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Human Rights Monitoring Report

January 1 – 31, 2018

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

The democratic legitimacy of the State is directly related to its willingness, commitment and capacity to ensure human rights, dignity and integrity of citizens. If the state does not ensure full participation in the decision making process at all levels – from the lowest level of administration to the highest level – it cannot be

called a 'democratic' state. Citizens realise their rights and responsibilities through participation and decision making processes. The awareness about the rights of others and collective benefits and responsibilities, can be ensured and implemented through this process as well. The Parliament, Judiciary and Executive cannot and should not, have any power to abrogate fundamental civil and political rights through any means, as such rights are inviolable and are the foundational principles of the State.

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

Odhikar does not believe that the human rights movement merely endeavours to protect the 'individual' from violations perpetrated by the state; rather, it believes that the movement to establish the rights and dignity of every individual is part of the struggle to constitute Bangladesh as a democratic state. As part of its mission, Odhikar monitors the human rights situation in order to promote and protect civil, political, economic, social and cultural rights of Bangladeshi citizens and to report on violations and defend the victims. In line with this campaign, Odhikar prepares and releases human rights status reports every month. The Organisation has released this human rights monitoring report of January 2018, despite facing persecution and continuous harassment and threats to its existence since August 10, 2013.

Statistics: January 2018*			
Type of Human Rights Violation			January
Extrajudicial killings	Crossfire		18
	Shot to death		1
	Total		19
Enforced Disappearances			5
Death in Jail			6
Human rights violations by Indian BSF	Bangladeshis Killed		2
	Bangladeshis Injured		3
	Bangladeshis Abducted		1
Attack on journalists	Injured		12
	Assaulted		1
	Threatened		2
Political violence	Killed		9
	Injured		619
Dowry related violence against women			10
Rape			40
Sexual harassment /Stalking of females			14
Acid violence			2
Public lynching			5
Situation of workers	RMG workers	Injured	20
	Workers in other sectors	Killed	9
		Injured	8
Arrest under Information and Communication Technology Act 2006 (amended 2009 and 2013)**			2

*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.

Criminalisation of politics and political violence

1. In Bangladesh, a culture of criminalisation of politics is acute and the ruling Awami League's affiliated organisations – Chhatra League¹, Jubo League² and Swechchsebak League³ are playing key roles in acts of violence and criminalisation at all levels since 2009. After the Awami League led alliance government assumed power in 2009, they forcibly ousted leaders-activists of student organisations belonging to other political parties from various residential halls of different educational institutions. 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, sexual harassment etc. The next Parliamentary elections will likely be held in late 2018; however, they have started attacking people belonging to alternative beliefs and dissenters, from the beginning of this year attempting to gain more clout and dissuade opposition centring around the next polls. Furthermore, they are also involved in incidents of internal conflict which are linked to matters of vested interest. In some cases the accused were arrested but were usually acquitted by the court. For example, on 1 February 2010 during a clash between two factions of Chhatra League over 'capturing' dorm allocations at Sir A F Rahman hall of the Dhaka University, a student named Abu Bakar was injured and died the next day. A case was filed and after prosecution the court gave a verdict, acquitting 10 former Chhatra League activists. However, the deceased Abu Bakar's parents and the plaintiff of the case, Omar Faruk, who was also injured during that incident, were not informed about this judgement. The Prosecutor⁴ was handling this case on behalf of the plaintiff. The State did not appeal to the High Court against such a verdict. In the meanwhile, the time for making an appeal to the High Court has run out.⁵



Deceased Abu Bakar Siddique. Prothom Alo published a report about death on 4 February 2010.

¹ Student wing of Awami League, the ruling party.

² Youth wing of Awami League.

³ Voluntary wing of Awami League.

⁴ Pro-government lawyers are being appointed as Prosecutors

⁵ The daily Prothom Alo, 26/01/2018. www.prothomalo.com/bangladesh/article/1417456/

2. In January 2018, according to information gathered by Odhikar, nine persons were killed and 619 persons were injured in political violence. Furthermore, 34 incidents of internal violence in the Awami League and one in the BNP⁶ were also recorded during this period. Four persons were killed and 378 were injured in internal conflicts of the Awami League while one was killed and 10 were injured in conflicts within the BNP. Some incidents are as follows:
3. On 4 January 2018 clashes took place between two factions of Chhatra League at MC College campus in Sylhet during a programme of Chhatra League's founding anniversary. During the clash, gunmen wearing helmets joined both groups and shot at each other. Two Chhatra League activists named Akhter Hossain and Abdus Salam were injured.⁷



Two factions of Chhatra League at MC College campus in Sylhet involved in clash during a programme of Chhatra League's founding anniversary. Photo: Prothom Alo, 5 January 2018.

4. On 16 January 2018, clashes occurred between supporters of Awami League backed Narayanganj City Corporation Mayor, Selina Hayat Ivy and supporters of Awami League MP from Narayanganj-5 constituency, Shamim Osman centring around evicting hawkers from the footpath. At least 50 persons, including Mayor Ivy and 10 journalists were injured. During the clash, Niazul Islam, an armed supporter of Shamim Osman, was seen attacking Selina Hayat Ivy and her supporters and brandishing his gun.⁸

⁶ BNP: Bangladesh Nationalist Party.

⁷ The daily Prothom Alo, 05/01/2018

⁸ The daily Manabzamin, 17/01/2018 www.mzamin.com/article.php?mzamin=100910&cat=2/



Clash between two groups of Awami League at Chashara in Narayanganj on Tuesday. Photo: New Age, 17 January 2018

A man brandishes a gun during a clash between the supporters of Narayanganj Mayor Selina Hayat Ivy and local Awami League lawmaker Shamim Osman. Photo: Daily Star, 17 January 2018

5. Students of different departments of Dhaka University initiated demonstrations from 11 January 2018, demanding the removal of seven government colleges of the capital city from its affiliation. On 15 January, students gathered in front of the office of the Vice-Chancellor. During that time, leaders and activists of different units of Chhatra League threatened the protesting students and assaulted girl students. They also beat Moshir Rahman, coordinator of this movement, after taking him to the VC's office. Later the University authority handed Moshir Rahman over to police. Moshir Rahman was released on a written bond at midnight on 16 January after being detained for 28 hours in Shahbagh Police Station.⁹
6. On 23 January 2018 leaders-activists of the left-leaning students organisations and ordinary students surrounded the Dhaka University VC, Mohammad Akhtaruzzaman in protest of harassment of female students by Chhatra League activists on 15 January, seeking that their 4-point demands be met, including the trial of the perpetrators of the incident. Students also chanted slogans for the resignation of the Proctor. At that time, 30-40 activists led by General Secretary of the central committee of Chhatra League, SM Zakir Hossain and Dhaka University unit Chhatra League president, Al-Hassan, attacked them. 20 seriously injured protesters were admitted to Dhaka Medical College Hospital.¹⁰

⁹ The daily Prothom Alo, 18/01/2018

¹⁰ The daily Prothom Alo, 24/01/2018 www.prothomalo.com/bangladesh/article/1415916/



