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BANGLADESH

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

Following the ninth parliamentary elections held on December 29, 2008, Bangladesh returned to an elected system of Government. On January 6, 2009, the military backed “caretaker” regime handed power over to the new Government. However, despite the end of the state of emergency on December 17, 2008, during which serious human rights violations were recorded under the unelected caretaker Government, the human rights situation in Bangladesh did not really improve in 2009. In particular, freedom of expression and of the media remained hindered, and journalists faced attacks or judicial prosecution, among others for reporting against the Government activities or local party leaders of the ruling Awami League. Moreover, although the Foreign Minister, Dr. Dipu Moni, said during the Universal Periodic Review (UPR) of Bangladesh, which the United Nations Human Rights Council undertook in February 2009, that zero tolerance would be applied to extrajudicial killings, extrajudicial killings have continued, mostly in complete impunity as the judiciary in Bangladesh is very much influenced by the Government and the judicial corruption is also high¹. Custodial torture and torture in remand also go almost unchallenged. Furthermore, during the UPR, attention was notably paid to the protection of human rights defenders and journalists, corruption, rights of indigenous and religious minorities, as well as arbitrary detention, torture and prison situations².

In February 2009, the Parliament passed, as a law, the Anti-Terrorism Ordinance 2009, which had been adopted in 2008 by the caretaker Government³. This legislation contains a very broad definition of terrorist acts, which includes property crimes as well as physical attacks, contrary to the recommendations of the United Nations⁴. There is a risk that the law will be used as a tool to persecute political opposition, human rights

1/ According to the NGO Odhikar, in 2009, 154 people were reportedly killed extra-judicially by law enforcement agencies, in particular by, *inter alia*, the Rapid Action Battalion (RAB), the police, the army, Ansar and the Bangladesh Rifles. See Odhikar, *Annual Report on Bangladesh*, January 1, 2010.

2/ See United Nations Press Release, June 10, 2009 and Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Bangladesh*, UN Document A/HRC/11/18*, October 5, 2009.

3/ See Odhikar Press Statement, February 21, 2009.

226 4/ See Observatory Annual Report 2009.

defenders, trade unionists and other activists under the guise of ensuring the security of the State.

On July 9, 2009, the Parliament adopted the National Human Rights Commission (NHRC) Act. Whilst the creation of a commission in Bangladesh is to be welcomed, it is feared that the proposed body will not meet the independence and pluralism guarantees required by the Paris Principles. In particular, the Act provides that the selection of the members of the Commission is made by a committee predominantly made up of Government officials. Furthermore, the powers of the Commission do not allow the Commission to take actions against an accused person or against law enforcement agencies⁵.

Land grabbing also remained an issue of particular concern in 2009. In most cases, ethnic and religious minority communities saw their land occupied by so called powerful people who are getting support from either the ruling party or from the “State machinery”: In the urban areas, the “land developers” forcefully evict poor inhabitants and then regularise the occupied land with the help of the “State functionaries”; in the rural areas it is done by the local thugs supported by the ruling party.

Repression of human rights defenders and NGOs denouncing violations committed by security forces

Torture at the hands of law-enforcement agencies in Bangladesh is nothing new and continued unabated as an endemic problem, including against human rights defenders, who remained particularly targeted when denouncing human rights violations committed by security forces. On October 22, 2009, Mr. F.M. Masum, a journalist at the *New Age* newspaper, was arrested and allegedly tortured by officers of the Rapid Action Battalion (RAB, the elite crime-fighting force)⁶. They took Mr. Masum to the headquarters of the RAB-10, where he was detained for around ten hours and was brutally tortured. As a result of the torture, Mr. Masum sustained serious wounds, into which the RAB personnel rubbed salt. They also told him he would be killed in “crossfire”. Only after the intervention of Home Minister, Ms. Sahara Khatun, and several high officials of the Government was Mr. Masum released. Mr. Masum has written reports on extrajudicial killings such as the death in “crossfire” or “encounter” com-

5 / The Commission can only suggest the Government that it takes steps against those who have been proven guilty of crimes. See Odhikar, *9-Month Human Rights Monitoring Report, January 1-September 30, 2009, October 1, 2009*, and Odhikar, *Monthly Report*, July 2009.

6 / See Odhikar, *Human Rights Monitoring Report on Bangladesh - Period: 01- 30 October 2009*, November 1, 2009.

mitted by RAB officers and on illicit trading in drug substances by police and security officers. He has also written several reports on the torture of journalists across the country. Furthermore, Mr. **Korban Ali**, fact-finding officer of the human rights organisation Odhikar, received warnings and intimidating calls on several occasions as he was conducting fact-findings on the death of Mr. Shahinoor Rahman Dablu, allegedly killed by the detective branch of the police, Mr. Liakat Ali Babul and Kaiser Mahmud Bappi, allegedly killed by RAB, and Md. Mozam Pramanik, allegedly killed in a police station. Mr. Korban Ali received phone calls from unknown persons on August 17 and 31, October 18 and December 10, 2009. The callers asked him for whose interest Odhikar was carrying out the fact findings on extrajudicial killings. They also told him that Odhikar should be sensitive towards RAB and the police and not towards the criminals who were extra-judicially killed.

