



November 1, 2017

## Human Rights Monitoring Report

October 1 - 31, 2017

### **PART I: CROSS-BORDER ISSUES**

**Genocide against Rohingyas in Myanmar continues  
Aggressive policy of India government towards Bangladesh**

### **PART II: NATIONAL ISSUES**

**Independence of the Judiciary under further threat  
Extrajudicial killings  
Deaths in jail  
Torture, inhuman treatment and lack of accountability  
Enforced disappearances  
Public lynching  
Criminalization of politics and violence  
Arrest and suppression on opposition party activists  
Hindrance to freedom of assembly  
Interference on freedom of expression and the media  
Workers' rights  
Human rights of religious minority communities  
Violence against Women  
Election Commission excludes Odhikar from a meeting with  
election observers  
Activities of Odhikar hindered**

### **PART III: RECOMMENDATIONS**

Odhikar believes that democracy is not merely a process of electing a ruler; it is the result of the peoples' struggle for inalienable rights, which become the fundamental premise to constitute the State. Therefore, the individual freedoms and democratic

aspirations of the citizens - and consequently, peoples' collective rights and responsibilities - must be the foundational principles of the State.

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

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

Odhikar does not believe that the human rights movement merely endeavours to protect the 'individual' from violations perpetrated by the state; rather, it believes that the movement to establish the rights and dignity of every individual is part of the struggle to constitute Bangladesh as a democratic state. As part of its mission, Odhikar monitors the human rights situation in order to promote and protect civil, political, economic, social and cultural rights of Bangladeshi citizens and to report on violations and defend the victims. In line with this campaign, Odhikar prepares and releases human rights status reports every month. The Organisation has released this human rights monitoring report of October 2017, despite facing persecution and continuous harassment and threats to its existence since August 10, 2013.

Statistics: January-October 2017*													
Type of Human Rights Violation		January	February	March	April	May	June	July	August	September	October	Total	
Extrajudicial killings	Crossfire	15	17	19	8	8	12	17	9	2	11	118	
	Shot to death	1	0	0	0	0	0	0	0	0	0	1	
	Tortured to death	0	0	1	1	1	1	1	1	2	3	11	
	Beaten to death	0	0	0	1	0	0	0	0	0	1	2	
<b>Total</b>		<b>16</b>	<b>17</b>	<b>20</b>	<b>10</b>	<b>9</b>	<b>13</b>	<b>18</b>	<b>10</b>	<b>4</b>	<b>15</b>	<b>132</b>	
Enforced Disappearances**		6	1	21	2	20	7	3	6	1	7	74	
Death in jail		1	5	4	2	4	6	7	4	8	5	46	
Human rights violations by Indian BSF	Bangladeshis Killed	2	2	0	2	0	4	2	0	3	3	18	
	Bangladeshis Injured	3	9	3	1	3	5	4	0	0	5	33	
	Bangladeshis Abducted	5	1	1	4	1	2	9	1	1	2	27	
	<b>Total</b>	<b>10</b>	<b>12</b>	<b>4</b>	<b>7</b>	<b>4</b>	<b>11</b>	<b>15</b>	<b>1</b>	<b>4</b>	<b>10</b>	<b>78</b>	
Attack on journalists	Killed	0	1	0	0	0	0	0	0	0	0	1	
	Injured	2	3	0	2	2	1	2	0	1	3	16	
	Assaulted	0	1	0	1	0	0	1	0	3	1	7	
	Threatened	0	4	3	0	0	2	0	1	0	0	10	
<b>Total</b>		<b>2</b>	<b>9</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>34</b>	
Political violence	Killed	5	7	6	12	11	6	3	4	8	5	67	
	Injured	217	325	428	595	575	325	308	255	428	353	3809	
	<b>Total</b>	<b>222</b>	<b>332</b>	<b>434</b>	<b>607</b>	<b>586</b>	<b>331</b>	<b>311</b>	<b>259</b>	<b>436</b>	<b>358</b>	<b>3876</b>	
Dowry related violence against women		17	14	20	26	22	29	24	18	21	26	217	
Rape		44	51	69	55	83	79	73	88	76	59	677	
Sexual harassment /Stalking of women		14	22	35	23	14	19	23	17	15	25	207	
Acid violence		3	7	4	5	5	6	4	4	7	6	51	
Public lynching		1	3	8	5	2	2	3	9	5	3	41	
Situation of workers	Ready-made Garments workers	Killed	0	0	0	0	0	0	13	0	0	13	
		Injured	0	20	21	70	15	50	70	17	25	38	326
		Terminated	1034	1733	43	0	0	0	0	37	0	0	2847
	Workers in other sectors	Killed	3	2	11	19	4	9	1	6	5	8	68
		Injured	7	8	16	22	0	0	2	23	3	11	92
Arrest under Information and Communication Technology Act***		0	3	1	4	1	4	6	2	2	3	26	

\*Odhikar's documentation

\*\* 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.

\*\*\* 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.

## **PART I: CROSS-BORDER ISSUES**

### **Genocide against Rohingya community in Myanmar continues**

1. The Myanmar government has been conducting various operations against the Rohingya community in the Rakhine state of Myanmar<sup>1</sup> on various pretexts through a process of ethnic repression, torture and eviction from Myanmar, for many years. During these operations, Rohingya people experienced genocide, enforced disappearances, mass rape and became victims of torture and other violence.<sup>2</sup>
2. After recent operations carried out by Myanmar government, people belonging to the Rohingya community are taking refuge in Bangladesh everyday by crossing the border to save their lives. Rohingya people have continued to flee into Bangladesh since August 25, 2017. Rohingyas are entering Bangladesh through at least 20 entry points along the 143 kilometre border between Bandorban and Cox's Bazaar Districts. No one has the exact number/statistics of Rohingyas who have fled to Bangladesh. There is no specific information regarding how many Rohingyas remain in the Rakhine state either. Local people and non-governmental organisations say that the new Rohingya influx has already crossed one million. About half a million Rohingyas entered Bangladesh at different periods since the 1960s. However, according to UNHCR, about 5, 82,000 Rohingyas took shelter in Bangladesh after August 25, 2017.<sup>3</sup>



*Rohingyas entering Bangladesh with their children. Photo: Naya Diganta, 18 October 2017*

---

<sup>1</sup> The Arakan state was renamed as Rakhine by the Myanmar government.

<sup>2</sup> Permanent People's Tribunal on Myanmar which was held in September 2017 at Kuala Lumpur, Malaysia; <https://tribunalonmyanmar.org/>

<sup>3</sup> The daily Bangladesh Protidin, 19/10/2017; <http://www.bd-pratidin.com/first-page/2017/10/19/273358>

3. After interviewing many Rohingya victims who took refuge in Bangladesh Odhikar has learnt that in recent military operations, incidents of mass rape, torture, burning and shooting to death of people, including children and women; enforced disappearances; and detaining children and women in the camps; torching villages by military and Buddhist extremists and planting landmines on the way to kill Rohingyas, have occurred.
4. Furthermore, Rohingya refugees informed that the Myanmar government ordered the local administration to close all Muslim shopping places located along the Naf River at Maungdaw and Buthidaung Districts of Myanmar, on the border with Bangladesh. They said that the military, local Rakhine and Border Guard Police (BGP) conducted triangle operations on Rohingyas for about two months. Those who were not willing to leave their ancestral land had to face more violence and as a result, they were forced to flee their land to save their lives. A Rohingya youth named Elias Mia (25) said, they thought that the situation in Rakhine would become normal after dialogue at the international level about the Rohingya situation. But in reality, the Myanmar government has increased the volume of persecution and torture against the Rohingya people. Rohingyas fled after announcements were made on a megaphone telling them to leave the area and after new incidents of arson attacks.<sup>4</sup>



*Sara Begum (40) a Rohingya victim of arson attack. Photo: BBC, 18 October 2017*

5. Many Rohingya women, children and men have died trying to cross the Naf River to Bangladesh, after their boats capsized. On October 16, 2017 at night, more than 1500 Rohingyas fled to Bangladesh by boats through Shah Porir Dweep at Teknaf. A boat sunk at the mouth of the Bay of Bangle while crossing the Naf River. 22 bodies were recovered and 15 persons were rescued alive with the help of local people. It was learnt that at least 24 more

---

<sup>4</sup> The daily Naya Dignata, 18/10/2017; <http://www.dailynayadiganta.com/detail/news/260971>