One of the protestors injured during Chhatra League attack is being treated at hospital. Photo: Prothom Alo, 23 January 2018



Students protesting in Dhaka University campus. The rally assembled in front of the VC's office. Photo: Prothom Alo, 23 January 2018



Chhatra League activists attacked protestors. Photo: Prothom Alo, 23 January 2018



Chhatra League activists beating the protesting students. Photo: Prothom Alo, 23 January 2018



Attack on the protesting students who were demanding assault of female students of Dhaka University. Photo: Prothom Alo, 23 January 2018



Chhatra League activists attack on the protesting students of Dhaka University. Photo: Prothom Alo, 23 January 2018

Mass arrest and suppression of opposition leaders and hindrance to freedom of assembly

7. The government continued hindering the right to freedom of assembly and association of alternative voices and dissenters for the whole 2017. The year 2018 is being considered politically significant, because the 11th National Elections are supposed to be held in December 2018. The Awami League government has unilaterally removed the non-party caretaker government system (in 1996, Awami League fought for establishing a non-party caretaker government system but repealed the system through the 15th Amendment to

the Constitution in 2011); and reintroduced conducting polls under the incumbent (partisan) government. As a result, the controversial and farcical Parliamentary elections were held unilaterally in January 2014 and the Awami League came in power for the second consecutive term. After winning this non-participatory election, the ruling Awami League started widespread and indiscriminate suppression of the opposition political parties and dissenting voices, which continues in 2018. The government, instead of creating a level playing field for all, is suppressing the leaders and activists of the opposition parties, particularly BNP and left organisations in order to take the upcoming general elections into its own grip. The government stopped meetings and assemblies of the opposition by imposing mass arrests and using its party activists and members of law enforcement agencies. Furthermore, there are allegations of attacking the meetings and assemblies of the opposition political forces. The judgement on Zia Orphanage Trust corruption case, filed against BNP Chairperson Khaleda Zia, is scheduled to be given on 8 February 2018. The ruling party members are filing cases against BNP leaders-activists and police are reportedly raided their houses and arrested them arbitrarily, assuming that BNP might show counter actions in protest of the judgement. Some incidents are as follows:

8. On 1 January 2018 Chhatra Dal leaders and activists brought out a rally from district unit BNP office in Pabna, on the occasion of the founding anniversary of Jatiyabadi Chhatra Dal. At that time, police baton charged, threw tear gas shells and shot at them. At least 35 BNP activists, including district unit BNP General Secretary, Habibur Rahman Tota and Krishak Dal¹¹ leader Abul Kashem, were injured.¹²



Police fire rubber bullets to disperse BNP-JCD activists of Pabna who gathered in the town, marking founding anniversary of JCD. Photo: Daily Star, 2 January 2018



Injured BNP leader Hasan Zafir Tuhin lies in front of the Pabna district party office. Photo: Daily Star, 2 January 2018

9. On 5 January 2018, police baton charged protestors and dispersed them during a protest rally organised by BNP in Bandorban, on the occasion of

¹¹ Farmers wing of BNP.

¹² The daily Manabzamin, 02/01/2018 <http://www.mzamin.com/article.php?mzamin=98714>

'Death of Democracy Day' declared by BNP. During the police baton charge, six BNP leaders and activists were injured and three were arrested by police.¹³ In Barisal, police encircled houses of some BNP leaders, including Barisal Metropolitan unit BNP President, Mujibur Rahman Sarwar. Police cancelled BNP's application that sought permission to hold a meeting in front of its party office. Meanwhile, Awami Ainjibi Parishad (a pro-Awami League lawyers' organisation) organised a meeting after making a stage at the same place. In Khulna, police dispersed the people by baton charge at a BNP rally. At least 14 BNP leaders and activists, including two women activists, Beauty Begum and Hosne Ara were injured.¹⁴



Police baton charge BNP activists during an assembly in Khulna. Photo: Prothom Alo, 6 January 2018



BNP activists were beaten by police during protest in Khulna. Photo: Bangladesh Protidin, 6 January 2018

10. On 24 January 2018 Chhatra League activists attacked processions brought out by Progotishil Chhatra Jote¹⁵ in different educational institutions, including Chittagong and Rajshahi Universities, that were organised to protest attacks on the ordinary students at Dhaka University campus. During the attacks by Chhatra League, five members of Chhatra Jote were injured in Chittagong University and 13 activists of Somajtantrik Chhatra Front¹⁶ were injured in Sylhet.¹⁷



Chhatra League attacks on a rally of the Progressive Students Alliance in Chittagong University. Photo: Jugantor, 25 January 2018.

¹³ The daily Manabzamin, 06/01/2018 www.mzamin.com/article.php?mzamin=99257&cat=9/

¹⁴ The daily Prothom Alo, 06/01/2018

¹⁵ Progressive Students Alliance, a left-leaning students' organisation.

¹⁶ Student wing of the Socialist Party of Bangladesh.

¹⁷ The daily Jugantor, 25/01/2018 <https://www.jugantor.com/todays-paper/first-page/10756/>

11. On 30 January 2018, it was reported that BNP leaders and activist ‘rescued’ two of their activists from a prison van while BNP Chairperson Khaleda Zia along with her party men were returning from the Court after appearing for the Zia Orphanage Trust corruption case. At that time, a violent altercation took place between police and BNP leaders-activists. However, BNP leaders have denied the involvement of their activists into this incident. Three cases were filed with Ramna and Shahbagh Police Stations over this incident; and in these cases 900 persons were made accused, including BNP’s Standing Committee member Gayeshwar Chandra Roy and its Senior Joint Secretary-General Ruhul Kabir Rizvi. At around 8:30 pm on 30 January, Gayeshwar Chandra Roy was arrested by the police, from in front of Police Plaza at Gulshan while he was going home from BNP Chairperson Khaleda Zia’s office after a meeting. Till 31 January, police arrested 168 BNP men, including Mohila Dal leaders Razia Alim and Hosne Ara and both were taken into two-day remand.¹⁸ Furthermore, police raided houses of the leaders and activists of BNP and its affiliated organisations at night for arresting them.¹⁹

Dhaka North and South City Corporation polls stayed

12. On 17 January 2018, the High Court Division bench of the Supreme Court comprising of Justice Naima Haydar and Justice Zafar Ahmed stayed by-elections for the Mayoral post of Dhaka North City Corporation (DNCC) for three months.²⁰ Meanwhile on 18 January 2018, another bench of the High Court Division comprising of Justice Tariq ul Hakim and Justice M Faruque stayed the elections to the newly included 18 Wards in Dhaka South City Corporation (DSCC) and six reserved Wards.²¹ After the death of DNCC Mayor Anisul Huq on 30 November 2017, the Election Commission (EC) declared the election schedule of the by-polls for the mayoral post of DNCC and polls to the 36 Councilor posts and 12 reserved seats in the 36 new Wards – 18 of the DNCC and 18 of the DSCC – to be held on 26 February. The High Court Division has stayed elections to both the City Corporations, as the Election Commission has allegedly declared that the election schedule had shortcomings. Various questions arose around these elections, including fixing the tenure for the councilors of the newly added Wards, the time for submitting nomination papers after publishing an updated voters’ list. The EC was recommended to amend the shortcoming before the declaration of the election schedule. Furthermore, shortcomings relating to laws were also

