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# BANGLADESH

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2011

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In 2010-2011, while torture, ill-treatment and extrajudicial killings continued unabated, impunity for such acts remained widespread. The space for freedom of opinion and expression also further shrank. In such a context, journalists exposing cases of corruption and denouncing human rights violations were victims of judicial harassment, attacks and threats, and human rights defenders and organisations were subjected to various acts of harassment, including killings, in particular when denouncing human rights violations committed by security forces. Freedom of peaceful assembly also continued to be hampered.

## Political context

Since June 2010, the Bangladeshi Parliament has conducted its work without opposition MPs, when the Bangladesh Nationalist Party (BNP)-led opposition MPs walked out of the Parliament in protest over the arrest of a *Amar Desh* journalist<sup>1</sup>. Although similar tactics were used by the opposition parties in the past, it raised concerns about the effectiveness of the legislative process and about opposition's ability to influence Government policy<sup>2</sup>.

Impunity for acts of torture and ill-treatment, as well as extrajudicial (or "crossfire") killings continued during 2010-2011<sup>3</sup>. Despite high-level assurances to the contrary<sup>4</sup>, successive Governments have shown indifference to these practices, committed mainly by the Rapid Action Battalion (RAB) and members of the police<sup>5</sup>. During the course of 2010, 127 persons were reportedly killed extra-judicially, the majority of them by members of RAB, mostly in "crossfire" incidents. Between January and March 2011, 33 persons were killed extra-judicially<sup>6</sup>. Furthermore, although torture is prohibited by Article 35.5 of the Constitution, torture and ill-treatment remained pervasive and was practiced regularly by law

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1/ See *infra*. Since then, they only returned to Parliament once for a very brief time.

2/ See Odhikar, *Human Rights Report 2010*, January 1, 2011.

3/ According to Odhikar, one person is killed extra-judicially every three days in Bangladesh. See Odhikar, *Human Rights Monitoring Report on Bangladesh, January 1 - March 31, 2011*, April 1, 2011.

4/ See Annual Report 2010.

5/ See Odhikar, *Human Rights Report 2010*, January 1, 2011.

6/ Although the Ministry of Home Affairs concluded in two cases during the reporting period that the deaths caused by the RAB or the police were summary executions, no perpetrators were convicted.

enforcement agencies<sup>7</sup>. One of the contributing factors was the fact that despite its Constitutional prohibition, torture is not a criminal offence under Bangladeshi law. Torture also remained routine in remand detention. In addition, despite the widespread and well-known practice, Magistrates continued to admit statements from accused persons held in remand detention. The Border Security Force (BSF) of India also continued to commit human rights violations, including killings, abductions and torture and other forms of violence along the India-Bangladesh border. The BSF also frequently conducted operations deep in Bangladeshi territories. Yet, these concerns were not raised by Prime Minister Sheikh Hasina during her official visit to India in January 2010<sup>8</sup>.

In 2010-2011, the space for freedom of opinion and expression continued to shrink as attacks on and harassment of journalists by supporters of political parties, closure of and restrictions placed on newspapers and TV stations remained widespread.

On April 26, 2010, the Government approved the amendments to the Anti-Corruption Commission (ACC) Act of 2004, which was tabled in the Parliament on February 28, 2011. The amendments, if adopted in their current form, risk increasing political and administrative corruption, since the Government's prior permission would be necessary for filing a case against Government officials. Furthermore, the proposed amendments would significantly strengthen the Government's control over the Commission, since it would become accountable to the President and the Secretary of the ACC would be appointed by the Government<sup>9</sup>. However, on a positive note, Bangladesh ratified the Rome Statute of the International Criminal Court (ICC) on March 22, 2010<sup>10</sup>. The Cabinet also ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC) on April 11, 2011, but the Government had yet to deposit the instrument of ratification with the United Nations as of the end of April 2011.

### **Reprisals against journalists denouncing corruption and human rights violations**

Journalists exposing cases of corruption and denouncing human rights violations continued to suffer severe consequences, including judicial

7/ According to Odhikar, in 2010, 67 persons had been tortured by various law enforcement agencies. See Odhikar, *Human Rights Report*, January 1, 2011.