Rohingyas were missing due to this incident. The bodies were buried in a local graveyard in Shah Porir Dweep.<sup>5</sup>

6. The UN Office for the Coordination of Humanitarian Affairs and UNICEF stated in a press conference that about 90% Rohingya who have recently entered Bangladesh reported eating just one meal a day. It said more than half of the Rohingya refugees were living in camp sites with no access to healthcare, that 30% Rohingya people are not getting safe water and that humanitarian assistance at Cox's Bazaar and Teknaf was scarce.<sup>6</sup> An international aid organisation, Save the Children in its report says that among the newly entered Rohingya children, at least one hundred and fifty thousand are at risk of malnutrition. Of them, about 14,000 children were suffering severe malnutrition. Moreover, among the victims who recently fled to Bangladesh, are more than 50 thousand pregnant women and mothers with infants.<sup>7</sup> As a result, nutrition, clean and safe water and proper sanitation are urgently needed for more than three hundred and 20 thousand Rohingyas, who took refuge to Bangladesh.<sup>8</sup>



*Rohingya refugees with children, waiting for shelter at a roadside in Teknaf. Photo: BBC, 18 October 2017*

7. A Rohingya woman named Rahima said that she has five children. All of them had only one meal a day. They all wait for relief goods for a meal. Sometimes if it was not available, they had to go to sleep hungry. She said that her youngest son, a 10-month-old, always cries for food. She said that she could not feed her baby as she lacks breast milk.<sup>9</sup>

<sup>5</sup> Information collected from HRD at Shah Porir Dweep, Teknaf.

<sup>6</sup> The daily New Age, 04/10/2017; <http://www.newagebd.net/article/25393/half-fed-rohingyas-lack-healthcare-safe-water>

<sup>7</sup> The daily Jugantor, 06/10/2017; <https://www.jugantor.com/city/2017/10/06/161158/>

<sup>8</sup> The daily New Age, 04/10/2017; <http://www.newagebd.net/article/25393/half-fed-rohingyas-lack-healthcare-safe-water>

<sup>9</sup> The daily New Age, 04/10/2017; <http://www.newagebd.net/article/25393/half-fed-rohingyas-lack-healthcare-safe-water>

8. The condition of refugee children is very vulnerable. Many of these children's parents or siblings were killed by Myanmar military and Buddhist extremists. There are more than 18,500 children who lost both their parents.<sup>10</sup> However, the most serious matter of concern is that there is the possibility that Rohingya children and women who arrived alone may be trafficked by human traffickers from different refugee camps.



*A view of the Rohingya camp in Palangkhali. Photo: Dhaka Tribune, 23 October 2017*

9. Rohingyas informed that the repression on them by Myanmar military and Buddhist extremists had never stopped. They are setting fire to Muslim areas regularly in the Rakhine state. Rohingyas cannot even stay in the hills and jungles after fleeing from home. They are being robbed by Buddhist criminals while escaping. A Rohingya woman named Hosne Ara said that she had been fleeing from Myanmar with her 6-day old baby and other villagers through jungles. At that time, Buddhist criminals robbed their money, jewellery and other valuables at gun point. After two days of searching for a safe place, her baby died due to starvation.<sup>11</sup>
10. Amnesty International (AI) accused the Myanmar military for crimes against humanity in the Rakhine state. On October 18, Amnesty International published a detailed report about the crisis. In the report, proof of the elimination of Rohingyas in the northern region of Rakhine state by the security forces has been highlighted. By analysing the description from eyewitness, satellite pictures, photos, videos and other data, AI stated that it can be concluded that thousands of Rohingya women, men and children have

<sup>10</sup> NTV, 20/10/2017; <http://www.ntvbd.com/bangladesh/161087>

<sup>11</sup> Bangladesh Pratidin, 1 October 2017; <http://www.bd-pratidin.com/first-page/2017/10/01/268448>

been subjected to a massive and planned attack, which is tantamount to crimes against humanity.<sup>12</sup>

11. Odhikar urges the Bangladesh government to take an active role in supporting the struggle for establishing peace in Rakhine state and for the establishment of civil and political rights of Rohingya people. In addition, the Bangladesh government should consider all entering Rohingyas as refugees, and ensure proper temporary shelter with accommodation, food, drinking water, healthcare, child health and education for the Rohingya children on a temporary basis. Odhikar demands that the government take effective measures to prevent trafficking of women and children.
12. On August 28, 2017 the Bangladesh government proposed to the Myanmar government to conduct a joint operation along the Bangladesh-Myanmar border against 'Rohingya insurgents'. Fortunately, it has deviated from that position and opened its border to fleeing Rohingyas due to public demand. Furthermore, Odhikar also opposes the plan to rehabilitate Rohingyas in Thengar Chor, because according to information already received, Thengar Chor is located in a place which is not safe for human habitation. It is to be noted that human rights activists associated with Odhikar are in contact with the Rohingya refugees who have taken shelter in Bangladesh and are monitoring their situation and documenting the incidents of human rights violations they have had to suffer.
13. In recent talks with Myanmar, Bangladesh had agreed to form a joint working committee. Odhikar believes that such an initiative will not help in the return of the large number of refugees to their homes with safety and dignity. The Foreign Minister of Bangladesh acknowledged that Myanmar has deliberately wasted time, and lied about the real situation in the Rakhine state. Bangladesh alone will not be able to send Rohingyas back to their country, if the refugee rehabilitation measures are not taken directly by the United Nations along with the international community.
14. Bangladesh has to work on four conditions to ensure rehabilitation of Rohingyas:
  - All military operations in Rakhine should be stopped, army personnel withdrawn and the presence of an effective observer team ensured which will work to ensure the transition to a peaceful and stable state from current violent situation.
  - The Myanmar government should allow the United Nations and international human rights organisations to monitor the situation in the Rakhine region. The UN investigation team will have to be allowed to investigate all allegations of killing, rape, arson attack and all other

---

<sup>12</sup>BBC, 18 October 2017; <http://www.bbc.com/bengali/news-41660110>



forms of repression on Rohingyas. Myanmar must identify the accused and bring them to justice through its own impartial investigation.

- Under a multilateral international agreement framework, Myanmar must agree to provide identification and identity cards to all Rohingya refugees who have taken shelter in Bangladesh through direct supervision of the United Nations. Myanmar has to arrange the return of Rohingyas based on these identity cards. All refugees will get full political rights and citizenship. The Constitution of Myanmar and citizenship laws should be amended in conformity with international human rights standards.
- Proper initiatives have to be taken to ensure security of Rohingya refugee and victims in Bangladesh. Without ensuring special security measures, victims and witnesses cannot be allowed to return to Myanmar during and after the repatriation process.

## **Aggressive policy of India towards Bangladesh**

### ***Human rights violations by BSF***

15. According to information gathered by Odhikar, in October 2017, three Bangladeshis were gunned down by the Indian Border Security Force (BSF). Furthermore, five Bangladeshi were injured. Among them, one was shot and four were tortured. Two other persons were abducted by the BSF personnel.
16. On October 4, 2017 BSF members shot a Bangladeshi citizen named Jahangir Alam, when he went close to the International Pillar 1014/S at Bhurungamari border under Kurigram District, to bring cows. Later his family rescued him and admitted him to the Upazila Health Complex, where he died.<sup>13</sup>
17. According to the Memorandum of Understanding and related treaties signed between Bangladesh and India, if citizens of either country illegally cross the border, it would be considered trespass and as per law those persons should be handed over to the civilian authority. However, we have noticed that BSF has been, over the years, repeatedly killing or physically harming anyone seen near the border or anyone trying to cross the border; and also attacked, killed and robbed Bangladeshi citizens by illegally entering Bangladesh, which is a clear violation to international law and human rights.
18. On the one hand, the Indian Border Security Force (BSF) is killing and torturing Bangladeshi citizens along the border areas, on the other, aggressive policies<sup>14</sup> towards Bangladesh by the Indian government continue. India has

---

<sup>13</sup> The daily Jugantor, 05/10/2017; <https://www.jugantor.com/news/2017/10/05/160780/>

<sup>14</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. It is clear that India had played a major

encircled Bangladesh with a fence and it also deviate the responsibility of killing Bangladeshi citizens by BSF on various pretexts. India is depriving Bangladesh from the right of getting water in the dry season and creating artificial floods in Bangladesh by opening all the sluice gates of the Farakka and Gajalodoba Dams during the monsoon season, violating international treaties.<sup>15</sup> The environmentally hazardous initiative to build the Rampal Power Plant near the Sundarbans will lead Bangladesh to terrible human disaster and environmental catastrophe.<sup>16</sup> The Rampal coal-based power plant, if constructed, will reportedly be the largest source of air pollution in Bangladesh. The air pollution due to this coal-based power plant will cause the premature deaths of as many as 150 people every year and it will also cause some 600 babies to be born underweight every year.<sup>17</sup>

---

role in destroying democratic system in Bangladesh for keeping Indian political, economic and military supremacy on Bangladesh and gave unconditional support to the controversial election in January 5, 2014. 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.

