

# **Annual Human Rights Report on Bangladesh 2018**



**Prepared by Odhikar**

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## Foreword

Odhikar has been diligently monitoring the human rights situation in Bangladesh since 1994, 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, being an organisation of human rights defenders in Bangladesh, has always been consistent in creating mass awareness of human rights by several means, including reporting violations perpetrated by the State and advocacy and campaign to ensure civil and political rights of citizens. Odhikar unconditionally stands by the victims of oppression and maintains no prejudice with regard to their political leanings or ideological orientation. The Organisation firmly believes that all victims of human rights violations are in dire need of protection and deserve justice. Thus, it advocates for establishing protection and justice for victims of human rights abuses.

Odhikar consistently monitors the human rights situation of Bangladesh and releases a status report every month. The annual report of 2018 is the outcome of a compilation and analysis of the monthly human rights situation monitoring reports, published every month in 2018. These were produced based on Odhikar's own fact finding, data collection and reports sent by associated local human rights defenders across the country; and information and statistics published in different media. While carrying out human rights related activities, Odhikar has been facing severe repression and harassment by the government since 2013. The Organisation has nevertheless released this annual human rights report of 2018, in accordance with international standards, despite the persecution and continuous harassment and threats to its existence. The key strengths of Odhikar are the human rights defenders associated with it across the country and human rights organisations around the world.

Odhikar is deeply grateful to all the human rights defenders, partners and well-wishers at home and abroad who are spontaneously supporting Odhikar to continue its work and show their solidarity with Odhikar, which strengthens our mission in difficult times.

To see the detailed human rights reports of Odhikar, please visit [www.odhikar.org](http://www.odhikar.org) and facebook: [Odhikar.HumanRights](https://www.facebook.com/Odhikar.HumanRights)

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## Executive Summary

1. The human rights situation of Bangladesh in 2018 was cause for grave concern. Due to the extreme disruption of freedom of opinion and expression, incidents of various human rights violations have not been widely reported in the news media; and victims have been afraid to disclose many serious incidents for their own safety and security. As a result, the number of human rights violations might well be much higher than the figures, reported here. The most significant violation of rights occurred due to the 11<sup>th</sup> Parliamentary elections. Widespread human rights violations took place centring around this election, held on 30 December 2018.
2. The level of attacks and suppression on opposition party candidates and their leaders and activists before the December 30 Parliamentary elections had never been seen in the history of Bangladesh's polls. Prior to the election, a large number of arrest operations had been carried out against leaders and activists of the opposition (mainly BNP) and dissidents. During this period, numerous criminal cases were filed against central opposition leaders, including grassroots activists; many of them allegedly fabricated. Furthermore, the names of the deceased<sup>1</sup>, bedridden or very elderly persons or those imprisoned<sup>2</sup> at the time of the claimed incident; and people living abroad, were also included as accused in these fictitious cases.<sup>3</sup>
3. During the 11<sup>th</sup> Parliamentary elections on 30 December 2018, incidents of various irregularities, such as stuffing ballot boxes the night before polling day; casting fake votes; voters being forced or coerced to vote openly for the ruling party candidates; 'capturing' polling centres; arrests and forcibly ousting of polling agents of the opposition party-nominated candidates; and intimidation of voters by supporters of the ruling Awami League-nominated candidates, election officials and members of law enforcement agencies, occurred.<sup>4</sup>
4. The Awami League-led coalition government, over the past 10 years, has made partisan several important state and constitutional institutions and made them subservient to the government party. The incumbent Awami League government removed the caretaker government system in 2011, ignoring public opinion. As a result, the Awami League returned to power through controversial and farcical 10<sup>th</sup> Jatiya Sangsad<sup>5</sup> elections on 5 January 2014<sup>6</sup>, and created a fearful

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<sup>1</sup> The daily Prothom Alo, 13 October 2018; <https://www.prothomalo.com/bangladesh/article/1556797>

<sup>2</sup> The daily Manabzamin, 12 October 2018; <http://www.mzamin.com/article.php?mzamin=139808&cat=3/>

<sup>3</sup> The daily Manabzamin, 8 October 2018; <http://www.mzamin.com/article.php?mzamin=138627&cat=2>

<sup>4</sup> <https://www.ti-bangladesh.org/beta3/index.php/en/highlights/5749-2019-01-15-07-24-53>

<sup>5</sup> National Parliament

environment in the country by abusing civil and political rights. The continuation of such acts was seen in and after the 11<sup>th</sup> Parliamentary elections held on 30 December 2018, where the people were deprived from exercising their right to franchise.

5. From 30 July 2018, after the death of two students, the students of the schools and colleges started a movement demanding road safety. During this movement, students blocked various roads in Dhaka, demanding the resignation of the Minister Shahjahan Khan and the trial of the irresponsible bus drivers and safe roads.<sup>7</sup> Later, the movement spread to different districts of the country. In order to prevent the movement, the government ordered law enforcement agencies to attack and arrest students; and ruling Awami League leaders-activists joined in the attack. Cases were filed against the protesters and they were arrested and allegedly tortured in police custody.<sup>8</sup> Furthermore, those who supported the movement for the demand for safe roads, were persecuted in various ways, including arbitrarily arrested, tortured and sued under the repressive laws.<sup>9</sup> Internationally renowned photographer Shahidul Alam posted a video on his Facebook about the students' movement demanding a safe road, and gave an interview to Al Jazeera in this regard. Members of the Detective Branch (DB) of Police took him out of his house and tortured him. He was sued under the Information and Communication Technology Act for spreading false information and rumors.<sup>10</sup> In addition, Nusrat Jahan Sonia, a pregnant school teacher in Kolapara under Patuakhali District, was arrested by the police for posting information on her Facebook supporting the road safety movement.<sup>11</sup>

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<sup>6</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 was 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>7</sup> On 29 July 2018, drivers of two public buses on the Airport Road drove the buses recklessly in a race to get passengers. As a result, a bus hit the footpath, causing the death of two students of Shahid Ramijuddin College and seriously injured several others. Due to incident when journalists asked the road transport labour leader and Shipping Minister Shahjahan Khan, he started to laugh and ignored the matter. The daily Jugantor, 1 August 2018; <https://www.jugantor.com/todays-paper/first-page/75952/>

<sup>8</sup> "Bangladesh: Wave of Arrests Over Peaceful Dissent", Human Rights Watch, 15 August 2018; <https://www.hrw.org/news/2018/08/15/bangladesh-wave-arrests-over-peaceful-dissent>

<sup>9</sup> The daily Manabzamin 6 August 2018; <http://www.mzamin.com/article.php?mzamin=129425&cat=3/>

<sup>10</sup> The daily Jugantor, 7 August 2018; <https://www.jugantor.com/todays-paper/first-page/77899/>

<sup>11</sup> The daily Manabzamin 6 August 2018; <http://www.mzamin.com/article.php?mzamin=129425&cat=3/>

6. During this period, the Awami League government used law enforcement agencies and party leaders-activists to disrupt rallies and meetings of the opposition and dissidents; and incidents of attacks, filing cases and arrests continued. Members of the Bangladesh General Student Rights Protection Council, associated with the quota reform movement<sup>12</sup>, were also attacked, tortured and sued by members of law enforcement agencies and ruling Awami League leaders and activists.<sup>13</sup>
7. State repression continued against the dissenting citizens and organisations who had expressed their opinions independently. The government violated the freedom of expression of the citizens by adopting repressive laws. There have also been allegations that many news media were forced to maintain self-censorship under pressure from the government. Furthermore, various journalists and media activists were seriously injured after being attacked by the ruling party men while collecting information on incidents of attacks on students demanding safe roads and during the parliamentary elections.
8. In 2018, incidents of extrajudicial killings and enforced disappearances were also reported. Particularly, there were allegations of extrajudicial killings and enforced disappearances of the leaders and activists of the opposition parties before the 10<sup>th</sup> Parliamentary elections.
9. The commission of enforced disappearances and extrajudicial killings and matters relating to impunity and injustice were highlighted by Member States in Bangladesh's human rights review as a matter of grave concern, during the third cycle of the Universal Periodic Review (UPR)<sup>14</sup> of Bangladesh on 14 May 2018 at the UN Human Rights Council in Geneva. However, the government has always stood in denial and such issues have never been addressed.<sup>15</sup> Despite this, on 12 October 2018, Bangladesh was re-elected as a member of the United Nations Human Rights Council<sup>16</sup> for a period of 2019-2021, however, it did not take the necessary measures to protect its citizens from human rights violations.<sup>17</sup>
10. Acts of criminalisation and intra-party collisions amongst the leaders and activists of the ruling party were common occurrences in 2018. They have

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<sup>12</sup> Students and job seekers started movement from March 2018 demanding a five-point demand by placing 10% quota after reforming 56% quota in government service, including Bangladesh Civil Service (BCS).

<sup>13</sup> The daily Jugantor, 2 July 2018; <https://www.jugantor.com/todays-paper/first-page/65373/>; The daily Naya Diganta, 9 July 2018; [www.dailynayadiganta.com/first-page/331289/](http://www.dailynayadiganta.com/first-page/331289/)

<sup>14</sup> Such review on human rights situation commenced based on information/reports submitted by the government, different special procedure mandate holders of the UN, special agencies of the UN, National Human Rights Commission and reports submitted by international, regional and national human rights organizations and civil society representatives.

<sup>15</sup> The daily Naya Diganta, 19 June 2018; [www.dailynayadiganta.com/diplomacy/325952/](http://www.dailynayadiganta.com/diplomacy/325952/);

<sup>16</sup> UN Human Rights Council was formed in March 2006 and among the UN member states, 47 states are its members.

<sup>17</sup> The daily Jugantor, 13 October 2018; <https://www.jugantor.com/national/100225/>

reportedly been involved in incidents of internal conflict, which are linked to their vested interest; and they are seen using various weapons in public. Allegations of murder, violence against women, suppression on dissenters, attacks on students, extortion, forcefully acquiring tender bids, land grabbing were reported against them.

11. Human rights have been violated in the name of preventing 'extremism' in 2018. During this period, at least five people, including women and children, were killed in operations by state security forces in the name of curbing 'extremists'.
12. In 2018, workers employed in different professions were killed due to lack of adequate safety measures in the workplace. Workers of the readymade garment (RMG) industry were attacked by law enforcement agencies and owners of the factories, when they protested for various demands to be met – including overdue wages and bonuses. In addition, various forms of violence, including sexual harassment on Bangladeshi women migrant workers were reported during this period.
13. Several attacks on citizens belonging to religious minority communities reportedly took place in 2018 in different districts of the country and their places of worship were set on fire and effigies vandalized during this period. Furthermore, it has also been alleged that ruling party men were involved in such attacks around the time of the 11<sup>th</sup> Parliamentary elections.
14. This year, there were numerous incidents of violence against women including rape, assaults, dowry violence, acid throwing and domestic violence. In particular, allegations of rape by activists and supporters of the ruling party were reported at the time of the General Elections.
15. The killing, torture and abduction of Bangladeshi citizens by Indian Border Security Force (BSF) along the Bangladesh-India border and India's political, economic and cultural interventions on Bangladesh continued in 2018. The Government of India, in order to make a wider interference in the internal affairs of Bangladesh, damaged the democratic system of Bangladesh by supporting<sup>18</sup> the Awami League government's decisions to hold the 5 January 2014 (controversial) elections, which had a direct effect on the farcical 11<sup>th</sup> National Parliament elections in 2018.

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<sup>18</sup> Before conducting the controversial and farcical 2014 National election, almost all political parties of Bangladesh decided to boycott it. At that time, the then Indian Foreign Secretary Sujata Singh visited Bangladesh and succeeded to convince Jatiya Party to join the election. Members of the Jatiya Party are now in the government (Ministers of the current government) and at the same time are the opposition in Parliament, which has made peculiar and inactive parliament.

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

16. The Rohingya population have been subjected to brutal atrocities, injustice and genocide by the Myanmar army in the Rakhine state for several decades. In particular, more than nine hundred thousand Rohingyas fled to Bangladesh due to ethnic cleansing operations in August 2017. There are allegations that children and women are being trafficked from refugee camps. Meanwhile, as a first step in a thorough investigation, the International Criminal Court has launched a preliminary examination into allegations of murder, sexual abuse and forcible expulsion of Rohingyas by Myanmar.
17. Acts of state repression on ODHAKAR and smear campaigns continued in 2018 and the Organisation was not permitted to observe the 11<sup>th</sup> parliamentary elections. Rather, its application to do so, set off another smear campaign, which was picked up by the pro-government print and electronic media.



