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Human Rights Monitoring Report

August 1 - 31, 2016

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Activities of Odhikar hindered

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

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

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

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

Odhikar does not believe that the human rights movement merely endeavours to protect the 'individual' from violations perpetrated by the state; rather, it believes that the movement to establish the rights and dignity of every individual is part of the struggle to constitute Bangladesh as a democratic state. As part of its mission, Odhikar monitors the human rights situation in order to promote and protect civil, political, economic, social and cultural rights of Bangladeshi citizens and to report on violations and defend the victims. In line with this campaign, Odhikar prepares and releases human rights status reports every month. The Organisation has released this human rights monitoring report of August 2016, despite facing persecution and continuous harassment and threats to its existence since August 10, 2013.

Statistics: January-August 2016*										
Type of Human Rights Violation		January	February	March	April	May	June	July	August	Total
Extrajudicial killings	Killed in Crossfire	6	10	11	7	3	25	13	17	92
	Shot to death	2	0	0	4	0	0	0	0	6
	Torture to death	1	2	0	0	2	1	1	1	8
	Beaten to death	0	0	0	0	0	0	1	1	2
	Total	9	12	11	11	5	26	15	19	108
Shot in legs by law enforcement agencies		2	0	2	3	0	0	6	2	15
Enforced Disappearances		6	1	9	10	13	12	4	5	60
Death in Jail		8	3	4	5	9	5	5	2	41
Human rights violations by Indian BSF	Bangladeshis Killed	3	1	1	2	4	4	4	2	21
	Bangladeshis Injured	4	4	0	2	3	4	1	7	25
	Bangladeshis Abducted	0	5	0	2	0	10	0	0	17
Attack on journalists	Injured	9	2	5	6	6	7	4	7	46
	Assaulted	9	1	0	0	0	0	2	3	15
Political Violence including local government election related violence	Killed	6	5	50	33	53	28	14	2	191
	Injured	429	566	2263	1381	1608	1001	462	262	7972
Dowry related violence against women		22	19	15	16	12	20	20	21	145
Rape		59	57	60	77	71	52	72	43	491
Sexual harassment /Stalking against women		27	23	20	26	16	20	18	12	162
Acid Throwing		4	4	3	4	4	1	2	4	26
Public lynching		2	11	5	6	3	7	2	2	38
Situation of Ready-made Garments Workers	Died in factory fire	0	0	0	0	3	0	0	0	3
	Injured during demonstrations/ factory fire	25	31	12	34	18	46	28	17	211
Arrest under Information and Communication Technology Act		1	4	0	1	1	1	4	15	27

*Odhikar's documentation

Political violence

1. According to information gathered by Odhikar, in August 2016, two persons were killed and 262 were injured in political violence. 20 incidents of internal violence in the Awami League were also recorded during this period. One person was killed and 197 were injured in internal conflicts within the Awami League.
2. Across the country, leaders and activists of the ruling party, mainly Chhatra League¹ and Jubo League², are engaged in criminal activities and most of the other criminal activities and violence are linked to vested interest; and mainly occur using political influence. During violent political altercations, these groups were seen in public armed with weapons. In almost all cases, they get impunity for their criminal activities. Several incidents of political violence took place in August 2016. Two incidents are as follows:
3. In the early morning of August 1, 2016 leaders and activists of Comilla University unit Chhatra League were lighting candles to commemorate the month of mourning, the death of Sheikh Mujibur Rahman³ at the Bangabandhu Sheikh Mujibur Rahman Hall⁴. A faction of Chhatra League led by Mohammad Ilias Hossain, Shahid Dhirendranath Dutta Hall unit Chhatra League President, entered the Bangabandhu Sheikh Mujibur Rahman Hall with pistols and local arms. Another faction of Chhatra League led by the University unit Chhatra League President Nazmul Hassan, attacked the former group, which led to a violent altercation. They also exchanged fire. During the gunfight, Khaled Saifulla, who was a fourth year student of Marketing and Kazi Nazrul Islam Hall unit Chhatra League's Organising Secretary, was shot dead and nine were injured.⁵



Deceased Khaled Saifulla, Photo: The daily Prothom Alo

¹ Student wing of the Awami League

² Youth wing of the Awami League

³ The current Prime Minister Sheikh Hasina's father and the first President of Bangladesh Sheikh Mujibur Rahman was assassinated with his family on August 15, 1975. Due to this, the Awami League government observes 'August', declaring the month of mourning.

⁴ Male students' residential hall at Comilla University

⁵ The daily Prothom Alo, 02/08/2016

4. On August 12, 2016 a clash took place between supporters of Saidur Rahman Sujon, Birulia Union Parishad Chairman and Awami League leader and supporters of Savar Upazila Jubo League President Selim Mondol, over establishing supremacy in Birulia Union Parishad under Savar Upazila in Dhaka. During the clash, shots were fired. Saidur Rahman Sujon's supporter Faridul Islam (30) was shot and five others were injured.⁶

Enforced disappearances

5. According to information gathered by Odhikar, in August 2016, five persons were allegedly disappeared. Of them, one was found dead, one was shown as arrested after a long time and the whereabouts of three persons remain unknown.⁷
6. Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance defines the crime as the "arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law." Enforced disappearance is a crime against humanity, which is also considered an international crime. At present, what is happening in Bangladesh is that the law enforcement agencies flatly deny their involvement, even though the victim was picked up by persons claiming to be members of law enforcement agency. Later the whereabouts of the disappeared persons remain unknown. Some were shown as arrested from different places of the country after a long time or were handed over to a police station and appear in Court. Bodies of the disappeared persons have also been recovered.⁸ The crime of enforced disappearances reemerged as a dangerous trend in Bangladesh since 2009.
7. The United Nations declared 30 August as the International Day of the Victims of Enforced Disappearances, to remember those disappeared and to demand that they be returned to their families. Odhikar pays tribute to all victims of enforced disappearances and expresses solidarity to all the families of the disappeared around the world, including Bangladesh on this occasion. Odhikar observed this day by organising protest gatherings and meetings, along with victims' families and through demanding the return of the disappeared persons and an end to this grave violation. It is to be mentioned

⁶ The daily Manabzamin, 13/08/2016

⁷Odhikar 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.

