



# **Human Rights Monitoring Report on Bangladesh**

**Reporting Period: 1 - 31 October 2018**

**Prepared by Odhikar**

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Odhikar has, since 1994, been monitoring the human rights situation in Bangladesh 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. 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. Odhikar has always been consistent in creating mass awareness of human rights issues using several means, including reporting violations perpetrated by the State and advocacy and campaign to ensure internationally recognised civil and political rights of citizens. The Organisation unconditionally stands by the victims of oppression and maintains no prejudice with regard to political leanings or ideological orientation, race, religion or sex. In line with this campaign, Odhikar prepares and releases human rights status reports every month.

The Organisation has prepared and disseminated this human rights monitoring report of October 2018, despite facing persecution and continuous harassment and threats to its existence since 2013. Although many incidents of human rights violations occur every month, only a few significant incidents have been highlighted in this report. Information used in the report was gathered by grassroots human rights defenders associated with Odhikar and also collected from the national dailies.

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## Statistics of Human Rights Violations: January-October 2018

Statistics: January-October 2018*													
Type of Human Rights Violations		January	February	March	April	May	June	July	August	September	October	Total	
Extrajudicial killings	Crossfire	18	6	17	28	149	50	69	24	35	19	<b>415</b>	
	Shot to death	1	1	0	0	0	0	0	0	0	0	<b>2</b>	
	Torture to death	0	0	1	1	2	0	0	0	1	0	<b>5</b>	
	<b>Total</b>	<b>19</b>	<b>7</b>	<b>18</b>	<b>29</b>	<b>151</b>	<b>50</b>	<b>69</b>	<b>24</b>	<b>36</b>	<b>19</b>	<b>422</b>	
Enforced Disappearances		6	1	5	2	1	3	5	5	30	13	<b>71</b>	
Death in Jail		6	5	9	7	8	5	7	4	2	4	<b>57</b>	
Human rights violations by Indian BSF	Bangladeshis Killed	2	1	0	0	0	0	1	0	1	3	<b>8</b>	
	Bangladeshis Injured	3	5	1	2	0	1	0	1	7	0	<b>20</b>	
	Bangladeshis Abducted	2	0	0	3	4	0	0	0	1	2	<b>12</b>	
	<b>Total</b>	<b>7</b>	<b>6</b>	<b>1</b>	<b>5</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>9</b>	<b>5</b>	<b>40</b>	
Attack on journalists	Injured	12	6	1	2	3	1	3	12	1	3	<b>44</b>	
	Assaulted	1	3	3	0	0	0	0	10	1	0	<b>18</b>	
	Threatened	2	1	3	0	1	1	0	1	0	0	<b>9</b>	
	<b>Total</b>	<b>15</b>	<b>10</b>	<b>7</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>23</b>	<b>2</b>	<b>3</b>	<b>71</b>	
Political violence	Killed	9	5	9	11	13	2	3	2	4	10	<b>68</b>	
	Injured	619	424	335	428	297	153	216	252	261	380	<b>3365</b>	
Dowry related violence against women		12	16	15	21	12	6	10	14	16	7	<b>129</b>	
Rape		46	78	67	69	58	48	59	55	54	51	<b>585</b>	
Sexual harassment /Stalking of females		15	14	25	24	19	6	11	8	16	9	<b>147</b>	
Acid violence		2	1	3	4	2	0	5	6	1	1	<b>25</b>	
Public lynching		5	6	8	2	5	2	4	3	6	4	<b>45</b>	
Situation of workers	RMG workers	Killed	0	0	1	0	1	0	0	0	0	<b>2</b>	
		Injured	20	0	40	0	35	27	10	0	1	67	<b>200</b>
	Workers in other sectors	Killed	9	11	7	8	18	7	4	6	5	3	<b>78</b>
		Injured	8	4	0	3	4	3	9	0	6	20	<b>57</b>
Arrest under Information and Communication Technology Act 2006 (amended 2009 and 2013)**		2	1	0	0	3	0	2	27	3	1	<b>39</b>	
Arrested under Digital Security Act 2018***		-	-	-	-	-	-	-	-	-	7	<b>7</b>	

\*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. In August, 22 arrests were taken place against those who allegedly provided "false and confusing information, spread rumours and anti-state" through facebook/social media during safe road movement.

\*\*\* The Digital Security Act passed on 19 September 2018

## Introduction

1. This report has been prepared based on the overall human rights situation in October 2018 where violations of civil and political rights, including state repression and deprivation of the right to life were analysed. The country's human rights situation has been serious cause for concern since 2009, after the Awami League led Alliance government came to power; and which has further deteriorated after the same government re-assumed power for a second term, through a controversial 2014 Parliamentary election.<sup>1</sup> The government has created a fearful atmosphere in the country by indiscriminately abusing the human rights of the citizens. Even as the Election Commission is preparing to declare the election schedule of the 11<sup>th</sup> Parliamentary Elections to be held in December 2018, a level-playing field for all political parties is yet to be created. The current (Awami League) government is dominating the election area by suppressing opposition and dissenting voices, through violating freedom of opinion, expression, assembly and association. The Bangladesh Nationalist Party (BNP) Chairperson Khaleda Zia has been imprisoned and numerous cases have been filed against the leaders and activists of BNP and arrests made. Cases were also filed against deceased and seriously ill persons or BNP affiliated persons who live abroad. In such a situation, a new political Alliance called Jatiya Oikya Front<sup>2</sup> led by Dr. Kamal Hossain<sup>3</sup> has emerged, demanding a free, fair and inclusive election. Meanwhile, several cases were filed against apolitical members of this Alliance, Dr. Zafrullah Chowdhury and Barrister Moinul Hossain with the patronisation of the government and Moinul Hossain was arrested and is detained in jail. Apart from the Jatiya Oikya Front, a few more political parties, including Left Democratic Front and Jatiya Mukti Council have also been vocal for a free, fair and impartial election. Bangladesh is a party to the International Covenant on Civil and Political Rights. According to Article 25 (b) of ICCPR, "Every citizen shall have the right and the opportunity, without

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<sup>1</sup> The Caretaker Government system was incorporated in the Constitution through the 13<sup>th</sup> amendment to the Constitution, as a result of people's movement led by the then Opposition Awami League and its alliance between 1994 and 1996 due to the continuation of enmity, mistrust and violence between the two main political parties (BNP and Awami League). Later this system received a huge public support. However, in 2011 the caretaker government system were removed unilaterally by the Awami League government through the 15<sup>th</sup> amendment to the Constitution, without any referendum and ignoring the protests from various sectors; and a provision was made that elections were now to be held under the incumbent government. As a result, the farcical 10<sup>th</sup> Parliamentary elections were held on 5 January 2014 despite the boycotting of this election by a large majority of political parties. The election was farcical and out of 300 constituencies, 153 MP's were declared elected uncontested even before the polling commenced.

<sup>2</sup> National Unity Front with the BNP-led 20 Party Alliance, Nagorik Oikya, Gono Forum, and other political parties, and eminent citizens, including Gono Shastha Kendra's Founder and Trustee Dr. Zafrullah Chowdhury and Supreme Court lawyer Barrister Moinul Hossain.

<sup>3</sup> Senior lawyer in the Supreme Court of Bangladesh and President of Gono Forum.

unreasonable restrictions, to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors". However, the ruling party has violated Article 25 (b) of the ICCPR as a State party, by making the electoral system dysfunctional and depriving the Election Commission from independent functioning, in order to win in the polls at any cost.

2. Despite being a constitutional body, the current Election Commission (EC) is playing a subservient role to the government and the EC is preparing for the upcoming national elections by prioritising the current government's interest. The EC has decided to use Electronic Voting Machines (EVM) in the upcoming elections by ignoring objections from all opposition political parties.
3. In order to gag the voice of the media and violate freedom of expression, the Cabinet has approved the draft of a 'Broadcasting Act 2018' soon after the government passed the Digital Security Act, 2018, ignoring objections from all stakeholders. Human rights organisations and media believe that such law will be widely imposed and abused before the upcoming polls, against citizens and dissenters in order to silence the voice of the media and violate freedom of expression. On the other hand, the government has approved of the creation of a "Public Service Bill 2018". It is feared that the level of corruption and other unlawful activities will increase as a result of this law.
4. The government is going to monitor various kinds of blogs and websites and social media, including Facebook, Twitter and YouTube from November through cyber security tools, which have already been bought for this purpose.<sup>4</sup> Interference with the media continued in October 2018 and no action was taken by the government against ruling party leaders-activists who attacked journalists on duty. During the movement for safe roads, 12 journalists were injured due to attacks by Chhatra League leaders-activists. Armed attackers in helmets, who were seen attacking journalist with police, have not been arrested yet.<sup>5</sup> Moreover, the investigation of the murder of Massranga TV News Editor Sagor Sarwar and his wife senior reporter of ANT Bangla, Meherun Runi has not seen any progress even after 68 months.
5. Extrajudicial executions on the pretext of an 'anti-drug drive' commenced from 15 May 2018 and continued in October and since then 264 persons were allegedly killed extra judicially. A large number of enforced disappearances occurred during the reign of this government. Given this trend, there are also fears that

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<sup>4</sup> Bangla Tribune.com, 17 October 2018; <http://www.banglatribune.com/tech-and-gadget/news/376219/>

<sup>5</sup> The daily Prothom Alo, 4 October 2018; <https://www.prothomalo.com/bangladesh/article/1560031>

opposition leaders and activists could be subjected to enforced disappearances ahead of the upcoming elections. Many leaders and activists of the opposition political parties, particularly BNP, were disappeared before and after the 2014 elections.<sup>6</sup>

6. In October, workers made public protests against the non-payment of their due wages and against the termination of workers.
7. Places of worship and temples of religious minority communities in various districts across the country, were set on to fire and/or effigies were broken deliberately.
8. Due to absence of a democratic system, the lack of rule of law persists. In this situation, a section of society is heading towards extremism. At present deaths occurring in the name of operations carried out by the state security forces to resist 'extremists', have raised questions.
9. A significant number of women and girls became victims of different kinds of gender-based violence, including dowry, rape, acid attacks, sexual harassment and domestic violence in this month.
10. Human rights defenders and media activists remained under monitoring and their activities are frequently hindered by the government.
11. Acts of Indian interference in the political, economic and cultural affairs of Bangladesh and harassment and killing of Bangladeshi citizens by BSF along the border areas continued during this period.
12. Rohingya people fled genocide in the Rakhine (Arakan) state of Myanmar and took shelter in Bangladesh is what has been called the world's largest refugee camp. Odhikar has been monitoring the human rights situation of Rohingyas, collecting various information and publishing reports on the genocide, mass rape, torture, shooting and burning of children, women and men to death; enforced disappearances and the taking away women and children; and torching of houses all by the Myanmar Military and Buddhist extremists. Currently Rohingyas living in Bangladesh are facing various problems too. They are unwilling to take smart cards distributed by UNHCR, as the refugees are not being recognised as Rohingyas.

