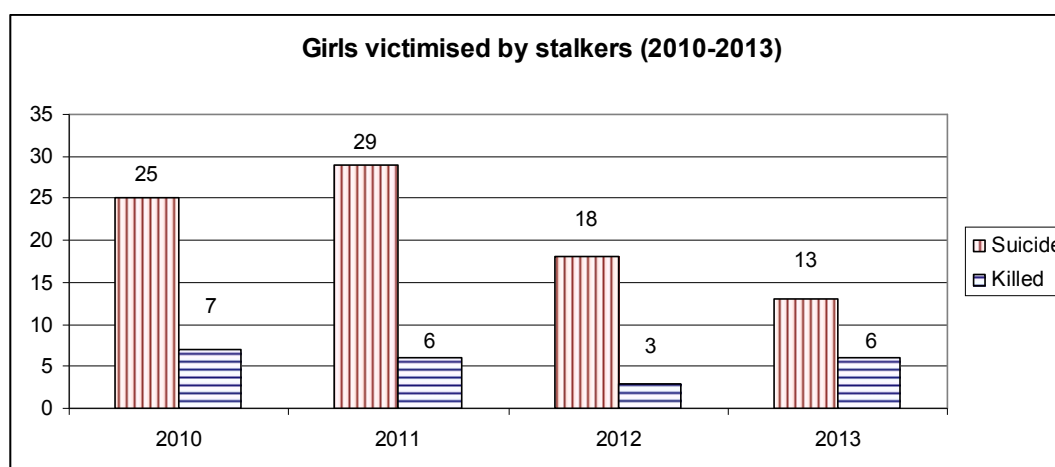
²⁸⁴ The daily Dhaka Tribune, 24/11/2013

abducted, 48 faced attempt to rape and 218 were harassed in other ways. Moreover, eight men were killed, 80 were injured and one was assaulted by stalkers as they were protesting such acts. On the other hand, two women were killed and seven women were injured by stalkers as they were protesting such acts.

Table 29: Sexual Harassment / Stalking (2010 – 2013)

Year (s)	Girls victimized by stalker(s)	Females victimized for protesting	Males victimized for protesting	Total
2013	333	9	89	431
2012	479	129	20	628
2011	672	42	201	915
2010	273	26	139	438
Total	1757	206	449	2412

Graph 13: Sexual harassment/stalking (2009-2013)



347. In Joypurhat, on March 12, 2013 a student of class 8, Trishna Rani Mandal (13), poisoned herself. Trishna was stalked by Sajal Chandra of Chandrakola village under the adjacent district of Naogaon on her way to and from school. Trishna's father made a complaint to the school's head teacher against Sajal Chandra. Sajal and his friends Ershad and Gulzar then tried to abduct Trishna on a motorcycle. Later Trishna committed suicide out of humiliation when the matter became public.²⁸⁵ A case was filed against the three with

²⁸⁵ The Daily Ittefaq, 13/03/2013 <http://ittefaq.com.bd/index.php?ref=MjBfMDNfMTNfMTNfMV8yXzFfMjU3OTA>

Joypurhat Sadar Police Station (case no. 13, dated 12/03/2013). Sajal Chandra of Chandrakola is still in jail and the other two are out on bail. The investigating officer of this case, confided that he will submit a charge sheet on 27 January 2014.

348. On June 5, 2013 a female garment worker, Khadiza Akhter Munni of Kachua Garments, located in Fatullah, Narayanganj was sexually harassed by factory Supervisor Zahed, as she had been absent for two days due to illness. Khadiza committed suicide on June 6, 2013 out of humiliation.²⁸⁶
349. On December 25, 2013 three students of Dhaka University, Md Shahab of Development Studies, Tomok Hossain and Kajol Ahmed Abir of Philosophy stalked two female students of Fine Arts and their guardians while they were passing Sergeant Zahurul Haque Hall , Dhaka by rickshaw. When they protested, the miscreants started beating them and left them injured. Shahab and Tomok are involved with Surya Sen Hall unit student wing of Awami League and Abir is involved with Mohsin Hall unit student wing of Awami League. The administration authority suspended three of the students in this regard.²⁸⁷

²⁸⁶ The daily Jugantor, 07/06/2013

²⁸⁷ The daily New Age, 26/12/2013

CHAPTER X: PERFORMANCE OF NATIONAL INSTITUTIONS

The Judiciary

350. The Judiciary in a democracy, according to the Doctrine of Separation of Power, needs to be fully independent of the Executive; and the Doctrine has also been reflected in the Constitution of Bangladesh, that says, “The state shall ensure the separation of the Judiciary from the Executive organ of the state.”²⁸⁸ Ironically, although successive political governments often highlighted the lofty ideals of ‘independent Judiciary’, in reality they did very little for an effective separation of the Judiciary from the Executive.
351. The Supreme Court, in a judgment delivered on December 2, 1999, detailed 12 directives on the Government on how the lower Judiciary should be separated from the Executive – day-to-day functions, as an institution and financially – and ordered placing the lower Judiciary under the supervision of the Supreme Court. The political governments of the Awami League- and the Bangladesh Nationalist Party-led alliances dragged their feet on implementation for the next seven years or so, repeatedly seeking extension on one deadline after another. Ironically an unelected, unconstitutional and unlawful military-driven interim government implemented the directives, giving effect to the amendment to the Code of Criminal Procedure and four sets of Rules on the service and salaries and financial benefits of the lower court judges on November 1, 2007. While leaders of the different political parties claimed their respective contribution towards making the Judiciary independent of Governmental interference, some basic issues directly linked with the independence of the Judiciary have never been addressed and have impacted on the legitimacy of the Judiciary.
352. Regrettably, the Supreme Court does not have full control over posting, transfer and promotion of the lower court judges and the Judiciary does not have a separate Secretariat, although the Judiciary was legally separated from the Executive Branch of the State. The Law Ministry still carries out posting, transfer and promotion of judges in the subordinate courts, albeit in consultation with the Supreme Court. Moreover, the Prime Minister’s Office has not yet responded to a letter issued by the Supreme Court in November 2012 for the inauguration of a separate Secretariat for the Judiciary. Yet, the Law Minister

²⁸⁸ Article 22, the Constitution of the People’s Republic of Bangladesh

apparently sought to blame it on the highest Judiciary, saying ‘the initiative is supposed to be taken by the Supreme Court.’²⁸⁹

353. Moreover, the lack of resources, the low salaries of judges and the poor working conditions are weakening the administration of justice in Bangladesh and remain the main reasons for corruption in the lower Judiciary. Transparency International, in its 2012 report, stated that these conditions “contribute towards eroding the moral and ethical standards of members of the Judiciary and create incentives for corruption.”²⁹⁰ In the TI Global Corruption Barometer 2012 released on July 9, 2013, the Judiciary appeared as one of the most corrupt sectors in public administration.²⁹¹ The practice of handing out bribes is widespread, and added to the links with the Executive, stand for the main obstacles for the free and independent administration of justice by the lower Judiciary. In this context, citizens of Bangladesh are losing faith in the judicial system.
354. The higher Judiciary, if it seems free and independent, is also suffering from indirect government supervision, in particular through the (bias) appointment of Judges and state Attorneys. While the politicisation of these appointments has been pointed out for several years, no government has enacted a law detailing the procedure, qualifications and way of appointment of Judges of the higher Judiciary.
355. In the matter of Raghbir Rauf Chowdhury Vs. Bangladesh and Others (Writ Petition 4403 of 2010), the Honourable Justice Md. Imman Ali issued a Rule Nisi, calling upon the Government (respondents) as to ‘why guidelines should not be framed in respect of the process of the selection of persons for being appointed as Judges of the Supreme Court of Bangladesh and to publish the same in Bangladesh Gazette Extraordinary in order to bring transparency and competitiveness in such a process under the Constitution by causing a wider pool of applicants to be considered through public notifications inviting application as mandated by the settled principles of Separation and Independence of Judiciary being the basis (sic) structure of the Constitution ...’
356. Odhikar recommends enactment of a law guiding the appointment of Supreme Court judges, establishment of a separate Secretariat for the lower Judiciary under the Supreme Court and the implementation of the 12-point directive of the Supreme Court in its entirety, to ensure the effective and actual separation of the Judiciary from the Executive.