⁸ Information gathered by Odhikar

that from January 2009 to August 2016, as per Odhikar's documentation, a total of 295 persons were disappeared. Of them, the bodies of 38 disappeared persons were recovered.



Human rights and political activists and the families of the disappeared victims attending a discussion in Dhaka to commemorate the International Day of the Victims of Enforced Disappearances, Photo: Odhikar



Local human rights defenders associated with Odhikar organised discussion meetings in Narayanganj and Pabna to mark the International Day of the Victims of Enforced Disappearances. Photo: Odhikar

8. On August 4, 2016 at around 8:00 pm, Idris Ali, a resident of Raghunathpur village under Harinakundu Upazila in Jhenaidah was taken away by some men from the Cherager Mor area when he was returning from Ramchandra Bazaar in Shoilkupa Upazila under Jhenaidah District. His body was found at Jorapukur area of Harinakundu in the morning of August 12, 2016. He was a teacher of Raghunathpur Hossain Ali Alim Madrassa. He was also the Muslim marriage and divorce Registrar. Furthermore, he competed in the Union Parishad elections twice as a Chairman candidate of Raghunathpur Union Parishad with nomination from the Bangladesh Jamaat-e-Islami. Farhad Ali, his nephew, informed Odhikar that on August 4, 2016 at around 7:00 pm, Idris Ali went to Ramchandrapur Bazaar to take his clothes to the laundry. At around 8:00 pm, when he was returning home on a motorbike, a few unknown men picked him up from the Cherager Mor area beside the Ramchandrapur Police Outpost. Witnesses said that the men had pistols and 'walky-talky' in their hands. Later, Idris Ali's family searched for him at Harinakunda Police Station, Shoilkupa Police Station, Jhenaidah RAB Camp and Jhenaidah Detective Branch (DB) Office, but his whereabouts were unknown. On August 6, 2016 his family went to Harinakunda and Shoilkupa

Police Stations to file a General Diary (GD) but the police stations refused to receive the GD. Mahatab Uddin, the Officer-in-Charge of Harinakunda Police Station misbehaved with Idris Ali's nephew Farhad Ali and forced him out of the police station. On August 12 at around 6:00 am, they got to know from locals that Idris Ali's body had been found at Jorapukur. Police publicised that Idris Ali had died in a road accident. Farhad Ali alleged that many marks of torture were found on Idris Ali's body. His hands and legs were broken and the tendons of the hands and legs were also cut.⁹



Madrassa teacher Idris Ali, victim of enforced disappearance, Photo: Odhikar

9. On August 11, 2016 five members of JMB¹⁰, named Atiqur Raahman Atiq, Abdul Karim Bulbul, Abul Kalam Azad, Mohammad Motiur Rahman and Shahinur Rahman Himel were arrested during an operation carried out by the Counter Terrorism and Transnational Unit of Police, from an area called the Technical Intersection in Mirpur, Dhaka. Police claimed that they were trained suicide bombers and they arrived with the preparation to attack Dhaka.¹¹ However, among the arrestees, Abdul Karim Bulbul, resident of Kalinagar area under Sundorpur Union in Chapainababganj Sadar Upazila, is a Homeopath physician as claimed by his family. His wife Shamsunnahar said that in the afternoon of April 18, 2016, two men came to Abdul Karim Bulbul's homeopathic chamber at Kalinagar Hat and took her husband on a motorbike saying that a patient needed to be treated. Since then his whereabouts are unknown. She went to file a General Diary (GD) with Chapainababganj Police Station in this regard but the police refused to take the GD.¹²
10. Odhikar expresses grave concern over the persistent incidents of enforced disappearance. This has to be stopped and punishment of the perpetrators must be ensured.

⁹ The information gathered by Odhikar

¹⁰ Jamaat-ul-Mujahideen Bangladesh, an extremist organisation.

¹¹ The daily Manabzamin, 13/08/2016

¹² The daily Prothom Alo, 14/08/2016

Extrajudicial killings

11. According to information gathered by Odhikar, in August 2016, 19 persons were allegedly killed extra judicially.
12. The law and justice delivery system of the country is increasingly under threat and human rights are seriously violated due to the persistence of extrajudicial killings. The family members of the victims alleged that they were shot dead by members of law enforcement agencies. Incidents of such killings were claimed as 'gunfight' or 'crossfire'¹³ by law enforcement agencies and these raise questions among the people. According to reports, the main accused persons in significant criminal cases are among the deceased; and they are being deliberately killed in the name of 'gunfight' or 'crossfire' without following due process of law. As a result, the scope of knowing the truth behind the crimes is lost. Although the highest court of the country issued several rules regarding extrajudicial executions, such incidents continue. The government flatly denies incidents of extrajudicial killings, despite repeated demands to bring the responsible parties to justice; and the impunity of law enforcement agencies, in terms of extrajudicial killings, prevails. One example is as follows:
13. On August 4, 2016 at around 11:15 pm, Rapid Action Battalion (RAB) claimed that two men were killed in 'gunfight' at Dangrir Bandh area on the Mymensingh-Kishorganj highway under Nandail Upazila in Mymensingh. Among the two killed, one was a wounded Shafiul Islam, who was arrested during the attack¹⁴ in front of Sholakia Eidgah¹⁵ on July 7, 2016.¹⁶

Type of death

'Crossfire/encounters/gunfights'

14. 17 persons were killed by 'crossfire/encounters/gunfights'. Among them nine were allegedly killed by police and eight by RAB.

