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Human Rights Monitoring Report

1 – 31 May 2018



1 June 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 May 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-May 2018

Statistics: January-May 2018*								
Type of Human Rights Violation			January	February	March	April	May	Total
Extrajudicial killings	Crossfire		18	6	17	28	147	216
	Shot to death		1	1	0	0	0	2
	Torture to death		0	0	1	1	2	4
	Total		19	7	18	29	149	222
Enforced Disappearances			6	1	5	2	1	15
Death in Jail			6	5	9	7	8	35
Human rights violations by Indian BSF	Bangladeshis Killed		2	1	0	0	0	3
	Bangladeshis Injured		3	5	1	0	0	9
	Bangladeshis Abducted		2	0	0	3	4	9
	Total		7	6	1	3	4	21
Attack on journalists	Injured		12	6	1	2	3	24
	Assaulted		1	3	3	0	0	7
	Threatened		2	1	3	0	1	7
	Total		15	10	7	2	4	38
Political violence	Killed		9	5	9	11	13	47
	Injured		619	424	335	428	297	2103
Dowry related violence against women			12	16	15	21	11	75
Rape			46	78	67	69	49	309
Sexual harassment /Stalking of females			15	14	25	24	18	96
Acid violence			2	1	3	4	2	12
Public lynching			5	6	8	2	5	26
Situation of workers	RMG workers	Killed	0	0	1	0	1	2
		Injured	20	0	40	0	35	95
	Workers in other sectors	Killed	9	11	7	8	16	51
		Injured	8	4	0	3	4	19
Arrest under Information and Communication Technology Act 2006 (amended 2009 and 2013)**			2	1	0	0	3	6

*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.

Introduction

1. The human rights situation of May 2018 has been analyzed in this report. The country's human rights situation was found to be deteriorating since 2009, which has since become of serious concern due to the repressive attitude and policies of the government; while has returned to power through the farcical elections of 5 January 2014. The upcoming 11th Parliamentary elections in December 2018 are further cause for escalating violations. The Awami League's re-assumption of power for a second term, through controversial Parliamentary Elections¹ in 2014 has created a peculiar parliament, where the Jatiya Party has simultaneously become the Opposition and partner of the government. The government, after assuming power, has created a state of fear in the country by due to lack of accountability and by giving law enforcement impunity for their unlawful actions. The commission of enforced disappearances and extrajudicial killings and matters relating to impunity and injustice have been highlighted by Member States in Bangladesh's human rights review as a matter of grave concern, during the third cycle of the Universal Periodic Review (UPR)² of Bangladesh on 14 May 2018 at the UN Human Rights Council in Geneva. However, the government has always denied that enforced disappearance exist. During the second cycle of the UPR in 2013, the then Foreign Minister Dipu Moni said that enforced disappearance does not exist in Bangladesh. This time while reviewing Bangladesh, the Law Minister Anisul Huq disagreed with the position that enforced disappearances occur in Bangladesh. Instead he said that the cases of abduction of some individuals are often reported as enforced disappearance; and there has been a tendency for quite sometime to label all cases of missing persons as enforced disappearance. He said that this was being done with an obvious intention to malign the government and its achievements. He continued by saying that in many cases the perceived victims have reappeared, proving the allegations of so-called enforced disappearance false. Bangladesh has not agreed to sign the International Convention for the Protection of All Persons from

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 and 153 MP's were declared elected uncontested even before the polling commenced.

² Such review on human rights situation commenced based on information/reports submitted by the government, different special procedure mandate holders of the UN, special agencies of the UN, National Human Rights Commission and reports submitted by international, regional and national human rights organizations and civil society representatives.

Enforced Disappearance. Apart from enforced disappearance, many States Parties expressed concern on the issues of violations to freedom of expression, attacks on and threats to journalists and HRDs, political rights of the people who have alternative beliefs and repressive laws, namely the ICT Act and the proposed Digital Security Act. Furthermore, several States, including USA, Canada and Japan mentioned the upcoming elections in December and urged the Bangladesh government to ensure a free, fair and participatory election.

2. From 15 to 31 May 2018, 127 persons were allegedly killed extra-judicially in raids under an anti-drug drive.³ During this period, rights to freedom of assembly and association of the opposition political parties were violated and leaders and activists of the opposition parties were randomly arrested on various pretexts. Meanwhile intra-party clashes and criminalisation of the ruling party leaders-activists were significantly visible, as in previous months. The Government's pressure on student leaders, who were demonstrating for the reformation of the quota system in public service, continued. Furthermore, four protestors were given death threats by Chhatra League⁴ leaders.
3. The main element of a democratic rule – the electoral system – has collapsed through the farcical National Election of 5 January 2014 and the Election Commission has lost people's confidence due to conducting elections full of flaws and irregularities and for being subservient to the government. In May 2018, during various local government polls, including the Khulna City Corporation election, there were reported incidents of various irregularities, including 'capturing' polling centres, casting fake votes, forcibly ousting the polling agents belonging to the opposition party candidates by supporters of the ruling Awami League nominated candidate. Despite such facts, the Election Commission sided with the government and claimed that elections were held in a free and fair manner.
4. In this month, rights of the workers have been violated and workers of the readymade garment (RMG) factories were attacked by members of law enforcement agencies, when they were in protest demanding for an increase of their wages. In the absence of a democratic system, extreme misrule prevails in the country and as a result, corruption has spread widely and money has been allegedly laundered abroad by government affiliated influential persons.⁵ The

³ Odhikar's documentation

⁴ Student wing of Awami League

⁵ According to a Washington based research institution, Global Financial Integrity, report from 2005 to 2014, USD 61.63 billion was laundered abroad from Bangladesh. Of this, USD 9.10 billion was laundered abroad in 2014. Furthermore, 20 more Bangladeshi names, including controversial businessman Musa bin Shamser, have been incorporated in the second list of the

Anti Corruption Commission has not taken any effective action against the persons accused. Violence against women was widely reported in May. During this period, women and girls became victims of various kinds of gender-based violence. Furthermore, section 19 of the Child Marriage Restraint Act 2017 still in force. There was no improvement on the aggressive attitude of the Indian government towards Bangladesh. It is assumed that the defence contract signed between Bangladesh and India will be harmful for Bangladesh. Rohingya people who fled genocide and cruelty in the Rakhine (Arakan) state of Myanmar and took shelter in Bangladesh are currently living under heavy risks to life and face human disaster due to heavy rains, flood and landslide. Furthermore, surveillance on human rights defenders and incidents of stopping their activities also continued during this month.

Extrajudicial killings

5. Extrajudicial killings continue due to a weak criminal justice system and impunity of the killers given by the State. In many cases, such killings occurred in order to conceal the main perpetrators.
6. The incumbent government has declared a 'war on drugs'. On 3 May 2018, the Prime Minister ordered the Rapid Action Battalion (RAB) to conduct an anti-drug operation. Prime Minister Sheikh Hasina said, "We have given special responsibility to all law enforcement agencies, intelligence agencies and RAB. Stern action will be taken against drug dealers and we are taking such stern action".⁶ From 15 May 2018, incidents of 'gunfight' commenced across the country during 'anti-drug drives' and since then, killing sprees in 'gunfights' between drug peddlers and law enforcers during such operations are rapidly increasing. **According Odhikar documentation, from 15 to 31 May 2018, 127 persons were reported killed extra-judicially in the name of 'gunfight' or 'shootout' during anti drug drives across the country.** RAB and police claimed that all the deceased persons were drug peddlers. Meanwhile, relatives of some of the deceased killed, claimed that the men had not been involved in drug peddling. Among the deceased killed in so-called 'gunfight' between the peddlers and the law enforcement agencies (LEA) (as alleged by them) during these anti-drug operations, one was a vegetable vendor named Habibur Rahman who was killed due to mistaken identity in Chittagong⁷, one was a Chhatra Dal⁸ activist named Amjad Hossain in Netrokona⁹ and one was a Jubo Dal¹⁰ leader named Rafiqul Islam in Jhenaidah¹¹. BNP claimed that they were killed for political reasons.¹² LEA also claim that gunfights between groups of drug peddlers have also contributed to the deaths.¹³ Despite the immense ongoing criticism of the human rights organisations against extra-judicial killings, these incidents of extra-judicial killings, carried out in the name of 'war on drugs' has

⁶ The daily Prothom Alo, 22 May 2018; www.prothomalo.com/opinion/article/1494091/

⁷ The daily Observer, 20 May 2018; www.observerbd.com/details.php?id=138675

⁸ Student wing of Bangladesh Nationalist Party (BNP)

⁹ The daily Manabzamin, 23 May 2018; www.mzamin.com/article.php?mzamin=118520&cat=2/

¹⁰ Youth wing of BNP

¹¹ Information sent by local human rights defender associated with Odhikar from Jhenaidah.