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<sup>6</sup> See *Odhikar* monthly human rights reports and annual reports at [www.odhikar.org](http://www.odhikar.org)

## Suppression on Opposition political parties ahead of the upcoming National Elections

### *Indiscriminate case file and mass arrest*

13. The repression of the government on opposition party leaders and activists and dissenters is evidence of blatant disregard of human rights obligations. The opposition parties alleged that the government is trying to suppress the opposition by filing false cases and making mass arrests before the declaration of the schedule for the upcoming national elections. Meanwhile the political field during the election period will be fully under the control of the government till the next election. Related statements are being given by the ruling party leaders. It was learnt that the government is using the administration for its party purpose. A list of BNP-Jamaat Alliance leaders and activists has been prepared and new cases are being lodged, in addition to reactivating investigations in old cases against them.<sup>7</sup> Many cases were filed against grassroots level leaders-activists, the BNP Secretary General and Standing Committee members. Most of these cases are allegedly fabricated and made to harass. Among the accused persons, some are dead, bedridden due to serious illness, elderly or already detained in jail or living abroad. Not only were cases filed against such persons, but charge sheets were also submitted to the court by police, accusing dead men after 'investigation'. For example, Shah Jamal (32) of Jhenaidah district died in 2004. Police filed a criminal case against him after nine years in 2013 and submitted a charge sheet before the court accusing him after investigation.<sup>8</sup> Jahangir Hossain of Chanchra Village in Jessore died on 25 December 2017. However, police claimed in a case filed on 30 August of this year, that Jahangir Hossain along with his associates set fire to a train and pulled out the railway track.<sup>9</sup> Shamsul Huq of Habiganj died in 2010 and Kamal of the same district was shot dead by robbers two years ago. Police have accused these two deceased men in a case filed on 28 September 2018 for allegedly attacking police. Another man, Daiyan Munshi of Hasnabad area under Keraniganj in Dhaka, died in 1998; however, police filed a case against him after 20 years of his death.<sup>10</sup> On 24 July 2018, police arrested Mohammad Masum of Madhyampara area of Aganagar Union under Barura Upazila in Comilla District in a murder case. Since then he

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<sup>7</sup> The daily Naya Diganta, 3 October 2018; <http://www.dailynayadiganta.com/politics/354099/>

<sup>8</sup> The daily Prothom Alo, 13 October 2018

<sup>9</sup> The daily Prothom Alo, 9 October 2018; <https://www.prothomalo.com/bangladesh/article/1560654/>

<sup>10</sup> The daily Prothom Alo, 10 October 2018



has been detained in Comilla Central Jail. However, on 8 September 2018, police of Barura Police Station showed him an accused in a case filed against BNP leaders-activists for alleged 'vandalism'.<sup>11</sup>



*Paralised Abdul Bari, being an accused of bomb blast, is taking to jail by police of van. Photo: Prothom Alo, 1 November 2018*

14. In addition to this, police accused a large number of unknown persons while filing cases against them. This is a method to harass opposition party leaders-activists or ordinary citizens after arresting them. Filing cases accusing 'unknown persons' and subsequently showing any person as arrested under those cases is not a new practice. Such practices were observed in the past. The court also granted remand after the arrest of the accused. Due to this suppression by the government, many BNP leaders and activists have gone into hiding. Among the arrestees, are important leaders of the opposition political parties at the district level and former Members of Parliament.
15. A hearing of a writ petition filed in September, regarding the formation of a high level inquiry commission to investigate around four thousand cases filed against approximately three hundred thousand people, including leaders-activists of BNP and other opposition political parties and lawyers, commenced on 8 October 2018, in a High Court Division Bench of the Supreme Court comprising of Justice Moinul Islam Chowdhury and Justice Mohammad Ashraful Kamal.

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<sup>11</sup> The daily Manabzamin, 12 October 2018; <http://www.mzamin.com/article.php?mzamin=139808&cat=3/>

During the hearing, the Court, after observing the FIR, said that such type of (unauthorised) cases spoil the dignity and credibility of the police. For example, Khandaker Mahbub Hossain<sup>12</sup> a senior lawyer has been charged with throwing cocktail bombs.<sup>13</sup> However, the two judges had taken different positions in terms of issuing a Rule. As a result, this matter will be heard by a third judge.



*People from Jessore have come to the High Court for anticipatory bail on 'unauthorised' cases filed against them.  
Photo: Prothom Alo, 9 October 2018.*

16. On 30 September and 1 October 2018, police filed two cases with Hatirjheel Police Station against more than 50 leaders and activists of BNP, including BNP Secretary General Mirza Fakhrul Islam Alamgir, for obstructing police activities and for giving provocative speeches at a meeting organised at Suhrawardy Udyan on 30 September 2018. Police arrested more than 200 leaders and activists of the party centring around that meeting, said BNP. Police said that many people were arrested in the case filed with Hatirjheel Police Station.<sup>14</sup>
17. On 9 October 2018, police of Keraniganj Police Station in Dhaka filed two cases, accusing 258 BNP leaders-activists and 250 unidentified persons.<sup>15</sup>
18. Madaripur District unit BNP General Secretary Jahandar Ali came to Dhaka on 8 October 2018, and went to the BNP central party office. He then went to a restaurant near the BNP office to have lunch with five local BNP leaders. While

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<sup>12</sup> He is a senior lawyer of the Supreme Court of Bangladesh and former President of the Supreme Court Bar Association.

<sup>13</sup> The daily Naya Dignata, 9 October 2018; <http://www.dailynayadiganta.com/first-page/355456/>

<sup>14</sup> The daily Naya Dignata, 3 October 2018; <http://www.dailynayadiganta.com/politics/354099/>

<sup>15</sup> The daily Manabzamin, 12 October 2018; <http://www.mzamin.com/article.php?mzamin=139741&cat=9/>

the men were waiting for their food, some plainclothes members of the Detective Branch (DB) of Police picked them up from there and took them to Paltan Police Station<sup>16</sup> and filed a case against them under the Explosive Substances Act, 1884.<sup>17</sup>

19. On 10 October 2018, police filed cases against BNP and Jamaat-e-Islami leaders-activists and arrested 200 BNP and Jamaat-e-Islami leaders-activist at different places throughout the country. 102 people, including Comilla Sadar South Upazila unit BNP General Secretary Mahbub Chowdhury, were arrested from different places in 17 Upazilas.<sup>18</sup>

### ***Hindrance to and attacks on meetings and assemblies***

20. The government is obstructing meetings and assemblies of the opposition parties, using the law enforcement agencies, leaders and activists of the ruling Awami League and its affiliated organisations. This is to stop them organising before the upcoming Parliamentary elections. Cases have also been filed, accusing BNP leaders and activists as seen in the previous section. The newly formed opposition alliance Jatiya Oikya Front (National Unity Front) led by Dr. Kamal Hossain wanted to start programmes through processions and assembly at the Hazrat Shahjalal shrine in Sylhet on 23 October, but the police did not allow them to organise the meeting, citing security grounds. On 24 October, they applied for the second time to hold a meeting and the police allowed them to do so with conditions and after a lot of hesitation. On 23 October, the night before the assembly, the police surrounded the residence of the Sylhet unit BNP President Abul Kaher Shamim and claimed that six people from in front of his resident and 20/25 leaders and activists from different places of the city had been arrested. After the public meeting, police arrested 25 BNP activists including Khandaker Abdul Muktedir, Adviser to the Chairperson of BNP.<sup>19</sup> Muktedir is detained in jail. Barriers to and attacks on peaceful gatherings and meetings are clear violations of Article 37<sup>20</sup> of the Constitution of Bangladesh and Article 21<sup>21</sup>

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<sup>16</sup> The daily Naya Dignata, 9 October 2018; <http://www.dailynayadiganta.com/more-news/355460/>

<sup>17</sup> Report sent by local human rights defender associated with Odhikar in Madaripur.

<sup>18</sup> The daily Naya Diganta, 11 October 2018; <http://www.dailynayadiganta.com/last-page/356074/>

<sup>19</sup> The daily Prothom Alo, 21 October 2018

<sup>20</sup> The right to freedom of assembly and the holding of peaceful meetings and processions are the democratic and political rights of every citizen.

<sup>21</sup> The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

of the International Covenant on Civil and Political Rights. Some examples given below:

21. On 3 October 2018, police attacked peaceful rallies organised in Thakurgaon and Munshiganj as part of the first programme of BNP's seven-point movement, demanding free and fair elections. During this attack, 60 BNP activists were injured in two districts. In Munshiganj, 12 leaders and activists were arrested.<sup>22</sup>
22. On 10 October 2018, Awami League-backed Chhatra League<sup>23</sup> activists attacked a procession of Khulna District unit Juba Dal<sup>24</sup> and Jatiyatabadi Chhatra Dal<sup>25</sup> at the PTI intersection while they were protesting against the verdict of life imprisonment of the Senior Vice Chairperson of BNP Tareque Rahman in the 21 August grenade attack case. Seven leaders and activists of Jubo Dal and Chhatra Dal were injured in this attack.<sup>26</sup>
23. In addition to attacks on the (out of Parliament) opposition BNP, it was reported that the police attacked the rallies and meetings of the other organisations. For example, on 5 October 2018, teachers from the secondary schools were gathering in front of the National Press Club on the occasion of World Teachers' Day, and calling for various demands. At that time, when the police became hostile towards them, the teachers left the Press Club area and gathered near the Education Building. When the police baton charged them, the teachers took shelter inside the High Court premises, where the police attacked them again. At that time, Fazlul Haque, Secretary of Kishoreganj District Teachers' Association, was arrested and taken to Shahbagh Police Station.<sup>27</sup> On 20 October, the General Student Council organised human chain and rally in front of the National Museum at Shahbagh, Dhaka, demanding that the age for entry into the government service be changed. Such protests were stopped by the police.<sup>28</sup> However, a few days later, some people from the government supported organisation named "Muktijoddhader Sontan" (Children of Freedom Fighters) organised a procession for several days by blocking the Shahbagh intersection, which caused a huge public nuisance. The police arranged security for them.

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<sup>22</sup> Reports sent by local human rights defender associated with *Odhikar*, from Munshiganj and Thakurgaon.

<sup>23</sup> Student wing of Awami League

<sup>24</sup> Youth wing of BNP

<sup>25</sup> Student wing of BNP

<sup>26</sup> The daily Naya Diganta, 11 October 2018; <http://www.dailynayadiganta.com/more-news/356105/>

<sup>27</sup> The daily Jugantor, 6 October 2018; <https://www.jugantor.com/todays-paper/news/97832/>

<sup>28</sup> The daily Prothom Alo, 21 October 2018

## Political Violence

24. In October 2018, according to information gathered by Odhikar, 10 persons were killed and 380 persons were injured in political violence. Furthermore, 21 incidents of internal violence in the Awami League and one in the BNP<sup>29</sup> was also recorded during this period. Seven persons were killed and 290 were injured in internal conflicts within the Awami League while 10 persons were injured in conflicts within the BNP.

Political Violence: October 2018		
Month	Killed	Injured
October	10	380

Political Violence: October 2018			
Month	Killed: Intra party clash	Injuries: Intra party clash	
	Awami League	Awami League	BNP
October	7	290	10

25. Leaders and activists of the ruling Awami league and its affiliated organisations are playing the main role in terms of criminalisation of politics for the last 10 years in Bangladesh. Allegations of murder, violence against women, suppression on dissenters, extortion, forcefully acquiring tender bids, land grabbing, fixing admissions at educational institutions were reported against them. They are also reportedly involved in incidents of internal conflict which are linked to their vested interest; and they are seen using various lethal weapons in public. The Awami League leaders-activists continue to carry out offensive and criminal activities due to the absence of democracy, lack of accountability and rule of law. Although many were given punishment through trial, they were acquitted due to political influence. On 18 September 2000, Laxmipur District unit BNP Organizing Secretary Advocate Nurul Islam was abducted by a group of criminals led by Biplob, Labu and Tipu, the three sons of the then Chairman of Laxmipur Municipality and General Secretary of the district unit Awami League, Abu Taher. After killing him, they cut his body into pieces and threw them into the Meghna River.<sup>30</sup> In this murder case, the court sentenced to death five of the accused including AHM Aftab Uddin Biplob; and

<sup>29</sup> BNP: Bangladesh Nationalist Party.

