

# Six-Month Human Rights Monitoring Report

January 1 – June 30, 2016



July 01, 2016

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## Executive Summary

The human rights situation of Bangladesh in the first six months of 2016 was cause for grave concern. After the controversial and farcical Parliamentary elections, political intolerance, lack of effective institutions and wide-spread and varied human rights violations were the main obstacles to the exercise of democracy in Bangladesh. The Caretaker Government system was incorporated in the Constitution through the 13<sup>th</sup> Amendment, as a result of people's movement led by the then Opposition Awami League and its alliance between 1994 and 1996. However, in 2011 the caretaker government system was removed unilaterally by the Awami League government through the 15<sup>th</sup> 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 controversial 10<sup>th</sup> Parliamentary elections were held on January 5, 2014 despite boycotts by a large majority of political parties. The election was not only farcical. It was a hotbed for election-related crimes such as ballot-box stuffing, capturing of polling stations, intimidation of voters and violence. Since then, all local government polls have been marred with widespread and widely reported irregularities, violence and vote rigging. The ruling party leaders and activists lack accountability to the people and use the administration for political interests. The criminal activities of Chhatra League<sup>1</sup> and Jubo League<sup>2</sup> activists increased across the country in these six months. They attacked the leaders and activists of the opposition parties, government officials and ordinary citizens and are also engaged in internal conflicts among themselves for their vested interest. Due to this conflict, Chhatra League and Jubo League activists were involved in several altercations.

At present, the human rights situation in Bangladesh has badly deteriorated. Human rights violations on citizens belonging to religious minority communities are taking place; and the rights of the religious majority are also being violated. People are not safe under the present situation. Hindrances to freedom of expression and repression on the ordinary people and leaders and activists of the opposition political parties continued. Human rights defenders have repeatedly cautioned about the possibility of rising extremism in Bangladesh. Despite this, the government continues acts of suppression. During this period, attacks on people belonging to religious minority communities and others with dissenting voices, took place and many were killed. Responsibility for some of the killings was acknowledged by an 'extremist' group. During this time, allegations of enforced disappearances, extrajudicial killings, torture and shooting in the limbs were made against the government by victims; and a mass arrest operation was conducted in the name of curbing 'extremists'. As a result of the mass arrest, ordinary people were arrested, even pedestrians and children; and the prisons were overcrowded with inmates. In this current, alarming scenario, human rights violations have been perpetrated against every class of citizen regardless of religion, gender or profession. No one is 'safe'. Government interference on the media also increased. In six months, incidents of arrest of journalists, detaining them in jail for a long time and taking

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<sup>1</sup> Student wing of Awami League

<sup>2</sup> Youth wing of Awami League

them into remand continued. The government's surveillance on the social media increased and incidents of arrest and filing of cases against people, due to writing against high officials of the government, became common. From January to June 2016, incidents of killing, torture and other human rights abuses against Bangladeshi citizens continued by the Indian Border Security Force (BSF) at the India-Bangladesh border areas, of which no measures were taken to claim adequate compensation and prevention of further violations. Furthermore, in the first six month of 2016, various human rights violations, including bars on meetings and assemblies, public lynching, violence against women and children; and attacks on citizens belonging to religious minority communities occurred. Hindrance to human rights monitoring activities also continued during this period. Harassment on Odhikar was renewed and a local human rights defender associated with Odhikar was shot in the leg by police while observing local government polls. During this six month period, repressive laws were also drafted, that might be used to harass opposition, journalists and civil society organisations in the future. Violations of human rights have already occurred through the imposition of existing repressive laws. The law and order situation also deteriorated during this reporting period. In general, the human rights situation in the last six months has created an environment of fear all around. Odhikar has released this six-monthly human rights monitoring report from January to June 2016, despite facing persecution and continuous harassment and threats to its existence.<sup>3</sup>

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<sup>3</sup> For detail information, please see Odhikar's monthly human rights monitoring reports from January – May 2016 [www.odhikar.org](http://www.odhikar.org)

Statistics: January-June 2016*									
Type of Human Rights Violation		January	February	March	April	May	June	Total	
Extrajudicial killings	Crossfire	6	10	11	7	3	25	<b>62</b>	
	Shot to death	2	0	0	4	0	0	<b>6</b>	
	Torture to death	1	2	0	0	2	1	<b>6</b>	
	Total	9	12	11	11	5	26	<b>74</b>	
Shot on legs by law enforcement agencies		2	0	2	3	0	0	<b>7</b>	
Enforced Disappearances		6	1	9	9	12	11	<b>48</b>	
Death in Jail		8	3	4	5	9	5	<b>34</b>	
Human rights violations by Indian BSF	Bangladeshis Killed	3	1	1	2	4	4	<b>15</b>	
	Bangladeshis Injured	4	4	0	2	3	4	<b>17</b>	
	Bangladeshis Abducted	0	5	0	2	0	10	<b>17</b>	
Attack on journalists	Injured	9	2	5	6	6	7	<b>35</b>	
	Assaulted	9	1	0	0	0	0	<b>10</b>	
Local Government Election	Municipality Election	Killed	0	0	1	0	0	<b>1</b>	
		Injured	0	0	58	0	0	<b>58</b>	
	Union Parishad Election	Killed	0	2	41	28	47	23	<b>141</b>
		Injured	0	140	2127	1200	1499	700	<b>5666</b>
Dowry related violence against women		22	19	15	16	12	20	<b>104</b>	
Rape		59	57	60	77	71	51	<b>375</b>	
Sexual harassment /Stalking against women		27	23	20	26	16	19	<b>131</b>	
Acid Throwing		4	4	3	4	4	1	<b>20</b>	
Public lynching		2	11	5	6	3	7	<b>34</b>	
Situation of Ready-made Garments Workers	Burnt to death	0	0	0	0	3	0	<b>3</b>	
	Injured	25	31	12	34	18	46	<b>166</b>	
Arrest under Information and Communication Technology Act		1	4	0	1	1	3	<b>10</b>	

\*Odhikar's documentation

## A. Violent Political Situation and Local Government Elections

1. According to information gathered by Odhikar, from January to June 2016, 172 persons were killed and 7174 were injured in political violence. 218 incidents of internal violence in the Awami League and 10 in the BNP<sup>4</sup> were also recorded during this period. 42 persons were killed and 2380 were injured in internal conflicts of the Awami League while three persons were killed and 110 were injured in conflicts within the BNP.

<sup>4</sup> BNP: Bangladesh Nationalist Party

2. The political situation of the country was extremely confrontational during the local government elections from March to June 2016. On February 11 2016, the Election Commission declared the electoral schedule of the Union Parishad<sup>5</sup> Elections to be held in 4275 UP's, in six phases from March 22, 2016. This was the first time that UP elections were conducted under a political banner and violence spread out all over the country, which resulted in the death of many people. Electoral violence erupted soon after the February declaration, at the time of submitting nomination papers; and continued till polling day. The first phase of elections commenced on March 22, 2016; and the last phase was on June 4, 2016. The elections were marred by several incidents of killing, large-scale violence, capturing polling stations, casting fake votes, snatching of ballot papers and stuffing ballot boxes and attacks on electoral officials – all to ensure the victory of the ruling party nominated candidates.<sup>6</sup>

### ***Political violence***

3. The political situation of the country became highly confrontational due to the absence of an accountable government. Criminal activities of Chhatra League and Jubo League continued across the country, including attacking leaders and activists of the opposition parties, government officials and ordinary citizens; and also by being engaged in internal conflicts among themselves for their vested interests. Most of the perpetrators of the offences could not be brought to justice. Some incidents of political violence are given below:
4. On April 11, 2016 an altercation took place at Shikkha Bhaban<sup>7</sup>, Dhaka between supporters of the former Joint Secretary of the Chhatra League Central Committee, Mizanur Rahman and supporters of the former President of Dhaka University Mohsin Hall<sup>8</sup> unit Chhatra League, Sohel Rana Mithu, over capturing a tender bid of 440 million<sup>9</sup> taka. 10 people were injured during this clash.<sup>10</sup> On June 12, 2016 Jony Sheikh, supporter of Munshiganj town unit Chhatra League General Secretary Sajjad Hossain, was shot dead by Awami League leader Wahiduzzaman Babul and Chhatra League leaders Nibir and Apu in Panchghoriakandi village in Munshiganj due to enmity between Ward unit Awami League President Wahiduzzaman Babul and Chhatra League leader Sajjad Hossain. A pedestrian, Kalu Bepary (30) and a rickshaw van puller Manik Sarkar were also shot and injured. Police arrested Wahiduzzaman Babul, Nibir and Apu with three pistols, four cartridges and 23 bullets.<sup>11</sup>

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<sup>5</sup> Local Government bodies.

<sup>6</sup> For detail information, please see Odhikar's monthly human rights monitoring reports of January, February, March, April and May 2016. [www.odhikar.org](http://www.odhikar.org)

<sup>7</sup> Directorate of Education

<sup>8</sup> A residential hall for male students

<sup>9</sup> Approximately USD 5,611,839

<sup>10</sup> The daily Jugantor, 12/04/2016

<sup>11</sup> The daily Manabzamin, 13/06/2016

### ***141 killed between the first and sixth phase of Union Parishad elections***

5. A total reported number of 141 persons were killed and a reported 5,666 were injured during six phases of Union Parishad elections commenced from March 22 to June 5, 2016. Two incidents showing the kind of election crimes that occurred are as follows:
6. On March 22, 2016 during the first phase of UP elections, supporters and activists of the AL-nominated Chairman candidate Harun-ar-Rashid confined the Presiding Officer and threatened him with weapons, due to his cancelling 746 ballots in Dhanisafa Degree College polling station in Dhanisafa Union under Mothbaria Upazila in Pirojpur District. Hearing this, members of RAB and BGB, led by an Executive Magistrate, Kazi Ziaul Basset arrived at the polling station. Local people surrounded their vehicles and BGB and RAB shot at them with permission from the Magistrate. Six persons were shot dead and 25 were injured.<sup>12</sup>
7. On March 31, 2016 during the second phase of UP elections, at around 10:00 am approximately 12 supporters of Awami League nominated Chairman candidate, Anwar Hossain Aynal, tried snatch away ballot papers from the Presiding Officer of Modhupur Government Primary School polling centre in Hazratpur Union Parishad under Keraniganj, Dhaka. After failing to snatch ballots, about 25 armed criminals led by Rana Molla, supporter of Anwar Hossain Aynal, entered the polling centre again and captured six polling booths. Voters and polling agents left in fear. The criminals left the polling centre after firing some shots. A child named Shubha Kazi (10), who came to the polling centre with his uncle, was shot in the stomach. An elderly woman Hazera Begum was shot in the head. Shubha was declared dead by the doctors when he was taken to a local clinic.<sup>13</sup>



Violent altercation between supporters of two chairman candidates over casting fake votes in Popular High School polling centre, Raipasha-Korapur Union in Barisal. Ballot papers are floating on the pond (inset). Photo: Jugantor

<sup>12</sup> The daily Manabzamin, 23/03/2016

<sup>13</sup> The daily Prothom Alo, 01/04/2016





A man stamping ballot papers at Galua High School polling centre in Rajpur of Jhalakathi while youths stand guard. Photo: Daily Star



মুন্সিগঞ্জের আমদাভাঙ্গা উপজেলায় পাল্টাডাউর ইউনিয়নে পরিচয় নির্দেশে বিভিন্ন টহল

মুন্সিগঞ্জের বড়তল শিখারপুর পিচক ইউনিয়নে গোলাগণ্ডে সূর্যের স্টো করলে বিভিন্ন শাখার করে

মুন্সিগঞ্জের চাঁদপুরের নীতাপুরে সংঘর্ষের পর হোটেলপুলে সেনাআইডি উদ্ধার করা

মুন্সিগঞ্জের কোম্পানীগঞ্জের গ্রামসুর ইউনিয়নের বাসট বাস আড়ের করা হয়

**সংঘর্ষ কেন্দ্র দখল ভাঙুর**

শেখপুরের নকলা উপজেলার তালকেন্দা ইউনিয়নে সংঘর্ষে তিন চোরহামান গ্রামীকে নিজে নিজে পার্টিতে ঘুরে বেড়িয়েছেন ইউএনও