## Human Rights violations statistics: January-December 2018

Statistics: January-December 2018*														
Type of Human Rights Violation		January	February	March	April	May	June	July	August	September	October	November	December	Total
Extrajudicial killings	Crossfire	18	7	17	28	149	50	68	24	35	18	35	9	<b>458</b>
	Shot to death	1	1	0	0	0	0	0	0	0	0	0	0	<b>2</b>
	Torture to death	0	0	1	1	2	0	0	0	1	0	0	1	<b>6</b>
	<b>Total</b>	<b>19</b>	<b>8</b>	<b>18</b>	<b>29</b>	<b>151</b>	<b>50</b>	<b>68</b>	<b>24</b>	<b>36</b>	<b>18</b>	<b>35</b>	<b>10</b>	<b>466</b>
Enforced Disappearances		6	1	5	2	1	3	5	6	30	17	13	8	<b>97</b>
Death in Jail		7	5	9	8	10	8	7	6	3	4	8	6	<b>81</b>
Human rights violations by Indian BSF	Bangladeshis Killed	2	1	0	0	0	0	1	0	1	3	2	1	<b>11</b>
	Bangladeshis Injured	3	5	1	2	0	1	0	1	7	0	0	4	<b>24</b>
	Bangladeshis Abducted	2	0	0	3	4	0	0	0	1	2	1	3	<b>16</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>3</b>	<b>8</b>	<b>51</b>
Attack on journalists	Injured	12	6	1	2	3	1	3	12	1	3	1	26	<b>71</b>
	Assaulted	1	3	3	0	0	0	0	10	1	0	0	4	<b>22</b>
	Threatened	2	1	3	0	1	1	0	1	0	0	0	2	<b>11</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>1</b>	<b>32</b>	<b>104</b>
Political violence****	Killed	9	5	9	11	13	2	3	2	4	10	12	40	<b>120</b>
	Injured	619	424	335	428	297	153	216	252	261	380	472	3214	<b>7051</b>
Dowry related violence against women		12	16	15	21	12	6	10	14	16	7	8	5	<b>142</b>
Rape		46	78	67	69	58	48	59	56	54	53	33	14	<b>635</b>
Sexual harassment /Stalking against females		15	14	25	24	19	6	11	8	16	9	5	5	<b>157</b>
Acid violence		2	1	3	4	2	0	5	6	1	1	1	0	<b>26</b>

Public lynching			5	6	8	2	5	2	4	3	6	4	3	0	<b>48</b>
Situation of workers	RMG workers	Killed	0	0	1	0	1	0	0	0	0	0	0	0	<b>2</b>
		Injured	20	0	40	0	35	27	10	0	1	67	0	132	<b>332</b>
	Workers in Informal sectors	Killed	5	3	4	8	17	7	4	6	5	3	6	18	<b>86</b>
		Injured	8	0	0	4	4	3	9	0	6	20	1	0	<b>55</b>
Arrest under Information and Communication Technology Act 2006 (amended 2009 and 2013)**			2	1	0	0	3	0	2	27	3	1	0	1	<b>40</b>
Arrest under Digital Security Act 2018***			0	0	0	0	0	0	0	0	0	7	2	6	<b>15</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 Bill passed on 19 September 2018 and became law on 8 October 2018.

\*\*\*\* In December, 32 persons were killed and 3008 were injured due to electoral violence centring around the 11th Parliamentary Elections which has been added in the Political Violence table.

## Elections and Human Rights

1. Various rights, including the right to vote, were violated in the 11<sup>th</sup> Parliamentary elections held on 30 December 2018. The Awami League-led alliance government has been in power since 2009. Thus, the human rights violations of 2018 are a continuation of the trend from 2009. The Awami League-led alliance government removed the caretaker government system in 2011, ignoring the views of the people and the opposition political party; and re-assumed power through a controversial and farcical 10<sup>th</sup> parliamentary election<sup>19</sup> conducted on 5 January 2014, creating a culture of fear in the country. The 2018 election was a continuation of the culture of fear. This election was the most controlled and farcical in the history of Bangladesh elections. The government returned to power using all the institutions of the state. The Election Commission held a series of dialogues with different political parties and alliances, including the Jatiyo Oikya Front (National Unity Front) and the Left Democratic Alliance and the government, before the announcement of the election schedule, in order to conduct free, fair and credible elections to resolve the existing democratic and political crisis. However, in the dialogue, the government did not accept any demands brought by the Jatiyo Oikya Front and the Left Democratic Alliance.
2. Although Odhikar could not observe the elections, due to constraints placed by the Election Commission, human rights defenders associated with Odhikar across the country witnessed the elections in their respective areas and shared their experiences.<sup>20</sup> Furthermore, almost the same information has been obtained from different media. Before the elections, the Awami League, along with its party leaders-activists and members of law enforcement agencies, obstructed the campaign activities of the opposition party nominated candidates across the country and removed them from their constituencies after conducting several acts, including filing criminal cases against the opposition leaders and activists and mass arrests. Various irregularities, including stuffing ballot boxes with sealed ballot papers the night before voting, casting fake votes, coercing people

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<sup>19</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>20</sup> Information sent by human rights defenders associated with Odhikar.

to vote in favour of the ruling Awami League nominated candidates, detaining and expelling polling agents of candidates nominated by the opposition parties and intimidation of the voters, took place during the polls.<sup>21</sup> Even on election day it was reported that Awami League leaders and activists raped a woman for voting for the opposition BNP-nominated candidate.<sup>22</sup> Without the people's participation in the elections, the ruling party – including the Awami League and its ally partner Jatiya Party – got an absolute majority. A Parliament without an effective opposition was established in 2014 due to the Opposition BNP and others boycotting the polls over the removal of a caretaker government system and a large amount of irregularities and voter intimidation. As a result, the government's accountability to the people plummeted. The 2018 elections were then overpowered by the ruling party. Some examples of the violence are given below:

3. At around 7:50 am<sup>23</sup> on the day of the election on 30 December, before polling started, a BBC correspondent covering the elections saw ballot boxes stuffed with ballot papers in the Shahid Nagar City Corporation Girls High School polling station in Lalkhan Bazar under Chittagong-10 constituency.<sup>24</sup> It is alleged that the polling agents of the BNP-nominated candidates were ousted in the morning from six polling centers in the Dhaka University area under Dhaka-8 constituency. Leaders and activists of the Bangladesh Chhatra League (BCL) were seen outside each polling center.<sup>25</sup> At around 11:50 am, some of the female voters who were standing at the Daulatpur Government Primary School polling center under Chittagong-2 constituency complained that they had been standing at the center since 8:00 am. Supporters of the Awami League candidate had threatened them to leave the polling centre and go home without casting their vote and some were physically assaulted.<sup>26</sup> The polling agents of the symbol 'sheaf of paddy' (BNP) were picked up by police from different polling centers under Gazipur-2 constituency and released after being taken to a remote area. In addition, five polling agents of the BNP nominated candidates were detained at the police station.<sup>27</sup> The District Returning Officer issued 'Journalist Cards' to some BCL leaders, including Nazmul Alam Siddiqui, former General Secretary of the BCL central committee and Faruk Ahmed Chowdhury, General Secretary

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<sup>21</sup> <https://www.ti-bangladesh.org/beta3/index.php/en/highlights/5749-2019-01-15-07-24-53>

<sup>22</sup> The daily Naya Diganta, 2 January 2019; <http://www.dailynayadiganta.com/bangla-diganta/377240>

<sup>23</sup> Voting starts from 8:00 am and ends at 4:00 pm.

<sup>24</sup> <https://www.youtube.com/watch?v=VpGcZoVd7ZM>

<sup>25</sup> The daily Jugantor, 31 December 2018; <https://www.jugantor.com/todays-paper/news/127993>

<sup>26</sup> The daily Jugantor, 31 December 2018; <https://www.jugantor.com/todays-paper/eleventh-parliament-election/128077>

<sup>27</sup> The daily Naya Diganta, 31 December 2018; <http://www.dailynayadiganta.com/bangla-diganta/376740>

of District unit Awami League to monitor the elections in Jamalpur. However, several professional journalists were not given poll observation cards.<sup>28</sup>

4. Before the parliament elections, acts of criminalisation were reported during all elections, including local government polls. The ruling Awami League used the administration and law enforcement agencies to 'capture' the polling centres; cast fake votes; intimidate and remove polling agents of the opposition candidates from their respective posts. Thus their nominated candidates won through these various malpractices in most of the local government polls, including the by-elections, Khulna<sup>29</sup> and Gazipur<sup>30</sup> City Corporation elections. The Election Commission, headed by KM Nurul Huda, has made this constitutional body subservient to the government and given legitimacy to all the irregularities and election-related mismanagements.
5. Bangladesh is a party to the United Nations International Covenant on Civil and Political Rights (ICCPR). Article 25 (b) of this Covenant states that voting and selection shall be made on the basis of universal and equal voting and in elections held by secret ballot at certain intervals by guaranteeing the free expression of the electors. However, the ruling Awami League came to power through fraudulent elections, invalidating Bangladesh's electoral system and violating Article 25 (b) of the ICCPR.

## Mass Arrests and Human Rights Violations in Prisons

6. **In 2018, Odhikar recorded that at least 81 inmates died in different prisons of Bangladesh.**
7. Mass arrest operations were conducted on various pretexts in order to prevent protest meetings organised to denounce the arrest and sentence of BNP Chairperson Khaleda Zia<sup>31</sup> on 8 February 2018; to suppress opposition party

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<sup>28</sup> The daily Naya Diganta, 31 December 2018; <http://www.dailynayadiganta.com/bangla-diganta/376737>

<sup>29</sup> Odhikar's human rights monitoring report in May, [http://odhikar.org/wp-content/uploads/2018/06/human-rights-monitoring-report-May-2018\\_Ban.pdf](http://odhikar.org/wp-content/uploads/2018/06/human-rights-monitoring-report-May-2018_Ban.pdf)

<sup>30</sup> Odhikar's six months human rights monitoring report [http://odhikar.org/wp-content/uploads/2018/07/Six-Month-Report-2018\\_Ban.pdf](http://odhikar.org/wp-content/uploads/2018/07/Six-Month-Report-2018_Ban.pdf)

<sup>31</sup> On 8 February 2018, a Special Court Judge Mohammad Akhtaruzzaman declared the verdict against former Prime Minister and BNP Chairperson Khaleda Zia and sentenced her to five years imprisonment under the Zia Orphanage Trust corruption case. Since then she has been imprisoned in a solitary confinement in a central jail (presently abandoned) in old Dhaka. BNP claimed that such verdict was given out of vengeance. There are 34 cases against Khaleda Zia. 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. 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 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. On 30 October, a High Court Division bench of the Supreme Court,

activists and dissidents; and to unilaterally dominate the parliamentary elections on 30 December. During such operations, police arrested opposition party leaders-activists on the pretext of ‘planning sabotage’ or ‘secret meetings’. There were allegations of torture in remand after arrest. During this period, numerous cases were filed against leaders and activists from central and grassroots levels; many cases were filed for mere harassment and were fabricated. Some of those who had been sued were deceased, some were seriously ill or bedridden or too old or even imprisoned. Some were living abroad. Police also filed a charge sheet in the name of a deceased person after investigating the ‘so-called’ incident.<sup>32</sup> Furthermore, prior to the elections, 18 candidates of the opposition alliance Jatiya Oikya Front were arrested and detained in jail. As a result of these mass arrests, it was reported that the prisons were overflowing beyond capacity.<sup>33</sup> Humanitarian disasters thus affected the prisons due to the overcrowding. It is also alleged that the prisoners died due to negligence of the jail authorities and lack of adequate doctors and medical treatment.

