

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	321
Land:	Bangladesh
Kilde:	Odhikar
Titel:	Human Rights Monitoring Report - November
Udgivet:	09. december 2018
Optaget på baggrundsmaterialet:	24. januar 2019



Human Rights Monitoring Report on Bangladesh

Reporting Period: 1 – 30 November 2018

Prepared by Odhikar

Date of Release: 9 December 2018

Odhikar has, since 1994, been monitoring the human rights situation in Bangladesh in order to promote and protect civil, political, economic, social and cultural rights of Bangladeshi citizens and to report on violations and defend the victims. Odhikar does not believe that the human rights movement merely endeavours to protect the 'individual' from violations perpetrated by the state; rather, it believes that the movement to establish the rights and dignity of every individual is part of the struggle to constitute Bangladesh as a democratic state. Odhikar has always been consistent in creating mass awareness of human rights issues using several means, including reporting violations perpetrated by the State and advocacy and campaign to ensure internationally recognised civil and political rights of citizens. The Organisation unconditionally stands by the victims of oppression and maintains no prejudice with regard to political leanings or ideological orientation, race, religion or sex. In line with this campaign, Odhikar prepares and releases human rights status reports every month.

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

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Statistics of Human Rights Violations: January-November 2018

Statistics: January-November 2018*													
Type of Human Rights Violation		January	February	March	April	May	June	July	August	September	October	November	Total
Extrajudicial killings	Crossfire	18	6	17	28	149	50	69	24	35	19	34	449
	Shot to death	1	1	0	0	0	0	0	0	0	0	0	2
	Torture to death	0	0	1	1	2	0	0	0	1	0	0	5
	Total	19	7	18	29	151	50	69	24	36	19	34	456
Enforced Disappearances		6	1	5	2	1	3	5	5	30	13	12	83
Death in Jail		6	5	9	7	8	5	7	4	2	4	7	64
Human rights violations by Indian BSF	Bangladeshis Killed	2	1	0	0	0	0	1	0	1	3	2	10
	Bangladeshis Injured	3	5	1	2	0	1	0	1	7	0	0	20
	Bangladeshis Abducted	2	0	0	3	4	0	0	0	1	2	1	13
	Total	7	6	1	5	4	1	1	1	9	5	3	43
Attack on journalists	Injured	12	6	1	2	3	1	3	12	1	3	1	45
	Assaulted	1	3	3	0	0	0	0	10	1	0	0	18
	Threatened	2	1	3	0	1	1	0	1	0	0	0	9
	Total	15	10	7	2	4	2	3	23	2	3	1	72
Political violence	Killed	9	5	9	11	13	2	3	2	4	10	11	79
	Injured	619	424	335	428	297	153	216	252	261	380	461	3826
Dowry related violence against women		12	16	15	21	12	6	10	14	16	7	6	135
Rape		46	78	67	69	58	48	59	56	54	53	31	619
Sexual harassment /Stalking of females		15	14	25	24	19	6	11	8	16	9	5	152
Acid violence		2	1	3	4	2	0	5	6	1	1	1	26
Public lynching		5	6	8	2	5	2	4	3	6	4	3	48

Situation of workers	RMG workers	Killed	0	0	1	0	1	0	0	0	0	0	0	2
		Injured	20	0	40	0	35	27	10	0	1	67	0	200
	Workers in other sectors	Killed	9	11	7	8	18	7	4	6	5	3	6	84
		Injured	8	4	0	3	4	3	9	0	6	20	1	58
Arrest under Information and Communication Technology Act 2006 (amended 2009 and 2013)**			2	1	0	0	3	0	2	27	3	1	0	39
Arrest under Digital Security Act 2018***			0	0	0	0	0	0	0	0	0	7	2	9

*Odhikar's documentation

** The cases of arrests under the Information and Communication Technology (ICT) Act that are documented are those where the presentations/statements in question are considered critical against high officials of the government and their families. In August, 22 arrests were taken place against those who allegedly provided "false and confusing information, spread rumours and anti-state" through facebook/social media during safe road movement.

*** The Digital Security Bill passed on 19 September 2018 and became law on 8 October 2018.

Introduction

1. Today, 9 December, is the 20th anniversary of the UN Declaration on Human Rights Defenders, which is also recognised as International Human Rights Defenders Day. On this day, Odhikar recalls all the human rights defenders (HRD) who have been persecuted and face repression from their States. Odhikar stands in solidarity with them and all HRDs across the world. As a persecuted human rights organisation, Odhikar also stands in support and solidarity with its network of human rights defenders all over the country and protests the repression and insecurity faced by HRDs from state and state sponsored non-state actors.
2. This report has been prepared based on the overall human rights situation in November 2018 where violations of civil and political rights, including state repression and deprivation of the right to life were analysed. Odhikar publishes this report at a time when false and baseless reports are being published against Odhikar by the pro-government media, quoting the government's intelligence agencies. According to media report the intelligence agencies recommended that the government stop all activities of Odhikar. As an independent and responsible organisation, Odhikar has been under severe state-level oppression and harassment since 2013, due to its strong protests and campaigns against human rights violations and for being an established and credible election observer.