মুন্সিগঞ্জের মোমেনাঙ্গী ইউনিয়নের বোটা বেঞ্চ ভুক্তের লোয়া হার্মি এ অভিযানে মুন্সিগঞ্জ

চন্দ্রাবাড়ীর চন্দ্রাবাড়ী পলি-স্কুল মেম্বার গ্রামী সন্দর্ভকেন্দ্র হামান আনবুরে হামানগঞ্জ নিয়ে গাওয়া হবে

মুন্সিগঞ্জের বিদ্যাপুরে রাসা বোটা মেম্বার সম্ম এক বিশেষের দাপট করা হয় মুন্সিগঞ্জ

পিত্তাভাঙ্গার সেনাআইডি ইউনিয়নে দুই মেম্বার গ্রামী মনো সন্দর্ভ হয়

মুন্সিগঞ্জের কুমিল্লার আশীশ-বিএনপি গ্রামী সন্দর্ভকেন্দ্র সংঘর্ষের পর হোটেলপুলে একটি বোটা কেন্দ্র

পাল্টাডাউর কালীগঞ্জের একটি বোটা বেঞ্চের হামানগঞ্জের বাসট নিয়ে মেম্বার লোকের এক সমর্থন মুন্সিগঞ্জ

কোকার গ্রামসুর ৬নং ইউনিয়নে বেঞ্চের পরিচয় নির্দেশে হামানগঞ্জের লোয়া হার্মি

মুন্সিগঞ্জের বিসেটের কোম্পানীগঞ্জের চৌধুরী ইউনিয়নে এক বৃদ্ধা বোটা নিজে হামান হটম চোরহামান

মুন্সিগঞ্জের কুমিল্লার কালীগঞ্জের শিবকেন্দ্র নিজেই বোটা নিজে হামান এক মা

Violence, vandalism and capturing polling centers in Union Parishad election: Photo- Jugantor





The vandalized ballot boxes and torn up ballots after 15 to 20 people stormed the Narayanpasha Primary School polling station in Kanakdia of Patuakhali and took five ballot boxes. The boxes were later found in a pond. Photo: Daily Star



Human rights defender associated with Odhikar and NTV correspondent Afzal Hossain was shot in the leg while gathering information on the Union Parishad elections in Rajapur in Bhola. Photo: Odhikar



A police officer was seen inside a polling booth: Photo- Manabzamin



Body of Shubha (10) who was killed in electoral violence during voting in Keraniganj. Photo: Naya Diganta

### ***Elections held in 21 municipalities between February 15 and May 25***

8. Elections held in 21 municipalities between February 15 and May 25, 2016 were marked with various irregularities, including capturing of polling centres, snatching ballot papers, fake votes and violence.<sup>14</sup> Two examples are as follows:
9. On February 15, 2016 elections in Shahrasti Municipality under Chandpur District and in Chorfashion Municipality under Bhola District, were held with various irregularities, including ‘capturing’ of polling centres<sup>15</sup>, casting fake votes and violence. Elections in these two municipalities could not be held on December 30, 2015 due to demarcation disputes and as the tenure of the last municipality was not over. The opponent candidates alleged that leaders and activists of Awami League, along with outsiders, captured five polling centres in Shahrasti Municipality. Voting was also suspended in a polling centre due to snatching away of ballot papers. Furthermore, 10 persons were injured during violence while ‘capturing’ three polling stations. In Chorfashion Municipality, BNP nominated mayor candidate, Amirul Islam, alleged that voters were forced to cast their votes in favour of the Awami League nominated candidate. At least four polling centres were captured by supporters of the ruling party, who also cast fake votes.<sup>16</sup>
10. On March 20, 2016 during the poll, in Brahmanbaria Sadar Municipality, incidents of ballot stuffing occurred in the polling booths in the presence of police and Ansar<sup>17</sup> members. The men, who were designated to cast fake votes in favour of the AL-nominated mayoral candidate, had tied red ribbons around their foreheads, marked with a ‘Boat’ (electoral symbol of AL). Awami League leaders stayed in every polling station and monitored the casting of fake votes. Supporters of a Councilor candidate, Shah Alam attacked Puniaut Government Primary School polling centre with crude bombs. Later,

<sup>14</sup> For detailed report, please see Odhikar’s monthly human rights monitoring reports of February, March and May.

[www.odhikar.org](http://www.odhikar.org)

<sup>15</sup> ‘Capturing’ polling stations occurs when the law enforcement and election officials favour to the ruling party men during elections.

<sup>16</sup> The daily Prothom Alo, 16/02/2016

<sup>17</sup> Ansar: an auxiliary force



they beat the Presiding Officer Manjur Hossain Chowdhury and snatched some electoral materials, including a few ballot books and five seals. Manjur Hossain Chowdhury told journalists that a Magistrate told him not to mention the incident to journalists.<sup>18</sup>



No secret voting in Sonagazi. Photo: Naya Diganta



Presiding Officer Siraj Uddowla (left) with stamped ballot papers in Chhagolnaiya Pilot High School polling centre in Feni; and casting of fake votes in Koshba Municipality elections in Brahminbaria. Photo: Naya Diganta.



Presiding officer was watching criminals casting fake votes in Chhagolnaiya, Feni. Photo: Jugantor

<sup>18</sup> The daily Manabzamin, 21/03/2016

## B. State Terrorism and Culture of Impunity

11. Due to state terrorism and impunity, several incidents of enforced disappearance, extrajudicial killing and torture in custody by the law enforcement agencies, illegal and arbitrary arrest and deaths in jail took place in the first six months of 2016. Moreover, inhuman and degrading treatment and lack of accountability of law enforcement agencies were also observed during this period.

### *Allegations of enforced disappearance*

12. Enforced disappearance is a grave violation of fundamental human rights. It is a repressive tool used by governments. The victims of enforced disappearances are often tortured and many of them are killed after being disappeared. The families of the disappeared claim that members of law enforcement agencies arrest the victims and then they are no longer found. In some cases, law enforcement agencies deny the arrest; but days later, the arrested persons are produced before the public by the police or other law enforcement; or handed over to a police station and appear in Court; or the bodies of the disappeared persons are recovered. The members of law enforcement agencies enjoy impunity as they are being used to suppress the political opposition; and as a result, they are involved in various human rights violations, including enforced disappearances.
13. According to information gathered by Odhikar, from January to June, 2016, 48 persons have been disappeared after being picked up allegedly by men claiming to be members of law enforcement agencies. Among them, six were found dead and 22 were later produced before the Court or surfaced alive. The whereabouts of 20 persons are still unknown. Some incidents are as follows:



*The Families of the Disappeared victims organised a human chain in front of National Press Club, Dhaka on the occasion of the International Week of the Disappeared. Photo: Odhikar*

14. On January 14, 2016 four young men including Fakhru Islam, owner of Sugandha Trade Centre, his brother Omar Faruq and two others named Nazmul Hasan and Hasan Kausar, were picked up in Kornelhaat, Chittagong by men claiming to be members of a law enforcement agency. Nurul Bari, the brother of Hasan Kausar informed that the four were kept in an unknown place for six days and on January 20, they were shown as arrested in

an arson attack case filed in 2013 with Paltan Police Station in Dhaka.<sup>19</sup> On February 29, 2016 the body of a Madrassa teacher, Abu Huraira (55) of Kuthi Durgapur under Jhenaidha District, was recovered from Ambottola area in Jessore-Chougacha Road. His brother Abdul Malek said that on January 24, 2016 Abu Huraira was picked up by men claiming to be members of the Detective Branch (DB) of Police, from his workplace at Kuthi Durgapur Madrassa. After that, his whereabouts was unknown. A General Diary was filed with Jhenaidah Police Station in this regard.<sup>20</sup> On March 2, 2016 at around 11:30 am, Nayebe Amir of Jhenaidah District unit Jamaat-e-Islami and former Upazila Chairman Nur Mohammad (62) was picked up from Jhenaidah town by some plain clothed men claiming to be members of the law enforcement agency.<sup>21</sup> Later police claimed that Nur Mohammad was arrested on March 18, 2016 at midnight.<sup>22</sup> On March 17, 2016 at around 1:00 am, Tanvir Ahmed Zoha, a cyber security expert, was picked up from Kachukhet area in Dhaka when he was returning home in an auto rickshaw.<sup>23</sup> Tanvir Ahmed Zoha was giving statements in various media, claiming to be a cyber security expert of the IT Department of the government, after 81 million US dollars were stolen from the reserve of Bangladesh Bank.<sup>24</sup> After six days of abduction, on March 23, 2016 at around 2:00 am, members of the law enforcement agency dropped a dazed and confused Tanvir Ahmed Zoha home.<sup>25</sup> On March 18, 2016 at around 2:00 pm, Abuzar Gifari, President of Kaliganj Municipality unit Islami Chhatra Shibir<sup>26</sup>, was picked up from in front of his house in Jhenaidah, by four armed men claiming to be from the Detective Branch (DB) of Police, handcuffed and taken away. The allegation was made by his father Nur Islam. On April 13, 2016 his body was found in Bohorompur field in Hoibotpur Union under Jessore Sadar Upazila.<sup>27</sup> On April 10, 2016 in the afternoon, four unknown men picked up Sohanur Islam, a first year student of Kaliganj Shahid Noor Ali College, from the Jamtola area of Ishwarba Village under Kaliganj Upazila in Jhenaidah, into an 'easy bike'<sup>28</sup> and left. The eye-witnesses said that police from Kaliganj Police Station picked him up. Meanwhile, the Officer-in-Charge of Kaliganj Police Station, Anwar Hossain and DB police denied the arrest and Kaliganj Police Station refused to accept a General Diary (GD). On April 20, 2016, in the morning, the body of Sohanur was found at Pannatola field in Kharadoga village in Chuadanga District.<sup>29</sup> On April 14, 2016 citizens belonging to an ethnic minority 'Garo' community, Probhat Marak (60) and Bivas Sangma (25) from Gozni Village of Garo Pahar under Jhinaigati Upazila in Sherpur; and Rajesh Marak (22) from Bhaluka, Mymensingh, were picked up by men claiming to be from the law enforcement agency. The whereabouts of the disappeared remain unknown.<sup>30</sup> On May 3, 2016 a few men in plain clothes, claiming to be members

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<sup>19</sup> Information collected by Odhikar

<sup>20</sup> The daily Prothom Alo, 01/03/2016

<sup>21</sup> Information gathered by Odhikar

<sup>22</sup> Report sent by local human rights defender associated with Odhiar from Jhenaidah

<sup>23</sup> The daily Naya Diganta, 18/03/2016

<sup>24</sup> The daily Prothom Alo, 21/03/2016

<sup>25</sup> The daily Manabzamin, 24/03/2016

<sup>26</sup> Student wing of Bangladesh Jamaat-e-Islami

<sup>27</sup> Information gathered by Odhiar

<sup>28</sup> A battery-run four wheeler

<sup>29</sup> Report sent by local human rights defender associated with Odhikar from Jhenaidah

<sup>30</sup> The daily Prothom Alo, 22/04/2016

of the Detective Branch (DB) of Police, allegedly picked up Moulana Mohammad Akhter Hossain, Imam of Pargachha Railway Station Jame Mosque and Pargachha J N High School, from Birbiriapara under Pargacha Upazila in Rangpur. The family members of Akhter Hossain search for him at Pargachha Police Station, Rangpur DB office and RAB office, but none of the law enforcers acknowledged the arrest of Akhter Hossain. Till date his whereabouts are still unknown and the duty officer of Pargachha Police Station did not accept a General Diary (GD) in this regard.<sup>31</sup> On May 12, 2016 an electrician named Monirul Islam Babu (28) was picked up by men claiming to be DB police, from Khalishpur in Khulna. The same day, Abdullah Al Sayem Turjo (25), a teacher of the Bangla Department of Bismillah Nagar Madrassa under Harintana Police Station, was picked up by a few plain clothed men and put into a white microbus bearing a sticker ‘Emergency Electricity’. Another teacher of the Arabic Department of the same madrassa, Shoaib Biswas (26) was disappeared when he was on his way to the madrassa. The families of the disappeared victims filed separate case and General Diaries with Khalishpur and Harinhata Police Stations.<sup>32</sup> On June 12, 2016, the Officer-in-Charge of Jatrabari Police Station, Mohammad Anisur Rahman informed that three youth from Khulna, Monirul Islam Babu, Abdullah Al Sayem Turjo and Shoaib Biswas were shown as arrested in a case filed by the Detective Branch (DB) of Police under Anti-Terrorism Act.<sup>33</sup> On June 14 at around 12:30 am, a youth named Shahid Al Mahmud was allegedly picked up by 8-10 armed men from Badanpur village under Jhenaidah Sadar Upazila. At that time the armed men had identified themselves as members of police and threatened that if anybody obstructs them they will be shot. Sakib Al Hasan, nephew of Shahid, identified Sub Inspector of Jhenaidah Police Station as one of the armed men who abducted Shahid Al Mahmud. The day when the family of Shahid Al Mahmud went to Jhenaidha Police Station, police denied the arrest of Shahid. In the early morning of July 1, 2016 Shahid Al Mahmud was killed in ‘crossfire’ by police at Tetulbaria area in Jhenaidah.<sup>34</sup>



Disappeared victim  
Rashed Gazi  
Photo : Odhikar



Disappeared victim  
Shamim Mahmud  
Photo : Odhikar



Disappeared victim  
Sohanur Islam  
Photo : Odhikar



Disappeared victim  
Abujar Gi fari  
Photo : Odhikar

<sup>31</sup> Information gathered by Odhikar. For detailed reports please visit [www.odhikar.org](http://www.odhikar.org)

<sup>32</sup> Information gathered by Odhikar.