## Hindrance to Freedom of Assembly

8. The Awami League government has deprived people from the right to hold peaceful meetings and assemblies by using the law enforcement agencies and its party leaders-activists to suppress the opposition and dissenting voices. This was very clearly the case during the students’ movement for safe roads and during the quota reform movement. Peaceful protests and meetings by even teachers’ associations have also been attacked in the near past.<sup>34</sup> In order to gain unprecedented dominance in the political arena before the eleventh parliamentary elections there were crackdowns on assemblies that were widely reported. The government security forces and Awami League activists even attacked the opposition candidates’ election rallies and meetings throughout the month of December, leading up to the elections.<sup>35</sup>
9. On 1 January 2018, Jatiyabadi Chhatra Dal (JCD)<sup>36</sup> leaders and activists brought out a rally from district unit BNP office in Pabna, on the occasion of the founding anniversary of JCD. At that time, police baton charged the rally, threw tear gas

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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>32</sup> The daily Prothom Alo, 13 October 2018 ; <https://www.prothomalo.com/bangladesh/article/1556797>

<sup>33</sup> The daily Naya Diganta, 13 November 2018; <http://www.dailynayadiganta.com/first-page/364250/>

<sup>34</sup> The daily New Age, 11 June 2017; <http://www.newagebd.net/article/43413/police-foil-teachers-demo-demanding-mpo>

<sup>35</sup> The daily Dhaka Tribune, 12 December 2018; <https://www.dhakatribune.com/bangladesh/election/2018/12/12/bnp-chhatra-league-men-attacked-afroza-abbas-s-campaign> and the daily Manabzamin, 15 December 2018; <https://www.jugantor.com/todays-paper/last-page/122139/>

<sup>36</sup> Student wing of Bangladesh Nationalist Party (BNP)

shells and shot at them. At least 35 BNP activists, including district unit BNP General Secretary, Habibur Rahman Tota and Krishak Dal<sup>37</sup> leader Abul Kashem, were shot.<sup>38</sup>

10. On 8 February, after the verdict of Khaleda Zia's case, police fired blank shots and threw tear gas shells at leaders and activists of Swechchasebak Dal<sup>39</sup> and Chhatra Dal when they brought out a protest rally in Sylhet. At that time, District unit Swechchasebak League<sup>40</sup> Vice-President Pijush Kanti Dey; Sylhet Metropolitan unit Chhatra League<sup>41</sup> Organising Secretary Sajal Das Anik; and Awami League activist Munim joined the police and attacked the rally with guns.<sup>42</sup> Two youth wearing motorcycle helmets were seen shooting at the procession with homemade guns.<sup>43</sup> During this attack, Chhatra Dal leader Syed Mostafa was shot in the head.<sup>44</sup>
11. Apart from attacking the BNP, the government used its party activists and police to attack and bar meetings and assemblies of other organisations protesting or demonstrating against various issues. On 30 June 2018, Bangladesh Chhatra League<sup>45</sup> (BCL) leaders-activists attacked a press conference organised by students demanding the reformation of the quota system in public service, in front of the Central Library of Dhaka University. During this attack some student activists, including the Joint Convener of the General Students Rights Protection Council, Nurul Huq Nuru, were injured.<sup>46</sup> On 2 July 2018, BCL activists attacked the quota reform movement students when they were organising programmes in Rajshahi University and at the Central Shahid Minar in Dhaka. Moreover, female students, involved in the quota reform movement were sexually harassed by BCL leaders and activists.<sup>47</sup> One of the female students, who was victim of sexual harassment by BCL shared her horrific experience at a press conference.<sup>48</sup> On 4 July 2018, many students were injured when police, Chhatra League and Jubo League<sup>49</sup> activists attacked quota reform demonstrators at various places,

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<sup>37</sup> Farmers wing of BNP.

<sup>38</sup> The daily Manabzamin, 02/01/2018; <http://www.mzamin.com/article.php?mzamin=98714>

<sup>39</sup> Voluntary wing of BNP

<sup>40</sup> Voluntary wing of Bangladesh Awami League (AL)

<sup>41</sup> Student wing of Awami League

<sup>42</sup> The daily Naya Diganta, 09/02/2018; <http://www.dailynayadiganta.com/detail/news/292302>

<sup>43</sup> The daily Jugantor, 11/02/2018; <https://www.jugantor.com/todays-paper/last-page/16326/>

<sup>44</sup> The daily Naya Diganta, 09/02/2018; <http://www.dailynayadiganta.com/detail/news/292302>

<sup>45</sup> Student wing of Bangladesh Awami League

<sup>46</sup> Bangla Tribune, 30 June 2018; [www.banglatribune.com/others/news/338041-](http://www.banglatribune.com/others/news/338041-)

<sup>47</sup> The daily Manabzamin, 3 July 2018; [www.mzamin.com/article.php?mzamin=124043&cat=2/-](http://www.mzamin.com/article.php?mzamin=124043&cat=2/)

<sup>48</sup> The daily Naya Diganta, 6 July 2018; [www.dailynayadiganta.com/first-page/330619/](http://www.dailynayadiganta.com/first-page/330619/)

<sup>49</sup> Youth wing of Awami League.



including Rajshahi University, Jahangirnagar University and Begum Rokeya University; and in Barisal, Khulna and Narayanganj.<sup>50</sup>



*Tariqul Islam, joint convener of the quota reform movement, was severely injured when BCL activists attacked him with knives, sticks and hammers. Daily Star 09 July, 2018*



*A female demonstrator of the quota reform movement being attacked by BCL activists in Dhaka. Photo: Bangladesh Protidin, 3 July 2018*

12. On 29 July 2018, drivers of two public buses on the Airport Road were recklessly racing each other to get passengers. As a result, a bus hit the footpath, causing the death of two students of Shahid Ramijuddin College and seriously injured several others. When journalists asked the road transport labour leader and

<sup>50</sup> The daily Jugantor, 5 July 2018; <https://www.jugantor.com/todays-paper/last-page/66562/>



Shipping Minister Shahjahan Khan for his comments on this, he grinned and ignored the question.<sup>51</sup> As a result, students blocked 20 important roads in Dhaka City on 30 and 31 July and drafted a 9-point demand letter which included the resignation of Shipping Minister Shahjahan Khan, punishment of the killer bus driver and safe roads. During this period, police baton charged the protesting students to disperse them from different points in Mirpur and Uttara. As a result, several students were injured.<sup>52</sup> Several students were injured when police and leaders and activists of Chhatra League and Jubo League and people wearing motorcycle helmets with visors, attacked the protesting students with sticks, iron rods and machetes at Mirpur-10, Jigatola and Dhanmondi areas of Dhaka city.<sup>53</sup> Apart from Dhaka, police and activists of Chhatra League, Jubo League and Shramik League<sup>54</sup> also attacked peaceful meetings and assemblies of protesting students in Chittagong, Moulvibazar, Bogra, Feni, Khulna, Mymensingh and Manikganj.<sup>55</sup> From 29 July to 15 August, 2018, at least 52 cases were filed with different police stations in Dhaka against student protesters and others who were demanding road safety. Around five thousand 'unknown persons' were accused in those cases. Among them, 81 persons were arrested in 43 cases under the Penal Code and Special Powers Act, 1974. Their lawyers alleged that police tortured them in custody after taking them into remand.<sup>56</sup>



*Police baton-charge students in Mirpur area of Dhaka City on 31 July 2018, when students of several colleges brought out a procession, demanding justice for the two college students who were killed in a road crash and for safe roads. Photo: The Daily Star, 1 August 2018*

<sup>51</sup> The daily Jugantor, 1 August 2018; <https://www.jugantor.com/todays-paper/first-page/75952/>

<sup>52</sup> The daily Jugantor, 1 August 2018; <https://www.jugantor.com/todays-paper/first-page/75952/>

<sup>53</sup> The daily Jugantor, 3 August 2018; <https://www.jugantor.com/todays-paper/first-page/76561/>

<sup>54</sup> Worker's wing of Awami League

<sup>55</sup> The daily Manabzamin, 5 August 2018; <http://www.mzamin.com/article.php?mzamin=129268&cat=3/>

<sup>56</sup> New Age, 16 August 2018; <http://www.newagebd.net/article/48495>



*Chhatra League and Juba League activists along with police swooped on students protesting for road safety at Mirpur in Dhaka. Photo: New Age, 4 August 2018*



*Armed and helmeted people, with an armoured personnel carrier, attack students demanding road safety, at Jigatola in Dhaka. Photo: New Age, 5 August 2018*

13. On 15 December 2018, Chhatra League and Juba League<sup>57</sup> leaders-activists attacked the Jatiya Oikya Front nominated candidate from Noakhali-1 constituency Advocate Mahbub Uddin Khokon and his supporters, during the election campaign at Sonaimuri Bazar. At that time Oikya Front leaders-activists resisted them in retaliation. Police led by the Officer-in-Charge of Sonaimuri Police Station opened fire. 11 persons, including Mahbub Uddin Khokon were shot and injured.<sup>58</sup>

<sup>57</sup> Youth wing of Awami League

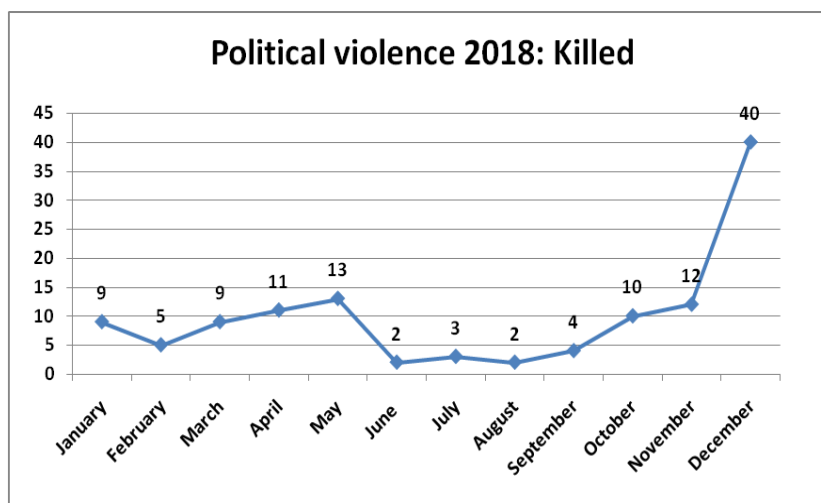
<sup>58</sup> The daily Jugantor, 16 December 2018, <https://www.jugantor.com/politics/122424>



Injured Mahbub Uddin Khokon, Photo: Manabzamin, 20 December 2018

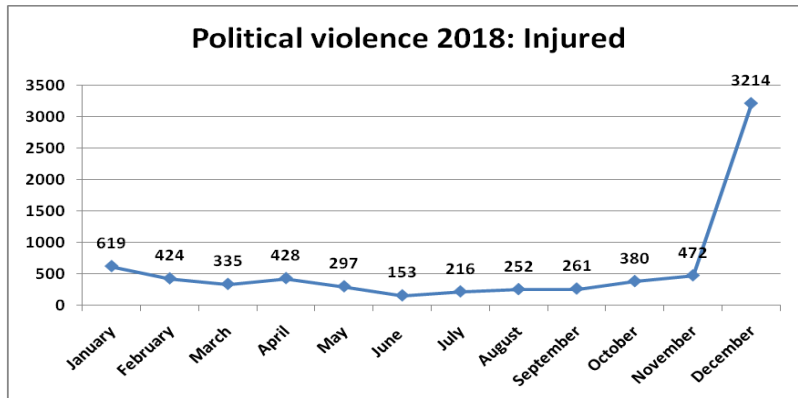
## Political Criminalisation

14. In 2018, at least 120 persons were killed and 7,051 persons were injured in political violence. Furthermore, 281 incidents of internal violence in the Awami League and 14 in the BNP<sup>59</sup> were also recorded during this period. 53 were killed and 3,225 were injured in internal conflicts within the Awami League while three were killed and 115 were injured in conflicts within the BNP.



<sup>59</sup> BNP: Bangladesh Nationalist Party.