<sup>15</sup> BBC, September 1, 2016, <http://www.bbc.com/bengali/news-37244367>

<sup>16</sup> UNESCO calls for shelving Rampal project”, the daily Prothom Alo, 24/09/2016, <http://en.prothom-alo.com/environment/news/122299/Unesco-calls-for-shelving-Rampal-project>

<sup>17</sup> The Daily Star, 06/05/2017; <http://www.thedailystar.net/frontpage/6000-premature-deaths-40yrs-1401421>

## **PART II: NATIONAL ISSUES**

### **Independence of the Judiciary under further threat**

19. The Sixteenth Amendment Bill was passed by the Parliament<sup>18</sup> on September 17, 2014. As a result of this amendment, the power to impeach and remove the Judges of the Supreme Court has been given to the Parliament from the Supreme Judicial Council. On May 5, 2016 the High Court Division of the Supreme Court gave a judgement declaring the 16<sup>th</sup> Amendment illegal, when nine lawyers filed a writ petition to the High Court Division of the Supreme Court against this amendment. On January 4, 2017 the government appealed against this judgement in the Appellate Division of the Supreme Court of Bangladesh. Hearing of this appeal was conducted by the seven-member Full Bench of the Appellate Division. The Court had appointed 12 senior advocates as Amicus Curie. 10 of the 12 Amicus Curie submitted their statements. On July 3, 2017, the Appellate Division upheld the same verdict of the High Court and also gave some observations and opinion about the past and present politics in the country within the judgement. These observations infuriated the ruling Awami League and in reaction, the Prime Minister and members of her Cabinet and MPs of the ruling party and the Opposition gave various statements against the Chief Justice Surendra Kumar Sinha.<sup>19</sup> Furthermore, leaders-activists of the ruling party criticised the Chief Justice at different political meetings, which was unprecedented.<sup>20</sup>
20. Influence and interference on the Judiciary has allegedly increased after the Awami League assumed power through elections conducted under the military backed caretaker government in 2008, which had turned into a serious matter after the controversial elections of January 2014. The Supreme Court Bar Association welcomed the judgement of the Appellate Division. Meanwhile the ruling party-supported lawyers' association in the Supreme Court, Bangabandhu Awami Ainjibi Parishad, started a movement demanding the resignation of the Chief Justice S K Sinha, which heated up the Supreme Court premises.
21. The autumn vacation of the Supreme Court commenced from August 25, which continued till October 2. After the vacation ended on October 3, when the Supreme Court reopened, the Chief Justice was supposed to exchange greetings with all Judges of the Appellate Division and High Court Division

---

<sup>18</sup> The current Parliament was formed through the controversial election on January 2014. Of the 300 constituencies, candidates of the ruling party Awami League and its alliance elected unopposed in 153 constituencies even before the first vote was collected. In this parliament, three ministers were appointed in the Cabinet from the main Opposition Jatiya Party. A large majority of people could not vote in this election.

<sup>19</sup> The daily Jugantor, 14/09/2017; <https://www.jugantor.com/first-page/2017/09/14/155306/>

<sup>20</sup> The daily Amader Shomoy, 22/08/2017; [www.dainikamadershomoy.com/todays-paper/firstpage/96753/](http://www.dainikamadershomoy.com/todays-paper/firstpage/96753/)

and lawyers, as was the norm. However, the Attorney General, Mahbubey Alam, on that day informed that the Chief Justice had taken a one-month leave from October 3. The Law Minister Anisul Huq, on October 3, said that the Chief Justice wrote in his letter that he had been affected with various illnesses, including cancer. Thus, he needed more rest.<sup>21</sup> Confusion ensued igniting the speculation that he had been forcibly made to take leave.

22. On October 7, the Supreme Court Bar Association President, Joynul Abedin and General Secretary, Mahbub Uddin Khokon were stopped by police on the way to the residence of the Chief Justice.<sup>22</sup> Advocate Joynul Abdin said that independence of the Judiciary has been enshrined in Article 94 of the Constitution. However, the chief of this independent institution (Judiciary), Chief Justice S.K. Sinha himself was not independent. The government forced him to take leave.<sup>23</sup>



*Lawyers of the Supreme Court Bar Association telling journalists they were barred by police from meeting the Chief Justice. Photo: Jugantor, 7 October 2017*

23. On October 13, Chief Justice S K Sinha handed over a written statement to journalists while he was leaving for Australia. In it he stated that he was absolutely fine, but really embarrassed that in recent times, a political section, lawyers and especially some honourable Ministers of the government and the honourable Prime Minister, were personally criticising him. He said he believes that a section of the government had misinterpreted his judgement to the Prime Minister, and as a result the Prime Minister had become unhappy with him. He also said he was worried about the independence of the Judiciary and that on October 12, the Law Minister, quoting a statement of a senior judge, who is responsible as acting Chief Justice, said that the acting

<sup>21</sup> The daily Jugantor, 04/10/2017; <https://www.jugantor.com/first-page/2017/10/04/160465/>

<sup>22</sup> The daily Jugantor, 07/10/2017; <https://www.jugantor.com/first-page/2017/10/07/161231/>

<sup>23</sup> The daily Jugantor, 08/10/2017; <https://www.jugantor.com/first-page/2017/10/08/161482/>

Chief Justice would bring changes in the Supreme Court administration soon. He also commented that there was no practice of interfering in the administration of the Chief Justice by the government or by the acting Chief Justice and that the latter will carry out the day-to-day routine work, as has been practiced for a long time. He concluded by saying that it can be easily understood that when interference in the administration of the Chief Justice is being done by the government, this will further deteriorate the relation between the Government and the Judiciary, which will not be good for the State.<sup>24</sup>



*Chief Justice Surendra Kumar Sinha hands over a statement to journalists in front of his residence before going abroad. Photo: The Daily Star, 14 October 2017*

24. On September 30, 2017 President Abdul Hamid invited five Judges of the Appellate Division of the Supreme Court to his residence and handed over documents containing 11 charges, including corruption, money laundering, financial irregularities and moral disgrace against the Chief Justice Surendra Kumar Sinha. This was informed on October 14, 2017, through a two-page statement signed by the Supreme Court Registrar General, Syed Aminul Islam.<sup>25</sup> On the same day, Attorney General Mahbubey Alam said at a press conference that he believes that the Chief Justice's return to office was very unlikely. Two days after Surendra Kumar Sinha's departure, the government brought massive changes in the Supreme Court administration.
25. On October 15, a circular was issued from the Law Ministry stating that the government had transferred 10 officials of the Supreme Court Registrar Office. Law Minister Anisul Huq said that the Anti Corruption Commission

<sup>24</sup> The daily Jugantor, 14/10/2017; <https://www.jugantor.com/first-page/2017/10/14/163129/>

<sup>25</sup> The daily Jugantor, 15/10/2017; <https://www.jugantor.com/first-page/2017/10/15/163407/>



(ACC) will investigate allegations against Chief Justice Sinha while he was on leave. Other Judges will not sit with him until such allegations are resolved, because there is no provision for a single bench in the Appellate Division.<sup>26</sup>