<sup>33</sup> Report sent by local human rights defender associated with Odhikar from Khulna

<sup>34</sup> Information gathered by Odhikar

15. Enforced disappearance is a crime against humanity, which also is considered an international crime. Odhikar believes that incidents of enforced disappearance take place due to political misuse of the law enforcement agencies by the government. Odhikar urges the government rescue the victims of enforced disappearance and take legal action against the perpetrators.

### ***Extrajudicial killings***

16. The law and justice delivery system of the country is becoming increasingly unstable and human rights are violated due to the persistence of extrajudicial killings. Many people were allegedly killed extra judicially after the mass arrest operation commenced from June 9, 2016 and among them were the so-called accused persons of some important criminal cases, who were killed in the name of ‘gunfight’ or ‘crossfire’. As a result the opportunity to get the actual truth is lost. Although the highest court of the country issued several rules regarding extrajudicial executions, such incidents continue. This questions the level of democracy and rule of law in this country. Some incidents are as follows:
17. On June 15, 2016 Ripon Chokrobarti, lecturer of Mathematics Department, Madaripur Nazimuddin College, was stabbed and injured by criminals. In this incident, locals caught a youth named Faizullah Fahim (19) and handed him to the police. Fahim’s father Golam Farooq said that Fahim had an exam on June 12 and he had lodged a General Diary (GD) with Dakkhinkhan Police Station after failing to find his son before his exam.<sup>35</sup> On June 17, Fahim was taken into 10-day remand by police for the attempted murder of Ripon Chokrobarti.<sup>36</sup> The next day after taking him in remand, Faizullah Fahim was reported killed in ‘gunfight’. The handcuffed body of Fahim was found in the middle of paddy and jute fields at Miarchor area of Bahadur Union under Madaripur Sadar Upazila. Locals said that mark of injuries was seen on deceased’s chest. They also claimed that they had not heard any gunshots or seen anyone escaping.<sup>37</sup>
18. On June 19, 2016 at around 2:45 am, a person accused of the murder of blogger Abhijeet, Shariful Islam Sharif, was killed in a ‘gunfight’ with Detective Branch of Police at Moradiar Banshpotti area under Khilgaon Police Station in Dhaka. This was claimed by the Joint Commissioner of DB Police, Abdul Baten in a press conference organised at the Media Centre of Dhaka Metropolitan Police.<sup>38</sup> Meanwhile the family of the man who was killed as ‘Shariful Islam Sharif’ informed that his real name was Mukul Rana. Mukul’s home is located at Baluigachha Village in Dhulihar Union under Satkhira Sadar Upazila. Mukul’s father Abul Kalam Azad said that on February 19, 2016 Mukul got married in the Bashundia area of Jessore town and he was picked up from Bashundia on February 19 by some men; and since then had disappeared. Mukul’s brother-in-law Amir Hossain filed a GD with Jessore Kotwali Police Station a few days after Mukul was picked up.<sup>39</sup>
19. According to information gathered by Odhikar, a reported total of 74 persons were extra judicially killed, between January and June 2016. The type of death and the accused law

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<sup>35</sup> The daily Prothom Alo, 16/06/2016

<sup>36</sup> The daily Prothom Alo, 18/06/2016

<sup>37</sup> The daily Prothom Alo and the daily Naya Diganta, 19/06/2016

<sup>38</sup> The daily Manabzamin, 20/06/2016

<sup>39</sup> The daily Prothom Alo, 21/06/2016



enforcement agencies, who were involved in extrajudicial killings and the identities of the deceased are given below:

### ***Type of death***

#### **Crossfire/encounter/gunfight**

20. Among the 74 persons extra judicially killed, 62 were killed in ‘crossfire/encounters/gun fights’. Of them, 38 were killed by the police, 19 by the RAB, one was killed by the Police-BGB and four were by the RAB-Coast Guard.

#### **Tortured to death:**

21. Between January and June 2016, six persons were allegedly tortured to death by the police.

#### **Shot to death:**

22. Among the deceased, six persons were allegedly shot and killed during this period while in protest rallies. Of them four were shot by the police and two by the Border Guard Bangladesh (BGB).

#### **The identity of the deceased:**

23. Of the 74 persons who were killed extra-judicially, three were leaders-activists of BNP; two were members of Gonomukti Fouz; one was a member of the Purba Banglar Communist Party; one was a member of Gono Bahini; eight were members of Jama’atul Mojahidin Bangladesh (JMB); one was a member of Ansarullah Bangla Team; one was a member of Hizb-ut-Tahrir; one was an auto-rickshaw driver; four were farmers; one was a tea vendor; one was an owner of a tea stall; one was a villager; nine were accused persons in different cases; and 38 were alleged criminals. The identities of two persons were not reported.

### ***Torture in remand***

24. In Bangladesh, police remand is synonymous to torture. There are allegations against law enforcement agencies that extract information in the name of interrogation in remand through torture. It was learnt that torture was inflicted mainly on political opponents to suppress them after arrest and as a way to extort money. Some incidents are as follows:

25. On February 16, 2016 Anwar Hossain Mahbub (45), Joint Secretary of Ward 23 unit BNP of Dhaka South City Corporation, who was detained in jail, died in Dhaka Medical College Hospital. His relatives claimed that Anwar was severely tortured by police during remand after being arrested under a politically motivated case on January 15, 2016.<sup>40</sup> On June 21, 2016 Rapid Action Battalion (RAB)-3 produced an accused person named Hannan Chowdhury, before the Chief Metropolitan Magistrate Court of Dhaka, with marks of injuries and torture and appealed for remand. However, the Court ordered RAB to arrange his medical treatment. While producing Hannan before the Chief Metropolitan

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<sup>40</sup> The daily Jugantor, 17/02/2016

Magistrate Court, severe wounds were seen in his legs and bruises on his back. As he was unable to walk, the court police supported him to stand on the court dock. Hannan's sister Kohinur Begum alleged that her brother had been missing for four days.<sup>41</sup>



*Marks of injury indicates that how Hannan Chowdhury was tortured in remand. He was unable to walk. Photo: Prothom Alo.*

### ***Inhuman treatment and lack of accountability of law enforcement agencies***

26. The members of law enforcement agencies are enjoying impunity due to the government practice of using the law enforcement agencies against its political opponents. As a result, they have come to believe that they are above the law. Several members of the law enforcing agencies are harassing and torturing ordinary people on a regular basis. From January to June 2016, many allegations of harassment, extortion, bribery, torture and killing were made against police. The number of reported allegations is probably less than the actual number, because the victims do not want to make their experiences public due to fear of further harassment. A dangerous trend of shooting in the legs of detainees/accused persons by members of the law enforcement agencies has come to light as a new method to shut down anti-government protests. This has become a common phenomenon in Bangladesh since 2011. Apart from activists of the opposition political parties, ordinary citizens are also allegedly becoming victims of such brutality. Several people have had limbs amputated due to such shooting by law enforcement agencies in the last few years. The responsible members of law enforcement agencies were not brought to justice. Some examples are as follows:
27. On January 9, 2016 at around 11.00 pm, the Officer of the Communications and Publications Department of Bangladesh Bank, Golam Rabbi was returning home to Kalyanapur from his relative's house at Mohammadpur. On the way, the Sub Inspector

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<sup>41</sup> The daily Prothom Alo, 22/06/2016

(SI) of Mohammadpur Police Station, Masud Sikdar and some other police personnel detained Rabbi and asked for money and threatened to kill him in 'crossfire' if he did not comply. As Rabbi could not give the money, he was taken to the police station and allegedly tortured by police.<sup>42</sup> On January 15, 2016 at around 5 am, City Corporation Inspector Bikash Chandra Das (40) of Dhaka South City Corporation went to supervise clean-up work at the Mir Hajarbagh area. When he was returning on his motorbike after supervision of work, some people told him to stop. Thinking they were muggers, Bikash tried to escape, but fell off his bike. The men chased Bikash and after catching him started beating him up. It was later revealed that they were policemen. The cleaners of the City Corporation ran towards them and said Bikash was their officer, but the police did not pay any heed and in the presence of the cleaners they beat him up with rifle butts and kicked him for not stopping when they told him to. Sub Inspector Arshad Hussain of Jatrabari Police Station was temporarily suspended in this regard.<sup>43</sup> On February 3, 2016 at around 9:30 pm, a patrol team of Shah Ali Police Station in Dhaka, along with their informer Delwar, went to Gudaraghat area and demanded extortion from a tea stall owner Babul Matbar. As Babul Matbar refused to give them money, the police hit the kerosene stove and police informer Delwar pushed Babul onto the stove, whereupon he was set on fire. Police left the scene leaving Babul in a serious condition. Soon after the incident, Babul's relatives took him to the burn unit of Dhaka Medical College Hospital where he died on February 4.<sup>44</sup> On April 2, 2016 there were allegations of shooting a construction worker named Israfil Gazi (40) in his right leg by police, in Dikdena Village under Monirampur Upazila in Jessore District. Later the police showed Israfil as arrested and admitted him to Jessore Sadar Hospital.<sup>45</sup> On May 11, 2016 five police officers, including Sub Inspector (SI) of Mirpur Police Station, Rasheduzzaman Beg and ASI Ziaur Rahman went to the resident of Ismail, a Jubo Dal<sup>46</sup> leader of Dhaka Metropolitan unit, at Darus-salam area in Mirpur and asked for him. His family informed police that they did not know where he was. As a result, police took his wife Hamida with them to Mirpur Police Station and interrogated her about her husband. It is alleged that after failing to get the whereabouts of Ismail, police threatened to send her to prison, showing her as arrested in a drugs related case. However, police also assured her that they would not engage her in any case if she paid them five hundred thousand taka. Ismail's family gave police sixty five thousand taka for releasing Hamida. On May 12, police showed her as arrested in a drugs-related case after failing to get the demanded money; and appealed for a five-day remand after producing her in the Court.<sup>47</sup>

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<sup>42</sup> The daily Prothom Alo and Manabzamin, 11/01/2016

<sup>43</sup> The daily Prothom Alo, 16 and 17/01/2016

<sup>44</sup> The daily Jugantor, 08/02/2016

<sup>45</sup> The daily Manabzamin, 04/04/2016/ Information collected by Odhikar

<sup>46</sup> Youth wing of Bangladesh Nationalist Party (BNP).

<sup>47</sup> The daily Naya Diganta, 17/05/2016.

## C. Prison Condition and Mass Arrest

### *Death in jail*

28. According to information gathered by Odhikar, from January to June 2016, 34 persons reportedly died allegedly due to ‘illnesses’ in jail.
29. It is alleged that due to lack of treatment facilities and negligence by the prison authorities, many prisoners became ill due to the effects of torture in remand, which caused their death. Furthermore, allegations are made by inmates that they are given sub-standard and small amounts of food; and that the prisoners are ill-treated when they complain against such treatment. Again, there have been instances where persons who are abused in police custody and fall gravely ill, succumb to their mistreatment in jail custody, where they are sent by the court.