15. The ruling Awami League activists are enjoying complete impunity for crimes due to an absence of democracy, accountability and rule of law. As a result, in most of the cases, they were not arrested and could not be brought to justice. In some cases, they were arrested, but acquitted by the court.<sup>60</sup> Some examples are given below:

16. On 1 December 2018, clashes took place between supporters of Rajshahi-4 constituency Awami League MP Enamul Huq and supporters of Baghmara Municipality Mayor and Awami League leader, Abul Kalam Azad in front of Taherpur Degree College in Baghmara Upazila under Rajshahi District, over a dispute in nominating candidates. Jubo League leader Chanchol Kumar (30) was killed in the clash. Five persons were injured.<sup>61</sup>



*Deceased Jubo League leader Chanchol Kumar, Photo: Jugantor, 2 December 2018*

17. On 8 August 2018, Barishal University unit Chhatra League leaders and activists barred Dr. Manisha Chakraborty, Member-Secretary of the University unit of the Socialist Party of Bangladesh (SPB), when she was greeting students at Barishal

<sup>60</sup> The daily Prothom Alo, 26 January 2018. [www.prothomalo.com/bangladesh/article/1417456/](http://www.prothomalo.com/bangladesh/article/1417456/)

<sup>61</sup> "Juba League leader killed in AL factional clash", The daily New Age, 2 December 2018; <http://www.newagebd.net/article/57663> ; and the daily Jugantor, 2 December 2018; <https://www.jugantor.com/todays-paper/first-page/117463>

University and also attacked her supporters. Three activists supporting her, of the Somajtrantrik Chhatra Front<sup>62</sup> were injured during this attack.<sup>63</sup>

## State Repression

18. In 2018, many people including leaders and activists of the opposition party (mainly BNP) allegedly became victims of enforced disappearance, extrajudicial killing, torture and knee-capping. The commission of enforced disappearances and extrajudicial killings and matters relating to impunity and injustice have been highlighted by Member States in Bangladesh's human rights review, as a matter of grave concern, during the third cycle of the Universal Periodic Review (UPR)<sup>64</sup> of Bangladesh on 14 May 2018 at the UN Human Rights Council in Geneva. The UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, during the 38<sup>th</sup> session of the Human Rights Council (HRC), said that Bangladesh did not pay any heed to the UN requests on monitoring the human rights situation in the country.<sup>65</sup>

## Torture

19. Although the Torture and Custodial Death (Prevention) Act, 2013 was passed, a large majority of the torture victims and family members are not able to file any cases under this Act due to fear of reprisals; and those cases that have been filed are yet to see light in the court.
20. On 5 September 2018, members of law enforcement agencies arrested 38 students from the Mohakhali, Tejkunipara and BG Press areas of Dhaka, for allegedly being involved in the 'quota reform' and 'safe road' movements. On 6 September, 26 of the arrestees were released but 12 were kept in custody. The parents of those who were released said that everyone had been tortured at the Detective Branch of Police Office. One of the parents alleged that his son's hands had been tied behind him and he was beaten.<sup>66</sup>
21. On 8 November 2018, police arrested two persons named Faruk Hossain and Asharaful Islam under the pretext of recovering drugs, in Matikumra Village

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<sup>62</sup> Student wing of Socialist Party of Bangladesh (SPB)

<sup>63</sup> The daily Jugantor, 9 August 2018; <https://www.jugantor.com/todays-paper/bangla-face/78714>

<sup>64</sup> Such review on human rights situation commenced based on information/reports submitted by the government, different special procedure mandate holders of the UN, special agencies of the UN, National Human Rights Commission and reports submitted by international, regional and national human rights organizations and civil society representatives.

<sup>65</sup> The daily Naya Diganta, 19 June 2018, [www.dailynayadiganta.com/diplomacy/325952](http://www.dailynayadiganta.com/diplomacy/325952); Prothom Alo, 21 June 2018;

<sup>66</sup> The daily Prothom Alo, 10 September 2018;

<https://epaper.prothomalo.com/?mod=1&pgnum=1&edcode=71&pagedate=2018-09-10>

and The daily New Age, 10/09/2018; <http://www.newagebd.net/article/50252/whereabouts-of-12-road-safety-protesters-unknown-after-4-days>

under Jhikargachha Upazila in Jessore District. Later the police inflicted torture on them and shot them in their legs. They were admitted to the National Institute of Traumatology and Orthopaedic Rehabilitation in Dhaka where doctors amputated their left legs.<sup>67</sup>



*Asharaful Islam (Left) and Faruk Hossain of Jessore lost their left legs after being shot by police. Photo: Prothom Alo, 25 November 2018*

### ***Extrajudicial killings***

22. A total of 466 persons were reportedly killed extra-judicially by Police, RAB, DB Police, BGB, Security Forces and Coast Guard in 2018. Among the 466 persons extra judicially killed, 458 were killed in 'crossfire/encounters/gunfights'. Furthermore, among the deceased, six persons were allegedly tortured to death by police and DB Police. Moreover, two persons were allegedly shot to death by police.
23. Several incidents of extrajudicial killings took place in 2018. Members of law enforcement agencies started to commit widespread extrajudicial killings in a 'war on drugs' from May 2018. **From 15 May to 31 December 2018, 285 persons were reported killed extra-judicially in the name of 'gunfight' or 'shootout' during anti drug drives across the country.** Relatives of some of the deceased, claimed that the men had not been involved in any criminal activity.
24. On 7 June 2018, family members of deceased Raju Prodhan, local people and students of a private university, organised a human chain in front of the National Press Club at Dhaka in protest of the killing of Raju Prodhan (18) during 'gunfight' between RAB members on 9 May 2018 in Rupganj under Narayanganj District. Raju Prodhan's father Shamim Prodhan said that Raju was not a mugger

<sup>67</sup> The daily Prothom Alo, 24 November 2018; <https://www.prothomalo.com/bangladesh/article/1566554>

or extortionist. There was no case or General Diary filed against his son. He was killed deliberately in the name of 'crossfire'.<sup>68</sup>

25. Ekramul Huq, Councillor of Teknaf Municipality was deliberately killed by RAB on 26 May as alleged by his wife Ayesha Khatun who, at a press conference, demanded a judicial inquiry into this matter. She also shared an audio recording, which was taken on cell phone during the killing of her husband, where the whole incident of the killing came to light.<sup>69</sup>
26. Furthermore, law enforcement agencies are claiming that drug peddlers are being killed in gunfights among themselves. After such information was made public by law enforcers, some families of the killed, alleged that they were shot dead after being picked up by members of law enforcement agencies.<sup>70</sup>
27. Nazma Begum, wife of deceased Anisur Rahman, organised a press conference on 8 June 2018 and said that on 28 May police took her husband from their house and shot him dead while he was blindfolded. Police claim that Anisur Rahman was killed in gunfight between drug dealers.<sup>71</sup> Among the victims extra judicially killed, there were political activists. For example, on 27 May a Jubo Dal<sup>72</sup> leader named Rafiqul Islam in Jhenaidah, became a victim of extrajudicial killing as alleged by his family.<sup>73</sup>

### ***Death penalty***

28. The death penalty exists in the criminal laws of the country. In Bangladesh's dysfunctional criminal justice system, the death penalty as a maximum punishment, also can be potentially used against people whom the government wants to incarcerate for a long period of time with the added mental stress of possible execution.
29. **In 2018, 319 persons were given death sentences by the lower courts.**

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<sup>68</sup> The Daily Ittefaq, 8 June 2018; <http://www.ittefaq.com.bd/print-edition/second-edition/2018/06/08/282336.html>

<sup>69</sup> The daily Manabzamin, 1 June 2018; [www.mzamin.com/article.php?mzamin=119731&cat=10/প্রকবাম-](http://www.mzamin.com/article.php?mzamin=119731&cat=10/প্রকবাম-)

<sup>70</sup> Munshiganj Police claimed that on 29 May 2018 Sumon Biswas, an alleged drug peddler, was killed in a gunfight between two groups of drug peddlers. Sumon's elder sister Nurjahan Begum informed Odhikar that a group of plainclothes policemen detained Sumon from the Bashtola Panir Tanki area on 28 May and beat him up. Later they handed Sumon over to Sub-Inspector (SI) Shamim of Hatimara Police Outpost. When family members went to the Police Outpost and Munshiganj Sadar Police Station to learn of the whereabouts of Sumon, police denied his arrest. On 29 May the family members came to know that he was killed.

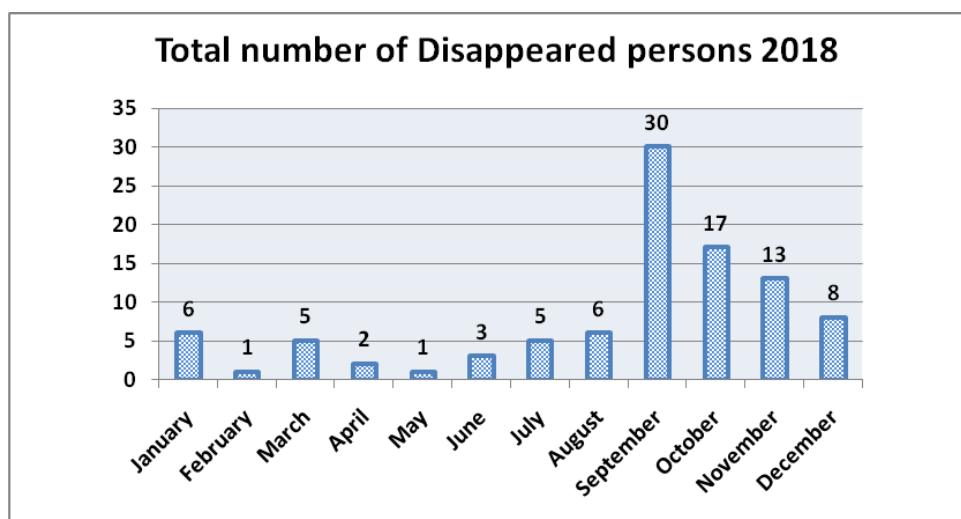
<sup>71</sup> The daily Jugantor, 9 June 2018; <https://www.jugantor.com/todays-paper/last-page/57965/>

<sup>72</sup> Youth wing of BNP

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

## ***Enforced disappearances***

30. In 2018, 97 persons were allegedly disappeared<sup>74</sup> after being picked up by members of law enforcement agencies. Among them, the bodies of 12 disappeared persons were recovered, 61 have returned alive or were shown as arrested after several days or months of their disappearance; and the whereabouts of 24 persons remain unknown.



31. Enforced disappearance is a crime against humanity as defined in the Rome Statute of the International Criminal Court<sup>75</sup>. It has been used as a tool of state repression to prevent and suppress political opponents and dissenting voices in Bangladesh. Such crime is a grave violation of Articles 9<sup>76</sup> and 16<sup>77</sup> of the International Covenant on Civil and Political Rights and Articles 31<sup>78</sup>, 32<sup>79</sup> and

<sup>74</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>75</sup> Article 7 of the Rome Statute states that "enforced disappearance" is considered to be "crime against humanity" when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. "Enforced disappearance of persons" means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

<sup>76</sup> Article 9: Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

<sup>77</sup> Article 16: Everyone shall have the right to recognition everywhere as a person before the law.

<sup>78</sup> Article 31: To enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law.

<sup>79</sup> Article 32: No person shall be deprived of life or personal liberty save in accordance with law.



33<sup>80</sup> of the Constitution of the People's Republic of Bangladesh. Leaders and activists of the opposition political parties became victims of enforced disappearance in 2018, particularly before the 11<sup>th</sup> parliamentary elections on 30 December. The families of the disappeared and witnesses claim that members of law enforcement agencies arrested and took away the victims. 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. Despite allegations made by the families of the disappeared, the government has repeatedly been denying that incidents of enforced disappearance occur, instead of taking any action to recover the victims and investigate the suspected perpetrators.

32. During the third cycle of the Universal Periodic Review (UPR) of Bangladesh, on 14 May 2018 at the UN Human Rights Council in Geneva, the Law Minister Anisul Huq disagreed with the position that enforced disappearances occur in Bangladesh. Instead, he remarked that the cases of abduction of some individuals are often reported as enforced disappearance; and there has been a tendency for quite some time to label all cases of missing persons as enforced disappearance.<sup>81</sup> After the Law Minister was done denying the commissions of enforced disappearance at the UPR, the families of the disappeared organised a human chain in front of the National Press Club in Dhaka on 26 May and demanded the return of their family members before Eid-ul-Fitr<sup>82</sup>. A number of leaders and activists of the opposition were disappeared ahead of the 11<sup>th</sup> Parliamentary elections, in order to prevent them from participating in campaigns and so that they could not be involved in the electoral process. Later many of them had been shown as arrested and/or released.<sup>83</sup>

33. In 2018, 24 people, including Asaduzzaman from Rajshahi on 27 March<sup>84</sup>; Mohammad Masood and Saiful Islam from Lakshmipur on 5 April<sup>85</sup>; Ismail Hossain Manik from Dhaka on 4 June<sup>86</sup>; Altaf Hossain Howlader from Jessore on

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<sup>80</sup> Article 33 (1): No person who is arrested shall be detained in custody without being informed, as soon as may be of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice. (Continued.....)

<sup>81</sup> Odhikar's Half-yearly Human Rights Monitoring Report : January – June 2018, [www.odhikar.org/wp-content/uploads/2018/07/Six-Month\\_HRR\\_2018\\_Eng.pdf](http://www.odhikar.org/wp-content/uploads/2018/07/Six-Month_HRR_2018_Eng.pdf)

<sup>82</sup> Eid-ul-Fitr was celebrated on 16 June 2018

<sup>83</sup> The daily Naya Diganta, 2 December 2018; <http://www.dailynayadiganta.com/first-page/369048/একের-পর-এক-তুলে>

<sup>84</sup> The daily Jugantor, 30 March 2018; <https://www.jugantor.com/todays-paper/bangla-face/32973/%E0%A6%86%E0%A6%87%E0%A7%87%E0%A6%B2%E0%A7%83%E0%A6%99%E0%A7%8D%E0%A6%96%E0%A6%B1%E0%A6%BE-%E0%A6%AC%E0%A6%BE%E0%A6%A1%E0%A6%B9%E0%A7%87%E0%A7%80%E0%A6%B0>

<sup>85</sup> Information gathered by Odhikar

<sup>86</sup> The daily Naya Diganta, 5 July 2018; <http://www.dailynayadiganta.com/city/330368/>

14 August<sup>87</sup>; Sohan Sharif from Faridpur on 8 September<sup>88</sup>; Humayun Kabir alias Julvern from Pirozpur on 27 October<sup>89</sup>; and Mohammed Rabiul Awal Sohag from Comilla on 26 November<sup>90</sup> had become victims of enforced disappearance after being picked up by security forces. They are yet to return.

