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Human Rights Monitoring Report

February 1 – 28, 2018



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Contents

Executive Summary	3
Statistics of Human Rights Violations: February 2018.....	7
Mass arrest of opposition party activists, indiscriminate cases filed, suppression and hindrance to freedom of assembly	8
<i>Verdict against Khaleda Zia, suppression and mass arrest</i>	8
Internal conflict of the ruling party and attacks on ordinary citizens	13
Allegations of extensive corruption	15
Independence of the Judiciary	17
Repression and impunity of state security forces	18
<i>Extrajudicial killings</i>	19
<i>Shot to death:</i>	19
<i>Enforced disappearances</i>	19
<i>Torture, inhuman treatment and lack of accountability of law enforcement agencies</i>	21
<i>Death in jail</i>	23
Public lynching	24
Hindrance to freedom of expression and the media	24
<i>Penalty increases under repressive Speedy Trial Act</i>	24
<i>Repressive Information and Communication Technology Act 2006 (amended 2009 and 2013) remains in force</i>	24
<i>Freedom of the media</i>	25
Workers' rights.....	27
Special provision of the Child Marriage Restraint Act 2017 should be removed	27
Violence against women.....	28
<i>Stalking</i>	28
<i>Rape</i>	28
<i>Dowry-related violence</i>	29
<i>Acid violence</i>	29
Domination on Bangladesh by neighbouring state and human rights violations	30
Genocide against Rohingya community in Myanmar.....	31
Hindrance to human rights activities of Odhikar	34
Recommendations	36

Executive Summary

The year 2018 is considered to be very significant year for Bangladesh as the 11th Parliamentary Election is likely to be held in December 2018. The Awami League led alliance government remains in power since 2009 and in the last 10 years, the government has made different, important government and independent institutions politicized and subservient to it. The Government unilaterally removed the Caretaker Government system in 2011, despite protests from the main opposition BNP, civil society and other political parties, without any referendum, through the 15th Amendment to the Constitution, which created a political crisis. Almost all political parties, including Bangladesh Nationalist Party (BNP) (except Awami League and its alliance) boycotted elections in protest of the removal of the caretaker government system; and the Awami League reassumed power for a second term through controversial and farcical Parliamentary Elections¹ on January 5, 2014 and in doing so lost credibility. The situation of human rights deteriorated to a great extent in the last 10 years and the incumbent government has created a fearful environment in the country by severely curtailing civil and political rights. Many people, including leaders and activists of opposition political parties and dissenting voices became victims of persecution, enforced disappearance, torture, extrajudicial killing and kneecapping. Furthermore, rights to freedom of opinion and expression; and assembly and association were violated and several repressive laws were enacted and amended by the government during its reign. As in preceding months, in February 2018, there were reported incidents of enforced disappearance, extrajudicial execution, torture in custody and deaths in jail due to lack of treatment. Incidents of public lynching were also reported during this month due to weakness of the criminal justice system, impunity of law enforcement agencies and corruption.

There were allegations that the ruling party put unilateral control over the Judiciary after the resignation of the former Chief Justice Surendra Kumar Sinha in 2017 as a result of tensions between the Awami League government and the Supreme Court.

¹ The Caretaker Government system was incorporated in the Constitution through the 13th 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 15th amendment to the Constitution, without any referendum and ignoring the protests from various sectors; and a provision was made that elections were now to be held under the incumbent government. As a result, the farcical 10th Parliamentary elections were held on January 5, 2014 despite the boycotting of this election by a large majority of political parties. The election was not only farcical (for example, 153 MP's were declared elected uncontested even before the polling commenced), it was a hotbed for election-related crimes such as ballot-box stuffing, capturing of polling stations, intimidation of voters and violence.

Government interference on the independence of the judiciary and a weak justice delivery system have made people's access to justice extremely uncertain.

Acts of corruption have become a major concern in the country due to the absence of democracy and an accountable government. Many ordinary businessmen sat on the street when the stock market collapsed in 2009 and some even committed suicide after losing their money. Corruption in the banking sector became extreme after the farcical election in 2014. There are allegations of involvement in corruption, against the ruling party leaders. Furthermore, a huge amount of money has allegedly been laundered and is still being laundering abroad. So far 87 Bangladeshi names have appeared in three lists of Panama, Offshore and Paradise papers.² The Anti Corruption Commission is not taking any effective action against them as they are influential persons and have strong ties with the government.

Accurate and impartial reporting and proper journalism are hindered due to government pressure on the media through different means and in most cases journalists are forced to maintain self censorship while writing in the media. Meanwhile the government closed down pro-opposition electronic media, such as Diganta TV, Islamic TV and the publication of the print media, the daily Amar Desh since 2013. During this period, many journalists were attacked by ruling party backed criminals and police. Furthermore, journalists were also accused in political cases after being picked up or detained by law enforcement agencies.

The government decided to repeal five sections, including section 57, of the repressive Information and Communication Technology Act 2006 due to pressure from journalists, human rights defenders and civil society organisation; and accordingly the Cabinet approved the draft of the Digital Security Act 2018 (DSA). However, the proposed law is going to be enacted as another repressive law as the revoked sections of the ICT Act have been incorporated into the DSA. Furthermore, there are fears of harassment on journalists and human rights defenders under section 32 of the DSA for spying on computer and other digital related crimes.

Incidents of violence against women continue. A significant number of incidents of rape, dowry and related violence, domestic violence, sexual harassment and acid violence have occurred in February 2018. Women are becoming victims of such violence due to non-implementation of the Dowry Prohibition Act 1980, Women and Children Repression Prevention Act 2000 (Amendment 2003), Acid Control Act 2002, Acid Crime Prevention Act 2002 and the Domestic Violence Prevention Act 2010. Furthermore, a

² The daily Prothom Alo, 17/02/2018

special provision of the Child Marriage Restraint Act 2017 will possibly increase early marriage of minor girls.

Criminal activities perpetrated by leaders and activist of the ruling Awami League affiliated student and youth organisations have crossed all limits during the last 10 years and they are enjoying impunity by official patronage. They are openly involved in various criminal acts and violence, sometimes with lethal weapons. In most cases law enforcement agencies do not take any action against them and as a result the accused could not be brought to justice. Furthermore, reports show that both police and the ruling party activists together attacked the opposition party men and dissenters.

On 8 February 2018, the main opposition party BNP Chairperson Khaleda Zia was sentenced to five years imprisonment in a verdict under the Zia Orphanage Trust corruption case and sent to prison on the same day.³ Khaleda Zia's lawyers applied for a certified copy of the judgement to file an appeal at the High Court Division of the Supreme Court against the sentence. But the court officials informed that the certified copy cannot be given as the judge was revising and correcting the verdict. However, it has been stated in section 369 of the Code of Criminal Procedure that the full verdict must be read out in open court and has to be signed by the judge in open court which was not done.⁴ Although the judgement of the alleged corruption case filed against BNP Chairperson Khaleda Zia was pronounced on 8 February, the government started massive suppression against leaders and activists of BNP including mass arrest operation, attack and filing cases since 30 January 2018 which continued in February. During this operation, members of law enforcement agencies vandalized houses belonging to BNP leaders and activists on the pretext of searching, tortured many of them after picking them up, lodged hundreds of cases against the opposition and even made accuse of deceased and ill persons. Apart from the opposition political leaders-activists ordinary citizens have also become victims of mass arrest. The families of arrestees/detainees visited police stations, DB office, court and jail to see their relatives and/or seek their release and they were harassed by law enforcement agencies. There were even incidents of releasing victims of mass arrest through exchange of large amounts of bribe.⁵ In this month, the National Parliament passed the Law and Order Disrupting Crime (Speedy Trial) Amendment Act 2018. 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 monetary fine.

³ All cases against Sheikh Hasina were acquitted.

⁴ The daily New Age, 13/02/2018; <http://www.newagebd.net/article/34698/judge-still-correcting-verdict>

⁵ The daily naya Dignata, 02/02/2018

Acts of aggression and intervention on political, economic and cultural affairs of Bangladesh by the Indian government, including killing, torturing and looting Bangladeshi citizens by members of the Indian Border Security Force (BSF) by illegally trespassing on Bangladesh territory continued in February 2018. Meanwhile, the Myanmar Army and Buddhist criminals conducted various operations against the Rohingya community in the Rakhine state of Myanmar⁶. During these operations, Rohingya people experience enforced disappearances, mass rape and become victims of torture, arson attack and other violence. As a result hundreds of thousands of Rohingya people fled to Bangladesh to save their lives by crossing the territorial border and Naf River. Despite the continuance of the violence, the Myanmar and Bangladesh governments signed a Repatriation Agreement to return Rohingyas to Myanmar's Rakhine state. Rohingyas continue to fleeing Myanmar and taking refuge to Bangladesh.

⁶ The Arakan state was renamed as Rakhine by the Myanmar government.

