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Human Rights Monitoring Report

May 1 – 31, 2016

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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 May 2016, despite facing persecution and continuous harassment and threats to its existence since August 10, 2013.

Hindrance to freedom of expression and the media

1. The Government is severely curtailing freedom of expression and preventing dissenting voices. Interventions by the government; enacting laws; attacks on journalists and filing cases against them; and detention of journalists in prison continue to hinder freedom of speech and expression. Meanwhile a repressive law, called 'Distortion of the History of Bangladesh Liberation War Crimes Act 2016' has been drafted, incorporating provisions for imprisonment and fine; and the Parliamentary Standing Committee on the Ministry of Law, Justice and Parliamentary Affairs has finalised the 'Foreign Donation (Voluntary Activities) Regulation Bill 2016' to control the non-governmental organisations (NGOs), which will hinder freedom of expression and freedom of association. The draft Press Council Act (amendment) 2016 has been finalised, incorporating provisions for closing down newspapers. The social media are also under constant monitor by the government. The repressive law – the Information and Communication Technology Act 2006 (amended 2009, 2013) – is being imposed against people who are critical of the decisions and activities of those in high positions of the government and their families.

Distortion of the History of Bangladesh Liberation War Crimes Act 2016

2. The Government had drafted another repressive law, called 'Distortion of the History of Bangladesh Liberation War Crimes Act 2016.' According to the

draft, misinterpretation or disrespect to any documents relating to the liberation war disseminated or published during the Liberation War and any publication during that period, will be considered crime. In the draft law, the period of the liberation war was set from March 1 to December 16, 1971.¹ The second sub-clause of the proposed law says the denial of ‘incidents’ occurred between March 1 and March 25, 1971, will be considered as crimes. However, there was no explanation or discussion with regard to what were those incidents. Moreover, the liberation war started from the midnight of March 25, 1971, but the draft law states it was from March 1. There was no such explanation of this as well. This means that the police and complainants will assume what would be an ‘incident’ and what would be a ‘distortion’. According to section 6(1) of the proposed Act, “if anybody was instigated or abetted in or engaged in conspiracy with someone or took any initiative or attempt, that person will be punished as per the law. Anyone will be able to file a case under this Act.² Violations of any section of this law will result in a sentence of up to five years imprisonment and ten million taka fine. Furthermore, cases filed under this Act will be investigated and prosecuted in short and specified period of time.³

3. It has been envisioned that the ‘Distortion of the History of Bangladesh Liberation War Crimes Act 2016’ will be contrary to objective and factual research on the liberation war and also hinder freedom of thought and conscience. There is no documented evidence in support of every incident that occurred during the nine months of the liberation war in 1971. Such information sometimes has to be collected from the victims or from people who directly participated in the war. Furthermore, several political ideologies were represented directly in the liberation war. Accepting only one of them would be bias as it would only be the government supported ideology; and the recognition of one thought is tantamount to the denial of the contributions of others, who actively participated in the war. This law might adversely affect someone who comments or researches on this matter; and it may create an opportunity of political misuse. Moreover, writing an article based on any new information relating to the liberation war, expressing opinions or comments or an interpretation of any matter, would be extremely dangerous, if the proposed law is passed. The law contains a provision whereby anyone can lodge a complaint against anybody, which indicates how long the list of cases will be in the future. Freedoms of thought, conscience and opinion are guaranteed in the Constitution, so this law will be contrary to the Constitution, if enacted.

¹ The daily Prothom Alo, 10/05/2016

² The daily Prothom Alo, 17/05/2016

³ The daily Prothom Alo, 10/05/2016

Foreign Donation (Voluntary Activities) Regulation Bill 2016 finalises to regulate NGOs

4. On May 18, 2016 the Parliamentary Standing Committee on the Ministry of Law, Justice and Parliamentary Affairs finalised the 'Foreign Donation (Voluntary Activities) Regulation Bill 2016' incorporating provisions for regulating non-government organisations (NGOs). In this Bill, a provision of taking punitive action has been put in place against any NGO or NGO activist for insulting or making derogatory remarks against the Constitution or any constitutional body. According to the proposed Bill, registration of a NGO can be cancelled or suspended if the government has reason to believe that derogatory remarks have been made against the Constitution, the Judiciary, the Law Commission, the Election Commission and the attorney General.⁴ It is to be mentioned that on June 2, 2014 the Cabinet approved the proposed 'Foreign Donation (Voluntary Activities) Regulation Act 2014', which was again submitted as a Bill after some scrutiny.
5. Odhikar believes that the space for freedom of opinion and expression will shrink even more and NGOs will come under stringent control if this Bill is passed as law. Human rights organisations and NGOs which work on civil and political rights will be in trouble and their voices will be gagged once the Bill is implemented. Odhikar fears that an environment for eliminating human rights NGOs may be created through imposing this law.

Draft Press Council (amendment) Act 2016 finalised, incorporating provision for closing down of newspapers

6. The Press Council finalised the draft Press Council (amendment) Act, 2016 incorporating provisions for stopping the publication of any newspaper or media for a maximum of three days or five hundred thousand taka fine, if the media and news agencies contravene any decision or Order of the Press Council. Persons who are affiliated with the media alleged that the government is formulating new laws to control the media.⁵ Earlier the Ministry of Information released a repressive draft law called the 'National Broadcasting Act 2016', incorporating the provisions of imprisonment and monetary fines. According to the draft National Broadcasting Law, violations of any rules or provisions of this law will result in a sentence of up to three months imprisonment and at least five hundred thousand taka fine or both.

⁴ The Daily Star and Manabzamin, 19/05/2016

⁵ The daily Jugantor, 03/05/2016

Social media under RAB surveillance

7. In order to monitor social media, the government brought a surveillance software social media network monitoring system (SMNMS) for Rapid Action Battalion (RAB) from a US based company named 'Snaptrends', spending 100 million taka. Using this software, RAB will be able to collect information from all kinds of blogs including Facebook, Twitter, Instagram, Google plus, YouTube and Wordpress. The government can take legal action against persons based on the posts in the social media, which they will deem harmful to society, state and the government.⁶
8. Meanwhile, the repressive Information and Communication Technology Act 2006 (Amended 2009 & 2013) remains in force. From January to May 2016, seven persons were arrested under this Act for writing posts against high officials of the government and their families on facebook.

Attacks on journalists

9. According to information gathered by Odhikar, in May 2016, six journalists were injured over their professional duties.
10. Odhikar expresses grave concern over the ongoing hindrances to freedom of opinion and expression of citizens and interference on the media by the state. Odhikar believes that if any opinion or statement of any citizen goes against the government, he or she is at risk of being arrested, persecuted or harassed by the state. Odhikar demands the release of detained senior journalist Shafik Rehman; the Acting Editor of the daily Amar Desh, Mahmudur Rahman; and BFUJ President Shawkat Mahmud from jail immediately. Odhikar demands that the government repeal the repressive Information and Communication Technology Act 2006 (amended 2009, 2013) immediately and also expresses concern about proposed repressive laws 'Distortion of the History of Bangladesh Liberation War Crimes Act 2016', 'National Broadcasting Act 2016', 'Press Council (amendment) Act 2016' and 'Foreign Donation (Voluntary Activities) Regulation Bill 2016'. Furthermore, Odhikar fears that the government's decision to bring social media under surveillance will further shrink the space for the freedom of opinion and expression.

Political violence and irregularities during local government elections continue

Political violence

11. According to information gathered by Odhikar, in May 2016, 51 persons were killed and 1569 were injured in political violence. Among them, 45 persons were killed and 1485 were injured in acts of violence during the Union

⁶ The daily Manabzamin, 09/05/2016

Parishad elections. 34 incidents of internal violence in the Awami League and five in the BNP⁷ were also recorded during this period. Six persons were killed and 484 were injured in internal conflicts of the Awami League while three persons were killed and 48 were injured in conflicts within the BNP.