<sup>30</sup> The daily Prothom Alo, 20 July 2011, <http://archive.prothom-alo.com/detail/date/2011-07-20/news/171595>

nine others were sentenced to life imprisonment. After being absconded for more than 10 years, Biplob surrendered before the court in 2011 when Awami League re-assumed power; and in the same year the then President Zillur Rahman, gave him clemency. The following year President Zillur Rahman reduced Biplob's life sentence to 10 years in another case regarding the killings of two men called Kamal and Mohsin. On 9 October 2018, Biplob was released from Laxmipur District Jail. It is to be mentioned that in addition to Biplob, his father Abu Taher and his other brothers have been accused of killing opposition political party activists and they were sentenced in a few murder cases.<sup>31</sup> At present, they have all been released from jail and Abu Taher has been elected mayor of Laxmipur Municipality through election irregularities.

26. On 1 October 2018, Doibogyahati Union unit Awami League General Secretary Ansar Ali and activist Shukur Ali Sheikh were killed in an internal dispute within the Awami League in Moralganj under Bagerhat District. Police arrested two people, including Awami League leader and Chairman of Doibogyahati Union Parishad Fakir Shahidul Islam into this incident.<sup>32</sup>
27. On 23 October 2018, students brought out a procession under the banner of Bangladesh General Student Rights Protection Council in the Dhaka University campus, demanding the cancellation of the admission test for 'D' unit of the University of Dhaka due to the leakage of the exam question paper. While returning from the procession, Awami League-backed Chhatra League activists attacked the Joint Convenors of the Council, Faruk Hasan, Mohammad Ataulah, Ratul Sarker and Tuhin Farabi, leaving them wounded. They were admitted to a private hospital.<sup>33</sup>

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<sup>31</sup> The daily Jugantor, 10 October 2018; <https://www.jugantor.com/todays-paper/first-page/99249/>

<sup>32</sup> The daily Prothom Alo, 2 October 2018

<sup>33</sup> The daily Naya Diganta, 23 October 2018; <http://www.dailynayadiganta.com/education/359326/>



*Dhaka University students wounded by Chhatra League activists. Photo: Naya Diganta, 23 October 2018*

## **Hindrance to Freedom of Expression and the Media**

28. The government is violating freedoms of opinion and expression by enacting and imposing repressive laws against its citizens, particularly the opposition and dissenters. On 19 September 2018, the government adopted the Digital Security Act (DSA), 2018 incorporating various repressive sections, despite objections from journalists, human rights organisations and civil society representatives.<sup>34</sup> It is to be noted that the contents of section 57 of the notorious Information and Communication Technology Act has been divided and included in four sections (25, 28, 29 and 31) of the DSA, making the law more stringent. Such repressive laws are being used to violate freedoms of opinion and expression enshrined in Article 39(2) of the Constitution and guaranteed as fundamental rights.<sup>35</sup> The most controversial section of the DSA, section 32<sup>36</sup> is contrary to the Right to Information Act 2009. Section 43 of this Act says that if a police officer believes that the crime has been committed under this law or committed at a particular place or there is a possibility of such crime or the evidence is likely to be lost, then the police can search anywhere. Furthermore, if any person is suspected of committing an offense under this Act, then the police can arrest the person

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<sup>34</sup> The daily Jugantor, 20 September 2018; <https://www.jugantor.com/todays-paper/first-page/92399/>

<sup>35</sup> The daily Prothom Alo, 15 September 2018;

<sup>36</sup> In this section, it is stated 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.

without a warrant. As result, there is a possibility that any citizen, particularly leaders-activists of the opposition parties and dissenters will be harassed by law enforcement agencies. Furthermore, journalists fear that if they publish reports on illegal activities of the government, this Act will be widely used against them before the upcoming national polls.

29. On 9 October 2018, the UN Human Rights Council expressed its concern over the fact that the Digital Security Act would severely curtail freedom of speech and expression. The Council believes that this law will have serious negative impact on the work of journalists, human rights activists, bloggers and historians.<sup>37</sup> On 15 October, the Editors Council organised a human chain programme in front of the National Press Club and demanded the amendment of the law in the upcoming session of the Parliament.<sup>38</sup>



*The Editors Council organised a human chain in front of the National Press Club and demanded the amendment of the Digital Security Act. Photo: Manabzamin, 16 October 2018*

30. **In October 2018, according to information gathered by Odhikar, seven persons were arrested under the Digital Security Act, 2018.**
31. On 11 October 2018, Sub-Inspector Mohammad Abu Taleb filed a case against BNP supporter Abul Kashem, under section 25 (2) of the Digital Security Act,

<sup>37</sup> The daily Naya Diganta, 10 October 2018; <http://www.dailynayadiganta.com/first-page/355832/>

<sup>38</sup> The daily Manabzamin, 16 October 2018; <http://www.mzamin.com/article.php?mzamin=140462&cat=2/>



2018 with Panchlaish Police Station in Chittagong, on charges of a post on Facebook mocking Prime Minister Sheikh Hasina, Finance Minister Abul Maal Abdul Muhith and Bangladesh Awami League. Police arrested Abul Kashem.<sup>39</sup>

32. Publicity and Publication Secretary of the Jhenaigati Upazila unit Awami League, Mohammad Mojibor Rahman, filed a case under section 29 and 31 of the Digital Security Act 2018 against Rowshnara Khatun Rumi, Women Affairs Secretary of Bangladesh Human Rights Foundation, on allegations of posting distorted pictures of Awami League General Secretary and Road Transport and Bridges Minister Obaidul Quader on Facebook. On 16 October, police arrested her and handed her over to Sherpur District Court, the court rejected her bail plea and ordered she be sent to jail.<sup>40</sup> On 17 October, police, after investigating this matter, submitted a final report to the court and the court on 18 October granted her bail. In the meantime, she spent three days in jail.<sup>41</sup>
33. On 23 October 2018, Mymensingh District unit Awami League's Women Affairs Secretary Munira Sultana Moni, filed a case against former President of the Supreme Court Bar Association and Publisher of the daily New Nation, Barrister Moinul Hossain at the Additional Chief Judicial Magistrate Court under section 29(1) of the Digital Security Act 2018 due to defamatory remark he made to a female journalist on a live television talk-show.<sup>42</sup> Later two more cases were filed against Barrister Moinul Hossain under this Act.
34. The government not only passed the repressive Digital Security Act, and notorious section 57 of another repressive law- ICT Act continues to be in use and the accused are being taken into remand and sent to jail. Among them, there were top level leaders of the opposition and university teachers. On 8 October 2018, a senior Judicial Magistrate of Chittagong SM Shahidulla granted a 3-day remand of Maidul Islam, Assistant Professor of the University of Chittagong in a case filed against him by Chhatra League leader Iftekhhar Uddin under section 57 of the ICT Act.<sup>43</sup> On 9 October, the High Court Division of the Supreme Court put a stay on police remand and granted him bail for six months.<sup>44</sup> During the safe road movement, a telephone conversation between BNP Standing Committee member Ameer Khasru Mahmud Chowdhury and one BNP activist was recorded and spread on Facebook. Alleging that Amir Khasru Mahmud Chowdhury had instigated this movement against the anti-government

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<sup>39</sup> The daily Manabzamin, 13 October 2018; <http://www.mzamin.com/article.php?mzamin=139992&cat=2/>

<sup>40</sup> NTV online, 16 October 2018; <http://www.ntvbd.com/bangladesh/220233/> and Prothom Alo, 17 October 2018

<sup>41</sup> The daily Manabzamin, 19 October 2018; <http://www.mzamin.com/article.php?mzamin=140939&cat=2/>

<sup>42</sup> The daily Prothom Alo, 25 October 2018

<sup>43</sup> The daily Manabzamin, 9 October 2018; [www.mzamin.com/article.php?mzamin=139355&cat=2/](http://www.mzamin.com/article.php?mzamin=139355&cat=2/)

<sup>44</sup> The daily Naya Diganat, 11 October 2018; <http://www.dailynayadiganta.com/bangla-diganta/355998/>

movement, the Acting General Secretary of Chittagong Metropolitan Awami League-backed Chhatra League, Zakaria Dastagir, on 4 August 2018 filed a case against him under section 57 of the ICT Act and section 15 (3) of the Special Powers Act 1974 with Kotwali Police Station of Chittagong. In this case, Amir Khasru Mahmud Chowdhury was granted a six-week anticipatory bail from a High Court Division bench of the Supreme Court. After the tenure of his bail order, on 7 October, he applied to the Chittagong Metropolitan Sessions Judge Court for an extension. The court granted him bail till 21 October. Amir Khasru Mahmud Chowdhury appeared before the court on 21 October, the court rejected his bail and sent him to jail.<sup>45</sup> Later on 25 October the court granted the police a one-day remand.<sup>46</sup>



*Chittagong Metropolitan Session Judge Court sent BNP Standing Committee member Ameer Khasru Mahmud Chowdhury to jail. Photo: Jugantor, 22 October 2018*

35. The government is hindering freedom of speech before the forthcoming parliamentary elections by enacting various repressive laws. It is also determined that criminal activities and human rights violations committed by the government are not published. After passing the Digital Security Act 2018, ignoring the objections of various stakeholders, the government is going to finalize a new law that will impose restrictions on broadcasting. To this goal, the Cabinet on 15 October approved the draft of the 'Broadcasting Act 2018'. The new law proposes to create a Commission for the broadcasting media. A permission or license will need to be taken to broadcast anything, if this law is enacted. The draft of this law says that misleading and incorrect information cannot be broadcasted on any discussion programme (talk show) through a

<sup>45</sup> The daily Jugantor, 22 October 2018; <https://www.jugantor.com/todays-paper/last-page/103436/>

<sup>46</sup> The daily Prothom Alo, 26 October 2018

broadcast or online medium. Any person's personal, confidential and disrespectful information and such information that may cause rebellious, anarchy and violent incidents have been prohibited under this law. Anti-state and anti-public interest statements cannot be promoted through direct approach or advertisement. If someone does so, it would be a criminal offence.<sup>47</sup> In this case, the maximum punishment will be 3 years of imprisonment - or a maximum fine of Taka 5 crore - or both.<sup>48</sup> It is to be noted that after the introduction of such restrictions in the National Broadcasting Policy issued in 2014, the media activists strongly objected.<sup>49</sup> Furthermore, the government has bought cyber security tools to monitor various types of blogs and websites, including social media - Facebook, YouTube, Twitter - ahead of the Parliamentary elections.<sup>50</sup> On 20 October 2018, Postal, Telecommunication and Information Technology Minister Mustafa Jabbar said at a ceremony that all preparations for controlling Facebook, YouTube and Google from November this year have been completed.<sup>51</sup>

### ***Public Service Bill, 2018 passed in Parliament***

36. The government is obstructing the freedom of expression by adopting repressive laws in one hand, and it is also making laws to protect the government affiliated people on the other. On 24 October 2018, the State Minister for Public Administration, Ismat Ara Sadek placed the 'Public Service Bill, 2018' in the Parliament and it was passed accordingly. Under sub-section (1) of section 41 of this Act, it is said that before the charges are taken into cognizance by the court in a criminal case filed against a public servant, if the said public servant is to be arrested, then a prior approval of the government or the employing entity has to be taken.<sup>52</sup> This section of the law is discriminatory and contrary to the Constitution. When common citizens and public representatives are involved in committing the same crime, there is a conflict with the Constitutional provision of equal rights of all citizens in the eyes of law and of equality before the laws. Due to the passing of this law, it is feared that the opportunity for the government employees to enjoy impunity will be widened and the tendency of corruption and crime will increase.

