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Half-yearly Human Rights Monitoring Report

January - June 2018

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Foreword

Odhikar has 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 since 1994. 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. Odhikar has been facing extreme repression and harassment by the incumbent government while working on human rights since 2013. Despite facing persecution, harassment and threats to its existence, the Organisation has prepared monthly human rights monitoring reports based on information gathered by grassroots human rights defenders associated with Odhikar and also collected from the national dailies. This report is a brief analysis of the Odhikar’s monthly reports published in the first six months of 2018. Although many incidents of human rights violations occur every month, only a few significant incidents have been highlighted in this report.

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Statistics of Human Rights Violations: January-June 2018

Statistics: January-June 2018*									
Type of Human Rights Violation			January	February	March	April	May	June	Total
Extrajudicial killings	Crossfire		18	6	17	28	149	50	268
	Shot to death		1	1	0	0	0	0	2
	Torture to death		0	0	1	1	2	0	4
	Total		19	7	18	29	151	50	274
Enforced Disappearances			6	1	5	2	1	1	16
Death in Jail			6	5	9	7	8	5	40
Human rights violations by Indian BSF	Bangladeshis Killed		2	1	0	0	0	0	3
	Bangladeshis Injured		3	5	1	2	0	1	12
	Bangladeshis Abducted		2	0	0	3	4	0	9
	Total		7	6	1	5	4	1	24
Attack on journalists	Injured		12	6	1	2	3	1	25
	Assaulted		1	3	3	0	0	0	7
	Threatened		2	1	3	0	1	1	8
	Total		15	10	7	2	4	2	40
Political violence	Killed		9	5	9	11	13	2	49
	Injured		619	424	335	428	297	153	2256
Dowry related violence against women			12	16	15	21	11	6	81
Rape			46	78	67	69	58	45	363
Sexual harassment /Stalking of females			15	14	25	24	19	5	102
Acid violence			2	1	3	4	2	0	12
Public lynching			5	6	8	2	5	2	28
Situation of workers	RMG workers	Killed	0	0	1	0	1	0	2
		Injured	20	0	40	0	35	27	122
	Workers in other sectors	Killed	9	11	7	8	18	7	60
		Injured	8	4	0	3	4	3	22
Arrest under Information and Communication Technology Act 2006 (amended 2009 and 2013)**			2	1	0	0	3	0	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.

Executive Summary

1. The human rights situation of the first six months of 2018 has been analyzed through this report. The said report contains issues relating to right to freedom of expression, deprivation of right to life and personal liberty and infringement of democracy. The human rights situation of the country was found to be deteriorating alarmingly in the last six months due to the aggressive attitude and repressive acts of the government. The Awami League led Alliance government remains in power since 2009, thus the human rights violations of 2018 are a continuation of the trend that commenced in 2009. After assuming power Awami League was involved in massive human rights violations and is continuously doing so. In the last 10 years the incumbent government has politicized various important government and independent institutions and made them subservient to it. The government unilaterally removed the Caretaker Government system in 2011, ignoring protests from the main opposition Bangladesh Nationalist Party (BNP), civil society and other political parties, without any referendum, through the 15th Amendment to the Constitution, which created a deep political crisis. Almost all political parties, including BNP (except Awami League and its alliance) boycotted elections in protest of the removal of the caretaker government system. As a result, the Awami League reassumed power for a second term through controversial and farcical Parliamentary Elections¹ on 5 January 2014 and it has created a fearful environment in the country by severely violating civil and political rights of the citizens. During the tenure of the present government, many people, including leaders and activists of opposition political parties and dissenting voices became victims of persecution, enforced disappearance, torture, extrajudicial killing and kneecapping. Furthermore, rights to freedom of opinion and expression; and assembly and association were violated and several repressive laws were enacted and amended by the government during its reign. In the first six months of the current year, the government was involved in massive extrajudicial killings on the pretext of 'anti-

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 5 January 2014 despite the boycotting of this election by a large majority of political parties. The election was farcical and out of 300 constituencies, 153 MP's were declared elected uncontested even before the polling commenced.

drug operations'. **At least 165 persons were allegedly killed extra-judicially in raids carried out under an anti-drug drive from 15 May to 30 June 2018.**²

2. Under the cover of such operation, a fearful environment was created through the killing of some opposition party leaders-activists and putting democratic principles in further crisis. The commission of enforced disappearances and extrajudicial killings and matters relating to impunity and injustice have been highlighted by the UN Member States in Bangladesh's human rights review as a matter of grave concern, during the third cycle of the Universal Periodic Review (UPR)³ of Bangladesh on 14 May 2018 at the UN Human Rights Council in Geneva. The UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, during the 38th session of the Human Rights Council (HRC), said that Bangladesh did not pay any heed to the UN requests on monitoring the human rights situation in the country. The government has kept pending more than 10 requests for invitations to country visits by the Special Rapporteurs of different thematic mandate holders of the HRC.⁴ Furthermore, there were several reported incidents of torture in remand, death in jail due to alleged lack of treatment, a dysfunctional criminal justice system, impunity of law enforcement agencies, corruption and public lynching continued during this reporting period.
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 and allegedly tortured in custody while in remand. Meanwhile intra-party clashes and criminalisation of the ruling party leaders-activists were significantly visible, as in previous periods. Freedom of expression has been severely curtailed by the government and incidents of filing cases and imprisoning people for writing comments or even giving 'like' on Facebook posts critical of high-level persons in the government or/and their family members continues. In spite of protests from human rights organisations, civil society and journalists, another repressive law, the 'Digital Security Act 2018' has been drafted by incorporating into it repressive sections of the Information and Communication Technology Act. This Digital Security Bill, which was earlier approved by the Cabinet, has already been placed in Parliament. Furthermore, leaders and activists of the ruling party and members of law enforcement agencies attacked journalists while they were

² Odhikar's documentation

³ 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.

⁴ The daily Naya Diganta, 19 June 2018, www.dailynayadiganta.com/diplomacy/325952; Prothom Alo, 21 June 2018;

collecting information; and they have been accused in politically motivated cases. Incidents of violation of freedom of expression, interference on the media and hindrance of freedoms of assembly and association, torture, extrajudicial killings, enforced disappearances and infringement of other civil and political rights, widespread corruption and culture of impunity in society created instability, indiscipline and extremism. Human rights have also been violated in the name of 'counter 'terrorism in the country.

4. The year 2018 is considered to be very significant year for Bangladesh as the 11th Parliamentary Election is expected to be held in December 2018. But the government has created a difficult situation for the opposition by suppressing them and taking their political rights away. The main element of a democratic rule – the electoral system – has collapsed through the farcical National Election of 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. During this six month period, by-elections in the parliamentary constituency, and various local government polls, including the Khulna and Gazipur City Corporation elections were conducted. 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.
5. In the last six months, rights of the workers have been violated. Workers engaged in various sectors died and the readymade garment (RMG) factory workers were attacked by members of law enforcement agencies, when they were protesting in demand for an increase in their wages. Allegations of ill-treatment, including sexual harassment of Bangladeshi women migrant workers abroad were reported and in such cases allegations of the non-cooperation of Bangladesh's missions in respective countries were also noted.
6. 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 However, the

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 Shamsur, 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 February 2018; <https://www.jugantor.com/todays-paper/first-page/18058/>

Anti Corruption Commission has not taken any effective action against the persons accused.

7. Violence against women was persistent during this period. Many women and girls became victims of different kinds of gender-based violence. Furthermore, section 19 of the Child Marriage Restraint Act 2017, that encourages child marriages in Bangladesh, is still in force.
8. Acts of aggression and intervention on the political, economic and cultural affairs of Bangladesh, including killing, torturing and looting Bangladeshi citizens by members of the Indian Border Security Force (BSF) continued in the last six months. 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 security and face human disasters due to heavy rains, flood and landslide.
9. Furthermore, surveillance on Odhikar and its human rights defenders increased during this period and incidents of stopping their activities also continued in the last six months.

Main Report

A. State Repression and Impunity

Extrajudicial killings

10. Extrajudicial killings continue due to a weak criminal justice system and impunity of the killers given by the State. In many cases, such killings allegedly occurred in order to conceal the main perpetrators. Furthermore, extrajudicial killings took a new turn from 15 May 2018 when the government declared a 'war on drugs'. **From 15 May to 30 June 2018, 165 persons were reported killed extrajudicially 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 killed, claimed that the men had not been involved in drug peddling. Among them, Ekramul Huq, Councillor of Teknaf Municipality was deliberately killed on 26 May as alleged by his wife Ayesha Khatun who, at a press conference, demanded a judicial inquiry into this matter. She also shared an audio recording which was taken on cell phone during the killing of her husband, where the whole incident of the killing came to light.⁶ Several family members of the killed persons alleged that their relatives were killed deliberately in so-called 'gunfight' in the name of anti-drug operations.