²⁸⁹ The daily New Age, 01/11/2013, <http://www.newagebd.com/detail.php?date=2013-11-01&nid=71305#.Ut4QKvtXtXIU>

²⁹⁰ See http://www.transparency.org/files/content/corruptiongas/316_Judiciary_and_law_enforcement_Bangladesh.pdf

²⁹¹ The daily New Age, 10/07/2013, http://www.newagebd.com/detail.php?date=2013-07-10&nid=56453#.Ut4WS_txXIU

The Police and Political use of the Police Force

357. The Police Force in Bangladesh is probably among one of the most corrupted institutions in Bangladesh.²⁹² The use of torture in custody to extract money from the accused is habitual in police stations while investigations and punishment against any misconduct of a member of the police force are often biased. There is a prevailing culture of impunity among the police and, in general, law enforcement agencies in Bangladesh.
358. All governments have used the police force to maintain their authority and control over the political sphere and the current ruling party is no exception. The Government decides the recruitment, promotions and transfers to meet the requirements of the political leaders. The police, as a political tool, are also compelled to carry out illegal commands by harassing members of the Opposition, political activists, journalists and human rights defenders. The arbitrary detention of Adilur Rahman Khan in August 2013 is a blatant example of the kind of case in which the police are acting with political backing. In 2013 as in the past, police were present during inter-party clashes, but as silent spectators, protecting the interests of the ruling party activists. A palpable example of this is the attack on Bishwajit, a tailor on December 9, 2012.²⁹³
359. Impunity provided to the police force during every government, against prosecution for corruption and all other crimes the police commit; is returned by the force by undertaking ‘cleanup’ work for the ruling elite, most often by ‘dealing’ with political opponents and ‘saving’ ruling party criminals. It seems as if the police salary is deliberately kept low to keep them subservient to the ruling elite. This opens the floodgates and serves as incentive for the police officers to demand and accept bribes and work for a different kind of ‘pay’.

Bribery and corruption within the police force

360. Experts claim that the chain of bribery and collusion between different levels of officers exists within the police administration, with the benefits of corruption being shared among different levels. Recruitment and postings are also sources of corruption within the police

²⁹² http://www.transparency.org/files/content/corruptionqas/316_Judiciary_and_law_enforcement_Bangladesh.pdf

²⁹³ Bishwajit Das was hacked to death in broad daylight by Chhatra League activists during a blockade programme of the 18-party alliance near Bahadur Shah Park on December 9, 2012. Sutrapur police filed a murder case in this regard on the same day. On June 2, charges were framed against the 21 Chhatra League activists. On December 17, 2013, the Speedy Trial Tribunal-4 awarded eight leaders and activists of Bangladesh Chhatra League (BCL) death sentence and 13 others life term for killing Biswajit Das.

force. Unfortunately, where a complaint is filed against a police officer, in most cases there is no investigation undertaken into it.²⁹⁴

361. In Bangladesh, the officers of law-enforcement agencies disguise their illegal assets using the names of their wives, children, or in-laws, and thus there is no effective mechanism or institution for holding the police accountable for their disproportionate income and wealth. The political regimes and the institutions such as the Anti-Corruption Commission, which is obliged to curb corruption, constantly keep their eyes averted so that the rampant corruption can serve their mutual purposes. Subsequently, the chain of command is systematically replaced by a “chain of corruption” within the law-enforcement agencies.²⁹⁵
362. According to a TIB survey report, 93 per cent of the respondents thought that the police department was the most corrupt department in Bangladesh and 72 per cent of people said they had to pay bribes to police to get their work done.²⁹⁶

The Election Commission

363. The Election Commission is a constitutional body. The Constitution of the People’s Republic of Bangladesh specifically lays out its composition and functions. At present, the Election Commission consists of a Chief Election Commissioner and not more than four Election Commissioners and the appointment of the Chief Election Commissioner and other Election Commissioners (as per Article 118) shall, subject to the provisions of any law made in that behalf, be made by the President. In the 1972 Constitution there was no mention about the maximum number of Election Commissioners. The number of the Election Commissioner along with the Chief Election Commissioner was fixed to a maximum of five by the 15th Amendment to the Constitution.
364. Among the important functions given to the Election Commission, under the Constitution and other laws, are: holding of elections to the office of President; holding of elections of Members of Parliament; delimiting the constituencies for the purpose of elections to Parliament; preparing electoral rolls for the purpose of election to the office of President and to Parliament; appointment of returning officers and assistant returning officers for

²⁹⁴ Section 197 of the Code of Criminal Procedure states that if any case is to be brought against a public servant, it first needs government sanction.

²⁹⁵ The State of Human Rights in Bangladesh, 2013 by AHRC. <http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/12/AHRC-SPR-008-2013-HRRpt-Bangladesh.pdf>

²⁹⁶ See <http://archive.thedailystar.net/beta2/news/political-parties-cops-most-corrupt/>

conducting elections; and hearing and disposal of appeals of an aggrieved party as against rejection and acceptance of nomination papers by the returning officers in the general elections.

365. The Bangladesh Election Commission (EC) has its own Secretariat as per Election Commission Secretariat Act 2009, which is headed by a Secretary. But the Secretariat is under the Office of the Prime Minister. According to the Constitution, the EC is independent in the exercise of its functions and subject only to the Constitution and applicable laws. The Bangladesh EC is constitutionally responsible for the conduct of elections in a free and fair manner. To ensure such elections, transparency and accountability are required at all stages of the electoral process, which, in reality, is not always the case. Though the EC is supposed to be independent as per the Constitution, it tends to be a subservient institution of the government – evident from the fact that its Secretariat is under the control of the Prime Minister's Office.
366. Free and fair elections depend on many other stakeholders such as a non-party interim government, political parties, candidates, development partners, civil society organisations and the media. Lack of trust in the EC and the ruling party government, strengthens the demand for a non-party interim government for conducting parliamentary elections. The caretaker government system in Bangladesh was introduced in 1996 as a result of non trust between the major political parties and also due to their demands. On June 30, 2011, the present Awami League led grand alliance government, in the presence of an absolute majority in Parliament, passed the Fifteenth Amendment Bill to the Constitution without any referendum or public opinion; and ignoring protests from various sectors of society, including the main Opposition and other political parties. The Bill had been adopted on July 3, 2011 after the then President, late Zillur Rahman gave his consent. This Amendment has abolished the caretaker government system; and the elections will be conducted under the ruling party.
367. The Election Commission's neutrality is hampered due to the arbitrary appointment of the Chief Election Commissioner and other Election Commissioners with partisan image, recruitment of local level election officials with partisan background, politicisation and planned placement of officials of the administration before elections. All these are reflected in the results of elections in favour of the ruling party. A number of irregularities and corruption within the EC has been observed in respect to promotion and transfer of the officials at both the EC Secretariat and field offices, and financial irregularities and lack of

transparency in a number of cases such as the voter ID card project, UNDP project, and training.²⁹⁷

368. Meanwhile, the unilateral announcement of the 10th Parliamentary Election schedule by the Election Commission on November 25, 2013 triggered political violence across the country. The schedule was announced without the Government and the Opposition coming to a political solution.²⁹⁸ The Chief Election Commissioner, Kazi Rakibuddin Ahmed, through a speech to the nation, announced that the election would take place on January 5, 2014.
369. On observation, there seems to be a serious lack of professionalism in terms of delivering the functions of the Election Commission. Poor understanding of electoral laws; non-implementation of the laws; non-performance of regular jobs; lack of accountability; and absence of stock taking indicate that capacity building is necessary for the Commissioners as well as other officials of this institution. There is no government policy on strengthening the EC in terms of using the experience of field level officials through their proper placement. No successive governments have shown commitment to strengthening the EC in terms of legal reforms, through enacting enabling laws for the EC administration. No government really wanted to create an empowered, independent Election Commission.