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<sup>47</sup> The daily Prothom Alo, 16 October 2018; <https://www.prothomalo.com/bangladesh/article/1561499/>

<sup>48</sup> The daily Manabzamin, 16 October 2018; <http://www.mzamin.com/article.php?mzamin=140461&cat=2/>

<sup>49</sup> The daily Prothom Alo, 16 October 2018; <https://www.prothomalo.com/bangladesh/article/1561499/>

<sup>50</sup> Bangla Tribune.com, 17 October 2018; <http://www.banglatribune.com/tech-and-gadget/news/376219/>

<sup>51</sup> The daily Jugantor, 21 October 2018; <https://www.jugantor.com/todays-paper/last-page/103061/>

<sup>52</sup> The daily Naya Diganta, 25 October 2018; <http://www.dailynayadiganta.com/more-news/359694/>

## ***Violations to freedom of the media***

37. The government puts pressure on the media through different means, which hinders accurate and impartial reporting and proper journalism. As a result, many media outlets and journalists are forced to practice self-censorship due to alleged pressure from the government. Nevertheless, the repressive Digital Security Act of 2018 has been enacted and the government is going to finalize the 'Broadcasting Act' to impose restrictions on broadcasting media. Due to these two repressive laws, independent journalism is expected to be severely hampered before the upcoming parliamentary elections. Apart from this, the government did not take any action regarding attacks on journalists by government supporters. On 5 August 2018, during the movement of students demanding safe roads, at least 12 journalists were injured in an attack by Chhatra League leaders and activists in the Science Laboratory area of the Capital. The video and images of this attack were published in the media, and later it was widely spread in social media. Despite this, the attackers who were with the police have not yet been arrested.<sup>53</sup> On 11 February 2012, the bodies of Maasranga Television news editor Sagar Sarwar and his wife ATN Bangla senior reporter Meherun Runi were recovered from their apartment at West Rajabazar, Dhaka. RAB is currently investigating this widely-discussed murder case and in 68 months there has been no progress. On 15 October 2018, the investigation report of the murder case was supposed to be submitted. After the investigation officer, RAB Assistant Police Super Waresh Ali, could not submit the report, the court fixed the date for submission of an investigation report after 25 November. So far, sixty dates have passed for submitting the investigation report.<sup>54</sup>

## **Cases filed against Dr. Zafrullah Chowdhury**

38. On 12 October 2018, Major Rokibul Alam of the Army Headquarters filed a General Diary (GD) at Cantonment Police Station, alleging that the founder and trustee of Gonoshashtha Kendra (Public Health Centre) and a leader of the Jatiya Oikya Front, Dr. Zafrullah Chowdhury, had made a derogatory remark against the current Army Chief, General Aziz Ahmed, on 9 October during a TV talk show on Shomoy Television. On 13 October, at the press conference held at the Gonoshashtha Nagar Hospital in the capital, Dr. Zafrullah Chowdhury said that his statement on the television talk show, regarding the Army Chief, was

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<sup>53</sup> The daily Prothom Alo, 4 October 2018; <https://www.prothomalo.com/bangladesh/article/1560031/>

<sup>54</sup> The daily Manabzamin, 16 October 2018; <http://www.mzamin.com/article.php?mzamin=140442&cat=6/>

'inadvertently mentioning the wrong information and choosing the wrong words'. After the GD was sent to the Home Ministry, on 14 October, it was approved to be accepted as a case of sedition; and Assistant Superintendent of the Metropolitan Detective Branch (DB) of Police, Fazlur Rahman, was appointed as the investigating officer.<sup>55</sup> From 15 to 24 October, four cases have been filed with Ashulia and Savar Police Stations against three people, including Dr. Zafrullah Chowdhury, on the allegations of land grabbing, extortion and stealing fish.<sup>56</sup> On 26 October, a group of miscreants led by Nasiruddin, Science and Technology Affairs Secretary of Savar Upazila unit Awami League, vandalized and looted the International Conference Centre of Gonoshasthya Kendra established by Dr. Zafrullah Chowdhury.<sup>57</sup> At one stage, criminals entered three students' dormitories and verbally abused the residential students<sup>58</sup>; and students were forcibly ousted from the dormitory.<sup>59</sup> At that time, Gono University student Limon Hossain, along with some of his classmates, protested against the incident and the attackers beat Limon with sticks, wounding his arm. It is to be noted that Limon Hossain lost his leg when RAB shot him in Jhalakathi District in 2011 and is currently a student of this University.<sup>60</sup> Gonoshahshtha Kendra claimed that the property, valued at about 30 million taka, was damaged by vandals. The incident was reported to Ashulia Police Station; however, the police did not take any immediate legal action.<sup>61</sup> On 30 October, after four days of the incident, the police visited the place of occurrence.<sup>62</sup>



*Criminals vandalised Gonoshasthaya Kendra at Ashulia.  
Photo: New Age 27 October 2018*



*Female students' dormitories of Gonoshasthaya  
Kendra after attack. Photo: Prothom Alo, 27 October  
2018*

<sup>55</sup> The daily Jugantor, 16 October 2018; <https://www.jugantor.com/todays-paper/first-page/101343/>

<sup>56</sup> The daily Prothom Alo, 25 October 2018

<sup>57</sup> The daily Naya Diganta, 27 October 2018; <http://www.dailynayadiganta.com/first-page/360162/>

<sup>58</sup> The daily Prothom Alo, 27 October 2018; <https://www.prothomalo.com/bangladesh/article/1562862/>

<sup>59</sup> The daily Prothom Alo, 31 October 2018; <https://www.prothomalo.com/bangladesh/article/1563320/>

<sup>60</sup> The daily Prothom Alo, 27 October 2018; <https://www.prothomalo.com/bangladesh/article/1562862/>

<sup>61</sup> The daily Naya Diganta, 27 October 2018; <http://www.dailynayadiganta.com/first-page/360162/>

<sup>62</sup> The daily Prothom Alo, 31 October 2018; <https://www.prothomalo.com/bangladesh/article/1563320/>



*Limon Hossain under treatment in hospital. Photo: Prothom Alo, 27 October 2018*



*Journalists talking to the students at Gonoshashtha Kendra after the attack. Photo: Jugantor, 26 October 2018.*

39. It is to be mentioned that dissenting citizens are being accused of ‘sedition’ due to their opinions against the wrongful actions of the government. According to the Fifteenth Amendment to Constitution, the highest punishment of sedition is the death sentence. Criminals affiliated to the ruling party or government who are involved in various criminal activities, are enjoying impunity.

## **Barrister Moinul Hossain arrested**

40. In the night of 22 October 2018, the Detective Branch (DB) of Police arrested another leader of the Jatiya Oikya Front and former President of the Supreme Court Bar Association and Publisher of the daily New Nation, Barrister Moinul

Hossain, in a defamation case filed against him. On 23 October, he was produced before the Chief Metropolitan Magistrate of Dhaka, where Additional Chief Metropolitan Magistrate rejected his plea for bail and ordered that he be sent to jail. It is to be noted that, on 16 October, a female journalist named Masuda Bhatti, in a talk show on (pro-government) Ekattor Television, called Barrister Moinul Hossain a representative of Jamaat-e-Islami in the Jatiya Oikya Front. Due to this he became angry and replied that he believed that she was 'characterless'. Later Moinul Hossain apologised to Masuda Bhatti over telephone for this statement. However, Masuda Bhatti and the ruling party people, filed 22 cases against Barrister Moinul Hossain, in relation to that incident, in different districts including Dhaka till 31 October.<sup>63</sup> He was granted anticipatory bail in two cases from the High Court Division of the Supreme Court. After Moinul Hossain was arrested, Khandaker Mahbub Hossain, former President of the Supreme Court Bar Association, went to the DB Office to meet him, but the DB Police would not let him meet Barrister Moinul Hossain. Khandker Mahbub Hossain said that according to the Constitution, his lawyer has the right to know the reason for Moinul Hossain's arrest.<sup>64</sup> Dr. Asif Nazrul, Professor of the Department of Law in Dhaka University, in this regard told Odhikar that more than one case cannot be filed against a person on the same incident. Issuance of an arrest warrant for a petty criminal offense like defamation, was very rare. The defamation suit under Section 500 of the Penal Code is a bailable offense. Granting bail, in such a case, would have been the usual process.<sup>65</sup>

41. There is now a culture of lodging cases by the ruling party affiliated people in different parts of the country, against opposition and dissenting voices over any statement. As a result, people have to face severe harassment. Even when they appear in the lower court under cases filed against them, they are being attacked. The Acting Editor of the daily Amar Desh Mahmudur Rahman appeared at a Senior Judicial Magistrate Court in Kushtia on 22 July 2018, in a defamation case, where the ruling party supporters, in the presence of the police, publicly attacked and seriously injured him.<sup>66</sup> The police have not yet arrested the attackers of Mahmudur Rahman.

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<sup>63</sup> The daily Prothom Alo, 31 October 2018

<sup>64</sup> The daily Jugantor, 23 October 2018; <https://www.jugantor.com/todays-paper/first-page/103766/>

<sup>65</sup> Information gathered by Odhikar

<sup>66</sup> Reports sent by local human rights defender associated with Odhikar, from Kushtia; and the daily Naya Dignata, 23 July 2018; <http://www.dailynayadiganta.com/first-page/335271>

## Independence of the Judiciary and Trial of Khaleda Zia

42. There are allegations that the government interferes in the decision-making powers of the Judiciary, especially when it comes to lawsuits against opposition political party leaders-activists, granting remand and giving verdicts. Due to the conflict on different issues with the government, former Chief Justice Surendra Kumar Sinha, was forced to resign while staying abroad. Justice Sinha soon after wrote a book 'A Broken Dream: Status of Rule of Law, Human Rights and Democracy', where he alleged this interference with the Judiciary. On 29 September 2018, Justice Sinha said at his book launching programme at the Washington National Press Club, that "The Chief Justice is the third highest ranking person as per the Constitution of Bangladesh. When the Chief Justice himself does not get any justice, how would Khaleda Zia or others get justice? The Judiciary is not independent. It is controlled by the government".<sup>67</sup>
43. BNP Chairperson Khaleda Zia (73) has been detained in the central jail (now abandoned) in Old Dhaka, after being sentenced to five years imprisonment in a verdict under the Zia Orphanage Trust corruption case.<sup>68</sup> BNP claimed that this verdict was given out of vengeance. There are 34 cases against Khaleda Zia.<sup>69</sup> Meanwhile, Khaleda Zia was unable to appear before the special court, set up in the abandoned central jail through a notification of the Law Ministry, for trial in the Zia Charitable Trust corruption case. Khaleda Zia said that she could not appear as she is seriously ill and also expressed her concern that she will not get justice.<sup>70</sup> On 4 October, a High Court Division bench of the Supreme Court ordered the creation of a five-member medical board for the treatment of Khaleda Zia. On 6 October, she was admitted to Bangabandhu Sheikh Mujib Medical University. On 14 October, the High Court Division of the Supreme Court rejected the decision to continue the trial in the absence of Khaleda Zia. However, on 16 October, in the absence of Khaleda Zia, the court fixed the date for verdict in the case on 29 October without hearing her defense lawyers.<sup>71</sup> On 29 October, the Appellate Division of the Supreme Court rejected the Appeal filed with the Appellate Division against this verdict of the High Court. On the

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<sup>67</sup> The daily Naya Diganta, 1 October 2018; <http://www.dailynayadiganta.com/last-page/353466/>

<sup>68</sup> On 8 February 2018, a Special Court Judge Mohammad Akhtaruzzaman declared the verdict against former Prime Minister and BNP Chairperson Khaleda Zia under the Zia Orphanage Trust corruption case. The Anti-Corruption Commission filed this case in 2007 during the Military backed caretaker government. During that period six cases under corruption and extortion were also filed against the current Prime Minister Sheikh Hasina. After the Awami League came to power in 2009, these cases were canceled or dismissed from the High Court or the plaintiffs of the cases withdrew their complaints.