### *Mass arrest and prison conditions*

30. From the midnight of June 9 to the morning of June 17, 2016, the government started a special drive to arrest ‘extremists’ across the country after the recent incidents of attacks and killings of citizens belonging to religious minority communities and people belonging to different professionals.<sup>48</sup> A total number of 15,576 people were arrested by police during the special drive across the country and detained in various prisons. Among the arrested, 194 were claimed to be suspected ‘extremists’ by police.<sup>49</sup> Though this operation was against ‘extremists’, however, many leaders and activists of the opposition political parties; ordinary people, including pedestrians, day-labourers, petty businessmen and students; and accused persons in different cases were arrested too. Many leaders and activists of BNP-Jamaat in various districts left home due to fear of arrest. In some districts, allegations were found against police that they threatened people with arrest if they refused to pay them, during the operation in houses belonging to the leaders and activists of opposition parties.<sup>50</sup> During the operation, a 12-year old child was also arrested. Police also violated the law and High Court orders regarding the production of accused persons in the court within 24 hours. Police were also alleged to have been asking for money for the release of arrestees. Some incidents are as follows:
31. On June 12, 2016, 15 persons were arrested by police of Paltan Police Station from Gulistan, Dhaka. Among the arrestees was a day-labour named Amanullah, who carries goods on his head and delivers them to different shops. His brother Niaz said that Amanullah was waiting with his basket in front of Dhaka Trade Centre at Gulistan. At around 11:00 am, a police van stopped there and started arresting ordinary passersby from the street and picked them up into the van. Aman was also picked up and later shown as arrested under a robbery and vandalism case. The same day Altab Hossain, a cloth trader of old Dhaka, was arrested from Shahbagh area when he was returning home from his business place. There was no complaint against him. Meanwhile, a student of class V named Mohammad Ali (12) was missing from June 8. His mother Nurjahan Begum said

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<sup>48</sup> Information gathered by Odhikar

<sup>49</sup> The daily Jugantor, 18/06/2016

<sup>50</sup> The daily Prothom Alo, 12/06/2016

that on June 10, she came to know that her son was showed as arrested under a drug case in Tejgaon Industrial Area Police Station.<sup>51</sup> On May 24, 2016 a team of RAB-12 arrested two brothers, namely Khoka and Mukul in front of many people from Hugra village in Tangail. RAB informed that they had a warrant of arrest against them in a murder case. An uncle of the detained brothers, Shamim Al Mamun informed that after the arrest, his two nephews were tortured everyday as interrogation for arms recovery; and for forcing confessional statements from them, they were threatened with death in crossfire. Finally during the arrest operation on June 11, Khoka and Mukul were shown as arrested under an arms case and handed over to Tangail Model Police Station by RAB.<sup>52</sup> On June 9, 2016 at around 11:00 pm, Mohammad Mintu (22), a resident of Ghutighor village under Gendaria Police Station, was arrested by police in the beginning of the special drive. Mintu's sister Sumi informed Odhikar that her brother was not involved in any political party. He was working as an employee of a clothing shop at Islampur market. She said there was no complaint against him in any police station. The police arrested her brother from their home on June 9 during the special arrest operation. After detaining two days in Gendaria Police Station, on June 11, police produced him before the court accusing him under three different cases, including arms and robbery. Now he is detained in Dhaka Central Jail. Aklima Begum, a resident of Mirpur, Dhaka informed Odhikar that her brother Badal Shikdar (26) was working in a private insurance company and lives at the Customs Ghat area in Khulna. On June 21, he came to visit her in Dhaka from Khulna. On June 14, a patrol team of Mirpur Police Station picked up Badal and their neighbour Masud from in front of the house when Badal was returning home after the evening prayer. On June 15, 2016 when Aklima went to Mirpur Police Station to search for her brother the police informed her that Badal was sent to the court.<sup>53</sup>

32. Prisons are extremely overcrowded due to the mass arrests under the special drive; and human rights have deteriorated as a result of cramming inmates in prison cells in excess of their actual capacity. There are 68 jails across the country. The total maximum capacity of the prisons is 34,706, however, as of 13 June 2016, there were about 76,000 inmates detained in the prisons.<sup>54</sup> The jail authorities are facing difficulties in providing food and effective sanitation to the inmates and controlling visitors. As a result of overcrowding, prisoners are falling ill due to the hot weather; and the fact that the arrests were made during Ramadan. It was reported that in Dhaka Central Jail, 120 people were kept in a cell with a maximum capacity of 30. The prisoners were unable to sleep. Moreover, they are being deprived of getting chance to see their relatives and also deprived of treatment due to lack of doctors and scarcity of medicine. According to the jail source, the present capacity of Dhaka Central Jail is 2,682. But as of June 13, there were more than 7000 inmates in the prison.<sup>55</sup>

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<sup>51</sup> The daily Manabzamin, 13/06/2016

<sup>52</sup> The daily Jugantor, 13/06/2016

<sup>53</sup> Information gathered by Odhikar

<sup>54</sup> The daily Naya Diganta, 15/06/2016

<sup>55</sup> The daily Manabzamin, 14/06/2016 and the daily Naya Diganta, 15/06/2016

## ***Illegal detention***

33. A Division Bench of the High Court Division of the Supreme Court, comprising of Justice Farid Ahmed and Justice K M Kamrul Qader, expressed serious dissatisfaction over the practice of the of the Attorney General of detaining persons after they are awarded bail. On May 8, 2016 five persons, who were accused in a case filed with Rampura Police Station, got bail from the High Court Division. Later the jail authority released two of the accused on May 16 from Dhaka Central Jail and on May 17 from Kashimpur Jail. The other three Gias Uddin, Aminur Rahman and Osman Gani were not released. Despite sending the bail order to the jail, they were not released and their lawyers drew the attention of the Bench to this matter. On June 5, 2016 the High Court Division Bench comprising of Justice Farid Ahmed and Justice K M Kamrul Qader summoned the senior Superintendent of Dhaka Central Jail, Jahangir Kabir; Superintendent of Kashimpur Jail-1, Subrata Kumer Bala; and Advocate on Record<sup>56</sup>, Sufia Khatun and asked them to submit their written statements in this regard. On June 9, 2016 they appeared before the court and mentioned unconditional apologies in their written statements. The court observed that it had been receiving allegations that releasing accused persons on bail are regularly obstructed by sending fax messages to the jail authority. The Court told the Advocate on Record, Sufia Khatun that she was challenging the High Court decision by sending fax messages to the jail that petitions will be filed against the bail orders. It is to be mentioned that obstructing the release of accused persons after getting bail from the High Court Division, by the Advocate on Record through telephone, sending fax messages or issuing certificates to the jail authority on behalf of the Attorney General's office has become a common phenomenon.<sup>57</sup>

## ***Attacks and harassment on inhabitants of Gondamara in Banshkhali***

34. A private company called S. Alam Group signed an agreement with the government to set up a coal based power plant in Gondamara area under Banshkhali Upazila in Chittagong District. Disputes had been created between local inhabitants and S. Alam Group from the beginning, over acquiring land for this project. On April 4, 2016 locals organised a meeting in Gondamara area under the banner of 'Committee to Protect House and Land'. In the meanwhile, Union unit Awami League leader Shamsul Alam, who is a supporter of the AL party Member of Parliament Mostafizur Rahman, called another meeting at the same place in favour of the coal based power plant. The local administration imposed Section 144 of the Code of Criminal Procedure for calling two meetings simultaneously in the same place. However, police and criminals shot at local people when they tried to assemble there, violating section 144. As a result more than one hundred people were shot. Among them, Mortuza Ali (52) of Gondamara Village; and his brother Ankur Ali, Zaker Ahmed (35); and Zahir Uddin were shot dead.<sup>58</sup> Three separate cases were filed with Banshkhali Police Station in this regard. Of these cases, one was filed by police and the other two were filed by victim-families. In the cases filed by police, 57 people,

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<sup>56</sup> Advocate on Record is an advocate who files appeals or applications to the Appellate Division of the Supreme Court, on behalf of the Office of the Attorney General or other parties.

<sup>57</sup> The daily Jugantor, 10/06/2016

<sup>58</sup> The daily Jugantor, 05/04/2016

including former Chairman of Gondamara Union Parishad, Liakat Ali's name were mentioned. Furthermore, three thousand two hundred unknown people were accused in the FIR.<sup>59</sup> On April 16, 2016 at a meeting in Chittagong Circuit House, the Deputy Commissioner (DC) Mezbah Uddin made a commitment to stop the harassment, release of arrestees on bail and withdraw cases, as there had been injustice to the local inhabitants of Gondamara.<sup>60</sup> Later, on May 6, 2016 police of Dhanmondi Police Station under Dhaka Metropolitan Police (DMP) arrested Mohammad Ali Nobil (45) and Mohammad Shafiul Alam Shahi (29), residents of Sonaia Borbari village of Gondamara Union, under a case filed in Banshkhali Police Station (case numbered 7) over attacks on police.<sup>61</sup> On May 16, 2016 police arrested Dudu Mia, father of Liakat Ali, Convener of the Committee to Protect House and Land and one of the leaders of the Gondamara coal based power plant protest movement. Dudu Mia was arrested in an allegation of attacks on police during protests. Police also claimed that arms were recovered from Liakat Ali's home. When people protested this incident, police allegedly opened fire on local people of Gondamara and baton charged them. At least 50 people were injured.<sup>62</sup> Furthermore, many people left home and went hiding in fear of attack and arrest.

35. Odhikar observes with concern that no one was arrested so far in connection with the killings in Banshkhali incident. However, police are arresting the family members of the deceased and wounded persons, who were in protest of these killings; and innocent villagers. Furthermore, others have been implicated into false cases in the name of 'arms recovery' and death threats were given to some. At the same time mass complaints and cases filed against large numbers of unknown persons have resulted in grave human rights violations.

## **D. Interference on Freedom of Expression and Assembly and Repressive Laws**

36. The current government is suppressing dissenting voices and the people who have alternative beliefs. If any media, journalist or any citizen publishes or comments on the social media, anything which is critical of the government, then the government accuses them of 'treason'. This is a gross violation of freedoms of speech and conscience. In 2011, the Awami League government changed the Constitution through the Fifteenth Amendment, ignoring protests from the Opposition at that time, and without any public referendum. Now, the highest punishment for sedition is the death sentence, as per Article 7A(3) of the Constitution, whereas before it was life imprisonment under section 124A of the Penal Code, 1860. Thus, accusing any citizen under 'sedition' charges is extremely serious. In order to control the freedom of expression the government drafted a few repressive laws between January and June 2016 to control the media and hinder freedom of expression of the citizens. During this period, social media was under serious surveillance by the government. Information and Communication Technology Act 2006 (amended 2009 & 2013) is imposed against any person whose comments go against the

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<sup>59</sup> The daily Prothom Alo, 06/04/2016; <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-045-2016/?searchterm=impunity%20and%20corporate>

<sup>60</sup> An article written by Anu Muhammad, published in the daily Prothom Alo, 12/05/2016.

<sup>61</sup> Report sent by local human rights defender associated with Odhikar from Chittagong.