National Parliament Elections and Human Rights

3. The most significant topic of this report is the forthcoming national elections. After the removal of the caretaker government system¹, the parliamentary elections are going to be held with the participation of all registered political parties under the incumbent government, that came to power for a second term in a controversial national elections in January 2014. Almost all elections held under the Awami League government were marred with allegations of widespread irregularities, 'capturing' polling centres and casting fake votes, perpetrated by ruling party nominated candidates. As a result there is a general sense of worry about the upcoming general election and whether it will be free and fair. The Election Commission had first announced that voting would be held on 23 December 2018. Later the EC deferred the polling date for a week and

¹ This was done by the incumbent government prior to the January 2014 polls, through the 15th Amendment to the Constitution on 30 June 2011.

declared a new schedule, stating the elections will be held on 30 December 2018.² Before the announcement of the election schedule, the government held dialogues with the Jatiya Oikya Front³ twice and another dialogue with some political parties and alliance, including the Left Democratic Alliance. The government did not accept any of the recommendations or demands made by the Jatiya Oikya Front and Left Democratic Alliance for free and fair polls. At the meeting with the Jatiya Oikya Front, the government promised not to file any fictitious cases or conduct arrest operations against the opposition party leaders and activists. However, the ruling party leaders-activists and members of law enforcement agencies continue to file cases against the leaders and activists of the opposition, violating the promise. In this regard, the government is using the police and administration for its party purpose, as alleged by the opposition parties. Members of the law enforcement agencies are arresting the opposition party leaders-activists, according to old and new cases filed against them.⁴ As a result many opposition party leaders-activists have gone into hiding. Those who were arrested are all important and active leaders-activists of the opposition at the district level, former Members of Parliament and candidates for the forthcoming general elections. The police sought remand after arrest and the Court also granted remand.⁵ In addition to this, police accused a large number of unnamed persons while filing cases against them. This allows the police to make sweeping arrest of opposition party leaders-activists and ordinary citizens. Such practice has been observed in the past. Some incidents are given below:

4. Police filed 13 fictitious cases against 600 leaders-activists of BNP and Jamaat at Choddogram Police Station in Comilla District. Agoiljhara Upazila unit Jubo League⁶ President Mohammad Saidul Islam and senior vice-president Abdullah Liton filed two cases with Agoiljhara Police Station in Barisal, accusing 87 leaders and activists of BNP and its associated organisations, including several unnamed leaders-activists.⁷
5. According to a case filed with Keraniganj Police Station on 6 November 2018 under the Explosives Act, BNP leaders-activists gathered at the north side of the

² The daily Jugantor, 13 November 2018; <https://www.jugantor.com/todays-paper/first-page/111078/>

³ National Unity Front is a greater political alliance of primarily four parties – Gono Forum, BNP, Jatiya Samajtantrik Dal, Nagorik Oikya – led by Dr. Kamal Hossain. The Front officially declared its formation on 13 October 2018 at the National Press Club, ahead of the national election of 2018.

⁴ The daily Naya Diganta, 13 November 2018; <http://www.dailynayadiganta.com/first-page/364250/>

⁵ Remand, under the Code of Criminal Procedure, is taking an arrestee back to police custody for questioning. However, in Bangladesh, when a person is taken into remand, it is most certain that he will be tortured or receive cruel or degrading treatment.

⁶ Youth wing of Awami League

⁷ The daily Naya Diganta, 12 November 2018; <http://www.dailynayadiganta.com/first-page/364023/>

Buriganga Bridge-2 in order to attend a rally at Suhrawardi Udyan. Later they exploded crude bombs and vandalized vehicles in front of Lion Tower at Kadamtoli intersection. 13 persons were arrested from the place of occurrence. However, Swapan Sarkar, the proprietor of S S Motorbike Service Centre, located in front of Lion Tower, said that he did not see or hear any incident of crude bomb explosion or vandalization of vehicles that day. Furthermore, Mohammad Rocky, owner of J J Fashions in the same area, said that he was in his shop all day on that day and saw no incident of vandalism or attacks.⁸

6. According to a case filed with Gendaria Police Station in Dhaka, in the afternoon of 6 November leaders-activists of BNP and Jamaat gathered in front of Sadek Hossain Khoka playing field and created panic among the people by chanting anti-government slogans. Police arrested seven people from the spot. However, Badsha Mia, the proprietor of Rubel Store, located at the same place, informed that there was no BNP rally or procession that day.⁹
7. Manirul Huq Chowdhury, detained coordinator of Jatiya Oikya Front, former MP of BNP and possible MP candidate in the upcoming national elections, was granted bail on 4 November 2018 from the High Court Division of the Supreme Court. After the bail order arrived at Comilla Sadar (South) Police Station, he was shown as being arrested under two old and baseless cases. As a result, he could not be released from jail custody.¹⁰ On 20 November 2018, Narayanganj district unit BNP General Secretary Mamun Mahmud was released from jail custody after getting bail from the High Court Division. He was re-arrested by the police of Fatulla Model Police Station from the jail gate.¹¹
8. On 14 November 2018, a huge number of people gathered in front of the BNP office, seeking nominations for the 11th parliamentary elections. Police tried to disperse the BNP leaders-activists who were there. When they did not leave the place, police rammed their vehicles into the procession and police baton charged BNP activists and supporters. Angry activists and supporters resisted the police action and a confrontation started between the two groups. Police threw tear gas shells, rubber bullets and pellets at protestors. At one stage a group of men wearing helmets joined the clash in front of the BNP office. They were carrying iron rods and bamboo sticks. They could not be identified. Some of them hid their faces with black bandannas. They vandalized and set fire to two police vans

⁸ The daily Prothom Alo, 12 November 2018; <https://www.prothomalo.com/bangladesh/article/1564874>

⁹ The daily Prothom Alo, 12 November 2018; <https://www.prothomalo.com/bangladesh/article/1564874/>

¹⁰ The daily Manabzamin, 15 November 2018; <http://www.mzamin.com/article.php?mzamin=145226&cat=3/>