<sup>69</sup> The Daily Star, 8 February 2018, <https://www.thedailystar.net/backpage/34-cases-against-khaleda-zia-bnp-chairperson-bangladesh-1531510>

<sup>70</sup> The daily Prothom Alo, 6 September 2018

<sup>71</sup> The Jugantor, 17 October 2018; <https://www.jugantor.com/todays-paper/first-page/101702/>



same day, Akhtaruzzaman, the judge of the Special Judge Court-5, Dhaka, who gave the verdict against Khaleda Zia in the Zia Orphanage Trust corruption case, sentenced four people to seven years imprisonment in this corruption case. During the announcement of the verdict, Khaleda Zia did not appear before the court due to her ill health. She was under treatment at the Bangabandhu Sheikh Mujib Medical University Hospital.<sup>72</sup> On 30 October, a High Court Division bench of the Supreme Court, comprising of Justice M Enayetur Rahim and Justice Mohammad Mostafizur Rahman, increased her punishment to 10 years imprisonment under the Zia Orphanage Trust corruption case.<sup>73</sup>

## **Election Commission and the upcoming National Parliament elections**

44. The January 2014 10<sup>th</sup> Parliamentary elections conducted under the subservient and controversial Election Commission, headed by Kazi Rakib Uddin Ahmed were farcical and controversial. Ever since the Awami League-led alliance came to power through the 9<sup>th</sup> Parliamentary elections in December 2008, the people of this country have not participated in a free and fair election. During the Awami League reign in the last 10 years, the people were deprived of their right to franchise in the local government elections due to the massive vote rigging and other electoral irregularities of the ruling party. Therefore, the forthcoming 11<sup>th</sup> Parliamentary elections are being considered very important for the democratic process of Bangladesh and the people of Bangladesh want this to be participatory, fair and free. However, activities aimed at suppressing the main opposition party ahead of the election continues, while the ruling party leaders seize the election ground unilaterally through campaigns funded by money from the government treasury.<sup>74</sup> The Election Commission (EC) is a constitutional body and holding free and fair elections are enshrined under the fundamental rights of the Constitution. However, there is no effort being made to conduct free and fair elections by leveling a disproportionate election field. The current Election Commission led by KM Nurul Huda has been as obedient and groveling as the previous Commission led by Rakib Uddin Ahmed. Under this current Election Commission, allegations of widespread irregularities, (including casting fake votes, capturing polling stations and arresting and forcibly ousting polling

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<sup>72</sup> The daily Prothom Alo, 29 October 2018; <https://www.prothomalo.com/bangladesh/article/1563067/>

<sup>73</sup> The Daily Star, 31 October 2018; <https://www.thedailystar.net/politics/zia-orphanage-trust-corruption-case-verdict-high-court-enhances-khaleda-zia-punishment-10-years-1653796>

<sup>74</sup> The daily Jugantor, 15 October 2018; <https://www.jugantor.com/todays-paper/first-page/100954/>

agents of candidates nominated by the opposition) were found against the ruling Awami League nominated candidates during the Parliamentary bi-elections, the Union Parishad, Municipality and City Corporation elections. The current Commission did not take any steps to implement recommendations that came from a dialogue with political parties, organised by the EC centering the 11<sup>th</sup> Parliamentary elections. In the meanwhile, Election Commissioner Mahbub Talukder made five proposals<sup>75</sup> after reviewing the recommendations of the dialogue on a personal initiative. On 15 October, Mahbub Talukdar wanted to raise the proposals at a meeting of the EC; however, he was not allowed to do so by objections from the Chief Election Commissioner and three other Commissioners– Rafiqul Islam, Shahadat Hossain and Kabita Khanam. Mahbub Talukdar left the meeting in protest.<sup>76</sup>

45. Previously, on 30 August 2018, Mahbub Talukdar had boycotted a meeting, protesting the use of Electronic Voting Machine (EVM). In the dialogue between the political parties with the Election Commission, most opposition parties including BNP, voted against the use of EVMs. Only the ruling Awami League and its alliance gave their consent in favour of using EVM, thus EC decided to use EVMs for the upcoming Parliamentary polls, The government has approved BDT 38,253,400,000.00 (approximately USD 456,406,734.53) for the purchase of 150,000 EVMs.<sup>77</sup> There has been a huge amount of extra monetary charges for buying the EVMs. In India, the cost of buying an EVM, is only 17,000 Rupees in Indian currency (which is 21,250 Taka in Bangladeshi currency or USD 253.53), the Bangladesh Election Commission will spend 234,373 Taka (USD 2,796.34) on each EVM. If bought, the cost of one EVM will be 11 times more than that in India. This huge difference in price is abnormal and suspicious. Meanwhile, the Election Commission did not take into consideration the recommendations of the technical committee for the preparation of EVM machines. The EC did not approve the Voter Variable Paper Audit Trail or VVPAT in the EVM for voters' confidence and acceptance. As a result, there will be great difficulty in re-counting of votes.<sup>78</sup>

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<sup>75</sup> Participatory elections, enhancement of the capacity of the Election Commission, discussion on the recommendations of dialogue, ensure level-playing field for all, and specify the role of the Army in advance.

<sup>76</sup> The daily Prothom Alo, 16 October 2018;

<sup>77</sup> The daily Naya Diganta, 19 September 2018; <http://www.dailynayadiganta.com/last-page/350334/>

<sup>78</sup> The daily Prothom Alo, 15 October 2018

## Verdict of 21 August grenade attacks

46. On 10 October 2018, Shahed Noor Uddin, Judge of the Speedy Trial Tribunal-1 of Dhaka, announced the verdict of the case of the grenade attacks on an Awami League rally on 21 August 2004, at Bangabandhu Avenue in Dhaka. In the verdict, 19 people, including former State Minister for Home Affairs Lutfuzzaman Babar and former Deputy Minister Abdus Salam Pinto, were given the death penalty and BNP senior vice chairman Tarique Rahman, along with 19 others was sentenced to life imprisonment.<sup>79</sup>
47. Death sentences in Bangladesh where the justice delivery system is dysfunctional, is becoming a cause for concern. According information gathered by Odhikar, 1722 persons have been sentenced to death and 28 people have been executed since 2010.

## State Repression

### *Extrajudicial killings*

48. Extrajudicial killings continue due to the absence of democracy and rule of law in the country. As a result, human rights are seriously violated, which questions the justice delivery system of the country. While analysing the reasons behind the commissions of extrajudicial killings, it was found that such killings occurred to create fear – mostly in order to prevent the opposition and dissidents from mobilising or speaking; to resist so-called ‘extremists’; to stop all opposition under the pretext of ‘anti-drug operations’; or to protect perpetrators of offences by using law enforcement agencies against witnesses or others considered a ‘threat’.
49. Extrajudicial executions took a dangerous turn from 15 May 2018, during the nationwide ‘anti-drug’ drives, although law enforcement agencies claim that every person who was killed extra judicially was a drug dealer. However, many families of those killed in so-called “gunfight”, complained that their relatives were killed in a planned manner and they were not involved in drug peddling. The relatives of some victims said that the deceased were killed after they were picked up by members of law enforcement agencies. Meanwhile the Home Minister Asaduzzaman Khan declared such operation to be an ‘all out war’ against drugs and it will continue until drug abuse comes under control.<sup>80</sup>

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<sup>79</sup> The daily Ittefaq, 11 October 2018; <http://www.ittefaq.com.bd/print-edition/first-page/2018/10/11/306071.html>

<sup>80</sup> <https://bangla.bdnews24.com/ctg/article1536247.bdnews>

50. From May 15 to 31 October 2018, 264 persons were reported to have been killed extra-judicially in the name of 'gunfight' or 'shootout' during the ongoing 'anti-drug drives' across the country.

### ***Enforced Disappearances***

51. In October 2018, 13 persons were allegedly disappeared<sup>81</sup> after being picked up by members of law enforcement agencies. Among them, the bodies of four disappeared victims were found, six were showed arrested or returned alive after being disappeared and the whereabouts of three person remains unknown.
52. After the Awami League assumed power in 2009, incidents of enforced disappearance have become common. According to the Rome Statute of the International Criminal Court, enforced disappearance is a crime against humanity. This also violates fundamental rights recognised by the Bangladesh Constitution.
53. Despite the fact that commissions of enforced disappearance are repeatedly denied by members of the government, several incidents have already proved in various investigations that enforced disappearances exist in the country. In some cases, although law enforcement agencies deny the arrest; days or months later, the arrested persons are produced before the public by the police or handed over to a police station or appear before a court. In one incident, on 31 July 2016, a team of the Detective Branch of Police (DB Inspector Biplob Kumar Shil, Sub Inspectors Ahidur Rahman, Mohammad Abdur Rauf Talukder, Nupen Kumar Bhowmik, Assistant Sub Inspectors Mohammad Motahar Hossain, Zahirul Haque, Mohammad Shahidul Islam and Constables Vinay Kumar Chakma, Afzal Hossain and Abdur Rashid) conducted an operation in a Car mechanic's garage owned by Shamim Sardar at Fakirhat area of Sitakunda in Chittagong. They claimed that there were illegal goods in the garage and they demanded five million taka from Shamim. After failing to get the money, the DB Police took away Shamin Sardar along with his five employees and a person named Salahuddin. This team of the DB Police had worked with the Detective Branch and Counter Terrorism Unit in Dhaka. Later six people were shown as arrested in two cases filed in Dhaka, but the whereabouts of Shamim Sardar remained unknown. After investigating the incident, the Police Bureau of Investigation (PBI) unearthed the disappearance of Shamim Sardar by the DB police.<sup>82</sup>

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<sup>81</sup>Odhikar only documents allegation of enforced disappearance where the family members or witnesses claim that the victim was taken away by people in law enforcement uniform or by those who said they were from law enforcement agencies.

