



August 01, 2016

## Human Rights Monitoring Report

July 1 - 31, 2016

**A dire political situation and acts of extremism**  
**Allegations of enforced disappearance**  
**Extrajudicial killings**  
**Death in Jail**  
**Public lynching**  
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**Activities of Odhikar hindered**

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

The democratic legitimacy of the State is directly related to its willingness, commitment and capacity to ensure human rights, dignity and integrity of citizens. If the state does not ensure full participation in the decision making process at all levels - from the lowest level of administration to the highest level - it cannot be called a 'democratic' state. Citizens realise their rights and responsibilities through participation and decision making processes. The awareness about the rights of others and collective benefits and responsibilities, can be ensured and implemented through this process as well. The Parliament, Judiciary and Executive cannot and should not, have any power to abrogate fundamental civil and political rights

through any means, as such rights are inviolable and are the foundational principles of the State.

Odhikar, being an organisation of human rights defenders in Bangladesh, has been struggling to ensure internationally recognised civil and political rights of citizens. Odhikar stands against all forms of human rights violations; and participates and remains directly involved in the human rights movement in Bangladesh.

Odhikar does not believe that the human rights movement merely endeavours to protect the 'individual' from violations perpetrated by the state; rather, it believes that the movement to establish the rights and dignity of every individual is part of the struggle to constitute Bangladesh as a democratic state. As part of its mission, Odhikar monitors the human rights situation in order to promote and protect civil, political, economic, social and cultural rights of Bangladeshi citizens and to report on violations and defend the victims. In line with this campaign, Odhikar prepares and releases human rights status reports every month. The Organisation has released this human rights monitoring report of July 2016, despite facing persecution and continuous harassment and threats to its existence since August 10, 2013.

<b>Statistics: January-July 2016*</b>										
<b>Type of Human Rights Violation</b>		<b>January</b>	<b>February</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>Total</b>	
Extrajudicial killings	Crossfire	6	10	11	7	3	25	13	<b>75</b>	
	Shot to death	2	0	0	4	0	0	0	<b>6</b>	
	Torture to death	1	2	0	0	2	1	1	<b>7</b>	
	Beaten to death	0	0	0	0	0	0	1	<b>1</b>	
	<b>Total</b>	<b>9</b>	<b>12</b>	<b>11</b>	<b>11</b>	<b>5</b>	<b>26</b>	<b>15</b>	<b>89</b>	
Shot on legs by law enforcement agencies		2	0	2	3	0	0	6	<b>13</b>	
Enforced Disappearances		6	1	9	9	13	12	2	<b>52</b>	
Death in Jail		8	3	4	5	9	5	5	<b>39</b>	
Human rights violations by Indian BSF	Bangladeshis Killed	3	1	1	2	4	4	4	<b>19</b>	
	Bangladeshis Injured	4	4	0	2	3	4	1	<b>18</b>	
	Bangladeshis Abducted	0	5	0	2	0	10	0	<b>17</b>	
Attack on journalists	Injured	9	2	5	6	6	7	4	<b>39</b>	
	Assaulted	9	1	0	0	0	0	2	<b>12</b>	
Local Government Election	Municipality Election	Killed	0	0	1	0	0	0	<b>1</b>	
		Injured	0	0	58	0	0	0	<b>58</b>	
	Union Parishad Election	Killed	0	2	41	29	47	24	0	<b>143</b>
		Injured	0	140	2127	1205	1499	750	0	<b>5721</b>
Dowry related violence against women		22	19	15	16	12	20	20	<b>124</b>	
Rape		59	57	60	77	71	52	66	<b>442</b>	
Sexual harassment /Stalking against women		27	23	20	26	16	20	18	<b>150</b>	
Acid Throwing		4	4	3	4	4	1	2	<b>22</b>	
Public lynching		2	11	5	6	3	7	2	<b>36</b>	
Situation of Ready-made Garments Workers	Died in factory fire	0	0	0	0	3	0	0	<b>3</b>	
	Injured during demonstrations and factory fire	25	31	12	34	18	46	28	<b>194</b>	
Arrest under Information and Communication Technology Act		1	4	0	1	1	1	4	<b>12</b>	

\*Odhikar's documentation

## **A dire political situation and acts of extremism**

1. An unprecedented situation remains in force in the country mainly as a result of assumption of power by force, through a controversial election and lack of accountability to the people. Political intolerance, lack of effective national institutions and wide-spread and varied human rights violations are now the main obstacles to the exercise of democracy in Bangladesh, after the controversial and farcical Parliamentary elections held on January 5, 2014.<sup>1</sup> The election was a hotbed for election-related crimes such as ballot-box stuffing, capturing of polling stations and violence. Since then, all local government polls have been marred with widespread and widely reported irregularities, violence and vote rigging; and people have been disenfranchised. The ruling party leaders and activists lack accountability to the people and use the administration for political interests. The criminal activities of Chhatra League<sup>2</sup> and Jubo League<sup>3</sup> activists increased across the country during this period. Numerous allegations of acts of enforced disappearance, extrajudicial killing, torture and shooting in the legs, hindrance to freedom of expression and the media, freedom of peaceful assembly and of association, mass arrests of leaders and activists of the opposition political parties and ordinary citizens, were found against the government. Human rights defenders have repeatedly cautioned about the possibility of rising extremism in Bangladesh as a result of persistence of human rights violations; despite this, the government continues acts of suppression.