<sup>62</sup> The daily New Age, 17/05/2016.

high officials of the government and their family members. Furthermore, the government often bars and attacks meetings and assemblies of the opposition parties or organisations which are in protest for various demands. Some incidents are as follows:

37. Police arrested a betel-leaf seller named Babul Ahmed, resident of Biyanibazar in Sylhet, for sedition after getting approval from the Ministry of Home Affairs. On January 6, 2016 Babul Ahmed wrote a letter to the Attorney General for Bangladesh, Mahbubey Alam. He appealed for an acquittal of all accused persons, who are on death-row for committing crimes against humanity during the 1971 liberation war, including the President of Jamaat-e-Islami Motiur Rahman Nizami; instead of executing their death penalties. A General Diary (GD) was lodged with Shahbagh Police Station in Dhaka in this regard. The Home Ministry stated that the act of Babul Ahmed is considered to be a crime under section 124-A of the Penal Code, 1860.<sup>63</sup>
38. On January 6, 2016 activists of Chhatra League and Jubo League attacked Alamgir Aronno, former President of Shailakupa Press Club of Jhenaidah District; General Secretary of Udichi (Shailakupa Upazila unit); and the Shailakupa Upazila correspondent of the daily Amader Orthoneeti. Alamgir Aronno informed Odhikar that he wrote a status on facebook on January 5, 2016 regarding the controversial 10<sup>th</sup> Parliamentary elections. He stated that, “today is the 5<sup>th</sup> of January which gave birth to many incidents”. As a result of posting this status, at around 11.30 am, eight to ten people including Kazi Rajib Hasan, son of Shailakupa City Corporation Mayor, Kazi Ashraful Ajam; Zahidul Islam, President of Upzila unit Chhatra League; and Asharaful Islam Khokon, General Secretary of Chhatra League attacked and beat him. They took Alamgir’s cell phone and broke it. Later, he was taken to the office of the President of Upazila unit Awami League and Upazila Chairman Shikder Mosharrof Hossain. The Upazila Chairman Shikder Mosharrof threatened him and verbally abused him and told Alamgir that if he posted such status against Awami League and government in future, he will have to leave the area.<sup>64</sup>

### ***Freedom of assembly***

39. The right to freedom of assembly and the holding of peaceful meetings, rallies and processions are the democratic and political rights of every citizen, as enshrined in Article 37 of the Constitution of the People’s Republic of Bangladesh. Moreover, putting up barriers to the holding of peaceful meetings by police, is a violation of constitutional and fundamental human rights. The government is putting bars on meetings and assemblies of the opposition and groups with alternative beliefs; and also engages the police and party activists to attack such gatherings. One such example is as follows:
40. On April 25, 2016 Progotishil Chhatra Jote<sup>65</sup> and Samrajjobad Birodhi Chhatra Oikya<sup>66</sup> called a half-day hartal across the country in protest of acts of enforced disappearance, killings, rape, including the murder of Comilla Victoria College student Shohagi Jahan Tonu. During the hartal, when Progotishil Chhatra Jote tried to gather in front of Awashini Kumar Hall Chottor in Barisal the police barred their way, took away their

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<sup>63</sup> The daily Prothom Alo, 02/03/2016

<sup>64</sup> Information gathered by Odhikar

<sup>65</sup> Progressive Student Alliance

<sup>66</sup> Students Unity against Imperialism



banner and baton charged them. At least 15 people were injured in this attack.<sup>67</sup> Among the wounded persons, some were admitted to Barisal Sher-e-Bangla Medical College Hospital. Meanwhile, Chhatra League activists beat and wounded five activists of Progatishil Chhatra Jote in the Lalbagh area of Rangpur town while police baton charged students of Jahangirnagar University, when they blocked the Dhaka-Aricha Highway in front of the University. At least 10 persons were injured. Police arrested 12 students and took them to Ashulia Police Station and later released them after hartal.<sup>68</sup>

### ***Repressive National Broadcasting draft Act***

41. On April 20, 2016 the Information Ministry released a draft law called the ‘National Broadcasting Act’, incorporating the provisions of imprisonment and monetary fine. According to the draft, violations of any rules or provisions of this law will result in a sentence of up to three months imprisonment and at least five hundred thousand taka fine or both. If violations of this Act continue the accused person will be fined up to one hundred thousand taka per day.<sup>69</sup> It is also mention in the draft law that if someone broadcasts, violating this law, he will be fined upto 100 million taka. Such fine can be recovered by an administrative order. The Act also states that if anyone is harmed by an administrative order, he/she will not be able to seek legal recourse.<sup>70</sup>

### ***Distortion of the History of Bangladesh Liberation War Crimes Act 2016***

42. The Government had drafted another repressive law, called ‘Distortion of the History of Bangladesh Liberation War Crimes Act 2016.’ According to the draft, misinterpretation or disrespect to any documents relating to the liberation war disseminated or published during the Liberation War and any publication during that period, will be considered a crime. In the draft law, the period of the liberation war was set from March 1 to December 16, 1971.<sup>71</sup> The second sub-clause of the proposed law says the denial of ‘incidents’ that occurred between March 1 and March 25, 1971, will be considered as a crime. However, there was no explanation or discussion with regard to what were those incidents. Moreover, the liberation war stared from the midnight of March 25, 1971, but the draft law states it was from March 1. There was no such explanation of this as well. This means that the police and complainants will have the freedom to decide what would be an ‘incident’ and what would be a ‘distortion’. According to section 6(1) of the proposed Act, “if anybody was instigated or abetted in or engaged in conspiracy with someone or took any initiative or attempt, that person will be punished as per the law. Anyone will be able to file a case under this Act.<sup>72</sup> Violations of any section of this law will result in a sentence of up to five years imprisonment and ten million taka fine.

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<sup>67</sup> The daily Prothom Alo, 26/04/2016

<sup>68</sup> The daily Prothom Alo, 26/04/2016

<sup>69</sup> The daily Prothom Alo, 12/04/2016

<sup>70</sup> The daily Prothom Alo, 22/04/2016

<sup>71</sup> The daily Prothom Alo, 10/05/2016

<sup>72</sup> The daily Prothom Alo, 17/05/2016

Furthermore, cases filed under this Act will be investigated and prosecuted in a short and specified period of time.<sup>73</sup>

43. It has been envisioned that the ‘Distortion of the History of Bangladesh Liberation War Crimes Act 2016’ will be contrary to objective and factual research on the liberation war and also hinder freedom of thought and conscience. There is no documented evidence in support of every incident that occurred during the nine months of the liberation war in 1971. Such information sometimes has to be collected from the victims or from people who directly participated in the war. Furthermore, several political ideologies were represented directly in the liberation war. Accepting only one of them would be bias as it would only be the government supported ideology; and the recognition of one thought is tantamount to the denial of the contributions of others, who actively participated in the war. This law might adversely affect someone who comments or researches on this matter; and it may create an opportunity of political misuse. Moreover, writing an article based on any new information relating to the liberation war, expressing opinions or comments or an interpretation of any matter, would be extremely dangerous, if the proposed law is passed. The law contains a provision whereby anyone can lodge a complaint against anybody, which indicates how long the list of cases will be in the future.

### ***Foreign Donation (Voluntary Activities) Regulation Bill 2016 finalises to regulate NGOs***

44. On May 18, 2016 the Parliamentary Standing Committee on the Ministry of Law, Justice and Parliamentary Affairs finalised the ‘Foreign Donation (Voluntary Activities) Regulation Bill 2016’ incorporating provisions for regulating non-government organisations (NGOs). In this Bill, a provision of taking punitive action has been put in place against any NGO or NGO activist for insulting or making derogatory remarks against the Constitution or any constitutional body. According to the proposed Bill, registration of a NGO can be cancelled or suspended if the government has reason to believe that derogatory remarks have been made against the Constitution, the Judiciary, the Law Commission, the Election Commission and the Attorney General.<sup>74</sup> It is to be mentioned that on June 2, 2014 the Cabinet approved the proposed ‘Foreign Donation (Voluntary Activities) Regulation Act 2014’, which was again submitted as a Bill after some scrutiny. The space for freedom of opinion and expression will shrink even more and NGOs will come under stringent control if this Bill is passed as law. Human rights organisations and NGOs which work on civil and political rights will be in trouble and their voices will be gagged once the Bill is implemented.

### ***Draft Press Council (amendment) Act 2016 finalised, incorporating provision for closing down of newspapers***

45. The Press Council finalised the draft Press Council (amendment) Act, 2016 incorporating provisions for stopping the publication of any newspaper or media for a maximum of

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<sup>73</sup> The daily Prothom Alo, 10/05/2016

<sup>74</sup> The Daily Star and Manabzamin, 19/05/2016

three days or five hundred thousand taka fine, if the media and news agencies contravene any decision or Order of the Press Council. Persons who are affiliated with the media alleged that the government is formulating new laws to control the media.<sup>75</sup> Earlier the Ministry of Information released a repressive draft law called the ‘National Broadcasting Act 2016’, incorporating the provisions of imprisonment and monetary fines. According to the draft National Broadcasting Law, violations of any rules or provisions of this law will result in a sentence of up to three months imprisonment and at least five hundred thousand taka fine or both.

### ***Social media under RAB surveillance***

46. In order to monitor social media, the government brought a surveillance software social media network monitoring system (SMNMS) for Rapid Action Battalion (RAB) from a US based company named ‘Snaptrends’, spending 100 million taka. Using this software, RAB will be able to collect information from all kinds of blogs including Facebook, Twitter, Instagram, Google plus, YouTube and Wordpress. The government can take legal action against persons based on the posts in the social media, which they will deem harmful to society, state and the government.<sup>76</sup>

### ***Use of the repressive Information and Communication Technology Act 2006***

47. The repressive Information and Communication Technology Act 2006 (Amended 2009 & 2013) remains in force. From January to June 2016, 10 persons were arrested under this Act for writing posts against high officials of the government and their families on facebook. The latest amendment to the ICT Act was made on October 6, 2013. Section 57<sup>77</sup> of the ICT Act 2013 is the most abused and used for arresting bloggers, human rights activists and anyone who may write ‘offensive’ post or alternative opinions. Moreover, punishment for committing this offence has been amended from a maximum of 10 years imprisonment, with no minimum; to a term of a minimum of seven years and maximum of 14 years imprisonment. This law has curtailed the freedom of expression. Two examples of its use are as follows:

48. On February 15, 2016 Shamsuzzoha Manik, writer and owner of Baw-deep Publishers and his brother Shamsul Alm and Fakir Taslim, owner of the Shwabdokoli Printers, were arrested by police of Shahbagh Police Station under sections 57(2) of the Information and Communication Technology Act, for publishing a book titled ‘Islam Bitarko’ (Arguments in Islam) which had some matters that would allegedly hurt religious sentiment. On the same day, a book stall of the Baw-deep Publishers at the Ekushey Book Fair was shut

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<sup>75</sup> The daily Jugantor, 03/05/2016

<sup>76</sup> The daily Manabzamin, 09/05/2016

<sup>77</sup> 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.

down and all books titled 'Islam Bitarko' were seized.<sup>78</sup> On June 9, 2016 police of Keshabpur Police Station arrested an employee of a furniture shop, Humayun Kabir under section 57(2) of the Information and Communication Technology Act for posting a caricature of the Prime Minister Sheikh Hasina and former Rail Minister Surenjit Sengupta on his facebook page in Keshabpur, Jessore.<sup>79</sup>

## **E. Freedom of the Media**

49. According to information gathered by Odhikar, from January to June 2016, 35 journalists were injured, 10 were assaulted, six were threatened, and 15 were sued.
50. The present government is controlling most of the media, particularly the electronic media and also putting pressure on the media in various ways; and as a result, the broadcasting and publishing of accurate and neutral news are being hindered. The only state-owned television channel, BTV is totally under the control of the government. Meanwhile the government closed down the pro-opposition electronic and print media, such as Channel 1, Diganta TV, Islamic TV and the publication of the daily Amar Desh. Furthermore, attacks on journalists by the ruling party men and its affiliated organisations continue and the government continues to file cases against journalists and detain them in jail.

