

# Human Rights Monitoring Report

1-31 March 2018



1 April 2018

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## Executive Summary

The month of March is very significant in the history of Bangladesh. In 1971 the people of this country became resilient against the exploitation and suppression of the West Pakistan regime and developed a struggle for independence in order to destroy the undemocratic rule of West Pakistan. On 25 March 1971, the Pakistani Army attacked the unarmed Bangladeshi civilians and commenced genocide. From 26 March, the people of Bangladesh (then East Pakistan) jumped into the liberation struggle and on 16 December 1971 Bangladesh became independent when the Pakistan Army surrendered. The people of this country sacrificed their lives and honour to build a nation based on equality, human dignity and social justice. That goal is yet to be achieved. The people of this country are victims of grave human rights violations. The controversial elections of 5 January 2014 and the subsequent local government elections, deprived the people of Bangladesh from their right to vote. The opposition political parties and ordinary people are also deprived from the rights to freedom of expression and freedom of assembly and association. The government has enacted repressive laws and imposing them against dissenters and people who have alternative beliefs. Many people, including leaders and activists of the opposition parties, are becoming victims of enforced disappearance, extrajudicial killing and torture. The government has created a fearful environment in the country by destroying civil and political rights of the citizens. As in previous months, allegations of enforced disappearance, extrajudicial killing and custodial torture of leaders-activists of the opposition parties during remand and death in jail due to lack of treatment, were also reported in March 2018. Odhikar believes that people are losing their confidence and faith in the judicial system due to a dysfunctional criminal justice system, impunity of law enforcement agencies and corruption. Incidents of killings by mob violence continued in March 2018.

The government has politicised and made the constitutional bodies subservient to it and to the ruling party and dispatched with rule of law. Recently an infograph report on 113 countries of the world was published by India's DataLeads. The infograph ranked Bangladesh at 102 among 113 countries of the world, in the context of adherence to the rule of law, from the perspective of ordinary people. Three countries, including Bangladesh ranked at the bottom in South Asia.<sup>1</sup> Furthermore, a German based organization, Bertelsmann Stiftung, reported in its Transformation Index-2018, that

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<sup>1</sup> The Daily Star, 1 March 2018, <http://dev.thedailystar.net/country/bangladesh-ranks-among-the-lowest-rule-of-law-in-asia-1541899>; Access to civil justice in Asian countries, <http://globalnation.inquirer.net/164862/access-civil-justice-asian-countries>

Bangladesh was among the countries that were under autocratic rule.<sup>2</sup> Corruption in the country has been heightened due to absence of a democratic and accountable government. Massive allegations of corruption in various sectors were reported during the 10 years of the ruling Awami League. Mainly allegations of money laundering in foreign countries<sup>3</sup>, collapse in the stock market and looting in banking sector have been reported.<sup>4</sup> As a result, most of the private banks suffer huge economic crisis.<sup>5</sup> The country's economy has declined due to massive corruption in banking sector and moreover, ambiguity continues in terms of recruiting Directors and Chairmen of the banks. Allegation of ambiguity was found in appointing a new Chairman in the state-owned Janata Bank<sup>6</sup>, which appeared to be responsible for the single largest debt scam. Despite the existence of such a terrible situation of corruption, the Anti Corruption Commission has not taken any effective action against persons affiliated to the government. In the meanwhile, the ACC continues legal proceedings and verdicts in cases filed against top leaders of the BNP. The High Court Division of the Supreme Court issued a Suo Moto rule in March 2018 taking into consideration the ACC's inactive role against allegations of corruption involving hundreds of millions of taka and money laundering during the period of the incumbent government.<sup>7</sup>

In March, the government was active in suppressing the opposition political parties and arrested many leaders and activists of the opposition parties. Members of law enforcement agencies arrested them from peaceful meetings or on the way to and while returning from meetings or assemblies. The opposition party leaders and activists, after being arrested, were taken into remand several times and allegedly tortured. Due to the

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<sup>2</sup> The daily New Age, 24 March 2018; Democracy under Pressure: Polarization and Repression Are Increasing Worldwide, <https://www.bertelsmann-stiftung.de/en/topics/aktuelle-meldungen/2018/maerz/democracy-under-pressure-polarization-and-repression-are-increasing-worldwide/>

<sup>3</sup> According to a Washington based research institution, from 2005 to 2014, USD 75.85 billion or Taka 6068.68 billion was laundered abroad. Of this, USD 9.11 billion or around Taka 728.72 billion was laundered abroad in 2014. Furthermore, 20 more Bangladeshi names, including controversial businessman Musa bin Shamsar, have been incorporated in the second list of the highly discussed Paradise Papers scam. All of them have illegally laundered money from Bangladesh to Malta.

<sup>4</sup> The Awami League led government after reassuming power through the controversial elections of 2014 issued several bank licenses in favour of its party leaders and engaged its party leaders-activists in the governing bodies of various banks. As a result, corruption in banking sector increased.

<sup>5</sup> The daily Jugantor, 15 March 2018; <https://www.jugantor.com/todays-paper/first-page/27643/>

<sup>6</sup> Janata Bank had given a loan of 55.04 billion Taka to Entex Group owned by Mohammad Yunus (Badal), while its capital was 29.79 billion Taka. It is reported in the media that there is an opportunity to lend up to 25% of the capital. That means a customer cannot be given more than 7.5 billion Taka loan. Such amount was given when Dr. Abul Barakat, Professor of Economics, Dhaka University, was the Chairman of this Bank. The board members of this Bank were former Chhatra League leader Balram Poddar; former Joint-Secretary of the sub-committee of Awami League, Nagibul Islam (alias Dipu); and Jubo League leader Abu Naser. It was learnt that Bank Board members were more enthusiastic in providing loans. The debtor Mohammad Yunus (Badal) was once a clerk in a private organisation. His financial rise was during the Awami League regime and within a small time he has become the owner of 22 business institutions.

<sup>7</sup> The daily Jugantor, 2 March 2018; <https://www.jugantor.com/todays-paper/last-page/23043/>

alleged torture, a Chhatra Dal<sup>8</sup> leader named Zakir Hossain died in Dhaka. DBC TV cameraperson Sumon was arrested by the Detective Branch (DB) of Police in Barisal City and was allegedly tortured in custody. Furthermore, members of law enforcement agencies attacked a family programme of an opposition leader as well. The government is using police and RAB to suppress its political opponents and as a result, members of such agencies are enjoying impunity and involved in various criminal acts. Apart from acts of torture, allegations of extortion, taking bribes perpetrated by the members of law enforcement agencies, particularly by police have been reported. There are allegations that not only leaders-activists of the opposition political parties, but also ordinary citizens are also becoming victims of such brutality. Meanwhile, the ruling party Awami League and its affiliated organisations, Chhatra League<sup>9</sup>, Jubo League<sup>10</sup> and Swechhchasebak League<sup>11</sup> leaders and activists continue to attack opponents and ordinary citizens. They are reportedly involved in extortion, forcefully acquiring tender bids, land grabbing, kidnapping, violence at educational institutions, including the leak of question papers, fixing admissions, acts of violence against women including rape and sexual harassment. Awami League supporters at Suhrawardy Udyan on 7 March<sup>12</sup>, attacked female pedestrians and allegedly sexually harassed women at different places in Dhaka City. However, police could not arrest the accused perpetrators till date.

This year is considered to be a very significant year for Bangladesh as the 11<sup>th</sup> Parliamentary Election is likely to be held in December. But the incumbent government is creating an unfair electoral field by suppressing the opposition parties and violating their political rights. In the by-elections of two parliamentary constituencies held during this period, the ruling Awami league allegedly used the police and local administration to win the elections through conducting various irregularities, including 'capturing' polling centres. However, the Election Commission failed to take any effective measures.

The government decided to repeal five sections, including section 57, of the repressive Information and Communication Technology (ICT) Act 2006 due to pressure from journalists, human rights defenders and civil society organisations; and accordingly the Cabinet approved the draft of the Digital Security Act (DSA) 2018. However, the proposed law is going to be enacted as another repressive law as the revoked sections of

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<sup>8</sup> Student wing of BNP

<sup>9</sup> Student wing of Awami League

<sup>10</sup> Youth wing of Awami League

<sup>11</sup> Voluntary wing of Awami League

<sup>12</sup> On 7 March 1971, before the liberation war, Awami League leader and former President Sheikh Mujibur Rahman gave speech at the then Racecourse Maidan.

the ICT Act have been incorporated into the DSA. There are fears of continued harassment on journalists and human rights defenders under section 32 of the DSA.

Accurate and impartial reporting and true journalism are hindered due to government pressure on the media through different means and in most cases journalists are forced to maintain self censorship. Meanwhile the government closed down pro-opposition electronic media, such as Diganta TV, Islamic TV and the publication of the print media, the daily Amar Desh since 2013. During this period, many journalists were attacked by ruling party backed criminals.

Labour rights were also being violated by different means in March 2018. During this period, garment workers became victims of police brutality while in protest demanding their undue wages. Construction workers are heavily discriminated and the situation of women construction workers is extremely vulnerable.

Attacks on citizens belonging to religious minority communities by criminals patronized by the government continue. During this month, allegations of land grabbing of a religious minority citizen, by Awami League leaders and activists, were found after he was picked up with his family from his house. One Awami League leader was also arrested for allegedly being involved into this incident.

Incidents of violence against women continue. A significant number of incidents of dowry and related violence, rape, acid violence and sexual harassment have occurred in March 2018. A report shows that in only 3% of these cases, perpetrators get punished despite the high numbers reported. Furthermore, rape cases were also removed under 'political consideration'. On 6 March 2018, UNICEF stated that the ratio of child marriage has increased in Bangladesh though such practice has decreased around the world. Early marriage of minor girls has been encouraged through a special provision in the Child Marriage Restraint Act 2017.

The Indian government continues to carry out acts of aggression<sup>13</sup> and intervention on the political, economic and cultural affairs of Bangladesh, including trade and business, using roads and implementing environmentally hazardous projects in Bangladesh. India has deprived Bangladesh from right to get adequate water. Moreover killing,

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<sup>13</sup> India is taking transit facility through Bangladesh at almost no cost (the shipment fee for carrying goods is Tk 192.22 per ton) under an amended Protocol on Inland Water Transit and Trade (PIWTT) signed between India and Bangladesh on June 6, 2015; and is also taking advantage of other business and trade facilities. It was decided that Bangladesh will buy power from India in higher rate worth about two lac crore taka. The environmentally hazardous initiative to build the Rampal Power Plant with an Indian company, near the Sundarbans and a decision to implement an inter-river connection project, will lead Bangladesh to terrible human disaster and environmental catastrophe. Moreover, the Indian government decided to put up a fence along no-man's land, which will be within 150 yards from the zero line along the border.

torturing and looting Bangladeshi citizens by members of the Indian Border Security Force (BSF), by illegally trespassing on Bangladesh territory, continued in March 2018. Hundreds of thousands of Rohingya people have taken refuge in Bangladesh to save their lives by crossing the territorial border fleeing acts of genocide, including killings, enforced disappearances, mass rape, torture, arson attack and other violence perpetrated by the Myanmar Army and Buddhist criminals against the Rohingya community in the Rakhine state of Myanmar (former Arakan state).<sup>14</sup>

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 has been monitoring 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 since its inception in 1994. 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 March 2018, despite facing persecution and continuous harassment and threats to its existence since 10 August 2013.

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<sup>14</sup> The Arakan state was renamed as Rakhine by the Myanmar government.