Torture to death

15. One person was torture to death by police during this period.

¹³ On November 15, 2009 a Bench of the High Court Division of the Supreme Court of Bangladesh, issued a *suo moto* Rule on the government regarding the deaths of two brothers, Lutfar Khalashi and Khairul Khalashi in 'crossfire' in Madaripur. In the Rule the Court asked the government to show why the killings of the two brothers in 'crossfire' would not be declared illegal. On December 14, 2009 the State (Attorney General) appealed for time during the hearing to the same High Court Division Bench. The Court ordered that the practice of 'cross fire' be stopped until the hearing of the case is completed

¹⁴ On July 7, 2016 during Eid-ul-Fitr, 10-12 policemen were on duty at a check post at the Mufti Mohammad Ali Jame Masjid intersection in Sabujbagh area, near the largest Eidgah Maidan of the country in Sholakia under Kishoreganj District. At around 8:45 am, a youth tried to pass through the check post with the people who came for Eid prayers. One of the on duty policemen stopped him, and the young man attacked the police and exploded crude bombs. Later, an exchange of fire occurred between the police and some other young men. Two police Constables, Zahirul Islam Topu and Ansarul Huq, were killed during this incident. During the gunfight with police, one extremist named Abir Rahman and a local inhabitant, Jharna Rani Bhowmik were killed. Police and RAB arrested four men, including a youth who had been shot and injured.

¹⁵ An Eidgah Maidan is an open space or field where the congregational Eid prayers are held.

¹⁶ The daily Prothom Alo, 05/08/2016

Beaten to death

16. One person was allegedly beaten to death by police.

The identity of the deceased:

17. Of the 19 persons who were killed extra-judicially, three were members of Jamaat-ul-Mujahideen Bangladesh (JMB), the identity of two persons were not reported and 14 were alleged criminals.

Inhuman treatment and lack of accountability of law enforcement agencies

Death due to police torture

18. Allegations of acts of harassment, extortion, attacks, torture and killing against police are becoming more and more common. The members of law enforcement agencies are enjoying impunity due to the government practice of using the law enforcement agencies against its political opponents. As a result, they have come to believe that they are above the law. After a prolonged campaign, on October 24, 2013 the Torture and Custodial Death (Prevention) Act, 2013 was passed in the Parliament. Despite this, there was no change in the actual situation and some members of the law enforcement agencies continue these human rights violations without paying any heed.

19. On August 19, 2016 at midnight, a group of police led by the two Sub-Inspectors of Kotwali Police Station, Tareq and Tofazzal, raided Golzar's house at Birbhodra Balatari village of Mahiganj in Rangpur town and arrested him as a suspect in the theft of a motorbike. Later the two police officers demanded a one hundred and twenty thousand taka bribe from Golzar's family. His family gave the police eighty thousand taka under pressure and they informed the police that the rest of the money would be given the next day. Golzar's elder brother Nurunnabi however got into an altercation with police in this regard. This enraged the police and they apprehended Nurunnabi as a suspect in an allegation of theft. Police also demanded money for him. He was severely beaten by police as he was unable to pay. While being beaten, Nurunnabi fell to the ground and died on the spot.¹⁷

¹⁷ The daily Jugantor, 21/08/2016



Relatives of Nurunnabi are crying. (Deceased Nurunnabi inset). Photo: The daily Jugantor

20. Odhikar condemns this incident and also expresses its grievances. Odhikar believes that such acts of brutality, harassment and torture are increasing due to unfettered impunity of law enforcers and for unlawfully using them for the sake of political gain.

Shooting of detainees in the legs by members of law enforcement agencies

21. According to information gathered by Odhikar, in August 2016, two persons were shot in the leg by the law enforcement agencies after arrest. Between January and July 2016, a total of 13 were shot in the legs.
22. On August 4, 2016 two Islami Chhatra Shibir leaders Ishrafil Hossain and Ruhul Amin were allegedly shot in 'police custody' in Chougachha Upazila under Jessore District. Ishrafil Hossain was shot in the left leg and Ruhul Amin was shot below the right knee. Police claimed that a patrol team of police was stationed at Bundalitola in Chougachha on August 4. At that time, police saw two motorbikes passing through the road and signaled them to halt. But the motorbike riders threw crude bombs at police. Police opened fire in self defense and two youth were shot. Meanwhile, the families of the two youth alleged that in the night of August 3, 2016 police arrested them and took them away. In the morning of August 4, both the family members saw Ishrafil and Ruhul Amin in the lock-up at Chougachha Police Station. Their family members also provide them with breakfast. Later police informed the families that Ishrafil and Ruhul were shot. Ruhul's father Emdadul Huq said that his son was in the lock-up of Chougachha Police Station. At noon, police took his son and Ishrafil to an unknown place. When asked, the police replied that they were taken to the court. However, they were not found in the custody at Jessore District Court. Later he asked the police again where they were, but the police remained silent. He was told at night that Ruhul Amin was 'shot' and injured. Ruhul Amin, while under treatment, informed that on

August 3, they were arrested and taken to the police station and on August 4, they were shot in the leg by police after being blindfolded and taken to an unknown place.¹⁸ Ishrafil's father Abdur Rahman informed Odhikar that Ishrafil was arrested from Bundalitola in the night of August 3, on the way home from Jessore. In the morning of August 4, he visited Chougachha Police Station and met Ishrafil and bought breakfast for him. He also requested police to set his son free. He waited at the police station till 1:00 pm. He went home after police informed him that Ishrafil would be sent to the court. That night he heard that Ishrafil had been shot. Ishrafil has been under treatment at the Dhaka Medical College Hospital where his wounded leg was amputated.¹⁹



Two leaders of Islami Chhatra Shibir, Ishrafil Hossain and Ruhul Amin, who were shot in the legs by law enforcers, Photo: The daily Naya Diganta

23. Apart from extrajudicial executions and incidents of torture in custody, incidents of shooting in the legs of detainees/accused persons by members of the law enforcement agencies, to hamper the opposition political parties, have been claimed. This method has become a common phenomenon in Bangladesh since 2011 and continues. Even ordinary citizens have been victims of such brutality. The legs of several people have had to be amputated due to such shooting by law enforcement agencies in the last few years and members of law enforcement agencies are getting impunity in this regard.