## Extrajudicial killings

26. According to documentation gathered by Odhikar, 15 people were reported as being extra judicially killed in October 2017.
27. The government constantly denies incidents of extrajudicial killing. As a result, the law enforcement agencies are enjoying impunity in this regard. One case is as follows:
28. On October 13, 2017, a man named Shahin Ali (30) of Nurpur Village in Kumarkhali Upazila was allegedly killed during a 'gunfight' with police at Koshba Ghat of Shialdah under Kumarkhali Upazila in Kushtia District. Police claimed that Shahin Ali was an accused in the murder of a youth called Rakibul. The Officer-in-Charge of Kushtia Detective Branch (DB) Police Sabbirul Islam said that a team of DB police, as per information gathered from accused Shahin Ali, conducted an operation at Shialdah Ghat of Kumarkhali to arrest other accused persons of this case. At that time a gunfight took place between police and a group of criminals. When the gunfight stopped, police rescued Shahin with severe injuries from the spot and took him to Kushtia General Hospital where the duty doctor declared him dead. Meanwhile Shahin Ali's wife Mousumi Akhter Tonni alleged that the police of Kumarkhali Police Station on October 10, 2017 at around 4:30 pm, picked up Shahin for questioning about Rakibul's murder. When contacted, police told her that Shahin will be released after interrogation. In the morning on October 13, the family got to know that Shahin had been killed in crossfire.<sup>27</sup>



*Shahin Ali, who was killed in 'gunfight' with police. Photo: Odhikar, 13 October 2017*

<sup>26</sup> The daily Prothom Alo, 15/10/2017; <http://en.prothom-alo.com/bangladesh/news/163177/Reshuffle-in-SC-admin-in-the-offing>

<sup>27</sup> Information sent by local human rights defender associated with Odhikar from Kushtia.

## **Type of death**

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

29. Among the 15 persons extra judicially killed, 11 were allegedly killed in 'crossfire/encounters/gunfights'. Of them, seven were killed by police and four by RAB.

### ***'Tortured to death'***

30. Three persons were allegedly tortured to death. Two by police and one by RAB.

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

31. One person was beaten to death by police.

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

32. One victim was a businessman, one was a carpenter, one was a cattle trader, one was a driver, one was a villager and 10 were alleged criminals.

## **Death in jail**

33. According to information gathered by Odhikar, in October 2017, a reported five persons died in prison due to 'illness'.

34. Deprivation of medical treatment in jail is a violation of human rights. It is alleged that due to lack of proper treatment facilities and negligence by prison authorities, many prisoners become ill and some die. 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.

## **Allegations of torture, degrading treatment and lack of accountability of law enforcement agencies**

35. Allegations of torture, harassment and extortion against the police have been reported. Members of law enforcement agencies are enjoying impunity due to the government practice of using such agencies to suppress its political opponents, critics and dissenters. Despite the Torture and Custodial Death (Prevention) Act, 2013, there is no change in the actual situation, due to lack of implementation of this law. Some reported incidents are as follows:

36. On October 6, 2017 a cattle trader named Majom Ali (40) was allegedly beaten to death by members of Border Guard Bangladesh (BGB) at Boroshoshi border area under Boda Upazila in Panchagarh District. Majom's younger brother Soleman Ali said that BGB members beat his brother severely after detaining him. Later, BGB demanded a cow in exchange for releasing his

brother. Soleman gave a cow to BGB and Majom died on the way home. Majom's wife Momena Khatun said that BGB members beat her husband to death without any reason. Boroshoshi Union Parishad Ward 6 No. Member, Rabiul Islam said that Majom Ali was beaten by BGB in front of him. An unnatural death case was filed by Boda police in this regard.<sup>28</sup>

37. On October 9, 2017 Sub Inspectors Rafiqul Islam and Mohammad Asad and Constables Farooq Hossain and Rashedul Islam of Kalai Police Station under Joypurhat District went to Harunja Village to arrest accused Mohammad Shapla Hossain (32) from his home. Police asked Shapla's wife Masuda for his whereabouts. Masuda informed the police that her husband was not at home. Later police arrested Shapla Hossain from his cow-shed. Police kicked Masuda for telling a lie. When Shapla's younger brother Ferdous protested this police also beat him with a stick. Hearing this, neighbour Saidur Rahman came to Shapla's house and asked the reason for beating Shapla's wife and brother. This made police angry and the police hit Saidur Rahman with pistol butts and also beat him with sticks. Neighbours rushed to spot when Shapla's family members were shouting. Police started beating them too and used abusive language. After that, Shapla and his brother Ferdous were put in a microbus in handcuffs and taken to Kalai Upazila Health Complex. Injured Saidur Rahman was also taken to Kalai Upazila Health Complex, where the duty doctor at the emergency unit declared him dead. When this incident spread in the area, local people surrounded the health complex and chanted slogans demanding justice. The angry people also vandalised the main gate of the health complex. An additional police force from Joypurhat District headquarters reached there and threw tear gas shells and rubber bullets to disperse the mob. As a result four persons were injured. The Deputy Commissioner and the Superintendent of Police of Joypurhat District formed two separate inquiry committees to investigate this matter.<sup>29</sup>



*Saidur Rahman, who died due to police beating. Photo: Prothom Alo, 10 October 2017*

<sup>28</sup> The daily Manabzamin, 08/10/2017; [www.mzamin.com/article.php?mzamin=86440&cat=9/](http://www.mzamin.com/article.php?mzamin=86440&cat=9/)

<sup>29</sup> The daily Prothom Alo, 10/10/2017; <http://epaper.prothom-alo.com/view/dhaka/2017-10-10/1>

38. On October 24, 2017 a team of the Detective Branch (DB) of Police of Cox's Bazaar picked up a businessman named Abdul Gafur, resident of Teknaf, when he went to Cox's Bazaar to submit his income tax return. The DB police demanded five million taka bribe from his family, threatening them that Abdul Gafur would be sent to the court as a drug peddler if they did not pay. His family gave 17 hundred thousand taka. After getting the money, DB police released him in the early morning at Marine Drive area of Teknaf. Later his family informed this matter to the Army. The Army camp of Lombori at the Marine Drive area searched the vehicle carrying the DB Police and recovered the 17 hundred thousand taka ransom. The Army arrested two Sub Inspectors Abul Kalam Azad and Alauddin, three Assistant Sub Inspectors and two Constables and handed them to the police. When their vehicle was halted, SI Moniruzzaman escaped. Seven members of the DB police were suspended for their involvement in the offence.<sup>30</sup>



*The Army detained six members of the Detective Branch of Cox's Bazaar police. They used this microbus for kidnapping a trader and demanding ransom for his release. Photo: Collected Daily Star. 26 October 2017*

39. A businessman named Rashel (25) was allegedly tortured to death by the Detective Branch (DB) of Police for one hundred thousand taka at Kaunia's Holdibari area under Rangpur District. Rashel's younger sister Sohana alleged that on October 28, 2017 at around 10:00 pm, a group of DB police led by Sub Inspector Shafi arrested her brother from Holdibari Bazaar. Later at around 1:00 am, SI Shafi went to their home and demanded one hundred thousand taka bribe for releasing Rashel. When they said that they did not

<sup>30</sup> The daily Manabzamin, 26/10/2017; [www.mzamin.com/article.php?mzamin=89197&cat=2/](http://www.mzamin.com/article.php?mzamin=89197&cat=2/)

have the capacity to pay this amount, SI Shafi threatened her father and brother of being implicated in criminal charges. Later DB police inflicted torture on her brother. Due to torture in custody, DB police admitted Rashel to Rangpur Medical College Hospital. On October 29, her brother died in hospital while he was under treatment.<sup>31</sup>



*Relatives cry for Rashel, who was allegedly tortured to death in DB Police custody in Rangpur. Photo: Naya Diganta, 30 October 2017*

## Enforced disappearances

40. According to information gathered by Odhikar, in October 2017, seven persons were allegedly disappeared. Among them, two were later produced before the Court and surfaced alive. The whereabouts of five other persons are still unknown.<sup>32</sup>
41. Many people have disappeared after being picked up by men claiming to be members of law enforcement agencies. The families of the disappeared and witnesses claim that members of law enforcement agencies, or men claiming to be from such agencies, arrest and take away the victims and then they are no longer found. In some cases, law enforcement agencies deny the arrest; but days later, the arrested persons are released in an unknown place or handed over to a police station and produced in Court, or the bodies of the disappeared persons are later recovered. Similarly, as per news reports and statements from families, many political leaders have disappeared in the last few years, the whereabouts of whom, are still unknown. The families of the disappeared face numerous problems in the absence of their relatives. Furthermore, many victim-families are being regularly harassed by ruling party activists and law enforcement agencies. The government has been repeatedly denying the incidents of enforced disappearance and claiming that

<sup>31</sup> The daily Naya Dignata, 30/10/2017; <http://www.enayadiganta.com/news.php?nid=363471>

<sup>32</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.



the victims left voluntarily and do not want to be found. Although denials of such incidents are made by the government and security forces, it has been proved in various inquiry reports that enforced disappearances exist and continue to occur in Bangladesh.