¹² The daily Manabzamin, 23 May 2018; www.mzamin.com/article.php?mzamin=118520&cat=2/

¹³ Munshiganj Police claimed that on 29 May 2018 Sumon Biswas, an alleged drug peddler, was killed in a gunfight between two groups of drug peddlers. Sumon's elder sister Nurjahan Begum informed Odhikar that a group of plainclothes policemen detained Sumon from the Bashtola Panir Tanki area on 28 May and beat him up. Later they handed Sumon over to Sub-Inspector (SI) Shamim of Hatimara Police Outpost. When family members went to the Police Outpost and Munshiganj Sadar Police Station to learn of the whereabouts of Sumon, police denied his arrest. On 29 May the family members came to know that he was killed.

also caused the arrest of around 10,000 people¹⁴; and this is now being considered a new trend of extra judicial killings perpetrated by law enforcement agencies.

7. **According to information gathered by Odhikar, 149 persons were reportedly killed extra-judicially in May 2018 by police, RAB, DB police and Coast Guard. Among the 149 persons extra judicially killed, 147 were killed in 'crossfire/encounters/gunfights'. Furthermore, among the deceased, two persons were allegedly tortured to death by police and DB Police. Of the 149 persons who were killed extra-judicially, one was a Jubo Dal leader, one was a Chhatra Dal activist, one was a leader of Purba Banglar Communist Party (Red Flag Faction), one was a member of Union Parishad, one was a Ward Councillor, one was a security guard, one was a vegetable vendor, three were suspected accused of murder cases, two were accused of several cases, and 137 were alleged criminals and drug dealers.**

• On 9 May 2018 at around 9:30 pm, a youth named Safayat Tamrin Rony was caught by local people who handed him over to police while he was fleeing after killing another man named Abdur Razzak Babu, in Jagoroni Club at Badda, Dhaka. After a few hours, Safayat Tamrin Rony was killed in 'gunfight' with police. The relatives of Abdur Razzak Babu fear that in order to disguise the main culprit of the killing, Rony was killed in a 'gunfight' with police.¹⁵ • On 17 May 2018 at midnight, a man named Abdul Alim was killed in 'gunfight' with RAB-5 in Shibganj area under Chapainababganj District. RAB claimed that Abdul Alim was a top drug dealer. His wife Motiara Begum said that in the evening of 17 May, some plain clothed men picked her husband up when he was drinking tea at a tea stall.¹⁶ • On 21 May 2018, a suspected drug dealer named Reazul Islam was killed in a 'gunfight' with police in Tongi. There are allegations against police of taking a bribe of eight hundred thousand taka in two installments, in exchange for Reazul's release. Reazul's mother, Parvin Begum said, "They freed my son after having me sign on a blank sheet of paper." Later on, ASI Abu Bakkar Siddiqui of Tongi Police Station detained Reazul again and demanded one hundred thousand taka more for his release, she said, adding that when her husband went home to bring the money for the new demand, they came to know that Reazul was killed in a 'gunfight'. A three-member committee led by Additional Deputy Inspector General (DIG) of Police (Dhaka Range) Anwar Hossain was formed to probe the claim made by Reazul's family.¹⁷

¹⁴ The Daily Star, 30/05/2018, <https://www.thedailystar.net/frontpage/death-count-tops-100-15-days-1583521>

¹⁵ The daily Prothom Alo, 11 May 2018

¹⁶ The daily Prothom Alo, 19 May 2018

¹⁷ The Daily Star, 24 May 2018; <https://www.thedailystar.net/city/addl-dig-visits-gunfight-victims-house-1580878>

Torture and lack of accountability of law enforcement agencies

8. Allegations of torture, harassment, extortion and attacks on ordinary people were found against the police. The government is suppressing political opponents by using members of law enforcement agencies; and as a result such agencies are enjoying impunity. On 10 November 2016, the Appellate Division of the Supreme Court issued a 19-point guideline¹⁸ to judicial and law-enforcement officials regarding arrests without warrant and the procedure of remand. Regrettably, law enforcers are not following such a guideline. Furthermore, incidents of death of detained persons also occur in custody due to torture and ill-treatment in police remand. 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.

On 6 May 2018, a team of Dhaka Metropolitan Detective Branch of Police (West) led by Inspector Mahbub, brought driver Ashraf Ali (45) to Dhaka Medical College Hospital, who was in their custody. Doctors at the hospital declared him dead. Police claimed that he was arrested in an investigation into an incident of a missing expatriate person. There were marks of injury on different parts of deceased's body. It was learnt from a source at the emergency department of the hospital, that members of DB Police tried to conceal Ashraf's death. They told doctors that it was a natural death. They also hid the fact that they were policemen.¹⁹ The Head of Forensic Department of Dhaka Medical College Hospital, Sohel Mahmud said that marks of injury were found on deceased's legs.²⁰ Ashraf's wife Nasima Akhter told Odhikar that her husband died due to torture in DB Police custody.²¹

¹⁸ Shamim Reza Rubel, a student of Independent University of Bangladesh was arrested under section 54 of the Code of Criminal Procedure (Cr.PC) on 23 July 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 10 November 2016 the Court gave a 19-point instruction guideline.

¹⁹ The daily Prothom Alo, 7 May 2018

²⁰ DEATH IN DB CUSTODY; Injury marks found in victim's legs, New Age, 8 May 2018; <http://www.newagebd.net/article/40665/injury-marks-found-in-victims-legs>

²¹ Information gathered by Odhikar



Enforced disappearances

9. There have been incidents of enforced disappearance which were not published in the media, presumably due to pressure on the families of the disappeared by law enforcement agencies. Every year, in the last week of May, the associations of families of the disappeared across the world commemorate the International Week of the Disappeared (IWD).²² The International Week of the Disappeared was also observed Bangladesh from 26 May 2018. Odhikar, in collaboration with the families of the disappeared organised a human chain in front of the National Press Club in Dhaka on 26 May and demanded the return of their family members before Eid-ul-Fitr. On 28 May, the family members of Kushtia Islamic University student Al Mukaddas organised a press conference and human chain in Pirojpur. Moreover, human rights defenders associated with Odhikar in Khulna organised a discussion meeting on 26 May and on 29 May in Narayanganj and Rajshahi respectively.

²² The International Week of the Disappeared was first initiated by the Latin American Federation of Associations of Relatives of Disappeared-Detainees (FEDEFAM) in 1981. Since then it was adopted by families of the disappeared and the week has been observed all across the world. In many Latin American countries, several people were disappeared during the dictatorship. At that time the commemoration was also meant to gear up the campaign against enforced disappearances.