12. Political violence continues and has taken serious proportions across the country, centering around the Union Parishad⁸ elections, held under political banners.⁹ Leaders and activists of the ruling party have become desperate to hold onto power through farcical and controversial elections, without being accountable to the people. This practice has flourished through the criminal activities of the leaders and activists of Chhatra League¹⁰ and Jubo League¹¹ across the country. They are attacking leaders and activists of the opposition political parties, government officials and ordinary citizens and are even engaged in internal conflicts and violence for the sake of their vested interest. During violent political altercations, these groups were seen in internal clashes in public, carrying and using lethal weapons. In most cases, the perpetrators could not be brought to justice. Several incidents of political violence took place during this time:

13. On May 6, 2016 the Shipping Minister Shahjahan Khan was going to visit a port area and also attend a meeting in Porshuram Upazila under Feni District. Porshuman Upazila Nirbahi Officer¹² (UNO) HM Rakib Haider and local Awami League leaders and activists were waiting at the Dhunikunda area on the Feni-Porshuram Road to receive the Minister. Feni District unit Awami League Vice-President Khairul Bashar Mazumdar Tapan and his supporters were also preparing to welcome the Minister at the same place a few moments away; for the inauguration of a Kindergarten school. UNO, HM Rakib Haider passed by the school without acknowledging Khairul Bashar Mazumdar Tapan. As a result Tapan and his supporters attacked Rakib Haider and physically assaulted him. Rakib Haider was admitted to Porshuram Upazila Health Complex.¹³ Due to the attack on the UNO, his driver Abul Kashem filed a case with Porshuram Police Station, naming seven accused persons and 10-12 more unknown persons. The police arrested Ward Councilor of Porshuram Municipality and Upazila unit Shramik League Convener, Abdul Mannan; local Jubo League leader Mohiuddin Parvez, Farooq Ahmed, Mohammad Mohiuddin and Abu Toiyab Masud under this

⁷ BNP: Bangladesh Nationalist Party.

⁸ Union Parishad (Council) is lowest tier in the local government institution.

⁹ Until February 2014, candidates for UP elections were held on a non-political basis. They were local-level social activists, local elite and those who did social welfare. There was little violence during that time. Now, due to elections being held under political banners, candidates are not always those chosen by the public and violence has increased.

¹⁰ Student wing of Awami League.

¹¹ Youth wing of Awami League.

¹² The Chief Executive Officer of the Sub-District.

¹³ The daily Manabzamin, 07/05/2016.

case. On May 11, the prime accused Khairul Bashar Mazumdar Tapan; and General Secretary of Chithalia Union unit Awami League and UP Chairman, Jasim Uddin, surrendered before the Speedy Tribunal of Judicial Magistrate Rajesh Chowdhury and appealed for bail. However, the Magistrate denied bail and ordered them to be sent to jail.¹⁴

115 killed in five phases of Union Parishad electoral violence

14. Election related violence gained magnitude soon after the declaration of the Union Parishad election schedule. The violence commenced at the time of submitting nomination papers and continued till polling day. According to information gathered by Odhikar, a total of 115 persons were killed and at least 4953 persons were injured in the five phases of the UP elections.
15. All elections held to date, starting from the 10th Parliamentary Elections on January 5, 2014, the Upazila Elections in 2014; the City Corporation Elections in 2015; the Municipality Elections in 2015; to the Union Parishad Elections in 2016, were probably the most controversial and violent elections in Bangladesh history. On February 11, 2016, the Election Commission declared the electoral schedule of the Union Parishad¹⁵ (UP) elections to be held in 4275 UPs in six phases. This was the first time that UP elections were conducted under a political banner. The first¹⁶, second¹⁷, third¹⁸, fourth and fifth phase of elections were held with incidents of widespread irregularities; including violence; killing; vote-rigging; capturing of polling stations; casting of fake votes; snatching away ballot papers and stuffing ballot boxes; and attacks on electoral officials. Incidents of attacks on citizens belonging to minority communities increased three-fold during the UP elections. The Hindu-Boidhya-Christian Oikya Parishad¹⁹ alleged that the ruling party Awami League and its rebel candidates were responsible for such violence.²⁰ The fourth phase of elections was held in 703 UPs on May 7, 2016²¹; Municipality elections were held in nine Municipalities on May 25²² and the fifth phase elections was held in 733 UPs on May 28, 2016.²³ The fourth and fifth phases of the UP elections, like the previous phases of elections, were also marked with the capturing of polling stations; snatching away ballot papers and

¹⁴ Report sent by local human rights defender associated with Odhikar from Feni.

¹⁵ Union Parishad is lowest tier of the local government in Bangladesh.

¹⁶ The first phase of Union Parishad elections commenced on March 22, 2016.

¹⁷ The second phase of Union Parishad elections commenced on March 31, 2016.

¹⁸ The third phase of Union Parishad elections commenced on April 23, 2016.

¹⁹ Hindu-Buddhist-Christian Unity Council.

²⁰ The daily Jugantor and Naya Diganta, 23/04/2016.

²¹ The daily Jugantor, 08/05/2016.

²² The daily Manabzamin, 26/05/2016.

²³ <http://www.ec.org.bd/MenuExternalFilesEng/220416circular.pdf>

casting fake votes, by supporters of the ruling party Awami League (AL) nominated candidates. Some incidents are as follows:

The fourth phase of UP elections

16. Violent altercations occurred between supporters of the Awami League (AL) nominated candidate Sardar Jan Mohammad and supporters of AL-rebel candidate Shahiduzzaman Shahid, at Hatgangopara Bazar in Aouchpara Union under Baghmara Upazila, in Rajshahi District. One man named Siddiqur Rahman was shot dead by police during clash.²⁴ At around 2:30 pm, clashes took place between supporters of the AL-nominated candidate Rafiqul Islam and supporters of the AL-rebel candidate Zakir Hossain over casting of fake votes, at Maddhanagar Government Primary School polling centre in Paratali Union under Raipura Upazila in Norshingdi District. A man named Hossain Ali was killed and 30 persons were injured during the clash.²⁵ At least 10 persons, including a Sub Inspector of police, Rabiul, were injured during an altercation between supporters of the AL-nominated candidate (with symbol 'Boat') and police, in Kazi Kosba Kazipara Government Primary School and Milkipara Government Primary School polling centres of Rampal Union under Munshiganj District. Police claimed that Awami League supporters engaged in altercations with police in the two polling centres for establishing supremacy therein. In Panam Government Primary School polling centre under the same Union, supporters of the AL-nominated candidate stabbed and severely wounded Asaduzzaman, a Member candidate under symbol 'Kite'.²⁶ At around 2:00 pm, a violent altercation took place between supporters of Member candidate Giasuddin (with symbol 'Lock') and supporters of another Member candidate Alam (with symbol 'Tube well') in Kaaldanga Dakhil Madrassa polling centre of Paria Union, under Baliadanghi Upazila in Thakurgaon District. Members of law enforcement agencies used rubber bullets and later opened fire with live bullets to take control of the situation. During this altercation, a HSC examinee Mahbub Hossain of Maaskhuria Village was shot dead and four were injured.²⁷ Altercations and incidents of shooting occurred between supporters of the AL-nominated candidate Aminul Islam Amin and supporters of the AL-rebel candidate Omar Ali over capturing polling booths in Mominpur Government Primary School polling station of Manikhat Union under Sujanagar Upazila in Pabna District. Both groups used sticks and local weapons during the clash. At that time, a man named Hedayet Hossain was

²⁴ The daily Jugantor, 08/05/2016.

²⁵ The daily Jugantor, 08/05/2016.

²⁶ Report sent by local human rights defender associated with Odhikar from Munshiganj.