### ***Massacre at Holey Artisan Bakery***

2. On July 1, 2016 at around 8:45 pm, a group of armed men held hostage at least 35 persons, including foreigners, at a Spanish restaurant 'Holey Artisan Bakery' in the diplomatic zone of Gulshan, Dhaka. According to government reports, the attackers brutally killed 20 hostages, including two Bangladeshis and one American citizen of Bangladeshi origin, in the night of July 1. Among the foreign citizens, nine were Italians, seven were Japanese and one was Indian. In the beginning of the police action, two police officers were killed by the extremists. Later on, commandos of the Bangladesh Army carried out an operation where five attackers and a chef of Holey Artisan Bakery were

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<sup>1</sup> The Caretaker Government system was incorporated in the Constitution through the 13<sup>th</sup> Amendment, as a result of people's movement led by the then Opposition Awami League and its alliance, between 1994 and 1996. However, in 2011 the caretaker government system was removed unilaterally by the Awami League government through the 15<sup>th</sup> Amendment to the Constitution, without any referendum and ignoring the protests from various sectors, including concerned citizens; and a provision was made that elections were now to be held under the incumbent government. As a result, the controversial 10<sup>th</sup> Parliamentary elections were also held unilaterally on January 5, 2014 despite boycotts by a large majority of political parties.

<sup>2</sup> Student wing of Awami League

<sup>3</sup> Youth wing of Awami League

killed.<sup>4</sup> On July 8, 2016 chef's assistant and a suspect, Zakir Hossain Shaon died in Dhaka Medical College Hospital.<sup>5</sup> Responsibility for the attack was claimed by the international extremist organisation IS. After being freed, two hostages – a former teacher of North-South University, Abul Hasanat Reza Karim and a student of a Canadian University Tahmid Hasib Khan – were arrested by the Detective Branch (DB) of Police. According to Dhaka Metropolitan Police, these two men were released after being questioned.<sup>6</sup> However, the families of Abul Hasanat Reza Karim and Tahmid Hasib Khan claimed that they have not returned home.<sup>7</sup>

### ***Temple attendant killed***

3. On July 1, 2016 at around 6:00 am, Shyamananda Das (62), an attendant of the Hindu temple, Sri Sri Radhamadan Moth was plucking flowers needed for prayer rituals (Puja), in North Kastasagra Village under Jhenaidah Sadar Upazila. Three youth approached him on a motorbike and stabbed him beside the temple and left. The locals rescued him and brought him to Jhenaidah Sadar Hospital where the duty doctor declared him dead.<sup>8</sup> The International extremist organisation IS claimed responsibility for this attack.<sup>9</sup>

### ***Killings at Sholakia during Eid prayers***

4. On July 7, 2016 during Eid-ul-Fitr, 10-12 policemen were on duty at a check post at the Mufti Mohammad Ali Jame Masjid intersection in Sabujbagh area, near the largest Eidgah Maidan<sup>10</sup> of the country in Sholakia under Kishoreganj District. At around 8:45 am, a youth tried to pass through the check post with the people who came for Eid prayers. One of the on duty policemen stopped him, and the young man attacked the police and exploded crude bombs. Later, an exchange of fire occurred between the police and some other young men. Two police Constables, Zahirul Islam Topu and Ansarul Huq, were killed during this incident. During the gunfight with police, one extremist named Abir Rahman and a local inhabitant, Jharna Rani Bhowmik were killed. Police and RAB arrested four men, including a youth who had been shot and injured.<sup>11</sup>

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<sup>4</sup> The daily Prothom Alo and Jugantor, 02-03/07/2016

<sup>5</sup> The daily New Age, 10/07/2016

<sup>6</sup> The daily Prothom Alo, 14/07/2016

<sup>7</sup> The daily Jugantor, 29/07/2016

<sup>8</sup> Report sent by local human rights defender associated with Odhikar from Jhenaidah

<sup>9</sup> The daily Jugantor, 02/07/2016

<sup>10</sup> An Eidgah Maidan is an open space or field where the congregational Eid prayers are held.

<sup>11</sup> The daily Manabzamin, 10/07/2016

## ***Government's operation against 'extremists' in Dhaka***

5. On July 25, 2016 at around 11:00 pm, police of Mirpur Police Station initiated a block raid at Kallyanpur in Dhaka, with the assistance of the local leaders of the ruling party, Awami League. According to a police statement, at around 12:30 am, a team of police raided house 53, named 'Zahajbari', on road 5. A group of 'extremists' attacked the police when they entered the second floor of the house. Police opened fire in return and later sent messages seeking reinforcements, to Mirpur Police Station and Mirpur Crime Branch. On July 26, 2016 at around 5:50 am, a special police drive titled 'Operation Storm-26' was launched against 'extremists' and nine men were killed. The Dhaka Metropolitan Police conducted the operation, with collaboration from the local police station police, the Detective Branch and a SWAT team. Police claimed that all the deceased, who were aged between 20 - 25 years, were members of the banned Jamaat'ul Mujahedeen Bangladesh (JMB). Police also arrested 42 persons from the place of occurrence, including an injured youth called Rakibul Hasan Regan; the wife, son and manager of the house owner; and the security guard and tenants and took them away for questioning. Police also recovered some arms and ammunition.<sup>12</sup> Meanwhile police were able to identify seven of the deceased. According to them, one was an American citizen of Bangladesh origin. The officers who conducted the autopsy confirmed that most of the deceased had been shot from behind.<sup>13</sup>
6. Odhikar is deeply concerned over the extremist attacks and killings at Holey Artisan Bakery in Dhaka, near the Eidgah Jamaat in Sholakia and killing of a Hindu priest in Jhenaidah in July.<sup>14</sup> Odhikar expresses deep condolences to the families of the deceased. Odhikar believes that people have to be united in order to resist such violent attacks. When people will be able to enjoy their civil and political rights and rule of law is established, only then will a unity be possible in society, despite alternative opinions and differences. Odhikar has repeatedly cautioned various sectors, including the government, that a situation might be created where a section of society to be pushed towards extremism due to the crisis created in the society as a result of various extreme human rights violations, including torture, extrajudicial killings, enforced disappearances, interference on the right to freedom of expression and media and hindrance to right to freedom of assembly and association.