Human rights organisations were also subjected to intimidation practices by public authorities. To that extent, it is worth mentioning that the registration of civil society organisations as well as activities implemented with foreign funds are regulated by the NGO Affairs Bureau (NGOAB), which is placed under the Office of the Prime Ministers. All NGOs that receive foreign funding submit all projects to it for clearance. Without such clearance, the NGOs cannot withdraw or accept any foreign funds. Needless to say, projects on the protection of civil and political rights, which may be perceived by the Prime Minister's office, or the Ministry of Home Affairs, as "threatening" the Government are generally not given approval or stalled. In 2009, this was the case in particular of Odhikar, which received a letter on August 31, 2009 from the NGOAB, informing them that they had cancelled Odhikar's human rights project entitled "Human Rights Defenders Training and Advocacy Programme in Bangladesh" due to the objection of the Home Affairs Ministry, although the project had been approved by the NGOAB on April 28, 2009. Odhikar had already organised several events around the issue of torture, including district level advocacy programmes. The Government failed to show any legal basis for this action. Odhikar filed writ petition No. 6550 of 2009 challenging the cancellation of its project. On October 11, 2009, the High Court Division of the Supreme Court issued a ruling against the Government and stayed the impugned order⁷.

7/ The donor of this particular programme – the Rehabilitation and Research Centre on Torture Victims (RCT) – extended the project period for another three months, to end in March 2010. As part of the renewal process, Odhikar submitted on January 17, 2010 an application for extension to the NGOAB in due course but this, too, was rejected by the Bureau on February 11, 2010, which based its refusal on the earlier objections placed by the Ministry of Home Affairs.

Repression of economic and environment-related peaceful protests

Defenders protesting against the exploitation of natural resources or environment-impacting projects were often victims of repression measures in 2009. On August 24, the Government decided to enter into production sharing contracts with the companies Conco Phillips and Tallo Oil, whereby the contracting companies could commence oil exploration in three sites in the Bay of Bengal, and consequently giving scope for 80% of the extracted oil to be exported. In protest of this decision and demanding the Government not to enter into such contracts, which do not take into consideration the fact that oil and gas can be used to develop the power sector of Bangladesh along with a growth of the readymade garments sector, therefore calling for the respect of the sovereign rights of the people over their country's resources, the National Committee to Protect Oil, Gas, Mineral Resources, Power and Ports organised a procession on September 2, 2009, with a view to surround Petro Bangla office. The police then tried to prevent the procession and attacked it. About 30-35 persons were severely wounded. As of the end of 2009, no investigation had been carried out into this incident⁸. Furthermore, on July 5, 2009, members of the cultural organisation "Lamppost" were attacked by the police as they took part in a peaceful protest in front of the Indian High Commission to demand the cessation of the construction of the Tipaimukh dam at Monipur, India, as this will affect Bangladesh's environment. The demonstration also aimed at protesting against police abuses at Lalgar⁹, India, along with human rights violations and interference of India in Bangladeshi politics. The baton-charge of the police left around 30 people, both men and women, injured. Two Lamppost leaders, Messrs. **Ashish Koroa** and **Prince Mahmud**, were arrested for "voluntarily causing hurt to deter public servant from his duty and voluntarily causing grievous hurt to deter public servant from his duty", under Sections 332 and 333 of the Criminal Code of 1860, and were allegedly tortured in custody. Although they were subsequently released on bail, the case was still pending against them as of the end of 2009¹⁰.

Harassment of minorities rights defenders

In 2009, defenders of minorities rights also continued to be subjected to acts of harassment. For instance, eight representatives of ethnic minority

8 / See Odhikar, *9-Month Human Rights Monitoring Report, January 1 - September 30, 2009*, October 1, 2009.

9 / Lalgar is an area in the West Bengal State of India where radical left activists have developed a movement on land rights issues and the West Bengal State Government with the support of the Central Government had unleashed atrocities against the local people of Lalgar.

10 / See Odhikar, *9-Month Human Rights Monitoring Report, January 1 - September 30, 2009*, October 1, 2009.

groups organised a press conference on July 2, 2009 at the Dhaka Reporters Unity to report the arrests, torture and incidents of land grabbing that took place in June 2009 in the locality of Sajek of Baghaichori in Rangamati, Chittagong Hill Tracts area, where the military has been deployed for decades to assist the civil administration to maintain law and order and counter armed insurgency. In that context, land grabbing is being carried out in many occasions with the complicity of the military, when the military is not directly involved. Subsequently, on July 5 and 6, a group of the Bangladesh army from the Baghaihat zone took into custody two village chiefs – Mr. **Ajit Chakma**, village chief of Kojoichori of Gongaram Dor, and Mr. **Manekdhon Chakma**, village chief of Hogeietli – in order to question them about the press conference. The army also carried out raids at the houses of those who had taken part in the press conference. As a consequence, the village representatives had to flee from their home and went in hiding for some time. Furthermore, on July 8, 2009, Mr. Habildar Rafikul Islam, a non commissioned officer in the army from the Gongaram Post, led an army group to the Gongaram area where they took into their custody 30-35 members from eight to ten families and released them the following day. No reason was given for their detention¹¹.

Urgent Interventions issued by The Observatory in 2009

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. Shahanur Islam Saikot	Death threats	Urgent Appeal BGD 001/0309/OBS 051	March 23, 2009
Odhikar	Obstacles to freedom of association	Open Letter to the authorities	September 3, 2009

230 11/ See Odhikar, *Annual Report on Bangladesh*, January 1, 2010.