²⁷ Report sent by local human rights defender associated with Odhikar from Thakurgaon.

shot and at least 10 persons were injured.²⁸ Criminals attacked Ali Nagar Government Primary School polling centre of Dhalia Union, under Feni Sadar Upazila. When police tried to stop them, they opened fire and the Sub-Inspector of police, Mohammad Yeasin, was shot and wounded. Moreover, six persons, including Kazi Rassel, Rafiqul Islam, Bablu, Musa Mia, Arafat and Kabir Master were shot during a clash that occurred between the two rival Member candidates in Uttar Sotor Government Primary School polling centre of Mohamaya Union, under Chhagolnaiya Upazila in Feni. Before the voting commenced, UP member candidate Shahjahan and his wife Hosneara Begum; Shahadat Hossain; Joynal Abedin; and Amanullah were shot at during a clash between supporters of two UP member candidates, over establishing 'supremacy' in Jagannath Sonapur polling centre of Shuvapur Union. Meanwhile, an independent UP Chairman candidate, Azizul Huq was beaten by supporters of the ruling (AL) party in Nijkunjara Government Primary School polling centre of Ghopal Union in Chhagolnaiya.²⁹ Only polling agents from the ruling party (AL) were present in Panami Government Primary School, Harishankarpur and Sitarampur polling centres, of Harishankarpur Union in Jhenaidah District. Allegations of intimidation on voters were found in Shitoli Mandartola, Bhaturia, Kapash Hatia and Ghorda polling centres in Harinakundu Upazila. Voters were barred from going to the polling stations. Allegations of fake votes were found in Bhabitpur polling centre of Raghunathpur Union. A female voter expressed her anger after failing to cast her vote in this polling centre. Casting of fake votes was also seen in polling stations at Nittanandapur, Podahati and Aduyakandi.³⁰ At around 10:30 am, about 20-30 youth opened fire to disperse voters and captured Nandirhaat Government Primary School polling centre in Chikandandi Union under Haathazari Upazila in Chittagong District. Later they stuffed ballot papers into boxes with the help of police. Mobile Magistrate of Chittagong District Administration arrested the General Secretary of City unit Chhatra League Nurul Amin Roni; and Haathazari Upazila unit Chhatra League leader Arefur Rahman with pistols, from Charia polling centre of Mirzpur Union under the same Upazila. At around 11:00 am, there were no voters in Fatehpur Government Primary School polling centre of Fatehpur Union under the same Upazila. Chhatra League and Jubo League activists had captured the polling centre and had cast fake votes. Meanwhile, voting was suspended from 10:00 am to 11:00 am due to an altercation in Fatehpur Latitpara Government Primary School polling centre. The Presiding Officer of this polling centre, Shubhash Chandra, informed that voting was

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

²⁹ Report sent by local human rights defender associated with Odhikar from Feni.

³⁰ Report sent by local human rights defender associated with Odhikar from Jhenaidah.

stopped for an hour after criminals attacked the centre and took away ballot papers and seals.³¹

Elections held in nine municipalities with widespread irregularities

17. On May 25, 2016 elections in nine municipalities namely Ghorashal and Raipur Municipalities under Narshingdi District; Laxmipur Sadar Municipality under Laxmipur District; Kosba Municipality under Brahmanbaria District; Noakhali Sadar and Senbagh Municipalities under Noakhali District; Chhagolnaiya Municipality under Feni District; Teknaf Municipality under Cox's Bazaar District; and Ramgarh Municipality under Khagrachhari District, were held amidst irregularities, including capturing of polling centres, casting fake votes and snatching away ballot papers. Polling agents of the BNP-nominated candidate, Rezaul Karim Liton, were not seen in most of the polling centres in Laxmipur Municipality. Supporters of the Awami League (AL) nominated candidate Abu Taher had allegedly ousted them and cast fake votes. In Chhagolnaiya Municipality, outsiders captured most of the polling stations at the beginning of voting and stuffed ballot papers into boxes after stamping the symbol 'boat'. They exploded crude bombs around the polling centres from early in the morning, to create panic among voters. The government supporters did not allow any agents of the BNP-nominated candidate Mohammad Alamgir to enter into 10 polling stations. Allegations of stuffing ballots into boxes after openly stamping the symbol 'boat', were found in Kosba Government Primary School polling station of Kosba Municipality. Furthermore, some voters in Kosba Boys High School polling centre alleged that the polling officers gave out ballots belonging only to the Councilor candidates. Ballot papers belonging to the Mayoral candidates were stamped by supporters of the AL-nominated candidate prior to voting.³² Supporters of the AL-nominated candidate were stuffing ballots into boxes after openly stamping the symbol 'boat', in the presence of police in Kosba Girls High School polling centre. Police stopped journalists from entering this polling centre.³³

The fifth phase of UP elections

18. On May 28, 2016 the fifth phase of elections was held in 733 Union Parishads³⁴ with incidents of widespread violence, capturing of polling stations, vote-rigging and boycotting the polls. During the election, 10 persons including

³¹ Report sent by local human rights defender associated with Odhikar from Chittagong.

³² The daily Jugantor, 26/05/2016.

³³ The daily Manabzamin, 26/05/2016.

³⁴ <http://www.ec.org.bd/MenuExternalFilesEng/220416circular.pdf>

two candidates were killed³⁵ and at least 600 persons were injured³⁶. Furthermore, 45 candidates boycotted the election. Among them, 38 candidates were from BNP, two from AL, four were independent and one was from JSD.³⁷ There were allegations of widespread violence, vote-rigging and irregularities in Begumganj and Senbag upazila of Noakhali. Based on such allegations, the Election Commission suspended the voting in 56 centers of 15 Union Parishads (out of 16 Union Parishads) of Begumganj Upazila and 26 centers of nine Union Parishads of Senbag Upazila. During the violence at Darul Ulum Fazil Madrassa Polling Centre of Rajganj Union under Begumganj Upazila, police chased Sayed Ahammad (55), who was hurt in his head and abdomen as a result. On the way to hospital, he died. A man named Shakil Ahmeed (17), was shot dead by the police during the violence at K B High School Polling Centre of Jirtali Union under Begumganj Upazila.³⁸ Mohammad Kamal Uddin, Present Chairman and rebel candidate of BNP of Balorampur Union, under Titas Upazila in Comilla District, was stabbed to death by his opponent. This incident occurred on the day of voting at around 3:00 pm, outside Nagerchar Government Primary School polling centre.³⁹ A violent altercation took place between supporters of the Awami League nominated candidate, Shakiruzzaman Rakhal; AL-rebel candidate Shahjahan Mia and the police, over capturing of Khutarchar Ebtedayi Madrassa polling centre of Bahadurpur Union under Dewanganj Upazila, in Jamalpur District. At that time police opened fire and Abdul Mazed (14), Ziaur Rahman Zia (30), Nur Islam (60) and Altaf (32) were killed.⁴⁰ BNP boycotted the polls of all 10 Union Parishads under Sonargaon Upazila in Narayanganj, over allegations of widespread irregularities and vote-rigging. A defeated Member candidate tore up more than a hundred ballot papers at Mograpara High School polling centre of Mograpara Union. As a result, an altercation took place. A ballot box was snatched away from Kabilganj polling centre of Mograpara Union, by a group led by Sujjan, General Secretary of district unit Chhatra League. At that time police fired five rounds of bullets. During the chase between two parties at Lakkhirdardi area of Noagaon Union, a man named Edris Ali (75) was killed. On the day of voting, at around 11:30 am, some miscreants snatched a hundred-page ballot book of a male Member candidate at Dudghata Government Primary School polling centre.⁴¹ At around 12:00 noon, Babul Shil (57) was killed in a clash that occurred between supporters of two

³⁵ The daily Manabzamin May 29, 2016.

³⁶ The daily Jugantor May 29, 2016.

³⁷ The daily Jugantor May 29, 2016.

³⁸ Report sent by local human rights defender associated with Odhikar from Noakhali.

³⁹ The daily Prothom Alo May 29, 2016.

⁴⁰ The daily Jugantor May 29, 2016.

⁴¹ The daily Manabzamin May 29, 2016/ Report sent by local human rights defender associated with Odhikar from Narayanganj.