42. Mithun Chowdhury, President of a newly formed political party, Bangladesh Janata Party (BJP) and his colleague Ashik Ghosh were allegedly picked up by men claiming to be members of the law enforcement agency. On October 31, 2017 Mithun Chowdhury's wife Sumona Chowdhury organised a press conference at Sylhet District Press Club and said that her husband and his colleague Ashik Ghosh were picked up by some men claiming to be members of law enforcing agency on October 27 at around 12:10 am, from Forashgangj under Sutrapur Police Station in Dhaka. Some witnesses informed them that they were picked up in a black microbus and since then their whereabouts remain unknown. When Sumona Chowdhury went to Sutrapur Police Station to file a complaint, the duty officer at the police station told her that a complaint cannot be recorded in this regard.<sup>33</sup>

## Public lynching continues

43. In October 2017, three persons were reportedly killed due to public lynching.
44. Due to a weak criminal justice system, lack of respect for law, distrust of the police and instability in the country, the tendency to resort to public lynching is increasing. People are losing their confidence and faith in the police and judicial system. As a result, incidents of killings by mob violence continue.

## Criminalization of politics and political violence

45. In October 2017, according to information gathered by Odhikar, five persons were killed and 353 persons were injured in political violence. Furthermore, 28 incidents of internal violence in the Awami League<sup>34</sup> were also recorded during this period. Five persons were killed and 292 were injured in internal conflicts of the Awami League.
46. Criminalisation of politics and political violence continue. Leaders and activists of Awami League, Chhatra League and Jubo League at all levels are involved in various criminal activities and violent acts. They are involved in incidents of internal conflict which are linked to vested interest and have attacked each other. During such violence they were seen using lethal weapons. Across the country, they are also involved in various criminal acts, including extortion, forcefully acquiring tender bids, land grabbing, violence at educational institutions, leakage of exam question paper, attacks on

---

<sup>33</sup> The daily Prothom Alo, 01/10/2017; [www.prothom-alo.com/bangladesh/article/1355771/](http://www.prothom-alo.com/bangladesh/article/1355771/)

<sup>34</sup> BNP: Bangladesh Nationalist Party.

ordinary citizens and women, sexual harassment, rape etc and in most cases they enjoy impunity. Some examples of October are given below:

47. On October 5, 2017 a violent altercation took place between supporters of Jhaudia UP Chiarman and Kushtia Sadar Thana unit Awami League Joint Secretary, Keramat Ali; and supporters of Union unit Awami League President and former UP Chairman Bokhtiar Hossain, over establishing supremacy in the area. Both groups attacked each other with guns and local weapons. Billal Hossain (33) and Enamul (35) were killed in the clash and later another person named Sanowar succumbed to his injuries in hospital. At least 15 persons were injured in this incident.<sup>35</sup>
48. On October 6, 2017 at midnight a clash occurred between supporters of Jessore Science and Technology University unit Chhatra League President Subrata Biswas and supporters of General Secretary Shahim Hassan over acquiring leadership in a residential hall (Shahid Moshir Rahman Hall) in the University. During the clash, crude bombs were exploded and incidents of shooting took place. The attackers also vandalised students' laptops in different hall rooms. At least 30 people, including Subrata Biswas were injured.<sup>36</sup>
49. On October 18, 2017 at around 7:30 pm, a group of 10-12 women and men led by Khalishpur Thana unit Women Awami League General Secretary Taslima Akhter Lima allegedly attacked the house of Mohammad Shahjalal's in-laws at Nayabati Rail line slum colony in Khalishpur of Khulna City. Shahjalal's father Zakir Hossain said that on that night family members were watching TV at home. At that time, a group of persons led by Women Awami League leader Taslima Akhter Lima entered the house and began calling for his son and asking for money and jewellery and other goods. When his daughter-in-law Rahela Begum asked why they were there, attacking they began the family members with hammers and sticks. At least six family members, including his daughter-in-law Rahela Begum, his mother Rani Begum, and his wife Renu Begum were injured. The attackers fled when neighbours approached. While escaping, Taslima Akhter Lima and another local Women Awami League leader Moriam were caught by the people. He further alleged that Jubo League leader Kazi Talat Hossain stopped him when he was taking injured family members to hospital. It is to be mentioned that on July 18, 2017 police picked Shahjalal up at the police station without any reason. Later the police demanded one hundred and fifty thousand Taka (USD 1860<sup>37</sup>) bribe from his family. As his family failed to pay police, they took Shahjalal to a

---

<sup>35</sup> Information sent by local human rights defender associated with Odhikar from Kushtia.

<sup>36</sup> The daily Prothom Alo, 07/10/2017; <http://epaper.prothom-alo.com/view/dhaka/2017-10-07/3>

<sup>37</sup> 1 USD = BDT 80.64

quiet place and gouged out both his eyes with a screw driver; and a fake mugging case was filed against him by a woman named Suma Akhter.<sup>38</sup>



*Shahjalal, with his family, at a press conference in Khulna. Photo: Naya Dignata, 16 October 2017*

50. On October 20, 2017 an incident of leaking the admission test question papers of 'D' unit of Dhaka University occurred on the night before the exam. Police arrested the Joint Secretary of the Central unit of Chhatra League, Mohiuddin Rana; University's Amor Ekushey Hall unit Chhatra League leader, Abdullah Al Mamun; and admission seeker Ishrak Ahmed for allegedly being involved in this incident. The Criminal Investigation Department (CID) said that they had been arrested while supplying the answer sheets before the admission test. On October 26, police arrested Chittagong University unit Chhatra League leader Ishtiaq Ahmed Sourav and his associate for allegedly being involved in the forgery of admission test question papers in Chittagong University.<sup>39</sup>

## **Arrest and suppression of opposition leaders and hindrance to freedom of assembly**

51. The incumbent government is ruling the country in an undemocratic and autocratic way by suppressing the (out of Parliament) opposition political parties in order to prevent their movement. The present ruling Awami League alliance assumed power through the 5<sup>th</sup> January 2014 controversial and farcical Parliamentary elections; and they have chosen repressive measures for holding on to that power. The government does not have any accountability to the people as they were not elected by people's vote. The present government has already passed three years and 10 months of its

<sup>38</sup> Information sent by local human rights defender associated with Odhikar from Khulna.

<sup>39</sup> The daily Jugantor, 28/10/2017; <https://www.jugantor.com/first-page/2017/10/28/166918/>

tenure. The 11<sup>th</sup> Parliamentary elections are expected to be held in December 2018. In order to conduct the next general elections in free, fair and inclusive manner, the political parties and civil society demanded a level playing field to be created soon so that another controversial election like January 5, 2014 could not be held. The government, instead of paying attention to that, is suppressing the leaders and activists of the opposition parties through arbitrary arrest operations and also stopping their meetings and assemblies. Members of the law enforcement agencies have already completed information collection of the political parties across the country including Dhaka. The homes of those involved in the opposition parties, are being searched and their workplaces are also monitored. The police are arresting leaders-activists of the opposition parties under allegations of vandalism and filing cases against them when they participate in any informal gathering or attend any meeting.<sup>40</sup> The relatives of the opposition party leaders-activists alleged that once arrested by police they are shown as arrested under multiple charges or cases. The family of a Jubo Dal<sup>41</sup> leader at Paltan area in the capital informed that when that Jubo Dal leader was produced before the court they came to know that 37 cases were filed against him. He got bail in four cases but after that police showed him as arrested under five more cases.<sup>42</sup>

52. The ruling party leaders-activists supported by law enforcement agencies are attacking meetings and assemblies of the opposition parties and stopping them. Taking permission from the police is now mandatory for any meeting, rally or even for indoor meetings; and in most cases police refuse to give permission to hold meetings of opposition parties and (what are considered to be) alternative or dissenting groups. As a result, they are deprived of the right to hold meetings and assemblies. Meanwhile, the ruling party leaders and activists are holding meetings without any hindrance; they are campaigning for the elections and asking for votes for their candidates.
53. On October 10, 2017 leaders-activists of Awami League and its affiliated organisations attacked the rally of BNP, brought out from South Keraniganj Thana unit BNP office, in protest of issuing an arrest warrant against BNP Chairperson Khaleda Zia. When the rally was marching towards Jinjira Bazar Awami League activists beat some protestors. Later police attacked the procession and dispersed the protestors. At that time police arrested South Keraniganj Thana unit BNP Convener Sirajul Islam.<sup>43</sup> The police commenced arrest operations from the night of October 16, from the houses of BNP leaders-activists so that they could not be present at Shahjalal International Airport, Dhaka to welcome BNP Chairperson Khaleda Zia on her return from