On 7 June 2018, family members of deceased Raju Prodhan, local people and students of a private university organised a human chain in front of the National Press Club at Dhaka in protest of the killing of Raju Prodhan (18) during 'gunfight' between RAB members on 9 May 2018 in Rupganj under Narayanganj District. Raju Prodhan's father Shamim Prodhan said that his son was killed in the name of 'crossfire' and that he was receiving threats that his entire family would be eliminated.⁷ Furthermore, law enforcement agencies are claiming that drug peddlers are being killed in gunfights among themselves. After publicising such information by law enforcers, some families of the killed, alleged that they were shot dead after being picked up by members of law enforcement agencies.⁸ Nazma Begum, wife of deceased Anisur Rahman, organised a press conference on 8 June 2018 and said that on 28 May police took her husband from

⁶ The daily Prothom Alo, 1 June 2018;

⁷ The Daily Ittefaq, 8 June 2018; <http://www.ittefaq.com.bd/print-edition/second-edition/2018/06/08/282336.html>

⁸ 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.

their house and shot him dead while he was blindfolded. Police claim that Anisur Rahman was killed in gunfight between drug dealers.⁹ After the press conference Anisur Rahman's elder brother Wajiar Rahman went into hiding amid threats from different quarters, including from leaders of the ruling party. On 22 May a Chhatra Dal¹⁰ activist named Amjad Hossain in Netrokona¹¹ and on 27 May a Jubo Dal¹² leader named Rafiqul Islam in Jhenaidah, became victims of extrajudicial killing as alleged by their families.¹³ BNP claimed that their party leaders-activists were killed during such operations for political reasons.¹⁴

11. According to information gathered by Odhikar, between January and June 2018, 274 persons were reportedly killed extra-judicially by police, RAB, DB Police, BGB and Coast Guard. Among the 274 persons extra judicially killed, 268 were killed in 'crossfire/encounters/gunfights'. Furthermore, among the deceased, four persons were allegedly tortured to death by police and DB Police. Moreover, two persons were allegedly shot to death by police. Of the 274 persons who were killed extra-judicially, one was a Jubo Dal leader, four were Chhatra Dal activists, one was a leader of Jubo League, one was an activist of Awami League, three were leaders of Purba Banglar Communist Party (Red Flag Faction), one was a leader of Maobadi Bolshevik Reorganisation Movement (MBRM), one was a leader of Sharbahara Party, two were garment workers, one was a member of the Union Parishad, one was a Ward Councillor, one was a security guard, one was a vegetable vendor, one was a day labour, one was a farmer, one was a villager, one was a child film actor, one was a suspected accused, five were accused of rape cases, 11 were suspected accused persons of murder cases, and 235 were alleged criminals and drug dealers.

Enforced disappearances

12. Allegations of enforced disappearance¹⁵ were frequently reported after the Awami League led Alliance government assumed power in 2009 and since then such crime continues despite the fact that it is considered a crime against

⁹ The daily Jugantor, 9 June 2018; <https://www.jugantor.com/todays-paper/last-page/57965/>

¹⁰ Student wing of Bangladesh Nationalist Party (BNP)

¹¹ The daily Manabzamin, 23 May 2018; www.mzamin.com/article.php?mzamin=118520&cat=2/

¹² Youth wing of BNP

¹³ Information sent by local human rights defender associated with Odhikar from Jhenaidah.

¹⁴ The daily Manabzamin, 23 May 2018; www.mzamin.com/article.php?mzamin=118520&cat=2/

¹⁵ It has been observed by analysing incidents of disappearance, that some men claiming to be members of law enforcement agencies are involved in picking people up without any warrant and taking them away in a microbus or car and they become traceless.

humanity. It is reported that leaders and activists of the opposition parties became victims of enforced disappearance before and after the controversial Parliamentary elections in 2014. It has been established that the state security forces were involved in cases of enforced disappearance.¹⁶ Such incidents have now become an institutional practice. International and regional human rights organisations fear that incidents of enforced disappearance might increase similarly ahead of the upcoming 11th Parliamentary Elections in December 2018 and leaders-activists of the opposition parties, dissenters and people belonging to alternative beliefs might be the victims of such heinous crime.¹⁷

13. Despite the fact that incidents of enforced disappearance have been proved in various investigation reports, the high-ups of the government have been repeatedly denying that these occur. During the third cycle of the Universal Periodic Review (UPR)¹⁸ of Bangladesh on 14 May 2018 at the UN Human Rights Council in Geneva, 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 and this was being done with an obvious intention to malign the government and its achievements. He added that in many cases the perceived victims have reappeared, proving the allegations of so-called enforced disappearance false. After the Law Minister was done denying the commissions of enforced disappearance, the families of the disappeared organised a human chain in front of the National Press Club in Dhaka on 26 May

¹⁶ On 2 March 2017, disappeared victim Mokhesur Rahman Jony's wife Jasmine Nahar Reshma filed a writ petition before the High Court Division of the Supreme Court. Based on this petition, on 16 May 2017 a High Court Division Bench consisting of Justice Kazi Reza-ul Huq and Justice Mohammad Ullah asked the Chief Judicial Magistrate of Satkhira to submit an inquiry report to the High Court Division by 3 July 2017 regarding the disappearance of homeopathy physician Mokhesur Rahman Jony of Kukhrali Village in Satkhira, after he was detained for three days at Satkhira Police Station. A Senior Judicial Magistrate of Satkhira, Habibullah Mahmud, submitted an inquiry report to the High Court Division on 4 July 2017 that found the involvement of three higher police officials in the arrest of homeopathic physician Sheikh Mokhesur Rahman Jony and his subsequent disappearance. According to the probe report, Satkhira Superintendent of Police Mohammad Altaf Hossain and former Satkhira Sadar Police Station officer-in-charge Emdadul Huq Sheikh, former Sub-Inspector Himel Hossain, were involved with the arrest and disappearance. It was mentioned in the probe report that the OC Emdadul Huq Sheikh, SI Himel Hossain, were directly involved with this incident. In another case, Narayanganj District and Sessions Judge Syed Enayet Hossain on 16 January 2017 gave a verdict on the killing of seven persons subsequent their disappearance. 26 accused, including 16 RAB officers and commanding officer RAB-11, Lt. Col. (Retrd) Tareq Sayeed were sentenced death penalty.

¹⁷ Joint oral statement on enforced disappearances in Bangladesh by the Asian Forum for Human Rights and Development (FORUM-ASIA) and the World Organisation Against Torture (OMCT) submitted to 36th Regular Session of the UN Human Rights Council. <https://www.forum-asia.org/?p=24796>

¹⁸ 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.

while commemorating the International Week of the Disappeared¹⁹ and demanded the return of their family members before Eid-ul-Fitr²⁰.



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

Senior Joint Convener of Gafargaon Upazila unit Jubo Dal, Kamruzzaman Shohagh was allegedly disappeared after being arrested by police in Mymensingh. At a press conference, Shohagh's wife Sanjida Sultana said that on 27 June 2018 at around 10:00 am, SI Saiful, SI Ahsan Habib and a Constable of Gafargaon Police Station arrested her husband from their house, in the presence of local people, and took him to the police station. She was asked to go to police station with the bail documents related to her husband's pending case. At around 11:00 am, Sanjida went to police station with the said documents and saw her husband in the lock-up till 10:00 pm. After midnight, police started to deny the arrest of Shohagh. He became traceless and could not be found even after searching different offices of the law enforcement agencies.²¹ Later, on 29 June, police showed Kamruzzaman Shohagh as arrested under a robbery and arms related case and produced him before the court.²²

14. According to information gathered by Odhikar, from January to June 2018, 16 persons were allegedly disappeared²³ after being picked up allegedly by

¹⁹ 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.

²⁰ Eid-ul-Fitr was celebrated on 16 June 2018

²¹ The daily Manabzamin, 29 June 2018; www.mzamin.com/article.php?mzamin=123356&cat=9/

²² Information sent by local human rights defender associated with Odhikar from Mymensingh

²³ 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.

members of law enforcement agencies. Among them, the body of one disappeared persons has been recovered, five have returned alive, seven were shown as arrested after several days or months of their disappearance and the whereabouts of three persons remain unknown.

Torture and lack of accountability of law enforcement agencies

15. The government is suppressing political opponents by using members of law enforcement agencies; and as a result such agencies are enjoying impunity. From January to June 2018, allegations of arrest, harassment, extortion and torture and killing of the opposition political party leaders-activists and ordinary people were found against the members of law enforcement agencies. It has been proved that incidents of death of detained persons occur in custody due to torture and ill-treatment in police remand.²⁴ 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 February 2018, police arrested a former President of 32 Ward unit Chhatra Dal, Nader in a case filed under the Explosive Act with Bongshal Police Station in Dhaka. There were allegations that police broke his arms while he was tortured in custody.²⁵ • On 6 March 2018, police arrested the Vice-President of Dhaka City (North) unit Chhatra Dal, Zakir Hossain, in front of the National Press Club while he was returning from a rally demanding the release of BNP Chairperson Khaleda Zia and on 12 March, he died at Dhaka Medial College Hospital due to brutal torture during remand in DB Police custody.²⁶ • On 13 March 2018, cameraperson of DBC Television Sumon Hasan, while returning home from office, received information that one of his close relatives had been detained by the DB Police in Barisal. He immediately went to the place of incident to talk to the police and became involved in an altercation with the police. Police beat him and

²⁴ 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.