### ***Attack on journalists***

51. On February 17, 2016 a motorcycle rider was beaten at Probortak Mor in Chittagong by activists from a rally brought out by Chhatra League. At the time Jewel Shil, a photojournalist of the daily Prothom Alo, was also beaten by Chhatra League activists led by Chittagong Medical College unit Chhatra League President, Rashedul and the Vice-President of the Student Union of the Medical College, Navid Anjum Tanvir, when he was taking pictures of the incident. Later, photos taken by Jewel Shil were deleted from his camera and he was verbally assaulted.<sup>80</sup>
52. On March 5, 2016 a group of criminals led by Sreenagar Upazila unit Jubo League Joint General Secretary Jewel Lashkar and Union unit Chhatra League General Secretary Fahim Islam Prince, attacked Adhir Rajbongshi, Sreenagar correspondent of the daily Bhorer Kagaj; and Mir Ratul, Sreenagar correspondent of the daily Rupabani, when they were gathering information of vandalism. Journalists Adhir Rajbongshi and Mir Ratul were beaten and their motorcycles and cameras vandalized.<sup>81</sup>

### ***Cases filed against and harassment to editor Mahfuz Anam***

53. On February 11, 2016 Mostafizur Rahman, Assistant General Pleader of Dhaka Special Judge's Court-9 placed a complaint application before the Court of Dhaka Metropolitan Magistrate, Snigdha Rani Chakrobarty for filing a sedition case against the Daily Star Editor Mahfuz Anam. After recording the complaint, the Court ordered the police to seek permission from the government for probing into the allegations before taking necessary

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<sup>78</sup> The daily Prothom Alo, 17/02/2016

<sup>79</sup> The daily Naya Diganta, 11/06/2016

<sup>80</sup> The daily Manabzamin, 18/02/2016

<sup>81</sup> Report sent by local human rights defender associated with Odhikar from Munshiganj

legal steps; and then submit a report. It was stated in the allegations that Mahfuz Anam published false and distorted news in his newspaper (Daily Star) to make Awami League 'leaderless', following the directions of an organisation for empowering an anti-democratic force, during the military-backed 'caretaker' government that came to power on January 1, 2007. This act of his has been considered as 'sedition'.<sup>82</sup> As of February 22, 79 cases have been filed against Mahfuz Anam for allegations of sedition and defamation in different districts of the country, by the leaders and activists of the ruling party, Awami League and its wings. Among them, 17 are sedition cases and 62 are defamation cases.<sup>83</sup> The Members of Parliament from the ruling party also demanded the arrest of Mahfuz Anam and urged the government file sedition cases against him and stop the publication of the Daily Star.<sup>84</sup>

### ***Elderly journalist Shafique Rehman arrested***

54. In the early morning of April 16, 2016 members the Detective Branch (DB) of Police, posing as journalists of Boishakhi TV, entered the Eskaton Garden home of senior journalist Shafique Rehman (82) and arrested him without warrant. Initially the DB police denied the arrest of Shafique Rehman but later they acknowledged it. He was shown as arrested under a case filed with Paltan Police Station in 2015 regarding a plan to abduct and kill the Prime Minister's son Sajeeb Wajed Joy, who is also her IT advisor. At first Shafique Rehman was taken into five-day remand.<sup>85</sup> After completion of the five day remand, on April 22, the court allowed the police a further five-day remand. On April 20, his wife Taleya Rehman organised a press conference and demanded the release of Shafique Rehman, stating that the allegations brought against him was false and fabricated. On April 25, Taleya Rehman organised another press conference and expressed fear that Shafique Rehman's life could be in danger due to his being taken into remand several times. She expressed her doubts as to whether there would be a proper investigation into the matter, given the government's extremely negative propaganda against her husband and the fabricated and incorrect information against him. Currently he is detained in Kashimpur Jail.<sup>86</sup>

### ***Mahmudur Rahman detained in jail for three years***

55. Mahmudur Rahman (62), the Acting Editor of the Daily Amardesh is in jail for the last three years. Mahmudur Rahman was arrested on April 11, 2013 from the Amar Desh newspaper office. To date a total of 72 cases have been filed against him across the country, mainly for defamation and sedition. Later he was granted bail on all the cases. On February 14, 2016, after getting bail from the Appellate Division and when there was no bar to his release, the Metropolitan Magistrate delayed in sending the Production Warrant Order to the jail; and the police of Shahbagh Police Station showed him as

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<sup>82</sup> The daily Prothom Alo, 12/02/2016

<sup>83</sup> The Daily Star, 23/02/2016

<sup>84</sup> The daily Jugantor, 08/02/2016

<sup>85</sup> The daily Jugantor, 17/04/2016

<sup>86</sup> The daily Manabzamin, 26/04/2016

arrested in case (case no. 50(01/13) filed in 2013 under the Explosives Act.<sup>87</sup> Mahmudur Rahman was granted bail in this case from the High Court Division and his lawyer also appealed to the Court regarding an Order that his client should not be shown as arrested in any further case. The High Court Division granted this appeal and issued an Order that Mahmudur Rahman will not be shown as arrested anymore. The Attorney General's office appealed to the Chamber Judge against this Order; the Chamber Judge put a stay on the High Court Order. As a result, on March 27, 2016 Mahmudur Rahman was shown again as arrested in a case filed with Motijheel Police Station and the latter requested a 10-day remand. On April 6, 2016 during the hearing of this case, lawyers of Mahmudur Rahman said that Mahmudur Rahman had been detained in jail before he was shown as arrested. The Court, then dismissed the appeal for remand and showed him as arrested.<sup>88</sup> On April 16, senior journalist Shafique Rehman was shown as arrested under a case filed with Paltan Police Station in 2015 regarding a plan to abduct and kill the Prime Minister's son Sajeeb Wajed Joy. Mahmudur Rahman was shown as arrested under this case as well. On April 25, 2016 the Dhaka Metropolitan Magistrate, Golam Nabi granted a 5-day remand and he was brought to the DB office, Dhaka from Kashimpur jail in Gazipur for interrogation.<sup>89</sup> It is to be mentioned that on August 19, 2010 the Appellate Division of the Supreme Court sentenced him to six months for Contempt of Court for publishing an April 21, 2010 report on how the government influences the courts. On August 13, 2015 Mahmudur Rahman was sentenced to three years imprisonment and one hundred thousand taka fine by a temporary Court situated at Alia Madrassa field in Old Dhaka, over allegations that he did not respond to a notice given by the Anti Corruption Commission (ACC) regarding his property. The Court also gave the verdict of another month of jail if he fails to pay the fine.

## **F. Killings of citizens belong to alternative beliefs, religious minority communities and different professionals**

56. From January to June 2016 several people were killed, including bloggers, on-line activists, teachers and the editor of a LGBTI rights related magazine; and citizens belong to minority communities including a Buddhist monk and a Hindu priest. Some of these killings were acknowledged by an extremist group. Some incidents are as follows:
57. On February 21, 2016 Principal Joggeswar Roy, head priest of Sri Sri Santu Gouri Math was attacked and stabbed to death by criminals in Avirampurpara under Dediganj Upazila in Panchgarh District.<sup>90</sup> On April 6, 2016 in the evening, a student of Law in Jagannath University and online activist, Nazimuddin Samad was stabbed and shot dead by a group of criminals at Ekrapur intersection of Lakshmi Bazaar, when he was returning to his residence in Gendaria, after evening classes. His family and friends said that they believe Nazimuddin was killed as he had criticised the government and posted various status on his facebook account against terrorism and fanaticism.<sup>91</sup> On April 23, 2016 at around 7:30 am, some unidentified criminals stabbed to death Dr. Rezaul Karim Siddiqui, Professor of

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<sup>87</sup> The daily New Age, 15/02/2016

<sup>88</sup> The daily Naya Diganta, 07/04/2016

<sup>89</sup> The daily Naya Diganta, 26/04/2016

<sup>90</sup> The daily Naya Diganta, 23/02/2016

<sup>91</sup> The daily Prothom Alo, 08/04/2016

the English Department, Rajshahi University at the Bottola intersection of Shalbagan area under Boalia Police Station in Rajshahi Metropolitan City.<sup>92</sup> On April 25, 2016 at night some unidentified criminals hacked to death an Editor of LGBTI rights based magazine ‘Roopbaan’, Xulhaz Mannan and his friend Mahbub Rabbi Tonoy, after entering his home at Dhanmondi under Kolabagan Police Station in Dhaka.<sup>93</sup> On May 14, 2016 the body of a Buddhist monk named Dhamma Wasa (70) was recovered from a monastery in Chakpara Village of Baishbari Union, under Naikkhongchhori Upazila in Bandarban District. Criminals had stabbed him to death. Police suspected that he was killed in the night of May 13, 2016.<sup>94</sup> On June 5, 2016 at around 12:00 noon, a Christian shopkeeper named Sunil Gomez (60) was hacked to death by sharp weapons beside a church at Bonpara Christian Polly under Boraigram Upazila in Natore District. An extremist group claimed this killing.<sup>95</sup> On June 7, 2016 a priest of Sri Sri Siddheshwary Temple, Ananda Gopal Ganguly was slaughtered to death by three criminals when he was on the way to the temple in Mohishdanga village under Noldanga Union in Jhenaidah. An extremist group acknowledged this killing.<sup>96</sup>

58. Suppression continues despite human rights defenders repeatedly cautions about the possibilities of extremism in politics as a consequence of ongoing hindrances to the freedom of expression and the repressive political sphere. The government and the ruling party are in the practice of suppressing their political opponents and any dissenting voices, in the name of resisting extremism. Bangladesh will head towards a devastating situation if the dangerous process of such politics continue, which may threaten the whole of South Asia.

## **G. Violence against religious minority communities**

59. Many incidents of attacks on members of religious minority communities; and also on their places of worship took place between January and June 2016. Such incidents occur due to the unavailability of justice for similar incidents in the past; and also due to the politicisation of these incidents. Vested interest groups attacked citizens belonging to the Hindu community at different times and also deliberately set fire to their places of worship or vandalized them in various districts.<sup>97</sup> At a press conference on April 22, 2016, the Hindu-Buddha-Christian Oikko Parishad<sup>98</sup> alleged that the human rights situation of citizens belonging to minority communities is deplorable. It also stated that incidents of violence against minority communities had tripled in the first three months of 2016, compared to the whole of 2015. It claimed that 732 incidents of violence occurred between January and March. Among these incidents, killing; abduction; gang rape; attacks on houses, business places and temples; vandalism; robbing; arson attacks; and forced eviction were the most common. In some cases, criminals influenced local

<sup>92</sup> The daily Jugantor, 24/04/2016

<sup>93</sup> The daily Prothom Alo, 26/04/2016

<sup>94</sup> The daily Naya Diganta, 23/05/2016.

<sup>95</sup> The daily Manabzamin, 06/06/2016

<sup>96</sup> The daily Jugantor, 08/06/2016

<sup>97</sup> The attacks are blamed on the opposition parties and ‘religious’ groups although eyewitness accounts may state otherwise. See Odhikar’s fact finding report on the attacks at Ramu and Cox’s Bazaar, dated 29/09/2012 at [www.odhikar.org](http://www.odhikar.org)

<sup>98</sup> The Hindu-Buddhist-Christian Unity Council

administration and hindered the necessary procedure to be taken by the authority after such incidents. Several incidents of land grabbing even took place during a trial or by violating a court Order. The Organisation stated that criminals used political influence and power while conducting such crimes as many leaders of the ruling party were involved in several of the incidents.<sup>99</sup> Some incidents are as follows:

60. In the early morning of February 24, 2016 unidentified criminals vandalized a pillar and some other portions of the Molany Sree Sree Hari Mandir (temple) in Aloakhowa Union under Atoari Upazila in Panchagarh District.<sup>100</sup> In the early morning of March 3, 2016 a group of unidentified criminals vandalized an effigy of Radha-Krishna by entering the Dasbari Sree Sree Hari Mandir (Hindu temple) after breaking the locks, in Titarkandi Village under Maltab Upazila in Chandpur District.<sup>101</sup> On March 11, 2016 about 50 men, led by Shourav, son of an AL-nominated UP Chairman candidate Abul Kalam Azad, vandalized and set to fire to the electoral camps of his rival candidate Nurul Islam Jewel in Patra Village in Chakundia Union under Khalijuari Upazila in Netrokona District, as he was contesting as a rebel candidate of the Awami League. In retaliation to this incident, supporters of Nurul Islam Jewel, who is also the Upazila unit Awami League's Organising Secretary, attacked Hindu homes belonging to Sottendra Sarkar, Deepak Sarkar, Debal Sarkar and Sanchalata Debi in Patra village. The attackers also vandalized the Hindu temple, Kali Mandir.<sup>102</sup>
61. Odhikar strongly condemns the incidents of attacks on members of minority communities and demands the government bring the actual perpetrators involved in committing and instigating such incidents, to justice through an impartial and unbiased investigation; and also ensure the security of citizens belonging to all minority communities.