<sup>82</sup>The daily Jugantor, 7 October 2018; <https://www.jugantor.com/todays-paper/city/98244/>

54. It is to be mentioned that many leaders and activists of the opposition parties, particularly the BNP, became victims of enforced disappearance before and after the controversial Parliamentary elections in 2014. Of them, many have still not returned.<sup>83</sup> Similarly, it is feared that leaders-activists of the opposition parties, civil society members and dissenters might become victims of enforced disappearance ahead of the upcoming 11<sup>th</sup> Parliamentary elections in December 2018.
55. On 11 October 2018, many BNP leaders-activists from Jessore, Khulna, Magura and Jhenaidah districts came to the High Court Division of the Supreme Court in Dhaka to take anticipatory bail in cases filed by the police. Amongst them was the Organising Secretary of Dhaka Metropolitan (East) BNP Rabiul Islam Nayan. While leaving the court on a motorbike, some plain-clothed members of the DB Police pushed him off the motorbike and put a pistol to his head. A few policemen came forward but backed away after learning that the men were DB Police. Later, DB Police took Nayan away in a microbus. It is to be noted that around 150 cases have been filed against Rabiul Islam Nayan.<sup>84</sup> Meanwhile, the Deputy Commissioner of Dhaka Metropolitan Police (Ramna Zone), Maruf Hossain Sardar denied any knowledge regarding the detention of Nayan.<sup>85</sup> On 14 October, the police produced Nayan before the court in an arms case. At that time his right leg was bandaged. Nayan's lawyer, Syed Joynal Abedin Mezbah alleged to the court that Nayan was admitted to the police hospital after he was tortured. At the same time, the police sought a 10-day remand for questioning him; the court granted a three-day remand instead.<sup>86</sup>
56. On 20 October 2018, the body of Abul Hossain, a resident of Sonargaon Upazila under Narayanganj District, was recovered in Tengrartek area on a bypass road in Dhaka. On 18 October, he was picked up by the police from Purinda area under Araihasar Upazila in Narayanganj. The police also took his brother Abdul Kalam into custody. After being detained in police custody, Abul Hossain made a phone call to his family, seeking seven thousand taka. On 23 October, Kalam was released from Rupganj Police Station on the condition that he must conceal that the police had arrested the two brothers.<sup>87</sup>

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<sup>83</sup> The families of the disappeared and witnesses claim that members of law enforcement agencies arrested and took away the victims and since then they have disappeared. Statements of many witnesses in this regard show that members of law enforcement agencies are involved in disappearance. In some cases, although law enforcement agencies deny the arrest; days or months later, the arrested persons are produced before the public by the police; or handed over to a police station and appear in Court, or the bodies of the disappeared persons are found.

<sup>84</sup> The daily Naya Diganta, 12 October 2018; <http://www.dailynayadiganta.com/city/356327/>

<sup>85</sup> The daily Manabzamin, 12 October 2018; <http://www.mzamin.com/article.php?mzamin=139791&cat=10/>

<sup>86</sup> The Prothom Alo, 14 October 2018; <https://www.prothomalo.com/bangladesh/article/1561344/>

<sup>87</sup> The daily Prothom Alo, 27 October 2018;



*Deceased Abul Hossain. Photo: Prothom Alo, 27 October 2018*

57. In the morning of 21 October 2018, local residents of Satgram Union under Araihasar Upazila in Narayanganj District, informed the police that four bodies were lying on the sides of the Dhaka-Sylhet highway. Of them, the body of a driver named Lutfar Rahman Mollah (37) was identified by his wife Reshma Akter. Reshma Akter said that her residence was at Wapda Road in Rampura in Dhaka City and her husband was a microbus driver. On 19 October, after leaving his house, his mobile phone was found to be switched off. She lodged a General Dairy (GD) at a police station in this regard.<sup>88</sup> The families of the deceased came to Narayanganj General Hospital morgue on 22 October to identify the remaining three bodies. They were – Faruq Hossain (40), Sabuj Sardar (17) and Zahirul Islam (19) – permanent residents of Pabna district, but currently staying in the Purinda area under Araihasar Upazila in Narayanganj. After the autopsy, Dr. Asaduzzaman, Residential Medical Officer (RMO) of Narayanganj General Hospital, said that the four people were shot dead from behind. Three of them were shot in the head with a shotgun. The shotgun pellets in each head were found to be similar. Additional Superintendent of Police (Crime) of Narayanganj District, Abdullah Al Mamun said, initially they thought that the four men were killed in a dispute with robbers or criminals.<sup>89</sup> Taslima Begum, wife of Faruk Hossain, said that her husband used to run buses on the Bhutta-Dhaka route. On 19 October, some armed men picked Faruk up from his house in Purinda area under Araihasar Upazila of Narayanganj, along with Sabuj Sardar, Zahirul Islam and Liton from their village. They were detained in Bhulta Police Outpost. On 20 October, she went to Bhulta Police Outpost to give them food. At that time Faruq told her that the police had tortured him a lot. The following day, on 21 October, she came to know that four bodies, including that of her husband, were lying beside the highway. Of them, Liton's body was not there and she did not know

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<sup>88</sup> BDNews.com; <https://bangla.bdnews24.com/samagrabangladesh/article1552639.bdnews>

<sup>89</sup> Ibid

Lutfar Rahman Mollah. Liton's brother Ripon said that they heard that Liton had been taken away. On the same day, the Highway Police had recovered the body of an unidentified person from the area under Rupganj Police Station and they had heard that the police buried him as unclaimed; they thought it may have been Liton's body.<sup>90</sup>



*Faruk Hossain's father Jamaluddin crying after seeing his son's body (Left). The families of disappeared victim Zahirul Islam are on cry after getting news of his death in Narayanganj. Photo: Prothom Alo. 23 October 2018*



*Deceased Faruk Hossain and Zahirul Islam. Photo: Prothom Alo. 23 October 2018*

## ***Condition in Prisons***

**58. In October 2018, four persons died in jail due to alleged 'illnesses'.**

59. Jails are overcrowded beyond capacity, as a result of mass arrest operations to suppress opposition political parties and dissenting voices. The total capacity of prisons across the country is 36,614, but there were 92,743 inmates as of 31 October 2018.<sup>91</sup> Many inmates allegedly die in jail due to the lack of proper treatment facilities and negligence by prison authorities.

<sup>90</sup> The daily Prothom Alo, 23 October 2018, report sent from Narayanganj

<sup>91</sup> Prison Directorate, <https://www.prison.gov.bd/profile/prison-directorate>

## Bangladesh re-elected to the UN Human Rights Council

60. On 12 October 2018, Bangladesh was re-elected as a member of the United Nations Human Rights Council for 2019-2021.<sup>92</sup> Members of the Human Rights Council (HRC) are being elected by secret ballots. Bangladesh has been elected from the Asia Pacific category with India, Bahrain, Fiji and the Philippines.<sup>93</sup> In the letter sent to the President of the United Nations General Assembly on 7 June 2018, the Bangladesh government submitted its human rights pledges and commitments as a part of its candidature for HRC membership. However, in the application of candidature, the HRC was not given exact information of the horrific human rights violations in the country. Despite the government's claim that it takes "initiatives to develop national policies and strategies aimed at the realisation of fundamental human rights and principles," reports of alleged enforced disappearances, extra-judicial killings, and torture abound, all without any adequate investigation being undertaken by the authorities; and those responsible are enjoying impunity and a sort of immunity as no action is taken against them. In addition to that, rights to freedom of speech, assembly and association; and the right to vote in Bangladesh have been severely violated. Despite being a member of the UN HRC, Bangladesh does not follow obligations in the human rights Treaties. Bangladesh has not even submitted any initial or periodic reports to key human rights treaty bodies on time such as reports to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights and Committee Against Torture. Bangladesh failed to take steps to properly implement the recommendations of the Committee on Civil and Political Rights and the Committee on Economic, Social and Cultural Rights given in March 2017 and April 2018 respectively. Furthermore, the government of Bangladesh also failed to implement key recommendations accepted during the second Universal Periodic Review (UPR) in 2013. Odhikar believes that as a member of the HRC, Bangladesh needs to lead by example, and this means adopting necessary measures to protect citizens from human rights abuses. The fact that the country has opened its borders to about a million Rohingya refugees should not be construed as a sign that the Bangladeshi government does not violate the rights of its own people.

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<sup>92</sup> UN Human Rights Council was formed in March 2006 and among the UN member states, 47 states are its members.

<sup>93</sup> The daily Jugantor, 13 October 2018; <https://www.jugantor.com/national/100225/>



## Public Lynching

61. **In October 2018, four persons were killed in public lynching.**
62. Incidents of public lynching continue to occur due to a weak criminal justice system, lack of implementation of laws and impunity of law enforcement agencies, lack of confidence and poor faith in the police and judicial system. As a result, ordinary citizens are taking the law into their own hands and the tendency to resort to public lynching is common.

## Labour Rights

63. **In October 2018, according to information gathered by Odhikar, 67 workers were injured by the police during demonstrations for overdue wages and allowances.**
64. Rights of workers were violated in October 2018 and RMG workers protested in demand of their unpaid wages and for retrenchment and against termination of workers. Incidents of closing down factories without notice, termination of workers and not paying wages on time are the main reasons of workers' unrest.
65. The due payment of earned leave of workers was supposed to be given on 13 October 2018, in Vienglatex Garment Factory in Tongi, under Gazipur District. The workers became agitated when the factory authority wanted to pay half the money instead of the full payment. At that time a protesting female worker was assaulted by an officer of the factory. When this news spread, other workers stopped their work and started to demonstrate inside the factory.<sup>94</sup>
66. On 15 October 2018, workers of the garment factory named Intramax Limited in Laxmipura area of Gazipur, stopped their work and started protests demanding payment of arrears. When the factory authority assured the workers that they will pay the arrears on 24 October, the workers refused to accept it and wanted to continue protesting on the Dhaka-Gazipur road. The police baton-charged at the protesting workers. Despite that, workers continued their protest and the police fired blank shots and threw tear gas shells at the protestors to disperse them. At least 20 were injured in this incident.<sup>95</sup>

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<sup>94</sup> The daily Jugantor, 14 October 2018; <https://www.jugantor.com/todays-paper/second-edition/100815/>

<sup>95</sup> The daily Prothom Alo, 16 October 2018;



*Workers of Intramax Garment Factory Limited are in protest for the payment of their due wages at Gazipur, Photo: Prothom Alo, 16 October 2018*

67. On 16 October 2018, workers of Pretty Sweater Limited in Gazipur, vandalised the factory in protest of the non-payment of arrears and termination of workers. A factory worker, Lipi Akhter said that the management had forcibly taken signatures and terminated several workers, including her.<sup>96</sup>



*Readymade garment factory workers' unrest in Gazipur. Photo: Prothom Alo: 17 October 2018*

68. On 22 October 2018, a clash took place between the police and workers after a movement started in demand of the payment of arrears in Swad Garments Industries Limited under Adamjee EPZ of Siddhirganj in Narayanganj District. The protesters said that on 22 September 2018, the factory authorities had promised to pay their wages and bonuses. Without paying them, the factory

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<sup>96</sup> The daily Prothom Alo, 17 October 2018;

owner gave a notice of closure of the factory, without informing the workers. Due to this, workers protested by blocking the roads. At that time the police baton-charged and shot tear gas shells at them. As a result, at least 50 workers were injured and four workers were arrested.<sup>97</sup>

69. **In October 2018, according to information gathered by Odhikar, three workers in the informal sector were killed in the workplace. Among them, two were fan factory workers and one was a construction worker. However, 20 fan factory workers were also injured in the factory.**

## **Violence against Women**

70. In October 2018, many women became victims of rape, sexual harassment, dowry related violence and domestic violence. Despite widespread incidents of violence against women and girls, the status of the trial and punishment of perpetrators is very frustrating.<sup>98</sup> More children are becoming victims of rape. Women are even being subjected to sexual violence on public transport, but there are no preventive measures or action against such violations. Furthermore, Section 19 of the Child Marriage Restraint Act 2017 is still in place. Section 19 legalises the marriage of girls below the age of 18 under unspecified and undefined 'special circumstances'.
71. **According to information gathered by Odhikar, in October 2018, a total of nine women and children were victims of sexual violence.**
72. **According to Odhikar documentation in October 2018, a total of seven women were subjected to dowry violence. Of these women, five were allegedly killed, one was physically abused and one committed suicide due to dowry demands.**
73. **According to Odhikar documentation in October 2018, a total of 51 females had been raped. Among them, 11 were women and 40 were children. Of the women, six were victims of gang rape and one was killed after being raped. Out of the 40 girls, seven were victims of gang rape and four were killed after being raped. Three girls were also victims of attempted rape.**
74. **According to Odhikar documentation in October 2018, it was reported that one woman became a victim of acid violence.**

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<sup>97</sup> Report sent by human rights defender associated with Odhikar, from Narayanganj

<sup>98</sup> The daily Prothom Alo gathered primary information of 7,864 cases of rape, gang rape, attempt to rape, killings and provocation to suicide in dowry violence and sexual harassment filed under five Tribunals of Dhaka District between 2002 to October 2016. Among them, 4,277 cases were resolved but punishment is given in only 110 cases. Only in 3% of the cases were perpetrators punished. On the other hand, in 97% cases, accused either withdrew before the trial or were acquitted after the trial.