## Statistics of Human Rights Violations: March 2018

Statistics: January-March 2018*						
Type of Human Rights Violation			January	February	March	Total
Extrajudicial killings	Crossfire		18	6	17	41
	Shot to death		1	1	0	2
	Torture to death		0	0	1	1
	<b>Total</b>		<b>19</b>	<b>7</b>	<b>18</b>	<b>44</b>
Enforced Disappearances			6	1	5	12
Death in Jail			6	5	9	20
Human rights violations by Indian BSF	Bangladeshis Killed		2	1	0	3
	Bangladeshis Injured		3	5	1	9
	Bangladeshis Abducted		2	0	0	2
	<b>Total</b>		<b>7</b>	<b>6</b>	<b>1</b>	<b>14</b>
Attack on journalists	Injured		12	6	1	19
	Assaulted		1	3	3	7
	Threatened		2	1	3	6
	<b>Total</b>		<b>15</b>	<b>10</b>	<b>7</b>	<b>32</b>
Political violence	Killed		9	5	9	23
	Injured		619	424	334	1377
Dowry related violence against women			10	13	13	36
Rape			46	78	59	183
Sexual harassment /Stalking of females			15	14	25	54
Acid violence			2	1	3	6
Public lynching			5	6	8	19
Situation of workers	RMG workers	Killed	0	0	1	1
		Injured	20	0	40	60
	Workers in other sectors	Killed	9	11	7	27
		Injured	8	4	0	12
Arrest under Information and Communication Technology Act 2006 (amended 2009 and 2013)**			2	1	0	3

\*Odhikar's documentation

\*\* The cases of arrests under the Information and Communication Technology (ICT) Act that are documented are those where the presentations/statements in question are considered critical against high officials of the government and their families.

## Civil and Political Rights

### ***Status of the imprisoned opposition leader***

1. On 8 February 2018, a Special Court Judge Mohammad Akhtaruzzaman sentenced BNP Chairperson Begum Khaleda Zia to five years imprisonment in a verdict under the 'Zia Orphanage Trust' corruption case.<sup>15</sup> Furthermore, the court also sentenced five others to 10 years rigorous imprisonment, including Khaleda Zia's son and BNP Senior Vice-President Tareque Rahman. Khaleda Zia's lawyers received the certified copy of the judgment on 19 February 2018<sup>16</sup> on the pretext that the judge was revising and correcting the judgment.<sup>17</sup> On 25 February, Khaleda Zia's lawyers filed a bail petition and appealed before the High Court Division comprising of Justice M Enayetur Rahim and Justice Shahidul Karim. The bench said that the court would deliver its Order after receiving the case records from the lower court.<sup>18</sup> After that order, Special Court Judge Mohammad Akhtaruzzaman delayed in sending the 5373 page of case records, saying that he could not complete typing the testimony of witnesses and other related issues and orders. After receiving the case records the High Court granted four months bail to Khaleda Zia on 12 March 2018.<sup>19</sup> On the same day, the District and Sessions Judge of Comilla Court No-5, Mustain Billah, issued a Production Warrant to Khaleda Zia.<sup>20</sup> On 13 March, the Anti-Corruption Commission (ACC) and the government filed petitions seeking a stay on the granted bail. After hearing the petition, the Chamber Judge, Justice Hasan Foez Siddique forwarded the petition to the Full Bench of the Appellate Division of the Supreme Court without staying the bail.<sup>21</sup> On 18 March 2018, the full bench heard the petition and on 19 March an order of the Supreme Court stayed bail to Khaleda Zia till 8 May 2018. As a result, Khaleda Zia could not be released on bail and is still detained in jail. After sentencing her, Khaleda Zia was again shown as arrested under two cases in Dhaka, one in Comilla and one in Norail.<sup>22</sup> On 22 March, Khaleda Zia's lawyer filed a writ petition to the High Court to issue a Rule asking the authorities concerned to explain as to why the jail authority's refusal to provide them with Khaleda Zia's *Vokalatnama* (power-of-attorney) should not be declared illegal. Several times, the jail authority refused

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<sup>15</sup> The daily Jugantor, 13/02/2018;

<sup>16</sup> The daily Nayadiganta, 20/02/2018; <http://www.dailynayadiganta.com/detail/news/295409>

<sup>17</sup> The daily New Age, 13/02/2018; <http://www.newagebd.net/article/34698/judge-still-correcting-verdict>

<sup>18</sup> The daily Prothom Alo, 26/02/2018;

<sup>19</sup> The daily Jugantor, 12/03/2018; <https://www.jugantor.com/todays-paper/first-page/26515/>

<sup>20</sup> The daily Prothom Alo, 13/03/2018;

<sup>21</sup> The daily Jugantor, 19/03/2018; <https://www.jugantor.com/todays-paper/first-page/29174/>

<sup>22</sup>

to give permission to allow them to take her signature on the *Vokalatnama* so that they could represent her in court.<sup>23</sup> It is alleged that sentencing Khaleda Zia, staying her bail petition and issuing production warrant are all politically motivated to keep her away from participation in the next Parliamentary elections.

## ***Hindrance to freedom of assembly and allegation of arrest***

### ***Opposition party<sup>24</sup>***

2. The government continues to hinder the right to freedoms of assembly and association of leaders and activists of BNP, centering around the pronouncement of the judgement of the alleged corruption case filed against BNP Chairperson Khaleda Zia. In this regard, the police continued wide acts of suppression against leaders and activists of BNP including mass arrest operations since January 2018. During this period, several thousands of BNP and Jamaat leaders of the Central Committee, including BNP Standing Committee member Goyeshwar Chandra Roy, were arrested. Moreover, apart from pending cases, leaders and activists were also shown as arrested in newly filed cases, but the rate of receiving bail is lower than the rate of filing cases.<sup>25</sup> Furthermore, it is alleged that opposition leaders-activists are continuing to face degrading treatment by members of law enforcement agencies. Some examples are as follows:
3. On 12 March 2018, General Secretary of the Narayanganj District unit BNP and teacher of Sonargaon Fazlul Haque Women's College, Mamun Mahmud was produced before the Judicial Magistrate Court in handcuffs and ropes. Police and activists of the ruling party barred, attacked and arrested BNP leaders and activists in many places while they arranged a series of protest events, including peaceful assembly, mass signature campaign, hunger strike, human chain and distributing leaflets in protest of sentencing Khaleda Zia under a politically motivated case. On the other hand, the ruling party Awami League conducted meetings and assemblies without any hindrance, to campaign for the upcoming elections. It can be questioned whether such election campaign, with the expenses of the government, can be held by a political party.

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<sup>23</sup> The daily Jugantor, 23/03/2018; <https://www.jugantor.com/todays-paper/last-page/30670/> and Plea seeks document from jail authorities, The Daily Star, 23/03/2018, <http://www.thedailystar.net/city/plea-seeks-document-jail-authorities-1552129>

<sup>24</sup> Political parties which boycotted controversial Parliamentary elections on 5 January 2014 are known as the Opposition political parties such as BNP and its 20 Party Alliance.

<sup>25</sup> The daily Manabzamin, 10/03/2018; <http://www.mzamin.com/article.php?mzamin=108408>

4. On 10 March 2018 Awami Mohila League<sup>26</sup> wanted to organise an assembly in the same place where BNP had already decided to organise a meeting at Shaheed Hadis Park in Khulna. In this regard, Khulna Metropolitan Police imposed ban on any kind of public gathering at that place.<sup>27</sup> On 2 March 2018, BNP sent a letter seeking permission to organise a public meeting at Suhrawardy Udyan on 12 March 2018, to the Dhaka Metropolitan Police and Public Works Department (PWD) under the Ministry of Housing and Public Works, but BNP was not given permission.<sup>28</sup> BNP again asked for permission to hold the meeting on 29 March 2018, from the Dhaka Metropolitan Police (DMP). In this regard, BNP leaders met with the Home Minister, but despite the assurance from the Minister, the BNP was refused by the DMP.<sup>29</sup> Previously, BNP did not get permission to hold a meeting from the DMP on 22 February 2018.<sup>30</sup>
5. The leaflet distributing event protesting Khaleda Zia's imprisonment, organised by BNP was stopped in Manikganj District due to heavy police pressure as it did not get permission from police to do so. On that day, the Detective Branch (DB) of Police arrested Manikganj Sadar Upazila Chairman and BNP leader Aatur Rahman Ata, while they were distributing leaflets.<sup>31</sup> On 6 March 2018, a human chain was formed in protest of the sentencing of Khaleda Zia, in front of the National Press Club in Dhaka by the leaders and activists of BNP. At that time, a group of plainclothes DB Police showed their arms and shot blanks to create panic in public. Police also arrested Shafiul Bari Babu, President of the Central Committee of Swechchhasebak Dal<sup>32</sup>, from the place.<sup>33</sup> On 8 March, he was sent to seven days of police remand in a case filed with Shahbagh Police Station under the Special Powers Act, 1974.<sup>34</sup> On 8 March, police also baton charged and disperse a BNP peaceful sit-in programme in front of the National Press Club for releasing Khaleda Zia. At that time, plainclothes policemen arrested five persons, including Dhaka (North) Metropolitan City unit Chhatra Dal<sup>35</sup> President, SM Mizanur Rahman.<sup>36</sup>

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<sup>26</sup> Women wing of Awami League

<sup>27</sup> The daily Manabzamin, 10/03/2018; <http://www.mzamin.com/article.php?mzamin=108409>

<sup>28</sup> The daily Naya Diganta, 12/03/2018; <http://www.dailynayadiganta.com/detail/news/300981>

<sup>29</sup> The daily Prothom Alo, 12/03/2018

<sup>30</sup> The daily Prothom Alo, 12/03/2018

<sup>31</sup> The daily Manabzamin, 02/03/2018; [www.mzamin.com/article.php?mzamin=107119&cat=9/](http://www.mzamin.com/article.php?mzamin=107119&cat=9/)

<sup>32</sup> Voluntary wing of BNP

<sup>33</sup> The daily Naya Diganta, 07/03/2018; <http://www.dailynayadiganta.com/detail/news/299594>

<sup>34</sup> The daily Naya Diganta, 08/03/2018; <http://www.dailynayadiganta.com/detail/news/299925>

<sup>35</sup> Student wing of BNP

<sup>36</sup> The daily Jugantor, 09/03/2018; <https://www.jugantor.com/todays-paper/first-page/25519/>



*Plainclothes police arresting Chhatra Dal Dhaka North unit president Mizanur Rahman during a sit-in programme organised by BNP in front of the National Press Club in Dhaka. Photo: New Age, 9 March 2018*



*Detective Branch of police carried out an operation in front of the National Press Club to arrest Sechchasebak Dal President. Photo: Prothom Alo, 7 March 2018*



*DB Police arrested Shafiul Bari Babu, President of the Central Committee of Swechchasebak Dal. Photo: Prothom Alo, 7 March 2018*

### ***Other group of alliance and institutions in protest***

6. The government also continue hindering the rights to freedom of assembly and association of different non-political alliances and institutions. Police threatened the organisers after picking them up. During this period, female protesters were also allegedly physically assaulted by male police.