²⁵ The daily Prothom Alo, 08 February 2018; www.prothomalo.com/bangladesh/article/1426616/ For details, see Odhikar's human rights monitoring report of February 2018; http://www.odhikar.org/wp-content/uploads/2018/03/human-rights-monitoring-report-February-2018_Eng.pdf

²⁶ For details, see Odhikar's human rights monitoring report of March 2018; http://www.odhikar.org/wp-content/uploads/2018/04/HRR_March-2018_Eng.pdf

put him into a police van and took him to the DB Police office.²⁷ • 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.²⁸ Ashraf's wife Nasima Akhter told Odhikar that her husband died due to torture in DB Police custody.²⁹



Body of Ashraf Ali, who died in the custody of DB Police. Photo: Jugantor, 8 May 2018

Prison conditions

16. Prisons across the country are overflowing with three times more inmates than their capacity due to random arrests during the ongoing countrywide anti-drug operations, causing immense sufferings to the prisoners. There are 68 jails in Bangladesh and the total capacity of jails is 36,614, but as of 24 June 2018 there were 83,350 prisoners accommodated in jails. According to jail sources, among the total inmates, around 35,815 have been put behind bars in drug-related cases.³⁰ Human disasters are common in jails due to the overcrowded situation and prisoners are living a miserable existence.
17. 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 to the effects of torture in police remand, which causes their death later when they are sent to jail. Furthermore, inmates in the prisons often experienced alleged torture and degrading treatment by the jail authority and died or committed suicide.
18. **According to Odhikar documentation, from January to June 2018, 40 persons died in jail. Among them, 39 deaths were reported due to 'illness' and one inmate allegedly committed suicide.**

²⁷ The daily Naya Diganta, 14 March 2018; <http://www.dailynayadiganta.com/detail/news/301733>; For details, see Odhikar's human rights monitoring report of March 2018; http://www.odhikar.org/wp-content/uploads/2018/04/HRR_March-2018_Eng.pdf

²⁸ The daily Prothom Alo, 07 May 2018;

²⁹ For details, see Odhikar's human rights monitoring report of May 2018; http://www.odhikar.org/wp-content/uploads/2018/06/human-rights-monitoring-report-May-2018_Eng.pdf

³⁰ The Daily Star, 01 July 2018; <https://www.thedailystar.net/city/jails-overflowing-inmates-1598005>

Political repression and hindrance to freedom of assembly

19. BNP Chairperson Khaleda Zia has been detained in the old Dhaka Central Jail after the judgement³¹ of the alleged corruption case filed against her was passed. Khaleda Zia's lawyers alleged that she had been kept in an isolated prison cell. It is alleged that Khaleda Zia had been revengefully sentenced in order to prevent her from contesting the National election to be held in December 2018. BNP claimed that the 73-year-old former Prime Minister is seriously ill in prison. Those who met her in jail said that Khaleda Zia was losing weight. She could not move her left hand and could not walk properly. She is also allegedly suffering from eye problems.³² On 9 June, four physicians, including Professor Dr. F M Siddiqui of Dhaka Medical College Hospital had seen Khaleda Zia in jail and informed journalists in front of the jail gate that they believe that she had a mild stroke and that she was in danger of having a major stroke in future. She needs special treatment. Doctors recommended the prison authority to admit her to United Hospital immediately but the government did not send her there. Khaleda Zia used to take treatment from United Hospital, Dhaka. Her specialist doctors are in this hospital. Therefore, she wanted to take medical treatment from there.³³ It is to be mentioned that getting medical treatment in jail is right of the inmates, which is mentioned in the Constitution and in the case of Khaleda Zia, this right has been violated.
20. The government continues to hinder the right to freedoms of assembly and association of leaders and activists of BNP, centering around the pronouncement of the judgement of the alleged corruption case filed against BNP Chairperson Khaleda Zia. In this regard, members of law enforcement agencies conducted mass arrest operations against leaders and activists of BNP and its affiliated organisations since January 2018 and several thousands of BNP and Jamaat leaders were arrested.³⁴ Police even arrested them from social or indoor meetings on the pretext that they were holding 'secret meetings' and for 'vandalism'.
21. Many leaders-activists, who were released on bail after being detained for a long period in jail, were arrested again from the jail gate soon after they released from

³¹ On 8 February 2018, a Special Court Judge Mohammad Akhtaruzzaman declared the verdict of Zia Orphanage Trust corruption case against BNP Chairperson Khaleda Zia. This case was filed by the Anti Corruption Commission in 2007 during the military backed 'caretaker' government. That time six cases relating to corruption and extortion were also filed against the current Prime Minister Sheikh Hasina. These cases were acquitted by the High Court Division and withdrawn by the complainants after Awami League assumed power.

³² The daily Naya Diganta, 12 June 2018; www.dailynayadiganta.com/politics/324980/

³³ The daily Jugantor, 10 June 2018; <https://www.jugantor.com/todays-paper/first-page/58265/>

³⁴ The daily Manabzamin, 10 March 2018; <http://www.mzamin.com/article.php?mzamin=108408>

jail. Chhatra Dal President Rajib Ahsan was released on bail on 14 June after being detained in Keraniganj Central Jail and rearrested by DB Police soon after he came out of the jail.³⁵ On 12 June Natore District unit Swechchasebak Dal³⁶ General Secretary Rashel Ahmed Rony was released on bail after being detained in jail for a long time and he was arrested again from the jail gate.³⁷

22. During the last six month police and members of the ruling party attacked and stopped peaceful rallies, meetings, signature campaigns, hunger-strikes, human chains and leaflet distribution programmes organised by BNP across the country in protest of sentence on Khaleda Zia and for the political revenge of the government. In addition to that, police barred the opposition party activists at an Iftar party during the month of Ramadan³⁸ and on Eid³⁹ day.
23. Police did not permit BNP to hold meetings on 12, 22 March and 1 May at Suhrawardi Udyan in Dhaka and on 7 May in front of BNP party office at Naya Paltan.⁴⁰ 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.⁴¹ An Iftar party organised by Feni District unit Jub Dal on 10 June, and by Dohar Upazila unit BNP and Harirampur Upazila unit BNP under Manikganj District on 13 June, were stopped by police.⁴² On 12 June police stopped the programmes at the Central Shahed Minar organised by Dhaka University teachers and journalists under the leadership of former Vice-Chancellor Professor Emajuddin Ahmed and founder of Gonoshashtha Kendra Dr. Zafrullah Chowdhury, demanding the release of BNP Chairperson Khaleda Zia.⁴³ On 23 June police opened fire at a procession organised by Jubo Dal demanding the release of Khaleda Zia in Feni District. As a result some BNP activists, including Dagonbhuiyan Upazila unit Chhatra Dal acting General Secretary Jamal Uddin Tinku were shot and injured.⁴⁴

³⁵ The daily Jugantor, 15 June 2018; <https://www.jugantor.com/todays-paper/second-edition/60346/>

³⁶ Voluntary wing of Awami League

³⁷ The daily Jugantor, 13 June 2018; <https://www.jugantor.com/todays-paper/news/59500/>

³⁸ Ramadan was observed from 17 May to 15 June 2018

³⁹ Eid was celebrated on 16 June 2018

⁴⁰ The daily Naya Diganta, 12 March 2018; <http://www.dailynayadiganta.com/detail/news/300981>

⁴¹ The daily Prothom Alo, 7 May 2018;

⁴² The daily Prothom Alo, 14 June 2018;

⁴³ The daily Jugantor, 13 June 2018; <https://www.jugantor.com/todays-paper/news/59505/>

⁴⁴ The daily Naya Dignata, 23 June 2018; www.dailynayadiganta.com/first-page/327122/

24. Apart from attacking the BNP, the government used its party activists and police to attack and bar meetings and assemblies of other organisations protesting or demonstrating various issues. During that period, women protestors were seen being physically assaulted. Some incidents are as follow:

• On 24 January 2018 Chhatra League activists attacked processions brought out by Progotishil Chhatra Jote⁴⁵ in different educational institutions, including Chittagong and Rajshahi Universities, that were organised to protest attacks on the ordinary students at Dhaka University campus. During the attacks by Chhatra League, five members of Chhatra Jote were injured in Chittagong University and 13 activists of Somajtantrik Chhatra Front⁴⁶ were injured in Sylhet.⁴⁷ • On 2 February, during a protest meeting in front of the National Museum police took away the megaphone and forced the protestors to leave the meeting place to prevent them from demanding the trial of criminals who attacked the central leader of Gonoshonghori Andolon, Hassan Maruf Rumi.⁴⁸ • On 10 March, police baton charged the rally of students from different universities and colleges and job seekers in Dhaka City, demanding an increase of the age limit for applying in government jobs.⁴⁹ • On 10 June 2018, meeting organised by teachers and employees of private educational institutions in front of the National Press Club at Dhaka were stopped by police.⁵⁰ • On 30 June 2018 Chhatra League leaders-activists attacked the press conference organised by student demanding the reformation of the quota system in public service, in front of the Central Library of Dhaka University. During this attack some student activists, including the Joint Convener of the Committee to Protect Rights of the General Students, Nurul Huq Nuru were injured. University teacher Dr. Zaved Ahmed was attacked by Chhatra League activists while trying to shield a student from them.⁵¹

⁴⁵ Progressive Students Alliance, a left-leaning students' organisation.

⁴⁶ Student wing of the Socialist Party of Bangladesh.

⁴⁷ The daily Jugantor, 25 January 2018 <https://www.jugantor.com/todays-paper/first-page/10756/>

⁴⁸ The daily Jugantor, 03 February 2018; <https://www.jugantor.com/todays-paper/second-edition/13968/>

⁴⁹ The daily Prothom Alo, 11 March 2018;

⁵⁰ The Daily Ittefaq, 11 June 2018;

⁵¹ Bangla Tribune, 30 June 2018; www.banglatribune.com/others/news/338041-



Police assaulted a woman protestor, during a protest for increasing the age limit in government service, at Banglamotor, Dhaka. Photo: Prothom Alo, 11 March 2018.



Chhatra League activists roughed up anti-quota protesters at Dhaka University. Photo: New Age 1 July 2018

Criminalisation of ruling party

25. Between January and June 2018, according to information gathered by Odhikar, 49 persons were killed and 2256 persons were injured in political violence. Furthermore, 154 incidents of internal violence in the Awami League and four in the BNP⁵² were also recorded during this period. 19 persons were killed and 1694 were injured in internal conflicts within the Awami League while two persons were killed and 31 were injured in conflicts within the BNP.

⁵² BNP: Bangladesh Nationalist Party.