Statistics of Human Rights Violations: February 2018

Statistics: January-February 2018*				
Type of Human Rights Violation		January	February	Total
Extrajudicial killings	Crossfire	18	6	24
	Shot to death	1	1	2
	Total	19	7	26
Enforced Disappearances		5	2	7
Death in Jail		6	5	11
Human rights violations by Indian BSF	Bangladeshis Killed	2	1	3
	Bangladeshis Injured	3	5	8
	Bangladeshis Abducted	2	0	2
Attack on journalists	Injured	12	6	18
	Assaulted	1	3	4
	Threatened	2	1	3
Political violence	Killed	9	4	13
	Injured	619	424	1043
Dowry related violence against women		10	13	23
Rape		45	70	115
Sexual harassment /Stalking of females		14	12	26
Acid violence		2	1	3
Public lynching		5	6	11
Arrest under Information and Communication Technology Act 2006 (amended 2009 and 2013)**		2	1	3

*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.

Mass arrest of opposition party activists, indiscriminate cases filed, suppression and hindrance to freedom of assembly

Verdict against Khaleda Zia, suppression and mass arrest

1. The government initiated mass arrest operation against leaders and activists of BNP and its affiliated organisations across the country since January 2018 centering around the judgement⁷ of the alleged corruption case filed against BNP Chairperson Khaleda Zia. From 30 January to 28 February 2018, 4836 people, including leaders and activists of BNP and Jamaat, were arrested. During this period, many BNP leaders of the central committee, including the Standing Committee member Goyeshwar Chandra Roy were arrested; and police and plainclothes members of law enforcement agencies across the country allegedly attacked houses of the BNP leaders and activists in the name of arrest and search operations. Those who were arrested during such operation have allegedly had cases filed against them for allegations of ‘plotting destruction’ and hindering police activities. On 3 February 2018, police conducted operations in Manikganj and arrested 24 BNP leaders-activists, including the Joint General Secretary of District unit BNP, Motaleb Hossain and the Chairman of Shingair Union Parishad, Dewan Mahbubur Rahman.⁸ In the night of 4 February, a group of plainclothes police vandalized the house of General Secretary of Tongi Thana unit BNP Mahbubul Alam Shukkur in Gazipur.⁹ On 4 February, cases have been filed against 77 BNP leaders and activists, including Narayanganj District unit BNP President Kazi Moniruzzaman Monir and BNP supported Kanchan Municipality Mayor Abul Bashir Badsha with Rupganj Police Station for the allegations of ‘plotting destruction’.¹⁰ Many pedestrians and ordinary citizens were also arrested during these mass arrest operations. An old man named Abdur Rahim, resident of Dhalpor, Jatrabari in Dhaka, is a mason; and a resident of South Shahjahanpur, Dulal Bepari (a tuberculosis patient) is a tea stall owner. Police sought remand after arresting them. Abdur Rahim’s daughter Sumi Akhter said that her father was not a member of any political party. He is

⁷ On 8 February 2018, a Special Court Judge Mohammad Akhtaruzzaman declared the verdict of Zia Orphanage Trust corruption case against BNP Chairperson Khaleda Zia. This case was filed by the Anti Corruption Commission in 2007 during the military backed ‘caretaker’ government. That time six cases relating to corruption and extortion were also filed against the current Prime Minister Sheikh Hasina. These cases were acquitted by the High Court Division and withdrawn by the complainants after Awami League assumed power.

⁸ The daily Prothom Alo, 04/02/2018; www.prothomalo.com/bangladesh/article/1423766/

⁹ The daily Naya Diganta, 05/02/2018; <http://www.dailynayadiganta.com/detail/news/291251>

¹⁰ The daily Naya Diganta, 05/02/2018; <http://www.dailynayadiganta.com/detail/news/291228>

seriously ill after a heart attack. By arresting him, the police have endangered his life.¹¹

2. Apart from mass arrests and suppression, the government has also barred the meetings and assemblies of the left-wing political parties and the Opposition BNP. On 2 February 2018, during a protest meeting in front of the National Museum police took away the megaphone and forced the protestors to leave the meeting place to prevent them from demanding the trial of criminals who attacked the central leader of Gonoshonghoti Andolon, Hassan Maruf Rumi.¹²
3. On 8 February 2018, a Special Court Judge Mohammad Akhtaruzzaman sentenced BNP Chairperson Khaleda Zia to five years imprisonment in a verdict under the Zia Orphanage Trust corruption case. Furthermore, the court also sentenced five others to 10 years rigorous imprisonment, including Khaleda Zia's son and BNP's Senior Vice-President Tareque Zia. The government became extremely repressive on the day of this verdict and separated Dhaka City from the rest of the country. From the night of 5 February, members of law enforcement agencies started operations in public transport, vehicles, dormitory and residential hotels across the country. Police of Rampura Police Station picked up seven people from a dormitory at Purba Rampura. Among the arrestees, two were engineers of an advisory organisation named Utility Professionals. However, police claimed that they were Jamaat-Shibir activists.¹³ Apart from the law enforcement agencies, the government also deployed Border Guard Bangladesh (BGB) across the country. Dhaka Metropolitan Police banned the rallies and gatherings in Dhaka¹⁴ on that day but the ruling Awami League and leaders and activists of its affiliated organisations Jubo League¹⁵, Chhatra League¹⁶ and Swechchasebak League¹⁷ were seen taking position with sticks and weapons in different places, including Dhaka and patrolling the areas on motorbikes.¹⁸ Though there was a possibility of massive confrontation across the country centering around this verdict, the BNP leaders and activists observed peaceful programmes as per instruction from the BNP high-ups. Despite this, police and Awami League, Jubo League and Chhatra League activists attacked them with guns.¹⁹ Many BNP leaders-activists were arrested by police. During

¹¹ The Prothom Alo, 07/02/2018; www.prothomalo.com/bangladesh/article/1425926/

¹² The daily Jugantor, 03/02/2018; <https://www.jugantor.com/todays-paper/second-edition/13968/>

¹³ The daily Prothom Alo, 07/02/2018; www.prothomalo.com/bangladesh/article/1425926/

¹⁴ The daily Naya Diganta, 07/02/2018; <http://www.dailynayadiganta.com/detail/news/291742>

¹⁵ Youth wing of Awami League

¹⁶ Student wing of Awami League

¹⁷ Voluntary wing of Awami League

¹⁸ The daily Prothom Alo, 09/02/2018;

¹⁹ The daily Manabzamin, 10/02/2018; www.mzamin.com/article.php?mzamin=104296&cat=9/

that period, police filed 200 cases across the country and more than 50 thousand BNP leaders-activists were even accused in those cases.²⁰ Moreover, deceased and paralyzed BNP leaders were accused in the FIRs. A complaint was filed with Sonargaon Police Station in Narayanganj, accusing 58 BNP men and 40-50 unknown persons. Among the accused, Sonargaon Thana unit BNP President Mojibur Rahman, who died one and half years ago; and Sonargaon Thana unit Jubo Dal General Secretary, Abdur Rouf who became paralyzed one year ago (and is currently under treatment at the Centre for the Rehabilitation of the Paralyzed in Savar), were incorporated in that case.²¹



Police beat a BNP activist at Naya Paltan, Dhaka. Photo: Prothom Alo, 10 February 2018.



Suspected BNP activists were produced at the Metropolitan Magistrate Court, Dhaka. Photo: New Age, 8 February 2018.

²⁰ The daily Naya Diganta, 15/02/2018; <http://www.dailynayadiganta.com/detail/news/294022>

²¹ The daily Naya Diganta, 13/02/2018; <http://dailynayadiganta.com/detail/news/293487>



Police arrested a female activist of BNP at Chittagong (Left) Chhatra League activists beating a Chhatra Dal activist during the protest against imprisonment of Khaleda Zia in Sylhet. Photo: Bangladesh Protidin, 9 February 2018.



Police baton charged on female activists of BNP in front of the Office of the Deputy Commissioner, Dhaka. Photo: Naya Diganta, 19 February 2018.

4. There were allegations that most of the cases filed against BNP leaders and activists from the party's Chairperson to grassroots leaders were vengeful. Between 11 January 2007 and the two terms of the incumbent government, about 50 thousand cases were filed across the country and in those cases about 1.2 million persons were accused by name and/or as unknown, as claimed by BNP.²² Meanwhile the ruling party leaders and activists attacked the opposition party men with guns in broad-day light and even killed some of them. That police did not take any action against the perpetrators. In many cases, police joined the Awami League leaders-activists and attacked the opposition.

²² The daily Jugantor, 12/02/2018; <https://www.jugantor.com/todays-paper/first-page/16646/>

5. On 8 February, after the verdict of Khaleda Zia's case, police fired blank shots and threw tear gas shells at protestors when leaders and activists of Swechchasebak Dal²³ and Chhatra Dal²⁴ brought out a protest rally in Sylhet. At that time, District unit Swechchasebak League Vice-President Piyush Kanti Dey; Sylhet Metropolitan unit Chhatra League Organising Secretary Sajal Das Anik; and Awami League activist Munim joined the police and attacked them with guns.²⁵ Two youth wearing motorcycle helmets were seen shooting at the procession with homemade guns.²⁶ During this attack, Chhatra Dal leader Syed Mostafa was shot in the head.²⁷ However, police filed a case over allegations of police assault and under the Arms and Explosive Act accusing 54 BNP leaders and activists and against 200 unknown persons.²⁸



Chhatra League activists carrying arms during a clash in Sylhet. Photo: Manabzamin, 9 February 2018.