7. On 10 March 2018, students from different universities and colleges and job seekers gathered in Shahbagh area of Dhaka City, demanding an increase of the age limit from 30 years to 35 years for applying in government jobs. They started a procession heading towards the Prime Minister's Office from Shahbagh. When the rally reached the Banglamotor area, police charged with batons to disperse the rally. Many protesters were injured in this incident.<sup>37</sup>



*Police assaulted a woman protestor, during a protest for increasing the age limit in government service, at Banglamotor, Dhaka. Photo: Prothom Alo, 11 March 2018.*

8. Police barred the Association of Teachers and Employees from making a stage for organising a grand assembly at Shaheed Minar to demand nationalisation of the secondary educational system and their jobs. At that time, police picked up Professor Asadul Haque and took him to Shahbagh Police Station and pressurised him to give a written bond saying he would not organise any other assembly.<sup>38</sup> Finally, the Association of Teachers and Employees postponed this programme due to police hindrance.<sup>39</sup>
9. Various university students and government job seekers were demonstrating for a five-point demand, including reducing the existing quota system in government jobs. They were also demanding reducing the quota from 56 percent

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<sup>37</sup> The daily Prothom Alo, 11/03/2018;

<sup>38</sup> The daily Nayadiganta, 14/03/2018; <http://www.dailynayadiganta.com/detail/news/301638>

<sup>39</sup> The daily Nayadignata, 15/03/2018; <http://www.dailynayadiganta.com/detail/news/301916>

to 10 percent at Bangladesh Civil Service. On 14 March 2018, in protest of the existing quota system, protesters from the University of Dhaka were heading towards the Ministry of Public Administration to surround the Ministry. At one stage, the procession peacefully stayed in front of the Supreme Court building. At that time, police threw tear gas shells and charged with batons to disperse the protestors. In this regard, 15 students were injured and 50 were detained by police. Later, police released the detainees due to protests of students and job seekers.<sup>40</sup> On the same day, police filed a case against 700 protesters with Shahbagh Police Station.<sup>41</sup>



*Police threw tear gas shells at jobseekers and students after they blocked a road near the High Court intersection demanding a reform of the quota system in recruitment. Photo: New Age, 15 March 2018*

### ***Criminalisation of the ruling party***

10. In March 2018, according to information gathered by Odhikar, nine persons were killed and 334 persons were injured in political violence. Furthermore, 28 incidents of internal violence in the Awami League were recorded during this period. Four were killed and 266 were injured in internal conflicts of the Awami League. Some incidents are as follows:

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<sup>40</sup> The daily Manabzamin, 15/03/2018; [www.mzamin.com/article.php?mzamin=109090&cat=2/](http://www.mzamin.com/article.php?mzamin=109090&cat=2/)

<sup>41</sup> The daily BD-Pratidin, 17/03/2018; <http://www.bd-pratidin.com/first-page/2018/03/17/314731>

11. The ruling Awami League's affiliated organisations – Chhatra League<sup>42</sup>, Jubo League<sup>43</sup> and Swechchasebak League<sup>44</sup> are playing key roles in acts of violence and criminalisation at all levels which continued in March 2018. During such violence they were seen using lethal weapons. It is widely reported that they are also involved in various criminal acts, including extortion, forcefully acquiring tender bids, land grabbing, violence at educational institutions, fixing admissions and ensuring admission of students of their own party, acts of violence against women and ordinary citizens, sexual harassment etc. They are also involved in incidents of internal conflict which are linked to matters of vested interest. In most cases the accused could not be brought to justice as they enjoy impunity. In some cases the accused were arrested but were usually acquitted by the court.<sup>45</sup> Three incidents are as follows:

12. On 7 March 2018 the ruling Awami League organised an assembly at Suhrawardy Udyan in Dhaka. Leaders and activists of the Awami League came in processions to join the assembly from different areas of Dhaka city. It is alleged that, many women and girls were sexually harassed and even their clothes were torn in different streets at Banglamotor, Shahbagh, Dhaka University campus, Kakrail, Khamarbari and Kolabagan of Dhaka city. Among those sexually harassed, some brave females posted status in the social media 'facebook' about the incident.<sup>46</sup> Furthermore, a female student of Department of Mass Communication and Journalism of University of Dhaka was sexually harassed at Kawran Bazar intersection. Participants with placards in the procession touched her body and verbally abused her. There were police near the place of incident but they did not come forward to help her.<sup>47</sup> In another incident, a father of a student who was sexually harassed in the Banglamotor area filed a case with Ramna Police Station against 15-20 unidentified persons.<sup>48</sup> Police still have not arrested any perpetrators, though they have CCTV footage to identify the perpetrators. On 9 March 2018, the General Secretary of Awami League and Minister of Road Transport and Bridges, Obaidul Quader, commented that what happened outside the assembly venue was not the (political) party's concern, but a responsibility of the government.<sup>49</sup>

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<sup>42</sup> Student wing of Awami League, the ruling party.

<sup>43</sup> Youth wing of Awami League.

<sup>44</sup> Voluntary wing of Awami League.

<sup>45</sup> The daily Prothom Alo, 26/01/2018. [www.prothomalo.com/bangladesh/article/1417456/](http://www.prothomalo.com/bangladesh/article/1417456/)

<sup>46</sup> The daily Prothom Alo, 08/03/2018 and The daily Manabzamin 09/03/2018;

<http://www.mzamin.com/article.php?mzamin=108263>

<sup>47</sup> The daily Prothom Alo, 08/03/2018; <http://www.dailynayadiganta.com/detail/news/300429>

<sup>48</sup> The daily Nayadiganta, 10/03/2018; <http://www.dailynayadiganta.com/detail/news/300429>

<sup>49</sup> The daily Manabzamin, 09/03/2018 <http://www.mzamin.com/article.php?mzamin=108262> and The Daily Star, 09/03/2018,

13. Selim Mollah, Vice President of Manikganj's Harirampur Upazila Unit Awami League and his son Rajibul Hasan Rajib, General Secretary of the Upazila unit Chhatra League<sup>50</sup> and other persons affiliated with Awami League are allegedly involved in an abduction gang. The gang pick up people in a microbus from Dhaka City and nearby places and beat up them for ransom. On 9 March 2018, the gang picked up two businessmen Zafar Iqbal and Mohammad Miraj Gazi from the Firmgate area of Dhaka City in a microbus. The abductors asked for ransom and Zafar Iqbal's sister gave 285,000 taka the same day to release her brother. Later, the gang provided an account number to Miraz Gazi's relatives to transfer more money there. Tracing the account number, members of Rapid Action Battalion (RAB) conducted an operation and arrested 10 persons including Selim Mollah, his son Rajibul; Mohammad Mosharaf, Religious Affairs Secretary of Upazila unit Awami League; and Mohammad Nirab, a Jubo League activist. RAB recovered six pistols, 36 bullets, nine magazines and the ransom money of 285,000 taka from their possession and rescued Zafar Iqbal and Mohammad Miraj Gazi, whose hands and legs were tied with rope.<sup>51</sup>
14. On 20 March 2018, a student of Shahjalal University of Science and Technology, S M Abdullah Roni, was shot during a clash between two factions of Chhatra League supported by University unit Chhatra League Vice President, Abu Syeed Akand and Joint General Secretary Sajidul Islam Sabuj of university unit Chhatra League respectively, near the campus over establishing supremacy in the area.<sup>52</sup>

### ***National Parliamentary by-polls***

15. On 13 March, Brahmanbaria-1 (Nasirnagar)<sup>53</sup> and Gaibandha-1 (Sundarganj)<sup>54</sup> by-polls were held. There were allegations of vote rigging, 'capturing' polling centres and stamping Awami League election symbol 'Boat' on ballots in public, after forcibly ousting the polling agents of the opposition from the polling booths. The election of Gaibandha-1 was almost voter-free. Hundreds of activists of the Awami League were outside the polling centre prior to the commencement of votes. During the polls, they drove out the polling agents of Jatiya Party (Ershad) from the polling centres of Brahmanbaria-1. Then they openly stamped Awami League's electoral symbol 'boat' on the ballot papers. At that time, activists and supporters of Awami League were holding accreditation cards of

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<sup>50</sup> Student wing of Awami League

<sup>51</sup> The daily Prothom Alo, 13/03/2018; [www.prothomalo.com/bangladesh/article/1449421/](http://www.prothomalo.com/bangladesh/article/1449421/)

<sup>52</sup> The daily BD-Pratidin, 22/03/2018; <http://www.bd-pratidin.com/country-village/2018/03/22/316016>

<sup>53</sup> The seat became vacant as the MP of Brahmanbaria-1 (Nasirnagar) Sayedul Haque died on 16 December 2017

<sup>54</sup> The seat became vacant as the MP of Gaibandha-1 (Sundarganj) Golam Mostafa Ahmed died on 19 December 2017

the Election Commission as election observers and journalists. Police and members of other law enforcement agencies were silent.<sup>55</sup> At around 10:00 am, supporters of Awami League nominated candidate BM Farhad Hossain with the help of the administration drove out the polling agents of Jatiya Party from Kunda Government Primary School polling centre in Nasirnagar and stamped Awami League's electoral symbol 'boat' on the ballots.<sup>56</sup> Although there were no voters in 15 polling centres out of 74, all the ballot boxes were filled up with ballot papers. One of the Presiding Officers of a polling centre (who wished to be anonymous) said that he was surprised to find many stuffed ballot boxes, although the polling booths were voter-free.<sup>57</sup> During the election, a group of 10-15 activists and supporters of the ruling party led by local Juba League leader Shibli Chowdhury attacked Sylhet Bureau Chief of Jamuna Television, Mahbubur Rahman Ripon; Akhaura correspondent of the daily Jugantor, Mohiuddin Mishu; and Brahmanbaria correspondent of Jagonews24.com, Azizul Alam Sanchoy. Jatiya Party nominated candidate Rezwan Ahmed alleged that an on duty police officer also stamped Awami League's electoral symbol 'boat' on the ballot papers. Later, Jatiya Party candidate organised a press conference and boycotted the election. The District Electoral Officer and Assistant Returning Officer, Mohammad Shafiqur Rahman announced that Awami League nominated candidate BM Farhad Hossain had won the election.<sup>58</sup>

16. Although the by-polls in Gaibandha-1 was held in a peaceful manner, but it was voter-less. At around 9:00 am, there were no voters at Ramdev Government Primary School polling centre. The Presiding Officer of the centre said that the total number of voters in that centre were 5,003. In the morning only three voters cast their vote.<sup>59</sup> Jatiya Party (Ershad) nominated candidate Shamim Haider Patwary defeated Awami League nominated candidate Afroza Bari. Before the announcement of the election result, the supporters of the Awami League nominated candidate vandalised three microbuses and Sundarganj Filling Station owned by Jatiya Party nominated candidate Shamim Haider Patwary.<sup>60</sup>

### **Local Government Election**

17. Elections in 46 Union Parishads and in four Municipalities and in one Municipality for Mayor candidacy, eight Union Parishads for Chairman

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<sup>55</sup> The daily Jugantor, 14/03/2018; <https://www.jugantor.com/todays-paper/last-page/27294/>

<sup>56</sup> The daily Nayadiganta, 14/03/2018; <http://www.dailynayadiganta.com/detail/news/301602>

<sup>57</sup> The daily Prothom Alo, 14/03/2018;

<sup>58</sup> The daily Jugantor, 14/03/2018; <https://www.jugantor.com/todays-paper/last-page/27294/>

<sup>59</sup> The daily Prothom Alo, 14/03/2018;

<sup>60</sup> The Nayadiganta, 15/03/2018; <http://www.dailynayadiganta.com/detail/news/301901>

candidacy, in 64 Union Parishads and in six Municipalities for different candidacy, in one Upazila Parishad and two ward elections in Chittagong and Khulna City Corporations were held on 29 March 2018.<sup>61</sup> Allegations of sporadic irregularities including ‘capturing’ of polling centres, casting fake votes, rigging and stuffing ballot boxes and violence were reported. In this period, a Juba Dal<sup>62</sup> leader was shot dead in Tangail.