8/ See Odhikar, *Human Rights Monitoring Report on Bangladesh, January 1-31, 2010*, February 1, 2010.

9/ See Odhikar, *Human Rights Monitoring Report on Bangladesh, January 1 - March 31, 2011*, April 1, 2011.

10/ See Odhikar Press Statement, March 22, 2010.

harassment, torture and ill-treatment. In particular, the daily newspaper *Amar Desh*, which regularly reports on corruption cases and is critical of the Government, and its staff members were targeted by the police and the judiciary. On June 1, 2010, the press office of *Amar Desh* was raided by armed forces, and declared closed. This harassment followed the publication of reports on cases of corruption of high-ranking Government officials as well as of sensitive and undisclosed sections of a Government-appointed investigation committee report on violations committed by the Bangladesh Rifles<sup>11</sup>. On June 2, 2010, agents of the Tejgaon police station entered the *Amar Desh* offices, arrested Mr. **Mahmudur Rahman**, *Amar Desh* Acting Editor, and charged him under Sections 419, 420 and 500 of the Code of Criminal Procedure for “cheating by impersonation”, “dishonestly inducing delivery of property” and “defamation”. The Tejgaon police station also filed a case against Mr. Rahman as well as against *Amar Desh* Deputy Editor Mr. **Syed Abdal Ahmed**, Assistant Editor Mr. **Sanjeeb Chowdhury**, City Editor Mr. **Jahed Chowdhury**, reporter **Alauddin Arif** and the office assistant **Saiful Islam**, as well as 400 unnamed people for, *inter alia*, “obstructing Government officials to perform their duties” during Mr. Rahman’s arrest, under Sections 143, 342, 332, 353, 186, 506, 114 of the Criminal Code. As of April 2011, the investigating officer had not submitted the charge sheet yet and Messrs. Syed Abdal Ahmed, Sanjeeb Chowdhury, Jahed Chowdhury, Alauddin Arif and Saiful Islam had to appear before the court every month as the case remained under investigation. On June 6, 2010, another case was filed against Mr. Rahman for, *inter alia*, “obstructing Government officials to perform their duties” under Sections 143, 186, 332, 353, 225B/34 of the Criminal Code, while he was already in custody. Moreover, on June 8, 2010, the Magistrates Court No. 7 issued another four-day detention period against Mr. Mahmudur Rahman for “printing banned leaflets” under Section 6(1) of the Anti-Terrorism Act 2009, as well as an additional four-day detention period for “conspiring against the State” on the basis of a case lodged under Sections 121A (“waging war or attempting to wage war against the State”), 124A (“sedition”) and 114 (“abettor present when offence is committed”) of the Criminal Code, leading to a total remand period of twelve days. Furthermore, on the night of June 10, five or six men entered Mr. Rahman’s cell and removed his clothes, and then proceeded to hit him so hard that he lost consciousness. On June 12, 2010, Mr. Rahman was brought before the Magistrates Court where he reported that he was subjected to acts

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11 / The Bangladesh Rifles are paramilitary forces that deal with security matters at the borders of the country.