Chhatra League activists carrying guns during a clash between Chhatra League and Chhatra Dal at the court area in Sylhet. Photo: Samakal, 9 February 2018.

²³ Voluntary wing of Bangladesh Nationalist Party (BNP)

²⁴ Student wing of BNP

²⁵ The daily Naya Diganta, 09/02/2018; <http://www.dailynayadiganta.com/detail/news/292302>

²⁶ The daily Jugantor, 11/02/2018; <https://www.jugantor.com/todays-paper/last-page/16326/>

²⁷ The daily Naya Diganta, 09/02/2018; <http://www.dailynayadiganta.com/detail/news/292302>

²⁸ The daily Jugantor, 11/02/2018; <https://www.jugantor.com/todays-paper/last-page/16326/>

6. On 8 February, in Faridpur Town, BNP leaders-activists were gathering at the house of BNP Vice-Chairman, Chowdhury Kamal Ibne Yusuf for a meeting in protest of the judgment. Hearing this Jubo League and Chhatra League activists along with police and BGB members attacked BNP leaders-activists with guns and shot at them. During this attack, Faridpur Town unit Chhatra Dal's Organising Secretary Sonet, Jubo Dal leaders Ujjal and Hridoy were beaten and stabbed by Jubo League and Chhatra League men in the presence of police.²⁹
7. It is significant that Khaleda Zia has been sentenced under an alleged corruption case now when the 11th Parliamentary elections are scheduled to be held in December 2018. The case had been filed in 2007 during the military backed 'caretaker' government. Khaleda Zia's lawyers applied for a certified copy of the judgement to file an appeal at the High Court Division of the Supreme Court against the sentence. But the court officials informed that the certified copy cannot be given as the judge Akhteruzzaman was revising and correcting the verdict pronounced on 8 February.³⁰ Khaleda Zia's lawyers received the certified copy of the judgement on 19 February.³¹ However, it has been stated in section 369 of the Code of Criminal Procedure that the full verdict must be read out in open court and has to be signed by the judge in open court which was not done.³² On 10 February, BNP Standing Committee member, Barrister Moudud Ahmed with five lawyers went to the old jail at Nazimuddin Road, Dhaka to see Khaleda Zia and said that she has been kept in solitary confinement.³³ After detaining Khaleda Zia in jail, police showed her as arrested in two cases filed in Dhaka and one case each in Comilla and Narail Districts.³⁴

Internal conflict of the ruling party and attacks on ordinary citizens

8. In February 2018, according to information gathered by Odhikar, four persons were killed and 424 persons were injured in political violence. Furthermore, 34 incidents of internal violence in the Awami League and one in the BNP³⁵ were also recorded during this period. 371 were injured in internal conflicts of the Awami League while one was killed and three were injured in conflicts within the BNP. Some incidents are as follows:

²⁹ The daily Naya Diganata, 10/02/2018; <http://www.dailynayadiganta.com/detail/news/292589>

³⁰ The daily New Age, 13/02/2018; <http://www.newagebd.net/article/34698/judge-still-correcting-verdict>

³¹ The daily Naya Dignata, 20/02/2018; <http://www.dailynayadiganta.com/detail/news/295409>

³² The daily New Age, 13/02/2018; <http://www.newagebd.net/article/34698/judge-still-correcting-verdict>

³³ The daily Naya Diganta, 11/02/2018; <http://www.dailynayadiganta.com/detail/news/292886>

³⁴ The daily Jugantor, 13/02/2018; <https://www.jugantor.com/todays-paper/first-page/16981/>

³⁵ BNP: Bangladesh Nationalist Party.

9. Apart from suppressing the opposition political parties, leaders and activists of the ruling party Awami League and its affiliated organisations, Chhatra League, Jubo League and Swechchasebak League, are playing a dominating role; and in the race to establish supremacy, they are also involved in incidents of internal conflict which are linked to matters of vested interest. During such violence they were seen using lethal weapons. It is widely reported that they are also involved in various criminal acts, including extortion, forcefully acquiring tender bids, land grabbing, violence at educational institutions, fixing admissions and ensuring admission of students of their own party, acts of violence against women and ordinary citizens, sexual harassment etc. In most cases the accused could not be brought to justice as they enjoy impunity. In some cases the accused were arrested but were usually acquitted by the court.³⁶ Some incidents are as follows:
10. Omar Faruk, student of Marketing Department of Dhaka University and Joint Secretary of Salimullah Muslim Hall unit Chhatra League, borrowed a calculator from Ehsan Rafiq, a second year student of Disaster Science and Management Department of the Dhaka University. On 7 February 2018, when Ehsan Rafiq wanted his calculator back, Omar Faruk called him to the TV room at the Salimullah Muslim Hall instead of returning his calculator. A group of Chhatra League activists of Salimullah Muslim Hall unit of Dhaka University present there, forced Ehsan Rafiq to confess that he was an activist of Islami Chhatra Shibir³⁷ and severely beat him up. Later Omar Faruk again with Chhatra League activists attacked Ehsan with iron rods and sticks and he lost consciousness. The attackers then took him to Dhaka Medical College Hospital and after primary treatment at the DMCH, he was brought back to the dormitory and confined in the room of hall unit Chhatra League President Tahsan Ahmed. Ehsan Rafiq was seriously wounded and the cornea of his left eye was damaged.³⁸

³⁶ The daily Prothom Alo, 26/01/2018. www.prothomalo.com/bangladesh/article/1417456/

³⁷ Student wing Jamaat-e-Islami.

³⁸ The daily Jugantor, 08/02/2018; <https://www.jugantor.com/todays-paper/news/15397/>



Ehsan Rafiq, a student of Dhaka University who was severely beaten by Chhatra League activists. Photo: Jugantor, 8 February 2018.

11. On 8 February 2018, supporters of Rupganj Upazila unit Awami League leader Rafiqul Islam Rafiq and local Awami League MP Golam Dastagir took position on both side of the road in Rupganj under Narayanganj District to prevent BNP's programme protesting the verdict against Khaleda Zia. At that time, a clash took place between the two groups over establishing supremacy and for gathering at the same place. During this clash, police baton charged and opened fire on the groups to stop violence. As a result, Swechchasebak League activist Sumon Mia was shot dead. In this incident 15 persons were shot and more than a hundred activists from both sides, some journalists and police were injured.³⁹

Allegations of extensive corruption

12. Allegations of corruption in various sectors have been reported after the Awami League led alliance government assumed power in 2009. Among them allegations of corruption in the stock market and banking sector were the most. Ordinary businessmen sat on the street when stock market collapsed in 2009 and some even committed suicide after losing their money. Corruption in the banking sector became extreme after the Awami League led government re-assumed power through a farcical election in 2014. During this period, the government gave licenses to the ruling party leaders and activist and also engaged them to govern/manage boards in different banks. As a result, a private company named Hallmark reportedly took several thousand crores (billions) of Taka through corruption from Sonali Bank. Furthermore, billions of taka were

³⁹ Information sent by human rights defender associated with Odhikar from Narayanganj.

allegedly embezzled through corruption and loan scams from various banks, including reserve money stolen from Bangladesh Bank, BASIC Bank, Farmers Bank and Janata Bank. The Anti Corruption Commission is doing very little in this regard due to strong links between the bank's boards/management and the ruling party.

13. A report from the Bangladesh Bank gives a glimpse of the kind of corruption that is going on in the banking sector. After receiving allegations of corruption and debt scandals of Farmers Bank, Bangladesh Bank prepared an inspection report after scrutinising some loans. It is revealed in the report that money was transferred from an account of the loan receiver to accounts of the resigning Chairman of the Bank, Dr. Mohiuddin Khan Alamgir⁴⁰; and the resigning Chairman of the Audit Committee, Mahbubul Huq Chishti, through pay-orders. The report shows that they made irregularities of granting loans in this way.⁴¹
14. Janata Bank had given a loan of 55.04 billion Taka to Entex Group owned by Mohammad Yunus (Badal), while its capital was 29.79 billion Taka. It is reported in the media that there is an opportunity to lend up to 25% of the capital. That means a customer cannot be given more than 7.5 billion Taka loan. Such amount was given when Dr. Abul Barakat, Professor of Economics, Dhaka University, was the Chairman of this Bank. The board members of this Bank were former Chhatra League leader Balram Poddar; former Joint-Secretary of the sub-committee of Awami League, Nagibul Islam (alias Dipu); and Jubo League leader Abu Naser. It was learnt that Bank Board members were more enthusiastic in providing loans. The debtor Mohammad Yunus (Badal) was once a clerk in a private organisation. His financial rise was during the Awami League regime and within a small time he has become the owner of 22 business institutions.⁴²
15. Although the government is trying to convince people that development has taken place in the country, there are a lot of allegations of plundering resources, against the ruling party leaders-activists and many people belonging to various professions supported by the government. During the span of this period, a huge amount of money has allegedly been laundered abroad. According to a Washington based research institution, from 2005 to 2014, USD 75.85 billion or Taka 6068.68 billion was laundered abroad. Of this, USD 9.11 billion or around Taka 728.72 billion was laundered abroad in 2014.⁴³ Furthermore, 20 more

⁴⁰ Former Home Minister during the 2009 – 2013 Awami League Government.