*Odhikar organised a human chain along with the victim families on 26 May 2018 in front of National Press Club, Dhaka to demand the return of their family members on the occasion of 'International Week of the Disappeared'.
Photo: Odhikar*

10. According to information gathered by Odhikar, from January to May 2018, 15 persons were allegedly disappeared²³ after being picked up allegedly by members of law enforcement agencies. Among them, the body of one disappeared person has been recovered, five have returned alive, six were shown as arrested after several days or months of their disappearance and the whereabouts three persons remain unknown.

Public lynching

11. Incidents of public lynching continue to occur despite right to life and personal liberty being guaranteed in the Constitution of Bangladesh. 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, ordinary citizens are taking the law in their own hands and the tendency to resort to public lynching is common.
12. In May 2018, five persons were killed in such a manner.

Death in jail

13. Many inmates allegedly die in jail due to lack of proper treatment facilities and negligence by prison authorities. There are allegations that people become ill due

²³Odhikar 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.

to the effects of torture in police remand, which causes their death later when they are sent to jail.

14. **In May 2018, eight persons died in jail. Among them seven deaths were due to ‘illness’ and one inmate committed suicide.**

On 16 May 2018, an under trial prisoner named Abdul Karim died in Narial District Jail. The jail authority said that he committed suicide, but there was no concrete evidence corroborating this.²⁴

Local government election, political violence and criminalisation

15. After the tenure of the controversial Election Commission (EC) headed by Rakib Uddin Ahmed ended, a new Commission headed by KM Nurul Huda²⁵ was formed which has also become controversial due to its bias role. Apart from refraining from taking effective steps to stop election-related acts of violence and irregularities, the Election Commission is seen to be taking a back-seat in legal battles on the elections. Due to such a relaxed attitude of the EC, bi-elections for the Mayoral post of the Dhaka North City Corporation election was stayed, even after the declaration of the polling schedule in February 2018. Similarly on 15 May 2018, voting of Gazipur City Corporation was withheld by a High Court Division order and later the Appellate Division of the Supreme Court ordered that elections be held by 28 June. As a result, the EC has fixed 26 June 2018 for holding the polls.

Union Parishad elections

16. Elections in Nuralapur Union Parishad under Madhobdi Upazila under Narshingdi District were held on 7 May 2018; and elections in 15 Union Parishads of the country were held on 15 May; and were marred with various irregularities. Allegations, such as casting fake votes, capturing polling centres, forcibly ousting polling agents of the candidates nominated by the opposition parties, were found against supporters of the ruling Awami League nominated candidates. On 7 May, soon after the voting started at 8:00 am, supporters of the Awami League nominated Chairman candidate, Khademul Islam, started to stamp on ballots in front of election officials and members of law enforcement agencies. At around 11:00 am, the outgoing Chairman and BNP nominated

²⁴ The daily Jugantor, 18 May 2018; <https://www.jugantor.com/todays-paper/bangla-face/49906>

²⁵ The President of Bangladesh appointed the new commission after the tenure of controversial Election Commission headed by Rakib Uddin Ahmed in February 2017.

candidate Abu Saleh boycotted the polls and called a press conference.²⁶ On 15 May at 9:00 am, outsiders forcefully ousted polling agents of BNP nominated candidates and captured all the polling centres of Ponabalia Union Parishad under Jhalkathi District. They snatched ballot papers from voters and stamped the Awami League election symbol 'boat' on them and began stuffing ballot boxes. Meanwhile, supporters of the Awami League nominated candidate of Dadoshgram Union Parishad under Haziganj Upazila in Chandpur District, captured all the nine polling centres during these elections. Supporters of Awami League nominated candidate of Mujibnagar Union Parishad under Chorfashion Upazila in Bhola District also cast fake votes in public.²⁷



Stamped ballot papers on the Awami League election symbol 'boat' at a polling centre during Union Parishad elections. Photo: Prothom Alo, 8 May 2018

Khulna City Corporation election

17. Allegations of various irregularities and rigging, including 'capturing' polling stations, snatching ballot papers, casting fake votes and ousting the polling agents belonging to rival candidates, were found against the ruling Awami League nominated Mayor candidate in the Khulna City Corporation elections

²⁶ The daily Naya Diganta, 8 May 2018; <http://www.dailynayadiganta.com/detail/news/316589>

²⁷ The daily Jugantor, 16 May 2018; <https://www.jugantor.com/todays-paper/first-page/49196>

held on 15 May 2018. Furthermore, there were allegations of police harassment on BNP leaders and activists through arbitrary arrests and by threatening them at home. BNP nominated candidate Nazrul Islam Manju made complaints to the Election Commission (EC) several times in this regard, but the EC failed to take any effective action. This election was totally under the control of the government. During the elections, polling agents of BNP candidates were not found in at least 60 polling centres. The main polling agent of BNP nominated candidate, Sirajul Islam at Khulna Zila School Administrative Building-2 polling centre, alleged that in the morning supporters of the Awami League nominated candidate threatened him to leave while he was entering the centre.²⁸ Supporters of the Awami League nominated candidate, Talukder Abdul Khaleque, stamped a ballot paper book prior to the commencement of voting at a polling booth in Fatema High School polling centre, adjacent to the house of the ruling party candidate. Later, voting was suspended in that polling booth.²⁹ During the whole election period, a group of 40/50 people were seen moving from one polling centre to another and stamping the Awami League election symbol 'boat' on ballots by forcibly ousting polling officers and polling agents of BNP. In those polling centres, Talukder Abdul Khaleque entered first and such incidents occurred after he left. At around 10:00 am, a group of 40-50 people, led by Jubo League leaders Zakir and Rana, entered Nur Nagar Government Primary School polling centre soon after the visit of Talukder Abdul Khaleque. They forcibly ousted the presiding officer, polling officers and BNP polling agents from the centre and stuffed ballot boxes after stamping the Awami League election symbol 'boat' in all of 10 to 15 minutes.³⁰ At around 1:00 pm, Talukder Abdul Khaleque visited Platinum Higher Secondary School polling centre and as soon he left the polling centre, 8-10 Awami League supporters were seen casting fake votes in two booths of this polling centre. Some journalists were watching this incident through a window, when the Presiding Officer asked them to leave.³¹

²⁸ The daily Prothom Alo, 16 May 2018; www.prothomalo.com/bangladesh/article/1490051

²⁹ The daily Jugantor, 16 May 2018; <https://www.jugantor.com/todays-paper/first-page/49194>

³⁰ The daily Manabzamin, 16 May 2018; <http://www.mzamin.com/article.php?mzamin=117574>

³¹ The daily Prothom Alo, 16 May 2018; www.prothomalo.com/bangladesh/article/1490051/



Stamped Awami League election symbol 'boat' on the ballot papers are seen lying on the desk in a polling booth at Labanchora Government Primary School polling centre in Khulna City Corporation. Photo: New Age, 16 May 2018

18. Zohra Khatun, a voter of Siddiquia Madrassa polling centre under ward no. 25, told Odhikar that she was barred from going to the polling centre by people who were holding the electoral symbol of the ruling party candidate. As a result she returned home. Another voter of the same polling centre, Mahmuda Rahman said that supporters of the ruling party forcibly took her ballot paper. The presiding officer was told, but he played a silent role. Another voter, Mohammad Shawkat Hossain, went to St. Xavier's High School polling centre to cast his vote. The polling officers told him that his vote had already been cast. When he wanted to know how, a polling officer forcefully put indelible ink on his finger.³² At around 9:30 am, approximately 50 youth entered booth no. 1 at Fatima High School polling centre of ward no. 22 and stamped on electoral symbol 'boat' on the ballot papers. The Assistant Presiding officer of this polling booth, Ritesh Biswas told journalists that he sought police assistance but it did not work.³³ At around 11:00 am, the ruling party leaders-activists stamped on the election symbol 'boat' and stuffed ballot boxes in the presence of BGB and police at