Member candidates in Asad Ali Mazar polling centre of Ashiya Union, under Patiya Upazila in Chittagong. An altercation took place between supporters of AL-nominated candidate Didarul Alam and AL-rebel candidate Abdul Mannan, at Shahmirpur Government Primary School polling centre of Bara Uthan Union, at around 1:00 pm. Mohammad Yasin (41), Member candidate of ward-6 of Bara Uthan Union and rickshaw puller, Nurul Islam (50) were injured by sharp weapons. Mohammad Yasin died on the spot and Nurul Islam died on the way to hospital.⁴²

19. The electoral system has collapsed totally under the present government. People are deprived from their right to franchise. The Caretaker Government system was incorporated in the Constitution through the 13th Amendment, as a result of people's movement led by the then Opposition Awami League and its alliance between 1994 and 1996. However, in 2011 the Caretaker Government system were removed unilaterally by the Awami League government through the 15th Amendment to the Constitution, without any referendum and ignoring the protests from various sectors; and a provision was made that elections were now to be held under the incumbent government. As a result, the farcical 10th Parliamentary elections were held on January 5, 2014, despite the boycotting of this election by a large majority of political parties. Acts of criminalisation in the electoral system were initiated through this election. Since then, all local government polls were marred with widespread and widely reported irregularities, violence and vote rigging. As a result, incidents of widespread human rights violations commenced across the country. Odhikar believes that the rise of extremism has flourished in the country in the absence of an accountable government. Ensuring transparent, creditable, free, fair and unbiased elections is the Constitutional responsibility of the Election Commission (EC). However, the EC has totally failed to deliver. It is unfortunate that the EC also made public claims of fair and peaceful elections in order to disguise its failure.

Allegations of enforced disappearance

20. Enforced disappearance is a grave violation of fundamental human rights. It is a repressive tool used by governments. The crime of enforced disappearance violates several of an individual's human rights such as freedom of expression, thought and conscience; freedom of association; and the right to justice and fair trial. The victims of enforced disappearances are often tortured and live in fear and uncertainty. In recent times, many people have disappeared after being picked up by men claiming to be members of law enforcement agencies. The families of the disappeared claim that

⁴² Report sent by local human rights defender associated with Odhikar from Chittagong.

members of law enforcement 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 produced before the public by the police or law enforcement; or handed over to a police station and appear in Court, or the bodies of the disappeared persons are recovered.

21. Every year, during the last week of May, the associations of families of the disappeared across the world commemorate the International Week of the Disappeared (IWD). The International Week of the Disappeared was first initiated by the Latin American Federation of Associations of Relatives of Disappeared-Detainees (FEDEFAM) in 1981. The commemoration was also meant to step up the campaign against enforced disappearances which were then at their peak during the dark years of the dictatorship in many Latin American countries. The International Week of the Disappeared was also observed in Bangladesh from May 23 to 27. On May 24, 2016 a press conference was held in Panchagarh by Ruhul Amin, father of Imam Hassan Badal, who was disappeared in 2012 by the Rapid Action Battalion (RAB). Ruhul Amin appealed to the government for the return of his son. In December 2013, eight youths were disappeared together and later on, 11 more men were disappeared from Dhaka. On May 26 the families of these 19 victims of enforced disappearance organised a human chain in front of the National Press Club in Dhaka to demand their return. On May 26, 2016 Badsha Mia, son of Boli Munsur, who was disappeared on March 27, 2013 from Chittagong, organised a press conference at the Chittagong Metropolitan Journalists Union to demand the return of his father. On May 12, 2016 an electrician named Monirul Islam Babu (28) was picked up by men claiming to be members of the Detective Branch of Police from Khalishpur in Khulna. The same day, Abdullah Al Sayem Turjo (25), a teacher of the Bangla Department of Bismillah Nagar Madrassa under Harintana Police Station, was picked up by a few plain clothed men and put into a white microbus bearing a sticker 'Emergency Electricity'. Another teacher of the Arabic Department of the same madrassa, Shoaib Biswas (26) was disappeared after he left home for the madrassa. On May 26, 2016 the family members of these three disappeared victims conducted a joint press conference in Khulna Press Club, asking for the return of the men.⁴³
22. According to information gathered by Odhikar, in May 2016, 12 persons have been disappeared. Of them, one was shown as arrested and the whereabouts of 11 persons are still unknown.⁴⁴

⁴³ Information gathered by Odhikar.

⁴⁴ 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.

23. On May 3, 2016 a few men in plain clothes, claiming to be members of the Detective Branch (DB) of Police, allegedly picked up Moulana Mohammad Akhter Hossain, Imam of Pirgachha Railway Station Jame Mosque and Pirgachha J N High School, from Birbiriapara under Pirgacha Upazila in Rangpur. His brother Mushfiqur Rahman informed Odhikar that their ancestral home was located at Sijon Puku area in Pirgachha but Akhter Hossain used to live in his in-law's house at Birbiriapara to be closer to his work. At around 10:00 pm, a few men came to his house at Sijonpukur area and called Mushfiqur Rahman out to talk about the UP elections. Later the men put him into a microbus which was parked outside and took his cell phone. After that, they asked him where Akhter Hossain was. When he gave Akhter Hossain's in-laws home address, they took him there with them. Mushfiqur saw a few more people in the microbus with wireless radio sets. The men stopped the microbus in front of Akhter's in-laws house and asked Mushfiqur to call him. The man who entered their home with Mushfiqur, identified himself as a member of DB police and said that they need to talk to Akhter in relation to a matter and Akhter will be back in half an hour. At that time the men also took Akhter's cell phone. After that Akhter and Mushfiqur were taken away. Mushfiqur was dropped in front of Pirgachha Union Parishad and the microbus left with Akhter. On May 4, 2016 the families of Akhter Hossain search for him at Pirgachha Police Station, Rangpur DB office and RAB office, but none of the law enforcers acknowledged the arrest of Akhter Hossain. Till date his whereabouts are still unknown. On May 6 Mushfiqur went to Pirgachha Police Station to file a General Diary (GD) in this regard but the duty officer refused to accept the GD.⁴⁵
24. On May 12, 2016 an electrician named Monirul Islam Babu (28) was picked up by men claiming to be DB police, from Khalishpur in Khulna. The same day, Abdullah Al Sayem Turjo (25), a teacher of the Bangla Department of Bismillah Nagar Madrassa under Harintana Police Station, was picked up by a few plain clothed men and put into a white microbus bearing a sticker 'Emergency Electricity'. Another teacher of the Arabic Department of the same madrassa, Shoaib Biswas (26) was disappeared when he was on his way to the madrassa. The whereabouts of the men remain unknown. The families of the disappeared victims filed separate case and General Diaries with Khalishpur and Harinhata Police Stations. Monirul Islam's father Masudur Rahman said that on May 12 at around 10:00 pm, a man came to their home with Boira CSD Warehouse security guard Monir and called his son Monirul out and spoke with him. A few minutes later, about six men, including the one who came with Monir, entered their home and forcibly took Monirul away, after identifying themselves as DB police. Among them, two men had

⁴⁵ Information gathered by Odhikar. For detailed reports please visit www.odhikar.org

wireless radios and two others had pistols in their waist. They put Monirul into a white microbus, which was parked in front of the CSD Warehouse gate. A labour leader Badal Islam saw the occurrence and approached them but the men in plain clothes said they were DB police and asked him to go to the Khalishpur Police Station and left in the microbus. On May 13, he filed a GD with Khalishpur Police Station. An eye-witness and teacher of Bismillah Nagar Madrassa, Mufti Hafizur Rahman informed Odhikar that on May 12 at around 6:30 pm, he and his colleague Abdullah Al Sayem Turjo left the madrassa on by-cycles. When they reached near Mostor intersection, a man, wearing panjabi-pajama, stopped their way. A white microbus bearing a sticker 'Emergency Electricity' was parked nearby. The man asked for their names and identities. The man asked Turjo to stay and Hafizur to leave. Later Hafizur saw Turjo getting into the microbus with some men. At that time he tried to call the Principal of the madrassa, Ilias Hossain to inform him of the matter. The microbus approached him and a man came out and took his cell phone away. The man said, "Who were you calling? Do you want to come with us?" They told him to take Turjo's by-cycle with him. On May 13, 2016 Turjo's father Shahidul Islam, who is a retired banker, filed a kidnapping case with Harintana Police Station accusing some unknown persons. On May 12, 2016 at around 10:30 am, Shoaib Biswas, teacher of the Arabic Department of Harintana Bismillah Nagar Madrassa, was disappeared on the way to the madrassa. His father Moulana Abdus Sattar told Odhikar that his son left home but never got to the Madrassa and his whereabouts are unknown since then. Shoaib's cell phone was switched on till May 13, but nobody received any call. He believes that Shoaib Biswas had been picked up by the members of law enforcement agency. On May 13, he filed a GD with Khalishpur Police Station.⁴⁶