Three suspected 'extremists' killed during a drive in Narayanganj

24. On August 27, 2016 the 'Counter Terrorism and Transnational Crime Unit' under Dhaka Metropolitan Police carried out an operation in a flat on the second floor of a house at Paikpara in Narayanganj District. Three suspected 'extremists' named Tamim Chowdhury (a Canadian citizen), Fazle Rabbi and Taosif Hossain were killed during a special drive called Operation T-Strong

¹⁸ Report sent by local human rights defender associated with Odhikar from Jessore

¹⁹ Information gathered by Odhikar

27. Police claimed that Tamim Chowdhury was the coordinator or mastermind of the Gulshan attack that occurred on July 1, 2016.²⁰

Death in jail

25. In August 2016, a reported two persons died in prison due to 'illness'. It is alleged that due to lack of proper treatment facilities and negligence by the prison authorities, many prisoners become ill and some die. Again, there have been instances where persons who are abused in police custody and fall gravely ill, succumb to their mistreatment in jail custody, where they are sent by the court.
26. Odhikar demands the government ensure adequate medical treatment in every prison and stop torture in remand.

Public lynching continues

27. In August 2016, two persons were reportedly killed due to public lynching.
28. Due to a weak criminal justice system, lack of respect for law, distrust of the police and instability in the country, the tendency to resort to public lynching is increasing. People are losing their confidence and faith in the police and judicial system. At the same time, the social fabric is crumbling resulting in insensitivity, insecurity, lack of empathy and fear. As a result, incidents of killings by mob violence continue.

Hindrance to freedom of expression and the media

29. The government is severely curtailing the right to freedom of expression and preventing dissenting or critical voices. The government has already finalised some more repressive laws, including 'National Broadcasting Act', 'Distortion of the History of Bangladesh Liberation War Crimes Act 2016', draft Press Council (amendment) Act 2016' (incorporating provisions for closing down of newspapers) and the 'Foreign Donation (Voluntary Activities) Regulation Bill 2016' (incorporating provisions for regulating non-government organisations). If these laws are passed, they will severely regulate the media and curtail freedom of expression of the citizens. In the meanwhile, the repressive Information and Communication Technology Act 2006 (amended 2009, 2013), is being imposed against people who are critical of the decisions and activities of those in high positions of the government and their families. The social media are also under constant monitor by the government and the Cabinet has approved a new 'Digital Security Act 2016'. In Bangladesh, the government controls most of the media. The electronic media are owned or controlled by supporters or members of the ruling party. The only state-

²⁰ The daily Prothom Alo/New Age, 28/08/2016

owned television channel, BTV is totally under the control of the government and is used to broadcast news of the government and the ruling party. Meanwhile the government closed down pro-opposition electronic and print media, such as Channel 1, Diganta TV, Islamic TV and the publication of the daily Amar Desh. The government is putting pressure on the media in various ways; and as part of its repression, 35 web portals were shut down by the Bangladesh Telecommunications Regulatory Commission (BTRC) from the night of August 4, 2016.²¹

University teacher suspended for commenting on facebook

30. On August 1, 2016 a Lecturer of the Law Department of Rajshahi University, Shibly Islam was suspended by the University Syndicate for making an 'objectionable comment' on his Facebook account regarding the Law Minister. It was learnt from the university administration source that on July 13, 2016 Shibly Islam commented on a statement given by the Law Minister Anisul Huq. The Law Ministry, on July 25, 2016 sent a letter to the Vice-Chancellor of Rajshahi University and the University authority took action against Shibly Islam accordingly.²²

Attacks on journalists

31. According to information gathered by Odhikar, in August 2016, seven journalists were injured, three were assaulted, one was attacked and three were sued. During this period, the government canceled all the temporary and permanent accreditation cards of nine journalists.
32. On August 26, 2016 Staff Reporter of the daily Prothom Alo, Anwar Hossain Dilu; Correspondent of the Report and Goura Bangla, Abdur Rob Nahid; leader of ethnic minority community, Bongopal Sardar; and member of the Prothom Alo Bandhusobha, Oliuzzaman Noor were injured in an attack by criminals in Manikara Village under Nachol Upazila of Chapainababganj. Among the injured, Anwar Hossain Dilu was admitted to Chapainababganj Sadar Hospital. Anwar Hossain Dilu informed Odhikar that he and some other journalists went to Manikara Village on hearing that a local Awami League leader Tariqul Islam, who is also a businessman of Chapainababganj, was grabbing land and forcing people to sell their land. While returning from there after gathering information, Tariqul Islam's men attacked them. The attackers also took away two cameras and two cell phones and later broke them.²³

²¹ The daily Prothom Alo, 05/08/2016

²² The daily Prothom Alo, 02/08/2016

²³ Report sent by local human rights defender associated with Odhikar from Chapainababganj



Injured journalist Anwar Hossain Dilu, Photo: The daily Prothom Alo

33. Members of the ruling Awami League party and its various branches are getting away with committing various offences due to the fact that the police are explicitly or impliedly assisting them and not the victims. This makes such crimes human rights violations as well.