of inhuman and degrading treatment while in detention<sup>12</sup>. On the same day, Mr. Rahman was remanded for four days under the Anti-Terrorism Act. On June 24, 2010, the Magistrates Court ordered Mr. Mahmudur Rahman's transfer to the Dhaka central jail. On August 19, 2010, the Appellate Division of the Supreme Court sentenced him to six months of imprisonment for "gross contempt of court" for having published a report on April 21, 2010 that criticised the role of the Attorney General's office for placing false submissions about some cases, and fined him for 100,000 taka (about 1,130 euros). On the same day, the Court also sentenced Mr. **Oliullah Noman**, staff reporter of *Amar Desh*, and Mr. **Hashmat Ali**, publisher of the same newspaper, to fines of 10,000 taka (about 113 euros) for "contempt of court" in relation to their responsibility in the publication of the report. Moreover, Mr. Noman was sentenced to one month imprisonment. On March 17, 2011, Mr. Mahmudur Rahman was released on bail from the Gazipur district jail after having served nine and a half months in prison but remained prosecuted for 49 cases under numerous charges including "defamation", "sedition" and several offences defined in the Anti-Terrorism Act 2009. On March 28, 2011, Mr. Mahmudur Rahman, who was scheduled to appear before two different courts - the Chief Metropolitan Magistrate's Court of Dhaka and the District Court of Gopalganj, located at a distance of 250 km from each other - on "defamation" and "cheating" charges, under Section 420, 469, 500, 501 and 34 of the Criminal Code, in relation to articles published in *Amar Desh*, appeared at Dhaka while his lawyer appeared before the Gopalganj Court and applied for the postponement of the trial and displayed the documents related to the Dhaka Court's summon. The Judge in Gopalganj rejected the application and issued an arrest warrant against Mr. Mahmudur Rahman, who was subsequently granted bail. During the same hearing, the Judge in Gopalganj also issued arrest warrants against Messrs. **H. M. Mehedi Hasnat**, correspondent of the *Dainik Destiny* in Kotalipara, and **Jahangir Hossain Sheikh**, Acting Editor of the weekly *Matrimukti*, in relation to a report published in *Amar Desh* on April 4, 2010 alleging that some Awami League leaders and their relatives had been involved in war crimes committed in 1971. Both were subsequently released on bail<sup>13</sup>.

Journalists were also victims of physical attacks and threats for reporting on human rights issues. For instance, on February 23, 2010, Mr. **Khalilur Rahman Sumon**, a human rights defender with Odhikar and staff member

12/ Mr. Rahman lost weight and suffered from pain due to the acts of ill-treatment suffered while in custody. For instance, on June 23, he was kept blindfolded and handcuffed to the window bar of a small room for ten hours.

13/ On August 2, 2011, the case was withdrawn by the complainant.

of the *Daily Probaho*, was stabbed and severely wounded by a group of unknown persons as he was returning home from his office. Two unidentified persons grabbed him close to the Bangobashi school at Khalishpur, while a group of seven or eight persons blindfolded him and stabbed him in the chest. On February 27, 2010, Mr. Khalilur Rahman Sumon lodged a complaint with the local police, which submitted its final report in December 2010<sup>14</sup>. On February 23 and 26, 2010, Mr. **Nurul Kabir**, Editor of the newspaper *New Age* well-known for covering human rights issues, in particular abuses committed by law enforcing agencies, and who published many articles on the misuse of power, corruption and torture against various intelligence agencies, received threats by phone from an unknown person who identified himself as “Mamun”. He was threatened with dire consequences for himself and his family if he continued “to write and speak against terrorism and violence”. Mr. Kabir filed a general diary at the police station. However, the police only recorded his complaint and no investigation was carried out<sup>15</sup>.

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

Human rights defenders and organisations continued to be subjected to various acts of harassment, including killings, in 2010-2011 when denouncing human rights violations committed by security forces. Indeed, on March 15, 2010, Mr. **Abdullah Al Farooq**, a lawyer and human rights defender with Odhikar, who provided legal support to the poor victims and was very much vocal in the Bar Association against injustices and corruption, was killed by unknown persons. Mr. Al Farooq was on his way home from a meeting with a senior lawyer when he was stabbed. As of April 2011, the investigation had not been completed yet<sup>16</sup>. On March 22, 2010, an exhibition organised by Drik Gallery highlighting the crossfire killings committed by RAB was closed down by the police on March 22, 2010, before being later allowed to reopen by a decision of the High Court on March 29, 2010<sup>17</sup>. Moreover, the human rights NGO Odhikar contin-

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14 / When the police do not get any evidence, clue, witness in relation to a specific case, they submit a final report to the Court after investigation. It means the case has no more valid reason to continue and the case will subsequently be closed if the Court approves the final report. However, the case can be re-opened and re-investigated if the complainant submits an objection petition against the final report claiming that the police did not properly investigate the case and was biased. In the case of Mr. Khalilur Rahman Sumon, no witness was found during the investigation and he did not submit any objection petition against the police final report. See Odhikar, *Human Rights Monitoring Report on Bangladesh, February 1-28, 2010*, March 1, 2010.

15 / See Odhikar, *Human Rights Monitoring Report on Bangladesh, February 1-28, 2010*, March 1, 2010.