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<sup>12</sup> The daily Jugantor, 27/07/2016

<sup>13</sup> The daily Jugantor, 28/07/2016

<sup>14</sup> In previous months, foreigners have been killed, Catholic priests threatened and Buddhist and Hindu communities threatened and attacked. Odhikar condemns all such acts and demands thorough investigations and justice.

## ***Internal conflicts of the ruling party***

7. According to information gathered by Odhikar, in July 2016, 33 incidents of internal violence in the ruling party Awami League were recorded. 12 persons were killed and 353 were injured in internal conflicts within the Awami League.
8. The leaders and activists of the ruling party, mainly Chhatra League and Jubo League across the country, are engaging in criminal activities without any check. Internal conflicts among the leaders and activists of Chhatra League and Jubo League are common and most of the other criminal activities and violence are linked to vested interest; and mainly occur by using political influence. During violent political altercations, these groups were seen in public, using lethal weapons. Several incidents of political violence took place. Two incidents are as follows:
9. On July 2, 2016 an altercation took place between supporters of Municipality unit Chhatra League President, Raju and Upazila unit Chhatra League President, Nazrul Sohel over the distribution of money of the T R Kabikha<sup>15</sup> programme among themselves; and for establishing supremacy in Mothbaria Upazila under Pirojpur District. Later, such altercation turned violent. Supporters of both groups roamed around the town with country-made sharp weapons. At that time, ordinary people who came to town for Eid shopping fled and the businessmen shut their shops. At least five people were injured during this incident.<sup>16</sup>
10. A landfill was being constructed by competing companies - Macron Group and Sinha Group at Chorbalaki area beside the Meghna River in Hosendi Union under Gazaria Upazila in Munshiganj District. Hosendi Union Parishad (UP) Chairman and Upazila unit Jubo League President Mahbubul Huq Mojnu took the side of Macron Group, while the former Chairman of the same Union Parishad and Union unit Awami League President Abdul Matin Montu took the side of Sinha Group, which led to an altercation. On July 14, 2016 a clash took place between the two groups over this dispute. During the clash, a ward member of Hosendi UP, Golap Hossain Bepari (45) and his younger brother Ayub Hossain Bepari (35); and Awlad Hossain (35) were shot dead. At least 25 more were injured in this incident.<sup>17</sup> On July 21, another wounded man, Yunus Mia (50), succumbed to his injuries at Square Hospital in Dhaka.<sup>18</sup>

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<sup>15</sup> 'Food for work' programme of the government for poor people

<sup>16</sup> The daily Manabzamin, 03/07/2016

<sup>17</sup> The daily Prothom Alo, 15/07/2016 and report sent by local human rights defender associated with Odhikar from Munshiganj

<sup>18</sup> Report sent by local human rights defender associated with Odhikar from Munshiganj

## Allegations of enforced disappearance

11. According to information gathered by Odhikar, in July 2016, two persons have been allegedly disappeared. Of them, one was found dead and one was shown as arrested by RAB after several days of disappearance.<sup>19</sup>
12. On July 7, 2016, while greeting dignitaries and citizens on Eid at the Gonobhaban (the Prime Minister's official residence at Dhaka), Prime Minister Sheikh Hasina criticized the local and international human rights organisations, after the extremists' attack at Holey Artisan Bakery on July 1. She remarked that human rights organisations had written many reports on enforced disappearances, holding the government and law enforcement agencies responsible for such incidents; however, those people who were missing had reappeared as militants and terrorists.<sup>20</sup>
13. Odhikar believes that comparing enforced disappearances with being missing is a matter of serious concern. The families of the disappeared claimed that members of law enforcement agencies took away the victims and then they were no longer found – making this a gross human rights violation. Most of the disappeared persons were engaged with the opposition political parties. In some cases, law enforcement agencies denied the arrest; but a few days later, the arrested persons were produced before the public by the police or law enforcement; or handed over to a police station and appear in Court, or the bodies of the disappeared persons are recovered. Despite the law enforcement agencies publicly denying incidents of enforced disappearance in the country, incidents of such violation have come to light, including the one where RAB members were accused of disappearing and killing seven men in Narayanganj; for which they are now under trial.<sup>21</sup>
14. After extremist attacks at the Holey Artisan Bakery in Gulshan, Dhaka and Sholakia, Kishoreganj on July 19, 2016, Rapid Action Battalion (RAB) initially published a list of 262 missing persons after an investigation.<sup>22</sup> However, later on July 25, RAB amended that list and published another list of only 68 missing persons.<sup>23</sup>
15. Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance defines the crime as the “arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the

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<sup>19</sup>Odhikar only documents allegation of enforced disappearance where the family members or witnesses claim that the victim was taken away by people in law enforcement uniform or by those who said they were from law enforcement agencies.