⁴¹ The daily Jugantor, 11/02/2018; <https://www.jugantor.com/todays-paper/first-page/16311/>

⁴² The daily Prothom Alo, 05/02/2018; www.prothomalo.com/economy/article/1424536/

⁴³ The daily Prothom Alo, 03/05/2017; <http://www.prothomalo.com/economy/article/1166601>

Bangladeshi names, including controversial businessman Musa bin Shamsar, have been incorporated in the second list of the highly discussed Paradise Papers scam. All of them have illegally laundered money from Bangladesh to Malta.⁴⁴ So far 87 Bangladeshis named have been appeared in three lists of Panama Offshore and Paradise papers.⁴⁵ Corruption is spreading in the country mainly due to the absence of democracy, lack of functional institutions and ineffective Parliament and a government that is not accountable.

16. Despite the existence of such a terrible situation of corruption, the Anti Corruption Commission is not taking any effective action against persons affiliated to the government. The ACC had initiated investigations into acts of corruption by the former Ministers of the incumbent government, Members of Parliament, influential politicians and bureaucrats under cases filed during the military-backed caretaker government in 2007-2008. However, most of those graft suspects have been given a 'clean chit' by the ACC. Regrettably, the ACC has given impunity to them by keeping those cases 'on record' (closing the matter) without public knowledge.⁴⁶ In the meanwhile, the ACC continues legal proceedings and verdicts in cases filed against top leaders of the BNP. On 25 February 2018, the ACC Chairman Iqbal Mahmud, while speaking at a meeting organised by TIB, admitted that acts of massive corruption are taking place in the country. The ACC and other stakeholders have failed to prevent it.⁴⁷

Independence of the Judiciary

17. The year 2017 can be considered a black time for the Judiciary due to tensions between the Awami League government and the Supreme Court on various issues.⁴⁸ During this period the ruling party became desperate to control the

⁴⁴ The daily Jugantor, 16/02/2018; <https://www.jugantor.com/todays-paper/first-page/18058/>

⁴⁵ The daily Prothom Alo, 17/02/2018; www.prothomalo.com/bangladesh/article/1433156/

⁴⁶ The Anti Corruption Commission relieved some senior Awami League leaders and people associated with the ruling party of graft charges in 2013. Among them former parliamentarian HBM Iqbal and former Chief Whip and Awami League leader Abul Hasnat Abdullah were acquitted by this Commission. In June 2013, the ACC relieved former Minister Mohiuddin Khan Alamgir of an allegation of corruption. Furthermore, many government officers were acquitted from the graft charges. The ACC also acquitted the ruling party MP from Cox's Bazaar-4, Saimum Sarowar and his wife Syeda Selina Akhter, the Awami League MP from Narayanganj-4, Shamim Osman from charges. Between January and August 2014, about 1,600 politicians, backed by the ruling party Awami League, and high-level government officers were given clean chits. Among them, the ACC had given clean chits to the Deputy Leader of the Parliament, Sajeda Chowdhury; former Health Affairs Adviser to the Prime Minister Syed Modasser Ali; the Disaster Management and Relief Minister Mofazzal Hossain Chowdhury Maya; the Health Minister, Mohammad Nasim; and former Ambassador of Bangladesh to the Philippines, Mazed Rafiqun Nesa.

⁴⁷ ACC admits failure in curbing massive corruption in country; The daily New Age, 26/02/2018; <http://www.newagebd.net/article/35498/acc-admits-failure-in-curbing-massive-corruption-in-country>

⁴⁸ On 3 July 2017, the Appellate Division upheld the verdict of the High Court Division declaring the 16th Amendment illegal; and in his judgement, the then Chief Justice Surendra Kumar Sinha, made observations and opinions about past and present politics in the country. Furthermore, disputes between the government and former Chief Justice arose over the Judicial Service Rules for the lower court judges.

Judiciary; and as a result, the Chief Justice Surendra Kumar Sinha left the country and finally that unprecedented situation forced him to resign. The post of the Chief Justice remained vacant and a senior judge of the Appellate Division of the Supreme Court, Justice Mohammad Abdul Wahab Mia performed as the Acting Chief Justice. On 2 February 2018, Justice Syed Mahmud Hossain of the Appellate Division was appointed as Chief Justice and on the same day the Acting Chief Justice Mohammad Abdul Wahab Mia resigned.⁴⁹

18. In this crisis period, during Supreme Court Day⁵⁰, the country's prominent lawyers and Constitution experts gave a statement urging all to create an influence-free atmosphere in the Judiciary. They expressed their wish in the statement that the Executive would show respect to the Constitution and the Supreme Court, through implementing the Supreme Court directives regarding the separation of the subordinate courts from the Executive, as laid out in the judgement of the Masdar Hossain case.⁵¹

Repression and impunity of state security forces

19. The government is trying to stay in power through repression, persecution and torture using the administration for party interests as it is not accountable to the people. As a result, police and members of the state security forces have become powerful. Incidents of enforced disappearance, extrajudicial killings and torture in custody by law enforcement agencies, and the use of excessive force continue due to the government using the state security forces to intimidate, harm and stop the opposition political parties. In February, acts of enforced disappearances, extrajudicial killings and torture in custody, deaths in jail and inhuman or degrading treatment by the law enforcement agencies were observed.

⁴⁹ The daily Prothom Alo, 03/02/2018; www.prothomalo.com/bangladesh/article/1423266/

⁵⁰ Bangladesh Supreme Court commenced its journey on 18 December 1972. Since then every year the first working day in the Supreme Court was decided to observe as Supreme Court Day. The day was observed on 2 January as 18 December was holiday in the Supreme Court.

⁵¹ The landmark decision of Secretary, Ministry of Finance v Masdar Hossain (1999) 52 DLR (AD) 82 was determined on the issue that to what extent the Constitution of the Republic of Bangladesh has actually ensured the separation of Judiciary from the Executive organ of the State. In essence, the case was decided on the issue of how far the independence of judiciary is guaranteed by our Constitution and whether the provisions of the Constitution have been followed in practice. Subordinate Judiciary forms chapter II of the PART VI (THE JUDICIARY) of Constitution and thereby the Subordinate Judiciary has already been separated by the Constitution. Only the rules under Article 115 of the Constitution and/or enactments, if necessary, are required to be made for giving full effect to this separation of judiciary.

Extrajudicial killings

20. Extrajudicial killing is a blatant example of the violation of right to life and right to personal liberty, which violates Article 32⁵² of the Bangladesh Constitution and Article 6⁵³ of the ICCPR. Odhikar believes that extrajudicial killings continue due to an absence of democratic government, failure of the criminal justice delivery mechanism in the country and impunity of law enforcement agencies given by the State. 19 persons were reportedly killed extra-judicially in January 2018. Victim-families alleged that members of law enforcement agencies shot dead their relatives. The government constantly denies incidents of extrajudicial killing, despite repeated demands to bring the perpetrators to justice. As a result, members of law enforcement agencies who are involved in such killings are enjoying impunity in this regard.
21. According information gathered by Odhikar, seven persons were reportedly killed extra-judicially in February 2018.

Crossfire/encounter/gunfight:

22. Among the seven persons extra judicially killed, six were killed in 'crossfire/encounters/gun fights'. Of them, three were killed by the police, two by the RAB and one by the DB police.

Shot to death:

23. Among the deceased, one person was allegedly shot and killed by police.

The identities of the deceased:

24. Of the seven persons who were killed extra-judicially, one was an activist of Awami League, one was a suspect in a murder case, one was accused in a rape case and four were alleged robbers.

Enforced disappearances

25. According to information gathered by Odhikar, in February 2018, two persons were allegedly disappeared.⁵⁴ Of them, one was surfaced alive after a few days of disappearance and the body of the other person was recovered.
26. Enforced disappearance⁵⁵ is a grave violation of Articles 9⁵⁶ and 16⁵⁷ of the International Covenant on Civil and Political Rights and Articles 31⁵⁸, 32⁵⁹ and

⁵² Article 32: No person shall be deprived of life or personal liberty save in accordance with law.

⁵³ Article 6: Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

⁵⁴ 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.

33⁶⁰ of the Constitution of the People's Republic of Bangladesh. This is a tool of state repression used by governments to suppress political opponents. The commission of enforced disappearances started to increase from 2009. It is reported that leaders and activists of the Opposition parties became victims of enforced disappearance before and after the controversial Parliamentary elections in 2014. International and regional human rights organisations fear that incidents of enforced disappearance might increase ahead of the upcoming 11th Parliamentary Elections in December 2018 and leaders-activists of the opposition parties, dissenters and people belonging to alternative beliefs might be the victims of such heinous crime.⁶¹ It has been observed by analysing incidents of disappearance, that men claiming to be members of law enforcement agencies are involved in picking people up without any warrant and taking them away in a microbus or car. The families of the disappeared and witnesses claim that members of law enforcement agencies arrested and took away the victims and since then they have disappeared. Statements of many witnesses in this regard show that members of law enforcement agencies are involved in disappearance. In some cases, although law enforcement agencies deny the arrest; days or months later, the arrested persons are produced before the public by the police; or handed over to a police station and appear in Court, or the bodies of the disappeared persons are found. The government has repeatedly been denying that incidents of enforced disappearance occur and claims that the victims are voluntarily in hiding. Although a significant number of disappeared victims

⁵⁵ The definition of enforced disappearance is given in the article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance. It is stated that, "For the purposes of this Convention, "enforced disappearance" is considered to be 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."