## H. Public lynching continues

62. According to information gathered by Odhikar, between January and June 2016, 34 people were reportedly killed due to public lynching.
63. Due to a weak criminal justice system, the tendency to resort to public lynching is increasing, as people are losing their confidence and faith in the police and judicial system. The lack of respect for law, distrust of the police and instability in the country has increased the fear and insecurity among people.
64. Police provided bamboo poles and whistles to the local people in Dakope Upazial of Khulna, Kushtia, Gangni Upazila of Meherpur, Keshabpur Upazila of Jessore, Damurhuda Upazila of Chuadanga District to defend themselves after secret killings and attacks by 'extremists'.<sup>103</sup> So instead of providing security and protection to the people and investigating the attacks, the police are encouraging them to take the law into their own hands.

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<sup>99</sup> The daily Manabzamin, 23/04/2016

<sup>100</sup> The daily Manabzamin, 25/02/2016

<sup>101</sup> The daily Prothom Alo, 05/03/2016

<sup>102</sup> The daily Naya Diganta, 14/03/2016

<sup>103</sup> The daily Jugantor, 16/06/2016



## **I. Human rights violations by BSF in border areas**

65. According to information collected by Odhikar, from January to June 2016, 15 Bangladeshi citizens were killed by the Indian Border Security Force (BSF). Among them, 13 were gunned down and two were tortured to death. Furthermore, 17 Bangladeshi men were injured by the BSF. Of them, 11 were shot and injured, six were tortured and 17 were abducted by the BSF during this period.
66. Human rights violations on Bangladeshi citizens continued at the India-Bangladesh border areas from January to June 2016. Not only has India surrounded Bangladesh with fencing, it is trying to deviate from its responsibility towards the BSF atrocities on Bangladeshi nationals. BSF has been, over the years, killing or physically harming anyone seen near the border or anyone trying to cross the border; and has also attacked Bangladeshi citizens by illegally entering Bangladesh, which are clear violations of international law and human rights.
67. A Director General level meeting between the Border Guard Bangladesh (BGB) and the Indian Border Security Force (BSF) commenced in Dhaka on May 11, 2016 and continued till May 16. During the meeting, on May 14, BSF members shot dead a school student in Chuadanga. An independent and sovereign state cannot passively watch its citizens being indiscriminately killed, tortured and abducted by another state. During this period, Abdul Gani and Monser Ali (45) of Kurigram district; Joynal Hossain (30) of Noagaon district; farmer Zahurul Islam (28) of Lalmonirhat district; Shihab Uddin (15) of Chuadanga district; farmer Mohammad Sujon of Panchagarh district; Rony (28) of Rajshahi district; and Shahjahan Ali Bhutto (30) and Jobaidul Huq Bhadu were killed by BSF shooting and torture.

## **J. Worker's rights**

### ***Ready-made garment industry***

68. According to information gathered by Odhikar, between January and June 2016, 143 workers were injured by the police and garment authority during workers unrest in the ready-made garment factories. Three workers died and 23 were injured in fire.
69. Garment manufacturing factories are a very large source of revenue for Bangladesh and the factory workers are one of the main contributing factors to this success. However, many factories were closed without notice. This, and sudden termination of workers and not providing wages on time are the main reasons for workers unrest. Some instances are given bellow:
70. On January 17, 2016 owners of Pritha Fashions of Sinha group at Trishkania area of Kanchan Municipality under Rupganj Upazila in Narayanganj District, hung a notice of closure of the factory for an indefinite period; and locked the main gate without resolving workers' demand for overtime apart from their main work in several factory sections. Moreover, a large number of police had been deployed in the factory by the owners. Seeing the notice, the agitated workers brought out a procession at Rupshi-Kanchan road

in front of the factory. Police baton charged the agitated workers and left 25 injured.<sup>104</sup> On June 16, 2016 workers of a ready-made garment factory named Nandan Apparels brought out a protest rally and blocked the Dhaka-Mymensingh Highway, demanding their unpaid wages at Kathora area in Gazipur. During the protest baton charged and threw tear gas shells at the workers. At least 10 workers were injured in this attack.<sup>105</sup>

## **K. Violence against women**

71. During the first six months of 2016 a significant number of women were the victims of rape, dowry related violence, acid attacks and sexual harassment. Such violence continues as victims are not getting justice due to a culture of impunity. Lack of implementation of laws; failure of the Judiciary; lack of victim and witness protection; corruption and criminalisation of the members of law enforcement agencies; economic instability; and weak administration contribute to the lack of justice. Since the perpetrators of violence against women escape punishment, potential violators are encouraged and incidents of violence increase.

### ***Dowry-related violence***

72. Between January and June 2016, according to Odhikar documentation, 104 women including under aged brides were subjected to dowry violence. Of these women, it has been reported that 52 were killed, 45 were physically abused and two committed suicide over dowry demands. Four under aged brides were killed and one was physically abused for dowry demands as well. Some incidents are as follows:

73. On January 4, 2016 Jahangir Akon beat and injured his wife Poly Akhter over 50,000 Taka as dowry at Chikondi area under Sadar Upazila in Shariatpur District. As a result, Poly Akhter died at Shariatpur Sadar Hospital.<sup>106</sup> On February 15, 2016 a housewife named Shampa Khatun (25) was allegedly strangled to death by her husband Zahid Hossain and his family members over dowry demands, in Hariabari Village under Paban Sadar Upazila.<sup>107</sup> On March 3, 2016 a housewife named Jannatur Ferdows (18) was allegedly beaten to death by her husband Rafiqul Islam and his family members over dowry demands, in Shyamnagar under Satkhira District.<sup>108</sup> On June 10, 2016 a housewife named Rani Begum (28) was killed by her husband Abdul Gani Gazi for dowry money in Kodalpur Village of Gosairhat under Shariatpur District.<sup>109</sup>

### ***Rape***

74. During the first six month of 2015, a total number of 375 females were reportedly raped. Among them, 110 were women, 259 were children below the age of 16 and the age of six victims could not be determined. Of the women, nine were killed after being raped, 46

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<sup>104</sup> The daily Manabzamin, 18/01/2016 and report sent by human rights defender associated with Odhikar from Narayanganj

<sup>105</sup> The daily Manabzamin, 17/06/2016

<sup>106</sup> The daily Naya Diganta, 08/01/2016

<sup>107</sup> Report sent by local human rights defender associated with Odhiar from Pabna

<sup>108</sup> The daily Naya Diganta, 06/03/2016

<sup>109</sup> The daily Naya Diganta, 12/06/2016

were victims of gang rape and one committed suicide. Out of the 259 child victims, seven children were killed after being raped, 49 were victims of gang raped and two children committed suicide. Furthermore, 77 women and girls were victims of attempted rape. Some incidents are as follows:

75. A housewife of a Hindu religious community was allegedly gang-raped twice by the brother of a leader of the ruling party and his companions. On January 14, 2016 Monu Miah and his friends stormed the victim's house when her husband and her son were not home. Her family took the matter to village elders and sought justice. Infuriated on January 18, 2016 Monu Miah and his accomplices forced their way into the victim's house and raped her again after tying up her husband and son. Police later arrested Monu Miah.<sup>110</sup> In the evening on March 20, 2016 a second year (Honours) student of the History Department in Comilla Victoria Government University College and theater activist, Shohagi Jahan Tonu (19) left home to go and tutor students at the Alipur area in Comilla. Tonu's family started looking for her when she did not return home. At around 11:00 pm, Tonu's body was found in a bush beside a water tank in the Comilla Cantonment Board Girls High School area. The body was recovered by police and sent to Comilla Medical College for autopsy. On April 4, 2016 a post-mortem report was submitted. It was stated in the report that the actual reason for the death of Tonu could not be identified. Wounds at the back of the head were not mentioned in the post-mortem report and scratch marks on the throat was mentioned as insect bites. The Court ordered a second autopsy by forming a medical board after widespread protests. A three member medical board led by Dr. Kamda Prashad Saha, Associate Professor of Forensic Medicine Department of Comilla Medical College, conducted the second autopsy. Tonu's body was exhumed and samples were collected from the body for DNA test. The investigating officer of the case, Special Superintendent of Police of CID, Mohammad Shah Abid ensured that evidence of rape was found after the DNA test.<sup>111</sup> However, the second post-mortem report was submitted with questions regarding the actual reason for the death and rape of Tonu.<sup>112</sup> It has now become doubtful as to whether the post-mortems of other incidents of rape and killing were properly and fairly done without any external influence, as discrepancies were found between the post-mortem and DNA tests in the Tonu murder case. In such cases, there have been allegations against doctors, of altering the autopsy reports due to bribe or pressure from the higher authority. On June 11, 2016 a female college student and her mother belonging to the Hindu community of Bauphal Upazila in Patuakhali district went to visit Shoula area under Kalaiya Union. Jubo League activist Harun Mridha whom they knew, took them for a trawler ride in the Tentulia river in the evening. Harun Mridha along with six men, including Shechhasebak League leader Rahim Mir (34), Nur Alam Mallik and Jubo League leader Sohel Mridha (32) raped them after docking the trawler near a wasteland.<sup>113</sup>

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<sup>110</sup> The Daily Star, 22/01/2016

<sup>111</sup> The daily Prothom Alo, 17/05/2016.

<sup>112</sup> The daily Prothom Alo, 13/06/2016

<sup>113</sup> Report sent by local human rights defender associated with Odhiar from Patuakhali

## ***Sexual harassment***

76. According to information gathered by Odhikar, from January to June 2016, a total of 131 girls and women were victims of sexual harassment. Of them two committed suicide, 10 were injured, 21 were assaulted, three were abducted and 95 were victims of stalking. During this time, two men were killed, 50 men were injured and five women were injured by the stalkers when they protested such acts. Some incidents are as follows:
77. On January 21, 2016 three Chhatra League activists, Abu Sadat Sayem, a student of Government and Politics Department; Jamshed Alam, student of International Relations Department; and Zahid Hasan, student of Bangla Department physically assaulted a female visitor and her companion at the Chourongi area of Jahangirnagar University.<sup>114</sup> On March 18, 2016 Masterda Surja Sen Hall<sup>115</sup> unit Chhatra League leader Mishkat Hussain, passed indecent comments to a girl student of the Philosophy Department of Dhaka University, when she was returning to her hall of residence, the Kuwait-Friendship Hall. When she protested, Mishkat Hussain assaulted her.<sup>116</sup> On June 7, 2016 a girl student class VII was stalking by some local youth, including Raihan, Sajib, Wasim and Shahabuddin in Mahena Baterchara area under Rupganj Upazial in Narayanganj District. When her father Mojibur Rahman and brother Maruf protested this act, the criminals attacked them and left them injured.<sup>117</sup>
78. On April 14, 2015 during the celebration of Bangla New Year several women and girls were sexually harassed by criminals in front of the gate of Suhrawardy Udyan<sup>118</sup> at the northern side of the Raju Sculpture on Dhaka University campus. Women, from the adolescent to the elderly, were subjected to sexual harassment. The government could not ensure punishment of any accused persons who were involved with this incident and caught on CCTV cameras, despite the passing of more than a year.

## ***Acid violence***

79. According to information gathered by Odhikar, between January – June 2016, it was reported that 20 persons became victims of acid violence. Of them, 15 were women, two were men, two were girls and one was a boy. Some incidents are as follows:
80. On January 5, 2016 at around 4.00 am, four criminals Arman, Aziz, Anowar and Sanowar threw acid on housewife Sonia Akhter through the window of her home, over previous enmity, in Geneva camp, Mohammadpur, Dhaka. In this incident 60 percent of Sonia Akhter's body, including hands, waist and back were burnt with acid. She was admitted to the burn unit of the Dhaka Medical College Hospital.<sup>119</sup> On May 4, 2016 a Madrassa student of class X named Dipa Rubaiya Ritu (16) was studying at home in Gopinathpur

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<sup>114</sup> The daily Jugantor 23/01/2016

<sup>115</sup> Residential hall for male students of Dhaka University

<sup>116</sup> The daily Jugantor, 20/03/2016

<sup>117</sup> The daily Jugantor, 08/06/2016

<sup>118</sup> Suhrawardy Udyan, adjacent to Dhaka University campus formerly known as Ramna Race Course ground is a national memorial located in Dhaka, Bangladesh. It is named after Hussain Shaheed Suhrawardy. Originally it served as the military club of the British soldiers stationed in Dhaka. It was then called the Ramna Race Course and later Ramna Gymkhana. After the end of colonial rule, the place – sometimes referred to as *Dhaka Race Course* – was used for legal horse racing.