¹¹ The daily Naya Dignata, 21 November 2018; <http://www.dailynayadiganta.com/more-news/366386/>

and a private car and left the scene.¹² After this incident, former MP Helaluddin Talukder Lalu, BNP's central leader Anisuzzaman Babu, Khulna district unit BNP General Secretary Amir Hossain Ezaz were arrested by police as they left the party office after submitting nomination papers.¹³ Police filed three cases regarding that incident, accusing 448 persons, including BNP's standing committee member Mirza Abbas and his wife Afroza. Police arrested 65 BNP leaders-activists, including its Executive Committee member Nipun Roy Chowdhury and Chhatra Dal¹⁴ Central Committee Joint General Secretary Arifa Sultana Ruma and took them into remand.¹⁵ During that incident a youth named Imran Hossain, who was on his way to a travel agency office (Tuhin Tourism Network) at Paltan was arrested by police and taken into five-day remand.¹⁶

9. On 19 November 2018, a team of the Detective Branch (DB) of the police arrested Sheikh Rabiul Alam, a BNP aspirant for the national elections, under a case of vandalism, from the Bashundhara area of Dhaka and took him into three day remand.¹⁷ Police submitted charge sheets after hurriedly investigating 'fictitious' cases filed against BNP leaders and activists in Bhola district in September and October 2018 and are began house to house searches. More than three thousand persons have been accused in those charge sheets. As a result, BNP leaders-activists have left the area due to fear of arrest, even after declaration of the election schedule.¹⁸



Sheikh Rabiul Alam of BNP arrested by police. Photo: Jugantor, 25 November 2018

¹² The daily Manabzamin, 15 November 2018; <http://www.mzamin.com/article.php?mzamin=145236&cat=2/>

¹³ The daily Naya Dignata, 15 November 2018; <http://www.dailynayadiganta.com/last-page/364802/>

¹⁴ Student wing of Bangladesh Nationalist Party (BNP)

¹⁵ The daily Manabzamin, 24 November 2018; <http://www.mzamin.com/article.php?mzamin=146472&cat=3/>

¹⁶ The daily Manabzamin, 21 November 2018; <http://www.mzamin.com/article.php?mzamin=146136&cat=3/>

¹⁷ The daily Jugantor, 25 November 2018; <https://www.jugantor.com/todays-paper/first-page/115182/>

¹⁸ The daily Prothom Alo, 26 November 2018

10. Abu Bakar Siddiqui, Jessore District unit BNP¹⁹ leader and Majidpur Union Parishad Chairman, came to Dhaka on 12 November 2018, for an interview at the BNP party office in order to seek nomination for the Jessore-6 constituency. On 18 November Abu Bakar Siddiqui went missing when returning home from a hotel at Purana Paltan in Dhaka. On 19 November, the police of South Keraniganj Police Station recovered his body. Keshabpur Thana unit BNP President Abul Hossain Azad alleged that he and other BNP men went to Shahbagh Police Station soon after the incident, but the police did not provide them with any assistance. The police even did not register their General Diary.²⁰ Meanwhile, it was alleged on behalf of the BNP, that Abu Bakar Siddiqui was picked up by members of a law enforcement agency.²¹



Abu Bakar Siddiqui. Photo: The Daily Star, 23 November 2018

Election Commission and Upcoming General Elections

11. People have been deprived from voting rights due to massive rigging and repression by the ruling party members during the local government elections held in the last 10 years after the Awami League led alliance government assumed power through the 9th parliamentary elections in 2008. It is to be noted that the Awami League led alliance government reassumed power through a highly controversial election in 2014. Therefore, the 11th National Parliament elections due on 30 December 2018 are considered a very significant election for democratic transition in Bangladesh. People expect that the upcoming national elections will be participatory, free and fair. However, the government is suppressing leaders and activists of the main opposition Jatiya Oikya Front including BNP and its alliance ahead of the elections. Meanwhile leaders of the ruling party continue election campaigns with the assistance of law enforcement

¹⁹ Bangladesh Nationalist Party

²⁰ The daily Naya Dignata, 24 November 2018; <http://www.dailynayadiganta.com/last-page/366904/>

²¹ The daily Prothom Alo, 23 November 2018

agencies, violating the electoral code of conduct; and occupying the polling field unilaterally.²² The Election Commission (EC) is a Constitutional body and holding free and fair elections are enshrined in the Constitution. However, the current Election Commission led by KM Nurul Huda has been as obedient, groveling and biased as the previous Commission led by Rakib Uddin Ahmed. Allegations of widespread irregularities, (including casting fake votes, capturing polling stations and arresting and forcibly ousting polling agents of candidates nominated by the opposition) were found against the ruling Awami League nominated candidates during the local government elections under this current Commission. The current EC, after taking responsibility, conducted dialogue with different political parties regarding the 11th Parliamentary elections, but did not take any steps to implement recommendations that came from the dialogue. It has been exposed that the EC has secretly handed over a list of persons who will possibly be assigned as polling officials, to the police. Taking that list, police started to collect information two months ago. Various types of information, including names and addresses of the Presiding Officers, Assistant Presiding Officers and Polling Officers and members of Ansar-VDP, their present and past political identity; whether they were involved in any political party in the past or if any of their family members were involved in politics are being recorded. Some teachers of Khulna Government BL College informed that police called them over telephone to know which political party they belong to or they support. A few persons who performed election duty before said that such type of information had never been collected in the past.²³

12. Although the Chief Election Commissioner Nurul Huda claims that the administration is not operating as per instruction of the government but the Election Commission²⁴, the actual situation is completely different. The repression on opposition party leaders and activists by the incumbent government was present before the announcement of election schedule and continues after the declaration of the polling schedule. The police attack officially permitted rallies and meetings organised by the opposition. On 25 November 2018, a group of police led by the Officer-in-Charge of Abhoynagar Police Station, Alamgir Hossain attacked and baton charged a meeting organised on behalf of a BNP nominated candidate, at the house of BNP leader and Abhoynagar Upazila Chairman Nurul Huq Molla in Jessore. Police also fired