Use of the Information and Communication Technology Act 2006

34. The repressive law, Information and Communication Technology Act, 2006 (amended 2009 and 2013) remains in force. The latest amendment to the ICT Act was made on October 6, 2013. Section 57²⁴ of the ICT Act 2013, states that publishing or transmitting in a website in electronic form, of any defamatory or false information is considered to be a cognizable and non-bailable offence. Moreover, punishment for committing this offence has been amended from a maximum of 10 years imprisonment, with no minimum; to a term of a minimum of seven years and maximum of 14 years imprisonment. This law has curtailed the freedom of expression and the government is using it against human rights defenders, journalists, bloggers and activists of the opposition political parties and even the ordinary people who have alternative opinions. The Information and Communication Technology Act, 2006 (amended 2009 and 2013) is imposed against people for writing posts against high officials of the government and their families on facebook.
35. According to information gathered by Odhikar, in August 2016, 15 people were arrested under Information and Communication Technology Act (amended in 2009 and 2013).

²⁴ Section 57 of the ICT Act states: (1) If any person deliberately publishes or transmits or causes to be published or transmitted in the website or in electronic form any material which is fake and obscene or its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, or causes to deteriorate or creates possibility to deteriorate law and order, prejudice the image of the State or person or causes to hurt or may hurt religious belief or instigate against any person or organization, then this activity of his will be regarded as an offence.

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

36. On August 1, 2016 police arrested a college student named Mohammad Shafiullah (17) for posting mocking photos of some government officials, including the Prime Minister Sheikh Hasina and a few ministers of her government, in Ramgarh under Khagrachhari District. In this regard, the Assistant Superintendent of Police (Circle Ramgarh) said that Shafiullah made a comment on the news relating to the recent acts of extremism. Later, his Facebook account was examined and revealed some caricatures of eminent citizens, including the Prime Minister and some other Ministers. A case was filed against Shafiullah under the Information and Communication Technology Act.²⁵
37. On August 28, 2016 police arrested the General Secretary of Rajshahi University unit Biplobi Chhatra Moitry²⁶, Dilip Ray from the Amtola area of the university campus for making an ‘objectionable comment’ on his Facebook account with regard to the Prime Minister Sheikh Hasina and the Awami League. A case was filed against him with Motihar Police Station under the Information and Communication Technology Act.²⁷ It is to be mentioned that on August 27, 2016 the Prime Minister, Sheikh Hasina, gave a statement in favour of the coal-based power plant in Rampal (that , if built, could potentially destroy the ecology of the Sundarbans). After that, Dilip Ray commented against the power plant.
38. It is also to be noted that various sectors, including environmentalists have been protesting against the construction of the coal-based power plant in Rampal for a long time.

The Cabinet approved a draft Digital Security Act

39. According to the proposed law titled “Digital Security Act 2016”, one will be punished with maximum life-term imprisonment and a fine of Taka 10 million or both for spreading propaganda through electronic media against the Liberation War, Spirit of Independence, any matter resolved by the court regarding the Liberation War and against Sheikh Mujibur Rahman²⁸. The punishment would be the same for anyone patronizing or abetting the offender, as per the law. On August 22, 2016 the draft law was proposed before the Cabinet and was given preliminary approval. Sections 54, 55, 56 and 57 of the Information and Communication Technology Act would be incorporated in the proposed Digital Security law.²⁹ It has also proposed in section 19 that one will be punished with a maximum of two years imprisonment and a fine of Taka two hundred thousand or both for

²⁵ The daily Naya Diganta, 03/08/2016

²⁶ Student wing the Communist League

²⁷ The daily Manabzamin, 29/08/2016

²⁸ The first President of Bangladesh and the father of the current Prime Minister, Sheikh Hasina.

²⁹ The daily New Age, 23/08/2016

defamation and for making false or obscene remarks and hurting religious sentiments.³⁰

Meetings and assemblies prohibited and attacked

40. On August 28, 2016 protesting students of Jagannath University gathered in front of the Shaheed Minar as per their scheduled programme, boycotting their classes and exams, to demand a residential hall. Later, students brought out a procession in the University campus. At that time, Chhatra League activists led by Jagannath University unit Chhatra League president Shariful Islam and General Secretary Sirajul Islam, stopped the rally and beat some students. Later Chhatra League activists also brought out a rally and tried to take away the megaphones from the students who had assembled on the campus. When students obstructed them, Chhatra League activists attacked them. A journalist, Masum Billah, who came to collect information of this incident and some students were injured. With regard to this incident, protesting students organised a press conference at a canteen in the University. The said conference was also stopped by the Chhatra League activists.³¹



Chhatra League activists attacked protesting Jagannath University students while police watch. Photo: The daily Prothom Alo

41. Odhikar expresses grave concern over the persistent interference of the government on freedoms of opinion, expression and assembly and association of the citizens of the country. Odhikar believes that if any opinion or statement of any citizen goes against the government, he or she is likely to be arrested, persecuted or harassed by the state. Odhikar also demands that the government repeal all repressive laws, including the Information and

³⁰ The daily Prothom Alo, 23/08/2016

³¹ The daily Naya Diganta, 29/08/2016

Communication Act 2006 (amended 2009, 2013) immediately. At the same time, Odhikar also urges the government to stop hampering people's fundamental rights to freedom of expression and assembly.