## Attacks on religious minority groups

75. Attacks on members of the religious minority community have become a matter of concern. Their places of worship are set on fire and effigies are demolished deliberately in different districts of the country. Such attacks usually increase during the largest Hindu religious festival- Durga Puja. In these incidents, the involvement of the ruling party men is alleged. In the past, incidents of attacks on the minority community and attacks in on places of worship were not being prosecuted, and due to politicisation of these incidents, the lack of prosecution has encouraged the continuation of this offence.
76. On 5 October 2018, the miscreants vandalised Durga idols at the (Hindu) temple at Khalispur Crescent Jute Mill in Khulna city.<sup>99</sup>
77. In the night of 6 October 2018, a group of criminals vandalised a Hindu temple in Panchpara Bazar under Pirojpur Sadar Upazila. When Gouranga Lal Majumdar, Sukharanjan Mondol and Dilip Mridha tried to stop them, they were attacked and injured. On 7 October, the Chairman of the Temple Committee, Subhash Chandra Mistri filed a case with Pirojpur Sadar Police Station, accusing District Awami League Law Affairs Secretary and Chairman of Mollik Union Parishad, Advocate Shahidul Islam as the main culprit.<sup>100</sup>
78. In the night of 7 October 2018, miscreants attacked the (Hindu) Kali and Radha Gobind Temples and vandalised six idols, in Bottola under Sreepur Upazila of Gazipur District.<sup>101</sup>
79. On 22 October 2018, criminals attacked a Buddhist monastery in Guimara under Khagrachari District and vandalised a statue of Buddha and other objects in the monastery.<sup>102</sup>

## ‘Extremism’ and Human Rights

80. Odhikar has repeatedly cautioned that a situation may be created where a section of society might be pushed towards extremism due to the instability created in society as a result of various extreme human rights violations- including extrajudicial killings, enforced disappearances, torture, interference on the rights to freedom of expression and media; and hindrance to rights to freedom of peaceful assembly and association. Despite this, the government continues its suppression and created space for confrontation through repeated

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<sup>99</sup> Report sent by local human rights defender associated with *Odhikar*, from Khulna.

<sup>100</sup> The daily Naya Diganta, 9 October 2018; <http://www.dailynayadiganta.com/city/355440/>

<sup>101</sup> The daily Naya Diganta, 9 October 2018; <http://www.dailynayadiganta.com/more-news/355488/>

<sup>102</sup> Bangladesh Protidin, 24 October 2018; <http://www.bd-pratidin.com/last-page/2018/10/24/370587>

violations of the right to freedom of expression of alternative or dissenting voices. In the past, operations carried out in the name of ‘countering extremism’ have even caused the deaths of women and children and many were disappeared.<sup>103</sup> During one such operation, the surrounded youth gave a status on Facebook from inside the house, that they were not ‘extremists’ but ruling party activists.<sup>104</sup> Meanwhile, alleged ‘extremists’ are implicated in suicide attacks. During such operations what actually happened, or happens is still unclear.<sup>105</sup>

81. From July 2016 to October 2018, members of law enforcement agencies conducted several operations on suspected ‘extremist dens’. A total of 73 people were killed in these operations. Of them, there were eight children and eight women.
82. In the night of 4 October 2018, ‘extremists’ allegedly opened fire on RAB members during an operation from an ‘extremist den’ in Sonapahar area under Mirsarai Upazila of Chittagong District. RAB members also fired back. After that, ‘extremists’ detonated a bomb and killed themselves according to a RAB Law and Media Division spokesman. The two killed were between 30 and 35 years old.<sup>106</sup>
83. On 16 October 2018, a woman and a male ‘extremist’ were killed in an operation carried out by the Counter Terrorism and Transitional Crime (CTTC) Unit of Police in an ‘extremist den’ in Shekher Char Bhagirathpur area under Madhabdi Upazila of Narsingdi District, as was said by the Chief of the CTTC unit.<sup>107</sup>

## Hindrance to Odhikar

84. The government continues to harass<sup>108</sup> Odhikar by barring the release of project funds for more than four years; not renewing its registration; and stopping the

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<sup>103</sup> The daily Prothom Alo, 01/04/2017; [www.prothom-alo.com/bangladesh/article/1130046/](http://www.prothom-alo.com/bangladesh/article/1130046/)

<sup>104</sup> On May 19, 2017 RAB cordoned a house at Gabtoli Uttarpara in Norshingdi after hearing a news that some ‘extremists’ had made a ‘den’ there. During an operation, a youth named Abu Zafar gave a status on his facebook from inside the house and appealed to the Prime Minister saying, “Honourable Prime Minister please save us. We are innocent. We are Awami League activists. We are the victims of conspiracy. The daily Jugantor, 13/05/2017; [www.jugantor.com/first-page/2017/05/13/124093/](http://www.jugantor.com/first-page/2017/05/13/124093/)

<sup>105</sup> The daily New Age, 28/04/2017; <http://www.newagebd.net/article/14532/extremism-tackling-narrative-warrants-transparency>

<sup>106</sup> The daily Prothom Alo, 6 October 2018

<sup>107</sup> The daily Jugantor, 17 October 2018; <https://www.jugantor.com/todays-paper/first-page/101703/>

<sup>108</sup> On August 10, 2013 at night, Odhikar’s Secretary Adilur Rahman Khan was picked up by persons claiming to be from the Detective Branch (DB) of Police, for publishing a fact finding report on extrajudicial killings during a rally organised by the religious group Hefazate Islam on 5-6 May 2013 in Shapla Chatter at Motijheel, Dhaka. Adilur and Odhikar’s Director ASM Nasiruddin Elan, were later charged under section 57(1) of the Information and Communication Technology Act, 2006 (Amended 2009). They were detained in prison and later, Adilur and Elan were released on bail after spending 62 and 25 days in prison respectively. Odhikar regularly faces harassment by different organs of the government. Adilur Rahman Khan, staff

approval of new projects. Human rights defenders who are working fearlessly to gather information and carry out their profession impartially are harassed and victimised and under surveillance.

## Neighbouring States

### *India's interference on Bangladesh*

85. Indian interference on and assertive attitude towards Bangladesh had gradually increased because of the incumbent government's weak foreign policy, after the controversial 2014 elections.<sup>109</sup> On 17 October 2018, the Cabinet approved the draft of a five-year agreement to transport Indian goods to its (India's) northeast provinces using Chittagong and Mongla ports.<sup>110</sup> Although India is widely benefited by the use of the port and infrastructure of Bangladesh, the Bangladesh Government has not given any clear idea of what kind of gain or profits it will get through this. It is to be noted that several agreements, including Memorandum of Understanding (MoU) relating to Chittagong and Mongla port access to India were signed during Indian Prime Minister Narendra Modi's visit to Dhaka in June 2015. India's media said that Narendra Modi's visit to Bangladesh, after taking responsibility as the Prime Minister, was very fruitful. India got everything it wanted.<sup>111</sup> Earlier, Dhaka refrained from signing the consent for using the two ports by India, due to India's refusal of proper distribution of water from the Teesta River during former Prime Minister Manmohan Singh's visit to Dhaka.<sup>112</sup> Thousands of people living along the banks of the Teesta River are in danger due to the denial of water by India to Bangladesh through the Gajaldoba Barrage. The Indian government is not accepting Bangladesh's demands of acquiring the right to water. Furthermore,

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members of Odhikar and the office are under surveillance by intelligence agencies. 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 Shahjampur 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.

<sup>109</sup> Before conducting the controversial and farcical January 5, 2014 National election, almost all political parties of Bangladesh decided to boycott it because the caretaker government system had been replaced through the 15<sup>th</sup> Amendment to the Constitution. At that time, the then Indian Foreign Secretary Sujata Singh visited Bangladesh and succeeded to convince Jatiya Party to join the election. Members of the Jatiya Party are now in the government (Ministers of the current government) and at the same time are the opposition in Parliament, which has made peculiar and inactive parliament.

<http://www.dw.com/bn/সিবিচন-না-হলে-মৌলবাদের-উত্থান-হবে/a-17271479>

<sup>110</sup> The daily Naya Dignata, 18 September 2018; <http://www.dailynayadiganta.com/first-page/350033/>

<sup>111</sup> The daily Naya Diganta, 7 October 2018; <http://www.dailynayadiganta.com/diplomacy/355051/>

<sup>112</sup> The daily Naya Diganta, 7 October 2018; <http://www.dailynayadiganta.com/diplomacy/355051/>

India has been enjoying commercial advantages and other business and trade facilities from Bangladesh for a long time. It is to be noted that by this patronising and assertive attitude on the country, the Indian government has already played an important role in destroying the democratic system of Bangladesh by giving support to the Awami League government to hold the controversial elections of 5 January 2014.