²² The daily Naya Dignata, 19 November 2018; <http://www.dailynayadiganta.com/first-page/365840/>

²³ The daily Prothom Alo, 19 November 2018; <https://www.prothomalo.com/bangladesh/article/1565831/>

²⁴ The daily Naya Diganta, 25 November 2018; <http://www.dailynayadiganta.com/first-page/367126/>

blank shots. Nurul Huq Molla said that they took permission from the Assistant Returning Officer and Upazila Election Officer to hold this meeting.²⁵

13. On 22 November 2018 during a meeting between the EC and law enforcement agencies, Election Commissioner Mahbub Talukder highlighted the widespread irregularities of the local level police and administration during the recent city corporation polls. He also said that he had submitted an inquiry report on the Gazipur City Corporation elections to the Chief Election Commissioner, which has not still seen the light of day.²⁶ On 22 November 2018, the Jatiya Oikya Front had submitted a list to the EC demanding the withdrawal of 92 officers from the administration and police, from all electoral duty. The Election Commission Secretary Helaluddin's name was also on this list.²⁷
14. On 6 November 2018, the Election Commission arbitrarily cancelled the registration of Odhikar as election observer without notice. Along with cancelling Odhikar's registration, the controversial EC Secretary Helaluddin gave various instructions to the election observing organisations. On 20 November, during a meeting with election observing organisations, he said that observers will not be able to take pictures of the polling stations; they cannot film the electoral environment of the polling centre and will not be allowed to give interviews to the media. Observers will not even be able to use cell phones. They should only observe the polls like statues. However, there were no such directives in the Election Observation Rules made by the Election Commission. Furthermore, the EC Secretary Helaluddin also threatened the observer groups with cancellation of their registration if they do not follow the instructions of the polling officials.²⁸
15. The Election Commission has finalised its decision to use Electronic Voting Machines (EVM) in all polling stations in six constituencies, despite strong objections from the opposition alliance, including all political parties incorporated with the Jatiya Oikya Front.²⁹ The EC lacks preparation or technical capability of using the EVMs. On 12 November 2018, the EC organised an exhibition of EVM at Bangabandhu International Conference Centre in Dhaka. A head teacher of a school, Mojammel Huq learned the process from an EVM booth. He said, "We have cast vote through ballot papers and now we have seen EVM. Casting vote through this process is easier than ballot papers. However,

²⁵ The daily Manabzamin, 26 November 2018; <http://www.mzamin.com/article.php?mzamin=146763&cat=3/>

²⁶ The daily Manabzamin, 23 November 2018; <http://www.mzamin.com/article.php?mzamin=146335&cat=2/>

²⁷ Ibid

²⁸ The daily Manabzamin 21 November 2018; <http://www.mzamin.com/article.php?mzamin=146123&cat=10/>

²⁹ The daily Jugantor, 25 November 2018; <https://www.jugantor.com/todays-paper/first-page/115181/>

what happens inside the machine afterwards or which party counts the vote remains unknown.³⁰

Hindrance to Meetings and Rallies

16. A level playing field has not been created even after the announcement of the polling schedule of the 11th National Parliament elections. The Awami League led government is violating freedoms of expression and assembly of the opposition parties and dissenting voices, through repression and established unilateral supremacy in the electoral field. The government is obstructing meetings and rallies of the opposition, using the law enforcement agencies, leaders and activists of the ruling party. Some incidents are as follows:
17. On 11 November 2018 a human chain programme organised by the Islami Andolon Bangladesh in front of the National Press Club, demanding the creation of an environment in which free, fair and acceptable elections can be held, was stopped by the police.³¹
18. On 18 November 2018, the police barred a meeting organised by Bhoirab Upazila unit BNP in Kishorganj. Later the ruling Awami League supported Chhatra League and Jubo League activists attacked the meeting, leaving eight BNP leaders-activists injured.³² Police filed a case against 47 BNP leaders and activists and 350 unknown persons in this incident.³³
19. On 24 November, local Awami League and leaders-activists of its affiliated organisations attacked BNP leaders-activists during an internal meeting at the house of BNP leader Jahangir Alam in Chorkakra Union under Companiganj Upazila in Noakhali District.³⁴
20. Apart from attacking the BNP, the police also attacked and barred meetings and rallies of non-political organisations and student groups protesting or demonstrating on various issues. On 1 November 2018, the police barred a rally and arrested some student protestors demanding the fixing of the age ceiling for government jobs at 35 years, from Shahbagh in Dhaka.³⁵

³⁰ The daily Prothom Alo, 13 November 2018;

³¹ The daily Jugantor, 12 November 2018; <https://www.jugantor.com/todays-paper/second-edition/110929/>

³² The daily Manabzamin, 19 November 2018

³³ The daily Manabzamin, 24 November 2018; <http://www.mzamin.com/article.php?mzamin=146472&cat=3/>

³⁴ The daily Prothom Alo, 25 November 2018

³⁵ The daily Prothom Alo, 3 November 2018; <https://www.prothomalo.com/bangladesh/article/1563719/>



Police take away one of the demonstrators demanding fixing of the age ceiling for government jobs at 35 years, during a programme at Shahbagh in Dhaka. Photo: Daily Star 4 November 2018



Police arrested some protestors demanding fixing of the age ceiling for government jobs at 35 years, from in front the Public Library at Shahbagh in Dhaka. Photo: Jugantor, 4 November 2018

21. On 2 November 2018, students engaged in the quota reform movement³⁶ had organised an indoor programme under the banner of the Bangladesh General Students Rights Protection Council at the Central Kochikachar Mela auditorium at Segunbagicha, Dhaka. The police stopped the programme saying that no meeting was allowed without their permission. It is to be noted that the government has introduced the provision of police permission prior to public meetings, in order to stop freedom of speech and expression.