Aggressive policy of the Indian government on Bangladesh continues

Human rights violations by BSF in border areas

42. According to information collected by Odhikar, in August 2016, two Bangladeshi citizens were gunned down by the Indian Border Security Force (BSF). Seven Bangladeshis were also tortured by the BSF. Among them, six were shot and one was tortured.
43. BSF has been, over the years, repeatedly physically harming Bangladeshi citizens after apprehending them or shooting anyone seen near the border; and also launches attacks on Bangladeshi citizens by illegally entering Bangladesh; and even robbing them, which are all clear violations of international law and human rights.
44. On August 5, 2016 at around 3:00 am, some Bangladeshi cattle traders went to India to bring cows by crossing the Ichhamoti River through Baghdadanga border under Moheshpur Upazila in Jhenaidah District. At that time a patrolling team of the Indian BSF of Bornobaria Camp, opened fire at them. As a result, one Alam Hossain was shot dead and two others named Salauddin and Romjan Ali were injured.³²
45. In the morning of August 9, 2016, a group of 12 or 13 Bangladeshis went to bring cows from India through international pillar 1054 under Roumari Upazila in Kurigram District. At that time, patrolling BSF members of Deepchor Camp of India opened fire at the Bangladeshi citizens. A day-labourer Nurul Amin of Khetarchor village was shot dead on the spot and three others named Zahedul (22), Rafiqul Islam (25) and Saddam (23) were also shot and injured.³³

Construction of Rampal Coal-based Power Plant

46. On August 27, 2016 Prime Minister Sheikh Hasina said in a press conference at the Gonobabhan that the Rampal Coal-based Power Plant will not harm the Sundarbans and the government will build this power plant. At the conference, she criticised the activities of the anti-power plant protestors. In order to stop constructing such power plant, the ordinary people, including

³² Report sent by local human rights defender associated with Odhikar from Jhenaidah

³³ Report sent by local human rights defender associated with Odhikar from Kurigram/the daily Prothom Alo, 10/08/2016

environmentalists and left-leaning political organisations, have been protesting for a long time.

47. On August 29, 2016 while responding to the Prime Minister Sheikh Hasina's statement on the Rampal Coal-based Power Plant, Anu Muhammad, Member-Secretary of the National Committee to Protect Oil, Gas, Mineral Resources, Power and Port, in Dhaka said that the Prime Minister stated that the carbon dioxide gas, which will be emitted from the power plant will be limited to 1.6 kilometers of area. However, as per scientific information, the temperature around the power plant will increase due to the carbon dioxide. As a result of that, the mangrove forest Sundarbans situated around 14 kilometers away from the plant would heat up. It is impossible and unrealistic that the carbon dioxide can be limited to within 1.6 kilometers of area.³⁴
48. It is to be mentioned that on July 12, 2016 an agreement of the much debated project of the Rampal Coal-based Power Plant was signed in Dhaka. The agreement was signed by the Managing Director of Bangladesh-India Friendship Power Company Limited (BIFPCL), Ujjal Kanti Bhattacharya; and the General Manager of the construction company Bharat Heavy Electric Limited (BHEL), Prem Pal Yadab. Prime Minister's Advisor Toufiq Elahi Chowdhury; State Minister for Power, Nasrul Hamid; Principal Secretary of the Prime Minister, Mohammad Abul Kalam Azad; Secretary of the Ministry of Power, Monwar Islam; Indian Secretary for Power, Prodeep Kumar Pujari; and Indian High Commissioner to Bangladesh, Harshbardhan Shringla were present at the signing programme. The ecology of the world largest mangrove forest, the Sundarbans, will be destroyed if this power plant is established.

India opens Farakka barrage

49. India has opened all sluice gates of Farakka barrage³⁵. As a result, at least 15 hundred thousand cusecs of water flooded into the River Padma. Thousands of people living around the river were affected due to the floods. The water level of Padma River at Rajshahi point touched the danger mark. In order to free some Indian States including Bihar from the affects of flooding, the Indian Government opened all sluice gates of Farakka barrage. The depth of the Padma River bed had fallen due to the Farakka dam and as a result it has no capacity to receive water. Due to this, massive floods occurred in

³⁴ The daily Prothom Alo, 30/08/2016

³⁵ Farakka Barrage is a barrage across the Ganges River located in the Indian state of West Bengal, roughly 16.5 kilometres (10.3 mi) from the border with Bangladesh near Chapai Nawabganj District. Construction was started in 1961 and completed in 1975 at a cost of US\$23 million. Operations began on 21 April 1975. The barrage is about 2,240 metres (7,350 ft) long. Due to this barrage, the life and livelihood of the people of South-Western parts of Bangladesh had fallen in danger during dry season as a result of flowing water of river Ganges. As a result, agricultures, irrigations, fisheries, industries, water transport, and water supplies of Bangladesh were harmed. Bangladesh lost about USD 3 billion directly, though the indirect loss was more than this (source: Wikipedia). From January to May 2016, Bangladesh received 120864 cusecs of water less in 15 intervals. (source: Munshi Abdul Mannan, 'Destructive Barrage Farakka', the daily Inqilab, 27/08/2016)

Bangladesh. 15 villages in Natore district were affected by floods. The flood water levels in Shibganj under Chapainababganj district were unchanged. Furthermore, river erosion started in the floods affected areas in Kushtia. It is feared that the Rajshahi town protection wall might collapse due to the pressure of flood waters. India is harming the low level country Bangladesh by opening the dams, ignoring and violating international laws.³⁶



Farakka Barrage. Photo: Google; Flood affected people in Kushtia due to open all sluice gated of Farakka barrage. Photo: Bangla Tribune

50. The Indian government has already taken some destructive policies towards Bangladesh. India is taking transit facility through Bangladesh at almost no cost and is also taking advantage of other business and trade facilities; it is torturing and killing Bangladeshi citizens indiscriminately along the border areas and threatening Bangladesh's ecology and natural heritage by the process to build Rampal Power Plant near the Sundarbans. Moreover, India is depriving Bangladesh from getting adequate water during the dry season and creating floods over Bangladesh by opening water flow to Bangladesh during the monsoon. The affect such acts have on the people of Bangladesh are tantamount to violations of international human rights laws, and the fact that the Bangladesh government allows such incidents to occur without any visible resistance or protest, makes it a party to the violations.

Human rights violations on religious minority communities

51. Incidents of attacks on citizens belonging to minority communities and at their places of worship continue due to the unavailability of justice for similar incidents that took place in the past; and also due to the politicisation of these incidents. The Hindu-Buddhist-Christian Oikko Parishad³⁷ alleged that the human rights situation of citizens belonging to minority communities is deplorable.³⁸

³⁶ The Jugantor, 30/08/2016

³⁷ The Hindu-Buddhist-Christian Unity Council.