⁵⁶ 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.

⁵⁷ Article 16: Everyone shall have the right to recognition everywhere as a person before the law.

⁵⁸ 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.

⁵⁹ Article 32: No person shall be deprived of life or personal liberty save in accordance with law.

⁶⁰ 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.....)

⁶¹ Joint oral statement on enforced disappearances in Bangladesh by the Asian Forum for Human Rights and Development (FORUM-ASIA) and the World Organisation Against Torture (OMCT) submitted to 36th Regular Session of the UN Human Rights Council. <https://www.forum-asia.org/?p=24796>

resurfaced but they did not speak up due to fear of reprisals. Two incidents are as follows:

27. On 1 February 2018 at night, a youth named Touhidul Islam (38) was killed in 'gunfight' with police at Mohisdanga area on the Kushtia-Jhenaidah highway. The Officer-in-Charge (OC) of Kushtia Islamic University Police Station, Mohammad Ratan Sheikh said that a robbery was taking place on the highway, and based on secret information, a team of police carried out an operation there and an incident of gunfight occurred. After that incident, police rescued an unknown robber who was shot and took him to Kushtia General Hospital where the duty doctor declared him dead. However, the deceased's elder brother Shaidul Islam informed that on 29 January 2018 at around 6:30 pm, 8-10 plainclothes men claiming to be members of the Detective Branch (DB) of Police, who were on motorbikes, picked Touhidul Islam up from their residence at Harishankarpur in Kushtia town. His family contacted DB Police Inspector Sabbirul Islam in this regard but he denied the arrest of Touhidul.⁶²
28. On 14 February 2018, Chandrapur Union ward unit BNP President Mohammad Shamsuddin, of Lakshimpur Sadar Upazila, was picked up by some men claiming to be members of law enforcement agency, in front of Jhumur Cinema Hall, while he was returning home after appearing in the court. On 16 February, his wife Fatema made this allegation through a press conference in Lakshimpur. However, law enforcement agencies claimed that Shamsuddin was not with them. On 15 February, a General Diary (GD) was filed in this regard with Lakshimpur Police Station, numbered 689.⁶³ After the press conference at around 9:00 pm, Shamsuddin was dropped from a microbus in Begumganj in Noakhali District. At that time he was blindfolded. When Shamsuddin was asked who picked him up, where he was taken and how he was treated, he refrained from giving information.⁶⁴

Torture, inhuman treatment and lack of accountability of law enforcement agencies

29. Allegations of harassment, extortion, taking bribes, torture and killings, perpetrated by the members of law enforcement agencies have been reported over the years. The government is using police and RAB to suppress its political opponents and as a result, members of such agencies are enjoying impunity. There are allegations that not only leaders-activists of the opposition political

⁶² Report sent by local human rights defender associated with Odhikar from Kushtia.

⁶³ The daily Bangladesh Pratidin, 17/02/2018; <http://www.bd-pratidin.com/last-page/2018/02/17/307092>

⁶⁴ The daily Bangladesh Pratidin, 18/02/2018; <http://www.bd-pratidin.com/country-village/2018/02/18/307453>

parties, but also ordinary citizens are also becoming victims of such brutality. In February 2018, the government conducted mass arrest operations across the country and a large majority of leaders-activists of the opposition political parties were arrested under different charges including allegations of 'destruction' and for offences under the Special Powers Act and Explosive Act. Arrestees were allegedly tortured in custody. On 10 November 2016, the Appellate Division of the Supreme Court issued a 19-point guideline⁶⁵ to judicial and law-enforcement officials regarding arrests without warrant and the procedure of remand. Such guideline is not implemented at all.

30. On 6 February 2018, police arrested a former President of Ward unit Chhatra Dal, Nader in a case filed under the Explosive Act with Bongshal Police Station in Dhaka in December 2017. There were allegations that police broke his arms while he was tortured in custody. On 7 February 2018, police produced Nader before the Court with bandaged arm and sought for a 7-day remand. The Court, considering Nader's physical condition, fixed the date of remand hearing on 14 February. Nader alleged in the court that police beat him and broke his arms.⁶⁶



BNP activist Nader allegedly tortured by police. Photo: Prothom Alo, 8 February 2018.

31. In the night of 7 February 2018, during a mass arrest operation centering on the verdict of BNP Chairperson Khaleda Zia, a few plainclothes police arrested a waste recycling shop owner Kabir Hossain from his house and took him to

⁶⁵ Shamim Reza Rubel, a student of Independent University of Bangladesh was arrested under section 54 of the Code of Criminal Procedure (Cr.PC) on July 23, 1998 and he died at the Detective Branch of Police office the day after his arrest. Bangladesh Legal Aid and Services Trust (BLAST) challenged sections 54 and 167 of the Cr.PC and filed a writ petition to the High Court Division of the Supreme Court regarding this incident. In 2003, the High Court Division declared that parts of sections 54 and 167 of the Cr.PC were contrary to some Articles of the Constitution. The High Court Division ordered the amendment of the existing rules of arresting someone and interrogating him in custody under section 54 of Cr.PC, within six months. The Appellate Division of the Supreme Court dismissed the prosecution's appeal against the judgment and afterwards on November 10, 2016 the Court gave a 19-point instruction guideline.

⁶⁶ The daily Prothom Alo, 08/02/2018; www.prothomalo.com/bangladesh/article/1426616/

Shyampur Police Station in Dhaka. When Kabir Hossain's brother Tariq Hossain went to the police station to release him, police also detained him. After that police beat the two brothers and demanded two hundred thousand taka. But Kabir's family could not manage two hundred thousand taka and gave police 20 thousand taka. As a result, police released Tariq. Later police showed Kabir Hossain as arrested under a political case which was filed one year ago and produced him before the court.⁶⁷

32. A female garment factory worker was gang-raped by her 'lover' Rashel and his associates and left unconscious on the street at Jamgora area in Ashulia, Savar. Later some youth, including garment workers Imran (26) and Shohagh (17) rescued her and took her to a hospital. Police of Ashulia Police Station arrested Rashel and at the same time police called Imran and Shohagh to the police station on 11 February 2018 and produced them in court after showing them as arrested. The family of the rape victim informed the police that Imran and Shohagh were not involved in rape. But police did not pay any heed. The victim said that if Imran and Shohagh with some other men had not taken her to hospital then she might have died.⁶⁸
33. On 16 February 2018, a Land Cruiser (Dhaka-Metro-D-11-0358) hit a 9-year old child, Mohammad Raj, in Dayaganj area of Dhaka. At that time Sub Inspector of Jatrabari Police Station, Redwan was on duty there with a police van. Police let the Land Cruiser go, instead of stopping it. The reported reason behind releasing the car was that it was registered to the Inspector General of Police and the Addition Superintendent of Police (Admin) of Dhaka District, Golam Azad Khan was using the car. The police did not even help the seriously wounded child by taking him to hospital immediately. As a result, he died from his injuries after being taken to the hospital when it was too late.⁶⁹

Death in jail

34. According to information gathered by Odhikar, in February 2018, a reported five persons died in prison due to 'illness'.
35. It is alleged that due to lack of proper treatment facilities and negligence by prison authorities, many inmates die in jail. Furthermore, there are allegations that people become ill due to the effects of torture in police remand, which cause their death later when they are sent to jail.

⁶⁷ The daily Prothom Alo, 15/02/2018;

⁶⁸ The daily Bangladesh Pratidin, 12/02/2018; <http://www.bd-pratidin.com/last-page/2018/02/12/305663>

⁶⁹ The daily Prothom Alo, 16/02/2018; www.prothomalo.com/bangladesh/article/1432431/

Public lynching

36. In February 2018, six persons were reportedly killed due to public lynching.
37. Due to a weak criminal justice system, impunity of law enforcement agencies and corruption people are losing their confidence and faith in the police and judicial system. As a result, unrest among the ordinary people is increasing and the tendency to resort to public lynching and social instability are increasing. As a result, incidents of killings by mob violence continue.