³⁶ The Quota Reform Movement is an ongoing students' protest demanding reforms in quota system and policies regarding recruitment in the Bangladesh government services. The movement initially began in Shahbagh and on Dhaka University campus on 8 April 2018, and eventually spread to other parts of Bangladesh.

Repression on Organisations and Citizens having Alternative Beliefs

22. Government repression on citizens and organisations having alternative beliefs or dissenting voices continues. Constitutional institutions, law enforcement agencies and the media are being used in this regard.
23. On 6 November 2018, the Election Commission abruptly cancelled the registration of Odhikar as an 'election observer' without any notice. According to section 6.1 of the Election Observation Rules 2017, "if any specific evidence is found against any registered observer organisation in respect of violation of the Rules, registration of concerned organisation shall be cancelled. Before the commencement of the process of cancellation, the Election Commission Secretariat shall send a notice to the observer organisation regarding the allegations it. The observer organisation can apply to the Commission for hearing within 5 (five) working days after receiving the notice relating to allegations. After recording the hearing at the Commission, the decision taken in respect of the allegations is to be informed to that organisation in writing within 7 (seven) working days. During the hearing, the observer organisation shall get the opportunities to appoint its lawyer and submit evidences with regard to self support". However, the EC arbitrarily cancelled the registration of Odhikar without any notice or a hearing, which is obviously contrary to the Election Observation Rules. Soon after the cancellation of its registration by the EC, some pro-government media started to publish false and orchestrated reports against Odhikar, quoting intelligence agencies as their source. For instance, on 11 November 2018, Bibhash Baroi of the daily Janakantha published a report with the headline "Controversial organisation Odhikar once again involved in murky activities" on 13 November, staff reporter of the daily Bangladesh Protidin published a report with the headline titled "Recommendation to stop all the activities of Odhikar". On 16 November, private TV channel, Channel I broadcasted a news report against Odhikar, prepared by its reporter Mostafa Mollik, based on the report. On 20 November, a similar news report against Odhikar was broadcasted by another pro government private TV channel, *Shomoy TV* and two reporters of DBC Channel filmed outside the main gate of Odhikar's Secretary and Advocate Adilur Rahman Khan's law chamber (which is also a residence) without any permission. The main objective of all these reports seems to be to stop all activities of Odhikar.
24. On 17 November 2018, Odhikar protested over the false, fabricated and ill-motivated reports against it by the pro-government media, through a press

briefing; and the Organisation explained the overall situation and the allegations against it. Odhikar, after its inception as a human rights organisation in 1994, has been active and vocal against all human rights violations committed by the state and highlighting such violations for public awareness and campaign; protesting rights violations and urging the government and state to refrain from human rights abuses. In addition to defending human rights, Odhikar has been monitoring the electoral process and election violence since 1996, so that people's right to franchise is ensured. The Organisation has faced various kinds of harassment and obstructions during all the governments, since its inception, for carrying out human rights activities; as no government is respectful of human rights in Bangladesh. However, the persecution, repression and harassment against Odhikar has become a matter of serious concern under the incumbent government. Odhikar is a human rights organisation which has a special consultative status at the Economic and Social Council (ECOSOC) of the United Nations. 2018 is the 70th year of the Universal Declaration Human Rights and 20th year of the UN Declaration on Human Rights Defenders. Recommendations by intelligence agencies to stop all activities of Odhikar as per reports published by the government supported media, is contrary to Article 38 of the Constitution of the People's Republic of Bangladesh and Article 22 of the International Covenant on Civil and Political Rights. Registration with the NGO Affairs Bureau is applicable for the implementation of project related activities conducted through foreign funds. As per the Constitution, there is no bar to form associations to carry out human rights (voluntary) activities.

25. On 4 November 2018, former president of the Supreme Court Bar Association and publisher of the daily New Nation, Barrister Mainul Hosen, who was arrested on 22 October 2018, went to appear before the Court of the Additional Chief Judicial Magistrate in Rangpur in a defamation case³⁷ under police custody. At that time activists of the ruling Awami League and its affiliated organisations attacked him.³⁸ 22 cases were filed against Barrister Mainul Hosen by Masuda Bhatti and the ruling party people, in relation to a single incident, in different districts including Dhaka.³⁹ On 29 November 2018, the Cyber Tribunal judge Mohammad Ash-Shams Jaglul Hussein accepted the charge sheet

³⁷ on 16 October, a female journalist named Masuda Bhatti, in a talk show on (pro-government) Ekattor Television, called Barrister Moinul Hossain a representative of Jamaat-e-Islami in the Jatiya Oikya Front. Due to this he became angry and replied that he believed that she was 'characterless'. As a result the Detective Branch (DB) of Police arrested Barrister Moinul Hossain under a defamation case filed in Rangpur.