³⁸ The daily Manabzamin, 23/04/2016

52. On August 2, 2016 criminals entered the Kali and Radha Madhav temple by breaking the gate and vandalized an effigy and ritual objects at Angaria Bazaar under Shariatpur Municipality in Shariatpur District.³⁹
53. Sunil Chandra, Convener of the Crematory Committee of the Hindu religious minority community of Ward No. 14 under Feni Municipality, arranged a press conference on August 23, 2016, where he alleged that a group of people led by Mohammad Manik, Sports Affairs Secretary of District unit Awami League, General Secretary of Districts Sports Agency and Councilor of Ward No. 18; and Hazi Obaydul Haque, former Treasurer of District unit Awami League, were trying to forcefully occupy 17 decimals of land (market price 40 million taka) of the crematory at Ward No. 14 and Sobkhola area. They were also trying to sell the land. The land grabbers beat and tried to kill the priests and workers (Shebayet) of the crematory when they protested. Regarding the incident, a written complaint was lodged at the police station but the police did not take any action against the accused, Sunil Chandra alleged. After getting the news of the press conference, a group of miscreants in acquiescence of the ruling party leaders, surrounded the Hindu minority community area of Ward No. 14 on motorbikes in an attempt to spread fear among the community. As a result, the male members of the Hindu community, fearing violence, left their houses.⁴⁰
54. Odhikar demands the government bring the perpetrators to justice through impartial and unbiased investigation and ensure the security of the citizens belonging to all religious minority communities; and their places of worship.

Repression against RMG factory workers

55. According to information gathered by Odhikar, in August 2016, 17 workers were injured by the police during workers' unrest in the ready-made garment industries.
56. Garment manufacturing factories are a very large source of revenue for Bangladesh and the factory workers are one of the main contributing factors to this success. However, many factories were closed without notice. This, the sudden termination of workers and not paying wages on time are some of the main reasons of workers' unrest.
57. A garment factory named Asian Apparels was shifted from Chittagong Station road to Kattoli Badamtali of Chittagong three months ago. On August 23, 2016 the workers blocked the road in front of the factory head office and started demonstrations to end repression on workers and demand the payment of due wages. The police, BGMEA authorities and the factory owners made a decision that on August 24 at 12:00 noon, they will sit together

³⁹ The daily Prothom Alo, 03/08/2016

⁴⁰ The daily Jugantor, 25/08/2016

at the head office of Asian Apparels and make a decision regarding the matter. On August 24, the workers gathered again in front of the Asian Apparels head office and started demonstrations. When police forcibly tried to move them away, a collision took place between police and workers. At that time, police threw tear gas shells, fired rubber bullets and baton charged the workers and dispersed them. A few women workers were injured by rubber bullets and due to the baton charge. Injured women workers were taken to Chittagong Medical College Hospital. Police arrested more than one hundred women workers during the incident.⁴¹



An injured women factory worker at the Asian Apparels, Photo: The daily Jugantor

Violence against women

58. Incidents of violence against women continue; and most of the victims are not getting justice due to a culture of impunity.

Rape

59. In August 2016, Odhikar recorded a total number of 43 females who were raped. Among them, 11 were women, 31 were children and the age of one victim could not be ascertained. Of the women, eight were victims of gang rape and out of the 31 child victims, four were victims of gang rape. Nine women and children were victims of attempted rape.

60. On August 5, 2016, a child was allegedly raped by Mahmudul Hasan, a Juba League⁴² activist in Razakpur Village under Begumganj Upazila of Noakhali District. Regarding the incident, the father of that child went to Begumganj Police Station to file a case but the Officer-in-Charge (OC) of the police station, Sajjadur Rahman Saju, did not take the case. It was learnt that the child's father sent her to buy cigarettes from a shop of the local market. At that time Mahmudul Hasan took her behind the shop at a gun point and raped her.⁴³

⁴¹ The daily Jugantor, 25/08/2016

⁴² Youth wing of the Awami League

⁴³ The daily Jugantor, 06/08/2016

Dowry-related violence

61. According to information gathered by Odhikar, in August 2016, a total of 21 women were subjected to dowry violence. Of these women, it has been alleged that 12 were killed and nine were physically abused over dowry demands.
62. On August 7, 2016 Abul Bashar killed his wife after failing to get 50 thousand taka dowry, in Nangolkot under Comilla District. Later he tried to kill his two children by poisoning them. The two children named Kausar (3) and Imon (18 months) were admitted to Nangolkot Upazila Health Complex in critical condition. Police arrested Abul Bashar and his mother Halima Begum.⁴⁴

Acid violence

63. In August 2016, according to Odhikar documentation, one woman, one girl and two men became victims of acid violence.
64. On August 5, 2016 at midnight, Nur Sayed alias Nuru (35) allegedly threw acid on a sleeping girl named Julia Begum (15) through a window in Daser Haula village of Lalua Union under Kolapara Upazila in Patuakhali District, which burnt Julia's forehead and her left hand. She was admitted to Kolapara Upazila Health Complex. Police arrested Nur Sayed. Julia's mother Shirin Begum said that two months ago Nur Sayed proposed to marry Julia despite already having a wife. Julia refused him. As a result, Nuru threw acid on Julia after failing to kidnap her.⁴⁵



Julia Begum, victim of acid attack. Photo: Odhikar

Sexual harassment

65. According to information gathered by Odhikar, in August 2016, a total of 12 girls and women were victims of sexual harassment. Of them one was killed, one was injured, three were assaulted and seven were victims of stalking. Two men were injured by the stalkers for protesting such incidents.