18. Supporters of Awami League nominated Chairman candidate, Hekmot Sikder occupied the Guptabon Government Primary School polling centre on 29 March at around 3:00 am, at Sagardighi Union under Ghatail Upazila in Tangail District and started to stamp ballot papers. After such news spread, leaders and activists of the opposition party and locals surrounded the polling centre. Supporters of the ruling party opened fire from the polling centre. Police also opened fire. A Juba Dal<sup>63</sup> leader Abdul Malek, was shot dead. The Election Commission withheld the election after such violence.<sup>64</sup> Allegations of sporadic irregularities including ‘capturing’ polling centres, ousting of the polling agents of BNP and independent candidates and preventing voters from going to the polling centres, were observed in the Union Parishad elections at Khoshbash (South), Shilmuri (North) and Shilmuri (South) in Borura Upazila under Comilla District. As a result the BNP nominated candidates boycotted the election. Some voters, including Ali Ahmed (78), Abdul Matin (65) and Julekha Begum and many others of Shilmuri (South) Union Bashpur Government Primary School polling centre said that the electoral officer informed them that their vote had already been cast. At around 9:55 am, supporters of Awami League exploded crude bombs at Joykamta Government Primary School polling centre of Shilmuri (North) Union. As a result, the polling centre became voter free out of fear and they started to stamp on Awami League’s electoral symbol ‘boat’ on the ballot papers.<sup>65</sup> In Sunamganj, incidents of capturing polling centres, stuffing and snatching ballot papers and clashes occurred. In some polling centres, voters came to know that their votes had already been cast. Independent candidate Dewan Goniul Saladin and BNP nominated candidate Dewan Sajaur Raja Sumon boycotted the election. Dewan Goniul Saladin alleged that out of the 23 polling centres most had been captured by supporters of the ruling party activists and they ousted the polling agents. After that they stamped the Awami League’s

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<sup>61</sup> The Jugantor, 29/03/2018; <https://www.jugantor.com/todays-paper/first-page/32571/>

<sup>62</sup> Youth wing of BNP

<sup>63</sup> Youth wing of BNP

<sup>64</sup> The daily Nayadiganta, 30/03/2018; <http://www.dailynayadiganta.com/detail/news/305986>

<sup>65</sup> The daily Manabzamin, 30/03/2018; <http://www.mzamin.com/article.php?mzamin=111131>

electoral symbol 'boat' on the ballot papers, in front of the members of law enforcement agencies.<sup>66</sup> Supporters of Awami League nominated candidate Bibi Moriom and other candidate Jahangir Alam Chowdhury, engaged in an altercation in Gosaildanga ward of Chittagong City Corporation. At that time, four supporters of Bibi Moriom were seen carrying arms.<sup>67</sup>



*A polling centre in Shilmuri (North) Union in Comilla with no voters. In another polling centre (inset) ballot papers have been stamped with Awami League electoral symbol 'boat'. Photo: Naya Diganta, 30 March 2018*



*Supporters of Awami League nominated candidate Bibi Moriom and another candidate Jahangir Alam Chowdhury engaged in a clash in Gosaildanga ward of Chittagong City Corporation. At that time, four supporters of Bibi Moriom were seen carrying arms. Photo: Prothom Alo, 30 March 2018*

<sup>66</sup> The daily Prothom Alo [www.prothomalo.com/bangladesh/article/1460041/](http://www.prothomalo.com/bangladesh/article/1460041/) and The daily Nayadiganta, 30/03/2018; <http://www.dailynayadiganta.com/detail/news/305986>

<sup>67</sup> The daily Prothom Alo, 30/03/2018; [www.prothomalo.com/bangladesh/article/1460041/](http://www.prothomalo.com/bangladesh/article/1460041/)



*A clash between supporters of Awami League and an independent candidate occurred in Sunamganj Municipality by-election. Photo: Prothom Alo, 30 March 2018*

19. The election system has collapsed due to criminalisation in the election process during the present government. Criminalisation in elections emerged since the controversial and farcical 10<sup>th</sup> Parliamentary elections of 5 January 2014 and most of the following elections were marred with widespread and widely reported irregularities, violence and vote rigging. In the past, polls were generally conducted in a festive manner and people used to willingly participate in the elections held under an interim caretaker system. The present government repealed the caretaker government system in 2011 in order to retain power. People do not have any scope to vote freely under the existing political atmosphere. For this reason, voters presence was remarkably absent in recent polls. Ensuring transparent, creditable, free and fair elections is the Constitutional responsibility of the Election Commission (EC). After the tenure of the controversial Election Commission headed by Rakib Uddin Ahmed, a new Election Commission headed by KM Nurul Huda<sup>68</sup> was formed. However, this EC has also become controversial, because most of the elections held under this new Commission have repeated the failures of its predecessor; and their inaction against electoral violence and election related offences, is glaringly obvious.

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<sup>68</sup> The President of Bangladesh appointed the new commission after the tenure of controversial Election Commission headed by Rakib Uddin Ahmed in February 2017.

## Right to Life and Personal Liberty

### *Extrajudicial killings*

20. Extrajudicial killings continue due to an absence of a democratic government, failure of the criminal justice delivery mechanism in the country and impunity of law enforcement agencies, given by the State. 44 persons were reportedly killed extra-judicially between January and March 2018. Victim-families alleged that members of law enforcement agencies shot dead their relatives. The government constantly denies incidents of extrajudicial killing, despite repeated demands to bring the perpetrators to justice. As a result, members of law enforcement agencies who are involved in such killings are enjoying impunity in this regard. In an interview with the daily Prothom Alo published on 18 March 2018, the Director General of the Rapid Action Battalion (RAB), Benazir Ahmed claimed that the term 'extrajudicial killings' is a wrong coinage and he further asked for the definition of the term.<sup>69</sup> Extrajudicial killing is a blatant example of the violation of right to life and right to personal liberty, which violates Article 32<sup>70</sup> of the Bangladesh Constitution and Article 6<sup>71</sup> of the ICCPR.
21. On 17 March 2018. Kazi Mohammad Emran Hossain Saiful (28) was allegedly killed in a so-called gunfight with police in Phulgazi Upazila under Feni District. During this incident, Mohammad Yunus (20) and Emdadul Haque (26) were also injured. Saiful's paternal uncle Kazi Shah Alam informed that his nephew was killed due to enmity with local influential men, Khaju, Kamal, Alamgir, Saleh Ahmed and others, over some business. On their behalf, police picked up Saiful from his house and shot him dead. Later, police staged the incident as 'gunfight'.<sup>72</sup> On 17 March, Yunus and Emdad, who had been shot and injured informed journalists that on 16 March 2018 at around 9:00 pm, they went to Saiful's house to collect some money. Police picked up the three from there and took them to the police station. At midnight, police tied them up and put them in a police van. The three were brought to a place where they were shot.<sup>73</sup> Meanwhile, police claimed that on 16 March, 10-12 criminals led by Saiful went to GM Hat Brickfield near GM Hat Bazaar area in Phulgazi to commit extortion. After being informed, police went there and the criminals attacked them. One

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<sup>69</sup> The daily Prothom Alo, 18/03/2018; [www.prothomalo.com/opinion/article/1452531/](http://www.prothomalo.com/opinion/article/1452531/)

<sup>70</sup> Article 32: No person shall be deprived of life or personal liberty save in accordance with law.

<sup>71</sup> Article 6: 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.

<sup>72</sup> The daily Manabzamin, 18/03/2018; [www.mzamin.com/article.php?mzamin=109541&cat=10/](http://www.mzamin.com/article.php?mzamin=109541&cat=10/) and information gathered by the human rights defender from Feni

<sup>73</sup> The daily Prothom Alo, 18/03/2018;

Sub-Inspector and one Constable were injured. Later, at around 10:00 pm, on the same day police arrested the three from Pathan Nagar Village in this regard. The next day, at around 4:00 am, police conducted an operation with the three arrestees for rescuing arms and arresting others. When they reached the GM Hat Brickfield, criminals opened fire and threw brickbats at the police. In retaliation police opened fire. They were shot during gunfight. All three injured men were rushed to Feni Sadar Hospital where doctors declared Saiful dead.<sup>74</sup>

22. According to information gathered by Odhikar, 18 persons were reportedly killed extra-judicially in march 2018.

### ***Crossfire/encounter/gunfight:***

23. Among the 18 persons extra judicially killed, 17 were killed in 'crossfire/encounters/gun fights'. Of them, eight were killed by the police, eight by the RAB and one by the DB police.

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

24. Among the deceased, one person was allegedly tortured to death by police.

### ***The identities of the deceased:***

25. Of the 18 persons who were killed extra-judicially, one was a Chhatra Dal leader, one was a suspect in a murder case and 16 were alleged criminals.

### ***Enforced disappearances***

26. According to information gathered by Odhikar, in March 2018, five persons were allegedly disappeared.<sup>75</sup> Of them, two surfaced alive after a few days of disappearance and the whereabouts of three persons remain unknown.
27. Enforced disappearance<sup>76</sup> is a grave violation of Articles 9<sup>77</sup> and 16<sup>78</sup> of the International Covenant on Civil and Political Rights and Articles 31<sup>79</sup>, 32<sup>80</sup> and

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<sup>74</sup> The daily Prothom Alo, 18/03/2018

<sup>75</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>76</sup> The definition of enforced disappearance is given in the article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance. It is stated that, "For the purposes of this Convention, "enforced disappearance" is considered to be 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 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."

<sup>77</sup> Article 9: Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

<sup>78</sup> Article 16: Everyone shall have the right to recognition everywhere as a person before the law.

33<sup>81</sup> of the Constitution of the People's Republic of Bangladesh. This is a tool of state repression used by governments to suppress political opponents. It has been observed by analysing incidents of disappearance, that men claiming to be members of law enforcement agencies are involved in picking people up without any warrant and taking them away in a microbus or car. The families of the disappeared and witnesses claim that members of law enforcement agencies arrested and took away the victims and since then they have disappeared. Statements of many witnesses in this regard show that members of law enforcement agencies are involved in disappearance. In some cases, although law enforcement agencies deny the arrest; days or months later, the arrested persons are produced before the public by the police; or handed over to a police station and appear in Court, or the bodies of the disappeared persons are found. The government has repeatedly been denying that incidents of enforced disappearance occur and claims that the victims are voluntarily in hiding. Although a significant number of disappeared victims resurfaced but they did not speak up due to fear of reprisals. Enforced disappearance continues despite the fact that it is considered a crime against humanity. It is reported that leaders and activists of the opposition parties became victims of enforced disappearance before and after the controversial Parliamentary elections in 2014. International and regional human rights organisations fear that incidents of enforced disappearance might increase ahead of the upcoming 11<sup>th</sup> Parliamentary Elections in December 2018 and leaders-activists of the opposition parties, dissenters and people belonging to alternative beliefs might be the victims of such heinous crime.<sup>82</sup> An incident is as follows:

28. It is alleged that Religious Affairs Assistant Secretary of Khulna District unit BNP, Nazrul Islam Morol (42) was picked up by members of law enforcement agency from Atalia area under Dumuriya Upazila in Khulna. On 17 March 2018 at around 5:00 pm, Nazrul Islam Morol hired a motorbike and started from his house at Dumuriya to visit a physician at Mongolkot area of Jessore. In the evening, local people saw a motorbike, a key and a cap at the Atalia area in

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<sup>79</sup> Article 31: To enjoy the protection of the law, and to be treated in accordance with law, and only in 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.

<sup>80</sup> Article 32: No person shall be deprived of life or personal liberty save in accordance with law.