³⁸ The daily Naya Diganta, 5 November 2018; <http://www.dailynayadiganta.com/first-page/362451/>

³⁹ The daily Prothom Alo, 31 October 2018

submitted by the police in a case filed by a woman name Sumona Akhtar against Mainul Hosen under the Digital Security Act, 2018.⁴⁰



Altercation between leaders-activists of Awami League and BNP while Barrister Mainul Hosen (in a helmet) was taken to the Additional Chief Magistrate Court in Rangpur (inset). Photo: Prothom Alo, 29 November 2018

Political Violence

26. **In November 2018, according to information gathered by Odhikar, 11 persons were killed and 461 persons were injured in political violence. Furthermore, 20 incidents of internal violence in the Awami League and two in the BNP were also recorded during this period. 11 persons were killed and 282 were injured in internal conflicts within the Awami League while 35 persons were injured in conflicts within the BNP.**
27. Leaders and activists of the ruling Awami league and its affiliated organisations are enjoying impunity for committing criminal offence, due to absence of democracy, accountability and rule of law. Allegations of murder, violence against women, suppression on dissenters, extortion, forcefully acquiring tender bids, land grabbing, fixing admissions at educational institutions etc were reported against them. They are also reportedly involved in incidents of internal conflict which are linked to their vested interest; and they are seen using various lethal weapons in public. Two incidents are given below:

⁴⁰ The daily Naya Diganta, 30 November 2018; <http://www.dailynayadiganta.com/last-page/368523/>

28. On 16 November 2018, Tofael Rana (16), a school student and three others were shot dead during a clash between two factions of Awami League in Banshgadi and Nilakkha Union under Raipura Upazila in Norshingdi District.⁴¹



Clashes between two factions of Awami League in Banshgadi under Raipura Upazila in Norshindi. Photo: Prothom Alo, 17 November 2018



One admitted to a hospital with a fishing spear still in his leg. He was injured during clashes in Raipura, Norshindi. Photo: Ittefaq, 17 November 2018

29. On 23 November 2018 leaders-activist of local Awami League, Chhatra League and Jubo League allegedly attacked and vandalized the houses of local BNP leaders-activists in Chorbaria Village of Ajgoria Union under Laksham Upazila in Comilla District. They also beat former Chhatra Dal⁴² leader Amanullah Aman and handed him over to the police.⁴³

⁴¹ The daily Jugantor, 17 November 2018;

⁴² Student wing of Bangladesh Nationalist Party (BNP)

⁴³ The daily Bangladesh Protidin, 25 November 2018; <http://www.bd-pratidin.com/last-page/2018/11/25/378538>

Extrajudicial Killings

30. Extrajudicial killings continue due to the absence of democracy and rule of law in the country. Such killings took a dangerous turn from 15 May 2018, during the nationwide 'anti-drug' drives conducted by law enforcement agencies, which continue in November. **From May 15 to 30 November 2018, 283 persons were reported to have been killed extra-judicially in the name of 'gunfight' or 'shootout' during the ongoing 'anti-drug drives' across the country. 34 persons were reported to have been killed extra-judicially in November.**
31. On 17 November 2018, the police arrested a man named Farid Alam from Lengurbil Village in Teknaf under Cox's Bazar District. Police stated that they went to recover Yaba pills (illegal synthetic drugs) at midnight. At that time Farid's associates opened fire at police. As a result, a gunfight occurred between the two groups. Later the police arrested Farid, who had been shot and wounded, and took him to Teknaf Health Complex, where the doctors declared him dead. In the meanwhile the family of Farid Alam alleged that Farid was arrested by the police during the day and was killed in the name of 'gunfight' during the recovery of drugs and arms at night.⁴⁴

Enforced Disappearances

32. **In November 2018, 12 persons were allegedly disappeared⁴⁵ after being picked up by members of law enforcement agencies. Among them, three were showed arrested after a few days of disappearance and the whereabouts of nine persons remain unknown.**
33. A highly visible and worrying number of enforced disappearances have been committed during the current government reign. Opposition parties have expressed their concern and fear that there are possibilities that leaders and activists of the opposition will be disappeared in the lead up to the upcoming national elections. Many leaders and activists of the opposition parties, particularly the BNP, became victims of enforced disappearance before and after the controversial 10th Parliamentary elections in 2014. Of them, many have still not returned.⁴⁶

⁴⁴ The daily Prothom Alo, 16 November 2018

⁴⁵ 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.

⁴⁶ 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.

34. On 18 November 2018, Shahjahanpur Thana unit Chhatra Dal⁴⁷ General Secretary Shohagh Bhuiyan was picked up by some men claiming to be members of the Detective Branch (DB) of the police, from a house located at Shonir Akhra in Dhaka. Such allegation was made by his family members. While Shohagh was taken away, it was told by the DB policemen that he was an accused in a case regarding attacks on police, vandalism and setting fire to vehicles at Naya Paltan area on 14 November. Shohagh's mother, Azifa Begum, went to the DB Police office at Mintu Road, Dhaka regarding the whereabouts of her son but did not find any information. Shohagh's sister Selina Akhtar alleged that the DB Police at first raided her in-laws house in Comilla to arrest Shohagh. She was taken to Nangolkot Police Station at night and threatened by the DB Police in order to get information about her brother. The DB Police also threatened to detain her in custody with her child. At around 3:00 am, Selina Akhtar was taken back to Dhaka in a DB Police vehicle and in the morning she handed Shohagh over to police from their relative's house at Shonir Akhra. There has been no trace of Shohagh since then.⁴⁸
35. On 26 November 2018, an online activist Mohammad Rabiul Awal Shohagh (25) was allegedly picked up by some men claiming to be members of the Detective Branch (DB) of the police from his house at Dhulipara under Choumuhomi Upazila in Comilla District. Since then his whereabouts remain unknown. His wife Khadiza Akhtar said at a press conference on 6 December, that at around 11:00 pm on 26 November, members of the law enforcement agency came to their house with her husband. Later some men identifying them as DB Police entered the house and took away a laptop, computer and other important items with her husband. After the incident the family of Rabiul filed a General Diary with Comilla Sadar (South) Police Station. The family contacted Comilla Police Station, RAB Headquarters and the DB Police office in Dhaka. They all denied the arrest of her husband.⁴⁹