26. Criminal activities of leaders and activists of Chhatra League⁵³ and Jubo League⁵⁴ across the country continued during the last six months. Allegations of extortion, forcefully acquiring tender bids, land grabbing, abductions, violence at educational institutions, attacks on students at educational institutions, leaking question papers, fixing admissions at educational institutions, acts of violence against women and ordinary citizens and sexual harassment were reported against them. Furthermore, Chhatra League and Jubo League activists are involved in incidents of internal conflict which are linked to matters of vested interest and they are openly killing each other. In most cases the accused could not be brought to justice as they enjoy impunity.

• On 4 January 2018 clashes took place between two factions of Chhatra League at MC College campus in Sylhet during a programme of Chhatra League's founding anniversary. During the clash, gunmen wearing helmets joined both groups and shot at each other. Two Chhatra League activists named Akhter Hossain and Abdus Salam were injured.⁵⁵ • Leaders and activists of the Awami League and its affiliated organisations from different areas participated in the assembly organised by the ruling Awami League at Suhrawardy Udyan in Dhaka on 7 March 2018, were allegedly sexually harassed many women and girls and even their clothes were torn in different streets at Banglamotor, Shahbagh, Dhaka University campus, Kakrail, Khamarbari and Kolabagan of Dhaka city.⁵⁶ • On 11 April 2018, Jahangirnagar University unit Chhatra League activists attacked students protesting for quota reform at the University. As a result, at least 15 persons, including female students were injured.⁵⁷ • On 3 June 2018, a violent altercation took place between supporters of the ruling party MP Gazi Golam Dastogir and supporters of Tarabo unit Jubo League Organising Secretary Rashel over establishing supremacy in Rupganj area under Narayanganj District. During the clash local Chhatra League activists Riaz, Sohan and Pappu shot which caused seven persons, including a woman were injured.⁵⁸

⁵³ Student wing of Awami League, the ruling party.

⁵⁴ Youth wing of Awami League.

⁵⁵ The daily Prothom Alo, 05 January 2018

⁵⁶ The daily Prothom Alo, 08 March 2018 and The daily Manabzamin 09 March 2018;

<http://www.mzamin.com/article.php?mzamin=108263>

⁵⁷ The daily Prothom Alo, 12 April 2018

⁵⁸ The daily Manabzamin, 04 June 2018; www.mzamin.com/article.php?mzamin=120139&cat=9/



Two factions of Chhatra League at MC College campus in Sylhet were involved in a clash during a programme for Chhatra League's founding anniversary. Photo: Prothom Alo, 5 January 2018.

B. Public Lynching

27. Incidents of deaths due to public lynching continue to occur despite right to life and personal liberty being guaranteed in the Constitution of Bangladesh and Article 6 of the ICCPR. Due to a weak criminal justice system, lack of implementation of laws, 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.

28. **Between January and June 2018, 28 persons were killed in such a manner.**

C. 'Extremism' and Human Rights

29. The emergence of 'extremism' has been observed in the country due to conflict, unruliness and suppression. However, in the absence of a democratic system and lack of an accountable government, the transparency of the operations to prevent 'extremism' have been put to question. Because such operations carried out in the name of 'countering extremism' have even caused the deaths of women and children; and people are also becoming victims of enforced disappearance.⁵⁹ Some of the arrestees later died in the custody of law enforcement agencies. As a

⁵⁹ For details, see Odhikar's monthly human rights monitoring report of April 2017; <http://www.odhikar.org/wp-content/uploads/2017/05/human-rights-monitoring-report-April-2017-English.pdf>

result what actually happened, or happens, in such operations are still unclear.⁶⁰ This makes one question whether ‘extremists’ are actually stopped or are innocent or political opponents being victims of such operations. In 2018, such operations continue in the name of ‘counter terrorism’ by state security forces, and as a result many suspects were killed or became victims of extrajudicial execution.

• The media wing of the Rapid Action Battalion (RAB) informed that three ‘extremists’ were killed during an operation that commenced at around 2:00 am on 12 January 2018 conducted by RAB in a house named Rubi Vila at Nakhalpara, Dhaka. RAB claimed that the deceased were members of the outlawed organisation, JMB, as per their intelligence report. Although RAB claimed that the ages of the three were between 25 and 27, later it was found that among the killed ‘extremists’, one was Robin Mia (17) from Kishoreganj and two others were Mezbahuddin (age not known) and Nafis ul Islam (16).⁶¹ • On 12 June 2018 a publisher and poet named Shahjahan Bachchu was shot dead by some criminals in Kakaldi Village under Sirajdikhan Upazila in Munshiganj District. It was learnt that Shahjahan Bachchu was also a freelance writer and he used to regularly express his opinion on facebook. His relatives said that Islamist extremists gave him threats to kill him due to his writings.⁶² On 24 June 2018, police claimed that they arrested a man named Abdur Rahman, the prime suspect of the Shahjahan Bachchu murder, from Gazipur. On 27 June, Abdur Rahman was killed in ‘gunfight’ with police in the Baluchor area of Sirajdikhan. It has been often observed that so-called extremists are killed in ‘gunfight’ after being arrested by RAB or police. As a result this questions whether such incidents of ‘gunfight’ are taking place in order to conceal the truth and to save influential persons.

D. Dysfunctional State Institutions

Anti Corruption Commission

30. Lack of transparency and accountability is prevailing in the country due to an absence of an elected government and effective Parliament. As a result, acts of corruption have widely expanded and a state of anarchy has been established in the country. In most cases, leaders and activists of the Awami League and various professionals affiliated to the government are allegedly involved in

⁶⁰ The daily New Age, 28 April 2017; <http://www.newagebd.net/article/14532/extremism-tackling-narrative-warrants-transparency>

⁶¹ For details, see Odhikar’s monthly human rights monitoring report of January 2018; http://odhikar.org/wp-content/uploads/2018/02/human-rights-monitoring-report-January-2018_Eng.pdf

⁶² The daily Prothom Alo, 13 June 2018;

corruption. There are allegations of money laundering⁶³, corruption in the stock market and banking sector⁶⁴ mainly committed by Awami League leaders and persons affiliated with the government. As per law, the Anti Corruption Commission (ACC) is supposed to work as an independent and impartial institution, but the ACC could not act in such a manner due to pressure by the ruling party which was proved in their various activities.⁶⁵ Although the ACC filed a few cases against influential politicians of the ruling party, the legal proceedings against them are very slow. 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. However, like BNP Chairperson Khaleda Zia, corruption cases were also filed against the current Prime Minister Sheikh Hasina in 2007-2008 and such cases have since been withdrawn by using political power. The failure and prejudice of the ACC has been highlighted in a High Court judgement. On 31 May 2018, a High Court Division bench of the Supreme Court comprising of Justice Enayetur Rahim and Justice Shahidul Islam gave this verdict over the slow investigation process of graft cases filed against BASIC Bank. Investigation has to be completed in 60 days and members of the governing committee of BASIC Bank, including its former Chairman Abdul Hye Bachchu are to be brought under justice. Referring to a previous order, the High

⁶³ 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 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/>

⁶⁴ Corruption in the banking sector became extreme due to lack of accountability and nepotism after the Awami League led government re-assumed power through a farcical election in 2014. During this period, the government gave licenses to the ruling party leaders and activist and also engaged them to govern/manage boards in different banks. As a result, a private company named Hallmark reportedly took several thousand crores (billions) of Taka through corruption from Sonali Bank. Furthermore, billions of taka were allegedly embezzled through corruption and loan scams from various banks, including reserve money stolen from Bangladesh Bank, BASIC Bank (ACC did not investigation or file any case against the Chairman of the Managing Committee of the bank, Sheikh Abdul Hye Bachchu, due to his strong ties to the high command of the ruling party), Farmers Bank owned by the then Home Minister Mohiuddin Khan Alamgir between 2012 and 2013 and Janata Bank. Janata Bank had given a loan of 55.04 billion Taka to Anon Tex Group owned by Mohammad Yunus (Badal), while its capital was 29.79 billion Taka. It is reported in the media that there is an opportunity to lend up to 25% of the capital. That means a customer cannot be given more than 7.5 billion Taka loan. Such amount was given when Dr. Abul Barakat, Professor of Economics, Dhaka University, was the Chairman of this Bank. The board members of this Bank were former Chhatra League leader Balram Poddar; former Joint-Secretary of the sub-committee of Awami League, Nagibul Islam (alias Dipu); and Jubo League leader Abu Naser.

⁶⁵ The Anti Corruption Commission relieved some senior Awami League leaders and people associated with the ruling party of graft charges in 2013. Among them former parliamentarian HBM Iqbal and former Chief Whip and Awami League leader Abul Hasnat Abdullah were acquitted by this Commission. In June 2013, the ACC relieved former Minister Mohiuddin Khan Alamgir of an allegation of corruption. Furthermore, many government officers were acquitted from the graft charges. The ACC also acquitted the ruling party MP from Cox's Bazaar-4, Saimum Sarowar and his wife Syeda Selina Akhter, the Awami League MP from Narayanganj-4, Shamim Osman from charges. Between January and August 2014, about 1,600 politicians, backed by the ruling party Awami League, and high-level government officers were given clean chits. Among them, the ACC had given clean chits to the Deputy Leader of the Parliament, Sajeda Chowdhury; former Health Affairs Adviser to the Prime Minister Syed Modasser Ali; the Disaster Management and Relief Minister Mofazzal Hossain Chowdhury Maya; the Health Minister, Mohammad Nasim; and former Ambassador of Bangladesh to the Philippines, Mazeda Rafiqun Nesa.