<sup>81</sup> Article 33 (1): No person who is arrested shall be detained in custody without being informed, as soon as may be of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice. (Continued.....)

<sup>82</sup> Joint oral statement on enforced disappearances in Bangladesh by the Asian Forum for Human Rights and Development (FORUM-ASIA) and the World Organisation Against Torture (OMCT) submitted to 36th Regular Session of the UN Human Rights Council. <https://www.forum-asia.org/?p=24796>

Dumuriya. When the owner of the motorbike was found, it was revealed that Nazrul Islam Morol hired the motorbike. Since then the family members of Nazrul Islam called him over cell phone but found it switched off. His family also searched for him but did not find him anywhere. On 17 March at night, Nazrul's wife Tanjila filed a General Diary (GD) with Dumuriya Police Station in this regard. Tanjila told Odhikar that her husband has been picked up due to his involvement in the politics of BNP. Furthermore, she feared that the administration made him disappear over an enmity with influential locals for contesting for the position of Magurghona Union Parishad Chairman.<sup>83</sup>

### ***Torture***

29. To suppress political opposition, the government had arrested the leaders and activists of its opponent political parties. Recently, members of law enforcement had arrested them from assemblies and meetings or while they were returning home after such gathering. After the arrest, police sought remand from the court, which the court also granted. In some cases, although police arrested opposition party leaders and activists, they were taken into remand at the Office of the Detective Branch (DB) of Police. There are allegations that police blatantly tortured the arrestees in remand.
30. Due to the well established fact that torture and degrading treatment occur in police remand and that over the decades arrestees have died due to such torture. On 10 November 2016, the Appellate Division of the Supreme Court issued a 19-point guideline<sup>84</sup> to judicial and law-enforcement officials regarding arrests without warrant and the procedure of remand. Such guideline is yet to be implemented. The Torture and Custodial Death (Prevention) Act, 2013 was a welcomed law, passed after relentless demands from human rights defenders. Regrettably, the torture victims and family members are not able to file any cases under this Act due to fear of reprisals, and those cases that have been filed are making no headway.
31. On 6 March 2018, police arrested the Vice-President of Dhaka City (North) unit Chhatra Dal, Zakir Hossain, in front of the National Press Club while he was

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<sup>83</sup> Report sent by local human rights defender associated with Odhikar from Khulna.

<sup>84</sup> Shamim Reza Rubel, a student of Independent University of Bangladesh was arrested under section 54 of the Code of Criminal Procedure (Cr.PC) on July 23, 1998 and he died at the Detective Branch of Police office the day after his arrest. Bangladesh Legal Aid and Services Trust (BLAST) challenged sections 54 and 167 of the Cr.PC and filed a writ petition to the High Court Division of the Supreme Court regarding this incident. In 2003, the High Court Division declared that parts of sections 54 and 167 of the Cr.PC were contrary to some Articles of the Constitution. The High Court Division ordered the amendment of the existing rules of arresting someone and interrogating him in custody under section 54 of Cr.PC, within six months. The Appellate Division of the Supreme Court dismissed the prosecution's appeal against the judgment and afterwards on November 10, 2016 the Court gave a 19-point instruction guideline.

returning from a rally demanding the release of BNP Chairperson Khaleda Zia. On that day, police filed a case at Shahbagh Police Station, accusing 11 persons, including Zakir Hossain under the Special Powers Act of 1974. Police took him into three-day remand. On 11 March 2018, he was sent to jail after the period of remand. On 12 March, he died at Dhaka Medial College Hospital. Zakir's family members alleged that he died due to brutal torture in remand. Zakir's sister Sultana Razia said that her brother had been in good health before he was arrested.<sup>85</sup> Zakir's uncle, BM Waliullah informed Odhikar that Zakir was fine while he was taken to the court after his arrest on 7 March 2018. Later, he went to meet Zakir at Shahbagh Police Station when the Court granted three-day remand. He was informed that Zakir was not in the custody of Shahbagh Police Station and had been sent to the Office of the Detective Branch (DB) of Police – but DB police could not provide Waliullah with any information about Zakir. The family had no information about where Zakir was. On 11 March, police took Zakir to the court but kept him in the court adding cell instead of producing him before the Magistrate. The Court, in the absence of Zakir, ordered that he be sent to jail. BM Waliullah managed to talk with Zakir before he was being taken to jail in a prison van. At that time, Waliullah asked Zakir whether he was tortured and Zakir replied that he was.<sup>86</sup> The Executive Magistrate, Polash Kumar Bosu conducted the inquest report. The report states that there was no marks of injury found on the body of Zakir. Zakir's uncle and sister claimed that there were marks of torture on his body. Deputy Commissioner of Police of Ramna Range, Maruf Hossain Sarder said that after arresting Zakir, his case was sent to the DB Police for investigation. The members of DB Police interrogated him during remand.<sup>87</sup>

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<sup>85</sup> The daily Prothom Alo, 13/03/2018;

<sup>86</sup> Information gathered by Odhikar

<sup>87</sup> The daily Prothom Alo, 13/03/2018



*Chhatra Dal leader Zakir Hossain. His family members are crying at the morgue of Dhaka Medical College Hospital. Photo: Prothom Alo, 13 March 2018*

### ***Inhuman treatment and lack of accountability of law enforcement agencies***

32. On 2 March 2018, a team of police led by the Officer-in-Charge (OC) of Gurudaspur Police Station, Dilip Kumar Das stopped the wedding reception of Tanvir Rahman Michhil, as they could not arrest his father Moshiur Rahman Bablu, former Mayor of Gurudaspur Municipality and President of Gurudaspur Municipality unit BNP under Natore District. At that time, police allegedly stopped the cooking and broke tables and chairs at the reception venue. Moreover, police detained Moshiur Rahman Bablu's brother-in-law Khaleque Molla who is the President of Upazila unit Jammata-e-Islami; and Bablu's two sons Tanvir Rahman Michhil and Mihal Rahman while they protested the police atrocity. Later, Bablu's sons were released after 36 hours of detention.<sup>88</sup>
33. On 13 March 2018, cameraperson of DBC Television Sumon Hasan, while returning home from office, received information that one of his close relatives had been detained by the DB Police in Barisal. He immediately went to the place of incident to talk to the police. He soon became involved in an altercation with the police. Later, DB Police attacked him after learning he was a cameraman. Police beat him and put him into a police van. On the way to the DB Police office, he was beaten again. Sumon was handcuffed after reaching the DB office. Hearing this incident other journalists went to the DB office where they were also attacked by police. Sub Inspector Abul Bashar, Assistant Sub Inspector (ASI)

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<sup>88</sup> The daily Manabzamin, 10/03/2018; <http://mzamin.com/article.php?mzamin=108329>

Swapan, ASI Akhter and Constables Masud, Russel, Hassan, Rahim and Saiful were closed.<sup>89</sup>



*DB Police atrocity on journalist Suman Hasan in Barisal. Photo: Naya Diganta, 14 March 2018.*

34. On 22 March 2018 at around 10:00 pm, a microbus with black coloured glass was heading towards Nilkhet area of Dhaka City from the TSC area of Dhaka University campus. The microbus hit a motorbike driven by a student of the University. As a result, students stopped the microbus and told the driver to get out. As the driver did not, angry students broke the mirrors of the microbus. At that time 10-12 RAB members got out of the microbus and started to beat students. They picked up two students of Dhaka University – Kazi Tanvir and Imran Hossain and one student of Mohammadpur Central College, Muslim Uddin Himel. At around 12:00 noon, the three of them were handed over to the Proctor of the University. Imran Hossain said that RAB demanded money from them and also threatened them to label them as ‘extremists’ if they fail to pay money. He further said that RAB tortured them after knowing their identity as students of Dhaka University.<sup>90</sup>

<sup>89</sup> The daily Nayadiganta, 14/03/2018; <http://www.dailynayadiganta.com/detail/news/301733>

<sup>90</sup> The daily Jugantor, 23/03/2018; <https://www.jugantor.com/campus/30479/>

## ***Death in jail***

35. According to information gathered by Odhikar, in March 2018, a reported nine persons died in prison due to 'illness'.
36. It is alleged that due to lack of proper treatment facilities and negligence by prison authorities, many inmates die in jail. Furthermore, there are allegations that people become ill due to the effects of torture in police remand, which cause their death later when they are sent to jail.

## ***Public lynching***

37. In March 2018, eight persons were reportedly killed due to public lynching.
38. Due to a weak criminal justice system, impunity of law enforcement agencies and corruption people are losing their confidence and faith in the police and judicial system. As a result, unrest among the ordinary people is increasing and the tendency to resort to public lynching and social instability are increasing. As a result, incidents of killings by mob violence continue.

## **Right to Freedom of Expression**

### ***Repressive Information and Communication Technology Act 2006 (amended 2009 and 2013) remains in force***

39. Section 57<sup>91</sup> of the Information and Communication Technology Act 2006 (Amended 2009 and 2013) is being used by the government as a weapon against human rights defenders, journalists, bloggers and public opinion. This Act is repressive, particularly violating freedom of expression and contrary to the Constitution. Like previous years, incidents of filing cases and imprisoning people for writing comments or even giving like in the posts against high-level persons in the government or/and their family members on social media, continues. It is to be mentioned that the Cabinet approved the draft of the 'Digital Security Act 2018' (DSA) after revoking five sections, including section 57 of the repressive Information and Communication Technology Act 2006. However, the proposed law is going to be enacted as another repressive law as

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<sup>91</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.

the revoked sections of the ICT Act have been incorporated into the DSA. Furthermore, there are fears of harassment on journalists and human rights defenders under section 32 of the DSA for spying on computer and other related crimes.

40. On 24 March 2018, President of Bogra Sherpur Degree College unit Chhatra League, ASM Shakil filed a case under the ICT Act against a first year student of the same college Fabiha Nazmin (16) for allegedly criticising the Prime Minister Sheikh Hasina on facebook.<sup>92</sup>

### ***Freedom of the media***

41. According to information gathered by Odhikar, in March 2018, one journalist was injured, three were assaulted, three were threatened and one was tortured while they were performing their professional duties.
42. The government is controlling most of the media, particularly the electronic media and putting pressure on it through different means, which hinders accurate and impartial reporting and proper journalism. The only state owned TV channel, Bangladesh Television (BTV) is totally under the control of the government. Meanwhile the government closed down pro-opposition electronic media, such as Channel 1, Diganta TV, Islamic TV and the publication of the print media, the daily Amar Desh. Furthermore, the ruling party leaders and activists are attacking journalists at different times.
43. General Secretary of Duptara Union unit Awami League, Aziz Molla, received a tender for constructing a culvert near Charpara temple beside Pachgaon road in Bustola Ghat under Araihaajar Upazila in Narayanganj District. However, many accidents had taken place as the contractor did not put up any signboards to alert approaching vehicles about the distorted roads. After receiving such information staff reporter of the local daily Desher Alo, Moniruzzaman Sarkar took a picture of the construction work of the culvert. Hearing of this, Aziz Molla with his collaborators, attacked Moniruzzaman Sarkar.<sup>93</sup>

## **Allegations of extensive corruption and Anti Corruption Commission**

44. Allegations of corruption in various sectors have been reported after the Awami League led alliance government assumed power in 2009. Among them

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<sup>92</sup> The Nayadiganta, 26/03/2018; <http://www.dailynayadiganta.com/detail/news/304875>

<sup>93</sup> The daily Jugantor, 09/03/2018; <https://www.jugantor.com/todays-paper/second-edition/25725>

allegations of corruption in the stock market and banking sector<sup>94</sup> were the most. During the span of this period, a huge amount of money has allegedly been laundered abroad.<sup>95</sup> As a result most of the private banks are facing unprecedented financial crisis. The situation became so severe that some banks could not provide money against large cheques. Furthermore, many banks lost capacity to provide loans in the big industrial sector.<sup>96</sup> The country's economy may collapse due to corruption in the banking sector despite the fact the recruitment process of the Director and Chairman is not transparent. The state-owned Janata Bank<sup>97</sup> which appeared to be involved in the single largest loan scam, allegedly did not recruit its new Chairman transparently. On 25 February 2018, the Financial Institution Division of the Finance Ministry sent a letter to the Board of Directors of Janata Bank to appoint former Senior Secretary Hedayetullah Al Mamun as Chairman. The letter stated that he can be appointed as Chairman if there is no objection from Bangladesh Bank. However, Janata Bank did not apply to the Bangladesh Bank for the appointment of Hedayetullah Al Mamun. Instead of appointing him, the senior staff of the Bank discussed with the borrowers and clients to appoint another person to take benefit. In this regard, they communicated with the high officials of the government. Later, the present Director of the Janata Bank and Chairman of Dohatek, New Media, Luna Shamsuddoha has been appointed as new Chairman of Janata Bank.<sup>98</sup>

45. Although the government is trying to convince people that development has taken place in the country, there are a lot of allegations of corruption against the ruling party leaders-activists and many people belonging to various professions supported by the government. There are also allegations of not implementing

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<sup>94</sup> Corruption in the banking sector became extreme after the Awami League led government re-assumed power through a farcical election in 2014. During this period, the government gave licenses to the ruling party leaders and activist and also engaged them to govern/manage boards in different banks.