<sup>20</sup> The daily Manabzamin, 10/07/2016. The youth who had attacked the diners at Holey Bakery had been reported missing by their family.

<sup>21</sup> Information gathered by Odhikar

<sup>22</sup> The daily Prothom Alo, 24/07/2016

<sup>23</sup> The daily Prothom Alo, 26/07/2016

deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.” However, being ‘missing’ is being lost, voluntarily or involuntarily. Thus, the crime of enforced disappearance involves three cumulative minimum elements: (a) Deprivation of liberty against the will of the person concerned; (b) Involvement of government officials, at least indirectly; (c) Refusal to disclose the fate and whereabouts of the person concerned. There are huge differences between these two terms.

16. On July 18, 2016 at around 3:00 am, police claimed that a student of Islami University and a resident of Shailkupa Upazila in Jhenaidah District, Saiful Islam Mamun, was killed in a gunfight with police on the Jhenaidah-Magura highway. However, Mamun’s cousin Anarul Islam said that on July 1, 2016 a group of plain clothed police picked Mamun up from a rented house in Pobahati village under Jhenaidah Sadar Upazila. Later police shot him dead. Mamun was not active in politics. Police claimed that Mamun was the General Secretary of Garaganj Committee of Islami Chhatra Shibir in Shailkupa Upazila under Jhenaidah.<sup>24</sup>



*Saiful Islam Mamun, Photo: The Daily Inqilab*

17. Odhikar expresses grave concern over the persistent incidents of enforced disappearance. Enforced disappearance is a crime against humanity, which is also considered an international crime. This has to be stopped and punishment of the perpetrators must be ensured.

## **Extrajudicial killings**

18. According to information gathered by Odhikar, in July 2016, 15 persons were allegedly killed extra judicially. Among the killed, it is to be believed through reports that there are also the main accused persons in significant criminal cases- who are being deliberately killed in the name of ‘gunfight’ or ‘crossfire’. As a result, the scope of knowing the truth behind the crimes and getting justice, is lost. Although the highest court of the country issued several rules

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<sup>24</sup> The daily Prothom Alo, 20/07/2016

regarding extrajudicial executions, such incidents continue. This questions the level of rule of law in this country.

19. On July 5, 2016 at around 3:30 am, Rashed and Abdul Nobi, accused of the murder of Mahmuda Khanom Mitu, the wife of Police Superintendent Babul Akhter; were killed in a 'gunfight' with the Detective Branch of Police at Thandachhori under Rangunia Upazila in Chittagong. Nobi participated directly in the killing mission and stabbed Mitu, which was learnt from the statements given by two arrestees Anwar and Wasim in the court. Rashed's father Ahammed Hossain said that on June 23, 2016 police arrested Rashed and took him from a house in Boalkhali Upazila. At that time Nobi was also arrested by police. Since then, their whereabouts remained unknown. After 13 days of arrest, on July 5 they were shot dead by police in Rangunia area. Police have claimed such incident as death in 'crossfire'.<sup>25</sup>

### **Type of death**

#### ***'Crossfire/encounters/gunfights'***

20. 13 persons were killed by 'crossfire/encounters/gunfights'. Among them 12 were allegedly killed by police and one by RAB.

#### ***Torture to death***

21. One person was torture to death by police during this period.

#### ***Beaten to death***

22. One person was allegedly beaten to death by Railway police.

#### ***The identity of the deceased:***

23. Of the 15 persons who were killed extra-judicially, one was an activist of BNP, one was an activist of the student wing of Jamaat-e-Islami, one was a freedom fighter, one was an under trial prisoner, two were accused persons in specific cases, and nine were alleged criminals.

### **Death in jail**

24. In July 2016, a reported five persons died in prison. Among them four were died due to 'illness' and one committed suicide. It is alleged that due to lack of proper treatment facilities and negligence by the prison authorities, many prisoners become ill and died. Again, there have been instances where persons who are abused in police custody and fall gravely ill, succumb to their mistreatment in jail custody, where they are sent by the court.
25. Odhikar demands the government ensure adequate medical treatment in every prison and stop torture in remand.

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<sup>25</sup> The daily Jugantor, 10/07/2016

## **Public lynching continues**

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

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

28. Freedom of the media and freedom of expression are the Constitutional rights of the people. However, Odhikar observes with grave concern that the government is severely curtailing the right to freedom of expression and preventing dissenting voices. Interventions by the government; enacting repressive laws; attacks on journalists and filing cases against them; and detention of journalists in prison continue to hinder freedom of speech and expression. The social media are also under constant monitor by the government. The repressive Information and Communication Technology Act 2006 (amended 2009 and 2013), is being imposed against people who are critical of the decisions and activities of those in high positions of the government and their families. Furthermore, the government often bars and launches attacks on meetings and assemblies of the opposition parties or organisations or groups who rally to demand a respect for and implementation of rights.