The National Human Rights Commission

370. The National Human Rights Commission of Bangladesh (NHRC) was established in 2007 and reconstituted under the National Human Rights Commission Act 2009 on June 22, 2010, after a longstanding movement to create a national institution in Bangladesh for human rights promotion and protection in the country. The Commission comprises of a full-time Chairman, a full-time member and five part time members. With power to investigate but no authority to sanction any action, the NHRC has been established as an

²⁹⁷ For more information, see Report on Bangladesh Election Commission: A Diagnostic Study by Shahzada M Akram and Shadhan Kumar Das, Transparency International Bangladesh. http://www.ti-bangladesh.org/beta3/images/max_file/rp_ES_ElectionCommission_06.pdf

²⁹⁸ The Opposition parties have taken a stand in favour of the 'caretaker' government system and claimed they would not contest in the 10th Parliamentary elections till this was re-introduced in the Constitution. This has caused a deadlock and widespread political violence.

“independent body”²⁹⁹ for “protecting, promoting and providing guarantee of human rights properly”.³⁰⁰

371. The NHRC has, several times, pointed out the disastrous human rights conditions in Bangladesh. However, the transparency and efficiency of the NHRC can also be called into question.
372. First of all, the NHRC’s Member selection process questions the independence of the Commission, with six out of seven members of the Selection Committee being government officials, Member of Parliament from the Treasury Bench and Ministers; resulting in a selection being based on loyalty to the government.
373. As mentioned in the NHRC Act 2009, the NHRC is empowered to investigate any complaint of human rights violation and make recommendations to the government to take action against the perpetrators. These recommendations are not binding and therefore mostly ignored. Although the NHRC Chairman claimed he would recommend some amendments to this founding Act to extend the capacities of the Commission³⁰¹, no steps have been taken yet for such a change.
374. Beyond these limited powers, the NHRC failed to take effective measures against human rights violations, whereas the Commission itself acknowledged that these human rights violations are taking place in Bangladesh. For instance, NHRC released in March 2013 a report on “the International Covenant on Civil and Political Rights: A Study on Bangladesh Compliance”. In this report, the Commission quotes Odhikar’s documentation to underline extrajudicial killings committed by the RAB and the new trend of enforced disappearance as obvious human rights violations³⁰², which remains one of the main issues Odhikar is working on. Nevertheless, no proper investigations have been undertaken into this matter. Odhikar released its report on “Assembly of Hefazat Islam and human rights violations” on June 10, 2013 and faced state atrocity for documenting and reporting of extrajudicial killings. However the NHRC did not investigate this sensitive matter. Dr Mizanur Rahman, the NHRC Chairman since 2010, whose tenure was extended for another three years on

²⁹⁹ NHRC Act 2009, Chapter II, section 3 (2), see http://www.nhrc.org.bd/PDF/NHRC%20Act%202009_1_.pdf

³⁰⁰ NHRC Act 2009, Preamble

³⁰¹ The daily New Age, 27/07/2012, <http://www.newagebd.com/detail.php?date=2012-07-27&nid=18575#.Ut4a-txXIU>

³⁰² <http://www.nhrc.org.bd/PDF/Study%20reports/Study%20Report%20ICCPR.pdf>

June 23, 2013³⁰³, said in an interview with the First News about this matter “NHRC cannot act upon mere suspicion or hearsay. We must have concrete evidence or complaint based on which we can act”³⁰⁴. As a human rights watchdog, the NHRC should have conducted an investigation into such gross human rights violations, which were reported and aired by the print and electronic media – not just Odhikar. Instead of that, the Commission refused to take any steps.

375. Other human rights violations reported by national and international human rights organisations in 2013 were also not investigated by the NHRC. No action was taken by the NHRC about the abduction and detention of Odhikar’s Secretary Adilur Rahman Khan and the draft amendment on the Information and Communication Technology Act, 2006 (amended in 2009 and 2013) whereas there are the obvious breaches of the international standards human rights. The NHRC seems to forget its main purpose and even forget the rights of the people, for which it was created. The case of Limon is an excellent example of this.
376. On June 23, 2013 Limon, who lost his leg after being shot by RAB,³⁰⁵ came to Dhaka for treatment and also went to meet the Chairman of the National Human Rights Commission with his parents Henoara Begum and Tofazzel Hossain. Shockingly, instead of offering support, Dr. Mizanur Rahman suggested that Limon cease his fight against the Government and asked him to withdraw the case filed against six RAB members, considering his financial and security issues.³⁰⁶ Limon and his parents refused to do so. The government finally withdrew all cases filed against Limon.³⁰⁷ The NHRC did not make any recommendations and no legal action has been taken so far against the RAB members who shot Limon.
377. Although the NHRC is empowered to recommend ratifications of international human rights instruments, it remains silent. While Odhikar has been advocating for the ratification

³⁰³ The daily Jaijaidin, 24/06/2013, http://www.jjain.com/?view=details&archiev=yes&arch_date=24-6-2013&type=single&pub_no=520&cat_id=1&menu_id=14&news_type_id=1&index=24

³⁰⁴ <http://www.nhrc.org.bd/PDF/Interview%20of%20Chairman%20of%20NHRC%20with%20First%20News.pdf>

³⁰⁵ For further information, see Odhikar fact finding report and Annual Human Rights monitoring report 2012 www.Odhikar.org

³⁰⁶ The Daily Star, 24/06/2013, <http://archive.thedailystar.net/beta2/news/an-unusual-request/>

³⁰⁷ On July 9, 2013 the Home Minister, Mohiuddin Khan Alamgir told the journalists that the government had decided to withdraw two cases filed by RAB against Limon, according to Section 494 of the Code of Criminal Procedure. The daily Prothom Alo, 10/07/2013, <http://www.prothom-alo.com/bangladesh/article/21894>

of the OPCAT as a real opportunity to improve the prevention of torture, it had no support from this institution.

378. Considering the situation of human rights in Bangladesh in 2013, the country needs a national institution empowered to protect those rights. But such institution should follow the Paris Principles, adopted by the UN General Assembly in March 4, 1994,³⁰⁸ according to which the national human rights institutions have “all necessary guarantees to ensure the pluralist representation of the social forces of civilian society”³⁰⁹ and shall “Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner”³¹⁰. The role and work of the NHRC of Bangladesh unfortunately fell far from these expectations in 2013, being a powerless institution that does not serve the interest of the people of Bangladesh.