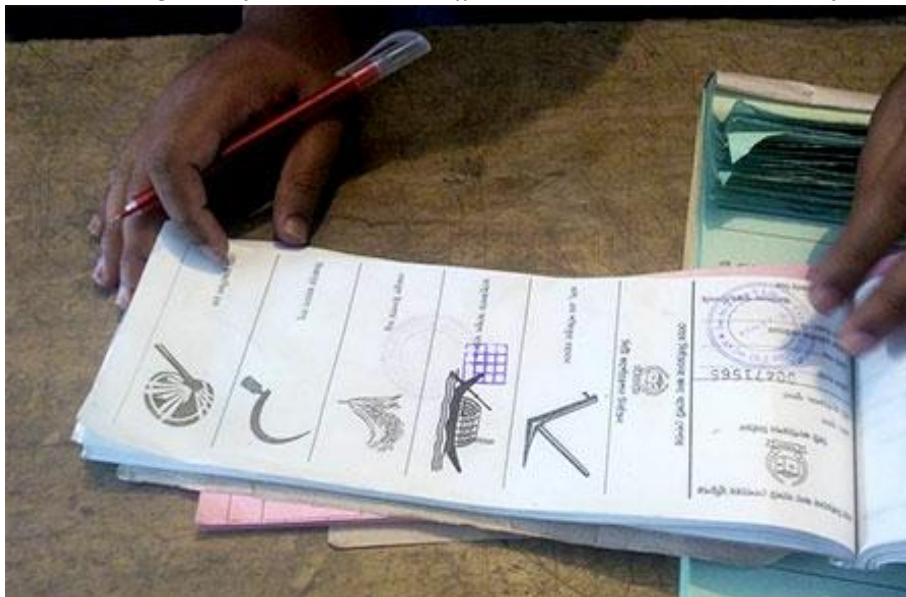
³² Information sent by local human rights defender associated with Odhikar from Khulna.

³³ The daily Prothom Alo, 16 May 2018; www.prothomalo.com/bangladesh/article/1490051/

Rupsha Primary School polling centre. An elderly female voter named Ambia said that when she went to cast her vote in that polling centre they told her that she did not have to vote as they had already done it. Some people gathered near the polling centre informed that a group of youths with the support of police snatched the ballot papers away.³⁴



A man rips ballot papers from a ballot book at a polling booth at Fatima High School during the Khulna city polls. Polling officers are watching silently. The man later stuffed the ballot box. Photo: The Daily Star, 16 May 2018



Ballot papers already stamped with Awami League election symbol boat. Photo Manabzamin, 16 May 2018

19. Inhabitants of ward no 31 anonymously said that voter presence was highly visible at the polling centres in the morning. After 11:00 am, 15 polling centres under this ward were forcefully taken over or 'captured' by the ruling party

³⁴ The daily Manabzamin, 16 May 2018; www.mzamin.com/article.php?mzamin=117576&cat=2/

activists who started to cast fake votes. As a result, the ordinary voters did not enter the polling centres out of fear.³⁵ At around 10:45 am, a group of men entered Iqbal Nagar Government Primary School polling centre and stamped on the Awami League election symbol 'boat' on all ballot papers at booth 7. Presiding officer Khalilur Rahman was confined in a room when he tried to stop them. The voting in that polling centre was suspended.³⁶ At around 12 noon, a few men snatched away ballot papers from a female assistant presiding officer at Labonchora Government Primary School polling centre and stamped on the ruling party symbol 'boat' in front of journalists. Later voting at this centre was suspended. Many fake votes were cast at Nurani Multilateral Madrassa in ward 25, where a member of the election observer team of the EC was assaulted by supporters of the Awami League mayor candidate. At around 12 noon, A M Monwar Hossain and his young son who is a student of class II voted for 'boat' in this polling centre. Indelible ink was marked on the fingers of both. Many voters could not vote due to lack of ballots in Rupsha Multilateral High School polling centre, even after waiting in queue. The presiding officer of this polling centre Mohammad Ibnur Rahman said that some outsiders had cast fake votes and stuffed ballot boxes.³⁷

20. At around 3:00 pm, leaders and activists of Awami League captured Uttar Kashipur Government Primary School polling centre in ward 7, after firing two blank shots. Local people said that they took the ballot papers and stamped on the Awami League electoral symbol after capturing the polling centres.³⁸

A reporter of BBC Bangla service was present in a polling centre while ballots were being counted and observed that a ballot without a signature was shown to the presiding officer and he declared that ballot invalid. The presiding officer was embarrassed when a large number of unsigned ballot papers was given to him. Those unsigned ballots were stamped on the Awami League election symbol 'boat'. After consultation with the police present in that polling centre, the presiding officer declared all unsigned ballots valid and ordered them to be included in the total count. Thereafter it was not taken into consideration whether the ballots were signed or not. In this centre, the Awami League candidate got 1156 votes while BNP obtained only 133 votes.³⁹

21. In the Khulna City Corporation election, out of 286 polling centres, 80-90 percent of the votes were cast in nine polling centres, more than 70 percent in 57 centres, 76-79 percent in 11 centres, 70-75 percent in 37 centres and more than 90 percent

³⁵ The daily Jugantor, 16 May 2018; <https://www.jugantor.com/todays-paper/first-page/49194>

³⁶ The daily Jugantor, 16 May 2018; <https://www.jugantor.com/todays-paper/first-page/49194>

³⁷ The daily Prothom Alo, 16 May 2018; www.prothomalo.com/bangladesh/article/1490051/

³⁸ The daily Manabzamin, 16 May 2018; www.mzamin.com/article.php?mzamin=117580&cat=2/

³⁹ The daily Manabzamin, 19 May 2018; www.mzamin.com/article.php?mzamin=117976&cat=2/

votes were cast in three polling centres. In Khalishpur Nayabati Hazi Shariatullah Secondary School polling centre, 1816 out of 1817 votes were cast. Furthermore, 1467 votes were cast out of 1503 in Maulana Bhasani Secondary School polling centre, which was 96.60 percent, while in Notunbazar Government Primary School polling centre out of 1508 votes 1378 were cast, which was 91.38 percent. In these three centres, candidates of the ruling party won with a large majority.⁴⁰ Meanwhile BNP nominated Mayor candidate, Nazrul Islam Monju, termed this poll a rigged election. The candidate of the Bangladesh Communist Party, Mizanur Rahman Babu, said that leaders-activists of the ruling party established their dominance and captured almost all the polling centres during this election. The Election Commission and local administration have failed in this regard.⁴¹ After the poll, Secretary of the Election Commission, Helaluddin Ahmed, told journalists that a wonderful election had been held.⁴² Election Commissioner Brigadier General (Retd.) Shahadat Hossain said that the elections had been fair.⁴³ On 17 May 2018, the Chief Election Commissioner, KM Nurul Huda after consultation with other commissioners, had expressed his opinion about this election that no large irregularity had occurred.⁴⁴ Furthermore, an alliance of the election observing organisations, the Election Working Group (EWG) echoed a similar statement. On 16 May, the EWG at a press conference stated that the Khulna City Corporation election was held with some violence and irregularities, but such scattered incidents had no impact on the election results.⁴⁵

22. These elections, particularly the Khulna City Corporation election, were a test case for both the Election Commission and the government before the organisation of the upcoming 11th Parliamentary elections in December 2018. Like previous polls, widespread irregularities and criminalisation occurred in favour of the ruling party nominated candidates during Union Parishad and Khulna City Corporation elections. However, the EC stated that such elections were held in a free and fair manner. As a result, Odhikar believes that the next general election will not be held in a fair and free manner under this Election Commission. Such belief has become stronger after these local government polls. Moreover, the EWG's positive report on the Khulna City Corporation election has been proved to be a biased report. The main account of the EWG's report