### ***Attacks on journalists***

29. According to information gathered by Odhikar, in July 2016, four journalists were injured, and two were assaulted over their professional duties.
30. On July 21, 2016 an altercation took place between Chhatra League activists and jail police in front of Sylhet Central Jail, over a procession conducted by Chhatra League activists gathering at the jail gate for the release of the former President of Sylhet District unit Chhatra League, Hiron Mahmud on bail. At one stage, the altercation turned violent. When photo journalists were documenting the violence, a group of prison guards came out from the jail and attacked them. During the attack, Anis Mahmud of the daily Prothom Alo; Yusuf Ali of the daily Samakal; Shahidul Islam of Focus Bangla; and Mamun Hossain of the daily Jugobheri were injured. Of them, Anis Mahmud,

Shahidul Islam and Mamun Hossain were admitted to Sylhet M A G Osmani Medical College Hospital.<sup>26</sup>

### ***Use of the Information and Communication Technology Act 2006***

31. The repressive law, Information and Communication Technology Act, 2006 (amended 2009 and 2013) remains in force. The latest amendment to the ICT Act was made on October 6, 2013. Section 57<sup>27</sup> of the ICT Act 2013, states that publishing or transmitting in a website in electronic form, of any defamatory or false information is considered to be a cognizable and non-bailable offence. Moreover, punishment for committing this offence has been amended from a maximum of 10 years imprisonment, with no minimum; to a term of a minimum of seven years and maximum of 14 years imprisonment. This law has curtailed the freedom of expression and the government is using this Act against human rights defenders, journalists, bloggers and activists of the opposition political parties and even the ordinary people who have alternative opinions. According to information gathered by Odhikar in July 2016, four persons were arrested under this Act for writing posts against high officials of the government and their families on Facebook.
32. On July 3, 2016 Chhatra Dal<sup>28</sup> leader Foysal Arif Zunayed Chowdhury, was arrested under the ICT Act for criticising the Prime Minister Sheikh Hasina and her father, the former President Sheikh Mujibur Rahman on Facebook. Foysal Arif Zunayed Chowdhury is the Joint General Secretary of 29 Ward unit Chhatra Dal and police arrested him from Mahiganj area in Rangpur Metropolitan City, based on a complaint filed by the General Secretary of 29 Ward unit Jubo League, Abdur Rahman.<sup>29</sup>

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

33. On July 27, 2016 police allegedly stopped BNP's rallies in Meherpur, Manikganj, Munshiganj and Rupganj Upazila under Narayanganj District organised in protest of the sentence of imprisonment against the senior Vice-Chairman of BNP, Tarique Rahman.<sup>30</sup>

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<sup>26</sup> The daily Prothom Alo, 22/07/2016

<sup>27</sup> Section 57 of the ICT Act states: (1) If any person deliberately publishes or transmits or causes to be published or transmitted in the website or in electronic form any material which is fake and obscene or its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, or causes to deteriorate or creates possibility to deteriorate law and order, prejudice the image of the State or person or causes to hurt or may hurt religious belief or instigate against any person or organization, then this activity of his will be regarded as an offence.

(2) Whoever commits offence under sub-section (1) of this section he shall be punishable for a term of minimum of seven years' imprisonment and a maximum of 14 years or a fine of Taka 10 million or both.

<sup>28</sup> Student wing of the Bangladesh Nationalist Party (BNP)

<sup>29</sup> The daily Naya Diganta, 05/07/2016

<sup>30</sup> The daily Manabzamin, 28/07/2016

34. On July 28, 2016 the National Committee to Protect Oil, Gas, Mineral Resources, Power and Port organised a rally from the National Press Club to the Prime Minister's office, to create awareness of its 7-point demand, including the cancellation of the Rampal Coal-based Power Plant agreement. After crossing several hurdles the protest rally was able to approach the Bangla Motor intersection, where police threw tear gas shells and baton charged the protestors to disperse them. At least 50 persons were injured in this incident.<sup>31</sup>



*Protest rally organised by the National Committee to Protect Oil, Gas, Natural Resources, Power and Port against Rampal coal-based power plant. Photo: collected*



*Police fired tear gas shells to disperse the National Committee to Protect Oil, Gas, Natural Resources, Power and Port procession at Paribagh, Dhaka, on July 28, 2016. Photo: Rashed Shumon, the Daily Star.*

<sup>31</sup> The daily Prothom Alo and New Age, 29/07/2016

35. Odhikar expresses grave concern over the persistent interference of the government on freedoms of opinion, expression and assembly and association of the citizens of the country. Odhikar believes that if any opinion or statement of any citizen goes against the government, he or she is likely to be arrested, persecuted or harassed by the state. Odhikar also demands that the government repeal all repressive laws, including the Information and Communication Technology Act 2006 (amended 2009 and 2013) immediately. At the same time Odhikar also urges the government to stop preventing people's fundamental rights to freedom of expression and assembly.

### **By-elections in two Parliamentary constituencies**

36. On July 18, 2016 by-elections in two Parliamentary constituencies, Mymensingh-1 (Haluaghat-Dhobaura) and Mymensingh-3 (Gouripur) were held with the capturing of polling stations, casting of fake votes and a low turnout. Voters' turnout in the polling centres of Mymensingh-3 constituency was very low. There were no voters in the Koltapara Primary School polling centre at 8:30 am. Ram Gopalpur PJK Primary School polling centre was without voters at 9:30 am. At around 10:30 am, some male and female activists of Awami League were seen openly casting fake votes in Gouripur Pilot Girls High School polling centre. The Presiding Officer of the polling centre, Abdullah Al Mamun said that they were warned, but they did not pay any heed. Supporters of the ruling party Awami League in the polling centres under Gouripur Municipality cast fake votes in groups of 20-25 persons. At noon, Jatiya Party nominated candidate, Shamsuzzman Jamal; Islami Oikko Jote nominated candidate, Abu Taher Khan; and Independent candidate Azizul Huq boycotted the election due to the casting of fake votes in favour of the Awami League nominated candidate and the forcible ousting their polling agents.<sup>32</sup> Voting of Gouripur Pilot Girls High School polling centre was cancelled due to allegation of fake votes.<sup>33</sup> It is to be mentioned that these two constituencies were vacant as result of the death of Awami League MP of Mymensingh-3, Mojibur Rahman Fakir on May 2 and Awami League MP of Mymensingh-1 and the State Minister for Social Welfare, Promod Mankin on May 11.<sup>34</sup> In the by-elections, Awami League nominated candidates Jewel Aareng in Mymensingh-1 and Nazim Uddin in Mymensingh-3, were declared elected by the Election Commission.<sup>35</sup>