The Anti-Corruption Commission

379. The global corruption perceptions index for 2013, released by the Berlin-based Transparency International on December 3, 2013, has ranked Bangladesh 16th from the bottom among 177 countries.³¹¹ Last year, the CPI ranked the country 13th from the bottom among 176 countries. Although the country appears to have seen some improvement in the corruption index this year, it is still among the countries mired in rampant corruption. Moreover, with it scoring 27 out of 100, the country was rated by the CPI as the second most corrupt country in South Asia where Afghanistan with a score of 8 topped such countries.³¹² However, one has reason to believe that the marginal improvement Bangladesh made in the CPI for 2013 is attributable more to the failure of some other countries to curb corruption than to the Awami League-led government’s attempt to comply with its election pledge to take ‘multi-prong measures’ to fight corruption. The information disseminated by Shushashoner Jonno Nagorik at a press conference in Dhaka

³⁰⁸ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>

³⁰⁹ Article 1 of the Chapter titled as ‘Composition and guarantees of independence and pluralism’ of the Paris Principles, <http://www.un.org/documents/ga/res/48/a48r134.htm>

³¹⁰ Article a of the Chapter titled as ‘Methods of operation’, <http://www.un.org/documents/ga/res/48/a48r134.htm>

³¹¹ The Daily Star, 04/12/2013, <http://archive.thedailystar.net/beta2/news/bangladesh-in-cpi-2013/>

³¹² Ibid

on December 27, 2013 referring to the affidavits submitted to the Election Commission along with the nomination papers, revealed that the average annual incomes of Ministers and state Ministers of the Awami League-led government rose by an astounding 243 per cent and 464 per cent in the last five years, contributes to such reasons and demonstrates the ineffectiveness of the Anti-Corruption Commission.

380. Alleged corruption and conspiracy in bidding, hindered the implementation of a number of development projects in priority sectors. One example is the Padma Multipurpose Bridge. The Anti-Corruption Commission (ACC) on December 17, 2012 filed cases against seven people, including former Secretary of Bridge Division Mosharraf Hossain Bhuiyan, for 'corruption conspiracy' in the Padma Bridge project. The Commission, however, dropped the World Bank's two prime suspects — former Communications Minister Syed Abul Hossain and former State Minister for Foreign Affairs Abul Hasan Chowdhury – from the list of accused in the case, drawing huge criticism from various quarters.³¹³ The ACC action evidently did not please the World Bank who has not yet revived the \$1.2 billion loan for the Padma Bridge project.³¹⁴
381. How deep rooted corruption is in Bangladesh, can be seen from a recent report submitted to the Election Commission in relation to the wealth statements of Awami League candidates in the 10th Parliamentary Elections. A random scan of the wealth statements of eight ruling party lawmakers and leaders, recently submitted to the Election Commission, reveals their hobby of acquiring land and how aggressively they obtained as much as they could during the last five years. Eight ruling party lawmakers and leaders, including former State Minister for Water Resource, Mahbubur Rahman; Forest and Environment Minister Hasan Mahmud; former State Minister for Housing and Public Works Abdul Mannan Khan; Aslamul Haque Aslam, MP from Dhaka [Mirpur]; AL Joint General Secretary Mahbubul Alam Hanif; former State Minister for LGRD and Cooperatives Jahangir Kabir Nanak; Nazrul Islam Babu, MP; and AL Organising Secretary Bir Bahadur roughly own land equivalent to a tenth of the capital.³¹⁵ Just five years ago, as per their 2008 wealth statements, the eight owned only 71.417 acres of land. They now own 3,508 acres of land.

³¹³ The daily New Age, 18/12/2012, <http://www.newagebd.com/detail.php?date=2012-12-18&nid=33704#.Ut9YfPtXlIU>

³¹⁴ Ibid

³¹⁵ The Daily Star, 02/01/2014, <http://www.thedailystar.net/love-for-land-knows-no-bounds-5075>

The pieces of land are worth a couple of thousands crore taka.³¹⁶ This revelation has incited a series of questions as to how these leaders earned so much money and bought vast tracts of land in only five years.

382. The Anti-Corruption Commission has dropped 3,053 graft cases in the last two years whilst proceeding with only 521 cases. Many of the cases dropped involve Awami League leaders or people associated with the party. At the same time, the Commission is continuing with cases filed against Bangladesh Nationalist Party leaders. In 2012, the Commission launched investigations against 1,842 corruption allegations, cancelled a total of 1,047 cases before filing the first information report and dropped another 382 cases after the FIR was filed. In the same year, 116 people were issued with notices to submit their wealth statements to the Commission.³¹⁷
383. In 2013, the Commission dropped 1,215 corruption allegations before filing the FIR and 409 cases after filing the FIR out of a total of 1,624 cases. The ACC filed 350 corruption cases during the year and issued notices to 105 people to submit wealth statements. According to officials, the Commission had dropped cases involving some senior ruling Awami League leaders or others linked to the party, from corruption allegation in 2013. In 2013, the Commission cancelled two cases against HBM Iqbal, who allegedly had embezzled public money. The cases were filed in 2002. The Commission also had relieved Abul Hasnat Abdullah of two graft cases. The cases were filed in 2002, over allegation he had achieved illegal wealth. Muhiuddin Khan Alamgir was also relieved of a graft case in June 2013. He allegedly had misappropriated about Tk 94 crore from the 2001 national census project while he was the State Minister for planning. The Commission filed the case against him in 2007. The commission in 2013 also relieved former State Minister ATM Giasuddin Ahmed, former lawmaker Abdul Kader Khan, the Prime Minister's assistant personal secretary M Abdul Matin and former Police Superintendent of Chittagong Iftexhar Ahmed.³¹⁸
384. The maximum of corruption cases during the last two years were dropped due to lack of professional efficiency and political and administrative interference. The Anti-Corruption Commission has dropped more than 3,000 graft cases, many of them against influential members of the ruling political coterie, as reported by the media, is indeed frustrating,

³¹⁶ The Daily Star, 02/01/2014, <http://www.thedailystar.net/love-for-land-knows-no-bounds-5075>

³¹⁷ The daily New Age, 07/02/2014 <http://www.newagebd.com/detail.php?date=2014-02-07&nid=82984#.UvYK9s5IXcc>

³¹⁸ The daily New Age, 07/02/2014, <http://www.newagebd.com/detail.php?date=2014-02-07&nid=82984#.UvYK9s5IXcc>

particularly for those expecting the Commission to play an effective role against high-profile corruption. Unfortunately, it appears that the Commission primarily lacks moral strength to stand firm against the government's immoral recommendations to drop cases against those connected to the governing circles.³¹⁹

Amendment to the Anti Corruption Commission Act, 2004

385. The Prime Minister, Sheikh Hasina, also the Awami League President, on December 28, 2013 unveiled her party's election manifesto pledging to make the Anti-Corruption Commission more effective and increasing its power and capacity. Such a pledge, however, contradicts actions of the same government that amended the Anti-Corruption Commission Act curtailing the power of the ACC.
386. The Presidential assent on December 20, 2013 to the Anti-Corruption Commission (Amendment) Bill 2013 completed the process of virtually rendering the ACC a 'toothless tiger'. The National Parliament on November 10, 2013 passed the provision requiring prior government approval for filing cases against any public servant, ignoring protests from Opposition politicians, civic forums and corruption watchdogs at home and abroad. The amendment inserted Section 32A that says the provisions stipulated in Section 197 of the Code of Criminal Procedure must be followed while filing a graft case against a Judge, Magistrate or public servant. Section 197 of the Cr.P.C says, 'When a person who is a judge within the meaning of Section 19 of the Penal Code, or when a magistrate, or when any public servant who is not removable from his office save by or with the sanction of the government, is accused of an offence alleged to have been committed by him while acting or purporting to act in the discharging of his official duty, no court shall take cognisance of such offence except with the previous sanction of the government.'
387. The Bill was passed some two and a half years after it was tabled on February 28, 2011 giving birth to controversies. The Parliamentary Standing Committee on the Law Ministry, while scrutinising the Bill, changed its stance several times on the provision for mandatory government sanction for filing graft cases against public servants; and finally in September 2012 submitted a report dropping the provision and the Bill had been kept hanging since then. Finally the Bill was passed on November 10, 2013 after ruling party lawmaker Ubaidul Muktaadir Chowdhury brought an amendment to the Bill seeking induction of the