⁴⁰ The daily Jugantor, 17 May 2018; <https://www.jugantor.com/todays-paper/first-page/49503/>

⁴¹ The daily Naya Diganta, 16 May 2018; <http://dailynayadiganta.com/detail/news/318899>

⁴² The daily Prothom Alo, 16 May 2018; www.prothomalo.com/bangladesh/article/1490051/

⁴³ The daily Jugantor, 16 May 2018; <https://www.jugantor.com/todays-paper/first-page/49193/>

⁴⁴ The daily Jugantor, 16 May 2018; <https://www.jugantor.com/todays-paper/last-page/49831/>

⁴⁵ The Daily Ittefaq, 17 May 2018; <http://www.ittfaq.com.bd/print-edition/last-page/2018/05/17/277588.html>

was that although there were some irregularities, they did not impact the result. The EWG has justified such forceful victory of the ruling party candidate through its report. There are allegations that many organisations which are aligned with this group are pro-government and taking various facilities from the government.⁴⁶

23. Meanwhile no preparation or initiative of the Chief Election Commissioner KM Nurul Huda is being taken for carrying out electoral reforms centring around the 11th Parliamentary elections. However, the highest court of the country made specific observations in relation to holding elections under a caretaker government for at least two terms.⁴⁷

Political violence and criminalisation

24. Criminal activities of leaders and activists of Awami League have increased due to lack of accountability to the people, since the Awami League-led alliance assumed power and then re-assumed it through controversial elections in 2014. Allegations of extortion, forcefully acquiring tender bids, land grabbing, abductions, violence at educational institutions, attacks on students at educational institutions, attacks on ordinary citizens, casting fake votes, intimidation on voters during polls were reported mainly against the ruling Awami League's affiliated organisations Chhatra League⁴⁸ and Jubo League⁴⁹.
25. Furthermore, Chhatra League and Jubo League activists are involved in incidents of internal conflict which are linked to matters of vested interest and are openly using lethal weapons. Residential halls of the educational institutions across the country are allegedly controlled by Chhatra League leaders-activists. They are suppressing ordinary students and forcing them to join their political programmes.⁵⁰ Chhatra League leaders-activist have been repeatedly attacking protesting students who are demanding the reformation of the quota system in public service, which started on 8 April and in most cases, they are not brought to justice for their criminal acts.

On 12 May 2018 some students demanding reformation of the quota system, led by Joint Convener of Bangladesh Students Council, Nurul Huq, went to Bangabandhu Hall of Dhaka University to discuss their demonstration and programmes with ordinary

⁴⁶ One of the organisations of EWG is JANIPOP. JANIPOP's Chairman Dr. Nazmul Ahsan Kalimullah is presently working as Vice Chancellor of the public university Begum Rokeya University of Rangpur. As VC, it is reported that he is frequently absent, abuses his powers and is involved in irregularities. However, no action has yet been taken against him. The daily Prothom Alo, 25/03/2018, <http://www.prothomalo.com/bangladesh/article/1456956/উপাচার্য-মার্মাধ্য-বিশ্ববিদ্যালয়ে-যা>

⁴⁷ The daily Manabzamin and http://www.supremecourt.gov.bd/resources/documents/1082040_C.A.6of17.pdf

⁴⁸ Student wing of Awami League, the ruling party.

⁴⁹ Youth wing of Awami League.

⁵⁰ The daily Prothom Alo, 25 May 2018;

students. At that time, Chhatra League activists led by hall unit Chhatra League General Secretary Al Amin, attacked them and beat them.⁵¹ On 23 May 2018, a student leader for reformation of the quota system and a fourth year student of English Department in Jagannath University, APM Sohel was severely beaten by a group of criminals in front of the university campus.⁵²



Student leader of the demonstration for the reformation of the quota system, APM Sohel was severely beaten by a group of criminals - Manabzamin, 28 May 2018

26. In May 2018, according to information gathered by Odhikar, 13 persons were killed and 297 persons were injured in political violence. Furthermore, 16 incidents of internal violence in the Awami League were also recorded during this period. One person was killed and 203 were injured in internal conflicts within the Awami League.

Political repression and hindrance to freedom of assembly

27. Police are arresting leaders and activists of the opposition political parties randomly on any pretext. Members of law enforcement agencies, including Detective Branch (DB) of Police, raided houses belonging to BNP and Jamaat-e-Islami leaders-activists from the capital city Dhaka to remote areas across the country. Police even arrested them from social or indoor meetings on the pretext that they were holding 'secret meetings' and for 'vandalism'.
28. On 2 May 2018 police arrested 19 leaders and activists of the (out of parliament) opposition party BNP, who were participating in the electoral campaign, after conducting operations in different places centring around the Khulna City Corporation elections.⁵³ On 8 May at night, members of police and of the Detective Branch of Police, conducted arrest operations in houses of more than

⁵¹ New Age, 13 May 2018; <http://www.newagebd.net/article/41075/bcl-activists-assault-quota-protesters-at-du>

⁵² The daily Manabzamin, 28 May 2018; www.mzamin.com/article.php?mzamin=119223&cat=2/

⁵³ The daily Naya Diganta, 8 May 2018; <http://www.dailynayadiganta.com/detail/news/316631>

two hundred BNP leaders-activists in Khulna. During this period police assaulted and beat the family members of many leaders and activists after failing to find and arrest them.⁵⁴ Khulna Metropolitan and District Police have arrested 108 BNP leaders-activists till 11 May.⁵⁵ Of them, those whose names were not included in any case, were shown as arrested as 'unknown accused' under cases relating to vandalism.⁵⁶

29. Police cordoned off the house of BNP nominated candidate Hassan Uddin Sarkar after the High Court Division of the Supreme Court, on 6 May 2018, put a stay on the Gazipur City Corporation election, which was scheduled to be held on 15 May. Police arrested 13 BNP leaders including its Vice Chairman Abdullah Al Noman. Abdullah Al Noman was later released but other leaders were shown as arrested.⁵⁷ On 7 May 2018, police filed a case with Tongi Police Station under Special Powers Act 1974, mentioning the names of 103 persons, including General Secretary of Gazipur District unit BNP Saiyedul Alam Babul and Gazipur Upazila Chairman Mohammad Ijadur Rahman, along with 150 unknown persons.⁵⁸ The accused of the case were important persons of the election coordination committee of BNP nominated mayor candidate, Hassan Uddin Sarkar. It is to be mentioned that the case had been filed for allegedly setting fire to a 'Leguna' vehicle, which was later found unharmed in the premise of Tongi Police Station.⁵⁹ The owner of that Leguna, Mohammad Al-Amin said that he maintains his family with the income of this vehicle. He got into deep trouble after police seized his vehicle.⁶⁰

⁵⁴ The daily Manabzamin, 10 May 2018; www.mzamin.com/article.php?mzamin=116739&cat=2/

⁵⁵ The daily Prothom Alo, 12 May 2018; www.prothomalo.com/bangladesh/article/1487301/

⁵⁶ The daily Prothom Alo, 11 May 2018

⁵⁷ The daily Prothom Alo, 7 May 2018

⁵⁸ The daily Naya Diganta, 8 May 2018; <http://www.enayadiganta.com/news.php?nid=405589>

⁵⁹ The daily Prothom Alo, 9 May 2018; www.prothomalo.com/bangladesh/article/1485211/

⁶⁰ The daily Prothom Alo, 10 May 2018



Leguna vehicle, seized by police at Tongi Police Station. Photo: Prothom Alo, 9 May 2018

30. Like previous months, the right to freedom of assembly of the opposition party BNP was violated in May 2018. Police did not permit BNP to hold peaceful programmes across the country and stopped their programmes in various places after attacking and arresting BNP leaders-activists. Police did not give permission to Jatiyatabadi Shramik Dal⁶¹ for gathering at Suhrawardi Uddyan of Dhaka on 1 May to commemorate May Day. Police did not even allow BNP to hold an assembly in front of its party office at Naya Paltan on 7 May for the release and treatment of BNP Chairperson Khaleda Zia.⁶² Meanwhile leaders and activists of the ruling party are holding meetings without any hindrance.

