

STUDY REPORT

HUMAN AND DEMOCRATIC RIGHTS SITUATION IN BANGLADESH UNDER CURRENT REGIME DURING 2009

INTRODUCTION

Bangladesh earned its real-spirit democracy in 1991 after a 7 year long struggle. The democracy sustained for 15 years with peaceful transfer of power to the newly elected government through an interim caretaker government.

The same period is also recognized as the period of substantial socio-economic development of the country. The country accorded a GDP of around 6 on average, earned self sufficiency in food despite doubling of population and decrease in cultivable land, provided large number of employments through creations of industries land ventures in service sector and cut dependence on foreign aid during the period. Human development indices also rose particularly in the area of health, women empowerment and education. All those were due to persistent democratic practices.

But unfortunately the trend was interrupted by assumption of military backed care taker government and state of emergency which lasted for 2 years. During the period it's not only the political and democratic institutions that grossly deteriorated but the socio-economic and human development fell down in most of the parameters.

It is in such a suffocating situation the 9th parliament election held under not a neutral caretaker government like the previous three elections of democratic period, but a military backed autocratic government that brought AL led grand alliance to power with unprecedented majority.

But it's only within 9 months of the new regime Illusion started wrapping. Awakening people are shocked with the reality that days are changing but not in their cherished direction. Situation got started worsening in all the parameters. People are living in extreme hardship. Controlling price hike of essential commodities became a total failure. With remarkable slide in law and order also seen are Criminal- police-politician nexus. Lax law enforcement panics people. Victims not going police for harassment fear. Human rights situation has been worsening day by day alarmingly. From bureaucracy to professionals, public procurement to conducting of public examination, politicization and criminalization are going rampantly everywhere. Various institutions are abjected to malfunctioning at political will causing further deterioration of institutionalization contrary to the good governance and a healthy culture.

A brief account of Human and democratic rights situation during the last nine month (1 January to 30 September 2009) is narrated below:

A BREIF ACCOUNT OF HUMAN RIGHTS VIOLATIONS DURING 2009

1. HUMAN RIGHTS VIOLATIONS

There has been an alarming rise in human rights violations in the country since the new Awami League led coalition come to power in January. But the government denied any wrongdoings. It has

also denied any role in the extrajudicial killings in the country and has continued to violate the country's constitution and other laws.

1.1 DEATH & SUICIDE IN CUSTODY

During the period A total of 32 person have been passed away in jail custody. Of them those who were detainee in BDR massacre case were reported to die from heart attack.¹

Suicide in Custody

Till May 30.2009 22 BDR men in custody died on commission or suicide or of "heart attack". Bereaved family, in most cases, alleged that there was mark of torture.

1.2 EXTRA JUDICIAL KILLING

Extrajudicial killings by law enforcement agencies, especially the Rapid Action Battalion, continued unabated in the past year despite intense criticism at home and abroad. The situation last year hardly reflected the Awami League-led government's repeated assurances that there would be no more 'crossfire' killings.

Dr.Dipu Moni, the foreign minister informed Human Rights Council at it's universal periodic review, on February 3, 2009 at Geneva that her government is committed to show zero tolerance to extra-judicial killing. Prime Minister Sheikh Hasina told the parliament on February 9 that 'those who involved in extrajudicial killing will be brought to justice.'² On September 27, 2009 she told in meeting with Bangladeshi journalists in New York that " we dont believe in extrajudicial killing. However, it is also not expected that law enforcement agencies will die in the hands of criminals.³ It is very frightening that present government has failed to keep this commitment.

According to the report of Odhikar (a human rights organization) From January to December, 2009, **154** persons have been killed by law enforcing agencies. Of them 41 have reportedly been killed by RAB (Rapid Action Battalion), 75 by police, 25 jointly by RAB-Police, 3 by Army,2 by Ansers, 1 by prison police, 1 by forest guard, 5 under BDR custody and 1 by coast guard. Among them 35 persons were killed in the custody of law enforcing agencies.⁴

According to the report of ASK (Aien o Salish Kendra) there were 229 extra judicial killings in last year 2009 by the law enforcing agencies.

According to DG of the elite force RAB, on the basis of the newly prepared list, massive offensives will begin soon. It is anticipated that, in most cases, arrested suspects will be killed in 'cross-fire' instead of putting them under legal procedures.