Suppression, Degrading Treatment and Lack of Accountability of Law Enforcement Agencies

36. Members of the law enforcement agencies are enjoying impunity as the government is using them to suppress its political opponents. As a result of such impunity, allegations of harassment, torturing people, taking bribes, shooting in

⁴⁷ Student wing of BNP

⁴⁸ The daily Manabzamin, 20 November 2018; <http://www.mzamin.com/article.php?mzamin=145984&cat=2/>

⁴⁹ Information gathered by Odhikar

the legs, attacks and unlawful detention of the opposition and dissenters and extortion, were found against members of law enforcement agencies. The Torture and Custodial Death (Prevention) Act, 2013 was passed after relentless demands from human rights defenders. However, a vast majority of the torture victims and family members are not able to file any cases under this Act due to fear of reprisals; and those cases that have been filed are yet to see light in the court.

37. On 8 November 2018, police arrested some people in the name of recovering drugs in Matikumra Village under Jhikargachha Upazila in Jessore District. Later the police inflicted torture on two persons named Faruk Hossain and Asharaful Islam and shot them in their legs. Faruk and Asharaful were admitted to the National Institute of Traumatology and Orthopaedic Rehabilitation in Dhaka. Dr. Ashim Ghosh said that left legs of both Faruk and Asharaful had to be amputated.⁵⁰



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

Human Rights Violations in Prisons

38. Jails are overcrowded beyond capacity, as a result of arrest operations carried out to suppress opposition political parties and dissenting voices. The actual number of inmates is about three times more than the prisons' capacity. The total capacity of prisons across the country is 36,614, but there were 92,404 inmates as of 30 November 2018.⁵¹ Many inmates allegedly die in jail due to the lack of proper treatment facilities and negligence by prison authorities. **In November 2018, seven persons died in jail due to alleged 'illnesses'.**

⁵⁰ The daily Prothom Alo, 25 November 2018

⁵¹ Prison Directorate, <https://www.prison.gov.bd/profile/prison-directorate>

Violence against Women

39. In November 2018, many women became victims of dowry related violence, rape, sexual harassment and domestic violence. 25 November was commemorated as International Day for Elimination of Violence against Women worldwide. Such day was also observed in Bangladesh at a time when women in this country face multidimensional acts gender-based violence, which has become an acute problem. Despite widespread incidents of violence against women and girls, the status of the trial and punishment of perpetrators is very frustrating.⁵² There are more children becoming victims of rape than adult women. Women are even being subjected to sexual violence on public transport, but there are no preventive measures or action against such violations. Furthermore, Section 19 of the Child Marriage Restraint Act 2017 is still in place. Section 19 legalises the marriage of girls below the age of 18 under unspecified and undefined 'special circumstances'.
40. **According to information gathered by Odhikar, in November 2018, a total of five women and children were victims of sexual violence.**
41. **In November 2018, a total of five women and a child bride were subjected to dowry violence. Among them, four were allegedly killed and two were physically abused due to dowry demands.**
42. **In November 2018, a total of 31 females had been raped. Among them, 12 were women and 19 were children. Of the women, six were victims of gang rape, two were killed after being raped and one committed suicide. Out of the 19 girls, three were victims of gang rape and one committed suicide. Five girls were also victims of attempted rape.**

Human Rights Violations along Border by BSF and India's Interference on Bangladesh

43. Incidents of killing and torturing Bangladeshi citizens and illegally trespassing into Bangladesh territory continue by the Indian Border Security Force (BSF). Political, economic and cultural interference of India on Bangladesh continues as part of its assertive attitude. The Indian government played a significant role in

⁵² The daily Prothom Alo gathered primary information of 7,864 cases of rape, gang rape, attempt to rape, killings and provocation to suicide in dowry violence and sexual harassment filed under five Tribunals of Dhaka District between 2002 to October 2016. Among them, 4,277 cases were resolved but punishment is given in only 110 cases. Only in 3% of the cases were perpetrators punished. On the other hand, in 97% cases, accused either withdrew before the trial or were acquitted after the trial.

destroying the democratic system of Bangladesh by giving support to the Awami League government to hold the controversial elections of 5 January 2014.⁵³

44. **According to Odhikar documentation in November 2018, one Bangladeshi citizen was gunned down, one was tortured to death and one was abducted by BSF.**

45. On 4 November 2018, a group of Bangladeshis went to Jahurpurtek border to bring cows back through international pillar 19/4 area under Chapainababganj Sadar Upazila. At that time members of the Indian BSF of Patoltola camp caught a Bangladeshi youth named Dalim Majhi among the group and beat him to death with rifles' butts.⁵⁴

Challenges of Rohingya Repatriation

46. On 15 November 2018, the Refugee, Relief and Rehabilitation Commissioner (RRRC) Abul Kalam, told a press briefing that according to the Memorandum of Understanding between the Myanmar and Bangladesh governments, a small number of Rohingyas were supposed to be repatriated to Myanmar, but due to protest and unwillingness of Rohingyas, it had not been possible. It is to be noted that from 15 November, initially more than two thousand Rohingyas were supposed to be returned to Myanmar. That is why a list of Rohingyas was also prepared. Ghumdum transit camp of Naikhangchori near Ukhiya TV Tower and Keruntali transit camp of Teknaf were set up to keep the Rohingyas. Those who were staying at the Ghumdum transit camp were supposed to be sent back by road through Tambru border and those who were staying at the Keruntali transit camp were supposed to be sent back by waterway through Nagpura border between Bangladesh and Myanmar. However, no Rohingyas could be taken to those camps. Muhammad Ayas who escaped from Unchiprang refugee camp and hid in Kutupalong refugee camp told Odhikar that the refugees of Unchiprang refugee camp who are in the repatriation list, had left their children and other family members and were hiding in different refugee camps. He said that as his house was beside the Unchiprang Army camp, he took refuge in Kutupalong, leaving his wife and children there. Ayas also said, "We want justice; we will never go back to Myanmar without citizenship". According to