34. Moreover, Touhidul Islam of Kushtia<sup>91</sup>; Nur Hossain Babu, Shimul Azad and Sohag Bhuiya of Manikganj<sup>92</sup>; Abul Hossain<sup>93</sup>, Faruk Hossain, Sabuj Sardar, Zahirul Islam and Liton of Narayanganj<sup>94</sup>, Sharif Ahmed of Mymensingh<sup>95</sup>, Abu Bakar of Jashore<sup>96</sup>, Billu Parvez of Jashore<sup>97</sup> are disappeared persons whose bodies were found in 2018.

### ***Public Lynching***

35. **In 2018, 48 persons were killed in public lynching.**

36. Incidents of deaths due to public lynching continue to occur despite right to life and personal liberty being guaranteed in the Constitution of Bangladesh and Article 6 of the ICCPR. Mob beatings occur due to a lack of public trust in the criminal justice system, existence of impunity, lack of implementation of laws, loss of faith and confidence in law enforcement agencies and social unrest. As a result, ordinary citizens are taking the law in their own hands and the tendency to resort to public lynching is quite common.

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<sup>87</sup> The daily Manabzamin 29 August 2018, <http://mzamin.com/article.php?mzamin=132687&cat=9>

<sup>88</sup> Information gathered by Odhikar

<sup>89</sup> The daily Kaler Kantha, 31 October 2018; <http://www.kalerkantho.com/print-edition/last-page/2018/10/31/697857>

<sup>90</sup> The daily Jugantor, 6 December 2018; <https://www.jugantor.com/national/119274>

<sup>91</sup> Information gathered by Odhikar

<sup>92</sup> The Daily Star, 16 September 2018; <https://www.thedailystar.net/backpage/news/murder-3-youths-nothing-known-none-arrested-1634413>

<sup>93</sup> The daily Prothom Alo, 27 October 2018

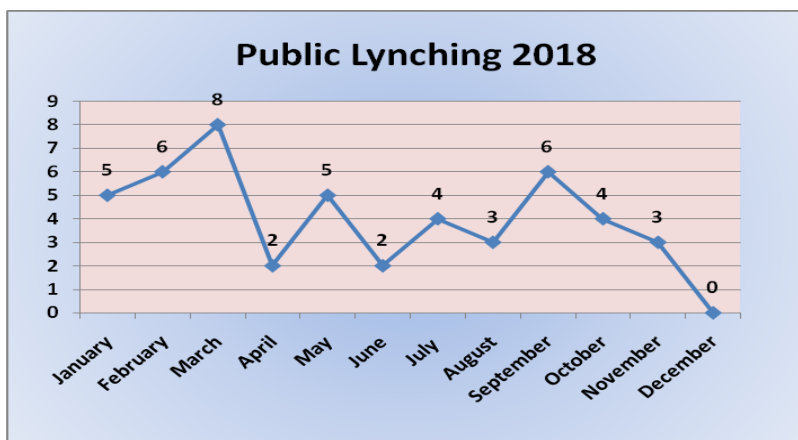
<sup>94</sup> The daily Prothom Alo, 28 October 2018 and The Daily Star, 23 October 2018;

<https://www.thedailystar.net/frontpage/news/they-were-picked-day-1650685>

<sup>95</sup> The Daily Star, 15 October 2018; <https://www.thedailystar.net/country/news/drug-peddler-killed-mymensingh-gunfight-bangladesh-1646797>

<sup>96</sup> The daily New Age, 21 October 2018; <http://www.newagebd.net/article/53707/two-more-drug-peddlers-killed-in-gunfights>

<sup>97</sup> The daily New Age, 21 October 2018; <http://www.newagebd.net/article/53611/miscreant-killed-in-gunfight-in-jashore>



## Freedom of Expression

### *Repressive laws*

37. From January to December, 40 persons were arrested under the Information and Communication Technology Act, 2006 (amended 2009 and 2013); and 15 persons were arrested under the Digital Security Act, 2018<sup>98</sup> from 1 October to 31 December 2018.

38. The government has obstructed the freedom of expression of citizens by enacting widely criticised repressive laws. Dissidents and opposition party leaders-activists were arrested under the Information and Communication Technology Act and the Digital Security Act, over any kind of criticism against high-ranking individuals of the ruling party or their family members through social media.

39. Eight cases were filed under the repressive Information and Communication Technology Act for the allegations of spreading ‘confusing information’ and ‘rumours’ amongst student protesters demanding safe roads, for inciting destructive activities and for making derogatory remarks on the Prime Minister. 16 persons were arrested and they were allegedly ill treated by members of law enforcement agencies.<sup>99</sup> Among the arrested persons, are a pregnant school teacher Nusrat Jahan Sonia<sup>100</sup> from Kolapara of Patuakhali, actress Kazi Naushaba Ahmed<sup>101</sup>, a coffee shop owner Faria Mahzabin<sup>102</sup>, and quota reform movement leader Lutfun Nahar Luma.<sup>103</sup>

40. On 9 August 2018, BCL activists picked up Dhaka University student Rafsan Ahmed and handed him over to Shahbagh Police Station for allegedly posting a

<sup>98</sup> The Digital Security Bill passed on 19 September 2018 and became law on 8 October 2018.

<sup>99</sup> New Age, 16 August 2018; <http://www.newagebd.net/article/48495>

<sup>100</sup> The daily Manabzamin, 6 August 2018; <http://www.mzamin.com/article.php?mzamin=129425&cat=3/>

<sup>101</sup> The daily Manabzamin, 5 August 2018; <http://www.mzamin.com/article.php?mzamin=129278&cat=2/>

<sup>102</sup> The daily Jugantor, 18 August 2018; <https://www.jugantor.com/todays-paper/last-page/81751/>

<sup>103</sup> The daily Prothom Alo, 15 August 2018, <https://www.prothomalo.com/bangladesh/article/1553718>

status on his Facebook page critical about the government, the ruling Awami League and the family of the former President Sheikh Mujibur Rahman. A case was filed against him under the ICT Act.<sup>104</sup> Savar Upazila unit Jubo League Joint General Secretary Sheikh Farid Al Razi filed a case under the ICT Act against Nazmus Sakib, editor of the Savar based newspaper 'Daily Phulki' for allegedly making a derogatory remark against the Prime Minister in the online version of the newspaper.<sup>105</sup>

41. The current government, on 19 September 2018, passed the Digital Security Act, 2018 in the National Parliament despite objections from journalists, human rights organisations and civil society representatives.<sup>106</sup> It is to be mentioned that the contents of the controversial section 57 of the ICT Act has been divided and included in sections 25, 28, 29, and 31 of the Digital Security Act. Due to this and some other legal provisions, the Digital Security Act is even more stringent than the ICT Act, which is contrary to Article 39(2) of the Constitution and a clear violation to freedom of opinion and expression.<sup>107</sup>
42. On 11 February 2018, the National Parliament passed the Law and Order Disrupting Crime (Speedy Trial) Amendment Act 2018<sup>108</sup>. In the amendment, the punishment under this Act has been increased from two years minimum and five years maximum imprisonment to seven years rigorous imprisonment with a monetary fine.<sup>109</sup>

### ***Public Service Bill, 2018 and impunity***

43. On 24 October 2018, the 'Public Service Bill, 2018' was passed in the Parliament.<sup>110</sup> Sub-section (1) of section 41<sup>111</sup> of this Act is discriminatory and contradictory with the Constitution. The Act contains a pre-emption provision

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<sup>104</sup> The daily Jugantor, 10 August 2018; <https://www.jugantor.com/todays-paper/second-edition/79101/>

<sup>105</sup> The daily Jugantor, 11 August 2018; <https://www.jugantor.com/todays-paper/second-edition/79468/>

<sup>106</sup> The daily Jugantor, 20 September 2018; <https://www.jugantor.com/todays-paper/first-page/92399/>

<sup>107</sup> The daily Star, 29 September 2018;

<https://www.thedailystar.net/bangla/%E0%A6%B6%E0%A7%80%E0%A6%B0%E0%A7%8D%E0%A6%B7-%E0%A6%96%E0%A6%AC%E0%A6%B0/%E0%A6%95%E0%A7%87%E0%A6%A8-%E0%A6%A1%E0%A6%BF%E0%A6%9C%E0%A6%BF%E0%A6%9F%E0%A6%BE%E0%A6%B2-%E0%A6%A8%E0%A6%BF%E0%A6%B0%E0%A6%BE%E0%A6%AA%E0%A6%A4%E0%A7%8D%E0%A6%A4%E0%A6%BE-%E0%A6%86%E0%A6%87%E0%A6%A8%E0%A7%87%E0%A6%B0-%E0%A6%AC%E0%A6%BF%E0%A6%B0%E0%A7%8B%E0%A6%A7%E0%A6%BF%E0%A6%A4%E0%A6%BE-%E0%A6%95%E0%A6%B0%E0%A6%9B%E0%A6%BF-98761>

<sup>108</sup> The incumbent Awami League led government on 3 April 2014, had amended this law and increased the punishment period. This law will continue to be enforced till 7 April 2019.

<sup>109</sup> The daily Prothom Alo, 12/02/2018; [www.prothomalo.com/bangladesh/article/1429276/](http://www.prothomalo.com/bangladesh/article/1429276/)

<sup>110</sup> The daily Naya Diganta, 25 October 2018; <http://www.dailynayadiganta.com/more-news/359694/>

<sup>111</sup> Under sub-section (1) of section 41 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.

for the arrest of public servants/government employees in criminal cases which will widen the scope for impunity for public servants and increase the tendency of corruption.

### ***Amendment of the law for speedy trial***

44. On 11 October 2018, police arrested a BNP supporter Abul Kashem, under section 25 (2) of the Digital Security Act, 2018 on charges of a post on Facebook mocking Prime Minister Sheikh Hasina, Finance Minister Abul Maal Abdul Muhith and the Bangladesh Awami League.<sup>112</sup>

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

45. In 2018, 71 journalists were injured, 22 were assaulted, 11 were threatened, 15 were sued and four were arrested while carrying their professional duty.

46. There are allegations that many media outlets have been forced to carry out self-censorship under pressure from the government, as in previous years. Awami League leaders attacked journalists for carrying out professional duties. Some examples are given below:

47. On 5 August 2018, journalists from various media became victims of attacks by the ruling party men while gathering information/news on attacks on protesting students at and around the Science Laboratory area in Dhaka. At that time, the ruling party men allegedly attacked journalists with sticks, rods and machetes, leaving them seriously wounded.<sup>113</sup>



*Alleged ruling Awami League men attacked freelance photographer Rahat Karim with sticks, iron rods and machetes in front of the Police Box at Science Lab intersection in the capital. Rahat Karim bleeds badly after he was attacked.*

*Photo: The Daily Star, 6 August 2018*

<sup>112</sup> The daily Manabzamin, 13 October 2018; <http://www.mzamin.com/article.php?mzamin=139992&cat=2/>

<sup>113</sup> Prothom Alo, 6 August 2018; <https://www.prothomalo.com/bangladesh/article/1548116>



48. Journalists and media activists of various mass media, including Jugantar and Jamuna TV, were staying at a guesthouse in Nawabganj under Dhaka District to collect information about the 30 December 2018 parliamentary elections. In the night of 24 December, a group of armed criminals attacked the media activists in the guesthouse. At least 10 media activists were injured. During the attack, criminals vandalized 18 cars and different rooms of the guesthouse.<sup>114</sup>
49. On 30 December 2018, during the 11<sup>th</sup> parliamentary elections, Awami League activists wearing badges depicting the AL party symbol of a boat attacked the Daily Star's photojournalist Tahsin, who was collecting news at the Shahzadpur Model Government school polling centre.<sup>115</sup>

### ***Suppression on dissenters***

50. In 2018, numerous cases had been filed by people belonging to the ruling party in different parts of the country against perceived dissidents. The latter were subjected to widespread harassment and attacks by the ruling party leaders and activists while appearing in court under all these cases.
51. On 22 July 2018, Mahmudur Rahman (65), Acting Editor of the closed down newspaper, daily Amar Desh, appeared before the court of Kushtia Senior Judicial Magistrate, M M Morshed, under a defamation case<sup>116</sup> filed by Kushtia District unit BCL President Yeasir Arafat Tushar. He was released on bail. BCL leaders and activists attacked Mahmudur Rahman with sticks and broken bricks, leaving him seriously wounded when he came out from the court. They vandalised the car that was carrying him. At that time the Officer-in-Charge of Kushtia Police Station, Nasir Uddin arrived at the court premises with a police force but he did not take any action to protect Mahmudur Rahman or disperse/arrest the attackers. Nor he did arrange for any first aid for Mahmudur Rahman.<sup>117</sup>

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<sup>114</sup> Daily Manabzamin, 25 December 2018; <http://www.mzamin.com/article.php?mzamin=151428&cat=1>

<sup>115</sup> The daily Bangladesh Protidin, 31 December 2018; <http://www.bd-pratidin.com/last-page/2018/12/31/388303>

<sup>116</sup> Thirty-six cases in relation to defamation and sedition were filed across the country against the acting Editor of the closed down newspaper daily Amar Desh, Mahmudur Rahman for allegedly commenting against the Prime Minister Sheikh Hasina, her father former President Sheikh Mujibur Rahman and the Prime Minister's niece and British MP Tulip Siddiqui at a seminar on 1 December 2017.