16 / See Odhikar, *Human Rights Monitoring Report on Bangladesh, January-March 2010*, April 1, 2010.

ued to face serious obstacles in carrying out its activities, as Bangladeshi authorities decided to cancel several of its proposed human rights projects. On February 11, 2010, the NGO Affairs Bureau (NGO-AB) under the Prime Minister's office refused to give permission for the extension until March 31, 2010 of a project entitled "Human Rights Defenders Training and Advocacy Programme in Bangladesh", based on a previous objection from the Ministry of Home Affairs<sup>18</sup>. Similarly, on July 7 and 12, 2010, two projects funded by the Finnish NGO Foundation for Human Rights (KIOS) and the Embassy of the Kingdom of the Netherlands respectively on human rights documentation in Bangladesh were submitted to the NGO-AB. After submission, the NGO-AB sent a number of queries to Odhikar for clarification, to which Odhikar duly submitted responses. The NGO-AB then sent the proposals to the Ministry of Home Affairs and the National Human Rights Commission (NHRC) for their opinion on September 9 and 27, 2010. The Home Ministry asked the National Security Intelligence (NSI) and the Special Branch of police to investigate the matter. On December 28, 2010, Odhikar also submitted a request to the NGO-AB for approval of a EU-funded project aiming at campaigning to criminalise torture under the laws of Bangladesh, creating awareness about the Convention Against Torture (CAT) and its Optional Protocol through monitoring and policy advocacy, and to improve the human rights situation of Bangladesh. Although according to its Rules of Business, the NGO-AB has to make a decision on a proposed project within 45 days after the reception of all relevant information, and that after it has examined the project proposal; the Bureau sends it to the relevant Ministry, which has 21 days to provide its comments regarding the project, as of April 2011, the NGO-AB had yet to give its approval, despite the numerous clarifications that Odhikar made to the Bureau's queries. The officials from the Special Branch of police and NSI also visited Odhikar and collected information about Odhikar and its Executive Committee members and the organisation's previous activities.

Meanwhile, Odhikar members came under close scrutiny by the authorities and continued to be harassed by the security forces and the intelligence apparatus. For example, on October 5, 2010, a person, who identified himself as a policeman from the Special Branch, approached the gate of the building housing Odhikar's offices and requested entry, but was turned away by the security guard. A second person, who asked after Mr. **Adilur Rahman Khan**, Odhikar Secretary and a member of OMCT General Assembly, was similarly turned away. A third person, who also

identified himself as an officer of the Special Branch, finally gained access to Odhikar's offices and told its Director, Mr. **Nasiruddin Elan**, that his superior wanted to talk to him. On October 6, 2010, two persons from the City Special Branch (Gulshan zone) again wanted to access Odhikar's offices but they were closed. On October 7, two officers from the City Special Branch visited Odhikar again and enquired about Mr. Adilur Rahman Khan, requesting to receive his CV, passport details and information about his political background. Mr. Khan refused to cooperate since the officers were not in possession of a valid warrant. On October 9, the Additional Superintendent of the police of the City Special Branch invited Mr. Khan to a meeting at his office in order to "develop a relationship". This was again refused by Mr. Khan. On October 23, 2010, Mr. Nasiruddin Elan went to the Munshiganj NSI office and was questioned about his political views and was informed that the current investigation was carried out upon order from "higher officials". On November 3, 2010, while checking on the status of one of Odhikar's projects in a Government office, Mr. Nasiruddin Elan was warned that "the government was extremely annoyed" with Odhikar; that the Secretary of Odhikar should "take care when travelling"; and that Odhikar's offices were constantly monitored by the Special Branch. Odhikar received further phone calls and visits from the Special Branch of the police on December 25 and 26, 2010.