---

<sup>40</sup> The daily Naya Diganta, 11/10/2017; <http://www.dailynayadiganta.com/detail/news/258984>

<sup>41</sup> Youth wing of Bangladesh Nationalist Party (BNP)

<sup>42</sup> The daily Naya Diganta, 11/10/2017; <http://www.dailynayadiganta.com/detail/news/258984>

<sup>43</sup> The daily Prothom Alo, 11/10/2017; <http://epaper.prothom-alo.com/view/dhaka/2017-10-11/20>

London, on October 18, 2017. In the mean time new cases were filed against top leaders of BNP and its affiliated organisations in some police stations at Dhaka.<sup>44</sup> On the night of October 17, police arrested 27 activists of BNP and Jamaat-e-Islami from Hazaribagh, Green Road, Sutrapur and Ramna area in the capital during a special drive.<sup>45</sup> On October 18, police arrested 13 leaders and activists of BNP and its associated organisations, when they were returning from the airport after welcoming Khaleda Zia.<sup>46</sup>

54. On October 24, Brahmanbaria District unit Chhatra Dal<sup>47</sup> and Jubo Dal<sup>48</sup> brought out a protest rally in protest of the issuance of arrest warrant against BNP's senior vice-chairman Tareque Rahman. When the rally reached the TA Road police stopped it and at one stage police allegedly opened fire at the rally. Three leaders of Jubo Dal and Chhatra Dal were shot and injured by police.<sup>49</sup>



*Clashes between Chhatra Dal-Jubo Dal activists and police in Comilla, over an arrest warrant against BNP's senior Vice-Chairman, Tareq Rahman. Photo: Jugantor, 25 October 2017*

55. On October 27, police snatched away the banner and baton charged the rally when local Jubo Dal leaders-activists of Gouripur under Mymensingh District brought out a rally on the occasion of the founding anniversary of Jubo Dal. At least six Jubo Dal leaders-activists were injured.<sup>50</sup>

<sup>44</sup> The daily Manabzamin, 18/10/2017; [www.mzamin.com/article.php?mzamin=88019&cat=2/](http://www.mzamin.com/article.php?mzamin=88019&cat=2/)

<sup>45</sup> The daily Jugantor, 19/10/2017; <https://www.jugantor.com/second-edition/2017/10/19/164738/>

<sup>46</sup> The daily Prothom Alo, 20/10/2017; <http://epaper.prothom-alo.com/view/dhaka/2017-10-20/9>

<sup>47</sup> Student wing of Bangladesh Nationalist Party (BNP).

<sup>48</sup> Youth wing of BNP.

<sup>49</sup> The daily Jugantor, 25/10/2017; <https://www.jugantor.com/last-page/2017/10/25/166270/>

<sup>50</sup> The daily Naya Diganta, 28/10/2017; <http://www.enayadiganta.com/news.php?nid=362901>





*Police taking away the banner of a Jubo Dal rally on its founding anniversary. Photo: Ajkal Newsbd.com, 27 October 2017*

56. On October 28, there were allegations of attacks by leaders and activist of the ruling party on the motorcade of BNP Chairperson Khaleda Zia at Fatehpur, Debipur and BSIC Road point of Feni in Dhaka-Chittagong highway, while she was on the way to Cox's Bazar to visit Rohingya camps and distribute aid to them. The attackers also attacked her motorcade at Mirsorai in Chittagong. Locals informed that Chhatra League and Jubo League activists led by Shorshodi Union unit Chhatra League General Secretary, Osman Gani; and Sonagazi Upazila unit Chhatra League president Abdul Motaleb attacked the motorcade in Feni.<sup>51</sup> The eye-witnesses informed that attackers chanted slogans and they were carrying guns. However, police were silent at that time. Furthermore, BNP leaders and activists were attacked by the ruling party activists at different places when they arrived to welcome Khaleda Zia. Journalists of the print and electronic media who were travelling with the motorcade of the BNP Chairperson to collect information were also attacked and their microbus was vandalized. During the attack, the photo journalist of Ekattor TV, Alam Hossain and senior reporter Shafiq Ahmed were seriously injured. Furthermore, more than 50 BNP leaders-activists were injured in this incident.<sup>52</sup>
57. In the afternoon on October 31, 2017 criminals threw petrol bombs, hitting two buses, in Mohipal near Feni Circuit House when BNP Chairperson Khaleda Zia was returning from Cox's Bazaar to Dhaka. At the time police were present there but did nothing.<sup>53</sup>

<sup>51</sup> The daily Jugantor, 30/10/2017; <https://www.jugantor.com/first-page/2017/10/30/167451/>

<sup>52</sup> The daily Prothom Alo and Jugantor, 29/10/2017; <http://epaper.prothom-alo.com/view/dhaka/2017-10-29/1> and <https://www.jugantor.com/first-page/2017/10/29/167192/>

<sup>53</sup> The daily Manabzamin, online version, 1/11/2017; [www.mzamin.com/article.php?mzamin=90047&cat=2/](http://www.mzamin.com/article.php?mzamin=90047&cat=2/)



*Two buses on fire after BNP Chairperson Khaleda Zia's motorcade crossed Mohipal of Feni on her way to Dhaka from Chittagong. Photo: New Age, 1 November 2017*

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

58. Interference on the media and freedom of expression, by the government and the ruling party members continue. The incumbent government is severely suppressing people who criticise it and those who have alternative beliefs. Dissenters and critics are being accused under repressive cases filed under various sections of criminal law, including defamation and under section 57 of the Information and Communication Technology Act, 2006 (amendment 2009 & 2013), for their comments or opinions. An incident is as follows:

59. On October 1, 2017 police arrested a HSC student named Shila Khatun for allegedly making derogatory comments against Prime Minister Sheikh Hasina to Natore Deputy Commissioner Shahina Khatun over telephone.<sup>54</sup> Later she was interrogated by the Detective Branch (DB) of Police. On October 26, the Officer-in-Charge (OC) of Natore Police Station, Moshir Rahman informed Odhikar that Shila Khatun was produced before the court after showing her as arrested in a criminal case.<sup>55</sup>

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

60. According to information gathered by Odhikar, in October 2017, three persons were arrested under the Information and Communication Technology Act 2006 (amended 2009 and 2013).

<sup>54</sup> The daily Naya Diganta, 03/10/2017; <http://www.dailynayadiganta.com/detail/news/256563>

<sup>55</sup> Information gathered by Odhikar.

61. The imposition of section 57<sup>56</sup> of the Information and Communication Technology Act 2006 (Amended 2009 and 2013) still continues. This Act is being used by the government as a weapon against human rights defenders, journalists, bloggers and public opinion. Odhikar has been campaigning for a repeal of this repressive Act for a long time. Filing cases and imprisoning people for writing comments against high-level persons in the government or/and their family members on social media, is becoming very common. As a result, many people who are writing in social media, including on Facebook, are forced to maintain self censorship while writing. Currently, many people including journalists and teachers, are being sued under Section 57 of this Act and many of them have been arrested. Two incidents are as follows:
62. On October 14, 2017 Pachondor Union unit Awami League President Abdul Gaffar filed a case with Tanore Police Station under section 57 of the ICT Act against a youth named Rashiquil Islam of Tanore in Rajshahi for allegedly posting a ‘derogatory remark’ on his Facebook account about Prime Minister Sheikh Hasina. Police arrested Rashiquil Islam on the same day.<sup>57</sup>
63. On October 14, 2017 Shahadat Hossain, General Secretary of Satkhira Municipality unit Awami League filed a complaint against Modasserul Huq Huda, Vice-President of Satkhira District unit BNP, for posting a caricature of Prime Minister Sheikh Hasina on Facebook. Such complaint was sent to the Police Headquarters and after getting approval from there on October 17, Satkhira Sadar Police Station recorded a case against Modasserul Huq Huda under section 57 of the ICT Act. On October 29, police arrested him.<sup>58</sup>
64. The government recently said that sections 54, 55, 56 and 57 of the ICT Act will be repealed. But it has been learnt that these four sections will be included in the Digital Security Act, which has recently been drafted. Human rights defenders and journalists are demanding for the repeal of this new draft Law as well as the current Act, as both violate the right to freedom of expression and are contrary to the Constitution.