25. On April 22, 2016 three youth, Suraj Ali (22), Dulal Hossain (24) and Liton Islam (20) from Hazaribagh in Dhaka; and on May 11, three brothers namely Tikka Sardar (30), Ershad Sardar (25) and Saddam Sardar (20); and two men namely Dulal Hossain (35) and Rony Promanik (35) were allegedly picked up by men claiming to be law enforcement agencies from Khagrabaria Village under Faridpur Upazila in Pabna. On the same day, a garment worker named Abu Sayeed (35) was picked up by law enforcers and disappeared from Gazipur and on May 22, another man named Ramjan (38) was picked up from Rangunia in Chittagong by men claiming to be from a law enforcement agency. Such allegations were made by the families of the disappeared victims. Except for Abu Sayeed, all nine disappeared persons are residents of Faridpur Upazila in Pabna District. On May 25, 2016 the families of the disappeared victims organised a press conference in Pabna Press Club and

⁴⁶ Information gathered by Odhikar.

alleged that their relatives were picked up by men claiming to be the members of law enforcement agencies. They also demand their return. Meanwhile on May 28, 2016 a press conference was organised on behalf of the Rapid Action Battalion (RAB) and it claimed that Ramjan (38), Suraj Ali (22), Dulal Hossain (24) and Liton Islam (20) were arrested on May 27 from Paltan area in Dhaka. Three of the men, except Liton Islam, are accused of the murder of Jubo Dal leader Saiful Islam in Savar village under Faridpur Upazila in Pabna.⁴⁷

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

Extrajudicial killings

27. The law and justice delivery system of the country is becoming increasingly unstable and human rights are blatantly violated, due to the persistence of extrajudicial killings. This questions the level of rule of law in this country. According to information gathered by Odhikar, in May 2016, five persons were reportedly killed extra judicially.

Type of death

'Crossfire/encounters/gunfights'

28. Three persons were killed by 'crossfire/encounters/gunfights'. Two of them were killed by police and one by RAB.

Torture to death

29. Two persons were torture to death by police during this period.

The identity of the deceased:

30. Of the five persons who were killed extra-judicially, one is an accused of a specific case, three were alleged criminals and the identity of one person could not be determined.

Death in jail

31. In May 2016, a reported nine persons died in prison due to 'illness'.
32. It is alleged that due to lack of proper treatment facilities and negligence by the prison authorities, many prisoners become ill. Furthermore, allegations are made by inmates that they are given sub-standard and small amounts of food; and that the prisoners are ill-treated when they complain against such

⁴⁷ The daily Prothom Alo, 29/05/2016

treatment. Again, there have been instances where persons who are abused in police custody and fall gravely ill, succumb to their mistreatment in jail custody, where they are sent by the court.

Student leader died in Rajshahi Central Jail

33. Islami Chhatra Shibir⁴⁸ leader Hafizur Rahman, who was arrested in connection with a case involving the murder of Rajshahi University teacher Professor Dr. Rezaul Karim Siddiqui⁴⁹, died in Rajshahi Medical College Hospital while under treatment. On May 17, 2016 Hafizur was admitted to Rajshahi Medical College Hospital after he fell ill in jail. On May 19 at around 4:30 am, he died. Hafizur Rahman, a student of Public Administration in Rajshahi University and the General Secretary of ward-19 unit of Chhatra Shibir, was detained from Chhotobongram area of Rajshahi Metropolitan City as a suspect in the death of Professor Dr. Rezaul Karim. On April 28, 2016, Hafizur was shown as arrested in the case and was produced before the Rajshahi Metropolitan Magistrate Court where police asked for a 7-day remand. After hearing the matter, the Magistrate, Moksheda Azgar granted a 4-day remand. He was sent to Rajshahi Central Jail after interrogation in the DB office for four days.⁵⁰
34. Hafizur Rahman's father, Hossain Molla said that his son was arrested under a false allegation and he died in jail due torture by police and lack of medical treatment. His elder brother Habibur Rahman alleged that Hafizur had been accused in the case deliberately and tortured after being taken into remand. After remand he was taken to jail in serious condition.⁵¹
35. Odhikar demands the better treatment for all inmates in every jail and jail hospital. Deprivation of fundamental rights in jail is a violation of human rights. Odhikar also demands the government take measures to stop torture in remand.

Attacks and harassment on inhabitants of Gondamara in Banshkhali continue

36. A private company called S. Alam Group signed an agreement with the government to set up a coal based power plant in Gondamara area under Banshkahli Upazila in Chittagong District. This set off disputes between local

⁴⁸ Student wing of Bangladesh Jamaat-e-Islami.

⁴⁹ On April 23, 2016 at around 7:45 am, Professor Rezaul Karim Siddiqui was hacked to death in Shalbagan area in Rajshahi Metropolitan City. On the same day in the afternoon, the deceased son Riasat Imtiaz Shourav filed a case with Boalia Police Station accusing unknown criminals. Later the case was handed over to the DB police. The killing was acknowledged by an extremist group.

⁵⁰ Report sent by local human rights defender associated with Odhikar from Rajshahi; and the daily Naya Diganta, 20/05/2016.

⁵¹ Report sent by local human rights defender associated with Odhikar from Rajshahi.

inhabitants and S. Alam Group from the beginning, over acquiring land for this project. On April 4, locals organised a meeting in Gondamara area under the banner of 'Committee to Protect House and Land'. In the meanwhile, the Union unit Awami League leader Shamsul Alam, who is also a follower of Awami League MP Mostafizur Rahman, called another meeting at the same place in favour of the coal based power plant. The local administration imposed Section 144 of the Code of Criminal Procedure due to both meetings being simultaneously cancelled in the same place. However, police and criminals shot at local people when they tried to assemble there, violating section 144. As a result more than one hundred people were injured. Among them, Mortuza Ali (52) of Gondamara Village; and his brother Ankur Ali, Zaker Ahmed (35) and Zahir Uddin were shot dead.⁵² Three separate cases were filed with Banshkhali Police Station in this regard. Of these cases, one was filed by police and the other two were filed by victim-families. In the cases filed by police, 57 people, including former Chairman of Gondamara Union Parishad, Liakat Ali's name were mentioned. Furthermore, three thousand two hundred unknown people were accused in the FIR.⁵³

37. On April 16, 2016 at a meeting in Chittagong Circuit House, the Deputy Commissioner (DC) Mezbah Uddin said that now they believe that the land owners of Gondamara area did not get adequate price for their land. He added that some thugs and brokers took the money; and as a result, locals got annoyed. The DC also said that Police would not make arrests anymore and that those who were arrested will get bail if they appeal for it. Moreover, he added that the case filed in relation to clashes will be withdrawn. Soon after the commitment of the DC, incidents of attack, arrests and harassment by police increased.⁵⁴

38. On May 6, 2016 police of Dhanmondi Police Station under Dhaka Metropolitan Police (DMP) arrested Mohammad Ali Nobi (45) and Mohammad Shafiul Alam Shahi (29), residents of Sonaia Borbari village of Gondamara Union, under a case filed in Banshkhali Police Station (case numbered 7) over attacks on police. They were brought to Chittagong the same day and police of Banshkhali Police Station went for an arms recovery operation with them. In a press release of Banshkhali Police Station it is stated that on May 7 in the morning, two arms and four rounds of live bullets were recovered from under the Gondamara Bridge. A case was filed with Banshkhali Police Station in this regard under section 19 of the Arms Act 1878.⁵⁵

⁵² The daily Jugantor, 05/04/2016.