³¹⁹ The daily New Age, 08/02/2014, <http://www.newagebd.com/detail.php?date=2014-02-08&nid=83030#.UvYJjs5IXcc>

provision. Parliament also extended the tenure of the Commission Chairman and members by five years from the day they had joined, as per amendment proposal brought by Jatiya Party lawmaker Mujibul Huq, apparently to please the Chairman and members, after curtailing the power of the ACC.³²⁰

388. The ACC lost its power to operate independently following the amendment. As a result, the government, as per its wish, may not take action against any officers. Odhikar believes that this amendment opens scope for misuse. The ACC Chairman, M. Badiuzzaman, also mentioned this amendment as contrary to the Constitution. Implementation of this Law will be different towards politicians and government officials, which is contradictory to Articles 27³²¹ and 26(2)³²² of the Constitution, that states that everybody is equal before law. The High Court Division on November 25, 2013 asked the government to explain why the amended Section 32A of the ACC Act would not be declared unconstitutional as it provided special ‘facility’ to the government officials. The High Court Division Bench of Justice Kazi Reza-Ul Haque and Justice ABM Altaf Hossain issued a rule after its primary hearing based on a Writ Petition.³²³
389. Odhikar demands immediate repeal of the discriminatory Section 32A of the Anti-Corruption Commission Act as it is contrary to the Constitution and will encourage government officials to commit corruption and also expand the culture of impunity.

The Information Commission

390. Since its inception on July 1, 2009, the Information Commission has so far made little progress in ensuring the people’s right to information through proper implementation of the Right to Information Act, 2009. The 2009 Act envisages a three-member ‘independent’ Information Commission to oversee the information dissemination process. That the Government intends to have control over the Commission, in the first place, is evident in the formation of a five-member ‘Selection Panel’ designed to choose the members of the Commission. With the government having direct control over three of the five-member

³²⁰ The daily New Age, 11/11/2013, <http://www.newagebd.com/detail.php?date=2013-11-11&nid=72597#.Ut9O6PtXIU>

³²¹ Article 27: All citizens are equal before law and are entitled to equal protection of law.

³²² Article 26(2): The State shall not make any law inconsistent with any provisions of this Part, and any law so made shall, to the extent of such inconsistency, be avoid.

³²³ http://www.theindependentbd.com/index.php?option=com_content&view=article&id=194500:hc-issues-rule-on-amended-provision-of-acc-act-2013&catid=187:online-edition&Itemid=223

selection panel, the 2009 Act, then, says that the presence of three of the members will make a quorum and that the decisions will be made at the meeting/s of the Selection Committee on the basis of the opinion of the majority of the members. Moreover, the Law stipulates that the Commission will require the Government's approval for the set of Rules that it will formulate for its functioning. There is, therefore, hardly any scope for any politically/intellectually independent person to be a member of the 'independent' Information Commission.

391. The government's intention to keep the Commission a 'toothless' body is also evident in the very little jurisdiction that the 2009 Act has granted it, to punish errant public authorities responsible for providing information to the public. True, the Commission has been given the power to take action against an authority or an official concerned, in case the latter are found guilty, upon an investigation into the allegation of a citizen, of denying the citizen any information without valid reason, or of providing the citizen with inadequate or false or misleading information. But the kind of punishment that the Commission could award an errant official is absolutely insignificant: a fine of Tk 50 per day for a certain period, which will not be exceeding Tk 5,000. Besides, the Commission would 'recommend' to the [higher] authorities concerned 'departmental action' against the errant authority or the official, and could 'request' the [higher] authorities concerned to inform the Commission as to what action the former has taken against the errant authority/official. Notably, the Law is completely silent as to what would happen if the higher authorities refuse to honour the Commission's 'recommendation' to take departmental action against the authority/official violating the right to information law and/or refuse to entertain the Commission's 'request' to inform the body about the actions taken.
392. Even after four years, the Commission has made little progress in the proper implementation of the 2009 Act. Many organisations, both government and non-government, are yet to appoint designated officers for providing people with information. The designated officers are transferred and their positions remain vacant, depriving people of their right to information. In such backdrop, the High Court on October 2, 2013 asked the government authorities to explain why they would not be ordered to take necessary steps to make it mandatory that 'right to information' officers are made permanent and non-transferrable at all government and statutory offices. The Court also issued a Rule asking the Attorney General, the Supreme Court Registrar, the Judicial Service Commission, the Dhaka District and Sessions Judge, the Dhaka Chief Metropolitan

Magistrate Court, and the Bangladesh Bar Council to explain why they would not be directed to appoint designated officers at their offices as mandated in the Right to Information Act 2009. The bench of Justice Mirza Hussain Haider and Justice Muhammad Khurshid Alam Sarkar passed the Order after hearing a Writ Petition filed by Supreme Court lawyer Abdul Halim, who was denied information from the Supreme Court Registrar. He then filed a complaint to the Information Commission but the Commission did not take any action against the Registrar. He also prayed for appointment of designated officers in six other judicial offices, which do not have such officers, although the RTI Act, 2009 makes a mandatory provision for appointment of RTI officers within 60 days after its enactment.³²⁴

393. Odhikar recommends the establishment of the people's right to information by establishing an effective and truly independent Information Commission.

Local Government

394. The ruling Awami League's pledges, made in its election manifesto released on December 28, to decentralise the power, further empower District Councils, Upazila Parishads and Union Parishads and take initiatives to strengthen the local government institutions, appeared as mere rhetoric as it has done little to implement similar pledges made in its election manifesto in 2008.
395. While the ruling Awami League was giving lip service to more empowerment of the local government bodies, Chairmen of Upazila Parishads, the most important tier of the local government system, suffered the most.
396. Local government experts, Upazila Chairmen and media personalities at a roundtable organised by Bangladesh Upazila Parishad Association on July 27, 2013 termed the present Upazila Parishads 'powerless' and called for a concerted campaign for making the local government bodies 'truly functional'. They rightly pointed out that the Upazila Parishad Act 1998 as amended in 2009, which has virtually relegated the Upazila Chairmen into irrelevance in the functioning of the Upazila Parishads, ran counter to Articles 59 and 60 of the Constitution, which ordains establishment of elected local government at every administrative tier. It is ironic that the ruling party lawmakers would muzzle through a