## Workers’ rights

65. According to information gathered by Odhikar, in October 2017, eight workers died. Among them, three construction workers died after falling

---

<sup>56</sup> Section 57 of the ICT Act states: (1) If any person deliberately publishes or transmits or causes to be published or transmitted in the website or in electronic form any material which is fake and obscene or its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, or causes to deteriorate or creates possibility to deteriorate law and order, prejudice the image of the State or person or causes to hurt or may hurt religious belief or instigate against any person or organization, then this activity of his will be regarded as an offence.

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

<sup>57</sup> The daily Manabzamin, 16/10/2017; [www.mzamin.com/article.php?mzamin=87640&cat=9/](http://www.mzamin.com/article.php?mzamin=87640&cat=9/)

<sup>58</sup> The daily Bangladesh Pratidin, 30/10/2017; <http://www.bd-pratidin.com/country-village/2017/10/30/276415>

from under-construction buildings, one construction worker died by electrocution, three construction workers died due to unknown reasons and one steel factory worker died when molten iron fell on him. Furthermore, 10 steel factory workers were injured when molten iron fell on them and one construction worker was injured by electrocution. Apart from this, 35 ready-made garment workers were injured by the police, when they were protesting unpaid wages and three workers were hurt by the garment authority's 'thugs' when the workers were protesting the dismissal of their colleagues.

### ***Situation of workers in readymade garment industries***

66. Garment manufacturing factories are a very large source of revenue for Bangladesh and the factory workers are one of the main contributing factors to this success. However, 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. Even in many factories, specially women workers are being discriminated and victims of physical and mental repression. Two incidents are as follows:

67. On October 14, 2017 workers of two RMG factories named Runs Apparels and Old Town at Shailo area under Siddhirganj Upazila in Narayanganj District, made a barricade on Shimrail-Adamzi EPZ Road demanding their due wages. At that time, clashes took place between workers and the Industrial Police and brickbats were thrown. At least 10 workers, including five women workers were injured during this incident.<sup>59</sup>



*Workers blocked the road by burning tyres in protest of their unpaid wages at Siddhirganj, Narayanganj. Photo: Manabzamin, 15 October 2017*

<sup>59</sup> Information sent by human rights defender associated with Odhikar from Narayanganj.



68. On October 18, 2017 workers of a readymade garment factory named Hasong BP Limited started a protest, stopped working and went on strike in front of the factory for the payment of three months dues and other benefits, in Baroipara area under Kaliakoir Upazila in Gazipur District. When the factory authority did not pay any heed, angry workers blocked the Dhaka-Tangail highway which caused a huge traffic jam. Police reached the spot and started to baton charge at protestors. As a result, an altercation took place between police and workers. At one stage, police threw tear gas shells at workers which injured 16 workers.<sup>60</sup>



*Police taking action against RMG workers in protest for wages at Kaliakoir, Gazipur. An injured female worker (inset) Photo: Naya Diganta, 19 October 2017*

### ***Condition of construction workers***

69. Construction workers, who fall in the category of the informal workforce, are being discriminated in various ways and also becoming victims of suppression and negligence. Their contributions are enormous in making roads, bridges and houses but there is no legal framework or specific policy for workers in the informal sector. Most of them have to work under the open sky, particularly under the sun and in unfavourable weather. However, no minimum wage has been fixed for their work. As a result, construction workers, irrespective of gender, are victims of various discriminations, including inadequate wages. Among them, the condition of women workers is obviously more vulnerable.

### ***Jute mill workers protest for due wages***

70. About ten thousand permanent and temporary workers in Platinum and Crescent Jute Mills at the Khalishpur Industrial Area in Khulna are currently not getting wages. On October 4, 2017 workers of the Platinum Jute Mill stopped work demanding their dues for seven weeks. After that from October

<sup>60</sup> The daily Naya Diganta, 19/10/2017; <http://www.dailynayadiganta.com/detail/news/261291>



5, workers of the Crescent Jute Mill have also joined the movement and on that day workers of both mills protested for their unpaid wages.

## Human rights of religious minority communities

71. 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 also observed and reported. Three examples are as follows:
72. On October 2, 2017 the sister of priest Father Shishir Natal Gregory of Kakrail Church at Dhaka informed him over cell phone that she had had an accident at the Fakir Market area in Tongi of Gazipur District. Hearing this Father Gregory rushed to Fakir Market on his motorbike. His sister lived in a church at Pagar area in Tongi. At that time Tongi Government College unit Chhatra League Organising Secretary Shams Kabir and his associates, who were at Fakir Market, locked him in a house and took his cell phone, money and motorbike. Later he was beaten and they demanded three hundred thousand taka from him or they threatened to kill him. At one stage Father Gregory managed to open the door and shout for help. Hearing him, people of the adjacent area rushed to the spot. Local people caught Chhatra League leader Shams Kabir while the kidnappers were escaping and handed him over to police. Father Gregory filed a case with Tongi Police Station accusing four criminals including Shams Kabir and five more unknown persons in this regard.<sup>61</sup>



*Chhatra League leader Shams Kabir. Photo: Prothom Alo, 4 October 2017*

73. In the night of October 18, 2017 criminals entered the Hindu temple after cutting the window grille and vandalized the idols of goddess 'Kali' and "Lord Mahadev' in Gharua Village under Bhanga Upazila in Faridpur

---

<sup>61</sup> The daily Prothom Alo, 04/10/2017; <http://epaper.prothom-alo.com/view/dhaka/2017-10-04/1>

District. On the same night, effigies of goddesses Sarashwati and Manosha at another temple in the neighbouring village were also vandalized.<sup>62</sup>

74. On October 25, 2017 at night some unidentified criminals vandalized five effigies at a Kali temple of Baishdhar Purbapara in Laksmiganj Union under Netrokina Sadar Upazila in Netrokona District.<sup>63</sup>

## **Violence against women**

75. Incidents of violence against women continue, including incidents of rape, dowry related violence, domestic violence, sexual harassment and acid violence. Women are becoming victims of such violence due to non-implementation of laws, a prevailing culture of impunity in the government, the relevant authority and police administration; and also due to lack of awareness in society.

### ***Rape***

76. In October 2017, Odhikar recorded a total number of 59 females who were raped. Among them, 22 were women and 37 were girls. Of the women, 12 were victims of gang rape. Out of the 37 girls, eight were victims of gang rape and one was killed after being rape. Two girls were also victims of attempted rape. One incident is as follows:

77. On October 4, 2017 at night, a housewife with her husband was going to her in-laws house on rickshaw van from her father's house in Puthia Upazila under Rajshahi District. Some criminals at a quiet place in Battola area under Zeupara Union stopped the rickshaw van, tied her husband to a tree at gun point and raped her. Victim's husband filed a case with Puthia Police Station in this regard. Police arrested Nobir Uddin (28), Mizan Ali (35), Azizul Islam (37), Mizanur Rahman (25), Zahidul Islam (33), Moshlem Uddin (42) and Saiful Islam (40) in connection with this incident.<sup>64</sup>

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

78. According to information gathered by Odhikar, in October 2017, a total of 26 women were subjected to dowry violence. Of these women, it has been alleged that 12 were killed, 13 were physically abused and one committed suicide due to dowry demands. One incident is as follows:

79. On October 6, 2017 a pregnant housewife named Khadija Begum (23) was beaten to death by her husband Tajuddin due to demands for five hundred thousand Taka as dowry in Chhatak under Sunamganj District.<sup>65</sup>

---

<sup>62</sup> The daily Bangladesh Protidin, 20/10/2017; <http://www.bd-pratidin.com/country-village/2017/10/20/273658>

<sup>63</sup> The daily Naya Diganta, 27/10/2017; <http://www.dailynayadiganta.com/detail/news/263318>

<sup>64</sup> The daily Naya Diganta, 06/10/2017; [www.dailynayadiganta.com/detail/news/257508](http://www.dailynayadiganta.com/detail/news/257508)