Such incidents take place commonly in the name of Gunfights, encounters and crossfire. The state minister for Home Affairs, Advocate Shamsul hoque Tuku said, "there's no such thing as crossfire...When law enforcing agencies carryout missions against criminals, they act in self defense which leads to deaths of criminals". Such rhetoric and language to justify extra-judicial killings are also a major concern.

¹ Daily Amader Somoy..

² The Daily Ittefaq, 12.02.2009

³ The Daily Amar desh 29.09.2009

⁴ Sited in the Daily Amar Desh on 02/01/2010, Annual Human Rights Report of Odhikar

The Home minister, Sahara Khatun,⁵ on Saturday once again said there had been nothing called 'crossfire' and no people were killed in 'crossfire.' 'There has been no incident of "crossfire" in the true sense of the word. What is happening is that my law enforcers are forced to fire into miscreants in self defense when miscreants fire into them during drives against crimes,' she said. She added, 'The law enforcers cannot sit idle if miscreants fire into them,' according to reports aired on television channel ATN Bangla.

More frustrating was the remark of Mr.Sajahan Khan, Minister for River transport. He said that death in encounter (crossfire) was not a violation of human rights.⁶

Mean while, Bangladesh Legal Aid and Services Trust (BLAST) and Ain o Salish Kendra (ASK) submitted a list of 1,057 victims during a hearing on the suo moto ruling on extra judicial killings in the High Court on December 14, 2009. The High Court on the day ordered the Rapid Action Battalion not to kill any more people in the name of 'crossfire' or 'encounter' till it hears a suo moto rule over extrajudicial killings. The High Court bench of Justice AFM Abdur Rahman and Justice Md Emdadul Haque Azad passed the order as attorney general Mahbubey Alam sought time for the hearing on the rule. The court wondered how such incidents were still taking place despite the prime minister's declared stance against extrajudicial killings.⁷

Sultana Kamal, former adviser, to the caretaker government, told New Age, 'The government is continuing extrajudicial killings in violation of a court order and the constitution.'⁸

Type of extra-judicial killing

Out of 97, 83 were reportedly killed in crossfire/encounter/shootout/gunfights and 12 were allegedly tortured to death. Out of this 12 was killed by RAB, 8 by police and 1 by jail police. Ansar, an auxiliary law enforcing agency, also joined the violation; they shot 2 people. Forest guard⁹ shot 1.

1.3 TORTURE IN CUSTODY

Extracting confessional statement is a severe violation of human rights as well as of the UN Convention against torture and other cruel, inhuman or degrading treatment or Punishment, that Bangladesh ratified the on October 5, 1998 RAB, 5 by coast guard, 3 by BDR and 2 by members of task force. Of the tortured 14 members were BDR members. police, 20 by were tortured by. law enforcing agencies. Among them 25 people were allegedly tortured. But the laws are not being followed.¹⁰

1.4. Arrest under special power act

1.5. **Arrest under 54:** According to the article 7 of the Universal Declaration of Human Rights- "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination".

Article 54 is against the article 7 of the Universal Declaration of Human Rights. In Bangladesh this article 7 is always violating the human rights and people are being tortured by the police under the article 54. As example-

⁵ The daily New Age 30.12.2009

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⁷ The Daily New Age 27.12.2009

⁸ ibid

⁹ Odhikar (a human rights watchdog)report 1jan to 30 September 2009

¹⁰ ibid

On 3rd July, 2009, **three girls of Islamic Chatri Sangstha** were arrested in Pirojpur namely Tania Akter, Syeda Fowjia Akter and Jesmin Nahar accused them as JMB members. They were wearing Borkha with Hijab¹¹. At first, under the article 54 they were arrested then sent to police custody with three days remand. According to the report of the Daily Nayadiganta on 21st July, 2009, police arrested two members of Islami Chatri Shangstha and one woman teacher by the indication of local Chatra League cadre with the mal objective of making them the member of JMB and then they were sent to court under the article 54.¹²

Golam Mostafa, father of Tania, told to the journalists that Tania and Fozia were going to Baliapara when they were near a local Alia Madrasha some dissipated boy of Chatra League showed cruel and ugly behavior to them and hijacked their diary and mobile. For getting shelter they went to the madrasha. In the mean time they informed police and police arrested them without knowing the actual facts believing the speech of Chatra League cadre.¹³

It known to that the government is the acts to suppress the opposition by the police. Police is being the supportive organization of the Awami League

1.6. Arrest under police act

2. VIOLATION OF DEMOCRATIC RIGHTS

The article 38 and 39 of the constitution guarantee any citizen of the state to form a political or an organization and organize political activities in a peaceful manner. The atrocities of government shrinked democratic space and create obstacle towards protecting democratic rights. The intention to victimize Bangladesh Jamaate Islami, one of largest political party having around 12% popular vote, is particularly noteworthy.