⁵³ The daily Prothom Alo, 06/04/2016; <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-045-2016/?searchterm=Impunity%20and%20corporate>

⁵⁴ An article written by Anu Muhammad, published in the daily Prothom Alo, 12/05/2016.

⁵⁵ Report sent by local human rights defender associated with Odhikar from Chittagong.

39. On May 16, 2016 police arrested Dudu Mia, father of Liakat Ali, Convener of the Committee to Protect House and Land and one of the leaders of the Gondamara coal based power plant protest movement. Dudu Mia was arrested in an allegation of attacks on police during protests. Police also claimed that arms were recovered from Liakat Ali's home. When people protested this incident, police allegedly opened fire on local people of Gondamara and baton charged them. At least 50 people were injured.⁵⁶
40. Odhikar observes with concern that no one was arrested so far in connection with the killings in Banshkhali. However, police are arresting the family members of the deceased and wounded persons, who were in protest of these killings; and innocent villagers. Furthermore, others have been implicated into false cases in the name of 'arms recovery' and death threats were given to some. At the same time mass complaints and cases filed against large numbers of unknown persons have resulted in grave human rights violations.

Other unlawful acts by members of law enforcement agencies

41. On May 11, 2016 five police officers, including Sub Inspector (SI) of Mirpur Police Station, Rasheduzzaman Beg and ASI Ziaur Rahman went to the resident of Jubo Dal⁵⁷ leader of Dhaka Metropolitan unit, Ismail at Darusalam area in Mirpur and asked for him. The family of Ismail informed police that they did not know where he was. As a result, police took his wife Hamida with them to Mirpur Police Station and interrogated her about her husband. As Hamida could not tell the police the whereabouts of Ismail, police threatened to send her to prison, showing her as arrested in a drugs case. Later police demanded five hundred thousand taka bribe from her. Ismail's family gave police sixty thousand taka for releasing Hamida. On May 12, police showed her as arrested in a drugs related case after failing to get the money demanded; and appealed for a five-day remand after producing her in the Court. The Court granted one-day remand. Though police took Hamida from her residence, it is mentioned in the FIR that police arrested Hamida with drugs from in front of Mizan Tower at Kalyanpur, Dhaka while police was on duty at Technical Intersection in Mirpur. Moreover, a car registered under Dhaka-Metro-Ga-17-0959 number was shown as seized and the driver of that car, Sumon, was also shown as accused in the same case. At present Hamida is detained in Dhaka Central Jail.⁵⁸
42. The present government is adhering to the practice of using the law enforcement agencies against its political opponents and arresting and harassing the leaders and activists of the opposition political parties. They are

⁵⁶ The daily New Age, 17/05/2016.

⁵⁷ Youth wing of Bangladesh Nationalist Party (BNP).

⁵⁸ The daily Naya Diganta, 17/05/2016.

even arresting family members. Odhikar condemns such incidents and expresses its grievances at the state of law and order. Odhikar believes that such unlawful activities are increasing due to impunity of law enforcement agencies, disregard to the proper and due process of appointment and promotion and using law enforcement politically in favour of the ruling party for the sake of their vested interest.

Public lynching continues

43. In May 2016, three people, who allegedly were robbers, 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, as people are losing their confidence and faith in the police and judicial system. At the same time, the social fabric is crumbling resulting in insensitivity, insecurity, lack of empathy and fear. As a result, incidents of killings by mob violence continue.

Human rights violations by BSF in border areas

45. According to information collected by Odhikar, in May 2016, four Bangladeshi citizens were gunned down by the Indian Border Security Force (BSF).
46. 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 Bangladeshi citizens by illegally entering Bangladesh, which are clear violations of international law and human rights. A Director General level meeting between the Border Guard Bangladesh (BGB) and the Indian Border Security Force (BSF) commenced in Dhaka on May 11, 2016 and continued till May 16. During the meeting, on May 14, BSF members shot dead a school student in Chuadanga. An independent and sovereign state cannot passively watch its citizens being indiscriminately killed, tortured and abducted by another state. However, such incidents continue.
47. On May 14, 2016 Shihab Uddin (15), a student of class IX, along with Sabuj Hossain (16), Biplob Hossain (15) and Alam Hossain (15) of Goalpara Village went to a mango orchard adjacent to the Indian border fence near the main pillar 66 at Shimanto Union under Jibonnagar Upazila in Chuadanga District. At around 10:00 am, BSF members of Banpur Helencha Camp detained the three boys and tortured them, claiming the mango orchard was India's property. At that time Shihab tried to escape torture by BSF and started to run but BSF members shot him, leaving him seriously wounded. After being freed by the BSF, Sabuj, Biplob and Alam took Shihab to Jibon Nagar Health

Complex where the duty doctor declared him dead.⁵⁹ Seven BSF members, including the Banupur BSF Camp Commander A. C. Unbhab Abraiya were suspended due to this incident.⁶⁰

48. On May 23, 2016 at around 3:30 pm, a Bangladeshi farmer, Mohammad Sujon was cutting grass for his cows near the international main pillar 438 at Sarialjot border, under Tetulia Upazila in Panchagarh District. At that time BSF members of Lichugach Border Outpost of India shot him. Locals rescued Sujon and took him to Tetulia Upazila Health Complex where the duty doctor declared him dead.⁶¹
49. Odhikar observes with grave concern that the government has not taken any effective steps to stop human rights violations at the border by BSF, despite the issue being repeatedly raised by human rights groups. Furthermore, no initiative was taken by the Bangladesh Government to investigate and make the Indian Government accountable and compensate the victims or the families of the victims.

Human rights violations on religious minority communities

50. At a press conference on April 22, 2016, the Hindu-Buddha-Christian Oikya Parishad⁶² alleged that the human rights situation of citizens belonging to minority communities is deplorable. On behalf of the Organisation, it stated that incidents of violence against minority communities had tripled in the first three months of 2016, compared to the whole of 2015. Such incidents occur due to the unavailability of justice for similar incidents that took place in the past; and also due to the politicisation of these incidents.⁶³
51. On May 14, 2016 the body of a Buddhist monk named Dhamma Wasa (70) was recovered from a monastery in Chakpara Village of Baishbari Union, under Naikkhongchhori Upazila in Bandarban District. Criminals had stabbed him to death with sharp weapons. Police suspected that he was killed in the night of May 13, 2016.⁶⁴ Police arrested Hlamong Chak of the Chak community and two Rohingya refugees named Ziauddin and Abdur Rafim, in this regard.⁶⁵
52. Odhikar condemns the killing of the Buddhist monk which is another incident in a growing list of deaths and threats against religious leaders belonging to minority communities. Odhikar also expresses grave concern over incidents of land grabbing, intimidation, extortion and various kinds of

⁵⁹ The daily Prothom Alo and Naya Diganta, 15/05/2016.

⁶⁰ The daily Naya Diganta, 16/05/2016.

⁶¹ Report sent by local human rights defender associated with Odhikar from Panchagarh.

⁶² The Hindu-Buddhist-Christian Unity Council.

⁶³ The daily Manabzamin, 23/04/2016.

⁶⁴ The daily Naya Diganta, 23/05/2016.

⁶⁵ The daily Jugantor, 16/05/2016.

illegal activities, including attacks on members of religious minority communities; and on their places of worship.