On 5 May 2018 police barred and baton charged a rally organised by Bhola District unit BNP on the occasion of the sixth death anniversary of BNP leader Mosharef Hossain Shahjahan in Bhola town. At that time 8-10 BNP activists were injured and three were arrested by police. Later the police were pressurised into releasing them due to protests from the BNP leaders-activists.⁶³

31. Apart from attacking the BNP, in May 2018, the government used its party activists and police to attack and bar meetings and assemblies of other organisations protesting or demonstrating various issues.

Chhatra League leaders-activists attacked the rally organised by students demanding the reformation of the quota system in public service, at Pubali intersection in Comilla. They

⁶¹ Labour wing of BNP

⁶² The daily Naya Diganta, 1 May 2018; <http://www.dailynayadiganta.com/detail/news/314847> and Jugantor, 7 May 2018; <https://www.jugantor.com/politics/46170/>

⁶³ The daily Jugantor, 6 May 2018; <https://www.jugantor.com/todays-paper/news/45649/>

vandalized a bus of Comilla University. Later a clash took place between two groups leading to 10 persons being injured. Students alleged that police stood beside Chhatra League leaders-activists during such incidents.⁶⁴

Freedom of the media

32. The government controls most of the media, particularly the electronic media and puts pressure on it through different means, which hinders accurate and impartial reporting and proper journalism. Almost all electronic media and a large number of the print media's owners are pro-government or ruling party supporters. The state owned TV channel, Bangladesh Television (BTV) is totally under the control of the government. In 2013 the government closed down pro-opposition electronic media – Diganta TV, Islamic TV – and the publication of the print media, the daily Amar Desh.

Repressive laws

33. Section 57⁶⁵ of the Information and Communication Technology Act 2006 (Amended 2009 and 2013) curtails freedom of expression and it is contrary to the Constitution. Incidents of filing cases and imprisoning people under section 57 of the ICT Act for writing comments or even giving 'like' on Facebook posts critical of high-level persons in the government or/and their family members, continues.
34. On 29 January 2018, the Cabinet approved the draft 'Digital Security Act 2018' (DSA) after recommending that five sections be revoked, including section 57 of the ICT Act. The proposed law is going to be enacted as another repressive law as the removed sections of the ICT Act have been incorporated into the DSA. Furthermore, there are fears that section 32⁶⁶ of the approved draft DSA relating to spying on computer and other digital crimes, can be used by the government

⁶⁴ The daily Prothom Alo, 14 May 2018;

⁶⁵ 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.

⁶⁶ Section 32 states that if anyone collects, publishes or preserves or assists in preservation of any confidential information/reports through computer, digital device, computer network or any other electronic form, by illegally entering into an office of the government or a semi-government, autonomous or statutory body, it will be considered a crime of computer or digital spying. Due to this the accused person will have to face punishment of 14 years in jail or pay Tk. 2.5 million as fine or both. If such crime is committed twice by the same person, he/she will be sentenced life imprisonment or 10 million taka fine or both.

as a weapon against human rights defenders, journalists, bloggers and against public opinion. As a result, civil society activists and journalists demand the repeal of this section. However, without taking into consideration such demand, on 9 April 2018, the Telecommunication and Information Technology Minister Mostafa Jabbar placed the Digital Security Bill in Parliament.⁶⁷ Meanwhile, on 14 May 2018, during the 3rd cycle UPR of Bangladesh at the UN Human Rights Council in Geneva, several member states, including Sweden, France, Norway, Germany and Mexico recommended the government of Bangladesh review and redraft this law.

• Seven cases were filed under ICT Act against Advocate Shah Alam, former MP and current Vice-President of Brahmanbaria District unit Awami League; and Shyamol Kumar Roy, central committee leader of Jubo League for allegedly carrying on a smear campaign against Law Minister Anisul Huq and his personal secretary Rashedul Kaisar Bhuiyan on Facebook. Among the seven cases, the Police Headquarters gave approval to investigate five cases.⁶⁸ • On 3 May 2018 police arrested a businessman named Ismail Hossain Shamim under the ICT Act, from Dhanshiri Union under Kabirhaat Upazila in Noakhali District, for allegedly 'liking' caricatures of Prime Minister Sheikh Hasina and the Minister for Road Transport and Bridges, Obaidul Qader on Facebook.⁶⁹

Allegations of widespread corruption through money laundering and the Anti Corruption Commission

35. At present, acts of corruption have widely expanded in Bangladesh and the money which was earned through corruption has allegedly been laundered abroad. A state of anarchy has been established due to lack of accountability and due to absent of an effective Parliament. In most cases, leaders and activists of the Awami League and various professionals affiliated to the government are allegedly involved in corruption and money laundering.⁷⁰ In order to make the money laundering a smooth process and conceal acts of corruption, influential people have allegedly made the Foreign Currency Department of Bangladesh Bank ineffective. There were some talented officers in this department, and the

⁶⁷ The daily Jugantor, 10 April 2018; <https://www.jugantor.com/todays-paper/last-page/36851/>

⁶⁸ The daily Naya Diganta, 3 May 2018; <http://m.dailynayadiganta.com/detail/news/315007>

⁶⁹ The daily Samakal (online version), 3 May 2018; www.samakal.com/chittagong/article/1805107/

⁷⁰ According to a Washington based research institution, Global Financial Integrity, report from 2005 to 2014, USD 61.63 billion was laundered abroad from Bangladesh. Of this, USD 9.10 billion was laundered abroad in 2014. Furthermore, 20 more 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. The daily Jugantor, 16/02/2018; <https://www.jugantor.com/todays-paper/first-page/18058/>

VIPs became embarrassed and angry due to their investigation. Therefore, such officers were allegedly transferred.⁷¹

36. Incidents of money laundering continue to occur. The Anti Corruption Commission (ACC) was not seen taking any effective action against accused persons. In the meanwhile, it has been observed that the ACC shows interest to continue legal proceedings and gives prompt verdicts in cases filed against top BNP leaders.

Workers' rights

37. Incidents of closing down factories without notice, termination of workers and not paying wages on time, are occurring regularly in the readymade garment (RMG) industries. As a result workers' unrest continues. Furthermore, workers in many factories are deprived from trade union rights; and women workers are being discriminated against and become victims of physical and mental abuse. Moreover, accidents including building collapses and fire occur due to the negligence of the factory authority and lack of monitoring by the government. Women workers are also being sexually harassed and raped in the workplace by factory employers.
38. On 23 May 2018 at around 3:00 am, a female garment worker was raped by two factory officers, while she was working the night shift in a RMG factory at Kathgora area in Ashulia, Dhaka. Two factory officers were arrested when a case was filed with Ashulia Police Station in this regard.⁷²
39. **According to information gathered by Odhikar, one worker died inside a factory due to sickness and 35 workers in the RMG factory were injured in May 2018.**

• On 6 May 2018, workers of a RMG factory named Abbas Apparel Limited in Savar, Dhaka stayed in the factory from morning till night demanding four months of unpaid wages. Workers started to vandalise the factory when the factory authority refused to pay their dues. As a result police baton charged on the workers. At least 25 workers were injured.⁷³ • On 12 May 2018, workers of Anika Garments came out to street in protest of the non-payment of their wages in Rupnagar, Dhaka and police arrested one factory worker in this regard.⁷⁴