¹⁸ The daily Prothom Alo, 01/02/2018

¹⁹ The daily Jugantor, 31/01/2018 <https://www.jugantor.com/todays-paper/second-edition/13090/>

²⁰ ‘HC stays DNCC mayoral by-polls for 3 months’, Dhaka Tribune, 17/01/2018;

<http://www.dhakatribune.com/bangladesh/court/2018/01/17/hc-stays-dncc-mayoral-polls/>

²¹ ‘Now polls in 18 DSCC wards stayed’, The daily Sun, 18/01/2018; <http://www.daily-sun.com/post/282965/Now-polls-in-18-DSCC-wards-stayed>

presented during the meeting at the EC. However, the EC did not any pay heed to them and rather informed that there was no legal complexity. As a result, a Write Petition was filed in the High Court Division of the Supreme Court.²² Now a legal question has been raised over the postponing of elections after the declaration of schedule. The EC did not take part in the hearing of the Writ Petition even after knowing it and did not follow Article 125(C) of the Constitution, which raised questions about the role and neutrality of the Election Commission.²³

13. On 6 February 2017, a new Election Commission, headed by KM Nurul Huda, was established various City Corporation elections, polls in different Upazila Parishads and Municipalities across the country, including by- and re-elections were held under this Commission. Various irregularities were observed during local government polls conducted under it. Among these elections, most were allegedly held with casting fake votes, 'capturing' polling centres, stuffing ballot boxes, violence and forcefully ousting polling agents of rival candidates. The Election Commission could not even take any effective action based on such allegations. Meanwhile, the EC has already declared an election roadmap regarding the 11th Parliamentary elections in 2018. However, nothing was clearly laid down in this roadmap regarding inclusive elections with the participation of all political parties. The Election Commission could not play any role in creating a level playing field for all, which can be easily assumed observing the repressive attitude of the government towards the opposition political parties.

Extrajudicial killings

14. According to documentation gathered by Odhikar, 19 people were reported as being extra judicially killed in January 2018.
15. Despite criticism by the UN Human Rights Committee during the ICCPR²⁴ review on Bangladesh on 28 March 2017, over the reported 'high rate' of enforced disappearances, extra-judicial killings and the excessive use of force by State security forces²⁵, 154 persons were killed extra judicially across the country in 2017. Incidents of such killings continue by the State with impunity of law enforcement agencies due to failure of effectively implementing the criminal justice system in the country.
16. On 20 January 2018, two men named Abdul Ohab (30) and Abul Bashir (28) were killed in 'gunfight' with police in Shazbazar Uttorpara under Sorail

²² The daily Jugantor, 18/01/2018 <https://www.jugantor.com/todays-paper/first-page/8122/>

²³ The daily Prothom Alo, 22/01/2018 www.prothomalo.com/bangladesh/article/1414601

²⁴ Bangladesh acceded to the International Covenant on Civil and Political Rights in 2000.

²⁵ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBGD%2fCO%2f1&Lang=en

Upazila in Brahmanbaria District. Police claimed that in the night of 19 January, six men, including Abdul Ohab and Abul Bashar were arrested while robbing a house in Shazbazzpur. Later when police went to recover the stolen goods with Abdul Ohab and Abul Bashar their associates opened fire at police. During the gunfight between the two groups, Abdul Ohab and Abul Bashar were shot dead. In the meanwhile, Abul Bashar's mother Hena Begum and wife Alusom Begum informed that Bashar was not a robber. He was an auto rickshaw driver. On 20 January at night, a police officer of Sorail Police Station took 20 thousand taka from them in exchange of releasing Bashar. But the police killed him instead of releasing him. Ohab's mother Fatema Begum said that Ohab was a rickshaw van puller. He was not involved in any robbery. She gave 10 thousand taka to Sorail police as she was told that her son would be released if the police were paid.²⁶

Type of death

'Crossfire/encounters/gunfights'

17. Among the 19 persons extra judicially killed, 18 were allegedly killed in 'crossfire/encounters/gunfights'. Of them, nine were killed by police, one by DB Police and eight by RAB.

'Shot to death'

18. One person was allegedly shot to death by police.

The identities of the deceased:

19. One victim was a leader of Purba Banglar Communist Party (Red Flag), one was a villager, one was an accused in a murder case and 16 were alleged criminals.

Condition in prisons

20. According to information gathered by Odhikar, in January 2018, a reported six persons died in prison due to 'illness'.
21. 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.

²⁶ The daily Jugantor, 22/01/2018 <https://www.jugantor.com/todays-paper/news/9643/>

Degrading treatment and lack of accountability of law enforcement agencies

22. The government is using law enforcement agencies to suppress its political opponents as the current regime reassumed power without being elected by people's vote. As a result, members of such agencies are enjoying impunity. Due to impunity, allegations of torture, bribe, attack, harassment and extortion against members of law enforcement agencies have been reported. In 2013, the Torture and Custodial Death (Prevention) Act was passed in Parliament as a result of pressure by human rights defenders. Despite this Act, victims and/or their families are unable to file cases under this Act due to various obstacles. Even if a case is filed, it does not see justice. Two incidents are given below:
23. On 6 December 2017, a group of police led by Sub Inspector (SI) Bulbul Hossain arrested a farmer named Nurul Islam from Konabari area under Trishal Upazila in Mymensingh District, with a false arrest warrant, accusing him in a case filed under the Women and Children Repression Prevention Act in Khulna. Nurul Islam was sent to Mymensingh District Jail when police produced him before the court. Nurul Islam's son Shamim spoke to SI Bulbul Hossain about this matter and SI Bulbul told Shamim to meet Court Constable Mizan at the Court in Mymensingh. Constable Mizan demanded 40 thousand taka for arranging a bail order for Nurul Islam. As his family could not pay this amount of money, Nurul Islam remained in jail. On 1 January 2018, Shamim came to know from Khulna Court that his father was not an accused under the case for which he was arrested and no warrant of arrest was issued against Nurul Islam. After that, a letter in this regard was issued from Khulna Court and as a result of that letter, on 4 January, Nurul Islam was released on bail after 28 days of detention.²⁷
24. Inspector Mohammad Bablur Rahman Khan of the Police Bureau of Investigation (PBI), Khulna on 15 January 2018, submitted an investigating report to the Khulna Metropolitan Cognizable Court, regarding the case of gouging out of both eyes of Shahjalal under police custody in Khalishpur Police Station, Khulna. On 16 January, the investigation report was recorded in the relevant file in the Court. The investigating officer mentioned in the report that Shahjalal alias Shah Jamal alias Shah was apprehended by people at around 11:30 pm on 18 July 2017, during an incident of mugging at Goalkhali Bus Stand under Khalishpur Police Station and became a victim of public lynching by an angry mob. As a result, both eyes had been damaged and later he became blind, and this act was a crime under sections 143/323/326 of the Penal Code. During investigation, it was not possible to

²⁷ The Daily Star, 05/01/2018 Man spends 28 days in jail for fake warrant; <http://www.thedailystar.net/backpage/man-spends-28-days-jail-fake-warrant-1515385>

identify all who was involved in this incident. Shahjalal's father Zakir Hossain, terming this investigation report as biased and conducted by police for their colleagues, told Odhikar that Shahjalal's eyes were gouged out in police custody, which was proved by the testimony of his son. He questioned that if the PBI could not identify the criminals involved into this case after an investigation conducted for so long, then why did they conduct such an investigation?²⁸ It is to be mentioned that Shahjalal's mother Renu Begum on 7 September 2017 filed a case against 13 people, including the Officer-in-Charge of Khalishpur Police Station, Nasim Khan, accusing them of being involved in damaging Shahjalal's eyes.