<sup>95</sup> According to a Washington based research institution, from 2005 to 2014, USD 75.85 billion or Taka 6068.68 billion was laundered abroad. Of this, USD 9.11 billion or around Taka 728.72 billion was laundered abroad in 2014.

<sup>96</sup> <https://www.jugantor.com/todays-paper/first-page/27643/>

<sup>97</sup> Janata Bank had given a loan of 55.04 billion Taka to Entex Group owned by Mohammad Yunus (Badal), while its capital was 29.79 billion Taka. It is reported in the media that there is an opportunity to lend up to 25% of the capital. That means a customer cannot be given more than 7.5 billion Taka loan. Such amount was given when Dr. Abul Barakat, Professor of Economics, Dhaka University, was the Chairman of this Bank. The board members of this Bank were former Chhatra League leader Balram Poddar; former Joint-Secretary of the sub-committee of Awami League, Nagibul Islam (alias Dipu); and Jubo League leader Abu Naser. It was learnt that Bank Board members were more enthusiastic in providing loans. The debtor Mohammad Yunus (Badal) was once a clerk in a private organisation. His financial rise was during the Awami League regime and within a small time he has become the owner of 22 business institutions. The daily Prothom Alo, 05/02/2018; [www.prothomalo.com/economy/article/1424536/](http://www.prothomalo.com/economy/article/1424536/)

<sup>98</sup> The Prothom Alo, 01/03/2018; [www.prothomalo.com/economy/article/1441161/](http://www.prothomalo.com/economy/article/1441161/)

some mega projects including the repairing of runways and making runways unless bribes are paid.<sup>99</sup>

46. Despite the existence of such a terrible situation of corruption, the Anti Corruption Commission (ACC) is not taking any effective action against persons affiliated to the government. The ACC is doing very little in this regard due to strong links between the concerned and alleged persons. ACC Chairman Iqbal Mahmood on 25 February 2018 said that corruption was taking place in the country on a massive scale but they and other stakeholders failed to prevent it.<sup>100</sup> The ACC had initiated investigations into acts of corruption by the former Ministers of the incumbent government, Members of Parliament, influential politicians and bureaucrats, under cases filed during the military-backed caretaker government in 2007-2008. However, most of those graft suspects have been given a 'clean chit' by the ACC. Regrettably, the ACC has given impunity to them by keeping those cases 'on record' (closing the matter) without public knowledge.<sup>101</sup> Although the ACC filed a few cases against politicians affiliated to the government, the legal proceedings of those cases is very slow. In the meanwhile, the ACC continues legal proceedings and verdicts in cases filed against top leaders of the BNP. The High Court issued a Suo Moto Rule after observing the ineffectiveness of the ACC for taking action regarding the corruption cases of embezzling and laundering several hundred crores of Taka.
47. On 1 March 2018, a High Court Division bench comprising of Justice M Enayetur Rahim and Justice Shahidul Karim issued a Suo Moto directive to the Anti-Corruption Commission to explain at the next hearing what steps were taken by ACC after the bail of two accused persons for allegations of embezzlement hundreds of millions of taka. On 25 January 2018, a case was filed with Motijheel Police Station by the ACC. Within three and half hours of their arrest, former Chairman of AB Bank Ltd M. Wahidul Haque and Abu Hena Mustafa Kamal were granted bail by the Magistrate Court. Saiful Haque was not granted bail but

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<sup>99</sup> The daily Jugantor, 07/03/2018; <https://www.jugantor.com/todays-paper/first-page/24852/>

<sup>100</sup> The daily New Age, 26/02/2018, ACC admits failure in curbing massive corruption in country, <http://www.newagebd.net/article/35498/acc-admits-failure-in-curbing-massive-corruption-in-country>

<sup>101</sup> The Anti Corruption Commission relieved some senior Awami League leaders and people associated with the ruling party of graft charges in 2013. Among them former parliamentarian HBM Iqbal and former Chief Whip and Awami League leader Abul Hasnat Abdullah were acquitted by this Commission. In June 2013, the ACC relieved former Minister Mohiuddin Khan Alamgir of an allegation of corruption. Furthermore, many government officers were acquitted from the graft charges. The ACC also acquitted the ruling party MP from Cox's Bazaar-4, Saimum Sarowar and his wife Syeda Selina Akhter, the Awami League MP from Narayanganj-4, Shamim Osman from charges. Between January and August 2014, about 1,600 politicians, backed by the ruling party Awami League, and high-level government officers were given clean chits. Among them, the ACC had given clean chits to the Deputy Leader of the Parliament, Sajeda Chowdhury; former Health Affairs Adviser to the Prime Minister Syed Modasser Ali; the Disaster Management and Relief Minister Mofazzal Hossain Chowdhury Maya; the Health Minister, Mohammad Nasim; and former Ambassador of Bangladesh to the Philippines, Mazedra Rafiqun Nesa.

sent to police remand for interrogation. On 31 January 2018, the High Court Division issued a rule for an explanation as to why bail was granted by a Magistrate Court to Wahidul Haque and Abu Hena Mustafa Kamal in a money laundering case and why such bail should not be cancelled. The High Court Division has to issue the Suo Moto Rule as the ACC did not take any steps to cancel their bail.<sup>102</sup>

## **Economic, Social and Cultural Rights**

### ***Workers' rights***

48. Human rights of workers are regularly violated. Workers in both the formal and informal sector are victims of discrimination, but the condition of workers in informal sector is more vulnerable. Odhikar monitors the condition of readymade garment (RMG) workers and female construction workers.
49. According to information gathered by Odhikar, in March 2018, 38 RMG workers were injured by police while demanding their unpaid wages and arrears; and one worker died in fire and two were burnt. Furthermore, seven workers in the informal sector were killed in during this period. Among them, three stone workers died due to a landslide and four construction workers died when an under construction roof collapsed and fell from another construction site while they were working.

### ***Situation of workers in the formal sector***

50. The workers of ATS Apparels Ltd in Kaliakair of Gazipur have been demanding the payment of their wages within the 10<sup>th</sup> day of the beginning of every month. However, the factory owner failed to pay the due wages on time every month. Workers became agitated as the owner could not pay the arrears of the month of February within 10 March. As a result, they stopped working from 6 March 2018. Later, Chairman of a Union Parishad and representatives of the workers arranged a meeting with the factory owner. However, the factory owners did not change their decision. As a result, workers locked the factory and started to vandalise it on 11 March 2018. They beat up the staff of the factory. After receiving information, police went to the place of occurrence and tried to enter the factory. At that time, workers threw brickbats at police. Some workers blocked the Dhaka-Tangail highway. As a result, police baton charged, threw

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<sup>102</sup> The daily Jugantor, 02/03/2018; <https://www.jugantor.com/todays-paper/last-page/23043/> and The daily New Age, 02/03/2018, <http://www.newagebd.net/article/35814/bails-given-to-accused-by-magistrate-overstepping-jurisdiction-surprise-hc>

tear gas shells and fire to disperse protesting workers. In this incident at least 18 workers were injured.<sup>103</sup>

51. On 15 March 2018, a group of workers of United Trousers Garments at Ashulia were staging a demonstration in front of the factory, demanding the payment of their arrears within the 15<sup>th</sup> day of every month. At that time, the Industrial Police, by the order of the factory owner, baton charged to disperse workers. At least 16 workers were injured during this incident.<sup>104</sup>
52. On 19 March 2018, workers of Eusan Knit Composite Ltd at Tipurdi area under Sonargaon Upazila in Narayanganj District blocked the Dhaka-Chittagong highway for their eight months of unpaid wages.<sup>105</sup>
53. RMG industries are a very large source of revenue for Bangladesh and the factory workers are one of the main contributing factors to this success. However, closing down factories without notice, harassment, sudden termination of workers and not paying wages on time are violations that are occurring regularly. As a result workers' unrest prevails. Furthermore, workers in many factories are deprived from the trade union rights. In many factories, women workers are being discriminated against and become victims of physical and mental repression. Moreover, accidents occur due to the negligence of the factory authority.

### ***Situation of workers in the informal sector***

54. The construction workers are discriminated in various ways and their human rights are also violated. The contributions of construction workers are enormous in making roads, bridges and buildings. But these workers, who fall in the category of the informal workforce, are being discriminated against in areas of wages, social safety nets and other benefits. Among them, the condition of women workers is obviously more vulnerable. They are victims for two reasons. Firstly, for being female and secondly, for being construction workers. They are recruited in the workplace without any guarantee of safety. They do not have adequate sanitation, safe water, and place for taking bath after work and safety measures such as using gloves, masks during work. Nor is there any place to keep their children.