<sup>117</sup> Information received from local human rights defender associated with Odhikar in Kushtia; the daily Naya Dignata, 23 July 2018; <http://www.dailynayadiganta.com/first-page/335271>



*Mahmudur Rahman injured and leaving the court premises. Photo: Odhikar*



*Mahmudur Rahman was attacked by BCL activists in Kushtia court premises. Photo: Prothom Alo, 23 July 2018*

52. Internationally renowned photographer Shahidul Alam had posted some videos on his Facebook page regarding the student movement for safe roads and on 5 August he termed the government 'unelected' and criticised its repressive activities, including corruption, bank scams, money laundering, extrajudicial killings, torture and disappearances of dissenting people, during an interview with Al Jazeera.<sup>118</sup> In the night of 5 August 2018, Shahidul Alam was picked up by members of the Detective Branch (DB) of Police from his residence at Dhanmondi, Dhaka and tortured in DB police custody. Later a case was filed against him under the ICT Act for allegedly spreading false information and rumours.<sup>119</sup>

<sup>118</sup> <https://www.youtube.com/watch?v=m8E1C7H4EhE>

<sup>119</sup> The daily Jugantor, 7 August 2018; <https://www.jugantor.com/todays-paper/first-page/77899/>



*Detained photographer Shahidul Alam being taken to court bare footed by DB police. Photo: The Daily Star, 7 August 2018*

53. A sedition case was filed against the founder and trustee of Gonoshashtha Kendra (Public Health Centre) and a leader of the Jatiya Oikya Front, Dr. Zafrullah Chowdhury, for allegedly making a derogatory remark about the current Army Chief, General Aziz Ahmed, on 9 October 2018 during a TV talk show on a Private Television channel.<sup>120</sup> Later on, between 15 and 24 October, four cases were filed with Ashulia and Savar Police Stations against three people, including Dr. Zafrullah Chowdhury.<sup>121</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. At that time criminals also assaulted female students after entering their dormitories. The incident was reported to Ashulia Police Station; however, the police did not take any immediate legal action.<sup>122</sup>

<sup>120</sup> The daily Jugantor, 16 October 2018; <https://www.jugantor.com/todays-paper/first-page/101343/>

<sup>121</sup> The daily Prothom Alo, 25 October 2018; <https://www.prothomalo.com/bangladesh/article/1562736>

<sup>122</sup> The daily Naya Diganta, 27 October 2018; <http://www.dailynayadiganta.com/first-page/360162/>



54. On 4 November 2018, former president of the Supreme Court Bar Association and publisher of the daily New Nation, Barrister Mainul Hosen, went to appear before the Court of the Additional Chief Judicial Magistrate in Rangpur in a defamation case<sup>123</sup> under police custody. At that time activists of the ruling Awami League and its affiliated organisations attacked him in the court premises.<sup>124</sup>

## **‘Extremism’ and Human Rights**

55. The government’s continued hindrance to freedom of expression, hindrance to freedom of peaceful assembly and association, disruption of meetings, deprivation of political and civil rights and, above all, unrest and chaos have created instability in society due to a culture of impunity and injustice. Operations carried out by state security forces in the name of ‘countering extremism’ have even caused the deaths of women and children.<sup>125</sup> People have no clear idea of the reason for and what actually happened during such operations against extremists.<sup>126</sup> Unfortunately whatever the law enforcement agencies report has to be accepted.

56. On 12 January 2018, three ‘extremists’ were killed when RAB conducted an operation in Nakhhalpara, Dhaka.<sup>127</sup> On 4 October, two ‘extremists’ died by exploding a bomb during a raid on an ‘extremist den’ by RAB in Sonapahar area under Mirsorai Upazila of Chittagong District.<sup>128</sup> On 16 October, a female and a male ‘extremist’ were killed when the Counter-Terrorism and Transnational Crime (CTCC) unit of Police raided an ‘extremist den’ in Shekherchar Bhagirathpur area under Madhabdi Upazila of Narsingdi District.<sup>129</sup>

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<sup>123</sup> 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’. As a result, the Detective Branch (DB) of Police arrested Barrister Moinul Hossain on 22 October under a defamation case filed in Rangpur. 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 30 November.

<sup>124</sup> The daily Naya Diganta, 5 November 2018; <http://www.dailynayadiganta.com/first-page/362451/>

<sup>125</sup> The daily Prothom Alo, 01/04/2017; [www.prothom-alo.com/bangladesh/article/1130046/](http://www.prothom-alo.com/bangladesh/article/1130046/) and The Daily Star, <http://www.thedailystar.net/city/last-3-militants-identified-1523158>

<sup>126</sup> The daily New Age, 28/04/2017; <http://www.newagebd.net/article/14532/extremism-tackling-narrative-warrants-transparency>

<sup>127</sup> The daily Jugantor, 13 January 2018; <https://www.jugantor.com/todays-paper/first-page/6092/>

<sup>128</sup> The Daily Star, <http://www.thedailystar.net/city/last-3-militants-identified-1523158>

<sup>129</sup> The daily Jugantor, 17 October 2018; <https://www.jugantor.com/todays-paper/first-page/101703/>

## Workers' Rights

57. In 2018, labour rights continued to be violated in various ways. Workers' unrest in the readymade garment (RMG) industries emerged over dissatisfactions with the minimum wage of the workers; over unpaid wages and other demands, have resulted in many workers being injured in the hands of law enforcement agencies and factory owners, and women workers were allegedly raped in the workplace.<sup>130</sup> Apart from this, injuries sustained by workers employed in different occupations due to lack of adequate safety equipment in the workplace is not uncommon. Bangladeshi migrant women workers have been victims of various forms of torture, including sexual harassment, and there were numerous allegations of non-cooperation of Bangladesh embassies in the respective countries.<sup>131</sup>

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

58. **Two workers in the RMG factories died in 2018. One died due to 'sickness' and another died in a fire. Among the 332 injured, 272 workers were injured by police attacks, 58 workers were injured by the factory authority during demonstrations for various demands including unpaid wages, and two workers were injured in factory fire. Notably one woman garment worker was raped inside the factory.**

59. On 31 January 2018, workers of a readymade garment factory named 'Ashiana' situated at Rampura, Dhaka went to Kawranbazar to surround the BGMEA<sup>132</sup> Bhaban in protest of their unpaid wages and termination of workers. At that time, employees of the BGMEA attacked the workers with sticks. At least 20 persons, including workers, were injured.<sup>133</sup>

60. On 15 March, a group of workers of United Trousers Garments at Ashulia were staging a demonstration in front of the factory, demanding the payment of their arrears within the 15<sup>th</sup> day of every month. At that time, the Industrial Police, by the order of the factory owner, baton charged to disperse the workers.<sup>134</sup>

61. On 31 March 2018, a factory worker named Mohammad Masum (17) died and two other workers Mohammad Mainuddin (21) and Al Amin (20) sustained

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<sup>130</sup> The daily Prothom Alo, 28 May 2018; <https://www.prothomalo.com/bangladesh/article/1498016>

<sup>131</sup> Overseas jobs shrinking, Abused female workers returning home empty-handed /New Age, 10 June 2018; <http://www.newagebd.net/article/43316/overseas-jobs-shrinking>

<sup>132</sup> Bangladesh Garment Manufacturers and Exporters Association

<sup>133</sup> The daily Naya Diganta, 01/02/2018 <http://www.dailynayadiganta.com/detail/news/290067>

<sup>134</sup> The daily Naya Diganta, 17 March 2018 and The daily New Age, 17 March 2018; <http://www.newagebd.net/article/36932/20-hurt-as-rmg-workers-clash-with-cops-in-savar>

severe burn injuries in fire broke out due to a short circuit in Sadik Embroidery factory at East Kazipara in Dhaka City.<sup>135</sup>

62. On 5 May 2018, Rashedul Islam (28), who worked at H R Textile Mill of Pride Group at Ulail, in Savar, informed the factory authority that he was unwell and appealed for a leave. However, the authority did not grant his leave. At around 3:00pm, he became unconscious while working. Later his fellow workers took him to a doctor who declared him dead.<sup>136</sup>
63. On 23 May at around 3:00 am, a female garment worker was raped by two factory officers, while she was working the night shift in a RMG factory named Penta Forth Apparels Limited at Kathgora area in Ashulia, Dhaka.<sup>137</sup> Police arrested accused garment employees Shahinur and Rubel.<sup>138</sup>

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

64. In 2018, 86 workers died in the workplace. Among them, 75 were construction workers, one was a shoe factory worker, one was a septic tank cleaner, three were day labourers, one was a water pump factory worker, two were painters, two were fan factory workers and one was a rice mill worker. Moreover, 55 workers were injured during the same period. Among them, 26 were construction workers, three were shoe factory workers, one was a day labour, four were automobile factory workers, 20 were fan factory workers and one was a rice mill worker.

### ***Situation of migrant workers***

65. The Middle East is one of the major areas for earning remittance in Bangladesh. However, there have been reports of various forms of ill-treatment, including sexual harassment against women workers for many years, but the government has not taken any effective measures to protect migrant women workers. As a result, every year women workers are returning home after being subjected to various forms of harassment and financial oppression. In 2018, many women migrant workers took shelter at the Bangladesh Embassy in Saudi Arabia after being ill-treated in different ways, including suffering sexual abuse by their employers in Saudi Arabia. Later they returned home with the support of the government. After their return, the women workers spoke of the incidents of sexual abuse on them, non-payment of wages and not being provided adequate

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<sup>135</sup> The daily Manabzamin, 1 April 2018; [www.mzamin.com/article.php?mzamin=111392&cat=10](http://www.mzamin.com/article.php?mzamin=111392&cat=10)

<sup>136</sup> The daily Prothom Alo, 6 May 2018

<sup>137</sup> The daily Prothom Alo, 28 May 2018; <https://www.prothomalo.com/bangladesh/article/1498016>

<sup>138</sup> The daily Jugantor, 29 May 2018; <https://www.jugantor.com/todays-paper/second-edition/54024>

food. They requested the government not to send women workers abroad in the future.<sup>139</sup>

66. In 2016, the Malaysian government authorised only ten agencies of Bangladesh to send workers to Malaysia. In 2018, the Malaysian government announced that it would stop the current system of sending migrant workers from Bangladesh to Malaysia, to stop human trafficking. On 22 June, a Malaysia based newspaper; the Star published a report that a group of human traffickers, led by a Bangladeshi trader, had sent more than one hundred thousand Bangladeshi workers to Malaysia in the last two years. The group had taken 42.18 billion Taka from these Bangladeshi migrant workers. The report also alleges that there is a link between the Bangladesh Foreign Ministry, political contacts and this clique.<sup>140</sup>

## Human Rights of Minority Communities

67. In 2018, incidents of attacks, vandalization and setting fire on houses and places of worship of the citizens belonging to religious minority communities, and destruction of their effigies occurred in different districts of the country. Apart from this, attacks on them have taken place centring around the 11<sup>th</sup> Parliamentary elections. There are allegations that persons affiliated to the government have been involved in these incidents.<sup>141</sup> Such incidents have occurred due to lack of prosecution of similar incidents in the past politicisation of these incidents.<sup>142</sup>
68. In the night of 6 October 2018, a group of criminals vandalised a Hindu temple in Panchpara Bazar under Pirojpur Sadar Upazila. 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>143</sup> On 7 October 2018, miscreants attacked the Kali and Radha Gobind Temples and vandalised six idols, in Bottola under Sreepur Upazila of Gazipur District.<sup>144</sup> On