Enforced disappearances

25. According to information gathered by Odhikar, in January 2018, five persons were allegedly disappeared. All five were later shown as arrested.²⁹
26. It has been observed by analysing incidents of disappearance, that some 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 and vanished. Such trend of enforced disappearance has commenced after 2009 and it continues. Several leaders and activists of the opposition political parties have disappeared before and after the controversial and farcical parliamentary elections in January 2014, many of them have not returned yet.³⁰ There are fears among people that leaders of the opposition parties, dissenters and people belonging to alternative beliefs and members of civil society might be disappeared to instill fear before the upcoming 2018 Parliamentary Elections. It has been proved in various inquiry reports that enforced disappearances exist and continue to occur in Bangladesh although the government has been repeatedly denying the incidents of enforced disappearance and claiming that the victims left voluntarily and do not want to be found. Although denials of such incidents are made by the government, in many cases, police produce the disappeared men in public after showing them as arrested in criminal charges. For example, on 13 January 2018, a group of men in plainclothes picked up the owner of Lakehead Grammar School, Khaled Hassan Motin from his office at Gulshan in Dhaka.³¹ Later

²⁸ Report sent by local human rights defender associated with Odhikar from Khulna.

²⁹ 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.

³⁰ 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 since then they are disappeared. Statements of many witnesses were found in this regard that members of law enforcement agencies are clearly involved in disappearance. 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.

³¹ The daily Dhaka Tribune, 20/01/2018 Lakehead Grammar School owner allegedly picked up from Gulshan office; <http://www.dhakatribune.com/bangladesh/crime/2018/01/20/lakehead-owner-picked-gulshan/>

after a week, the Detective Branch (DB) of Police on 21 January showed him as arrested.

27. On 18 January, an employee of the Ministry of Education, Nasiruddin, went missing and Mohammad Motaleb Hossain, Personal Officer (PO) of the Minister for Education, Nurul Islam Nahid, was picked up on 20 January from Mohammadpur area in Dhaka. On that day, Motaleb Hossain's brother Mohammad Shahabuddin Ahmed filed a General Diary (GD) with Hazaribagh Police Station. He mentioned in the GD that his brother was picked up by some men claiming to be members of DB Police. On 21 January, Education Minister Nurul Islam Nahid told journalists that whoever picked them up that has not been identified as yet. Members of law enforcement agencies have not admitted such arrest.³² The Joint Commissioner of DB Police, Abdul Baten, said that they did not know anything about the men being missing.³³ However, on the night of 21 January, the DB Police informed that Nasiruddin and Motaleb were arrested on allegations of taking bribes and corruption.³⁴
28. A Jubo Dal³⁵ leader named Abdus Salam Sikdar was allegedly picked up by men claiming to be members of the DB police from his house located at Adabor, Dhaka. His wife Lovely Begum said that her husband is a businessman and involved in politics. On 9 January in the afternoon, five plain clothed men claiming to be members of the DB Police entered their house. Of them, one had a pistol in his hand. They woke up Abdus Salam and told him that he was keeping weapons. They searched the house and after failing to find any weapons, they tied Salam's hands and blindfolded him with scarves and kicked him with their boots. Neighbours rushed to the spot but the men identified themselves as members of the DB Police and took away Salam. She further stated that they went to Adabor Police Station soon after the men took her husband away. But the police denied the arrest of Salam. Later the family went to the DB Police office but they were not allowed to enter and the DB Police refused to say anything about this matter.³⁶ On 17 January 2018, Mohammad Saiful Islam, Superintendent of Police in Barisal at a press conference stated that Salam Sikdar was arrested from Dhaka on 9 January 2018, over allegations of shooting and beating Awami League leaders Syed Sultan Mir and Bimol Chandra Saha on 11 December 2017, in Niamoti Bazar of Moheshpur Union under Bakerganj Police Station in Barisal District.

³² The daily Prothom Alo, 22/01/2018

³³ The Daily Star, 24/01/2018 ARRESTED EDN MINISTRY STAFF; They 'sold secret docs to Lakehead owner'; <http://www.thedailystar.net/frontpage/they-sold-secret-docs-lakehead-owner-1524256>

³⁴ The daily Prothom Alo, 22/01/2018

³⁵ Youth wing of Bangladesh Nationalist Party (BNP).

³⁶ The daily Naya Diganta, 11/01/2018 <http://www.dailynayadiganta.com/detail/news/283984>

Later on 11 January, police produced him before the court and sought 10-day remand, but the court granted a three-day remand.³⁷



Police shown arrested BNP leader Salam Sikder in a case in Barisal. Photo: Bangla Tribune, 17 January 2018.

29. There was an allegation against RAB-3 members for picking up BNP central committee leader Anisur Rahman Talukder Khokon from Ramna Hotel at Gulistan, Dhaka. Anisur Rahman Khokon's nephew Sarwar Talukder informed Odhikar that in the evening of 29 January 2018, his uncle went to Hotel Ramna at Gulistan to meet BNP leaders and activists from his own district, Madaripur. At that time some members of RAB-3, two in RAB uniform, arrested his uncle and picked him up in a black microbus. When Khokon's family contacted RAB-3 office, they denied his arrest. On 30 January 2018, RAB-3 commander Lt. Col. Imranul Hassan said that Khokon was arrested for allegedly being involved in destructive acts. It is to be mentioned that earlier on 4 March 2015, a group of plainclothes men picked up Khokon from Dhanmondi area in Dhaka. After three months and 12 days police showed him as arrested as an accused in a case filed under the Explosives Act with Kotwali Police Station in Faridpur.³⁸
30. Due to the huge campaign against enforced disappearance in Bangladesh, a new trend of disappearance has emerged since August 2017, where people are suddenly becoming traceless. During this period, many people, including a university teacher, a politician, a former ambassador, a businessman, a journalist and students mysteriously went 'missing'. Many of them have returned and some of them were showed as arrested. Some victims, after their return, gave statements to the media. Their detention experience was almost the same³⁹. It was clear from information given by persons who returned after abduction, that their abductors were well-organised and they have the

³⁷ Bangla Tribune, 17/01/2018 www.banglatribune.com/country/news/283727/

³⁸ Odhikar, interviewed with Sarwar Talukder, nephew of Anisur Rahman Khokon.