Hindrance to freedom of expression and the media

Penalty increases under repressive Speedy Trial Act

38. On 11 February 2018, the National Parliament enacted the Law and Order Disrupting Crime (Speedy Trial) Amendment Act 2018. As per law, if anyone commits any offense, s/he will be tried under this Speedy Trial Act. 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 monetary fine. 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 2019.⁷⁰

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

39. According to information gathered by Odhikar, in February 2018, one person was arrested under the Information and Communication Technology Act 2006 (amended 2009 and 2013).
40. Section 57⁷¹ of the Information and Communication Technology Act 2006 (Amended 2009 and 2013) is being used by the government as a weapon against human rights defenders, journalists, bloggers and public opinion. This Act is repressive, particularly violating freedom of expression and contrary to the Constitution. Like previous years, incidents of filing cases and imprisoning

⁷⁰ The daily Prothom Alo, 12/02/2018; www.prothomalo.com/bangladesh/article/1429276/

⁷¹ 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.

people for writing comments against high-level persons in the government or/and their family members on social media, continues. Odhikar has been campaigning for the removal of this repressive Act since 2013. The Secretary and Director of Odhikar were detained in jail under the ICT Act, for publishing a fact finding report on extrajudicial killings. It is to be mentioned that the Cabinet approved the draft of the 'Digital Security Act 2018' (DSA) after revoking five sections, including section 57 of the repressive Information and Communication Technology Act 2006. However, the proposed law is going to be enacted as another repressive law as the revoked sections of the ICT Act have been incorporated into the DSA. Furthermore, there are fears of harassment on journalists and human rights defenders under section 32 of the DSA for spying on computer and other digital related crimes. On 6 February 2018, the Editors Council, an organisation of editors of national newspapers of Bangladesh, urged the government to repeal all controversial sections, including section 57 of the ICT Act and all controversial sections, including section 32 of the proposed Digital Security Act.⁷²

41. On 4 February 2018 the Detective Branch (DB) of Police of Lalmonirhat District arrested Swechchasebak Dal⁷³ leader, Harun ar Rashid (35) from Rajahat of Kurigram District, under the ICT Act for allegedly posting 'caricature' of Prime Minister Sheikh Hasina and making 'offensive' comment on facebook account against her.⁷⁴

Freedom of the media

42. According to information gathered by Odhikar, in February 2018, six journalists were injured, three were assaulted, one was threatened and one was sued while they were performing their professional duties.
43. The government is controlling most of the media, particularly the electronic media and putting pressure on it through different means which hindered accurate and impartial reporting and proper journalism. The only state owned TV channel, Bangladesh Television (BTV) is totally under the control of the government. Meanwhile the government closed down pro-opposition electronic media, such as Channel 1, Diganta TV, Islamic TV and the publication of the print media, the daily Amar Desh. Furthermore, the ruling party leaders and activists are attacking journalists at different times and at the same police are

⁷² The daily Jugantor, 07/02/2018; www.prothomalo.com/bangladesh/article/1425746/

⁷³ Voluntary wing of BNP

⁷⁴ Purbaposchimbd,news, 05/02/2018; <http://pbd.news/politics/36004/>

harassing brave and honest journalists by accusing them under various politically motivated cases.

44. On 3 February 2018, an incident of robbery took place in the house belonged to a businessman Firoze Khan in Tongi Bazar under Gazipur District. Firoze Khan went to Tongi Police Station to file a complaint in this regard but the Officer-in-Charge (OC), Firoz Talukder refused to record his complaint; and also asked the journalists not to report this matter. Due to pressure from the OC, many newspapers were refrained from publishing that report, but the daily Naya Diganta published it. As a result, the OC Firoz Talukder became angry with the Naya Diganta Tongi correspondent, Azizul Huq. On 6 February 2018, a case was filed with Tongi Police Station against 165 BNP activists under the Special Powers Act and the Explosive Substance Act, where journalist Azizul Huq had also been accused.⁷⁵
45. On 8 February 2018, Chhatra League leaders and activists attacked a BNP procession when leaders and activists of Swechchasebak Dal and Chhatra Dal brought out a protest rally in Sylhet on the day while the court was delivering its verdict against Khaleda Zia. They also shot at the BNP protestors.⁷⁶ Police filed a case in this connection accusing 200 BNP leaders-activists. Police also accused Muhit, a photojournalist of the daily Shyamol Sylhet, who was on duty at that time. That day Muhit took some photographs relating to violence, which were published in the daily Shyamol Sylhet the next day.⁷⁷
46. On 12 February 2018, Chhatra League activists put a barricade on the street in Rangamati centering around the incident of the attack and stabbing of District unit Chhatra League Vice-President, Supayan Chakma. As a result, a clash took place between police and Chhatra League activists. Chhatra League activists beat Shotrong Chakma, Rangamati District correspondent of the daily Samakal while he was gathering information in this regard.⁷⁸
47. On 24 February 2018, police attacked a black flag march programme of BNP in front of BNP's central party office at Naya Paltan, Dhaka, demanding the release of Khaleda Zia. When journalists were gathering such information, police baton charged and assaulted some journalists. Among them, Kiron Sheikh of an online news portal, Bangladesh Journal, was severely beaten by Assistant Sub Inspector Obaidul Huq of Paltan Police Station.⁷⁹

⁷⁵ The daily Naya Diganta, 10/02/2018; <http://www.dailynayadiganta.com/detail/news/292541>

⁷⁶ The daily Naya Diganta, 09/02/2018; <http://www.dailynayadiganta.com/detail/news/292302>

⁷⁷ The daily Manabzamin, 11/02/2018; www.mzamin.com/article.php?mzamin=104479&cat=10/

⁷⁸ The daily Jugantor, 13/02/2018; <https://www.jugantor.com/todays-paper/news/17023/>

⁷⁹ The daily Naya Diganta, 25/02/2018; <http://www.dailynayadiganta.com/detail/news/296758>



Plainclothes policemen torturing a BNP activist at Naya Paltan, Dhaka. Photo: Naya Diganta, 25 February 2018

Workers' rights

48. Human rights of workers are regularly violated in different ways. They are deprived of facilities such as workplace safety, proper wages, healthcare, maternity leave and trade union rights. Furthermore, many workers were terminated and harassed.
49. According to information gathered by Odhikar, in February 2018, 11 workers were killed. Among them, seven stone workers died when chunk of earth collapsed on them, one stone worker died due to landslide, two construction workers died after they fell from under construction buildings while they were working and one day labour died when the machine he was unloading from a truck fell on him. Furthermore, three stone workers were injured when chunk of earth collapsed on them and one worker was injured due to landslide.

Special provision of the Child Marriage Restraint Act 2017 should be removed

50. On 27 February 2017, the 'Child Marriage Restraint Act, 2017' was passed by the National Parliament.⁸⁰ A provision for the marriage of minor girls and boys in 'special circumstances' has been incorporated in this law, stating that their marriage (below the age of 18) can be done with the consent of the Court and parents, following due process in 'special circumstances' and for 'best interest'.⁸¹ This provision must be removed. Bangladesh has the highest rate of girl child

⁸⁰ The daily Jugantor, 28/02/2017, www.jugantor.com/first-page/2017/02/28/104781/

⁸¹ Ibid

marriage below 15 years, around the world. In such a situation the special provision is contrary to healthy lives and futures of girls.

Violence against women

Stalking

51. According to information gathered by Odhikar, in February 2018, a total of 12 females were victims of stalking and violence. Of them, one committed suicide after failing to endure insults, two were injured, two were assaulted and seven were victims of stalking. Furthermore, three men and one woman were injured by the stalkers for protesting such incidents. One incident is as follows:
52. Masudur Rahman Salam (50), Chairman of Ranapasha Union Parishad under Nalchhiti Upazila in Jhalkathi District wanted to marry a SSC⁸² examinee (15). Later the girl's family gave her in marriage to another youth named Yunus Molla. This made Masudur Rahman angry and he was putting pressure on the girl to have an extra marital affair with him. He also threatened her with stopping her SSC examinations. On 5 February 2018, the Chairman Masudur Rahman attacked the house of the girl with sharp weapons but the girl and her husband were able to escape. At that time Masudur Rahman physically assaulted her grandmother and threatened to kill the girl. On 9 February 2018, the family organised a press conference at Jhalkathi Reporters Unity in this regard.⁸³

Rape

53. In February 2018, Odhikar recorded that a total number of 70 females had been raped. Among them, 22 were women and 48 were girls below the age of 18. Of the women, 13 were victims of gang rape. Out of the 48 girls, two were victims of gang rape and three were killed after being raped. Six girls were also a victim of attempted rape. Two incidents are as follows:
54. The civil society of Rangamati made allegations that two Marma sisters⁸⁴, who became victims of rape and sexual harassment by members of the security force in Orachhari Village under Bilaichhari Upazila in Rangamati District, were taken

⁸² Secondary School Certificate Examinations

⁸³ The 50-yr-old stalker is none but UP chairman; The Daily Star, 16/02/2018; <http://www.thedailystar.net/country/the-50-yr-old-stalker-none-chairman-1535446>

⁸⁴ On 22 January 2018, a Marma girl (18) was allegedly raped and her younger sister was sexually harassed by a member of security force in Orachhari Village under Bilaichhari Upazila in Rangamati District. Both sisters were admitted to Rangamati Sadar Hospital. The female ward of the hospital where both victims were admitted has been under police watch. They barred journalists and human rights defenders to meet the victims. It appears that victims are kept in detention. See The Daily Star, 01/02/2018

to an unknown place by the law enforcement agency. On 15 February 2018, the parents of the two sisters went to hospital to take them home. But they did not agree to go with their parents. Later some police and members of plainclothes law enforcement agencies took them away against their will. At that time Chakma Queen Yen Yen and some others who were in the hospital with the girls became victims of attack when they tried to resist the police.⁸⁵ No complaint has filed yet regarding this incident.⁸⁶