³²⁴ The daily New Age (online edition), 02/10/2013, <http://www.newagebd.com/detail.php?date=2013-10-02&nid=67700#.UsFaxfsq7IV>

piece of legislation in Parliament that undermines the authority of elected local government representatives at the Upazila level. The overarching advisory role of the lawmakers in the Upazila Parishads is not the only yoke on the shoulders of the Upazila Chairmen; they have been put under Upazila Nirbahi Officers for all practical purposes—so much for governance at every administrative tier by people’s representatives. Bangladesh Upazila Parishad Association president Harun-or-Rashid Hawladar rightly identified 21 problems and barriers to making the Upazila Parishads functional, including the ruling party’s inability to implement its election pledges about the local government body, formulation of acts keeping provision for lawmakers’ control over the Upazila Parishad, non-implementation of the order to hand over 17 departments to Upazila Parishads, deepening conflicts between Upazila Parishads and upazila administrations and giving no administrative and financial power to Upazila Parishads.³²⁵

397. The conclusion by the Dhaka-based research organisation Centre for Policy Dialogue that more than 60 per cent of the people living in different city corporations and municipalities are unhappy with civic amenities delivered by local government bodies, also depicts the betrayal of the government to the people, to whom it had promised to strengthen the local government institutions. The conclusion is based on a survey of 110 individuals in nine municipalities and two city corporations.³²⁶ Centralisation of power is intended to prevent local government bodies from exercising their autonomy to explore sources of revenue earnings of their own and thus make them increasingly dependent on the government of the day for fund. It occurs despite the fact that strengthening the autonomous status of the local government bodies necessarily leads to strengthening the democratic system the country pursues.
398. Besides, the government still runs the District Councils, another important tier of the Local Governments, by District Administrators appointed by the government, while according to the Constitution, local government institutions have to be run by elected representatives.
399. Odhikar believes that the lawmakers’ supervisory role over the local government institutions in the name of ‘advisory role’ should be revoked and the local government institutions, Upazila Parishads and District Councils especially, should be empowered and strengthened.

³²⁵ The daily New Age, 28/07/2013, <http://www.newagebd.com/detail.php?date=2013-07-28&nid=58939#.Ut5VGftxXIU>

³²⁶ The daily New Age, 06/10/2013, <http://www.newagebd.com/detail.php?date=2013-10-07&nid=68231#.Ut9NlvtxXIU>

The Parliament

400. The Ninth Parliament was set in motion by President Iajuddin Ahmed, as he then was, on January 25, 2009 terming it a “Parliament for change” in his inaugural speech, usually prepared by the government, amid boycott by the Opposition lawmakers.³²⁷ The Ninth Jatiya Sangsad (National Parliament), which had a record number of sittings and passed a record number of Legislation, indeed changed the political landscape through the 15th Amendment to the Constitution on June 30, 2011, abolishing the provisions for an election-time caretaker government; causing a grave political crisis. It also failed to be the centre of all activities in running the State because of insincerity on the part of both the Treasury and the Opposition Bench; and held its concluding session and last sitting on November amid boycott by the Opposition lawmakers.
401. The Parliament had 418 sittings in 19 sessions and passed 217 Bills, including the 15th Amendment to the Constitution. The smallest-ever Opposition had attended the house at only 76 sittings and was absent from 342 sittings in the entire five years of the Parliament.³²⁸
402. A Transparency International, Bangladesh study found that less than 10 per cent of the session-time had been spent on enacting Laws and only 27 per cent of the time had been spent on arguments and discussions on various Bills and related Amendments. On the part of the lawmakers on the Treasury Bench, discussions on Bills were limited to restructuring sentences, or to adding or striking out a few words. Anyone, from the Treasury or the Opposition Bench, raising objection to the content of the Bills remained absent.
403. As per the oversight role of the Parliament, 51 Standing Committees had 2,016 meetings and 182 Sub-committees of these Committees had 182 meetings. The Public Accounts Committee held the highest of 131 meetings followed by the Public Undertakings Committee with 90 meetings and the Committee on the Ministry of Foreign Affairs held the lowest of 21 meetings.³²⁹ Not a single meeting of the Privileges Committee, the Rules of Procedure Committee and the Petition Committee, all headed by the Speaker, took place.
404. According to a report of the Public Assurance Committee, only 32 per cent of the assurances made by Ministers in the House were implemented. Forty-five assurances made by the Prime Minister out of 70 were implemented.

³²⁷ The Daily Star, 26/01/2009

³²⁸ <http://www.newagebd.com/detail.php?date=2014-01-09&nid=79786#.Ut5XnvtxXIU>

³²⁹ Ibid

405. Under the current system, the Parliamentary Standing Committees largely appear content with making recommendations on various issues. The Chairman and Members of many such Committees do not even take the trouble to follow up on their recommendations. As such, the function of these Committees seems to have been largely restricted to holding meetings and informing Parliament of the number of recommendations that they have set forth. In such a situation, the very purpose of having these Committees—i.e. keeping the government accountable—is defeated.³³⁰
406. Odhikar believes that the Parliament should be made the centre of all activities in running the State through ensuring effective participation of the lawmakers, especially the Opposition, with more concentration and discussion on making laws and policies; and that mechanism should be framed to monitor the implementation of the recommendations of the Standing Committees.

Joint submission of the second cycle Universal Periodic Review (UPR) Report

407. On October 9, 2012 Odhikar and the Asian Legal Resource Centre (ALRC)³³¹ jointly submitted a UPR report on Bangladesh for consideration as part of Bangladesh's second cycle Universal Periodic Review (UPR). It covered the period from July 01, 2008 to September 30, 2012, that included two Governments; the Caretaker Government in power from July 1, 2008 to January 5, 2009, and the 14-party Grand Alliance Government, led by the Awami League that assumed power on January 6, 2009. During the first UPR Session, 42 recommendations were made of which the Bangladesh Government accepted 34. In the report Odhikar and the ALRC highlighted the state of the implementation of key recommendations as well as human rights developments since the first cycle review took place.
408. Odhikar and the ALRC report showed that since January 6, 2009, the Awami League government has failed to improve the human rights situation and that a culture of impunity prevailed; despite the promise of 'zero tolerance' by the Foreign Minister of Bangladesh in the first UPR session on matters such as extra-judicial killings, torture and custodial deaths.

³³⁰ <http://www.newagebd.com/detail.php?date=2013-11-22&nid=73832#.Ut5ZCftxXIU>

³³¹ ALRC, a non-governmental organization with general consultative status with ECOSOC, based in Hong Kong

409. On September 3, 2013, Odhikar and the ALRC submitted a joint statement³³² to the United Nations Human Rights Council after Bangladesh's human rights record had been reviewed during the 16th session of the UPR Working Group held in Geneva on April 29, 2013 and before the adoption of the UPR report in the 24th regular session of the Council in September 2013.
410. In the statement, Odhikar and ALRC underlined the state's denial of its own responsibility in addressing gross human rights violations in Bangladesh, emphasising that the human rights situation in Bangladesh was getting even worse than before the report, according to the documentation of the two rights groups. The statement also pointed out several wrong facts mentioned by the Foreign Minister about human rights in Bangladesh. In particular, the Foreign Minister officially claimed that there was no scope for impunity for law enforcement agencies in Bangladesh and refused to admit that law enforcement agencies were involved in enforced disappearances; and avoided the matter of enacting legislation criminalising torture in Bangladesh, despite the fact that the country is a State party to the UN Convention against Torture. Odhikar and the ALRC held that the Government of Bangladesh, through these claims, hoodwinked the international community by denying human rights violations.
411. The Government of Bangladesh in its report to the UN Human Rights Council on February 7, 2013 and on April 29, 2013 during the second cycle of the Universal Periodic Review (UPR) session on Bangladesh at the Human Rights Council, denied the incidents of extrajudicial killings and enforced disappearances. The Foreign Minister, Dipu Moni, stated that extrajudicial killings have no legal basis. She also said that if allegations of human rights violations are made against any law enforcement agency, the Government takes action. However, Odhikar statistics show that until December 2013, 779 persons were killed extra judicially after the government assumed power. Not a single case was investigated independently or in an unbiased manner. Furthermore, Dipu Moni denied the allegations of enforced disappearance stating that there was no scope for such under existing laws. She said the Penal Code only punishes kidnapping. She claimed that in many cases, criminals in the guise of law enforcement agencies committed crimes. However, Odhikar fact finding and media reports showed a trend of human rights violations, that could be labeled 'enforced disappearances'. From 2009 to 2013, 111 people have been

³³² Bangladesh : State abuses UPR process due to lack of enforceability of UN human rights machinery

<http://www.humanrights.asia/news/alrc-news/human-rights-council/hrc24/ALRC-CWS-24-04-2013>

‘disappeared’ by persons claiming to be state agents; many of the disappeared were members or supporters of the Opposition or persons belonging to alternative political beliefs. Among the persons disappeared are BNP leaders Chowdhury Alam and Ilias Ali; and RMG worker’s rights leader, Aminul Islam are noteworthy.