Court Division stated that the ACC being a statutory institution, has failed to implement the order of the highest court of the country, which is disgraceful to the court, making the court order meaningless. While dealing with scam and graft cases, neutrality, transparency and willingness of the ACC is under severe question.⁶⁶

Election Commission

31. The present Election Commission (EC) headed by KM Nurul Huda⁶⁷ has become controversial due to its bias role. The EC has lost people's confidence as it has become subservient to the government and elections conducted under this Commission were farcical. During this six month period, two bi-elections were held on 13 March, and 132 elections in different Union Parishads and Municipalities, Upazila Parishad and bi-polls in Chittagong and Khulna City Corporations were held on 29 March; elections in 16 Union Parishads and Khulna City Corporation were held on 7 and 15 May respectively; and Gazipur City Corporation elections were held on 26 June 2018. In all these elections 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 candidates. The Election Commission has failed to take any action against such allegations and election rigging. The Election Commission, without admitting its failure, has taken sides with the government and claimed that elections were held in a free and fair manner. Furthermore, the EC is not taking any measures, to create a level-playing field for all before the upcoming national elections, as demanded by the opposition parties. Rather, the Commission is seen enthusiastically implementing any suggestion or recommendation coming from the ruling party. On 12 April 2018, a delegation of the Awami League, led by the Prime Minister's political advisor H T Imam, met the Election Commission and demanded an amendment to the electoral Code of Conduct by opening a scope for the Members of Parliament to campaign in city corporation elections. On 24 May, the EC approved this demand, despite an objection from a Commissioner.⁶⁸ Although the Election Commission is a constitutional body, the current Commission's admiration towards the ruling

⁶⁶ The daily Prothom Alo, 12 June 2018;

⁶⁷ The President of Bangladesh appointed the new commission after the tenure of controversial Election Commission headed by Rakib Uddin Ahmed in February 2017.

⁶⁸ The daily Prothom Alo, 25 May 2018

party has already created 'no confidence' among public who question its role in the upcoming parliamentary elections.

Local government and by-elections

32. On 13 March, Brahmanbaria-1 (Nasirnagar)⁶⁹ and Gaibandha-1 (Sundarganj)⁷⁰ by-polls were held. Elections in Sagardighi Union under Ghatail Upazila in Tangail District were held on 29 March. Elections in Nuralapur Union Parishad under Madhobdi Upazila under Narshingdi District were held on 7 May 2018; and elections in Ponabalia Union Parishad under Jhalkathi District; Dadoshgram Union Parishad under Haziganj Upazila in Chandpur District; and Mujibnagar Union Parishad under Chorfashion Upazila in Bhola District were held on 15 May; and were all marred with various irregularities, including casting fake votes, capturing polling centres and forcibly ousting polling agents of the candidates nominated by the opposition parties.

Khulna and Gazipur City Corporation elections

33. The incumbent government has taken away the people's right to vote in every local government polls held during its reign, after reassuming power through farcical elections in 2014; in order to ensure its party candidates are elected. In continuation of this, the Khulna City Corporation elections held on 15 May and Gazipur City Corporation held on 26 June⁷¹ were marred with various irregularities and vote rigging, including 'capturing' polling stations, snatching ballot papers, casting fake votes and apprehending and ousting the polling agents belonging to rival candidates. These two elections were totally under control of the government and ruling Awami League party. They have used the local administration, election officials and law enforcement agencies to favour their candidates. Police started to arrest, threaten and harass BNP leaders-activists from the two city corporations from the day before the polls. Due to these, BNP nominated Khulna City Corporation mayor candidate Nazrul Islam Manju and Gazipur City Corporation mayor candidate Hasan Uddin Sarkar made complaints to the Election Commission (EC) several times in this regard, but the EC failed to take any effective action. Furthermore, the law enforcement

⁶⁹ The seat became vacant as the MP of Brahmanbaria-1 (Nasirnagar) Sayedul Haque died on 16 December 2017

⁷⁰ The seat became vacant as the MP of Gaibandha-1 (Sundarganj) Golam Mostafa Ahmed died on 19 December 2017

⁷¹ Gazipur City Corporation election which was scheduled to be held on 15 May was postponed as per the High Court Order and later the Appellate Division of the Supreme Court ordered the election be held by 28 June and the Election Commission fixed the polling date on 26 June.

agencies did not pay any heed to the High Court order, regarding not to arrest opposition party leaders and activists during elections. The 'process' of casting votes and voters' turnout in both city corporations were found to be same – snatching ballot papers, stamping the ruling party electoral symbol and stuffing ballot boxes.



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



Around 20-25 unknown men allegedly stuffed ballot papers after stamping them with boat symbol at Shaheed Smriti High School centre in Joydevpur. Photo: The Daily Star, 27 June 2018

34. More than 90% votes were cast in both city corporations' elections. 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 votes

were cast in three polling centres. In Gazipur City Corporation election, more than 90% votes were cast in two polling centres while in 24 polling centres, more than 80% votes were cast. In one polling centre, voter turnout was less than 20%. Less than 40% votes were cast in 18 polling centres. Election analysts said that such number of voters' turnout was unusual.⁷²



Almost no voters are seen at Deo Ali Bari Government Primary School amid the ongoing Gazipur City Corporation election. Photo: The Daily Star, 26 June 2018

35. On 20 June 2018, the Chief Election Commissioner sat in a 'view exchange' meeting with all commissioners in Gazipur and promised to provide them with equal opportunity to all during elections. After this commitment, in the midnight of that day police arrested nine members of the polling coordinating committee of BNP nominated candidate Hasan Uddin Sarkar.⁷³ Despite the High Court order, polling agents of the BNP nominated candidate were picked up by law enforcers from different places on the day before and on election day. In the evening of the day before polling day, some plain clothed police picked up 10 persons from Dhirashram and Shamantopur areas of the city. Later, it was learnt that they were detained in Keraniganj Central Jail.⁷⁴ On election day, from 6:00 am, police started their arrest operation. The DB Police arrested 19 BNP polling agents and polling centre committee members on their way to polling centres.⁷⁵ At around 11:45 am, during the elections, plain clothed DB Police picked up BNP candidate polling agent Mohammad Idris Ali from Gachha Kamoleshwar Adarsha School polling centre at ward no. 34 and detained him at Gazipur Police

⁷² The daily Naya Diganta, 28 June 2018; www.dailynayadiganta.com/politics/328503/

⁷³ The daily Prothom Alo, 22 June 2018; www.prothomalo.com/bangladesh/article/1515326/

⁷⁴ The daily Prothom Alo, 28 June 2018; www.prothomalo.com/bangladesh/article/1520161/

⁷⁵ The daily Naya Diganta, 27 June 2018; www.dailynayadiganta.com/first-page/328218/

Line. Idris Ali said that 42 persons, including him were detained there till the voting ended. After the elections, they were released at different places outside Gazipur area.⁷⁶

36. On election day, supporters of the ruling party were present in the front of the gate of all polling centres, from morning. Due to their presence many BNP supporters and ordinary voters could not go to the polling centres out of fear.⁷⁷ At around 11:00 am, polling agents of BNP candidate were ousted from seven polling centres of ward 34. Among them, out of six polling booths of Ananta Model Kindergarten-1 polling centre, polling agents of BNP candidates was ousted from the five polling booths, and one was arrested by police.⁷⁸ Though the police were not active to prevent election related irregularities and fake votes, however, on various pretexts they were seen harassing journalists, who were gathering information.⁷⁹ Supporters of the ruling party snatched the ballot papers from voters and stamped the Awami League electoral symbol 'boat' and began stuffing ballot boxes in Pubail Adarsha College polling centre. At around 11:00 am, about 20-25 youth entered three polling booths in Mogarkhal Madinatul Ulum Alia Madrassa polling centre and stamped the Awami League electoral symbol 'boat'. Such incident continued for about an hour, but the on-duty police did not take any action. The Presiding Officer of the polling centre, Sheikh Ekhlashur Rahman admitted to the incident.⁸⁰ Jubo League activists were also seen actively doing duty with police in Noagaon M A Majid High School polling centre at Tongi. They did not allow anyone to enter the polling centre, except for supporters of the government. At that time, some government supporters present in the polling booths, stuffed ballot boxes.⁸¹ Despite widespread irregularities, Secretary of the Election Commission, Helal Uddin Ahmed claimed that the elections were held in free and fair manner.⁸² The Election Commission suspended voting in nine polling centre over allegations of rigging.

⁷⁶ The daily Prothom Alo, 28 June 2018; www.prothomalo.com/bangladesh/article/1520161/

⁷⁷ The daily Manabzamin, 27 June 2018; www.mzamin.com/article.php?mzamin=123116&cat=3/

⁷⁸ The daily Prothom Alo, 27 June 2018;

⁷⁹ The daily Manabzamin, 27 June 2018; www.mzamin.com/article.php?mzamin=123117&cat=3/

⁸⁰ The daily Manabzamin, 27 June 2018; www.mzamin.com/article.php?mzamin=123112&cat=3/

⁸¹ Ibid

⁸² The daily Manabzamin, 27 June 2018; www.mzamin.com/article.php?mzamin=123132&cat=2/

E. Freedom of Expression and Freedom of the Media

Repressive laws

37. The government is using section 57⁸³ of the Information and Communication Technology Act 2006 (Amended 2009 and 2013) as a weapon against human rights defenders, journalists, bloggers and against public opinion. The ICT Act curtails freedom of expression and it is contrary to the Constitution of Bangladesh. Incidents of filing cases and imprisoning people for writing comments or even giving 'like' in Facebook posts critical of high-level persons in the government or/and their family members, continued during the last six months. The Cabinet on 29 January 2018, approved the draft 'Digital Security Act 2018' (DSA) after recommending that five sections, including section 57 of the ICT Act be revoked. Regrettably 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 32⁸⁴ of the approved draft DSA, relating to spying on the computer and other digital crimes, can be used by the government against journalists and human rights defenders. 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.⁸⁵ Meanwhile, on 14 May 2018, during the 3rd UPR cycle of Bangladesh at the UN Human Rights Council in Geneva, several member states, recommended that the government of Bangladesh review and redraft this law.
38. A Jamaat activist named Nur Mohammad on 7 January from Narayanganj⁸⁶; a youth named Mohammad Helal on 26 January from Lakshmipur⁸⁷; Kurigram

⁸³ 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.