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<sup>139</sup> The daily Naya Diganta, 11 June 2018; [www.dailynayadiganta.com/first-page/324510/](http://www.dailynayadiganta.com/first-page/324510/) and New Age, 10 June 2018; <http://www.newagebd.net/article/43316/overseas-jobs-shrinking>

<sup>140</sup> The Star Online (Malaysia), 22 June 2018; <https://www.thestar.com.my/news/nation/2018/06/22/human-traffickers-made-rm2bil-syndicate-smuggled-in-over-100000-workers-from-bangladesh>

<sup>141</sup> The daily Jugantor, 18 December 2018; <https://www.jugantor.com/todays-paper/last-page/123125/>

<sup>142</sup> Opposition political parties or religious groups are being blamed for the attacks on minority communities, although eyewitness accounts say different things. See Odhikar fact-finding report on the attacks on the Buddhist community in Ramu and Cox's Bazar on 29 September 2012. <http://odhikar.org/wp-content/uploads/2012/10/Fact-finding-report-other-Ramu-2012-Bang.pdf>

<sup>143</sup> The daily Naya Diganta, 9 October 2018; <http://www.dailynayadiganta.com/city/355440/>

<sup>144</sup> The daily Naya Diganta, 9 October 2018; <http://www.dailynayadiganta.com/more-news/355488/>

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>145</sup>

69. On 17 December, the Detective Branch of Police arrested a ruling Awami League party leader Alauddin on the charge of burning six houses of the Hindu minority communities with petrol for reasons related to the 11<sup>th</sup> National Parliament Elections, in Alampur Village under Sonagazi Upazila of Feni District.<sup>146</sup> On the same day, Ramkrishna Saha and Ratan Kumar Das of the Hindu community, who had participated in a mass rally on behalf of the Oikya Front nominated candidate from Comilla-1 constituency, were injured by a group of criminals led by Purbadoir Union unit Awami League General Secretary Zakir Hossain.<sup>147</sup>

## Violence against Women

70. In 2018, many women and girls became victims of rape, sexual harassment, dowry related violence and domestic violence. The ruling Awami League activists have been accused of raping a woman supporter of the BNP during the 30 December parliamentary elections.<sup>148</sup> There is no prosecution of these incidents of violence due to poor enforcement of the law, police harassment, dysfunctional judicial system, lack of protection of victims and witnesses, political influence and impunity of the accused. As a result, violence against women is increasing day by day. Furthermore, Section 19 of the Child Marriage Restraint Act 2017 is still in place, which legalizes the marriage of girls below the age of 18 under unspecified and undefined 'special circumstances'.

## Rape

71. In 2018, Odhikar recorded that a total number of 635 females had been raped. Among them, 176 were women, 457 were girls below the age of 18 and the identity of two persons were not reported. Of the women, 89 were victims of gang rape, 15 were killed after being raped and one committed suicide. Out of the 457 girls, 88 were victims of gang rape, 32 were killed after being raped and one committed suicide. Furthermore, 73 women and girls were also the victim of attempted rape.

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<sup>145</sup> Bangladesh Protidin, 24 October 2018; <http://www.bd-pratidin.com/last-page/2018/10/24/370587>

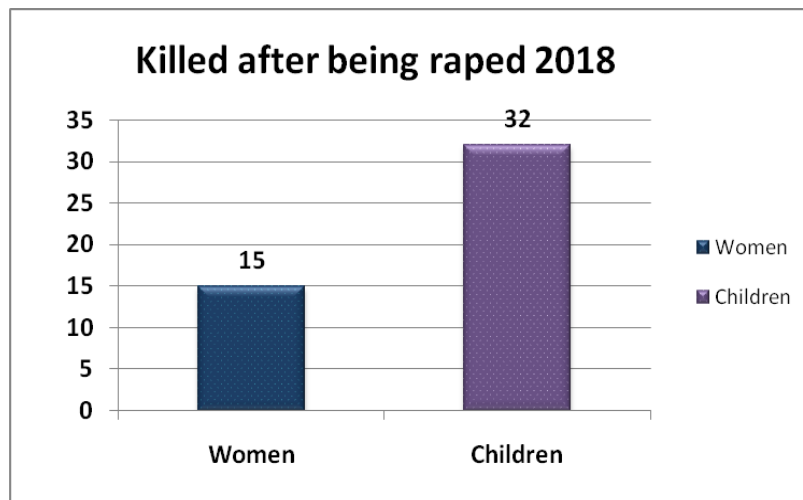
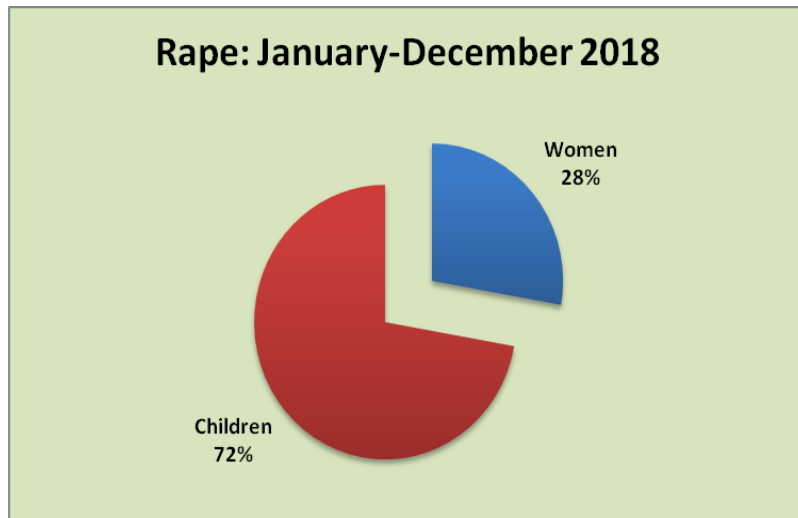
<sup>146</sup> The daily Jugantor, 18 December 2018; <https://www.jugantor.com/todays-paper/last-page/123125/>

<sup>147</sup> The daily Naya Diganta, 19 December 2018; <http://www.dailynayadiganta.com/city/373650>

<sup>148</sup> The daily Naya Diganta, 2 January 2019; <http://www.dailynayadiganta.com/bangla-diganta/377240>



72. In 2018 a total of five women were allegedly raped by police, Border Guard Bangladesh (BGB) and members of security force. Among them four were children.



73. On 31 December, the day after the 11<sup>th</sup> Parliamentary elections, nine Awami League activists, including Mosharraf and Salauddin attacked the house of a woman in Charjubali union under Subarnchar Upazila of Noakhali District for voting for the BNP nominated candidate instead of the ruling Awami League nominated candidate. They raped the woman after tying up her husband and child.<sup>149</sup>

<sup>149</sup> The daily Naya Diganta, 2 January 2019; <http://www.dailynayadiganta.com/bangla-diganta/377240>



Protest in front of the National Press Club, against the gang raped of a woman for not casting vote in favour of the ruling party candidate. Photo: Naya Diganata, 2 January 2019

### **Sexual harassment**

74. In 2018, a total of 157 women and children were victims of sexual violence. Of them, nine committed suicide, two were killed, 33 were injured, 27 were assaulted, four were abducted and 82 were victims of stalking/sexual harassment.
75. On 27 November, a schoolgirl named Sharmin Akhter (15) was stabbed to death by a youth named Sohel in the Gopibagh area of Dhaka. At that time, pedestrians chased Sohel and handed him over to the police. Sharmin's family alleged that Sharmin was often harassed by Sohel. Six months ago, they filed a General Diary about the incident at Wari Police Station. However, Sohel continued to harass Sharmin as the police did not take any action.<sup>150</sup>

### **Dowry violence**

76. In 2018, a total of 142 women were subjected to dowry violence. Among them, 71 were allegedly killed, 69 were physically abused and two committed suicide due to dowry demands.
77. On 1 December 2018, a housewife named Mitali was allegedly strangled to death by her husband Tapas Baroi over a dowry demand of three hundred thousand taka in Maksudpur under Gopalganj District.<sup>151</sup>

<sup>150</sup> The daily Naya Diganata, 28 November 2018; <http://www.dailynayadiganta.com/last-page/367972>

<sup>151</sup> The daily Jugantor, 2 December 2018; <https://www.jugantor.com/todays-paper/bangla-face/117658>

## ***Acid violence***

78. In 2018, it was reported that 26 persons became victims of acid violence. Of them, 11 were women, six were girls, five were men and four were boys.

<b>Reasons for Acid Violence: January – December 2018</b>						
<b>SL</b>	<b>Reasons for acid violence</b>	<b>Female</b>		<b>Male</b>		<b>Grand Total</b>
		<b>Adult</b>	<b>Child</b>	<b>Adult</b>	<b>Child</b>	
1	<b>Husband threw acid on wife as she wanted to work outside</b>	1	0	0	0	<b>1</b>
2	<b>Refusal of proposal for/ marriage, Love, dating or sex</b>	0	4	1	0	<b>5</b>
3	<b>Marital problems/ Family dispute</b>	2	1	2	3	<b>8</b>
4	<b>Conflict over land dispute</b>	1	0	0	0	<b>1</b>
5	<b>Previous enmity</b>	2	0	0	0	<b>2</b>
6	<b>As the woman did not withdrawn the case against perpetrator</b>	1	0	0	0	<b>1</b>
7	<b>A teacher threw acid on a protesting student who demanded safe roads</b>	0	0	0	1	<b>1</b>
8	<b>Unidentified reasons</b>	4	1	2	0	<b>7</b>
	<b>Total</b>	<b>11</b>	<b>6</b>	<b>5</b>	<b>4</b>	<b>26</b>

79. On 2 July 2018, criminals threw acid on a schoolgirl named Ayesha as she had refused a proposal for a love affair, in Shoshibhushan under Charfashon Upazila of Bhola District. Police arrested Julhas, Khaled, Rakib, Aiman and Tamal for the incident.<sup>152</sup>

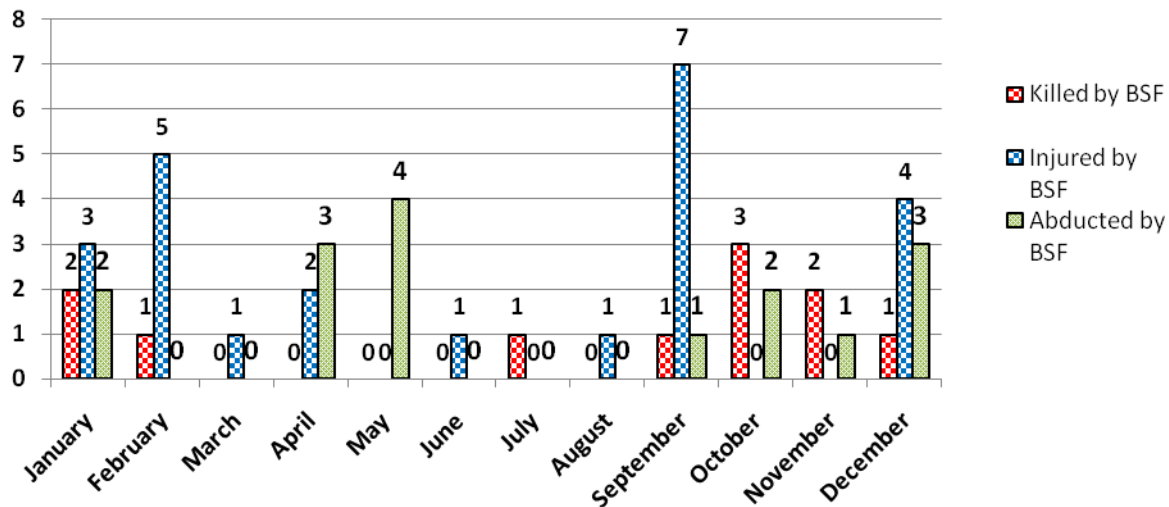
## **Relation with Neighbouring Countries: India and Myanmar**

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

80. In 2018, 11 Bangladeshis were killed by the Indian Border Security Force (BSF). Among them, eight were gunned down and three were tortured to death. Furthermore, 24 were injured by the BSF. Among them, 17 were shot and injured, five were tortured and two were injured when the BSF personnel threw crude bombs at them. Moreover, 16 Bangladeshi nationals were abducted by BSF.