40. Odhikar is closely monitoring the condition of construction workers in Bangladesh. The contributions of construction workers are enormous in making

⁷¹ The daily Jugantor, 3 May 2018; <https://www.jugantor.com/todays-paper/first-page/44553/>

⁷² The daily Prothom Alo, 29 May 2018;

⁷³ The daily Jugantor, 7 May 2018; <https://www.jugantor.com/todays-paper/second-edition/46133/>

⁷⁴ The daily Jugantor, 13 April 2018; <https://www.jugantor.com/todays-paper/second-edition/48318/>

roads, bridges and buildings. But these workers are discriminated in various ways and they are working under vulnerable condition. According to media reports, from 2002 to 2017, a total of 1377 construction workers died in accidents while working at the construction sites.⁷⁵ Furthermore, the condition of women workers is more vulnerable in this sector. They are forced to work below the minimum wage and must lift heavy loads. There are no safety measures such as using gloves or masks during work and they are being appointed without considering such security and health hazards. It is observed that construction workers work under risk and in most of the cases they do not have toilets, or a place for taking a bath after work, nor any place to keep their children in the workplace.

41. **According to information gathered by Odhikar, in May 2018, 16 workers in the informal sector were killed and four workers were injured while they were working.**

Violence against Women

42. Violence against women continues in the country. In May 2018, women have become victims of rape, dowry related violence, sexual harassment and domestic violence. Incidents of child rape have significantly increased in recent times. Despite widespread incidents of violence against women and girls, the status of trial and punishment of the perpetrators is very frustrating.⁷⁶ In most cases victims are not getting justice due to intervention by ruling party people. Sometimes, following the decision of the Home Ministry, the prosecution did not continue the trial process out of political consideration.⁷⁷ Furthermore, women are being sexually and physically harassed in public transport, however there is no preventive measures or actions against such violence.
43. **According to information gathered by Odhikar, in May 2018, a total of 18 women and children were victims of sexual violence. Of them, two later committed suicide, four were injured, two were assaulted, two were abducted and eight were victims of stalking/sexual harassment.**

On 4 May 2018, a woman was beaten after being stripped in public by an Awami League activist Jahangir Alam, brother of Nazirpur Union unit Awami League President, Aiyub

⁷⁵ The daily Prothom Alo, 1 May 2018; www.prothomalo.com/bangladesh/article/1480496/

⁷⁶ 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.

⁷⁷ The daily Prothom Alo, 8 March 2018; www.prothomalo.com/bangladesh/article/1445731/

Ali, for rejecting his indecent proposal in Nazirpur area under Gurudaspur Upazila in Natore. Her arms were fractured due to the beating.⁷⁸

44. **In May 2018, Odhikar recorded that a total number of 49 females had been raped. Among them, 11 were women and 38 were girls below the age of 18. Of the women, six were victims of gang raped. Out of the 38 girls, 12 were victims of gang rape and three were killed after being raped. Seven women and girls were also victims of attempted rape.**

On 18 May 2018 two teenage girls belonging to the ethnic Tripura community were killed after being raped at Tripura Para in Mahadevpur under Sitakunda Upazial in Chittagong. It was learnt that Abul Hossain was sending love proposals to Shuk Lati Tripura for a long time. On the day of the incident, their parents went out for work. Taking this opportunity stalker Abul Hossain and his associates entered the house and killed Chobi Rani Tripura (11) and Shuk Lati Tripura (15) after raping them; and then hung the girls' bodies. A case was filed with Sitakunda Police Station in this regard and the police arrested prime accused Abul Hosain (25).⁷⁹

45. **According to information gathered by Odhikar, in May 2018, a total of 11 women were subjected to dowry violence. Of these women, four were allegedly killed, six were physically abused due to dowry demands and one was committed suicide.**

On 13 May 2018, a housewife named Sharifa Rahman was severely ill-treated and her tendons cut by her husband Abdul Kader and family members after failing to bring fifty thousand Taka as dowry, in Aditmari area under Lalmonirhat District.⁸⁰

46. **Odhikar documented two girl child victims of acid violence in May 2018.**

On 14 May 2018 an unknown criminal threw acid on Tanjim Akhter (16) and her younger sister Marjia (8) while they were asleep in Uttor Digholi Unin under Sadar Upazila in Bhola District.⁸¹

Child Marriage Restraint Act, 2017 promotes child marriage

47. The child marriage rate in Bangladesh is a matter of deep concern.⁸² On 27 February 2017, the 'Child Marriage Restraint Act, 2017' was passed by the National Parliament with a provision for the marriage of minor girls and boys in 'special circumstances'.⁸³ As a result, in effect, section 19 of the Act legalizes the

⁷⁸ The daily Naya Diganta, 7 May 2018; <http://m.dailynayadiganta.com/detail/news/316255>

⁷⁹ New Age, 20 May 2018; <http://www.newagebd.net/article/41612/two-tripura-girls-killed-after-rape>

⁸⁰ New Age, 15 May 2018; <http://www.newagebd.net/article/41234/wifes-tendon-severed-for-dowry>

⁸¹ The Daily Ittefaq, 16 May 2018;

⁸² The daily Prothom Alo, 07/03/2018, <http://en.prothomalo.com/bangladesh/news/172370/Child-marriage-increases-in-Bangladesh-UNICEF>

⁸³ The daily Jugantor, 28/02/2017, www.jugantor.com/first-page/2017/02/28/104781/

marriage of minor girls and boys. Bangladesh is a child marriage prone country. Child marriages could not be prevented despite the Child Marriage Restraint Act of 1929 where the minimum age for marriage for a female was fixed at 18 years and for a male at 21 years.⁸⁴ This 'special provision' in the 2017 Act is a catalyst for increasing child marriages in the country.

Bangladesh's relation with India and Myanmar

Aggressive policy of India towards Bangladesh

48. Past and present events and occurrences seem to point to the fact that India played a major role in destroying the democratic system in Bangladesh through direct interference in the controversial 5 January 2014 elections.⁸⁵ Due to an unaccountable government, created without people's mandate, Bangladesh is facing widespread human rights violations and political crisis. After the election of 2014, Indian political, economic and cultural aggression⁸⁶ on Bangladesh has strengthened to establish supremacy over Bangladesh through various means. In continuation of such aggression, recently four Memorandum of Understanding (MoU) on defence assistance were signed between Bangladesh and India. India has given 5 hundred million US Dollars loan to Bangladesh for its defence purpose. Three more MoU were signed in addition, to identify an outline on how this money would be spent. As per agreement, Bangladesh has to buy defence equipment from India with 65% of loan that India has given; and Bangladesh can buy defence equipment from a third country with the remaining 35%. But Bangladesh has to take permission from India in this regard.⁸⁷
49. It is to be mentioned that India is not a weapon producing country and India itself buys weapons from other countries. As a result, how much Bangladesh will be benefitted out of this kind of agreement and what kind of arms/weapons

⁸⁴ The daily Jugantor, 28/02/2017; www.jugantor.com/first-page/2017/02/28/104781/

⁸⁵ Before conducting the controversial and farcical January 5, 2014 National election, almost all political parties of Bangladesh decided to boycott it. At that time, the then Indian Foreign Secretary Sujata Singh visited Bangladesh and succeeded to convince Jatiya Party to join the election. Members of the Jatiya Party are now in the government (Ministers of the current government) and at the same time are the opposition in Parliament, which is peculiar. <http://www.dw.com/bn/নির্বাচন-না-হলে-মৌলবাদের-উত্থান-হবে/a-17271479>

⁸⁶ 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

⁸⁷ The daily Prothom Alo, 12 May 2018; www.prothomalo.com/bangladesh/article/1487351/

would Bangladesh be able to get, is cause for concern – even more since Bangladesh has to repay this loan to India. While India was signing the defence agreement with Bangladesh, members of the Indian Border Security Force (BSF) were killing, torturing and robbing Bangladeshi citizens after illegally trespassing into Bangladesh territory, which is a clear violation of international law and human rights.