Violence against women

53. Violence against women continues and most of the victims are not getting justice due to a culture of impunity.

Rape

54. In May 2016, Odhikar recorded a total number of 66 females who were raped. Among them, 14 were women, 51 were children below the age of 16 and the age of one victim was not determined. Of the women, two were killed after being raped and five were victims of gang rape. Out of the 51 child victims, six were victims of gang rape and two were killed after being raped. 14 women and children were victims of attempted rape.
55. On March 20, 2016 at around 11:00 pm, the body of a second year (Honours) student of the History Department in Comilla Victoria Government University College and theater activist, Shohagi Jahan Tonu (19) was found in a bush in the Comilla Cantonment area. The first post mortem was conducted in the morgue of Comilla Medical College Hospital the next day. On April 4, 2016 a post-mortem report was submitted. It was stated in the report that the actual reason for the death of Tonu could not be identified. Wounds at the back of the head were not mentioned in the post-mortem report and scratch marks on the throat was mentioned as insect bites. The Court ordered a second autopsy by forming a medical board after widespread protests. A three member medical board led by Dr. Kamda Prashad Saha, Associate Professor of Forensic Medicine Department of Comilla Medical College, conducted the second autopsy. Tonu's body was exhumed and samples were collected from the body for DNA test. The investigating officer of the case, Special Superintendent of Police of CID, Mohammad Shah Abid ensured that evidence of rape was found after the DNA test.⁶⁶ It has now become doubtful as to whether the post-mortems of other incidents of rape and killing were properly and fairly done without any external influence, as discrepancies were found between the post-mortem and DNA tests in the Tonu murder case. In such cases, there have been allegations against doctors, of altering the autopsy reports due to bribe or pressure from the higher authority.
56. On May 12, 2016 a part-time teacher of Ambrakakon High School of Bhoberpara Village under Mujibnagar Upazila in Meherpur District came to Kushtia for taking the School Teachers Registration Examination on May 13, 2016 with Shariful Islam, the Head Teacher of the same school, in Kushtia

⁶⁶ The daily Prothom Alo, 17/05/2016.

town. They were staying at Al-Amin Hotel in separate rooms. In the morning when she was preparing to go to the exam hall, the Head teacher Shariful forcibly entered her room and raped her. Later she was admitted to Kushtia General Hospital. Police 'could not' arrest the rapist head teacher Shariful Islam.⁶⁷

Dowry-related violence

57. In May 2016, according to Odhikar documentation, 12 women were subjected to dowry violence. Of these women, it has been alleged that seven were killed and four were physically abused over dowry demands. During this time, one woman committed suicide due to dowry violence.
58. A housewife named Naznin Akhter Nazu was allegedly killed over dowry demands in Baghmuchha area under Sonargaon Municipality in Narayanganj District. Six years ago Naznin Akhter Nazu of Rajapur Upazila under Jhalokathi District married Anisur Rahman of Baghmuchha village under Sonargaon Municipality in Narayanganj. They have a four-year old daughter named Anusha. Domestic violence began soon after the marriage over dowry demands by her husband. Naznin had filed a complaint with the police station against her husband Anisur Rahman and brother-in-law Arifur Rahman. On May 1, 2016 Naznin's body was found hanging from the ceiling fan. Police recovered the body when neighbours informed them. The deceased's father Ziaul Huq Nannu said that his daughter was killed deliberately for dowry and the body was hung with ceiling fan. Police arrested the deceased's sister-in-law Baby in this regard. The members of Naznin's in-laws family have been in hiding after the incident.⁶⁸

Acid violence

59. According to information gathered by Odhikar, in May 2016, it was reported that one woman, one girl and two men became victims of acid violence.
60. On May 4, 2016 a Madrassa student of class X named Dipa Rubaiya Ritu (16) was studying at home in Gopinathpur Village under Mithapukur Upazila in Rangpur District. At that time criminals threw acid on her through the window, which burnt different parts of the body, including her face. She was admitted to the burn unit of Rangpur Medical College Hospital.⁶⁹

Sexual harassment

61. According to information gathered by Odhikar, in May 2016, a total of 16 girls (below the age of 18) and women were victims of sexual harassment. Of them

⁶⁷ Report sent by local human rights defender associated with Odhikar from Kushtia.

⁶⁸ Report sent by local human rights defender associated with Odhikar from Narayanganj.

⁶⁹ The daily Naya Diganta, 06/05/2016.

one was injured, one was assaulted and 13 were victims of stalking. However, one girl committed suicide due to sexual harassment.

62. On May 21, 2016 a female student of class IX, of Tajek Prodhon High School at Gognagar area in Narayanganj, was sexually harassed by school teacher Ibrahim Khalil, in an empty classroom. Hearing the shouting of the girl, people approached and beat the teacher. Later police reached the school and brought Ibrahim Khalil to the police station. The victim of sexual harassment filed a case against teacher Ibrahim Khalil and then police showed him as arrested.⁷⁰

Anti Corruption Commission and its accountability

63. The Anti Corruption Commission (ACC) was formed under the Anti Corruption Commission Act, 2004 in order to prevent corruption in the country and to investigate other specific crimes, including forgery. According to Article 2 of this Act, "This Commission will be independent and impartial". As per law, the ACC will act as an independent and neutral institution, but the ACC is unable to play an independent or neutral role. ACC is functioning as per instructions of the ruling party, which has been reflected in several of its activities. The ACC had initiated investigation into acts of corruption by the former Ministers, Members of Parliament, influential politicians and bureaucrats. However, most of the accused persons under investigation are being given a 'clean chit' by the ACC, which is filing the cases secretly.⁷¹ ACC has given 'clean chit' to 23,000 influential persons after investigation and filing cases through final reports in eight years.⁷²
64. Between January and August 2014, about 1600 politicians backed by the ruling party and high-level government officers were given clean chits. Among them, the ACC has given impunity to 10 persons, including former Communication Minister, Syed Abul Hossain for the Padma Bridge scam; and former Health Minister AFM Ruhul Huq for possessing illegal property. Furthermore, allegations of corruption have been removed in eight months, from the Deputy Leader of the Parliament, Sajeda Chowdhury; former Health Affairs Adviser to the Prime Minister, Syed Modasser Ali; Health Minister, Mohammad Nasim; and former Ambassador of Bangladesh to the Philippines, Mazedra Rafiqun Nesa.
65. The Commission also removed the allegations brought against some senior leaders of Awami League and some men associated with the ruling party in 2013. Among them, the Commission acquitted former parliamentarian HBM

⁷⁰ Report sent by local human rights defender associated with Odhikar from Narayanganj.

⁷¹ The daily Manabzamin, 10/10/2014.

⁷² The daily Jugantor, 20/10/2015.

Iqbal and former Chief Whip and Awami League leader Abul Hasnat Abdullah from two cases. In June 2013, the ACC acquitted former Minister Mohiuddin Khan Alamgir from an allegation of corruption. In addition to this, several government officers were given clean chit and acquitted from cases.⁷³ In the meanwhile, the ACC continues legal proceedings under the cases filed against top leaders of the opposition BNP.⁷⁴

66. Whether an investigation against corruption should be conducted or not depends on the willingness of the officers of the Anti Corruption Commission. Sometimes investigations are not carried out, despite having concrete evidence of corruption against many people. In the meanwhile, the ACC initiates investigations in some cases by making them public but lacking specific information, allegations and evidence. About 50 officials of the Anti Corruption Commission have been involved in taking bribes from persons under investigation in order to set them free. There were allegations that the ACC officials demanded bribes from the accused by threatening to file case against them, investigate and provide charge sheets. Most of the victims did not dare to complaint to the ACC, but made allegations to some intelligence agencies.⁷⁵
67. Odhikar too faces harassment from the ACC. On August 10, 2013 men from the law enforcement agency picked up Odhikar's Secretary Adilur Rahman Khan without warrant and showed him arrested under the ICT Act for publishing a fact finding report on extrajudicial killing of 61 persons centering a rally by Hefazate Islam on May 5-6, 2013. Soon after this incident, the Anti Corruption Commission initiated investigations into the financial transactions of Odhikar; which escalated in January 2014 after Adilur Rahman Khan was freed on bail. However, finding no concrete evidence, the investigating officer and Deputy Director of the ACC, Harun-ar-Rashid recommended the Commission to settle the matter as 'kept in record' after investigating Odhikar for one and half years. However, the Commission has decided to reinvestigate Odhikar as the report submitted by Harun-ar-Rashid was not deemed satisfactory. Deputy Director of the ACC, Jalal Uddin Ahammad has been given authority to investigate the matter again.⁷⁶ On May 22, 2016 at around 5:30 pm, a letter signed by Jalal Uddin Ahammad, the Deputy Director of the Anti Corruption Commission came to Odhikar's Secretary Adilur Rahman Khan. It was an allegation of money laundering against Odhikar by the ACC and about hearing and recording the statement of a relevant person of the Organisation. The ACC mentioned that 97,000 Euro came as remittance to Standard Chartered Bank for Odhikar, but they did not mention any date of

⁷³ The daily Manabzamin, 10/10/2014.