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<sup>103</sup> The Nayadiganta, 12/03/2018; <http://www.dailynayadiganta.com/detail/news/301009>

<sup>104</sup> The daily Nayadiganta, 17/03/2018 and The daily New Age, 17/03/2018, 20 hurt as RMG workers clash with cops in Savar, <http://www.newagebd.net/article/36932/20-hurt-as-rmg-workers-clash-with-cops-in-savar>

<sup>105</sup> The daily Jugantor, 21/03/2018; <https://www.jugantor.com/todays-paper/second-edition/29936/>

## ***Human rights of religious minority community***

55. Incidents of attacks on citizens belonging to religious minority communities and at their places of worship continue. Involvement of the ruling party men in such incidents was reported. Incidents of violence against minority communities 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.
56. On 10 March 2018, a group of miscreants allegedly forcefully picked up one Mihir Biswas and his four family members and six guests and put them in an ambulance from a house at Shyamoli in Dhaka. The apparent intention of the miscreants was to illegally occupy the house. The ambulance roamed the streets for four and half hours with Mihir and others in it. Meanwhile, the belongings in the house were removed. The house grabber also put a signboard in front of the house. After being freed, Mihir Biswas filed a case with Sher-e-Bangla Nagar Police Station. A source of the Police Station said that during investigation police found the involvement of the Health Affairs Secretary of the Central Committee of Jubo League Kamran Shahid Prince Mohabbat. Moreover, it was learnt that some leaders of Mohammadpur unit Awami League were engaged in incidents of attack and land grabbing. Police arrested two persons including Vice President of Mohammadpur unit Awami League, Towfiq-ur-Reza. Presently, police are on guard at the house to ensure the security of the family members of Mihir Biswas.<sup>106</sup>

## **Violence against Women**

57. A significant number of incidents of rape, dowry and related violence, domestic violence, sexual harassment and acid violence have occurred in March 2018. Females are often sexually harassed by the activists and leaders of the ruling party. It is to be mentioned that, on 7 March 2018 a number of women in different streets of Dhaka City were sexually harassed allegedly by the ruling party activists from a procession on its way to join the assembly to celebrate the UNESCO-recognized 7th March 1971 historical speech at Suhrawardy Udyan, Dhaka. The daily Prothom Alo gathered primary information of 7,864 cases of rape, gang rape, attempt to rape, killings and provocation to suicide in dowry violence and sexual harassment filed under five Tribunals of Dhaka District between 2002 to October 2016. Among them, 4,277 cases were resolved but punishment is given in only 110 cases. Only in 3% of the cases were perpetrators punished. On the other hand, in 97% cases, accused either withdrew before the

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<sup>106</sup> The daily Prothom Alo, 12/03/2018;

trial or were acquitted after the trial. In most cases victims are not getting justice due to intervention by the ruling party. Sometimes, following the decision of the Home Ministry, the state party did not take a matter to trial out of political consideration. For example, a poor adolescent girl filed a rape case with Keraniganj Police Station on 21 July 2002. Police arrested four accused persons including the main accused. The girl gave a statement before the Magistrate. The investigating officer Sub-Inspector Abdul Kader submitted a charge sheet against Billal, Iqbal, Mursalin and Abul Hossain. On 22 March 2003, the case was transferred to the Women and Children Tribunal, Dhaka-1. As per decision of the Home Ministry on 6 January 2011 the case was withdrawn. It is to be mentioned that, after assuming power in 2009 the Awami League led government withdrew many cases filed against its leaders and activists under political consideration. A committee formed by the Home Ministry had withdrawn 7,500 cases filed between 2009 and 2013.<sup>107</sup>

### ***Child Marriage***

58. On 6 March 2018, in a statement UNICEF said that the incidence of child marriage has decreased worldwide but it has increased in Bangladesh. Bangladesh stands fourth in child marriage prevalence.<sup>108</sup> On 27 February 2017, the 'Child Marriage Restraint Act, 2017' was passed by the National Parliament.<sup>109</sup> A provision for the marriage of minor girls and boys in 'special circumstances' has been incorporated in this law, stating that their marriage (below the age of 18) can be done with the consent of the Court and parents, following due process in 'special circumstances' and for 'best interest'.<sup>110</sup> As a result, this section legalizes the marriage of minor girls and boys. Bangladesh is a child marriage prone country. Child marriages could not be prevented despite the Child Marriage Restraint Act, 1929 where the minimum age for marriage for a female is fixed at 18 years and for a male at 21 years.<sup>111</sup>

### ***Stalking***

59. According to information gathered by Odhikar, in March 2018, a total of 25 females were victims of stalking and violence. Of them, six were injured, four were assaulted and 15 were victims of stalking. One incident is as follows:

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<sup>107</sup> The daily Prothom Alo, 08/03/2018; [www.prothomalo.com/bangladesh/article/1445731/](http://www.prothomalo.com/bangladesh/article/1445731/)

<sup>108</sup> The daily Prothom Alo, 07/03/2018, <http://en.prothomalo.com/bangladesh/news/172370/Child-marriage-increases-in-Bangladesh-UNICEF>

<sup>109</sup> The daily Jugantor, 28/02/2017, [www.jugantor.com/first-page/2017/02/28/104781/](http://www.jugantor.com/first-page/2017/02/28/104781/)

<sup>110</sup> Ibid

<sup>111</sup> The daily Jugantor, 28/02/2017; [www.jugantor.com/first-page/2017/02/28/104781/](http://www.jugantor.com/first-page/2017/02/28/104781/)

60. On 3 March 2018, one youth called Dalim Ahmed Shuvo stabbed and injured a college girl for refusing his love proposals in Tahirpur under Sunamganj District.<sup>112</sup>

### ***Rape***

61. In March 2018, Odhikar recorded that a total number of 59 females had been raped. Among them, 16 were women and 43 were girls below the age of 18. Of the women, four were victims of gang rape and two were killed after being raped. Out of the 43 girls, three were victims of gang rape and four were killed after being raped. Eight women and girls were also victims of attempted rape. One incident is as follows:

62. On 17 March 2018, police recovered the body of an adolescent girl Beauty Akhter from Shayestaganj Haor (lake) in Habiganj District. It was later found that on 21 January 2018, Babul Mia, a neighbour of Beauty allegedly raped her after abduction. On 4 March 2018, Beauty's father Syed Ali filed a case against Babul Mia at Habiganj Court. Beauty's father had sent Beauty to her grandfather's house due to continuous threats of harm by the accused. She was allegedly killed there by criminals after being raped.<sup>113</sup> On 30 March 2018, police arrested Babul Mia.<sup>114</sup>

### ***Dowry-related violence***

63. According to information gathered by Odhikar, in March 2018, a total of 13 women were subjected to dowry violence. Of these women, it has been alleged that six were killed and seven were physically abused due to dowry demands. One incident is as follows:

64. On 8 March 2018, a housewife named Mukta Akhter was allegedly burnt with Kerosene by members of her in-laws family. On 14 March, she succumbed to her injuries during treatment at Kishoreganj Sadar Hospital.<sup>115</sup> Police arrested Mukta's husband Rafique in this regard.<sup>116</sup>

### ***Acid violence***

65. According to information gathered by Odhikar, in March 2018, one woman and two were men became victims of acid violence.

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<sup>112</sup> The daily Jugantor, 04/03/2018

<sup>113</sup> The daily Prothom Alo, 18/03/2018

<sup>114</sup> The daily Prothom Alo, 01/04/2018

<sup>115</sup> The daily Manabzamin, 12/02/2018; [www.mzamin.com/article.php?mzamin=104643&cat=9/](http://www.mzamin.com/article.php?mzamin=104643&cat=9/)

<sup>116</sup> The daily Jugantor, 15/03/2018

## Cross-Border Issues

### ***Aggressive policy of India towards Bangladesh and human rights violations***

66. To hold political and economic supremacy over Bangladesh India played a major role in destroying the democratic system in Bangladesh through direct interference in the 5<sup>th</sup> January 2014 controversial elections.<sup>117</sup> After this controversial election, a major political crisis was created in Bangladesh and strengthened Indian aggression<sup>118</sup> to establish supremacy over Bangladesh. Furthermore, the Indian Border Security Force (BSF) are killing, torturing and robbing Bangladeshi citizens after illegally trespassing into Bangladesh territory, which is a clear violation of international law and human rights. India is depriving Bangladesh from the right of getting adequate water in the dry season and flooding it during the monsoon. India is holding political, economic and cultural aggression<sup>119</sup> on Bangladesh through various means, including trade and business, transit facility and implementing an environmentally hazardous

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<sup>117</sup> Before conducting the controversial and farcical January 5, 2014 National election, almost all political parties of Bangladesh decided to boycott it. At that time, the then Indian Foreign Secretary Sujata Singh visited Bangladesh and succeeded to convince Jatiya Party to join the election. Members of the Jatiya Party are now in the government (Ministers of the current government) and at the same time are the opposition in Parliament. <http://www.dw.com/bn/নির্বাচন-না-হলে-মৌলবাদে-উত্থান-হবে/a-17271479>

<sup>118</sup> As part of the Indian government's aggressive policy, India is taking transit facility through Bangladesh at almost no cost (the shipment fee for carrying goods is Tk 192.22 per ton) under an amended Protocol on Inland Water Transit and Trade (PIWTT) signed between India and Bangladesh on June 6, 2015; and is also taking advantage of other business and trade facilities. An Indian multinational company 'Reliance Group' signed an agreement with the Bangladesh Government, without any tender bids, to build a liquid natural gas-based power plant of 750 MW at the Meghna Ghat in Narayanganj. India is depriving Bangladesh from getting adequate water during the dry season and as a result, most of the rivers in Bangladesh remain almost dry. Thousands of people living along the banks of the Teesta River are in danger due to the refusal of water by India to Bangladesh through the Gajaldoba Barrage. Therefore, the issue of acquiring the right to water of Bangladesh, through the Teesta Agreement, is of utmost importance. But, this time again the Teesta Agreement was not signed between India and Bangladesh governments. The Padma River basin in Bangladesh has also been ruined due to the Farakka Barrage in India. The Indian government is creating floods over Bangladesh by opening all the sluice gates of the Farakka Barrage and the Gajaldoba Barrage, during the Monsoon (rainy) season, violating international law and human rights. This also remained unresolved. Furthermore, India did not resolve the dispute between Bangladesh and India on Muhurir Chor in order to identify the international borders. This was supposed to be done as per the agreement on borderlines. Furthermore, the environmentally hazardous initiative to build the Rampal Power Plant with an Indian company, near the Sundarbans and a decision to implement an inter-river connection project, will lead Bangladesh to terrible human disaster and environmental catastrophe. Moreover, the Indian government decided to put up a fence along no-man's land, which will be within 150 yards from the zero line along the border.

<sup>119</sup> India is taking transit facility through Bangladesh at almost no cost (the shipment fee for carrying goods is Tk 192.22 per ton) under an amended Protocol on Inland Water Transit and Trade (PIWTT) signed between India and Bangladesh on June 6, 2015; and is also taking advantage of other business and trade facilities. It was decided that Bangladesh will buy power from India in higher rate worth about two lac crore taka. The environmentally hazardous initiative to build the Rampal Power Plant with an Indian company, near the Sundarbans and a decision to implement an inter-river connection project, will lead Bangladesh to terrible human disaster and environmental catastrophe. Moreover, the Indian government decided to put up a fence along no-man's land, which will be within 150 yards from the zero line along the border

project. It is reported that India is planning to interfere in the upcoming national parliamentary election in Bangladesh too.<sup>120</sup>

### ***Acts of genocide against Rohingyas in Myanmar***

67. Rohingya refugees have taken shelter in different refugee camps in Cox's Bazar and Teknaf of Bangladesh after being horrifically attacked by the Myanmar Military and Buddhist extremists. Odhikar interviewed many Rohingya victims who are now living in different refugee camps in Bangladesh. Rohingya victims told Odhikar that the Myanmar Military has committed gang rape, killings, enforced disappearance, torture, killings of children by shooting or burning them in fires.<sup>121</sup> Statements from the victims who witnessed the brutality of the Myanmar Military and Buddhist extremists gave a clear evidence of genocide against Rohingya people. Odhikar spoke to some people from different villages of the Rakhine state (former Arakan state) in Myanmar and got to know about some 'Killing Fields' in those villages from where they survived.
68. A human rights report of the ASEAN Parliamentarian for Human Rights (APHR) Committee showed evidence of a large number of Rohingyas killed. According to APHR Committee report, the parents of 43 thousand Rohingya children have been missing since the start of the preplanned and systematic brutal repression of the Myanmar Military in Rakhine state in August 2017. It is assumed that they might be killed. The Members of Parliament of Southeast Asia's Alliance, ASEAN countries has published a new report based on the survey conducted on Rohingyas who came to Bangladesh.<sup>122</sup>
69. Myanmar is building a Buddhist Model Village in Rakhine (Arakan), from where the Rohingyas were forced to flee to Bangladesh. They are using bulldozers to destroy the evidence of crimes against humanity committed by the Myanmar government. Police and Military check posts are being set up in different places. According to a report from the French news agency AFP, the Buddhist Model villages are now being built in the heavily-armed Rakhine by erasing Rohingya memorials. With the direct assistance of the Military, a project for Rohingya-less villages in Rakhine, is being implemented through an organisation funded by Rakhine-Buddhists.<sup>123</sup>
70. Analyzing satellite photos and interviews of witnesses, Amnesty International said that the Myanmar Military is making at least three military bases in the