⁸⁴ 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.

⁸⁵ The daily Jugantor, 10 April 2018; <https://www.jugantor.com/todays-paper/last-page/36851/>

⁸⁶ For details, see Odhikar's human rights monitoring report of January 2018; http://odhikar.org/wp-content/uploads/2018/02/human-rights-monitoring-report-January-2018_Eng.pdf

⁸⁷ Ibid

District unit Swechchasebak Dal leader Harun-ar-Rashid on 4 February⁸⁸; and a businessman named Ismail Hossain Shamim on 3 May Noakhali District⁸⁹, were arrested by police under the ICT Act, for allegedly making ‘objectionable’ posts and ‘caricatures’ of Prime Minister Sheikh Hasina and her son and IT advisor Sajeeb Wazed Joy; Awami League General Secretary and the Minister for Road Transport and Bridges, Obaidul Qader; Finance Minister Abul Mal Abdul Muhit; Shipping Minister Shahjahan Khan on Facebook. On 24 March 2018, President of Bogra Sherpur Degree College unit Chhatra League, ASM Shakil filed a case under the ICT Act against a first year student of the same college Fabiha Nazmin (16) for allegedly criticising the Prime Minister Sheikh Hasina on Facebook.⁹⁰ 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.⁹¹

39. **According to information gathered by Odhikar, in the first six months of 2018, six persons were arrested under the Information and Communication Technology Act 2006 (amended 2009 and 2013).**

Freedom of the media

40. 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. Meanwhile, the government closed down pro-opposition electronic media – Channel One, Diganta TV, Islamic TV – and the publication of the print media, the daily Amar Desh. Furthermore, the ruling party leaders and activists and members of law enforcement agencies attacked journalists at different times and accused them under politically motivated cases during this reporting period.

41. **According to information gathered by Odhikar, from January to June 2018, 25 journalists were injured, seven were assaulted, eight were threatened, one was**

⁸⁸ For details, see Odhikar’s human rights monitoring report of February 2018; http://www.odhikar.org/wp-content/uploads/2018/03/human-rights-monitoring-report-February-2018_Eng.pdf

⁸⁹ For details, see Odhikar’s human rights monitoring report of May 2018

⁹⁰ The daily Naya Diganta, 26 March 2018; <http://www.dailynayadiganta.com/detail/news/304875>

⁹¹ The daily Naya Diganta, 3 May 2018; <http://m.dailynayadiganta.com/detail/news/315007>

tortured and 12 were sued while they were performing their professional duties.

42. During the last six months, Awami League and Chhatra League activists attacked Jessore District correspondent of Independent TV and staff reporter of the daily Protidiner Kotha, Ziaul Huq and cameraperson Sharif Khan⁹²; a video journalist of Sylhet Bureau Jamuna TV, Nirananda Pal and photojournalist of the daily Jugantor, Mamun Hassan⁹³; and Rangamati District correspondent of the daily Samakal, Shotrang Chakma⁹⁴ while they were gathering information. During this period, Kiron Sheikh of an online news portal, Bangladesh Journal, was severely beaten by Assistant Sub Inspector Obaidul Huq of Paltan Police Station when gathering information on police attack at a BNP programme⁹⁵ and police attacked Arman Kaisar and Mohammad Manik, correspondent and cameraperson of Bangla TV respectively while they were gathering information.⁹⁶



43. Furthermore, police are accusing journalists under various criminal charges. Tongi correspondent of the daily Naya Diganta, Azizul Huq had been accused in cases filed with Tongi Police Station against 165 BNP activists under the Special

⁹² For details, see Odhikar's human rights monitoring report of January 2018; http://odhikar.org/wp-content/uploads/2018/02/human-rights-monitoring-report-January-2018_Eng.pdf

⁹³ Ibid

⁹⁴ For details, see Odhikar's human rights monitoring report of February 2018; http://www.odhikar.org/wp-content/uploads/2018/03/human-rights-monitoring-report-February-2018_Eng.pdf

⁹⁵ Ibid

⁹⁶ For details, see Odhikar's human rights monitoring report of April 2018; http://www.odhikar.org/wp-content/uploads/2018/04/human-rights-monitoring-report-April-2018_Eng.pdf

Powers Act and the Explosive Substance Act for publishing news.⁹⁷ On 8 February 2018, Chhatra League leaders and activists attacked and shot at leaders and activists of Swechchasebak Dal⁹⁸ and Chhatra Dal⁹⁹ when they brought out a protest rally in Sylhet.¹⁰⁰ Police filed a case in this connection accusing 200 BNP leaders-activists. Police also accused Muhit, a photojournalist of the daily Shyamol Sylhet, who was on duty at that time. That day Muhit took some photographs relating to violence, which were published in the daily Shyamol Sylhet the next day.¹⁰¹

F. Workers' Rights

44. Human rights of workers were violated in different ways in the last six months. Workers at formal and informal sectors are being discriminated however, situation of informal workers are more vulnerable.
45. **According to information gathered by Odhikar, from January to June 2018, two workers died, 73 workers were injured by police attacks, 47 workers were injured by the factory authority during demonstrations for various demands including unpaid wages and two workers were injured in factory fire. Furthermore, 60 workers in the informal sector were killed and 22 workers were injured during this period.**

Situation of workers in the formal sector

46. RMG industries are a very large source of revenue for Bangladesh and the factory workers are one of the main contributing factors to this success. However, workers' unrest continued during this period due to the closing down of factories without notice, harassment, sudden termination of workers and not paying wages on time and RMG workers were attacked by owners, employees of BGMEA and Industrial Police during protests. Furthermore, a female worker was raped by RMG factory employees in the workplace during this period.

• On 31 January 2018, workers of a readymade garment factory named 'Ashiana' situated at Rampura, Dhaka went to Kawranbazar to surround BGMEA¹⁰² Bhaban in protest of their unpaid wages and termination of workers. At that time, employees of the BGMEA attacked the workers with sticks.¹⁰³ • On 15 March, a group of workers of

⁹⁷ The daily Naya Diganta, 10/02/2018; <http://www.dailynayadiganta.com/detail/news/292541>

⁹⁸ Voluntary wing of BNP

⁹⁹ Student wing of BNP

¹⁰⁰ The daily Naya Diganta, 09/02/2018; <http://www.dailynayadiganta.com/detail/news/292302>

¹⁰¹ The daily Manabzamin, 11/02/2018; www.mzamin.com/article.php?mzamin=104479&cat=10/

¹⁰² Bangladesh Garment Manufacturers and Exporters Association

¹⁰³ The daily Naya Diganta, 01/02/2018 <http://www.dailynayadiganta.com/detail/news/290067>

United Trousers Garments at Ashulia were staging a demonstration in front of the factory, demanding the payment of their arrears within the 15th day of every month. At that time, the Industrial Police, by the order of the factory owner, baton charged to disperse the workers.¹⁰⁴ • On 23 May 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.¹⁰⁵ • A RMG factory named Duminet Knit Fashion Industries at Ashulia was closed down by the factory authority without paying the workers wages and bonus. On 10 June 2018, workers of this factory carried out demonstrations and hunger strike.¹⁰⁶

Situation of workers in the informal sector

47. The construction workers are discriminated in various ways and their human rights are also violated. The contributions of construction workers are enormous in making roads, bridges and buildings. But these workers, who fall in the category of the informal workforce, are being discriminated against in areas of wages, social safety nets and other benefits. Among them, the condition of women workers is obviously more vulnerable. They are victims for two reasons. Firstly, for being female and secondly, for being construction workers. They do not have adequate sanitation, safe water, and place for taking bath after work and safety measures such as using gloves, masks during work. Nor is there any place to keep their children. They are forced to work even lower than the minimum wage.

Situation of women migrant workers

48. Recently hundreds of women migrant workers took shelter at the Bangladesh Embassy in Saudi Arabia after being ill-treated in different ways, including suffering sexual abuse by their employers in Saudi Arabia. Later they returned home with support of the government. After their return women workers shared their terrible experience and the heinous acts faced by them. They alleged incidents of sexual abuse on them, non-payment of wages and not provided adequate food. Many of them fled to Bangladesh with empty hands as they were not given their salaries. Women workers who returned home requested the government not to send women workers abroad. Inhuman and degrading treatment, including sexual harassment on women migrant workers are common and such acts have been taking place in the Middle East for many years. Earlier

¹⁰⁴ The daily Naya Diganta, 17 March 2018 and The daily New Age, 17 March 2018; <http://www.newagebd.net/article/36932/20-hurt-as-rmg-workers-clash-with-cops-in-savar>

¹⁰⁵ The daily Prothom Alo, 29 May 2018;

¹⁰⁶ The daily Naya Diganta, 11 June 2018; www.dailynayadiganta.com/more-news/324670/

many female migrant workers shared their terrible experiences after returning to Bangladesh from abroad. However, the government did not take any effective measure in this regard. As a result, women workers are returning home every year with empty pockets after being victims of cruel and inhuman treatment.¹⁰⁷

49. The Malaysian government has decided to stop taking in Bangladeshi migrant workers under the current process. Such suspension was made by declaring that Bangladeshi workers were sent to Malaysia through human trafficking. Investigation of this incident is currently underway. In 2016, new procedures were taken to go to Malaysia. The Malaysian government has authorised only ten agencies of Bangladesh to send workers to Malaysia. On 22 June 2018, a Malaysia based newspaper; the Star published a report on this matter. It is reported that a group of human traffickers, led by a Bangladeshi trader, has sent more than one hundred thousand Bangladeshi workers to Malaysia in the last two years. The group has taken 4218 crore Taka from these Bangladeshi migrant workers. It is also mentioned in the report that there is a link between the Bangladesh Foreign Ministry and political contacts with this clique.¹⁰⁸

G. Relation with Neighbouring Countries: India and Myanmar

Aggressive policy of India towards Bangladesh

50. India played a major role in destroying the democratic system in Bangladesh through direct interference in the controversial 5 January 2014 elections in order to hold political and economic supremacy over Bangladesh.¹⁰⁹ 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 aggression¹¹⁰ on Bangladesh has strengthened to establish supremacy over Bangladesh through various means.