### **Obstacles to freedom of peaceful assembly**

Freedom of peaceful assembly continued to be hampered in 2010-2011. For instance, in July 2010, a peaceful demonstration that was organised in favour of workers' rights was violently dispersed by the police. Following a growing social unrest in June 2010 among garment factory workers, who suffer from harsh living conditions due to extremely poor wages that barely allow them to ensure the survival of their families, the Governmental Committee on the Minimum Wage decided on July 27, 2010 to raise minimum wages by 80% up to 3,000 taka per month (about 34 euros), a decision that was officially announced on July 29 by the Labour and Employment Ministry. However, workers considered this minimum wage insufficient and demanded a raise up to 5,000 taka (about 56 euros). On July 30 and 31, 2010, following the Labour and Employment Ministry's announcement, the textile workers expressed their extreme discontent by demonstrating in the streets, when the police forces reportedly fired tear gas on the demonstrators and brutally charged at them. Several protesters and union leaders were arrested, including union leaders Ms. **Kalpona Akter**, Secretary General of the Bangladesh Centre for Worker Solidarity (BCWS), Mr. **Babul Akhter**, BCWS Law and Research Secretary, and Mr. **Aminul Islam**, also a member of the BCWS, who were all accused of "inciting workers unrest during the protests". On September 10,

2010, they were released on bail from the Dhaka central jail but, as of April 2011, the charges against them remained pending. Moreover, on June 3, 2010, the NGO-AB cancelled the non-governmental license of the BCWS, thus depriving it of its legal right to operate in the country. The bank account of the institution was closed, following an order issued by the Director General of the NGO-AB<sup>19</sup>. Furthermore, as of April 2011, Messrs. **Ashish Koroa** and **Prince Mahmud**, two leaders of the cultural organisation “Lampost”, remained prosecuted under Sections 352 and 232 of the Criminal Code (“punishment for assault or criminal force otherwise than on grave provocation” and “counterfeiting Bangladesh coin”). Messrs. Koroa and Mahmud had been arrested on July 5, 2009 for taking part in a peaceful protest in front of the Indian High Commission to demand the cessation of the construction of the Tipaimukh dam at Monipur, India, as this will affect Bangladesh’s environment. The demonstration also aimed at protesting against police abuses at Lalgar<sup>20</sup>, India, along with human rights violations and interference of India in Bangladeshi politics. The baton-charge of the police left around thirty people, both men and women, injured. Although Messrs. Ashish Koroa and Prince Mahmud were subsequently released on bail, the case has since then remained pending against them. Since February 22, 2010, when the charges against them were framed, six hearings have taken place. Yet, the prosecution failed to produce any witness. The next hearing was to take place on August 23, 2011.

### Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Odhikar	Obstacles to freedom of association	Open Letter to the authorities	February 18, 2010
Odhikar / Mr. Adilur Rahman Khan	Harassment / Surveillance	Urgent Appeal BGD 001/0311/OBS 039	March 22, 2011
Amar Desh / Messrs. Mahmudur Rahman, Syed Abdal Ahmed, Sanjeeb Chowdhury, Jahed Chowdhury, Alauddin Arif and Saiful Islam	Arbitrary detention / Closure of newspaper / Judicial harassment / Ill-treatments	Urgent Appeal BGD 001/0610/OBS 075	June 15, 2010
	Ongoing arbitrary detention / Judicial harassment / Ill-treatment	Urgent Appeal BGD 001/0610/OBS 075.1	July 1, 2010

19 / On July 17, 2011, the NGO-AB issued a letter saying that Ms. Kalpona Akter and Mr. Babul Akter would have to be removed for the organisation and, as a consequence, the Social Welfare Department rejected BCWS’s registration on July 31, 2011, adding that “from now on the BCWS should be abolished”, since BCWS could not submit its annual report for 2010 to the Department.

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



<b>Names</b>	<b>Violations / Follow-up</b>	<b>Reference</b>	<b>Date of Issuance</b>
Messrs. Mahmudur Rahman, Oliullah Nomana and Hashmat Ali	Release on bail / Judicial harassment	Urgent Appeal BGD 001/0610/OBS 075.2	March 21, 2011
Messrs. Mahmudur Rahman, H. M. Mehedi Hasnat and Jahangir Hossain Sheikh	Judicial harassment	Urgent Appeal BGD 001/0610/OBS 075.3	April 8, 2011
Ms. Kalpona Akter and Messrs. Babul Akhter and Aminul Islam	Harassment	Open Letter to the authorities	August 20, 2010