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<sup>32</sup> The daily Prothom Alo, 19/07/2016

<sup>33</sup> The daily Jugantor, 19/07/2016

<sup>34</sup> The daily Prothom Alo, 19/07/2016

<sup>35</sup> Report sent by local human rights defender associated with Odhikar from Mymensingh

37. The electoral system has entirely collapsed due to criminal activities during the elections conducted under the present government and the people are deprived from their right to franchise.

## **Human rights violations on religious minority communities**

38. Incidents of violence against minority communities, including the deaths of priests, continue due to the unavailability of justice for similar incidents that took place in the past; and also due to the politicisation of these incidents. The Hindu-Buddha-Christian Oikko Parishad<sup>36</sup> alleged that the human rights situation of citizens belonging to minority communities is deplorable.<sup>37</sup>
39. In the early morning of July 11, 2016 criminals vandalized five effigies in the Mohamaya Durga temple at Shimla Bazaar under Sharishabari Municipality in Jamalpur District. Prayers and rituals stopped there after the criminal act.<sup>38</sup>
40. Odhikar condemns this incident. Odhikar demands the government bring the perpetrators to justice through impartial investigation and ensure the security of the citizens belonging to religious minority communities; and their places of worship.

## **Repression against RMG factory workers**

41. According to information gathered by Odhikar, in July 2016, 22 workers were injured by the police during workers unrest in the ready-made garment industries. Six workers were also injured in a fire.
42. On July 21, 2016 the salary for the month of June and overtime dues were paid to the workers of Golden Stitch Design Garment factory belonging to the Nasa Group, in Rajphulbaria area on the Dhaka-Aricha highway in Savar, Dhaka. However, workers began protesting in front of the main gate of the factory alleging that the owners had paid them less than their due; and blocked the Dhaka-Aricha highway. At that time a violent altercation took place between police of Savar Model Police Station and Industrial Police and protesting workers. At least 20 workers were injured during this incident.<sup>39</sup>
43. Garment manufacturing factories are a very large source of revenue for Bangladesh and the factory workers are one of the main contributing factors to this success. However, many factories were closed without notice and this, the sudden termination of workers and not paying wages on time, are the main reasons for workers unrest.

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<sup>36</sup> The Hindu-Buddhist-Christian Unity Council.

<sup>37</sup> The daily Manabzamin, 23/04/2016

<sup>38</sup> The daily Prothom Alo, 13/07/2016

<sup>39</sup> The daily Jugantor, 22/07/2016

## Violence against women

44. Incidents of violence against women continue; and most of the victims are not getting justice due to a culture of impunity.

### **Rape**

45. In July 2016, Odhikar recorded a total number of 66 females who were raped. Among them, 22 were women, 43 were children and the age of one victim could not be determined. Of the women, one was killed after being raped and 12 were victims of gang rape. Out of the 43 child victims, eight were victims of gang rape and one was killed after being raped. Eight women and children were victims of attempted rape.
46. On July 12, 2016 a girl visited a relative's home in Titarkandi Village of Chorshahi Union under Laksmipur Sadar Upazila. At midnight, 10-12 men claiming to be police, entered the house and picked up the girl and her brother Rocky. The men beat her brother and left him on the roadside and took the girl to Chhatra League activist Fahad Uddin's home in the Rampur area of Chorshahi, where she was gang raped. The victim filed a case with Chandraganj Police Station in this regard, accusing 10 perpetrators, including Chhatra League activists Adnan Hossain, Fahad Uddin, Piash Uddin, Parvez Hossain and Ridoy. Among the culprits, police arrested Adnan Hossain.<sup>40</sup>

### **Dowry-related violence**

47. According to information gathered by Odhikar, in July 2016, a total of 20 women were subjected to dowry violence. Of these women, it has been alleged that nine were killed and 10 were physically abused over dowry demands. During this time, one woman committed suicide due to dowry violence.
48. A few days after her wedding, the family of Rifah Tasfia gave one hundred and fifty thousand taka as dowry, to her husband Shamiul Huq in the Dingadoba area in Rajshahi. Rifah Tasfia married Shamiul Huq two years ago. On July 11, 2016 Shamiul and his family members severely beat Rifah after failing to get more money from her family. Rifah Tasfia was badly injured and suffered two broken ribs. She was admitted to Rajshahi Medical College Hospital, while police arrested Shamiul Huq.<sup>41</sup>

### **Acid violence**

49. In July 2016, according to Odhikar documentation, two women became victims of acid violence.

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<sup>40</sup> The daily Manabzamin, 15/07/2016

<sup>41</sup> Report sent by local human rights defender associated with Odhikar from Rajshahi

50. On July 12, 2016 at midnight, criminals threw acid on a pregnant housewife named Parul in Aurongabad area under Manikganj Sadar Upazila, which burnt different parts of her body, including her throat, hands and legs. Parul informed that she had a dispute with her husband who lives abroad. She believes that members of her in-laws family threw acid on her.<sup>42</sup>

### ***Sexual harassment***

51. According to information gathered by Odhikar, in July 2016, a total of 18 girls and women were victims of sexual harassment. Of them two were injured, six were assaulted and 10 were victims of stalking in various ways. Furthermore, one man and one woman were injured by the stalkers for protesting such incidents.