CAPTER XI: RECOMMENDATIONS

412. There must be an immediate end to partisan political violence. The Government must take legal action against its party activists, who are involved in criminal activities, in order to stop criminalisation of politics. The law enforcement agencies need to play a proactive role to stop political violence and to take legal measures against perpetrators and carry out their duty in an accountable and unbiased manner.
413. The Government must stop extrajudicial killings as per its commitment at the UN Human Rights Council during the second cycle of UPR session in April 2013. The principle of the right to life must be upheld and the Government must bring all involved in the acts of extrajudicial killings before justice, through proper and independent investigation.
414. The freedom of assembly and association must be respected. If right of assembly and the rightful expression of grievances are denied by the government, it amounts to triggering partisan political violence. Imposition of Section 144 of the Cr.PC is a violation of democratic rights.
415. Peaceful political programmes should not be obstructed. The Government should refrain from exercising unconstitutional, undemocratic and repressive activities like attacking peaceful processions and rallies. The Opposition parties should also conduct their programmes in non-violent manner.
416. Incidents of attacks on journalists must be properly investigated and perpetrators of such acts must be brought to justice. Repression of the media must be stopped. The Government should withdraw the ban on the daily Amar Desh, Diganta TV, Islamic TV and Channel-1. Abuse of the Judiciary by the government to file ‘sedition’ and contempt of court cases must be stopped and all such cases must immediately be withdrawn. Mahmudur Rahman, Acting Editor of the daily Amar Desh must be released unconditionally.
417. Freedom of opinion and expression must be ensured as guaranteed in Article 37 of the Constitution of Bangladesh.
418. The Government should stop applying repressive laws. Furthermore, such laws, including the Information and Communication Technology Act 2006 (Amended 2013) and the Anti-Terrorism Act 2009 and the discriminatory Anti Corruption Commission Act (Amendment 2013) should immediately be repealed.
419. The Government should withdraw the proposed Bill initiated by the NGO Affairs Bureau for more control over NGOs, as it violates freedoms of expression and association.

420. There must be an immediate end to torture and killing in the custody of law enforcing agencies, and torture in any form. Incidents of torture and ill-treatment by law enforcement agencies must be investigated and the perpetrators be brought to justice under criminal law.
421. The Government should ensure accountability of law enforcement agencies and also take action to put an end to their impunity. In order to truly control and prevent custodial torture the Government must ratify the Optional Protocol to the UN Convention against Torture, Other Cruel and Inhuman or Degrading Treatment or Punishment and ensure that the newly passed anti-torture law is properly implemented.
422. The Government should rescue or recover the victims of enforced disappearances. Odhikar demands that the Government thoroughly investigate each reported incident of disappearance promptly and efficiently; put in place a directive that security forces must operate within the Constitution and the laws. Responsible organisations and individuals who commit such crimes must be identified, investigated and prosecuted. Odhikar also urges the government to accede to the International Convention for the Protection of All Persons from Enforced Disappearances, which was adopted by the UN General Assembly on December 20, 2006.
423. The Government should protest strongly against human rights violations on Bangladeshi citizens by the Border Security Force of India; and investigate all incidents and demand from the Indian Government adequate compensation for the families of the victims and trial and punishment for the perpetrators. To achieve this objective Bangladesh must internationalise the issue in order to make the Indian Government accountable to both to the people of Bangladesh as well as to the international community for such heinous crimes. Odhikar also calls upon the UN bodies to investigate such violations of international law and human rights.
424. The Government should also ensure the safety and security of the Bangladeshi citizens residing at the border areas.
425. Infrastructural problems in Ready-made Garment factories, security and health and safety measures for workers in workplace need to be ensured. Wages and bonus should be adequate and given to garment factory workers on time and repression must be stopped by the factory authorities and industrial police. RMG factories need to be brought under synchronized security programmes. The criminals who engaged in destruction of garment industries should be brought to justice.
426. Workers must have the right to organise into trade unions in order to enter into collective bargaining for wages, benefits, health and medical facilities and housing arrangements. A

welfare programme for garment workers will have to be supervised and established by the government.

- 427. The Labour Law must be amended immediately as per ILO standards.
- 428. The Government should take all measures to protect the rights of the religious and ethnic minority communities and also ensure their security.
- 429. Acts of violence against women must stop. The Government must ensure the implementation of laws appropriately to stop violence against women and the offenders must be brought to justice under the purview of the law to ensure that justice is served. The Government should also execute mass awareness programmes and get the media involved, in order to eliminate violence against women.

ANNEX I: STATISTICS 2013

Statistics: January-December 2013*														
Type of Human Rights Violation		January	February	March	April	May	June	July	August	September	October	November	December	Total
Extrajudicial killings**	Crossfire	5	7	5	5	4	5	9	7	3	3	3	9	65
	Torture to death	0	1	0	0	3	3	0	1	2	0	1	0	11
	Shot to death	2	57	47	3	67	1	4	2	0	12	7	43	245
	Beaten to death	2	2	0	0	0	1	0	0	0	0	1	1	7
	Strangled to death	0	0	0	1	0	0	0	0	0	0	0	0	1
	Total	9	67	52	9	74	10	13	10	5	15	12	53	329
Torture (Alive)		5	3	3	2	0	0	2	0	0	1	2	1	19
Disappearances		2	1	2	8	5	2	0	0	0	3	9	3	35
Human rights violations by Indian BSF	Bangladeshis Killed	5	1	2	1	3	3	3	5	2	2	0	2	29
	Bangladeshis Injured	16	7	6	4	10	10	3	3	3	11	5	1	79
	Bangladeshis Abducted	12	3	16	12	10	7	12	13	16	15	6	5	127
Deaths in Jail		3	6	6	2	12	3	7	7	2	4	5	2	59
Attack on journalists	Killed	0	0	0	0	0	0	0	0	0	0	0	0	0
	Injured	20	18	21	17	13	5	9	4	0	15	20	4	146
	Threatened	2	3	7	9	0	3	1	3	0	1	3	1	33
	Attacked	0	7	0	0	0	0	0	0	0	0	0	0	7
	Assaulted	1	5	4	20	0	0	0	0	2	3	2	0	37
Political violence	Killed	18	86	76	27	24	9	31	9	12	38	55	121	506
	Injured	1643	2772	3055	1450	703	862	1278	864	1056	3433	4217	2843	24176
Acid violence		5	3	2	4	1	3	3	10	16	1	3	2	53
Dowry related violence (including women victims, their children and relatives)		37	42	54	64	46	53	18	20	56	16	16	21	443
Rape		109	93	115	111	43	79	61	66	57	26	31	23	814
Sexual harassment /Stalking of women		44	28	45	40	11	33	25	14	34	29	16	14	333
Section 144 of Cr.PC		9	10	4	2	0	2	2	4	4	13	3	1	54
Public lynching		17	8	10	6	9	11	12	19	8	13	7	5	125
RMG Workers	Killed	8	0	0	1129	1	1	0	1	0	3	2	0	1145
	Injured	235	178	75	2683	361	267	98	145	528	266	730	0	5566

*Note: Some monthly data has been updated after receiving information from previous month.