¹⁰⁷ The daily Naya Diganta, www.dailynayadiganta.com/first-page/324510/, 11 June 2018 and New Age, <http://www.newagebd.net/article/43316/overseas-jobs-shrinking> 10 June 2018;

¹⁰⁸ The daily Prothom Alo, 23 June 2018;

¹⁰⁹ 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 has made peculiar and inactive parliament. <http://www.dw.com/bn/নির্বাচন-না-হলে-মৌলবাদেব-উত্থান-হবে/a-17271479>

¹¹⁰ 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

Meanwhile Bangladesh did not get adequate Teesta river water from the Indian government which is a justified demand of Bangladesh. 2018 is a significant year for Bangladesh because the 11th Parliamentary election is expected to be held in December this year. People of Bangladesh are waiting for a free, fair and participatory election. But it is a matter of concern that activity and analysis by Indian policymakers ahead of this election are visible, which is reminding everyone of India's role in holding the 2014 controversial elections. On 25 May 2018 Bangladesh Prime Minister Sheikh Hasina met Indian Prime Minister Norendra Modi in West Bengal after inaugurating 'Bangladesh Bhaban' at Shanti Niketon. During the meeting, the message from Sheikh Hasina to Norendra Modi was that if Awami League loses its power, India has to live with Pakistan on two sides – West and East. Thus, India should support the current government of Bangladesh so that it reassumes power.¹¹¹ Meanwhile BNP's standing committee members Amir Khashru Mahmud Chowdhury, Vice-Chairman Abdul Awal Mintu and its International Affairs Secretary Humayun Kabir met with India's policymakers and think-tank fellows in New Delhi over the upcoming parliamentary elections of Bangladesh. They sought India's support for a neutral and fair election.¹¹² Bangladesh got independence in 1971 after a long struggle and sacrifice of lives. The desire of the people of this country was to establish a just-based democratic state. But sadly it is true that a fair and normal political trend could not establish in Bangladesh due to the failure in building a nation based on the proclamation of independence – equality, human dignity and social justice. As a result, the intention of the political parties, particularly the two major political parties of the country, to assume power through the people's vote, has now become less important. Thus the dependence on the support of India instead of the people's mandate is a serious threat for sovereignty of Bangladesh. One of the main reasons of depending on foreign countries was that of India's direct intervention in conducting a controversial election in 2014. As a result the Awami League reassumed power for the second term without people's vote. After the 2014 elections, it has been established that the people of Bangladesh are no longer a matter for assuming power, rather it is the need to depend on India's will. However, the past history of struggle of the people of Bangladesh is never forgotten. Thus, Odhikar believes that people of this country will not tolerate such kind of aggression and supremacy for a long

¹¹¹ Anandabazar, 26 May 2018; <https://www.anandabazar.com/national/sheikh-hasina-said-various-pending-issues-between-india-and-bangladesh-1.805857>

¹¹² The Daily Ittefaq, 10 June 2018; <http://www.ittefaq.com.bd/print-edition/first-page/2018/06/10/282767.html>

time and people will resist such kind of aggression and supremacy in the future, and hence they will gain their civil and political rights.

51. Apart from Indian aggression and supremacy over Bangladesh, incidents of killing, torturing and robbing Bangladeshi citizens after illegally trespassing into Bangladesh territory continued during the last six month. **According to information gathered by Odhikar, from January to June 2018, three Bangladeshis were killed by the Indian Border Security Force (BSF). Among them, one was shot dead and two were tortured to death. Furthermore, 12 Bangladeshis were either shot or injured. Of them, six were shot and wounded, four were tortured and two were injured by crude bomb explosions. Nine Bangladeshis were also abducted by the BSF.**
52. As per Odhikar documentation during this reporting period, on 11 January 2018 Kadam Ali at Roumari border in Kurigram District¹¹³; on 28 January, Manjurul Alam at Patgram border in Lalmonirhat District¹¹⁴; and on 4 February Shariful Islam at Shibganj borer in Chapainababganj¹¹⁵, were killed by the BSF. It is to be mentioned that not a single incident of killing by BSF had been brought to justice.¹¹⁶ Even children are not spared in attacks by BSF. On 30 April 2018, a school student Mohammad Rasel 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 Rasel was seriously wounded and lost the sight of his right eye.¹¹⁷

Acts of genocide against Rohingyas in Myanmar

53. More than 700,000 Rohingyas¹¹⁸ took shelter in different refugee camps in Cox's Bazar district since 25 August 2017, after the genocide by Myanmar military and Buddhist extremists during the 'Clearance Operations' against Rohingyas.
54. In the last few months, Odhikar and other local and international organisations have been warning about the floods, landslides and other upcoming dangers of the rainy season in Rohingya camps. No sooner had the first part of June gone, than the fears came true.

¹¹³ For details, see Odhikar's human rights monitoring report of January 2018; http://odhikar.org/wp-content/uploads/2018/02/human-rights-monitoring-report-January-2018_Eng.pdf

¹¹⁴ Ibid

¹¹⁵ For details, see Odhikar's human rights monitoring report of February 2018; http://www.odhikar.org/wp-content/uploads/2018/03/human-rights-monitoring-report-February-2018_Eng.pdf

¹¹⁶ For details, see Odhikar's annual human rights report 2017; http://www.odhikar.org/wp-content/uploads/2018/01/Annual-HR-Report-2017_English.pdf

¹¹⁷ The daily Naya Diganta, 09 May 2018; <http://dailynayadiganta.com/detail/news/316878>

¹¹⁸ The Daily Star, 19 June 2018; www.thedailystar.net/frontpage/myanmar-not-meeting-minimal-standards-1592065

55. In the morning of 11 June, due to continuous rain for a few days in the Rohingya camps at D-8 number hill of Ukhiya's Kutupalong refugee camp, a child died in a landslide and at least five hundred Rohingya refugees were injured.¹¹⁹ Rohingya refugees living in Kutupalong Camp said that at least 2500 refugees have suffered due to landslides brought by heavy rains. Along with them, more than 11,000 people have been affected. Due to mud accumulation on the road, communication and travel is almost impossible. Due to floods and water logging, it is difficult to enter the camp.
56. On 10 June 2018, Odhikar and Hong Kong based human rights organization, Asian Legal Resource Center (ALRC) jointly sent a document to the ICC prosecutors. The document contains, some videos with statements of 150 victims and their families regarding various types of crimes as extra judicial killing, gang rape, disappearance and torture. It is to be noted that the ICC is emphasizing on investigating the allegations of forced transmigration of Rohingya from Myanmar. Odhikar, ALRC and KIOS jointly made a [documentary](#) on acts of genocide against Rohingya people.
57. The International Criminal Court urged the Myanmar government to submit their opinion publicly or confidentially by 27 July 2018 after a review on the Rohingya issue submitted by Bangladesh on 11 June 2018.¹²⁰ Human rights lawyer Owen Jordan QC said that the ICC's request for submitting a document seeking opinion from Myanmar means a signal of pressure from the ICC on Myanmar to investigate the incident.¹²¹ This is welcome news.
58. United Nations High Commissioner for Human Rights, Zeid Ra'ad Al-Hussein, said that although Myanmar has said that they will investigate the allegations and take legal action against the criminals, but till now they have not met the minimum standards of faithfulness or neutrality.¹²²
59. The European Union imposed sanctions on seven senior military and police officers over alleged atrocities against Rohingya. EU foreign ministers agreed on 25 June to impose the sanctions for the involvement or association with atrocities and serious human rights violations committed against the Rohingya population in Rakhine during the second half of the last year. Canada sanctioned the same seven officers shortly after the EU announcement.¹²³

¹¹⁹ The Daily Ittefaq, 12 June 2018; www.ittefaq.com.bd/national/2018/06/12/160240.html

¹²⁰ The daily Prothom Alo, 21 June 2018; www.prothomalo.com/bangladesh/article/1515121

¹²¹ www.theguardian.com/world/2018/jun/23/myanmar-icc-pushes-to-investigate-rohingya-atrocities-rape-fire

¹²² www.thedailystar.net/frontpage/myanmar-not-meeting-minimal-standards-1592065

¹²³ <https://www.reuters.com/article/us-eu-summit/eu-struggles-to-bridge-migration-rift-at-tense-summit-idUSKBN1JN3AP>