<sup>65</sup> The daily Naya Diganta, 10/10/2017; [www.mzamin.com/article.php?mzamin=86764&cat=2/](http://www.mzamin.com/article.php?mzamin=86764&cat=2/)

## ***Stalking***

80. According to information gathered by Odhikar, in October 2017, a total of 25 females were victims of stalking and violence. Of them, five committed suicide after failing to endure insults, seven were injured, two were assaulted, one was abducted and 10 were victims of stalking. Furthermore, three men were killed and four men and six women were injured by the stalkers for protesting such incidents. One incident is as follows:
81. A local stalker Hujiaifatul Yeamin used to stalk a school student named Rajifa Akhter Sathi (15) at Zianagar Mondolpara area under Dupchachia Upazila in Bogra District. On October 8, 2017 Hujiaifatul Yeamin gave her an indecent proposal when Sathi came out of her house. As a result, she felt very humiliated and committed suicide in the evening after returning home. Two cases were filed with Dupchachia Police Station in this regard. Police have arrested 26 persons.<sup>66</sup>

## ***Acid violence***

82. According to information gathered by Odhikar, in October 2017, three women, two men and one boy became victims of acid violence. One incident is as follows:
83. On October 2, 2017 a drug addict named Ziku Hossain threw acid on his ex-wife Rubina Akhter (25) and his ex-mother-in-law Parvin Akhter over the divorce, at Gendaria area under Dhaka South City Corporation. They were admitted to the burn unit of Dhaka Medical College Hospital.<sup>67</sup>

## **Election Commission excludes Odhikar from the ‘exchange of views’ meeting with election observing organisations**

84. On October 22, 2017 Bangladesh Election Commission conducted a meeting to exchange views with the election monitoring organisations of the country. However, Odhikar, being a registered organisation at the Election Commission, was not invited to participate in the said meeting. Earlier, the previous controversial Election Commission headed by Rakibuddin Ahmed did not allow Odhikar to observe elections either. It is to be mentioned that apart from undertaking human rights activities and monitoring the human rights situation of Bangladesh, Odhikar has been observing elections as one its key mandates. Odhikar as registered<sup>68</sup> organisation of Election Commission has observed the National Parliamentary Elections in 1996, 2001 and 2008. Furthermore, it has also observed numerous by-elections, City

---

<sup>66</sup> The daily Manabzamin, 10/10/2017; [www.mzamin.com/article.php?mzamin=86764&cat=2/](http://www.mzamin.com/article.php?mzamin=86764&cat=2/)

<sup>67</sup> The daily Manabzamin, 04/10/2017; [www.mzamin.com/article.php?mzamin=85838&cat=10/](http://www.mzamin.com/article.php?mzamin=85838&cat=10/)

<sup>68</sup> Bearing registration number No.ECS/JA/L.O.E-1(1)/2010/170(78)

Corporation elections, local government elections, including Upazila, Municipality and Union Parishad polls.

85. Furthermore, Odhikar is the Executive Committee member of the Bangkok based regional organisation, the Asian Network for Free Elections (ANFREL) and it has a special consultative status with ECOSOC of the United Nations. Representatives of Odhikar are regularly engaged in monitoring national and local government polls in different countries across Asia as international election observers.

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

86. The present government continues to harass Odhikar for being vocal against human rights violations and for campaigning to stop them. The government, after assuming power in 2009, started the harassment on Odhikar for its reports on the human rights situation of the country. On August 10, 2013 at night, Odhikar's Secretary Adilur Rahman Khan was picked up by persons claiming to be from the Detective Branch (DB) of Police, for publishing a fact finding report on extrajudicial killings during a rally organised by the religious group Hefazate Islam on May 5-6, 2013. Adilur and Odhikar's Director ASM Nasiruddin Elan, were later charged under section 57(1) of the Information and Communication Technology Act, 2006 (Amended 2009). They were detained in prison and later, Adilur and Elan were released on bail after spending 62 and 25 days in prison respectively. Odhikar regularly faces harassment by different organs of the government. Adilur Rahman Khan, staff members of Odhikar and the office are under surveillance by intelligence agencies.
87. Human rights defenders who are working fearlessly to gather information and carry out their profession impartially are harassed and victimised. For instance, 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<sup>69</sup> 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.<sup>70</sup> Hasan Ali, Kushtia district correspondent of Bangla Vision TV and Aslam Ali, staff reporter of Dainik Kushtia Dorpan - both human rights defenders associated with Odhikar - were sent to jail in a case filed under section 57(2) of the ICT Act. They were released on May 29 on bail after 20 days detention in jail.<sup>71</sup>

---

<sup>69</sup> For details, please see Odhikar's monthly report of March 2016. <http://odhikar.org/human-rights-monitoring-report-march-2016/>

<sup>70</sup> For details, please see Odhikar's monthly report of February 2017. <http://odhikar.org/human-rights-monitoring-report-february-2017/>

<sup>71</sup> Information gathered by Odhikar

Police arrested Sheikh Mohammad Ratan, a human rights defender associated with Odhikar from Munshiganj and district correspondent of MyTV, under the ICT Act for 'liking' a news<sup>72</sup> on facebook. He is still detained in jail.<sup>73</sup>

88. Furthermore, the NGO Affairs Bureau (NGOAB) has, for more than three years, barred the release of all project related funds of Odhikar and withheld renewal of its registration in order to stop its human rights activities. The Organisation is still operating due to the volunteer services of grassroots level human rights defenders associated with Odhikar and its members and staff and their commitment to human rights activism.

---

<sup>72</sup> A few news items about allegations of forging LLB (Hons.) certificates were published in different online media against an apprentice lawyer Mir Nasiruddin. When the news was shared on facebook, Sheikh Mohammad Ratan liked the news along with some others. With regard to this, Mir Nasiruddin filed a case with Munshiganj Police Station under the ICT Act on February 3, 2017 against former President of Munshiganj Press Club and Editor of Munshiganj.com, Mohammad Selim and seven other journalists. Sheikh Mohammad Ratan has been accused because of liking the facebook post.

<sup>73</sup> Information sent by local human rights defender associated with Odhikar from Munshiganj.



## **PART III: RECOMMENDATIONS**

### **Recommendations**

1. In order to protect the right to life and human dignity of the Rohingya people Odhikar demands peace and human rights to be established immediately in the Rakhine state of Myanmar with UN initiatives. Odhikar also urges that the UN take initiatives to ensure the right to self-determination of the Rohingya people.
2. Odhikar demands that the international community 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 Criminal Court for crimes against humanity.
3. 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.
4. The Government must bring to effective justice, the members of the law enforcement agencies, involved in incidents of extrajudicial killings and torture.
5. 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.
6. 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 also 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”.
7. 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.

8. 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. Democracy must be restored by creating an accountable government through free, fair and inclusive national elections under a neutral interim government or even under the supervision of the United Nations.
11. 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.
12. The Government must refrain from repressive, undemocratic and unconstitutional activities. Rights to freedoms of assembly and association of the opposition political parties, people who have alternative beliefs and dissenters, must be ensured, as per the Constitution and international norms.
13. Freedoms of speech, expression and the media must be ensured and protected. The Government must bring the perpetrators of attacks on human rights defenders and journalists to justice through proper and impartial investigation.
14. The ban on the publication of the daily Amar Desh and on the broadcasting of Diganta TV, Islamic TV and Channel One must be removed.
15. All repressive laws, including the Information and Communication Technology Act, 2006 (amendment 2009, 2013) and the Special Powers Act, 1974 must be repealed.
16. The ready-made garment factories and all other factories need to be brought under synchronized security programmes and adequate wages must be given to workers; and all factories should be made with adequate infrastructural and other facilities.
17. 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.
18. The Government must ensure the effective implementation of laws to stop violence against women and children; and the offenders must be effectively punished under prevalent laws. The Government should also execute mass awareness programmes in the print and electronic media, in order to eliminate violence against women.
19. The case filed against Odhikar's Secretary and its Director under the Information and Communication Technology Act, 2006 (Amended in 2009) must be withdrawn.

20. All repressive measures and harassment against human rights defenders associated with Odhikar should be ceased. The government must release the funds of Odhikar to enable it to continue its human rights activities.

**Tel: +88-02-9888587**

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

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

**Facebook: <https://www.facebook.com/Odhikar.HumanRights>**

**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 so.