⁵³ Before conducting the controversial and farcical January 5, 2014 National election, almost all political parties of Bangladesh decided to boycott it because the caretaker government system had been replaced through the 15th Amendment to the Constitution. At that time, the then Indian Foreign Secretary Sujata Singh visited Bangladesh and succeeded to convince Jatiya Party to join the election. Members of the Jatiya Party are now in the government (Ministers of the current government) and at the same time are the opposition in Parliament, which has made peculiar and inactive parliament.

<http://www.dw.com/bn/- - - - - /a-17271479>

⁵⁴ The daily Jugantor, 5 November 2018; <https://www.jugantor.com/todays-paper/news/108374/>

information collected by Odhikar, due to fear of forceful return, in the night of 14 November, many Rohingyas from different camps, including Hakimpara, Jamtoli of Ukhiya fled to the refugee camps at Kutupalong.

47. Meanwhile, many Rohingyas have expressed their grievances to Odhikar and that they are not willing to take smart cards issued by the UNHCR, as there was no mention of “Rohingya” as their ethnic identity on the cards. Many of them informed Odhikar that if the “Rohingya” identity was excluded in the smart card, then the Myanmar government may deny that they were so, even if they claim they were Rohingya citizen of Myanmar. In response to the distribution of smart cards, a few Rohingya organisations organised a demonstration in the Lambastya area of Kutupalong camp on 26 November.

Recommendations

1. Democracy must be restored in Bangladesh by establishing an accountable government through free, fair and inclusive elections. The Election Commission must be reformed after excluding the subservient elements from it, to make it truly independent.
2. The Government must refrain from repressive, unconstitutional and undemocratic activities. Human rights, including freedom of assembly of the opposition political parties and people who have alternative beliefs have to be respected. The government must stop harassment, including arrest operations, against the opposition and dissenters. Cases filed sweepingly against 'unnamed persons', which are believed to be harassing and repressive, must be withdrawn. All political prisoners should be released.
3. Freedoms of speech, expression and the media must be ensured and protected. The ban on the publication of the daily Amar Desh and on the broadcasting of Diganta TV, Islamic TV and Channel One must be removed.
4. All repressive and abusive laws, including the Information and Communication Technology Act, 2006 (amendment 2009 and 2013), the Special Powers Act, 1974 and the Digital Security Act, 2018 must be repealed. Cases filed against everyone under these repressive laws must be withdrawn; and all wrongfully detained persons under these Acts must be released.
5. Extrajudicial killings in the name of carrying out 'anti-drug drives' or on any other pretext, must stop. Incidents of extrajudicial killings and torture by law enforcement agencies must be investigated and the perpetrators must be brought to effective justice. The law enforcement agencies must follow international guidelines "Basic Principles on the use of Force and Firearms by Law Enforcement Officials" and the "UN Code of Conduct for Law Enforcement Officials".
6. The Government must stop enforced disappearances perpetrated by law enforcement agencies and bring the members of the state security forces and law enforcement agencies who are involved into this heinous crime, before the law. The government must accede to the International Convention for the Protection of All Persons from Enforced Disappearance.
7. The Government must ensure effective implementation of laws to stop violence against women and children and the offenders must be effectively punished under prevalent laws. Informal arbitration of (criminal) offences relating to violence against women must be stopped. Police must investigate reports of such crimes and bring the perpetrators to justice. Criminals affiliated with the ruling

party should not be given immunity. The Government should also execute mass awareness programmes in the print and electronic media, in order to eliminate all forms of violence against women.

8. India must refrain from acts leading to establishing political and economic hegemony over Bangladesh. Indian Border Security Force (BSF) must stop human rights violations, including killing and torturing Bangladeshi citizens along the border areas; and it must compensate the victims of violence.
9. The hazardous Rampal Power Plan must be stopped to save Bangladesh's environment and ecology and a balance has to be maintained in unequal trade between the two countries.
10. The international community must put effective pressure on the Myanmar government and support the establishment of the human rights of the Rohingya community in Myanmar. Odhikar urges the UN Member States to assist the International Criminal Court to prosecute all perpetrators, including the Myanmar military and Buddhist extremists for committing genocide and crimes against humanity against Rohingyas. Odhikar strongly urges the Myanmar and Bangladesh governments not to repatriate Rohingyas forcefully without ensuring their security and citizenship and their ethnic identity as 'Rohingya'.
11. The on-going state repression on Odhikar must be stopped. The case filed against Odhikar's Secretary and its Director under the Information and Communication Technology Act, 2006 (Amended in 2009) must be withdrawn. The NGO Affairs Bureau must renew Odhikar's registration which is pending with it. The government must release the funds of Odhikar to enable it to continue its human rights activities.
12. The Election Commission must restore Odhikar's registration as an election observer, as this was arbitrarily removed in violation of the Election Observation Rules 2017. Odhikar received no prior notice from the Election Commission. Neither was it given the opportunity to apply for a hearing. It is evident that this move was made as another attempt to discredit the Organisation and prevent it from exposing irregularities and unlawful activities during the polls; and from continuing 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.