<sup>119</sup> The daily Jugantor, 06/01/2016

Village under Mithapukur Upazila in Rangpur District. At that time criminals threw acid on her through the window, which burnt different parts of her body, including her face.<sup>120</sup>

## **L. Eviction drive in Kalyanpur slums – deprivation of right to shelter**

81. On January 21, 2016 the Housing and Public Works Department began a slum-eviction drive at Kalyanpur area in Mirpur, Dhaka. Before the drive, the slum dwellers were given only two hours to move from the area. At one stage, the slum dwellers and police engaged in an altercation when the slum dwellers protested against the drive. In this incident, around 15 persons were injured and one youth named Bijoy got shot. During the clash the whole slum and adjacent areas turned into a battlefield. The women, children and old persons faced inhuman sufferings and took shelter under the open sky. Members of the Housing and Public Works Department evicted the slum using two bulldozers. They were assisted by police and Jubo League activists. It is to be mentioned that on December 28, 2003 the High Court Division of the Supreme Court directed the government to stay the eviction at Kalyanpur slum. After extending the period of the stay order several times the High Court Division directed an order to retain the stay order till disposal of the original case on January 17, 2007. Later, on January 21, 2016 the Housing and Public Works Department conducted the drive ignoring the stay order from the High Court Division. This incident was brought before the bench of Justice Tariq ul Hakim and Justice Bhishmadev Chakraborty of the High Court Division. Following the writ petition the High Court Division issued a three-month stay order on the drive and stated the drive as illegal.<sup>121</sup> However, on January 22, 2016 a fire broke out in the slum, a day after the High Court imposed a stay on the demolition. The slum dwellers alleged that local ruling party lawmaker Aslamul Haque was behind the fire, which damaged some 100 shanties, leaving around 300 low-income people without any shelter.<sup>122</sup>

## **M. Hindrance to Human Rights Activities**

### ***Human rights defender shot in the leg while observing local government elections***

82. On March 31, 2016 at around 10:00 am, a human rights defender associated with Odhikar and NTV<sup>123</sup> correspondent, Mohammad Afzal Hossain, went to the Rajapur Government Primary School polling centre to observe Rajapur Union Parishad elections in Bhola. He observed there that supporters of the AL-nominated candidate were casting fake votes by capturing that polling centre, with the help of a Magistrate and members of law enforcement agencies. The ruling party men were casting votes for their Chairman candidates by themselves, without giving out ballot papers to voters. Afzal Hossain videoed all those irregularities. One of the leaders of Awami League<sup>124</sup> asked Afzal to

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<sup>120</sup> The daily Naya Diganta, 06/05/2016.

<sup>121</sup> The daily Manabzamin, 22/01/2016

<sup>122</sup> The daily New Age, 23/01/2016

<sup>123</sup> NTV is a private television channel

<sup>124</sup> Name of the District unit Awami League leader is mentioned here for security of Afzal Hossain

stop recording and Afzal came out of the polling centre. Later violent clashes occurred between supporters of the AL-nominated candidate (with 'boat' symbol) Mizanur Rahman and supporters of the AL-rebel candidate (with 'motorcycle' symbol) Rezaul Huq Mithu Chowdhury, centering around irregularities, rigging and casting fake votes in Rajapur Government Primary School polling centre. During that time, police kept silent and took no action. Later, voters surrounded the polling centre in order to cast their votes by themselves. At that time, the AL-rebel candidate Rezaul Huq Mithu Chowdhury tried to calm down the voters. After some time members of RAB, police, BGB and Coastguard came from Bhola district and brought the situation under control. At around 12:00 noon, Afzal was combining information collected from different polling stations, for preparing an electoral report. He saw a police Constable loading his shotgun in the veranda of the polling centre. After a few moment, that Constable came close to Afzal and shot him in the left leg, from a distance of 2-3 feet. His fellow journalists took him to Bhola Sadar Hospital where doctors removed three pellets from his leg. He was later taken to Dhaka for better treatment. It was learnt, that the name of that police constable was Zulhas.<sup>125</sup>

### ***Activities of Odhikar hindered***

83. Odhikar continues to be persecuted and in August 2013, when the government started harassing Odhikar soon after this, the Anti Corruption Commission (ACC) initiated investigations into the financial transactions of Odhikar; which escalated in January 2014 after Adilur Rahman Khan was freed on bail. However, finding no concrete evidence, the investigating officer and Deputy Director of the ACC, Harun-ar-Rashid recommended the Commission to settle the matter as 'kept in record' after investigating Odhikar for one and half years. However, the Commission has decided to reinvestigate Odhikar as the report submitted by Harun-ar-Rashid was not deemed satisfactory. Deputy Director of the ACC, Jalal Uddin Ahammad has been given authority to investigate the matter again.<sup>126</sup> On May 22, 2016 at around 5:30 pm, a letter signed by Jalal Uddin Ahammad, the Deputy Director of the Anti Corruption Commission came to Odhikar's Secretary Adilur Rahman Khan. It was an allegation of money laundering against Odhikar by the ACC and about hearing and recording the statement of a relevant person of the Organisation. The ACC mentioned that 97,000 Euro came as remittance to Standard Chartered Bank for Odhikar, but they did not mention any date of such transaction. 97,000 Euro did not come as remittance to Standard Chartered Bank. The amount of Euro, which was mentioned by ACC, was not correct. Rather, 97,501.07 Euro, equivalent to 9,487,010.11 Taka (1 Euro=97.30 taka) as the project money for the 2<sup>nd</sup> year of the European Union-funded project, was credited to Odhikar's mother-account at Standard Chartered Bank on July 8, 2013, with the permission of the NGO Affairs Bureau (NGOAB). With the permission of the NGOAB, Odhikar withdrew funds from the total amount and spent it for the implementation of project activities. Odhikar sent all relevant documents to the Deputy Director of the ACC, Jalal Uddin Ahammad in relation to this project. It is to be noted that, all the expenditures of the project were audited by the Audit Company which was approved by NGOAB and European Union; and the audit report was submitted to both

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<sup>125</sup> Information gathered by Odhikar.

<sup>126</sup> The daily Naya Diganta, 12/03/2015.

institutes. Later on June 20, 2016 Odhikar's Secretary Adilur Rahman Khan received a letter from the ACC that the allegation of money laundering against Odhikar has not been proved and the matter has been kept on record as 'resolved'.

84. Odhikar, as a human rights organisation, has come under government fire during various regimes, for being vocal against human rights violations and for campaigning to stop them. The present Grand Alliance government, led by the Awami League, after assuming power in 2009, started harassment on Odhikar for its reports on the human rights situation of the country. On August 10, 2013 at 10:20 pm, 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. The police, at first, denied detaining him. Adilur and Odhikar's Director ASM Nasiruddin Elan, were charged under section 57(1) of the Information and Communication Technology Act, 2006 (Amended 2009). They were in jail custody and later, Adilur and Elan were released on bail after spending 62 and 25 days in prison respectively. On August 11, 2013 at night, the DB Police raided the Odhikar office and confiscated two CPUs (Central Processing Unit) and three laptops, which contained sensitive and confidential information and documents relating to victims of human rights abuses. Odhikar regularly faces harassment by different organs of the government. Adilur Rahman Khan, staff members of Odhikar and the office are under surveillance by intelligence agencies. Human rights defenders who are associated with Odhikar are being watched and sometimes harassed and human rights activities hindered. Finally on 30 August 2015, the government did not allow Odhikar to organise a programme to mark the International Day of the Victims of Enforced Disappearances, to remember all those who have been disappeared and to show solidarity and support to their families.
85. Furthermore, the NGO Affairs Bureau (NGOAB), which is under the Prime Minister's Office, has barred the release of all project related funds of Odhikar, for about two years, in order to stop its human rights activities. The Organisation is still operating due to the volunteer services of grassroots level human rights defenders associated with Odhikar and their commitment to human rights activism.

## Recommendations

1. Political violence must be stopped. The Government should take unbiased and effective legal action against criminal acts perpetrated by its party activists. Perpetrators involved in killing and violence during local government elections should be tried. In order to control the unstable and confrontational politics, an initiative of forming an accountable government needs to be taken immediately, through holding free and fair Parliamentary elections by ensuring the participation of all political parties, under a neutral, interim government or under the supervision of the United Nations.
2. Incidents of extrajudicial killings and torture by law enforcement agencies must be investigated and the perpetrators be brought to effective justice. Extrajudicial killings in the name of ‘crossfire’ and ‘gunfight’ must be stopped.
3. The law enforcement agencies must follow the 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”. The Government should ratify the Optional Protocol to the Convention against Torture; and effectively implement the Torture and Custodial Death (Prevention) Act, 2013.
4. The Government has to explain all incidents of enforced disappearance and post-disappearance killings, allegedly perpetrated by law enforcement agencies. All victims of disappearance should be returned to their families. The Government must bring the members of the security and law enforcement agencies, who are involved in the incidents of enforced disappearance and killing; to justice. Odhikar urges the government to accede to the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the UN on December 20, 2006.
5. The Government should refrain from carrying repressive unconstitutional activities. Mass arrests and human rights violations in jail should be stopped.
6. Interference to freedom of expression and of the media must be stopped. Cases filed against all journalists including human rights defenders must be withdrawn and the incidents of attack on journalists should be investigated in a proper and unbiased manner and the perpetrators be brought to justice. The ban on the publication of the daily Amar Desh and the broadcasting of Diganta TV, Islamic TV and Channel One should be removed. All persons who were detained for political reasons or for expressing their opinions and thoughts, including the senior and elderly journalist Shafik Rehman, Acting Editor of the daily Amar Desh Mahmudur Rahman and convener of Nagorik Oikkya Mahmudur Rahman Manna should be released immediately. Cases filed against the Daily Star editor Mahfuz Anam should be withdrawn and the harassment on him stopped.
7. All repressive laws, including the Information and Communication Technology Act, 2006 (amendment 2009, 2013) and the Special Powers Act, 1974 must be repealed. Monitoring on the social media and internet should be stopped. Furthermore, the proposed enactment of recent repressive laws ‘Distortion of the History of Bangladesh Liberation War Crimes Act 2016’ and ‘National Broadcasting Act 2016’ should be halted; and the section that halts media under the Press Council (amendment) Act 2016 must be repealed.
8. The government must find the perpetrators who are involved in the killings of bloggers and online activists, teacher, editor of an LGBT right-based magazine and citizens



- belonging to religious minority communities; and bring them to justice through an impartial and unbiased investigation.
9. The ready-made garment factories need to be brought under synchronized security programmes and the factories should be made with adequate infrastructural and other facilities. Human rights violations, including termination of workers, pending wages and harassment by Industrial Police against readymade garment factory workers must be stopped.
  10. The Government should protest strongly against human rights violations on Bangladeshi citizens by the BSF and take initiatives to investigate and make the Indian Government accountable; and compensate the families of the victims. The Government should also ensure the safety and security of the Bangladeshi citizens residing at the border areas.
  11. Attacks and repression on all minority communities must be stopped. The Government should take all measures to protect the rights of the citizens belonging to religious, ethnic and linguistic minority communities and ensure their security.
  12. There should be no eviction drive in slums without rehabilitating the people first.
  13. The Government must ensure the effective implementation of laws to stop violence against women and the offenders must be effectively punished under prevalent laws. The Government should also execute mass awareness programmes in the print and electronic media, in order to eliminate violence against women. The post-mortem reports in relation to violence against women and other offences should be prepared without any interference or biasness.
  14. The case filed against Odhikar's Secretary and its Director under the Information and Communication Technology Act, 2006 (Amended in 2009) must be withdrawn. All repressive measures and harassment against human rights defenders associated with Odhikar should be stopped. The government must release the funds of Odhikar to enable it to continue its human rights activities.
  15. The annual income and expenditure of all Anti Corruption Commission officials should be made public and uploaded on the ACC website. Transparency need to be ensured in the recruitment process of the ACC in order to make it functional in transparent and accountable manner.

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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 in twelve national daily newspapers.
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 so.