52. Two youth of Katabil village, Shakil Mia and Jamsed Mia used to regularly stalk a girl student of class VI, Farzana Akhter, of Konagaon village while she went to and from school in Komolganj under Moulvibazar District. On July 12, 2016 Farzana was sexually harassed by them while she was returning home from school. Hearing of the incident, her brother Nizamuddin protested. This infuriated the men and 10-12 criminals, led by Shakil Mia and Jamsed Mia, beat Nizamuddin and snatched away his money.<sup>43</sup>

## **Indian government's aggressive policy towards Bangladesh**

### ***Rampal Coal-based Power Plant deal signed***

53. On July 12, 2016 an agreement of the much debated project of the Rampal Coal-based Power Plant was signed in Dhaka. The agreement was signed by the Managing Director of Bangladesh-India Friendship Power Company Limited (BIFPCL), Ujjal Kanti Bhattacharya; and the General Manager of the construction company Bharat Heavy Electric Limited (BHEL), Prem Pal Yadab. Prime Minister's Advisor Toufiq Elahi Chowdhury; State Minister for Power, Nasrul Hamid; Principal Secretary of the Prime Minister, Mohammad Abul Kalam Azad; Secretary of the Ministry of Power, Monwar Islam; Indian Secretary for Power, Prodeep Kumar Pujari; and Indian High Commissioner to Bangladesh, Harshbardhan Shringla were present at the signing programme. Rampal Coal-based Power Plant construction work was initiated near the Sundarbans through this agreement.

54. The Bangladeshi government signed this agreement for constructing the Rampal Power Plant with the Indian government ignoring all protests from civil society and political parties of the country. The nature and livelihood of

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<sup>42</sup> The daily Manabzamin, 14/07/2016

<sup>43</sup> The daily Manabzamin, 14/07/2016

the world largest mangrove forest, the Sundarbans, will be destroyed if this power plant is established. Environmentalists believe that there will be massive impact on the natural environment and ecology across the country as a result. Odhikar urges the people to be united against the destructive Rampal Coal-based Power Plant and halt its construction.

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

55. According to information collected by Odhikar, in July 2016, four Bangladeshi citizens were killed by the Indian Border Security Force (BSF). Among them, three were gunned down and one was stoned to death. One Bangladeshi man was also tortured by the BSF.
56. Odhikar has noticed that the BSF has been, over the years, repeatedly killing or physically harming anyone seen near the border or anyone trying to cross the border; and also attack Bangladeshi citizens by illegally entering Bangladesh; and even robbing them, which are clear violations of international law and human rights.
57. On July 21, 2016 at around 2:30 am, some Bangladeshi cattle traders went to the border area at Godagari in Rajshahi. At that time BSF members opened fire at them and Abul Kalam Azad of Chorkanapara area under Chor Ashariadah Union was shot. His relatives rescued him and took him to Rajshahi Medical College Hospital where the duty doctor in the emergency department declared him dead.<sup>44</sup>
58. In the early morning of July 23, 2016, a group of Bangladeshi cattle traders were returning with cows from India through Putkhali border under Sharsha Upazila in Jessore. They were chased by BSF near the international main pillar 70/7S at Angrail border of India. One of the cattle traders named Shahidul Islam Phony (35) was caught by the BSF, although others were able to escape. BSF shot him dead and left his body in the field near the Indian border.<sup>45</sup>

### ***Indian decision to put up a fence along no-man's land***

59. India surrounded Bangladesh with a barb-wire fence. Despite the fact that the Bangladesh Government is considering giving permission to the Indian Government to shift the fences at some selected points near the zero line along the border, the fences span the whole area. On July 12, 2016 a review meeting on the security of the Bangladesh-India border, in light of the recent incidents in Bangladesh, was held in the Indian Home Ministry, attended by senior officials of five Indian states bordering Bangladesh – West Bengal, Assam, Tripura, Meghalaya and Mizoram. After the meeting, it was made public by a press release that in order to mitigate the problems of Indian

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<sup>44</sup> Report sent by local human rights defender associated with Odhikar from Rajshahi

<sup>45</sup> Report sent by local human rights defender associated with Odhikar from Jessore

villages located between the fence and border and to enhance security along the India Bangladesh border, it had been decided that the fence will be shifted towards the zero line to bring Indian villages within the fence. Furthermore, the State governments were asked to expedite land acquisition for border infrastructure works.<sup>46</sup>

60. In accordance with the international law on borders, no establishment can be made or constructed within 150 yards of the zero line. However, India has decided to build fences along the no-man's land, violating the international law on borders, which will further threaten Bangladesh's sovereignty and increase incidents of human rights violations to Bangladeshi citizens by the BSF. Indian Government has already taken aggressive policy towards all matters relating to Bangladesh. In one hand, India is taking transit facility through Bangladesh with almost no cost and is also taking advantage of other business and trade facilities; and in the meanwhile they are torturing and killing Bangladeshi citizens indiscriminately along the border areas and threatening Bangladesh's ecology and natural heritage by the process to build Rampal Power Plant near the Sundarbans. Moreover, India deprived Bangladesh from getting adequate water through the building of dams and is now constructing a fence along no-man's land violating international law.