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<sup>120</sup> The daily Anandabazar, 24/03/2018

<sup>121</sup> [http://odhikar.org/wp-content/uploads/2017/12/Final\\_FFR\\_Rohingya\\_English-1-150\\_WCA.pdf](http://odhikar.org/wp-content/uploads/2017/12/Final_FFR_Rohingya_English-1-150_WCA.pdf)

<sup>122</sup> <https://www.jugantor.com/todays-paper/ten-horizon/25575>

<sup>123</sup> <http://www.banglatribune.com/foreign/news/304687>

villages and landmasses left by the Rohingyas due to the repression by the Myanmar Military.<sup>124</sup>

71. Representatives from different NGOs working on Rohingya expressed fear of humanitarian disaster of the Rohingya refugees in the upcoming monsoon (rainy season) in Bangladesh. They said that there is a danger of outbreaks of diseases in monsoon due to the temporary latrines and tube wells installed in the refugee camps. At the same time, due to the cutting of trees from hillside, there may be landless and severe environmental damage.<sup>125</sup>
72. Young girls of Rohingya camps in Bangladesh are becoming targets for prostitution. A BBC News team has received information that Rohingya girls and children are being trafficked for prostitution from Cox's Bazar. They have information that Rohingya girls are being trafficked to Dhaka, Kathmandu in Nepal and Kolkata in India. There are also reports of incidents of sexual violence and using Rohingya women for prostitution in the camps at Cox's Bazar. Women and children who are in danger are mainly being taken from the camp by promising them work. In the camp, Rohingya children and their guardians said that they are getting many offers of working outside the country, working as house maids in Dhaka or working in hotels. The chaotic environment in the densely populated camp has increased the possibility of trafficking.<sup>126</sup>
73. Three women Nobel Peace laureates urged Bangladesh, the United Nations and other states to bring the Myanmar Military and the other culprits before the International Criminal Court for committing genocide against Rohingyas. At the end of their three-day visit to refugee camps in Cox's Bazar, they said in a statement that the ICC Prosecutor should investigate acts of genocide and crimes against humanity independently in the Rakhine state.<sup>127</sup>
74. The UN Human Rights Assistant Secretary General Andrew Gilmour alleged that the ethnic cleansing operation against the Muslim Rohingya people by Myanmar Military has not stopped yet. Gilmour said that the widespread and planned violence against the most repressed ethnic group of the world has not stopped. The nature of violence has changed. Now the Rohingyas are dying due to starvation while the bloodshed, rape, murder, torture and disappearance have decreased. He also said that it is not understandable whether the Rohingya people can return to Myanmar in the near future. Myanmar is trying to convince the world that they are ready to accept Rohingya people who are

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<sup>124</sup> <http://www.bd-pratidin.com/city/2018/03/13/313796>

<sup>125</sup> <http://www.mzamin.com/article.php?mzamin=108560&cat=3>

<sup>126</sup> <http://www.bbc.com/bengali/43482131>

<sup>127</sup> <http://www.thedailystar.net/frontpage/take-myanmar-icc-genocide-1541737>

willing to repatriate. But at the same time they are forcing Rohingyas to flee by persecution. Many of those who recently fled from Myanmar and came to Bangladesh, complained that Rohingya people are disappearing from their villages. They said that especially women and children of the village are disappearing and they are not found anywhere. Gilmar said that considering the present situation of Rakhine, it is impossible to return there to live safely. Therefore, in the present situation the safe and dignified repatriation of the Rohingya people is also impossible.<sup>128</sup>

75. On the other hand, it has been learnt that the government of Bangladesh is constructing buildings in the remote Bhashan (Thanggar) char area to provide shelter to Rohingya refugees. About 1,440 buildings will be constructed there, where 54 families can stay in each building. Each unit has a 12 by 14 square foot room. Kitchens and toilets will be shared. There will be eight toilets in each building.<sup>129</sup>
76. Odhikar urges the appropriate authorities to take quick action to avoid humanitarian disasters in Rohingya camps during the rainy season (monsoon). Furthermore, Odhikar demands the government take effective measures to prevent trafficking of Rohingya women and children. Odhikar also urges the international community to ensure safe, voluntary and dignified repatriation of Rohingya refugees and bring the perpetrators involved in the genocide under international justice mechanisms. Odhikar opposes plans of the Bangladesh government to relocate Rohingyas to Bhashanchar- because according to reports, Bhashanchar is located in a place which is not safe for habitation.

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

77. The government continues to harass Odhikar for being vocal against human rights violations and for campaigning to stop them. Human rights defenders who are working fearlessly to gather information and carry out their profession impartially are harassed and victimised.<sup>130</sup>
78. The NGO Affairs Bureau (NGOAB), which is under the Prime Minister's Office has, withheld renewal of Odhikar's registration and barred the release of any

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<sup>128</sup> ibid

<sup>129</sup> <http://www.dhakatribune.com/bangladesh/2018/03/05/hope-rohingyas-can-move-within-6-months/>

<sup>130</sup> In March 2016, a journalist and human rights defender associated with Odhikar, Mohammad Afzal Hossain, was shot and severely wounded by police while he was observing the irregularities of a local government election in Bhola and in February 2017, another human rights defender associated with Odhikar, journalist Abdul Hakim Shimul, was shot dead by Shahjadpur Municipality Mayor and Awami League leader Halimul Huq Miru. Three human rights defenders associated with Odhikar from Kushtia and Munshiganj – Hasan Ali, Aslam Ali and Sheikh Mohammad Ratan – were sent to jail in cases filed under the ICT Act.

new project funds in order to stop its human rights activities. In 2013, Odhikar took loan of Taka 1,845,038.00 from its own fund in order to accomplish activities on time under “Human Rights Research and Advocacy” project funded by the Embassy of the Kingdom of the Netherlands (EKN) as donor’s fund was delayed. Odhikar spent that money to implement the project activities. On 14 July 2013 the Netherlands Embassy transferred the last instalment money of the third year budget to Odhikar’s Mother Account at Standard Chartered Bank as per fund request from Odhikar. The NGOAB did not give permission to Odhikar to withdraw the money from bank despite submission of all financial reports, including audit and project activity reports to the NGOAB. As a result, the money is still blocked by the government.

79. Furthermore, the NGOAB approved activities of Odhikar’s two-year project on “Education on the Convention against Torture and OPCAT Awareness Programme in Bangladesh” funded by the European Union (EU), the NGOAB did not give fund clearance for 50% of the money of the second year. As a result, some project related activities during six month period could not be undertaken and Taka 3,846,543.00 of the EU is still frozen in the bank. However, several initiatives had been taken on behalf of the EU in this regard but the matter has not resolved yet.
80. Odhikar’s accounts are maintained at the Standard Chartered Bank (SCB). The government started to suppress and harass Odhikar from 2013, since then the SCB has been harassing Odhikar through different ways. Currently the Standard Chartered Bank has made dormant all accounts of Odhikar.
81. Despite numerous challenges, the Organisation is still operating due to the volunteer services of grassroots level human rights defenders associated with Odhikar and its members and staff and their commitment to human rights activism.

## Recommendations

1. In order to restore democracy, an accountable government must be established through free fair and inclusive elections, under a neutral interim government or even under the supervision of the United Nations.
2. The Government should refrain from repressive, unconstitutional and undemocratic activities. Right to freedoms of expression and assembly of the opposition political parties, dissenters and people who have alternative beliefs have to be respected. The government must stop harassment on opposition and alternative believers. Mass arrest operation must also cease.
3. The Government must stop political violence. The government must also take legal action against the ruling party leaders and activists for criminal activities in order to prevent criminalisation.
4. Interference on the Judiciary must stop. The government must refrain from such activities to ensure Independence of the Judiciary in actuality.
5. Incidents of extrajudicial killings and torture by law enforcement agencies must be investigated and the perpetrators must be brought to effective justice.
6. The Government must accede to the Optional Protocol to the Convention against Torture; and effectively implement the Torture and Custodial Death (Prevention) Act, 2013, and the High Court and Appellate Division directives contained in the matter of BLAST and Others Vs. Bangladesh and Others.
7. The Government should follow the recommendations made by the UN Human Rights Committee in its 119th session to end torture. 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”.
8. The Government has to investigate and explain all incidents of enforced disappearance and post-disappearance killings, allegedly perpetrated by law enforcement agencies. The Government must take effective measures to recover the victims of enforced disappearance and return them to their families. The Government must bring the members of the security and law enforcement agencies who are involved, before the law. The Government should follow the recommendations made by the UN Human Rights Committee in its 119th session to criminalise enforced disappearance in the national laws.
9. The government must sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly in 2006.

10. Freedoms of speech, expression and the media must be ensured and protected. The Government must withdraw cases filed against all human rights defenders and journalists that amount to persecution and harassment. The ban on the publication of the daily Amar Desh and on the broadcasting of Diganta TV and Islamic TV must be removed.
11. All repressive and abusive laws, including the Information and Communication Technology Act, 2006 (amendment 2009 and 2013), the Foreign Donation (Voluntary Activities) Regulation Act 2016, and the Special Powers Act, 1974 must be repealed. The government should refrain from enacting the Bill of the proposed Digital Security Act.
12. Trade union rights should be guaranteed at all the ready-made garment factories and workers rights should be protected as per ILO Conventions. In order to stop discrimination a legal framework or policy must be made for all workers in the informal work sector, including construction site.
13. The Government must ensure effective implementation of laws to stop violence against women and children and the offenders must be effectively punished under prevalent laws. The ruling party affiliated criminals, who are attacking women, should not be given impunity. The Government should also execute mass awareness programmes in the print and electronic media, in order to eliminate violence against women and put perpetrators to justice.
14. India must stop establishing political and economic supremacy over Bangladesh. Indian Border Security Force (BSF) must stop human rights violations, including killing and torturing Bangladeshi citizens along the border areas. India must give Bangladesh its right to water and must stop all activities that are creating artificial flooding in Bangladesh immediately. The construction of the Rampal coal-based power plant must also be stopped to prevent ecological and human disaster in Bangladesh. Odhikar also demands a balance in the current trade imbalance between the two countries.
15. In order to protect the right to life and human dignity of the Rohingya people, Odhikar demands peace and human rights be established immediately in the Rakhine state (Arakan) of Myanmar with UN initiatives. Odhikar also urges that the UN take initiatives to ensure the right to self-determination of the Rohingya people. The international community must put effective pressure on the Myanmar government and support the establishment of the human rights of the Rohingya community in Myanmar. At the same time, all those responsible, including the Myanmar Army and Buddhist extremists must be made accountable at the international level for committing genocide.

16. The case filed against Odhikar's Secretary and its Director under the Information and Communication Technology Act, 2006 (Amended in 2009) must be withdrawn. The NGO Affairs Bureau must renew its registration which is pending since April 2014. The government must release the funds of Odhikar to enable it to continue its human rights activities.

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**Notes:**

1. Odhikar seeks to uphold the civil, political, economic, social and cultural rights of the people.
2. Odhikar documents and records violations of human rights and receives information from its network of human rights defenders and monitors media reports.
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