With gross violation to the article, the ruling party government are hell-bent on harassing and intimidating the opposition BNP and Jamaat leaders by not withdrawing mostly fake and motivated litigations by the military-backed Caretaker Government and terrorizing the rival party workers through violent means.

2.1 ONE SIDED CASE WITHDRAWAL

Government has set up a process for withdrawl of politically fabricated or vexatious cases submitted for withdraw including many cases of corruption and also of serious offence or violence. Many of references appear limited to cases prior to the current government taking office. Only those against ruling party were withdrawn. These were withdrawn rapidly any public disclosure of the process.¹⁴

Questioned why the Committee under the State Minister for Law was dealing with cases of the AL leaders only, an irate Advocate Quamrul Islam retorted, "This Committee has not been formed to withdraw cases against the Opposition".¹⁵

Till October 30, the present government has recommended withdrawal of 875 cases filed in the past with political motives. All the 875 cases only two were against BNP; one against Tarique Rahman and other against former law minister Moudud Ahmed, rest of the cases were against AL

A high powered committee will review all cases filed against Awami League leaders and activists with political motivate during the tenure of the immediate past CTG and the BNP led coalition government. The five member committee headed by Law Minister Br. Shafique Ahmed was formed on 26th January to scrutinize such cases.¹⁶ Of 875 cases recommended for withdrawal till October 30,

¹¹ The daily Nayadiganta 21/10/2009

¹² The Daily Nayadiganta 21/07/2009

¹³ The Daily Nayadiganta 18/07/2009

¹⁴ Asian Human Rights Commission Statement, June 2009

¹⁵ Weekly Holiday xx

¹⁶ The Daily Star 27.1.2009

only two were against BNP¹⁷.

2.2 BAR FROM GOING TO ABROAD

- On 19th February, 2009 BJI Secretary General Ali Ahsan Mujahid was barred from going abroad. Immigration officials at Zia International Airport yesterday prevented him. He was prevented from leaving the country on orders of the Government; there is a list of 60 people who are not allowed to leave the country.¹⁸
- On 7th March Barister Abdur Razzak, Assistant Secretary General of Bangladesh Jamaate Islami, along his wife Saleha Siddique started their journey to Singapore for medical checkup but immigration police barred from going abroad. On 8th March, in response to the writ of Barrister. Abdur Razzak, High Court ordered the Government not to prevent from going abroad and come back. Then, on 18th March he again went to ZIA along his sick wife to go Singapore. He took a copy of High Court order and showed it to immigration officers but they misbehaved with them.¹⁹ Next day, on 19th March, he filed a contempt petition with the HC against the authorities concerned of the preventing for preventing him from going to Malaysia and Singapore in spite of having a High Court order allowing him to visit the two countries. The petition prayed to the High court to issue a contempt rule against the respondents and to direct them to appear in person before the court in connection of the contempt petition. After holding hearing of the petition the Court fixed 23 March for passing order.

On the same day, Dewan Abul Hossain, police inspector of the immigration of ZIA, filed a criminal case (with ill motive) on charge of obstructing the authorities at the airport in the course of their duties. Then on 22nd March, the High Court granted anticipatory bail for three month in that case filed by the police.²⁰ On 23rd March, High Court gave stay order on the contempt petition of Br. A. Razzak up to 05th April.

After this event, government started to harass Br. Razzak from different corner. CID created a linkage of him with Pilkhana carnage. Then he was called to CID interrogation cell on 30th March. Br. Razzak again petitioned, on 29th March, seeking bail and challenging the notice issued by CID Ass. Police super Abdul Kahhar Akand.²¹ It is clear to all that that was for political harassment and humiliation.