55. On 7 February 2018 a girl student of class VI (15) came to her uncle's house in Chatkhil Upazila under Noakhali District. On 8 February at around 1:30 am, some criminals led by local Jubo League leader Mujibor Rahman Sharif, forcibly picked the girl up from her uncles' house. They gang-raped the girl and left her blindfolded on the roadside close to the house. The day after the incident, victim's mother went to Chatkhil Police Station to file a complaint but police were reluctant to do so. On 11 February, the Officer-in-Charge (Investigation) of Chatkhil Police Station, agreed to take the complaint on condition of removing the name of the prime accused Jubo League leader Mujibor Rahman Sharif, from the case. Later she was forced to file a case against two other accused Jamal and Kamal, excluding Sharif's name from the FIR. Police did not arrest anyone till date. Meanwhile rapist Sharif had been threatening the victim's family over cell phone to withdraw the case.⁸⁷

Dowry-related violence

56. According to information gathered by Odhikar, in February 2018, a total of 13 women were subjected to dowry violence. Of these women, it has been alleged that four were killed and nine were physically abused due to dowry demands. One incident is as follows:
57. On 10 February 2018, a housewife named Rina Begum (30) was stabbed to death by her husband Phulu Sheikh due to dowry demands, in Chorgamaria Village under Dewanganj Upazila in Jamalpur District. Police arrested three persons, including Phulu Sheikh's parents.⁸⁸

Acid violence

58. According to information gathered by Odhikar, in February 2018, one woman became victim of acid violence.

⁸⁵ The daily Prothom Alo, 17/02/2018;

⁸⁶ The daily Naya Diganta, 20/02/2018; <http://www.dailynayadiganta.com/detail/news/295440>

⁸⁷ The daily Naya Diganta, 23/02/2018; <http://www.dailynayadiganta.com/detail/news/296110>

⁸⁸ The daily Manabzamin, 12/02/2018; www.mzamin.com/article.php?mzamin=104643&cat=9/

Domination on Bangladesh by neighbouring state and human rights violations

59. In the past, national elections were taking place in Bangladesh through the spontaneous participation of the people, after the downfall of the autocratic regime of Lt. Gen Hussain Muhammad Ershad through a people's uprising in 1990. During that period, the two main political parties – Awami League and BNP – alternately assumed power through people's mandate under the framework of an independent and sovereign state. However, the continuation of this practice collapsed in 2007 when the military backed 'caretaker' government took over through a State of Emergency. At that time the Chief of Army Moin U Ahmed visited India and met the then Indian Foreign Minister Pranab Mukherjee (who is also on very good terms with the incumbent government). They discussed the future action plan of Bangladesh⁸⁹ and later Awami League formed a government after winning a two-third majority in the Parliament in 2008 elections held under the military-backed 'caretaker' government. Later in 2011, the ruling Awami League repealed the caretaker government system by amending the Constitution and most of the political parties of Bangladesh (other than a few which are in alliance within Awami League) boycotted the 2014 Parliamentary elections. At that time, the then Indian Foreign Secretary Sujata Singh visited Bangladesh and allegedly influenced the national polls.⁹⁰ Although there are strong allegations that the Indian government directly interfered in the controversial 2014 elections, however, such process was initiated in 2007 after the military-backed 'caretaker' government was in place. Through this direct interference, India played a major role in destroying the democratic system in Bangladesh and it has created a huge political crisis in Bangladesh. India is holding political, economic and cultural aggression⁹¹ on Bangladesh through various means, including trade and business, transit facility, using roads and highways, and implementing environmental hazardous project.

60. On 21 February 2018, the Chief of the Indian Army, General Bipin Rawat at a seminar in New Delhi said that Pakistan, with Chinese support, is pushing

⁸⁹ The Coalition Years (1996 – 2012) by Pranab Mukherjee, Chapter 7: Managing the External environment, Bangladesh, page 113 - 115.

⁹⁰ <http://www.dw.com/bn/নির্বাচন-না-হলে-মৌলবাদের-উত্থান-হবে/a-17271479>

⁹¹ India is taking transit facility through Bangladesh at almost no cost (the shipment fee for carrying goods is Tk 192.22 per ton) under an amended Protocol on Inland Water Transit and Trade (PIWTT) signed between India and Bangladesh on June 6, 2015; and is also taking advantage of other business and trade facilities. It was decided that Bangladesh will buy power from India in higher rate worth about two lac crore taka. The environmentally hazardous initiative to build the Rampal Power Plant with an Indian company, near the Sundarbans and a decision to implement an inter-river connection project, will lead Bangladesh to terrible human disaster and environmental catastrophe. Moreover, the Indian government decided to put up a fence along no-man's land, which will be within 150 yards from the zero line along the border

Bangladeshi intruders into North-East provinces of India to keep these areas unstable.⁹² There have been incidents in the recent past where the Indian Border Security Force (BSF) illegally trespassed into Bangladesh territory; and acts of killing, torturing and robbing Bangladeshi citizens residing along the India-Bangladesh border areas and cattle traders are common occurrences.

61. On 3 February 2018, members of the Indian BSF arrested and tortured a Bangladeshi cattle trader, Shariful when he went to bring cows near international pillar 117 at border area under Shibganj Upazila in Chapainababganj District. Later seriously wounded Shariful was able to escape and entered Bangladesh. His family members admitted him to Rajshahi Medical College Hospital where he died in the evening of the same day.⁹³
62. According to information gathered by Odhikar, in February 2018, one Bangladeshi was tortured to death by the Indian Border Security Force (BSF). Furthermore, one Bangladeshi was shot and injured, two were tortured and two were injured by crude bombs explosions.

Genocide against Rohingya community in Myanmar

63. The Rohingya refugees have taken shelter in different refugee camps in Cox's Bazaar and Teknaf of Bangladesh after being victimized by brutal attacks by the Myanmar Military and Buddhists criminals. Odhikar carried out several fact-finding missions in the refugee camps set up there and interviewed many Rohingya victims and their families who had lived in different villages in the Rakhine state of Myanmar. Through these interviews with the Rohingya people, Odhikar learnt that many Rohingya women fell victim to gang-rape and men, women and children were tortured and shot or burned to death and many were disappeared. These testimonies of victims and witnesses of the brutality by Myanmar soldiers and Buddhist criminals provided a clear evidence of genocide against Rohingya community people. The news about genocide has been published in different media. According to their own investigation in Myanmar, new agencies Reuters and Associated Press (AP) found evidence of mass graves in the villages of Myanmar.⁹⁴ Human Rights Watch (HRW) stated that they could identify a mass grave at Maung Nu Village in Buthidaung Township of North Rakhine. Survivors who fled from Rakhine told HRW that the Myanmar soldiers tortured villagers who gathered in the courtyard of their houses. Moreover,

⁹² The daily Naya Diganta, 23/02/2018; <http://www.dailynayadiganta.com/detail/news/296109>

⁹³ The daily New Age, 05/02/2018; <http://www.newagebd.net/article/34131/bd-national-tortured-to-death-by-bsf>

⁹⁴ AP finds evidence for graves, Rohingya massacre in Myanmar, 1 February 2018, <https://apnews.com/ef46719c5d1d4bf98cfefcc4031a5434>

soldiers also killed and raped villagers and indiscriminately opened fire at them. More than one dozen persons were killed.⁹⁵



This before-and-after slider of May 26, 2017, left, and Dec. 20, 2017, satellite images provided by Digital Globe show the village of Gu Dar Pyin, Myanmar before and after destruction. (Digital Globe via AP). Photo: AP, 1 February 2018.

64. Odhikar spoke to some Rohingya survivors who were former residents of Net Chaung Village in Buthidaung of Myanmar and learnt about the ‘massacre field’ in that village, from where they survived.
65. Shahidul Amin (28), former resident of Foirakulpara of Net Chaung Village saw at least nine persons shot dead and 10-12 persons slaughtered by the soldiers. Shahidul said that on 26 August 2017 at around 3:00 am, the soldiers attacked their village and started torching houses and firing indiscriminately. At that time, his two sons, Ansar Ullah (3) and Abdur Rahman (1), were shot dead. In order to save the lives of other members of his family, Shahidul left his sons’ bodies and went to Joynuddinpara with the rest of his family. At around 8:00 am, he along with 50-60 persons of his village decided to go to Foirakulpara to bring the bodies of their relatives and also some household goods from their houses. As soon as they crossed the canal Fonkhalir Chora, the soldiers opened fire at them. Shahidul could survive because he was at the tail end of the crowd. Three bodies fell on him and he lay still under them. He also saw 6-7 bodies fall in front of him and many people wounded. Some of them were trying to crawl away, but he pretended to be dead. The soldiers started slaughtering the Rohingyas who were trying to flee. Shahidul witnessed at least 10-12 persons slaughtered by the

⁹⁵ The daily Prothom Alo, 22/02/2018, www.prothomalo.com/international/article/1436606

soldiers. He said that about 20 persons could flee from that 'massacre field', but most of them were wounded.