86. Apart from the Indian supremacy over Bangladesh, incidents of killing and torture of Bangladeshi citizens continue by the Indian Border Security Force (BSF). Moreover, BSF members are illegally trespassing into Bangladesh territory.
87. **According to Odhikar documentation in October 2018, three Bangladeshi citizens were gunned down and two were abducted by BSF.**
88. On 20 October 2018, members of the Indian Border Security Force (BSF) of Hatkhola camp fired at about seven Bangladeshi cattle traders when they went to bring cows through the 385/5 border pillar at Kastivita border under Baliadangi Upazila of Thakurgaon District. As a result, a Bangladeshi cattle trader named Mohammad Rabbani (25) was shot dead.<sup>113</sup>
89. On 22 October 2018, a Bangladeshi named Jem Ali (30) was shot dead when members of the BSF from Daulatpur Camp fired on a group of Bangladeshi citizens entered India to bring cows through the Chouka border under Shibganj Upazila of Chapainababganj District.<sup>114</sup>

### ***Acts of Genocide against Rohingyas***

90. Odhikar has been monitoring the situation of the Rohingya population of Myanmar since 2012. In continuation of this, Odhikar interviewed Rohingya victims of rampant violence who took shelter in different parts of Bangladesh, especially after the incidents of 9 October 2016 and 25 August 2017. Odhikar has been collecting various information and publishing reports on the genocide, mass rape, torture, shooting and burning of Rohingya people; enforced disappearances and taking away of women and children, torching of houses and putting mines in the streets to kill Rohingyas by the Myanmar Army and Buddhist extremists.
91. A 60-year-old Rohingya woman, Zohra Khatun, a resident of Onnaira Village of Rathidaung Township in Rakhine state (Arakan) of Myanmar, told Odhikar that on 2 September 2017, on the day of Eid-ul-Ahza, soldiers of the Myanmar military entered the village and started firing on Rohingya houses when the

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<sup>113</sup> Report sent by local human rights defender associated with *Odhikar*, from Thakurgaon

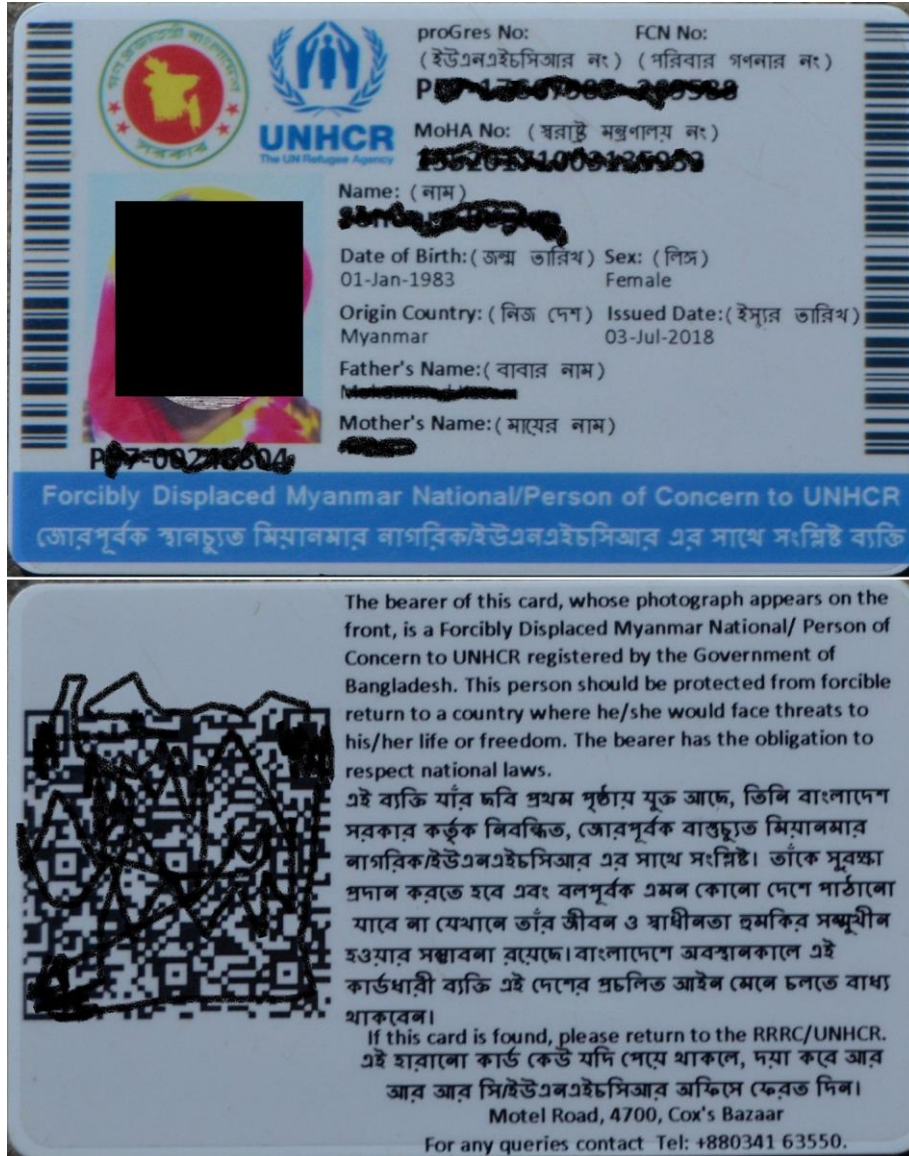
<sup>114</sup> The daily Bangladesh Protidin, 23 October 2018; <http://www.bd-pratidin.com/country-village/2018/10/23/370343>

Rohingyas were sacrificing cattle in the yard of their house. The sound of the shootings was heard all around. People were shouting that the 'military' was coming. Hundreds of people, including her husband and six sons, jumped into the river next to the village. The soldiers came and started firing at the people who jumped into the river till the water of the river turned red. At that time, Zohra and her younger son Mohammad Hossain (15) were hiding in the corner of the house. When the military left, she sent her son to the bank of the river to find his father and brothers. Mohammad Hossain informed her that he saw many bodies lying in the river, including those of his father and brothers. Zohra said that her son became mentally ill after observing so many bodies in the river. In this situation, Zohra and her son fled from the village and walked through the hills for about five days and entered Bangladesh through the Nakkhondia border. Currently she is living in Block D-2, Shalban Para Teknaf Camp in Cox's Bazar.

92. On 6 October 2018, the leader of the Rohingya community in Bangladesh and President of the Arakan Rohingya Society for Peace and Human Rights, Mahibullah and two of his colleagues Rashidullah and Shahidullah were called from their Lambasia office in Kutupalong Refugee Camp by some members of the security forces to their office in the Ukhiya TV Tower area of Cox's Bazar. Later on, a desktop computer from his office, organisational documents, a list of victims of Myanmar violence, a list of perpetrators, names and numbers of the military camps in Rakhine state, and other documents were taken. After interrogation, they were released in the afternoon. Muhibullah told Odhikar that the allegations against them were for being involved in anti-government activities, creating propaganda against the current government, instigating provocation among Rohingyas regarding relief distribution and other issues. He claimed that he had nothing to do with such allegations. Mahibullah has been working to maintain peace in the camp for a long time. However, he alleged that there are a number of people in the camps who are working inside the camp as the Myanmar government's 'informers'; they are involved in conspiracy and spreading propaganda against those who work for Rohingya interests.
93. Meanwhile, the Rohingya people are unhappy with the smart cards distributed by the UNHCR, but no one dares to speak up regarding this. On condition of anonymity, some Rohingya refugees told Odhikar that on this smartcard, without referring to the refugees as 'Rohingya', the UNHCR has termed them as Myanmar civilians who have been forcefully displaced from Myanmar and are persons associated with UNHCR. Rohingyas are not persons associated with



UNHCR. Even when the Myanmar government did not recognise them as Rohingya, they did not take the National Verification Cards (NVC) in Myanmar. The man questioned why they should accept this card that does not recognise them as Rohingya? They also said that smartcards were being forced upon many Rohingyas in the camps.



Smart cards distributed by the UNHCR. Photo: Odhikar

## Recommendations

1. The Government must refrain from repressive, unconstitutional and undemocratic activities. Human rights, including freedom of assembly of the opposition political parties and people who have alternative beliefs have to be respected. The government must stop harassment, including arrest operations, against the opposition and dissenters. Cases filed against 'unnamed persons', which are believed to be repressive, must be withdrawn. All political prisoners should be released.
2. Democracy must be restored by establishing an accountable government through free, fair and inclusive elections, under a 'caretaker' government or even under direct supervision of the United Nations. The Election Commission must be reformed after excluding the subservient elements from it, to make it truly independent.
3. Freedoms of speech, expression and the media must be ensured and protected. The ban on the publication of the daily Amar Desh and on the broadcasting of Diganta TV, Islamic TV and Channel One must be removed. Incidents of attacks on journalists must be investigated and the attackers on journalists, including Amar Desh editor Mahmudur Rahman must be brought to justice.
4. All repressive and abusive laws, including the Information and Communication Technology Act, 2006 (amendment 2009 and 2013), the Special Powers Act, 1974 and the Digital Security Act, 2018 must be repealed. Cases filed against everyone under these repressive laws must be reviewed in an unbiased and impartial manner and, where evident must be withdrawn; and all wrongfully detained persons under these Acts must be released.
5. Interference on the Judiciary must stop. The government must refrain from such activities to ensure independence of the Judiciary.
6. Extrajudicial killings in the name of carrying out 'anti-drug drives' or on any other pretext, must stop. Incidents of extrajudicial killings and torture by law enforcement agencies must be investigated and the perpetrators must be brought to effective justice. The law enforcement agencies must follow international guidelines "Basic Principles on the use of Force and Firearms by Law Enforcement Officials" and the "UN Code of Conduct for Law Enforcement Officials".
7. 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. The Government should follow the recommendations made by the UN Human Rights Committee in its 119th session to end torture.

8. The Government must stop enforced disappearances perpetrated by law enforcement agencies and bring the members of the state security forces and law enforcement agencies who are involved into this heinous crime, before the law. The government must accede to the International Convention for the Protection of All Persons from Enforced Disappearance.
9. 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 sexual harassment in the workplace an impartial, independent sexual harassment prevention committee needs to be created in every industry.
10. The Government must ensure effective implementation of laws to stop violence against women and children and the offenders must be effectively punished under prevalent laws. Informal arbitration of (criminal) offences relating to violence against women must be stopped. Police must investigate reports of such crimes and bring the perpetrators to justice. Criminals affiliated with the ruling party should not be given immunity. The Government should also execute mass awareness programmes in the print and electronic media, in order to eliminate all forms of violence against women.
11. Attacks and repression on all citizens belonging to the minority communities must stop. The Government should take appropriate measures to protect the rights of all its citizens without any form of discrimination and ensure their security. The government should bring all perpetrators to justice through proper investigation.
12. All operations carried out against 'extremists' should be transparent and in these operations, the government should give a satisfactory explanation, especially if the suspects have been killed.
13. India must refrain from acts leading to establishing political and economic hegemony over Bangladesh. Indian Border Security Force (BSF) must stop human rights violations, including killing and torturing Bangladeshi citizens along the border areas; and it must compensate the victims of violence. The hazardous Rampal Power Plan must be stopped to save Bangladesh's environment and ecology.
14. In order to protect the right to life and human dignity of the Rohingya people, Odhikar demands peace and human rights be established immediately in the

Rakhine state (Arakan) of Myanmar, with UN initiatives. Odhikar also urges that the UN take initiatives to ensure the right to self-determination of the Rohingya people. The international community must put effective pressure on the Myanmar government and support the establishment of the human rights of the Rohingya community in Myanmar. Odhikar urges the UN Member States to assist the International Criminal Court to prosecute all perpetrators, including the Myanmar military and Buddhist extremists for committing genocide and crimes against humanity against Rohingyas.

15. 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 Odhikar's registration which is pending. The government must release the funds of Odhikar to enable it to continue its human rights activities.

**Tel: +88-02-9888587, 01711-405166**

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

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

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

**Notes:**

1. Odhikar seeks to uphold the civil, political, economic, social and cultural rights of the people.
2. Odhikar documents and records violations of human rights and receives information from its network of human rights defenders and monitors media reports.
3. Odhikar conducts detailed fact-finding investigations into some of the most significant violations, with assistance from trained local human rights defenders.
4. Odhikar is consistent in its human rights reporting and is committed to remain.