**Note: Among the 329 extrajudicially killed allegedly by law enforcement agencies, 174 were extrajudicially killed in relation to political violence which is also included in the statistical part of 'political violence'.

ANNEX II: Ratification of International Human Rights Treaties by Bangladesh

International Bill of Human Rights	Signature	Ratification	Accession	Succession	Reservations/Declarations
Optional Protocol to the Covenant on Economic, Social and Cultural Rights			5 Oct 1998		Bangladesh interprets the self-determination clause in Article 1 as applying in the historical context of colonialism. It also reserves the right to interpret the labour rights in Articles 7 and 8 and the non-discrimination clauses of Articles 2 and 3 within the context of its constitution and domestic law.
International Covenant on Civil and Political Rights			6 Sep 2000		Reservation Article 14: Equality before court and tribunal and due process rights.
Optional Protocol to the International Covenant on Civil and Political Rights	Not signed				
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	Not signed				
Prevention of Discrimination on the Basis of Race, Religion, or Belief; and Protection of Minorities	Signature	Ratification	Accession	Succession	Reservations/Declarations
International Convention on the Elimination of All Forms of Racial Discrimination			11 Jun 1979		
Women's Human Rights	Signature	Ratification	Accession	Succession	Reservations/Declarations
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)			6 Nov 1984		Declaration The Government of the People's Republic of Bangladesh does not consider as binding upon itself the provisions of article 2, [...] as they conflict with Sharia law based on Holy Quran and Sunna.
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP)	6 Sep 2000	6 Sep 2000			Declaration The Government of the People's Republic of Bangladesh declares in accordance with Article 10 (1)

					thereof, that it would not undertake the obligations arising out of Articles 8 and 9 of the said Optional Protocol.
Slavery and Slavery-Like Practices	Signature	Ratification	Accession	Succession	Reservations/Declarations
Slavery Convention	Not signed				
Protocol amending the Slavery Convention signed at Geneva on 25 September 1926		7 Jan 1985 (acceptance)			
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery			5 Feb 1985		
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others			11 Jan 1985		
Protection from Torture, Ill-Treatment and Disappearance	Signature	Ratification	Accession	Succession	Reservations/Declarations
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	Not signed				
Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	Not signed				
Protocol No. 2 to the European Convention for the Prevention of Torture and inhuman or Degrading Treatment of Punishment	Not signed				
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)			5 Oct 1998		Declaration The Government of the People's Republic of Bangladesh will apply article 14 para 1 in consonance with the existing laws and legislation in the country.
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)	Not signed				

International Convention for the Protection of All Persons from Enforced Disappearance	Not signed				
Rights of the Child	Signature	Ratification	Accession	Succession	Reservations/Declarations
Convention on the Rights of the Child (CRC)	26 Jan 1990	3 Aug 1990			Reservations Article 14, paragraph 1 Article 21 applies subject to the existing laws and practices in Bangladesh
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OPAC)	6 Sep 2000	6 Sep 2000			Declaration Article 3(2) minimum age for recruitment into armed forces
Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour		12 Mar 2001			
Freedom of Association	Signature	Ratification	Accession	Succession	Reservations/Declarations
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)		22 Jun 1972			
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)		22 Jun 1972			
Employment and Forced Labour	Signature	Ratification	Accession	Succession	Reservations/Declarations
Forced Labour Convention, 1930 (No. 29)		22 Jun 1972			
Equal Remuneration Convention, 1951 (No. 100)		28 Jan 1998			
Abolition of Forced Labour Convention, 1957 (No. 105)		22 Jun 1972			
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)		22 Jun 1972			
Employment Policy Convention, 1964 (No. 122)	Not signed				
Convention concerning Occupational Safety and Health and the Working Environment	Not signed				
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICPMW)	7 Oct 1998	24 Aug 2011			
Education	Signature	Ratification	Accession	Succession	Reservations/Declarations

Convention against Discrimination in Education	Not signed				
Persons with Disabilities	Signature	Ratification	Accession	Succession	Reservations/Declarations
Convention on the Rights of Persons with Disabilities	09 May 2007	30 Nov 2007			
Optional Protocol to the Convention on the Rights of Persons with Disabilities		12 May 2008			
Refugees and Asylum	Signature	Ratification	Accession	Succession	Reservations/Declarations
Convention relating to the Status of Refugees	Not signed				
Protocol relating to the Status of Refugees	Not signed				
Nationality, Statelessness, and the Rights of Aliens	Signature	Ratification	Accession	Succession	Reservations/Declarations
Convention on the Reduction of Statelessness	Not signed				
Convention relating to the Status of Stateless Persons	Not signed				
War Crimes and Crimes Against Humanity, Genocide, and Terrorism	Signature	Ratification	Accession	Succession	Reservations/Declarations
Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity	Not signed				
Convention on the Prevention and Punishment of the Crime of Genocide			5 Oct 1998		Declaration Article IX: For the submission of any dispute in terms of this article to the jurisdiction of the International Court of Justice, the consent of all parties to the dispute will be required in each case.
Rome Statute of the International Criminal Court	16 Sep 1999	23 March 2010			
Law of Armed Conflict	Signature	Ratification	Accession	Succession	Reservations/Declarations
Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field		4 Apr 1972 (rat/acced)			
Geneva Convention for the Amelioration of the Condition of		4 Apr 1972 (rat/acced)			

Wounded, Sick and Shipwrecked Members of Armed Forces at Sea					
Geneva Convention relative to the Treatment of Prisoners of War		4 Apr 1972 (rat/acced)			
Geneva Convention relative to the Protection of Civilian Persons in Time of War		4 Apr 1972 (rat/acced)			
Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)		8 Sep 1980 (rat/acced)			
Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims on Non-International Armed Conflicts (Protocol II)		8 Sep 1980 (rat/acced)			
Terrorism and Human Rights	Signature	Ratification	Accession	Succession	Reservations/Declarations
International Convention Against the Taking of Hostages			20 May 2005		
International Convention for the Suppression of Terrorist Bombing			20 May 2005		
International Convention for the Suppression of the Financing of Terrorism			26 Aug 2005		
International Convention for the Suppression of Unlawful Seizure of Aircraft		28 Jun 1978 (rat/acced)			
International Convention on the Prevention and Punishment of Crimes Against International Protected Persons			20 May 2005		
U.N. Activities and Employees	Signature	Ratification	Accession	Succession	Reservations/Declarations
Convention on the Privileges and Immunities of the United Nations				13 Jan 1978	
Convention on the Safety of United Nations and Associated Personnel	Not signed				

*Taken from <http://www1.umn.edu/humanrts/research/ratification-bangladesh1.html>

Tel: +88-02-9888587, Fax: +88-02-9886208
Email: odhikar.bd@gmail.com, odhikar.documentation@gmail.com
Website: www.odhikar.org

Notes:

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