## **Hindrance to human rights activities of Odhikar**

61. Odhikar, as a human rights organisation, has come under massive harassment by the current government, for being vocal against human rights violations and for campaigning to stop them. The government, after assuming power in 2009, started the harassment on Odhikar for its reports on the human rights situation of the country. On August 10, 2013 at 10:20 pm, Odhikar's Secretary Adilur Rahman Khan was picked up by persons claiming to be from the Detective Branch (DB) of Police, for publishing a fact finding report on extrajudicial killings during a rally organised by the religious group Hefazate Islam on May 5-6, 2013. The police, at first, denied detaining him. Adilur and Odhikar's Director ASM Nasiruddin Elan, were later charged under section 57(1) of the Information and Communication Technology Act, 2006 (Amended 2009). They were in jail custody and later, Adilur and Elan were released on bail after spending 62 and 25 days in prison respectively. Odhikar regularly faces harassment by different organs of the government. Adilur Rahman Khan, staff members of Odhikar and the office are under surveillance by intelligence agencies. Human rights defenders who are associated with Odhikar are being watched and sometimes harassed and human rights activities hindered. Furthermore, the NGO Affairs Bureau (NGOAB) has

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<sup>46</sup> The daily New Age, 18/07/2016

barred the release of all project related funds of Odhikar, for about two years, withheld renewal of its registration in order to stop its human rights activities. The Organisation is still operating due to the volunteer services of grassroots level human rights defenders associated with Odhikar and their commitment to human rights activism.

## Recommendations

1. Democracy and the voting rights of the people need to be restored immediately by establishing an accountable government through free fair and inclusive Parliamentary elections under a neutral government or under the supervision of the United Nations; and fixing dysfunctional institutions through an elected government.
2. Perpetrators and persons involved in the killings at Holey Artisan Bakery, Sholakia and Hindu priest, Buddhist monk, LGBT rights activist, bloggers, teachers and citizens belonging to ethnic minority communities, must be brought to justice through impartial investigations.
3. The Government must refrain from repressive and unconstitutional activities. The government should establish democracy and rule of law by refraining from violating civil and political rights, including freedoms of expression and assembly, torture, extrajudicial killings and enforce disappearances.
4. Interference to freedom of expression and of the media must be stopped. The Government must withdraw cases filed against all human rights defenders and journalists; and it should also bring the perpetrators to justice through proper and impartial investigation. The ban on the publication of the daily Amar Desh and the broadcasting of Diganta TV, Islamic TV and Channel One should be removed. All persons who were detained for political reasons or for expressing their opinions and thoughts, including the senior and elderly journalist Shafik Rehman, Acting Editor of the daily Amar Desh Mahmudur Rahman and Convener of Nagorik Oikko, Mahmudur Rahman Manna should be released immediately. All repressive laws, including the Information and Communication Technology Act, 2006 (amendment 2009 and 2013) and the Special Powers Act, 1974 must be repealed. Monitoring of the social media and internet, leading to arrests and harassment and human rights violations, should be stopped.
5. Incidents of extrajudicial killings and torture by law enforcement agencies must be investigated and the perpetrators be brought to effective justice. The law enforcement agencies must follow international guidelines “Basic Principles on the use of Force and Firearms by Law Enforcement Officials” and the “UN Code of Conduct for Law Enforcement Officials”. The Government must ratify the Optional Protocol to the Convention against

Torture; and effectively implement the Torture and Custodial Death (Prevention) Act, 2013.

6. The Government has to explain all incidents of enforced disappearance and post-disappearance killings, allegedly perpetrated by law enforcement agencies. All victims of disappearance should be returned to their families. The Government must bring the erring members of the security and law enforcement agencies to justice before the law. Odhikar urges the government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly.
7. The Government should take all measures to protect the rights of the citizens belonging to religious, ethnic and linguistic minority communities and ensure their security.
8. The Ready-made garment factories need to be brought under synchronized security programmes and the factories should be made with adequate infrastructural and other facilities. Human rights violations, including termination of workers, pending wages and harassment by Industrial Police against readymade garment factory workers must be stopped.
9. The Government must ensure the effective implementation of laws to stop violence against women and children and the offenders must be effectively punished under prevalent laws. The Government should also execute mass awareness programmes in the print and electronic media, in order to eliminate violence against women.
10. The Government should protest strongly against human rights violations on Bangladeshi citizens by the Indian Border Security Force (BSF) and take initiatives to investigate and make the Indian Government accountable and compensate the families of the victims. The Government should also ensure the safety and security of the Bangladeshi citizens residing at the border areas. Indian Government should refrain from shifting fences near the zero line along the border and stop destructive coal-based power plant in Rampal. The Bangladeshi Government is urged to reconsider decisions it has made that will affect the country and its people adversely.
11. The case filed against Odhikar's Secretary and its Director under the Information and Communication Technology Act, 2006 (Amended in 2009) must be withdrawn. All repressive measures and harassment against human rights defenders associated with Odhikar should be stopped. The government must release the funds of Odhikar to enable it to continue its human rights activities.

**Tel: +88-02-9888587, Fax: +88-02-9886208**

**Email: [odhikar.bd@gmail.com](mailto:odhikar.bd@gmail.com), [odhikar.documentation@gmail.com](mailto:odhikar.documentation@gmail.com)**

**Website: [www.odhikar.org](http://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.