³⁹ The daily Prothom Alo, 23/12/2017; <http://en.prothomalo.com/opinion/news/168406/Mobashar-Utpal-return-but-what-of-the-abductors>

infrastructural facility to disappear people. Some members of law enforcement agencies are allegedly involved in these incidents.⁴⁰

Public lynching continues

31. In January 2018, five persons were reportedly killed due to public lynching.
32. 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.

‘Extremism’ and human rights

33. Conflict and unruliness have escalated in society due to human rights violations, including taking away the civil and political rights of the citizens through hindrance to freedom of expression, freedom of assembly and association, torture, extrajudicial killings, enforced disappearances; and the emergence of ‘extremists’ has been observed. However, in the absence of a democratic atmosphere and lack of an accountable government, one questions the operations to prevent ‘extremism’ how transparent and acceptable they are. Because such operations carried out in the name of ‘countering extremism’ have even caused the deaths of women and children; and people are also becoming victims of enforced disappearance.⁴¹ There are reports that some of those who were arrested during such operations later died in the custody of law enforcement agencies. As a result what actually happened, or happens, in such operations are still unclear⁴². In one such incident, during an operation, people, who were encircled by the security forces, gave a status on facebook from inside the house, that they were not ‘extremists’ but Awami League activists and were allegedly victims of conspiracy.⁴³ This makes one question who ‘extremists’ actually are.
34. The media wing of the Rapid Action Battalion (RAB) informed that three ‘extremists’ were killed during an operation conducted by RAB in a house named Rubi Vila at Nakhalpara, Dhaka. RAB claimed that the operation commenced at around 2:00 am on 12 January 2018, and the ‘extremists’ shot them and tried to make a big explosion. The ‘gunfight’ continued for about 40 minutes and three ‘extremists’ were shot dead during the ‘gunfight’. Their ages were between 25 and 27. RAB also said that the deceased were members

⁴⁰ The daily Prothom Alo, 23/12/2017

⁴¹ The daily Prothom Alo, 01/04/2017; www.prothom-alo.com/bangladesh/article/1130046/

⁴² The daily New Age, 28/04/2017; <http://www.newagebd.net/article/14532/extremism-tackling-narrative-warrants-transparency>

⁴³ The daily Jugantor, 22/05/2017; www.jugantor.com/first-page/2017/05/22/126472/

of the outlawed organization, JMB, as per their intelligence report.⁴⁴ It is to be mentioned that RAB arrested some men from Rubi Vila after conducting operations in 2013 and 2016. Although RAB claimed that the ages of the three were between 25 and 27, later it was found that among the killed 'extremists', one was Robin Mia (17) from Kishoreganj and two others were Mezbahuddin and Nafis ul Islam (16).⁴⁵

Independence of the Judiciary

35. The year 2017 can be considered a black time for the Judiciary. During this period tensions between the ruling Awami League government and the Supreme Court on various issues was observed⁴⁶ and the ruling party became desperate to control the Judiciary. As a result, the Chief Justice Surendra Kumar Sinha left the country and finally that unprecedented situation forced him to resign. Since then the post of the Chief Justice remained vacant. The Ministry of Law, Justice and Parliamentary Affairs published a gazette notification of the Judicial Service (Disciplinary) Rules⁴⁷ for lower court Judges and Magistrates. The government has prepared such judicial service rules by keeping control of the lower judiciary in its hand.
36. In this crisis period, on 2 January 2018, during Supreme Court Day, the country's prominent lawyers and Constitution experts Dr. Kamal Hossain, Barrister Rafiq-ul-Huq, Barrister M Amir-ul-Islam, Barrister Moinul Hossain, AF Hassan Ariff and Fida M Kamal gave a statement urging all to create an influence-free atmosphere in the Judiciary. They have expressed their wishes in the statement that the Executive body would show respect to the Constitution and the Supreme Court, through implementing the Supreme Court directives regarding the separation of the subordinate courts from the Executive, by following the judgement of the Masdar Hossain case. They stated that while reviewing the significant decision of Masdar Hossain, it was found that the main principle of the Constitution was deviated from while enacting three important rules regarding the lower courts. This is a matter of grave concern. It is the responsibility of the Supreme Court to protect and

⁴⁴ The daily Jugantor, 13/01/2018 <https://www.jugantor.com/todays-paper/first-page/6092/>

⁴⁵ The Daily Star, 22/01/2018; <http://www.thedailystar.net/city/last-3-militants-identified-1523158>

⁴⁶ On July 3, the Appellate Division upheld the verdict of the High Court Division declaring the 16th Amendment illegal; and in his judgement, the then Chief Justice Surendra Kumar Sinha, made observations and opinions about past and present politics in the country. Furthermore, disputes between the government and former Chief Justice arose over the Judicial Service Rules for the lower court judges.

⁴⁷ It is mentioned in the Service Rules that disciplinary and related matters of the lower court Judges/officials will be controlled by the 'concerned authority', meaning the Ministry or Department responsible for service administration, authorised by the President or Rules of Business prepared in accordance with Article 55(6) of the Constitution. See <http://lawjusticediv.portal.gov.bd/site/notices/b7dcbccc-b80f-432d-8fd6-0ebce2942ce9/bd-Judicial-Service-Disciplinary-Rules-2017>

implement the constitutional guarantee of independence of the Judiciary and its intrinsic position.

37. It is to be mentioned that political influence and interference on the Judiciary increased after the Awami League assumed power through elections conducted under the military backed caretaker government in 2008, which turned into a serious matter after the controversial elections of January 2014.⁴⁸

Hindrance to freedom of expression and the media

38. Incidents of interference on the media and freedom of expression, by the government and the ruling party members were significant in 2017. During this period, ordinary citizens who are critical of the government, activists of the opposition parties and people who have alternative beliefs and dissenters were being accused and arrested under different 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. Such practice continued in the beginning of 2018.

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

39. According to information gathered by Odhikar, in January 2018, two persons were arrested under the Information and Communication Technology Act 2006 (amended 2009 and 2013).
40. 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. Several incidents of filing cases and imprisoning people for writing comments against high-level persons in the government or/and their family members on social media, were reported in 2017 and it continues in 2018. As a result, many people who are writing in social media, including on Facebook, are forced to maintain self censorship while writing. One incident is as follows:
41. On 7 January 2018 Narayanganj District unit Detective Branch (DB) of Police arrested an activist of Jamaat-e-Islami, Nur Mohammad, from Bandor Upazila in Narayanganj, for posting an 'objectionable' comment on his Facebook account about the Prime Minister Sheikh Hasina, her son and IT Advisor Sajeeb Wajed Joy; the General Secretary of Awami League, Obaidul Qader; the Finance Minister, Abul Mal Abdul Muhit; and the Shipping Minister Shahjahan Khan. The Organising Secretary of the Metropolitan unit

⁴⁸ For more information see the daily Naya Diganta, 02/01/2018 <http://www.dailynayadiganta.com/detail/news/281439>

Sechchasebak League, Rana Prodhan filed a case with Bandor Police Station against him under section 57 of the ICT Act.⁴⁹