60. A Rohingya child, Ansar Ullah (11), was wounded in no-man's land when Border Guard Police (BGP) of Myanmar opened fire from its territory along Tambru border in Bandarban's Naikhyangchhari Upazila on 28 June 2018. He was undergoing treatment at MSF Hospital in Kutupalong of Cox's Bazar.¹²⁴
61. Amnesty International said in a new report that they have evidence that the responsibility for the murder, rape and deportation of the Rohingya extends to the highest levels of the military, including Senior General Min Aung Hlaing, the commander-in-chief of the Defense Services, his deputy Vice Senior General Soe Win and other 11 officials. Therefore, they should be tried for crimes against humanity for the military's actions against Rohingya in northern Rakhine State last year. The report says, "The UN Security Council should immediately refer the situation in Myanmar to the International Criminal Court (ICC), so that the Office of the Prosecutor can begin investigating crimes under the Rome Statute".¹²⁵
62. On 6 June 2018, a Memorandum of Understanding (MoU) was signed between the United Nations and Myanmar government. The details of the MoU have been kept secret. Media, NGOs, donors were also in the dark about its contents. Although the MoU is related to the Rohingya, none of the Rohingyas were included during its drafting or as its signature ceremony. They were even not allowed to see it.
63. The United Nations and Myanmar government did not reveal the details of the agreement, but it has already been leaked online. On 29 June, Reuters published a report reviewing a leaked copy of the MoU which is given below:
- The signed agreement did not mention the refugees that fled to Bangladesh as 'Rohingya'.
 - It was not clear how the matter regarding citizenship will be resolved. Nothing is mentioned about reviewing the 1982 citizenship law of Myanmar in the MoU, which questioned its compatibility with international law and standards.
 - In this agreement, there was no clear guarantee of the freedom of movement of Rohingyas across the country, and nothing was mentioned about the amendment to the existing laws and regulations which are obstructing the freedom of movement of the Rohingyas.
 - The agreement did not say anything about the massive violation of human rights or genocide that occurred on Rohingyas.

¹²⁴ <https://www.thedailystar.net/backpage/rohingya-kid-shot-no-mans-land-1597048>

¹²⁵ <https://www.amnesty.org/download/Documents/ASA1686302018ENGLISH.PDF>

64. Amnesty International's researcher Laura Haigh said "As it stands, returning the Rohingya to Rakhine means returning them to an apartheid state – a place where they cannot move around freely and struggle to access schools, hospitals and places they rely on for work." She said, "Nothing in this document provides any guarantees that this will change."¹²⁶
65. Odhikar expresses deep concern about this Memorandum of Understanding. Odhikar believes that such MoU, excluding Rohingyas, refusing their identity and sending them back to Myanmar without ensuring their civil and political rights, will never bring them dignity and it will make their lives even more difficult. The contents of the memorandum are clearly negotiated, discriminatory towards the Rohingya and gives immunity to the Myanmar military from the allegations of genocide and crimes against humanity.

H. Violence against Women

66. From January to June 2018, many women and girls have become victims of rape, sexual harassment, dowry related violence and domestic violence. Incidents of child rape have significantly increased in recent times. **In the last six months, 101 women and 261 girls were raped. Despite widespread incidents of violence against women and girls, the status of trial and punishment of the perpetrators is very frustrating.**¹²⁷ Furthermore, the prosecution did not continue the trial process out of political consideration, following the decision of the Home Ministry.¹²⁸
67. **According to information gathered by Odhikar, from January to June 2018, a total of 102 women and children were victims of sexual violence. Of them, five later committed suicide, 21 were injured, 18 were assaulted, four were abducted and 54 were victims of stalking/sexual harassment.**

● On 2 January 2018, a man named Alauddin Sardar stabbed and seriously injured two students of class IX and class X over refusal of a proposal for an affair in Khamar Magura Village under Baliakandi Upazila in Faridpur District.¹²⁹ ● On 5 February Masudur Rahman Salam (50), Chairman of Ranapasha Union Parishad under Nalchhiti

¹²⁶ <https://www.reuters.com/article/us-myanmar-rohingya/secret-u-n-myanmar-deal-on-rohingya-offers-no-guarantees-on-citizenship-idUSKBN1JP2PF>

¹²⁷ 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.

¹²⁸ The daily Prothom Alo, 08 March 2018; www.prothomalo.com/bangladesh/article/1445731/

¹²⁹ The daily Bangladesh Pratidin, 04 January 2018 <http://www.bd-pratidin.com/last-page/2018/01/04/294574>

Upazila in Jhalkathi District attacked the house of the girl with sharp weapons and physically assaulted her grandmother and threatened to kill the girl after failing to marry a SSC¹³⁰ examinee (15). • On 2 April 2018, some criminals stabbed and injured a Madrasa student, for refusing love proposals in Shreepur under Gazipur District.¹³¹ • 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 Ali, for rejecting his indecent proposal in Nazirpur area under Gurudaspur Upazila in Natore. Her arms were fractured due to the beating.¹³²

68. Between January and June 2018, Odhikar recorded that a total number of 363 females had been raped. Among them, 101 were women, 261 were girls below the age of 18 and the identity of one person was not reported. Of the women, 49 were victims of gang rape and eight were killed after being raped. Out of the 261 girls, 48 were victims of gang rape and 20 were killed after being raped. 45 women and girls were also the victim of attempted rape.
69. According to information gathered by Odhikar, from January to June 2018, a total of 81 women were subjected to dowry violence. Of these women, 32 were allegedly killed, 48 were physically abused due to dowry demands and one committed suicide.
70. During this period, 81 housewives, including Asma Begum in Comilla¹³³, Rina Begum in Jamalpur¹³⁴, Mukta Akhter in Kishorganj¹³⁵, Anwara in Moulavibazar¹³⁶, Sharifa Rahman in Lalmonirhat¹³⁷, and Rahima in Nilphamari District¹³⁸ were killed by their husbands and in-laws family members due to dowry demands.
71. According to Odhikar documentation it was reported that 12 persons became victims of acid violence. Of them, seven were female, two were men and three were girls.

¹³⁰ Secondary School Certificate Examinations

¹³¹ The daily Bangladesh Protidin, 03 April 2018; <http://www.bd-pratidin.com/country-village/2018/04/03/319479>

¹³² The daily Naya Diganta, 07 May 2018; <http://m.dailynayadiganta.com/detail/news/316255>

¹³³ For details, see Odhikar's human rights monitoring report of January 2018; http://odhikar.org/wp-content/uploads/2018/02/human-rights-monitoring-report-January-2018_Eng.pdf

¹³⁴ For details, see Odhikar's human rights monitoring report of February 2018; http://www.odhikar.org/wp-content/uploads/2018/03/human-rights-monitoring-report-February-2018_Eng.pdf

¹³⁵ For details, see Odhikar's human rights monitoring report of March 2018; http://www.odhikar.org/wp-content/uploads/2018/04/HRR_March-2018_Eng.pdf

¹³⁶ For details, see Odhikar's human rights monitoring report of April 2018; http://www.odhikar.org/wp-content/uploads/2018/04/human-rights-monitoring-report-April-2018_Eng.pdf

¹³⁷ For details, see Odhikar's human rights monitoring report of May 2018; http://www.odhikar.org/wp-content/uploads/2018/06/human-rights-monitoring-report-May-2018_Eng.pdf

¹³⁸

I. Child Marriage Restraint Act, 2017 promotes child marriage

72. The child marriage rate in Bangladesh is a matter of deep concern.¹³⁹ 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'.¹⁴⁰ Bangladesh is a child marriage prone country where 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.¹⁴¹ This 'special provision' in the 2017 Act is a catalyst for increasing child marriages in the country. Victims of child marriage face various kinds of discrimination and violence and they are extremely affected due to this social stigma. Sometimes victims of child marriage committed suicide. On 7 June 2018, a student of class VII (13) committed suicide after a week of her marriage as she was forced to get married by her parents in Chuadanga District.¹⁴²

J. Hindrance to human rights activities of Odhikar

73. 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.¹⁴³ 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

¹³⁹ The daily Prothom Alo, 07 March 2018; <http://en.prothomalo.com/bangladesh/news/172370/Child-marriage-increases-in-Bangladesh-UNICEF>

¹⁴⁰ The daily Jugantor, 28 February 2017; www.jugantor.com/first-page/2017/02/28/104781/

¹⁴¹ The daily Jugantor, 28 February 2017; www.jugantor.com/first-page/2017/02/28/104781/

¹⁴² The daily Prothom Alo, 09 June 2018

¹⁴³ 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.

organs of the government. Adilur Rahman Khan, staff members of Odhikar and the office are under surveillance by intelligence agencies.

74. On 6 June 2018 Sub Inspector (SI) Abdur Rahman of the Special Branch (SB) of the police of Gulshan zone came to Odhikar office and inquired about activities of the organisation. At that time, SI Abdur Rahman took the cell phone number of Odhikar Director to give it to Additional Superintendent of Police ATM Mosharaf Hossain. Later on 25 June 2018, SI Jamil Kabir and SI Masum of Gulshan zone SB police visited Odhikar and inquired about Odhikar's President Dr. C R Abrar.
75. 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.

K. 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. 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.
3. 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.
4. 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.
5. 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.
6. The Government must stop political violence. The government must also take legal action against the ruling party leaders and activists for criminal activities.
7. Interference on the Judiciary must stop. The government must refrain from such activities to ensure Independence of the Judiciary.
8. 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”.

9. 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.
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. Migrant workers should be protected and human traffickers must be brought to justice. The Bangladesh missions abroad must have strong, supportive labour attaches and sections to ensure the migrant workers who are victims of monetary, physical or mental abuse have support from their own country and are able to seek justice and protection.
14. 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.
15. India must refrain from the process of depriving people from their right to franchise. Indian Border Security Force (BSF) must stop human rights violations, including killing and torturing Bangladeshi citizens along the border areas and have to compensate victims. Activities of the environmental destructive Rampal coal-based power plant should be stopped and trade and business between India and Bangladesh should be balanced.

16. In order to protect the right to life and human dignity of the Rohingya people, Odhikar demands that 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.
17. 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.

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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.