<sup>152</sup> The daily Jugantor, 3 July 2018; <https://www.jugantor.com/todays-paper/news/65798>

## Human rights violation by Indian Border Security Force (BSF) against Bangladeshi citizens: 2018



81. The Indian government continues to interfere in Bangladesh's political, economic and cultural affairs. As part of the interference, the Indian government directly supported the Awami League in its decision to hold the controversial 5 January 2014 elections. As a result, the democratic system of Bangladesh was severely damaged, which also affected the 11<sup>th</sup> Parliament elections.<sup>153</sup> Furthermore, BSF has also killed, tortured and abducted Bangladeshi citizens by violating the Bangladesh-India border agreement, which is a clear violation of international law and human rights. In this regard, due to the weak foreign policy of the Bangladeshi government, no steps were taken to protect its citizens and demand reparations.

82. Kadam Ali<sup>154</sup> was shot dead at Roumari border in Kurigram; Manjurul Alam<sup>155</sup> was tortured to death at Haripur border in Lalmonirhat; Hossain Ali<sup>156</sup> was shot dead at Haripur border in Thakurgaon; Mamun Rashid<sup>157</sup> was shot dead at Sylhet border; Saidul Islam<sup>158</sup> and Rabbani<sup>159</sup> were shot dead at Baliadangi

<sup>153</sup> Before conducting the controversial and farcical January 5, 2014 National election, almost all political parties of Bangladesh decided to boycott it. At that time, the then Indian Foreign Secretary Sujata Singh visited Bangladesh and succeeded to convince Jatiya Party to join the election. Members of the Jatiya Party are now in the government (Ministers of the current government) and at the same time are the opposition in Parliament, which has made peculiar and inactive parliament. <http://www.dw.com/bn/নির্বাচন-না-হলে-মৌলবাদের-উত্থান-হবে/a-17271479>

<sup>154</sup> The daily Jugantor, 12 January 2018; <https://www.jugantor.com/todays-paper/news/5894>

<sup>155</sup> The daily New Age, 29 January 2018; <http://www.newagebd.net/article/33594>

<sup>156</sup> The Daily Star, 22 July 2018; <https://www.thedailystar.net/backpage/bsf-shooting-kills-teen-boy-thakurgaon-1609189>

<sup>157</sup> The daily Manabzamin, 14 October 2018; <http://www.mzamin.com/article.php?mzamin=140066&cat=9>

<sup>158</sup> The daily Naya Diganta, 30 September 2018; <http://www.dailynayadiganta.com/rangpur/353202>

border in Thakurgaon; Mohammad Jem<sup>160</sup>, Abdur Rahim<sup>161</sup> and Fatik<sup>162</sup> were shot dead and Shariful Islam<sup>163</sup> and Dalim<sup>164</sup> were tortured to death at Chapainabaganj border by the Indian Border Security Force.

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

83. Rohingya people in the Rakhine state of Myanmar have been subjected to brutal atrocities and injustice for decades. Rohingyas were subjected to genocide as the Myanmar government conducted various operations against Rohingya to suppress them on various pretext. The last operation in August 27 by Myanmar's military was the most horrific and cruel. As a result, more than 9 hundred thousand Rohingyas fled to Bangladesh.<sup>165</sup> They have taken shelter at different camps in Ukhiya and Teknaf areas of Cox's Bazar in Bangladesh.
84. On 19 July 2018, Fortify Rights published a report on the genocide and massacre conducted by the Myanmar Army on Rohingya Muslims in the Rakhine state of Myanmar, which says there are “reasonable grounds” that the crimes against Rohingya constitute genocide and crimes against humanity.<sup>166</sup> It found at least 27 Myanmar Army battalions, comprising up to 11,000 soldiers, along with at least three combat police battalions, comprising of an estimated 900 police personnel, were involved in the attacks in the northern Rakhine State. Fortify Rights identified 22 military and police officials against whom there were recorded allegations of massacre and demanded these officials should be criminally investigated.<sup>167</sup>
85. Odhikar conducted a number of fact-finding missions in Rohingya refugee camps in Cox's Bazar of Bangladesh. Odhikar found the truth about the genocide of the Rohingyas while visiting Rohingya camps, and interviewed Rohingya refugees and their family members who fled to Bangladesh from different villages of Myanmar.<sup>168</sup>

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<sup>159</sup> The Daily Star, 21 October 2018; <https://www.thedailystar.net/country/bangladeshi-national-gunned-down-bsf-in-thakurgaon-1649482>

<sup>160</sup> The Daily Star, 23 October 2018; <https://www.thedailystar.net/backpage/bangladeshi-man-killed-indian-bsf-firing-1650625>

<sup>161</sup> The Daily Star, 18 December 2018; <https://www.thedailystar.net/country/news/bullet-hit-body-found-border-1675078>

<sup>162</sup> The daily New Age, 10 November 2018; <http://www.newagebd.net/article/55617>

<sup>163</sup> The daily New Age, 5 February 2018; <http://www.newagebd.net/article/34131>

<sup>164</sup> The daily Jugantor, 5 November 2018; <https://www.jugantor.com/todays-paper/news/108374>

<sup>165</sup> <https://www.unocha.org/rohingya-refugee-crisis>

<sup>166</sup> Myanmar: International Accountability Needed for Military-Planned Genocide Against Rohingya / Fortify Rights July 19, 2018 / <http://www.fortifyrights.org/publication-20180719.html>

<sup>167</sup> Statement of the Fortify Rights, 19 July 2018/ <http://www.fortifyrights.org/publication-20180719.html>

<sup>168</sup> Many Rohingya women, men and children have been tortured, shot or burned to death and many have been disappeared in operations carried out by Myanmar's military. During such operations several Rohingya women and children were gang raped.



86. In the refugee camps in Bangladesh, a group of human traffickers have become active in the trafficking of Rohingya children and women by offering them work. In particular, young girls have become the target of trafficking for the sex trade. A BBC News team has received information that Rohingya girls and children are being trafficked for prostitution from Cox's Bazar. The BBC report said that Rohingya girls are being trafficked to Dhaka, Kathmandu in Nepal and Kolkata in India. In addition, Rohingya women were reportedly sexually assaulted and involved in sexual trade in refugee camps at Cox's Bazar.<sup>169</sup>
87. On 18 September 2018, the prosecutors of the International Criminal Court (ICC) began a preliminary investigation into the allegations of murder, sexual assault and forced deportation of Rohingya Muslims in Myanmar. This is the first step in a full investigation against the operation carried out by the Myanmar Army. On 6 September 2018, the judges gave their opinion that although Myanmar is not a state party to the ICC, and since Bangladesh is, the International Criminal Court will be able to prosecute Myanmar. The ICC Chief Prosecutor Fatou Benshouda said in a statement that "I have decided to commence the next step of this process and start the full investigation of the situation".<sup>170</sup>
88. On 15 November 2018, more than two thousand Rohingyas were supposed to be returned to Myanmar but due to their protests and unwillingness, it has not been possible. Ghumdum transit camp of Naikhangchhori near Ukhiya TV Tower and Keruntali transit camp of Teknaf were set up to keep the Rohingyas. Those who were staying at the Ghumdum transit camp were supposed to be sent back by road through Tambru border and those who were staying at the Keruntali transit camp were supposed to be sent back by waterway through Nagpura border between Bangladesh and Myanmar. However, no Rohingyas could be taken to those camps. According to information collected by Odhikar, due to fear of forceful return, in the night of 14 November, many Rohingyas from different camps, including Hakimpara, Jamtoli of Ukhiya fled to the refugee camps at Kutupalong. Muhammad Ayas who escaped from Unchiprang refugee camp and hid in Kutupalong refugee camp, told Odhikar that the refugees of Unchiprang refugee camp who are on the repatriation list, had left their children and other family members and were hiding in different refugee camps. He said that as his house was beside the Unchiprang Army camp, he took refuge in Kutupalong, leaving his wife and children there. Ayas also said, "We want justice; we will never go back to Myanmar without citizenship".

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<sup>169</sup> BBC, 21 March 2018, <http://www.bbc.com/bengali/43482131>

<sup>170</sup> BBC Bangla, 19 September 2018; <https://www.bbc.com/bengali/news-45570093>

## Hindrance to Odhikar

89. Odhikar has been subjected to state oppression, including surveillance and interrogation by the government's intelligence agencies and media campaigns, for being vocal against human rights abuses in 2018. In the continuation of the government's repression on Odhikar that started in 2013, on 6 November 2018, the government-subservient Election Commission abruptly cancelled the registration of Odhikar as an 'election observer' without any notice and without following any electoral rules and regulations, with the intention of not allowing Odhikar to observe the parliamentary elections on 30 December. On 12 December, when Odhikar filed a Writ Petition to the High Court Division of the Supreme Court, the court suspended for two months the order contained in the EC letter for cancelling Odhikar's registration; and issued a rule to those concerned asking them as to why it would not be declared illegal to cancel Odhikar's registration. On 18 December, the Appellate Division upheld the judgment of the High Court Division. Although Odhikar received the verdict of observing the elections from the Supreme Court, it could not observe the elections due to the shortage of time. During this reporting period, the government-backed print and electronic media also launched smear campaigns and negative propaganda by spreading false and fabricated news against Odhikar.

## Recommendations

1. Democracy must be restored by establishing an accountable government through free, fair, inclusive and credible elections, under a 'caretaker' government or even under direct supervision of the United Nations. The Election Commission must be reformed after excluding subservient elements from it in order to make it truly independent.
2. The Government should refrain from repressive, unconstitutional and undemocratic activities. Rights to freedom of expression and assembly of the opposition political parties and dissidents have to be respected. The government must stop harassment against the opposition and dissenters and withdraw cases filed against them. All political prisoners should be released.
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. 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. The government should also withdraw cases filed under repressive laws and release the arrested persons under these repressive laws.
4. The government must stop extrajudicial killings in the name of carrying out 'anti-drugs drives' or on any other pretext. Incidents of extrajudicial killings and torture by law enforcement agencies must be investigated and the members of law enforcement agencies involved in such incidents 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". The Government must accede to the Optional Protocol to the Convention against Torture; and effectively implement the Torture and Custodial Death (Prevention) Act, 2013, and the High Court and Appellate Division directives contained in the matter of BLAST and Others Vs. Bangladesh and Others.
5. The government must stop enforced disappearances and bring the members of the security and law enforcement agencies who are involved in all incidents of enforced disappearance and post-disappearance killings, before the law. The government must take effective measures to recover the victims of enforced disappearance and return them to their families. The government must immediately accede to the International Convention for the Protection of All

- Persons from Enforced Disappearance. The government must allow the UN Working Group on Enforced or Involuntary Disappearances to visit Bangladesh.
6. The Government should follow the recommendations made by the UN Human Rights Committee in its 119th session. Bangladesh must accede to both Optional Protocol to the International Covenant on Civil and Political Rights (OP-ICCPR 1 and OP-ICCPR 2).
  7. 'Departmental action' such as suspension, demotion, 'closing' etc. should not be the only punishment for law enforcement officers who have committed criminal offences. No one is above the law, and such perpetrators must be charged and tried as every other accused person.
  8. Trade union rights should be guaranteed at all the ready-made garment factories and workers rights should be protected as per ILO Conventions. An unbiased sexual harassment prevention committee must be created in every industry to stop sexual harassment in workplace. A legal framework or policy must be made for all workers in the informal work sector to prevent discrimination.
  9. Women migrant workers must be protected and human traffickers should be brought to justice. All Bangladeshi missions abroad must take effective measures to monitor the safety and justice of women migrant workers who are suffering financial, physical and psychological abuse in abroad.
  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. Acts of mediation for offenders, including rapists should be stopped and the police must properly investigate reports of such crimes and arrest the accused and bring them 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 violence against women and put perpetrators to justice.
  11. India must stop interference in the political and economic and cultural affairs of Bangladesh. The Indian Border Security Force (BSF) must stop human rights violations, including killing, torturing and abducting Bangladeshi citizens along the border areas; and it must compensate the victims of violence.
  12. 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 urges the UN Security Council members to assist the International Criminal Court to prosecute all perpetrators, including the Myanmar military and Buddhist extremists for committing genocide against Rohingya population. Odhikar also urges the

Myanmar and Bangladesh government to ensure the security of the Rohingya population and not forcibly return them without reinstalling Rohingyas as full citizens of Myanmar.

13. State repression on Odhikar must be stopped. 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 immediately renew Odhikar's registration and the government must release the funds of Odhikar to enable it to continue its human rights activities.

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**Notes:**

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