42. On 26 January 2018, police arrested a youth named Mohammad Helal (18) from Islamganj area of Torabganj Union under Komolganj Upazila in Lakshmipur District, for allegedly posting a 'caricature' of the Prime Minister Sheikh Hasina on facebook. A case was filed against him under section 57 of the ICT Act with Komolganj Police Station.⁵⁰

Cabinet approves the draft of the Digital Security Act 2018

43. On 29 January 2018, the Cabinet approved the draft of the 'Digital Security Act 2018' 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 the revoked sections of the ICT Act have been incorporated into this Act. Section 57 deals with defamation, hurting religious sentiments, causing deterioration of law and order and instigating against any person or organisation through publishing or transmitting any material in websites or in electronic form. Now, the draft of Digital Security Act splits these offences into four separate sections with punishments ranging from three to 10 years of prison term. Under this draft Act, a total of 63 sections have been stipulated defining different cyber related crimes. As per this law there will be an 11-member Digital Security Council chaired by the Prime Minister.⁵¹ Furthermore, there is a possibility of harassing journalists and human rights defenders under section 32 for spying on computer and other digital related crimes. Section 32 states that if anyone collects, publishes or preserves or assists in preservation of any confidential information/reports through computer, digital device, computer network or any other electronic form, by illegally entering into an office of the government or a semi-government, autonomous or statutory body, it will be considered a crime of computer or digital spying. Due to this the accused person will have to face punishment of 14 years in jail or pay Tk. 2.5 million as fine or both. If such crime is committed twice by the same person, he/she will be sentenced life imprisonment or 10 million taka fine or both. According to the proposed law, spreading negative propaganda against the Liberation War or Father of the Nation⁵², using digital devices, will be considered a crime under this Act and the sentence is a maximum period of 14 years or maximum 10 million taka fine or both. Legal experts of the country have already commented that this Act is a draconian law.⁵³ This law

⁴⁹ The daily Jugantor, 08/01/2018

⁵⁰ The daily Manabzamin, 27/01/2018; www.mzamin.com/article.php?mzamin=102316&cat=9/

⁵¹ The daily Prothom Alo, 30/01/2018

⁵² Father of the current Prime Minister Sheikh Hasina and former President of Bangladesh, Sheikh Mujibur Rahman.

⁵³ The daily Jugantor, 30/01/2018 <https://www.jugantor.com/todays-paper/first-page/12559/>

will severely curtail freedom of expression of citizens, which is contrary to the Constitution.

Freedom of the media

44. According to information gathered by Odhikar, in January 2018, 12 journalists were injured, one was assaulted, two were threatened and five were sued while they were performing their professional duties.
45. The government is controlling most of the media, particularly the electronic media and putting pressure on it through different means which hindered 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.
46. On 23 January 2018, a violent altercation took place between two groups of workers at Benapole Port in Jessore. To collect this information, on 24 January, Jessore District correspondent of Independent TV and staff report of the daily Protidiner Kotha, Ziaul Huq and cameraperson Sharif Khan reached the spot, a group of criminals attacked them in front of the Awami League office at Benapole. They were rescued and admitted to a clinic, where criminals also threw crude bombs. Both the seriously wounded journalists were later shifted to Jessore General Hospital; and Sharif's condition was critical. Ziaul Huq said that during attack, criminals chanted slogans in favour of the Awami League MP from Jessore-1 constituency, Sheikh Afil Uddin.⁵⁴
47. On 25 January 2018, 31 accused persons in the case of a murder appeared before the Court of Senior Judicial Magistrate, Atiqul Haidar in Sylhet. The Court sent 30 of the accused to jail, by rejecting their bail petition. Journalists went to the Court to gather this information. At that time, supporters of one of the accused of this case and Awami League leader, Liakat Ali, attacked journalists. As a result, Nirananda Pal, a video journalist of Sylhet Bureau Jamuna TV and Mamun Hassan, photojournalist of the daily Jugantor were seriously injured.⁵⁵

Workers' rights

48. Human rights of workers are regularly violated in different ways. They are deprived of facilities such as workplace safety, proper wages, healthcare,

⁵⁴ Information sent by human rights defender associated with Odhikar from Jessore.

⁵⁵ The daily Jugantor, 26/01/2018 <https://www.jugantor.com/todays-paper/first-page/11104/>

maternity leave and trade union rights. Furthermore, many workers become victims of sudden termination and verbal and physical harassment.

49. According to information gathered by Odhikar, in January 2018, nine workers were killed. Among them, four stone workers were died in a landslide while extracting stones and five construction workers were died after fell from the under construction buildings while they were working. However, eight workers were injured while an under-construction building collapsed.
50. On 2 January 2018, workers of nine state-owned jute mills at Khalishpur Industrial Area in Khulna brought out a protest rally and sat on strike for 24 hours, demanding the payment of their wages. Workers earlier stopped production. They said that workers in jute mills in Khulna were not getting wages from 5 to 12 weeks. They claimed that they get Tk. 1700 to Tk. 2500 wages per week. But they and their families are in financial crisis due to the non-payment of several weeks worth of wages. Workers further alleged this financial problem was being created in the state-owned mills due to corruption of the officials of the Bangladesh Jute Mills Corporation (BJMC).⁵⁶

Situation of workers in readymade garment industries

51. According to information gathered by Odhikar, in January 2018, 20 readymade garments workers were injured due to their unpaid wages and termination.
52. On 31 January 2018, workers of a readymade garment factory named 'Ashiana' situated at Rampura, Dhaka went to Kawranbazar to surrounded BGMEA⁵⁷ Bhaban in protest of their unpaid wages and termination of workers. At that time, employees of the BGMEA attacked them workers with sticks. As a result, at least 20 workers were injured.⁵⁸
53. 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. 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. Two incidents are as follows:

⁵⁶ The daily Prothom Alo, 03/01/2018

⁵⁷ Bangladesh Garment Manufacturers and Exporters Association

⁵⁸ The daily Naya Diganta, 01/02/2018 <http://www.dailynayadiganta.com/detail/news/290067>

Violence against women

54. Incidents of violence against women continue. In the beginning of 2018, women have become victims of harassment by the ruling party Awami League leaders-activists. In this regard, apart from influential male activists, influential female activists of the ruling party also attacked ordinary students and female student activists of the opposition parties. Furthermore, a significant number of incidents of dowry and related violence, rape, acid violence and sexual harassment have occurred in January 2018.