On 30 April 2018, a school student Mohammad Rashel Mia (14) went to Baromasia river bank, which is close to the no-man's land at Krishnananda border of Phulbari under Kurigram District, to cut fodder. At that time BSF members of 38 Battalion of Narayanganj camp fired rubber bullets which hit his face and Rashel was seriously wounded. Later he was admitted to the National Eye Science Institute Hospital in Dhaka. Rashel's brother-in-law Moazzem Hossain said that doctors were of the opinion that Rashel was going lose his sight.⁸⁸



Mohammad Rashel Mia, Photo: Naya Dignata, 9 May 2018

50. Meanwhile the government failed to put the Teesta water-sharing issue on the agenda during Prime Minister Sheikh Hasina's visit to India. The Bangladesh Prime Minister had a meeting with West Bengal Chief Minister Mamata Banerjee on 26 May 2018, during her two-day visit to India. In answer to a question from journalists, Mamata Banerjee said that many positive issues of the two Bengals have been discussed but she skipped the issue of whether there had been any discussion on the Teesta water-sharing agreement.⁸⁹

Acts of genocide against Rohingyas in Myanmar

51. The massacre by the Myanmar Army on Rohingyas is the result of a long term process. Rohingyas have been victims of such cruelty and injustice for decades. Odhikar has been visiting the refugee camps of Bangladesh and interviewing

⁸⁸ The daily Nayadiganta, 9 May 2018; <http://dailynayadiganta.com/detail/news/316878>

⁸⁹ The Daily Star, 27 May 2018; <https://www.thedailystar.net/frontpage/silence-teesta-1582186> and the daily Jugantor, 27 May 2018; <https://www.jugantor.com/todays-paper/first-page/53080/>

many Rohingyas and their family members who have fled from different villages of Myanmar.

52. In May 2018, Odhikar collected information of 11 victims of Su Prang Village in Rathduang in Myanmar. One of the victims of rape told Odhikar that the military and local Buddhist extremists did not allow Rohingya to study, to go to the cities and neighboring villages. In some cases, Rohingyas were not even allowed to go other parts of their villages, for as long as she could remember. Furthermore, there were many restrictions on religious practice, getting married, child-birth, property ownership and getting medical treatment. On 27 August 2017, Myanmar military, along with the Buddhist extremists attacked her village and burned houses and killed people. 20-25 women, including her, were taken away to a local school and raped.
53. Odhikar believes that the most complex task ahead is sending Rohingya refugees back to their country with adequate security and dignity. Moreover, there are no fruitful discussions between the joint working group of Bangladesh and Myanmar which was formed to organize ways for Rohingya repatriation. Odhikar urges the international community, including the Bangladesh government, to take effective measures hold Myanmar accountable at the International Criminal Court (ICC) for committing genocide against the Rohingya people.
54. Meanwhile, Rohingyas, who have taken shelter in different camps after fleeing into Bangladesh, are likely to be affected by various natural disasters this monsoon season. For this, Secretary of the Ministry of Relief and Disaster Management SM Shah Kamal said, one lakh Rohingya will be shifted to Noakhali's Bhasanchar in the next two months.⁹⁰ Although various national and international human rights organisations and media have commented that the temporary rehabilitation of the Rohingyas to Bhashanchar, has been described as "risky".⁹¹
55. On 16 May, 2018 UNICEF said that at least 16 thousand children were born among the Rohingyas who took shelter in Bangladesh after violence in Myanmar's Rakhine state in August last year. UNICEF representative in Bangladesh, Eduard Beigdadar, said that nearly 60 children are taking their first breath of life every day in horrible conditions away from their country. They are born to those mother's, who are victims of rape, displacement and violence. Beigbadar said it is impossible to know the real number of Rohingya children,

⁹⁰The daily Jugantor, 20 May 2018/ <https://www.jugantor.com/todays-paper/news/50593>

⁹¹ The daily Prothom Alo, 3 February 2018/ www.prothomalo.com/bangladesh/article/1073483

who are born out of rape. But it is very important to get support and services to those mothers who are going to give birth and after every baby is born.⁹²

Hindrance to human rights activities of Odhikar

56. 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.⁹³ Odhikar is releasing human rights monitoring reports every month despite various challenges. On August 10, 2013 at night, Odhikar's Secretary Adilur Rahman Khan was picked up by persons claiming to be from the Detective Branch (DB) of Police, for publishing a fact finding report on extrajudicial killings during a rally organised by the religious group Hefazate Islam on May 5-6, 2013. Adilur and Odhikar's Director ASM Nasiruddin Elan, were later charged under section 57(1) of the Information and Communication Technology Act, 2006 (Amended 2009). They were detained in prison and later, Adilur and Elan were released on bail after spending 62 and 25 days in prison respectively. Odhikar regularly faces harassment by different organs of the government. Adilur Rahman Khan, staff members of Odhikar and the office are under surveillance by intelligence agencies.
57. Furthermore, 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 since more than four years in order to stop its human rights activities. The Standard Chartered Bank also started to harass Odhikar through different ways from 2013 after the government started repression to Odhikar. Currently the Standard Chartered Bank has made dormant all accounts of Odhikar. The incumbent government is gagging the voice of Odhikar against human right violations and continues its smear campaign against Odhikar.

⁹² www.mzamin.com/article.php?mzamin=117817&cat=2

⁹³ 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.

Recommendations

1. Democracy must be restored by establishing an accountable government through free, fair and inclusive elections, under a 'caretaker' government or even under the supervision of the United Nations. Furthermore The Election Commission must be reformed after excluding subservient elements from it, to make it truly independent.
2. The Government should refrain from repressive, unconstitutional and undemocratic activities. Rights to freedom of expression and assembly of the opposition political parties and people who have alternative beliefs have to be respected. The government must stop harassment, including arrest operation against opposition and dissenters. Attacks on students in protest for the reformation of the quota system in public service, by the ruling party affiliated organisation Chhatra League must be stopped.
3. The Government must stop political violence. The government must also take legal action against the ruling party leaders and activists for criminal activities.
4. Interference on the Judiciary must stop. The government must refrain from such activities to ensure Independence of the Judiciary.
5. Extrajudicial killings in the name of carrying out 'anti-drugs 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.
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 must immediately accept and implement all recommendation given by the UN member states during the 3rd cycle of Universal Periodic Review of Bangladesh in the 30 session of the UPR Working Group at Human Rights Council in Geneva.
9. 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 must accede to the International Convention for the Protection of All Persons from Enforced Disappearance.

10. 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.
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 sexual harassment in workplace a sexual harassment prevention committee needs to be created in every industry. A legal framework or policy must be made for all workers in the informal work sector, including construction site to prevent discrimination.
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 refrain from 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.
15. In order to protect the right to life and human dignity of the Rohingya people, Odhikar demands peace and human rights be established immediately in the Rakhine state (Arakan) of Myanmar, with UN initiatives. Odhikar 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 ICC 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 Odhikar's registration which is pending since April 2014. The government must release the funds of Odhikar to enable it to continue its human rights activities.

Tel: +88-02-9888587, 01711-405166

Email: odhikar.bd@gmail.com , odhikar.documentation@gmail.com

Website: www.odhikar.org

Facebook: <https://www.facebook.com/Odhikar.HumanRights>

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.