⁴⁴ The daily Manabzamin, 10/08/2016

⁴⁵ Report sent by local human rights defender associated with Odhikar from Patuakhali/ the daily Jugantor, 07/08/2016

66. A youth named Mohammad Rashel Mia used to regularly stalk a girl student of class X, Tania Khanom, of Udoypur Mitali High School on her way to and from school, in Kolmakanda Upazila under Netrokona District. On August 8, 2016 Rashel forcibly tried to sexually harass Tania while she was returning home from school. Hearing her shouting, locals approached and Rashel fled. A case was filed in this regard and police arrested Rashel.⁴⁶
67. On August 24, 2016 a girl student of Class VIII of Wills Little Flower School, Suraiya Akhter Risha (14) was stabbed by a criminal named Obaidul Khan on a foot over bridge near the school at Kakrail, Dhaka. On August 28, Risha succumbed to her injuries at Dhaka Medical College Hospital while under treatment. It was learnt that Obaidul Khan used to stalk Risha.⁴⁷ Police arrested Obaidul Khan from Nilphamari.⁴⁸



Deceased Suraiya Akhter Risha, Photo: The daily Jugantor

Hindrance to human rights activities of Odhikar

68. Odhikar, as a human rights organisation, has come under massive harassment by the current government, for being vocal against human rights violations and for campaigning to stop them. The government, after assuming power in 2009, started the harassment on Odhikar for its reports on the human rights situation of the country. On August 10, 2013 at 10:20 pm, Odhikar's Secretary Adilur Rahman Khan was picked up by persons claiming to be from the Detective Branch (DB) of Police, for publishing a fact finding report on extrajudicial killings during a rally organised by the religious group Hefazate Islam on May 5-6, 2013. The police, at first, denied detaining him. Adilur and Odhikar's Director ASM Nasiruddin Elan, were later charged under section 57(1) of the Information and Communication Technology Act, 2006 (Amended 2009). They were in jail custody and later, Adilur and Elan were released on bail after spending 62 and 25 days in prison respectively. Odhikar regularly faces harassment by different organs of the government. Adilur

⁴⁶ The daily Manabzamin, 09/08/2016

⁴⁷ The daily Jugantor, 29/08/2016

⁴⁸ The daily Prothom Alo (online version), 31/08/2016

Rahman Khan, staff members of Odhikar and the office are under surveillance by intelligence agencies. Human rights defenders who are associated with Odhikar are being watched and sometimes harassed and human rights activities hindered. Furthermore, the NGO Affairs Bureau (NGOAB) has barred the release of all project related funds of Odhikar, for about two years, withheld renewal of its registration in order to stop its human rights activities. The Organisation is still operating due to the volunteer services of grassroots level human rights defenders associated with Odhikar and their commitment to human rights activism.

Recommendations

1. Democracy and the voting rights of the people need to be restored immediately by establishing an accountable government through free fair and inclusive Parliamentary elections under a neutral government or under the supervision of the United Nations; and by fixing dysfunctional institutions through an elected government.
2. The Government must refrain from repressive and unconstitutional activities. The government should establish democracy and rule of law by refraining from violating civil and political rights, including freedoms of expression and assembly, torture, extrajudicial killings and enforce disappearances.
3. Interference to freedom of expression and of the media must be stopped and 35 web portals should be reopened. The Government must withdraw cases filed against all human rights defenders and journalists; and it should also bring the perpetrators to justice through proper investigation. The ban on the publication of the daily Amar Desh and the broadcasting of Diganta TV, Islamic TV and Channel One should be removed. All persons who were detained for political reasons or for expressing their opinions and thoughts, including the senior journalist Shafik Rehman, Acting Editor of the daily Amar Desh Mahmudur Rahman and Convener of Nagorik Oikko, Mahmudur Rahman Manna should be released immediately. All repressive laws, including the Information and Communication Technology Act, 2006 (amendment 2009, 2013) and the Special Powers Act, 1974 must be repealed. Monitoring of the social media and internet, leading to arrests and harassment and human rights violations, should be stopped.
4. Incidents of extrajudicial killings and torture by law enforcement agencies must be investigated and the perpetrators 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 ratify the Optional Protocol to the Convention against Torture; and effectively implement the Torture and Custodial Death (Prevention) Act, 2013.
5. The Government has to explain all incidents of enforced disappearance and post-disappearance killings, allegedly perpetrated by law enforcement agencies. All victims of disappearance should be returned to their families. The Government must bring the erring members of the security and law enforcement agencies to justice before the law. Odhikar urges the government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly.

6. The Government should take all measures to protect the rights of the citizens belonging to religious, ethnic and linguistic minority communities and ensure their security.
7. The Ready-made garment factories need to be brought under synchronized security programmes and the factories should be made with adequate infrastructural and other facilities. Human rights violations, including termination of workers, pending wages and harassment by Industrial Police against readymade garment factory workers must be stopped.
8. The Government should protest strongly against human rights violations on Bangladeshi citizens by the Indian Border Security Force (BSF) and take initiatives to investigate and make the Indian Government accountable and compensate the families of the victims. The Government should also ensure the safety and security of the Bangladeshi citizens residing at the border areas. Indian Government should stop the construction of the destructive coal-based power plant in Rampal. India should not open the sluice gates of Farakka barrage unilaterally for the sake of its own benefit.
9. The Government must ensure the effective implementation of laws to stop violence against women and children and the offenders must be effectively punished under prevalent laws. The Government should also execute mass awareness programmes in the print and electronic media, in order to eliminate violence against women.
10. The case filed against Odhikar's Secretary and its Director under the Information and Communication Technology Act, 2006 (Amended in 2009) must be withdrawn. All repressive measures and harassment against human rights defenders associated with Odhikar should be stopped. 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 in twelve national daily newspapers.
3. Odhikar conducts detailed fact-finding investigations into some of the most significant violations, with assistance from trained local human rights defenders.
4. Odhikar is consistent in its human rights reporting and is committed to remain so.