Stalking

55. According to information gathered by Odhikar, in January 2018, a total of 14 females were victims of stalking and violence. Of them, one committed suicide after failing to endure insults, three were injured and 10 were victims of stalking. Furthermore, two men were killed and three men and one woman were injured by the stalkers for protesting such incidents. One incident is as follows:
56. On 2 January 2018, a man named Alauddin Sardar stabbed and seriously injured two sisters, Hasna (a student of class IX) and Ashia (a student of class X) over refusal of a proposal for an affair in Khaman Magura Village under Baliakandi Upazila in Faridpur District. Both were admitted to Faridpur Medical College Hospital in critical condition.⁵⁹

Rape

57. In January 2018, Odhikar recorded that a total number of 40 females had been raped. Among them, 11 were women, 28 were girls below the age of 18 and the age of one victim could not be identified. Of the women, five were victims of gang rape and one was killed after being raped. Out of the 28 girls, 10 were victims of gang rape and three were killed after being raped. Four girls were also victims of attempted rape. One incident is as follows:
58. On 22 January 2018, a Marma girl (18) was allegedly raped and her younger sister was sexually harassed by a member of security force in Orachhari Village under Bilaichhari Upazila in Rangamati District. Both sisters were admitted to Rangamati Sadar Hospital. The female ward of the hospital where both victims were admitted has been under police watch. They barred journalists and human rights defenders to meet the victims. It appears that victims are kept in detention.⁶⁰

⁵⁹ The daily Bangladesh Protidin, 04/01/2018 <http://www.bd-pratidin.com/last-page/2018/01/04/294574>

⁶⁰ The Daily Star, 01/02/2018



Citizen alliance assembled in front of the National Measuem at Shahbagh, Dhaka, in protest of rape and sexual harassment of Marma girls in Rangamati. Photo: Bangla Tribune, 26 January 2018

Dowry-related violence

59. According to information gathered by Odhikar, in January 2018, a total of 10 women were subjected to dowry violence. Of these women, it has been alleged that two were killed and eight were physically abused due to dowry demands. One incident is as follows:
60. On 9 January 2018, a housewife named Asma Begum was reported strangled to death by her husband Rubel and mother-in-law Felowa Begum due to dowry demands, in Bokshimul Uttorpara Village under Budichong Upazila in Comilla District. Police arrested deceased's mother-in-law Felowa Begum.⁶¹

Acid violence

61. According to information gathered by Odhikar, in January 2018, one women and one girl became victims of acid violence. One incident is as follows:
62. A youth named Manir Khan in Dhamura Village of Sholok Union under Ujirpur Upazila in Barisal used to harass a SSC examinee Eti Akhter and stalk her. When Eti refused Manir, on 20 January 2018, Manir along with his two associates, Shafiqul Haidar and Ripon entered Eti's house and threw acid on her. Eti was admitted to Barisal Sher-e-Bangla Medical College Hospital with severe injuries.⁶²

⁶¹ The daily Jugantor, 11/01/2018 <https://www.jugantor.com/todays-paper/bangla-face/5507/>

⁶² The daily Jugantor, 22/01/2018 <https://www.jugantor.com/todays-paper/news/9652/>

Aggressive policy of India towards Bangladesh and human rights violations

63. Before conducting the controversial and farcical National Parliament Elections on 5 January 2014, almost all political parties of Bangladesh (other than a few which are allied within Awami League) decided to boycott it. At that time, the then Indian Foreign Secretary Sujata Singh visited Bangladesh and succeeded to convince the Jatiya Party to join the election. Through this direct interference on the controversial elections (of another country), India played a major role in destroying the democratic system in Bangladesh. The controversial elections and the government have created a huge political crisis in Bangladesh and taking this opportunity, India is holding political and economic supremacy on Bangladesh through various means. 2018 is very important for Bangladesh and the 11th Parliamentary elections will likely be held in December. Bangladeshi people are waiting for a free, fair and inclusive election. On 14 January, former President of India Pranab Mukherjee (a good friend of the Awami League) arrived in Dhaka. There was an article published in the Indian daily Anandabazar on 16 January regarding Pranab Mukherjee's visit to Bangladesh. The report says that after reaching Dhaka, Pranab Mukherjee said that the aim of his visit to Bangladesh was to kill two birds with one stone. Anandabazar newspaper also reported that after lunch at Gono Bhaban, residence of the Bangladesh Prime Minister, it is believed that track-2 diplomatic relations were initiated with the current government before the next Parliamentary elections in Bangladesh. During the meeting with PM Sheikh Hasina, Pranab Mukherjee openly discussed the current political situation of Bangladesh and the future of elections. It is to be mentioned that an autobiography of Pranab Mukherjee has been published after his retirement from the position of President where he has written how he had influenced the politics of Bangladesh.⁶³

Human rights violations by Indian BSF along the border

64. The Indian Border Security Force (BSF) are killing, torturing and robbing Bangladeshi citizens after illegally trespassing into Bangladesh territory; and also attacking members of Border Guard Bangladesh (BGB) at different times. In 2017, a reported total of 25 Bangladeshi citizens were killed by BSF. Like the previous years, Indian BSF were also involved in torturing and killing Bangladeshis along the India-Bangladesh border areas, in the beginning of 2018, violating the Memorandum of Understanding and relevant treaties, which is a clear violations to international law and human rights.

⁶³ The Coalition Years (1996 – 2012) by Pranab Mukherjee, Chapter 7: Managing the External environment, Bangladesh, page 113.

65. According to information gathered by Odhikar, in January 2017, two Bangladeshis were killed by the Indian Border Security Force (BSF). Among them, one was shot dead and one was tortured to death. Furthermore, one Bangladeshi was shot and injured and two were tortured. One Bangladeshi was also abducted by the BSF.
66. On 11 January 2018, about 10-12 Bangladeshi cattle traders were carrying cows through no-man's land between international pillar 57/58 at Purba Kauwar Chor border under Roumari Upazila in Kurigram District. At that time, patrolling BSF members of Diara Camp of 57 Battalion of India, opened fire at them indiscriminately. As a result, one of the cattle traders named Kadam Ali (35) was shot in the head and seriously injured. His fellow traders rescued him and took him home, where he died.⁶⁴
67. Odhikar believes that no independent and sovereign state would accept political and economic aggression and passively watch its citizens being indiscriminately killed, tortured and abducted by another state. A scandalous chapter was written in Bangladesh through the farcical elections with the direct support of India, Odhikar hopes that Bangladeshi people will be united to protect its dignity and honour against any kind of evil activities in future.

Genocide against Rohingya community in Myanmar

68. The Rohingya refugees have taken shelter in Cox's Bazaar, Bangladesh. Odhikar has carried out several fact finding missions in the refugee camps set up there and interviewed many Rohingya victims and their families. Such interviews were conducted in both registered and unregistered camps at Shah Porir Dwip, Teknaf, Leda, Palong Khali, Thaingkhali, Balukhali, Hakimpata and Kutub Palong. Through these interviews with the Rohingya people, Odhikar learnt that many Rohingya women fell victim to gang-rape and men, women and children were tortured and shot or burned to death and many were disappeared. Furthermore, there are allegations of detaining women and children in the military camps as sex slaves. These testimonies of victims and witnesses of the brutality by Myanmar soldiers and Buddhist criminals provide a clear evidence of genocide against Rohingyas.
69. Among the Rohingya survivors, who fled such violence is Dildar Begum. She has witnessed the brutal killings of hundreds villagers, including 19 family members. Dildar Begum (30) said that on 29 August 2017 when the Myanmar Army and local Buddhist criminals attacked her village (Tulatuli), she, her husband, children, other family members and many villagers left their houses and ran towards the dam beside Tulatuli canal, while the soldiers chased them. The soldiers surrounded them and separated the young women. After

⁶⁴ Information sent by human rights defender associated with Odhikar from Kurigram.

that the soldiers killed men, women and children. Later they buried all the bodies in six trenches at Tulatuli swamp; each trench was 50-60 feet long, five to six feet wide and four to five feet deep. Later the soldiers took Dildar Begum, her four children and other young women to a house in the village. She saw many bodies of women and children inside the house. The floor of the house was covered in blood stains. She was raped by the soldiers, who also hit her children with rifle butts and smashed their heads. As a result, three of her children died. The soldiers also hit in her head too. The soldiers then set fire to the house and left. Dildar and her 10-year daughter managed to escape.