⁷⁴ The daily Manabzamin, 10/10/2014.

⁷⁵ The Daily Ittefaq, 23/10/2014.

⁷⁶ The daily Naya Diganta, 12/03/2015.

such transaction. 97,000 Euro did not come as remittance to Standard Chartered Bank. The amount of Euro, which was mentioned by ACC, was not correct. Rather, 97,501.07 Euro, equivalent to 9,487,010.11 Taka (1 Euro=97.30 taka) as the project money for the 2nd year of the European Union-funded project, was credited to Odhikar's mother-account at Standard Chartered Bank on July 8, 2013, with the permission of the NGO Affairs Bureau (NGOAB). With the permission of the NGOAB, Odhikar withdrew funds from the total amount and spent it for the implementation of project activities. The remaining fund is still in the said bank account, because the NGOAB did not approve of the remaining fund to be withdrawn from the bank. As a result, it was not possible to implement the project activities completely. It is to be noted that, an agreement was signed between the European Union and Odhikar for a two-year project, titled 'Education on the Convention against Torture and OPCAT Awareness Programme in Bangladesh'. The total budget of the project was 196,710.12 Euro. The NGOAB gave permission to deposit the money in the mother-account of the Organisation; and to spend the money during the project period in 24 months. The duration of the project was amended thrice and also the budget needed to be amended because of the delay from NGOAB. All the expenditures of the project were audited by the Audit Company which was approved by NGOAB and European Union; and the audit report was submitted to both institutes.

68. Odhikar believes that there is no lack of transparency about the 97,501.07 Euro (although the ACC wrongly mentioned 97,000 Euro). So, the allegation of money laundering against Odhikar is totally baseless and tantamount to harassment. It is to be mentioned that Odhikar can not only account for the 97,501.07 Euro but also ensures accountability and transparency in its all activities.
69. The Anti Corruption Commission is harassing Odhikar as part of the repressive acts of the present government. Odhikar has been criticising the discriminatory actions of the ACC and its non-transparent activities. Odhikar has also been asking for the annual income and expenditure of ACC officials to be published on the ACC website. The ACC can investigate Odhikar's financial transaction any time with due process of law. But in the name of 'summoning' and threats to 'taking measures' despite submitting all relevant documents related to projects to the NGO Affairs Bureau, are tantamount to repression. The ACC is harassing Odhikar in the name of 'investigation' keeping the information of the complainant and the description of the allegations secret, which proves that ACC is working as subservient institution to the government. Odhikar believes that the ACC is trying to damage its reputation and make its achievements controversial in order to

stop its human rights work, by following the repressive dictates of the government.

Statistics: January-May 2016*								
Type of Human Rights Violation		January	February	March	April	May	Total	
Extrajudicial killings	Crossfire	6	10	11	7	3	37	
	Shot to death	2	0	0	4	0	6	
	Torture to death	1	2	0	0	2	5	
	Total	9	12	11	11	5	48	
Shot on legs by law enforcement agencies		2	0	2	3	0	7	
Enforced Disappearances		6	1	9	11	12	39	
Death in Jail		8	3	4	5	9	29	
Human rights violations by Indian BSF	Bangladeshis Killed	3	1	1	2	4	11	
	Bangladeshis Injured	4	4	0	2	3	13	
	Bangladeshis Abducted	0	5	0	2	0	7	
Attack on journalists	Injured	9	2	5	6	6	28	
	Assaulted	9	1	0	0	0	10	
Local Government Elections	Municipality Elections	Killed	0	0	1	0	0	1
		Injured	0	0	58	0	0	58
	Union Parishad Elections	Killed	0	2	41	27	45	115
		Injured	0	140	2127	1201	1485	4953
Dowry related violence against women		22	19	14	16	12	83	
Rape		59	57	60	75	66	317	
Sexual harassment /Stalking against women		27	23	20	25	16	111	
Acid Throwing		4	4	3	4	4	19	
Public lynching		2	11	5	6	3	27	
Situation of Ready-made Garments Workers	Burnt to death	0	0	0	0	3	3	
	Injured	25	31	12	34	18	120	
Arrest under Information and Communication Technology Act		1	4	0	1	1	7	

*Odhikar's documentation

Recommendations

1. Interference to freedom of expression and of the media must be stopped immediately. The Government must withdraw cases filed against all human rights defenders and journalists; and it should also bring the perpetrators to justice through proper and unbiased investigation. The ban on the publication of the daily Amar Desh and the broadcasting of Diganta TV, Islamic TV and Channel One should be removed. All persons who were detained for political reasons or for expressing their opinions and thoughts, including the senior and elderly journalist Shafik Rehman, Acting Editor of the daily Amar Desh Mahmudur Rahman and BFUJ President Shawkat Mahmud should be released immediately. Perpetrators who are involved in the killings of bloggers, online activists, teachers, members of the minority communities should be brought to justice. All repressive laws, including the Information and Communication Technology Act, 2006 (amendment 2009, 2013) and the Special Powers Act, 1974 must be repealed. Monitoring on the social media and internet should be stopped. Furthermore, the proposed enactment of recent repressive laws 'Distortion of the History of Bangladesh Liberation War Crimes Act 2016' and 'National Broadcasting Act 2016' should be halted; and the section that halts media under the Press Council (amendment) Act 2016 must be repealed.
2. Free fair and inclusive Parliamentary elections should be held under a neutral government or under the supervision of the United Nations; and initiatives should be taken for the restoration of democracy and the voting rights of the people and for fixing dysfunctional institutions.
3. Incidents of extrajudicial killings and torture by law enforcement agencies must be investigated and the perpetrators be brought to effective justice.
4. The law enforcement agencies must follow international guidelines "Basic Principles on the use of Force and Firearms by Law Enforcement Officials" and the "UN Code of Conduct for Law Enforcement Officials". The Government must ratify the Optional Protocol to the Convention against Torture; and effectively implement the Torture and Custodial Death (Prevention) Act, 2013. Perpetrators involved in the killings in Banshkhali must be arrested and the government must stop arresting and harassing people who protested the Banshkhali carnage.
5. The Government has to explain all incidents of enforced disappearance and post-disappearance killings, allegedly perpetrated by law enforcement agencies. All victims of disappearance should be returned to their families. The Government must bring the erring members of the security and law enforcement agencies to justice before the law. Odhikar urges the government to accede to the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the UN on December 20, 2006.

6. The Government should protest strongly against human rights violations on Bangladeshi citizens by the Indian Border Security Force (BSF) and take initiatives to investigate and make the Indian Government accountable and compensate the families of the victims. The Government should also ensure the safety and security of the Bangladeshi citizens residing at the border areas.
7. Attacks and repression on all minority communities must be stopped. The Government should take all measures to protect the rights of the citizens belonging to religious, ethnic and linguistic minority communities and ensure their security.
8. The 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.
9. The annual income and expenditure of all Anti Corruption Commission officials should be made public and uploaded on the ACC website. Transparency need to be ensured in the recruitment process of the ACC in order to make it functional in transparent and accountable manner.

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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 in twelve national daily newspapers.
3. Odhikar conducts detailed fact-finding investigations into some of the most significant violations, with assistance from trained local human rights defenders.
4. Odhikar is consistent in its human rights reporting and is committed to remain so.