66. Abu Taher (32), another resident of Foirakulpara of Net Chaung Village said that at least 10-15 persons were shot dead in a paddy field and five were injured by the Myanmar Army. He said that on 26 August 2017 at around 3:00 am, the soldiers from the military camp situated at the southern side of the Net Chaung Village, came to their village and started torching houses and firing indiscriminately. Abu Taher with his family members and about 100 villagers fled towards the hill located at the north-east side of the village. About 10 minutes later, some 100 soldiers chased them and surrounded them in a paddy field. At that time, Abu Taher along with 30-35 villagers tried to flee but the soldiers saw them in the torch light and open fired at them, which caused 10-15 persons to fall. But Abu Taher and some other villagers could reach the hill although five among them were shot and injured. In the early morning, Abu Taher and some others climbed a tree and saw approximately 30 bodies scattered in the paddy field.
67. From 12-16 February 2018, Chairman of the European Parliament's Subcommittee on Human Rights, Pier Antonio Panzeri visited Bangladesh and Myanmar. After the visit a statement was released from Brussels where Pier Antonio said that the current situation does not allow (us) to be confident of the objectives of the repatriation process being achieved.⁹⁶
68. In February, the United Nations Security Council was supposed to send a representative to Myanmar. But during preparations to send a delegation to observe the situation in Rakhine, the Myanmar government told the UN Security Council "not to go" there.⁹⁷
69. Although Bangladesh and Myanmar have signed an agreement about the repatriation of Rohingyas, the Myanmar Army continue torture and destructive activities against the Rohingya Muslims in Myanmar's Rakhine state. In a report based on new evidence of ongoing violence against Rohingyas, Amnesty International said that these minorities are now dying of starvation.⁹⁸ According to information given by the IOM and the government, 60 thousand Rohingyas have fled to Bangladesh in the last two months and eight days after signing the

⁹⁶ The daily Naya Diganta, 18/02/2018, <http://www.dailynayadiganta.com/detail/news/294861>, See also- Myanmar: EP delegation calls for enquiry into human rights violations, 16/02/2018, <http://www.europarl.europa.eu/news/en/press-room/20180215IPR97930/myanmar-ep-delegation-calls-for-enquiry-into-human-rights-violations>

⁹⁷ The daily Bangladesh Pratidin, 02/02/2018, <http://www.bd-pratidin.com/first-page/2018/02/03/302957>

⁹⁸ The daily Prothom Alo, 09/02/2018, www.prothomalo.com/international/article/1427336

agreement.⁹⁹ Meanwhile on 11 February 2018, the Myanmar Military were announcing with megaphone near the border barbed wire fence, to move away the more than six thousand Rohingya, who were staying at the zero line of Tombru border of Naikhangchhari Upazila.¹⁰⁰ On 16 February 2018, Bangladesh handed over a primary list of Rohingya refugees for repatriation to Myanmar. There are 8,032 Rohingya refugees from 1,673 families on the list.¹⁰¹

70. Odhikar urges that the international community take this matter up and pressurise the Myanmar authority to ensure safe, voluntary and dignified return of Rohingyas from Bangladesh to Myanmar; to make their return sustainable; and bring the perpetrators into the international justice mechanism for committing genocide against Rohingyas.

Hindrance to human rights activities of Odhikar

71. The government continues to harass Odhikar for being vocal against human rights violations and for campaigning to stop them. Human rights defenders who are working fearlessly to gather information and carry out their profession impartially are harassed and victimised.¹⁰²
72. The NGO Affairs Bureau (NGOAB), which is under the Prime Minister's Office has, withheld renewal of Odhikar's registration and barred the release of any new project funds in order to stop its human rights activities. In 2013, Odhikar took loan of Taka 1,845,038.00 from its own fund in order to accomplish activities on time under "Human Rights Research and Advocacy" project funded by the Embassy of the Kingdom of the Netherlands (EKN) as donor's fund was delayed. Odhikar spent that money to implement the project activities. On 14 July 2013 the Netherlands Embassy transferred the last instalment money of the third year budget to Odhikar's Mother Account at Standard Chartered Bank as per fund request from Odhikar. The NGOAB did not give permission to Odhikar to withdraw the money from bank despite submission of all financial reports, including audit and project activity reports to the NGOAB. As a result, the money is still blocked by the government.

⁹⁹ The daily Naya Diganta, 06/02/2018, <http://www.dailynayadiganta.com/detail/news/291431>

¹⁰⁰ The daily Naya Diganta, 12/02/2018, <http://www.dailynayadiganta.com/detail/news/293167>

¹⁰¹ The daily Manabzamin, 17/02/2018, <http://www.mzamin.com/article.php?mzamin=105312&cat=2>

¹⁰² In March 2016, a journalist and human rights defender associated with Odhikar, Mohammad Afzal Hossain, was shot and severely wounded by police while he was observing the irregularities of a local government election in Bhola and in February 2017, another human rights defender associated with Odhikar, journalist Abdul Hakim Shimul, was shot dead by Shahjampur Municipality Mayor and Awami League leader Halimul Huq Miru. Three human rights defenders associated with Odhikar from Kushtia and Munshiganj – Hasan Ali, Aslam Ali and Sheikh Mohammad Ratan – were sent to jail in cases filed under the ICT Act.

73. Furthermore, the NGOAB approved activities of Odhikar's two-year project on "Education on the Convention against Torture and OPCAT Awareness Programme in Bangladesh" funded by the European Union (EU), the NGOAB did not give fund clearance for 50% of the money of the second year. As a result, some project related activities during six month period could not be undertaken and Taka 3,846,543.00 of the EU is still frozen in the bank. However, several initiatives had been taken on behalf of the EU in this regard but the matter has not resolved yet.
74. Odhikar's accounts are maintained at the Standard Chartered Bank (SCB). The government started to suppress and harass Odhikar from 2013, since then the SCB has been harassing Odhikar through different ways. Currently the Standard Chartered Bank has made dormant all accounts of Odhikar. Despite numerous challenges, the Organisation is still operating due to the volunteer services of grassroots level human rights defenders associated with Odhikar and its members and staff and their commitment to human rights activism.

Recommendations

1. In order to restore democracy, an accountable government must be established through free fair and inclusive elections, under a neutral interim government or even under the supervision of the United Nations.
2. The Government should refrain from repressive, unconstitutional and undemocratic activities. Right to freedoms of expression and assembly of the opposition political parties, dissenters and people who have alternative beliefs have to be respected. The government must stop harassment on opposition and alternative believers. Mass arrest operation must be ceased.
3. The Government must stop political violence. The government must also take legal action against the ruling party leaders and activists for criminal activities in order to prevent criminalisation.
4. Interference on the Judiciary must stop. The government must refrain from such activities to ensure Independence of the Judiciary in actuality.
5. Incidents of extrajudicial killings and torture by law enforcement agencies must be investigated and the perpetrators must be brought to effective justice.
6. 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.
7. The Government should follow the recommendations made by the UN Human Rights Committee in its 119th session to end torture. The law enforcement agencies must follow international guidelines “Basic Principles on the use of Force and Firearms by Law Enforcement Officials” and the “UN Code of Conduct for Law Enforcement Officials”.
8. The Government has to investigate and explain all incidents of enforced disappearance and post-disappearance killings, allegedly perpetrated by law enforcement agencies. The Government must take effective measures to recover the victims of enforced disappearance and return them to their families. The Government must bring the members of the security and law enforcement agencies who are involved, before the law. The Government should follow the recommendations made by the UN Human Rights Committee in its 119th session to criminalise enforced disappearance in the national laws.
9. The government must sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly in 2006.

10. Freedoms of speech, expression and the media must be ensured and protected. The Government must withdraw cases filed against all human rights defenders and journalists; and it should also bring the perpetrators to justice through proper investigation. The ban on the publication of the daily Amar Desh and on the broadcasting of Diganta TV and Islamic TV must be removed.
11. All repressive and abusive laws, including the Information and Communication Technology Act, 2006 (amendment 2009 and 2013), the Foreign Donation (Voluntary Activities) Regulation Act 2016, and the Special Powers Act, 1974 must be repealed. The government should refrain from enacting the Bill of the proposed Digital Security Act.
12. Trade union rights should be guaranteed at all the ready-made garment factories and workers rights should be protected as per ILO Conventions. In order to stop discrimination a legal framework or policy must be made for all workers in the informal work sector, including construction site.
13. 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. The ruling party affiliated criminals, who are attacking women, should not be given impunity. The Government should also execute mass awareness programmes in the print and electronic media, in order to eliminate violence against women and put perpetrators to justice.
14. India must stop establishing political and economic supremacy over Bangladesh. Indian Border Security Force (BSF) must stop human rights violations, including killing and torturing Bangladeshi citizens along the border areas. India must give Bangladesh its right to water and must stop all activities that are creating artificial flooding in Bangladesh immediately. The construction of the Rampal coal-based power plant must also be stopped to prevent ecological and human disaster in Bangladesh. Odhikar also demands a balance in the current trade imbalance between the two countries.
15. In order to protect the right to life and human dignity of the Rohingya people, Odhikar demands peace and human rights to be established immediately in the Rakhine state (Arakan) of Myanmar with UN initiatives. Odhikar also urges that the UN take initiatives to ensure the right to self-determination of the Rohingya people. The international community must put effective pressure on the Myanmar government and support the establishment of the human rights of the Rohingya community in Myanmar. At the same time, all those responsible, including the Myanmar Army and Buddhist extremists must be made accountable at the international level for committing genocide.

16. The case filed against Odhikar's Secretary and its Director under the Information and Communication Technology Act, 2006 (Amended in 2009) must be withdrawn. The NGO Affairs Bureau must renew its registration which is pending since April 2014. The government must release the funds of Odhikar to enable it to continue its human rights activities.

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Notes:

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