70. Abdul Karim (19) of Swe Prang Village said that on 27 August 2017 at around 2:00 pm, the Burmese Army attacked his village. They set fire to a mosque and opened fire indiscriminately at Rohingyas who were fleeing. He and approximately 20 other villagers took shelter in the house of Sona Mia. After a while, some soldiers entered the house and shot at them. Abdul Karim and two others jumped through a window and into a pond beside the house. Abdul Karim was shot in his leg but he managed to reach the other side of the pond. He saw soldiers kill everyone inside the house and set fire to it. Later Abdul Karim was rescued by some villagers and taken to Bangladesh. Doctors at Chittagong Medical College Hospital had to amputate his left leg due to infection caused by the gunshot wound.
71. Another survivor of Swe Prang Village, Sayedul Islam (45) said that on 27 August 2017 at around 2:00 am, when he was sleeping, the Burmese Army attacked his village. The soldiers were searching for some Rohingya youth of the village, who took photos and videos during the massacre earlier perpetrated by the soldiers. Three soldiers entered his house and dragged him out and started beating him with their rifle butts. His pelvis was fractured due to this. At that time other members of his family took shelter in a nearby bush. Two days later the soldiers attacked the village again and slaughtered his brother-in-law Yusuf and took away Yusuf's daughter, his daughter in law and two grandsons. The next day all of them were found dead in a paddy field, having been shot in the head.
72. On 16 January 2018, a document on 'Physical Arrangement' was signed between Bangladesh and Myanmar regarding the repatriation of Rohingas who fled violence in the Rakhine state of Myanmar and were taking refuge in Bangladesh since October 2016. As per this plan, Myanmar would accept 1,500 Rohingyas every week, (thus it would take two years to return all of them to Myanmar).⁶⁵ However, Rohingyas are still fleeing Myanmar and

⁶⁵ 'We cannot send refugees to concentration camps', The New Nation, 17 January 2018; <http://m.thedailynewnation.com/news/161730/we-cannot-send-refugees-to-concentration-camps>

taking shelter in Bangladesh.⁶⁶ According to Myanmar's Foreign Ministry, Myanmar would shelter the returnees in temporary accommodation at the 124-acre Hla Pho Khung camp near Maungdaw Township, which can accommodate 30,000 people in its 625 buildings.⁶⁷ It seems that Rohingyas are likely to be sent to concentration camps in Myanmar.

73. Twenty-one Rohingya organisations, operating globally, have sought guarantees for ensuring the security of Rohingya life and property and 'peaceful-coexistence' as equals with all other people in Rakhine state and Myanmar before they return. There is no change of attitude from the Myanmar government and its Army towards Rohingya; and they still identify Rohingya as recent 'Bengali interlopers' from Bangladesh; and Rohingyas continue entering Bangladesh due to continuing violence and brutality against them in Arakan.⁶⁸
74. The UN Secretary-General Antonio Guterres expressed concerns after Myanmar and Bangladesh reached a deal on the return of hundreds of thousands of Muslim Rohingyas, that sidelined the UN refugee agency. He said that "The worst would be to move these people from camps in Bangladesh to camps in Myanmar, keeping an artificial situation for a long time and not allowing for them to regain their normal lives."⁶⁹ American diplomat Bill Richardson has resigned from a 10-member advisory committee called 'International Panel on Rohingya Crisis'. He brought allegations of 'lack of ethical leadership' against Myanmar's de facto leader Aung San Suu Kyi and said that this advisory committee is nothing but a 'whitewash'. He did not want to be a part of 'cheer leader squad' of the Myanmar government.⁷⁰
75. The Bangladesh government should not send back the Rohingya people to Myanmar unless the Myanmar government takes concrete steps to guarantee that all returning refugees will enjoy human rights and citizenship in Myanmar; and ensures the trial of members of the Myanmar Army and those Buddhist criminals for committing genocide. If not, Bangladesh will be identified as an associate of genocide committed by Myanmar. All military operations in Rakhine state should be stopped and the Myanmar government

⁶⁶ 'Dhaka mindful of repatriation challenges as Rohingya still coming', Dhaka Tribune, 19 January, 2018, <https://www.dhakatribune.com/bangladesh/foreign-affairs/2018/01/19/dhaka-mindful-repatriation-challenges-rohingya-still-coming/>

⁶⁷ 'Concerns over 'premature' plan to repatriate Rohingya refugees', by Euan McKirdy, CNN, 17 January 2018; <http://edition.cnn.com/2018/01/17/asia/bangladesh-myanmar-rohingya-repatriation-plan-intl/index.html>

⁶⁸ See <http://www.rohingyablogger.com/2018/01/joint-statement-rohingyas-concerns-over.html>

⁶⁹ 'Bangladesh agrees with Myanmar to complete Rohingya return in two years', Reuters, 16 January 2018; <https://www.reuters.com/article/us-myanmar-rohingya-bangladesh/bangladesh-agrees-with-myanmar-to-complete-rohingya-return-in-two-years-idUSKBN1F50I2>

⁷⁰ The Guardian, <https://www.theguardian.com/world/2018/jan/25/aung-san-su-kyi-lacks-moral-leadership-us-diplomat-bill-richardson-quits-rohingya-panel>

should allow the United Nations and international human rights organisations to monitor the situation in the Rakhine region, which will work to ensure the transition to a peaceful and stable state. The Myanmar government 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. The Constitution of Myanmar and citizenship law should be amended in conformity with international human rights standards, enabling the Rohingya to become citizens of Myanmar with all the rights and obligations that come with such status. The UNHCR, which is managing the refugee camps, should also be involved in the repatriation process. Odhikar urges the international community take this matter up and pressurise the Myanmar authority to ensure safe, voluntary and dignified return of Rohingyas from Bangladesh to Myanmar to make their return sustainable and bring the perpetrators into international justice mechanism for committing genocide against Rohingyas.

Hindrance to human rights activities of Odhikar

76. 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.⁷¹ Furthermore, 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 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 July 14, 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.

⁷¹ 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.

77. Although 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.
78. 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. 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 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.
3. Incidents of extrajudicial killings and torture by law enforcement agencies must be investigated and the perpetrators must be brought to effective justice.
4. 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.
5. 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”.
6. 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.
7. 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.
8. Interference on the Judiciary must stop. The government must refrain from such activities to ensure Independence of the Judiciary in actuality.
9. 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. Harassment on the opposition political parties and dissenters must be stopped.
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; and it should also bring the perpetrators to

justice through proper investigation. 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 proposed Digital Security Act as law.
12. 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 related facilities.
13. 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.
14. 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 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.
15. 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.
16. 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 (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.
17. 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.
18. 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 so.