2.4 BAR ON HOLDING MEETINGS/PROCESSIONS :

- On 07th May, 2009 Government declared 144 on the meeting of Jamaat leader Maolana Delwar Hossain Saeedi At Chohmuhani of Noakhali.²²
- ON April xxx Jamaat was barred from holding a meeting at Muktangan.
- On September 4 2009 a group of plain-dress policemen obstructed Hijbut tahrir from bringing out procession after jumma prayer at baitul mokarram mosque. in the following unrest 30 HT men were arrested.
- Eminent social activist and educationist Professor Anu Hammud was mercilessly beaten by the members of law enforcing agencies on broad day light in Dhaka on Wednesday, when he was leading a procession which was heading towards state owned natural resource exploration company named Petrobangla, over recent exploration deals granted to two international companies. At least 50 other protesters were also injured after police charged them with batons. Meanwhile, a front ranking leader of the ruling party has put the blame on

¹⁷ The daily New Age 30.12.2009

¹⁸ ibid 20.2.2009

¹⁹ The Daily Amardesh 23.3.2009

²⁰ The Daily Star 23.3.2009

²¹ The Daily New Age 30.3.2009

²² The Daily Ittefaq .5.2009

their arch political rival, Bangladesh Nationalist Party, for such brutality on the peaceful demonstration

- On July 5 2009, members of Lamppost, a cultural organization were attacked by police when they took part in a peaceful procession in front of Indian high Commission. the baton charge of police left 30 injured including women.

2.5 HARRASMENT IN THE NAME OF WAR CRIME TRIAL :

- Just after liberation the government identified 195 pak military officers as War criminal and some others as Collaborator. The issue became finished when the accused War Criminals was handed over to Pakistan under Simla pact between Pakistan & India in 1972 and detained and convicted collaborators were given general amnesty in 1974-1976. After long silence it was again made an issue when BNP came to power with support Jamaat in 1991 through formation of Ghatak Dalal Nirmul Committee. The issue again got disappeared when both Jammata and AL lunched movement against ruling BNP on care taker Government issue. The AL regime in 1996-2001 dint raise the issue. But at the fag end of AL regime, when Jamaat formed alliance with BNP to fight election and the Alliance came to power, the ‘issue’ was again floated demanding trial of war criminal and in electoral manifesto of 2008 of AL it was made a major pledge. The war criminal issue was thus utilized and revived against by AL and it’s allies from time to time for mere political reason.
- Another significant point to ponder is that, it’s not only some Jamaat people but many other parties like all factions Muslim League, Nezam-e-Islami, Pakistan Democratic Party, Krisan Shramik party, Jamiate Olamae Islam, Khelafate Rabbani, all the pro-chinese leftist parties (led by Haq, Toaha, Tipu biswas, Alauddin, Deben Biswas, Amal sen and Matin) and Sarbahara Party led by Siraj Sikder sided politically with Pakistan. But it is only Jamaat leaders against whom propaganda are carried on.
- Many of the then pro-pakistani figures during liberation war who actively participated in Peace Committee are found have been functioning as leaders in major arties like Jatiya Party, BNP and AL. But the ruling party has only been pointing fingers towards Jamaat leaders in War crime issue.
- On 18th June State minister of law Adv. Kamrul Islam declared the top Jamaat leaders war criminal. He said with 25 war criminals trial would be started.
- On 11th May Dhaka court summoned Golam Azam (former chief of BJI), present chief of BJI Maolana Motiur Rahman Nizami, Secretary General Ali Ahsan Mujahid, prominent mofassir Maolana Delwar Hossain Saidi and 32 leaders to appear before it on July 20 to explain why they should not be war criminals for committing crimes against humanity during liberation war.
- On 20th April war criminal case was filed against prominent Islamic thinker Maolana Abul Kalam Azad with ill motive to harass him.²³
- On 12th August a war criminal case was filed against Maulana Delwar Hussauin Saidi, ex MP and a notable religious leader²⁴.

2.6 POLITICAL VIOLENCE

in the last 9 months (January to September), 15 people have reportedly died in political violence while 185 people have been injured.²⁵ Most of the clashes are between AL and BNP and some

²³ The Daily Inqilab 21.4.2009

²⁴ The daily Jugantar 13.12.2009

²⁵ Odhikar Report 2009 (January-September)

Between AL and Jammatt. It is alleged that the most of the attacks was inflicted upon opposition by ruling partymen.²⁶

3. LAW AND ORDER SITUATION

- 3.1. Arrest under police act
- 3.2. Murder
- 3.3. Dacoits
- 3.4. Theft
- 3.5. Hijack/Molomparty
- 3.6. Extortion

(Number of registered cases from 2004 to 2009)

Crime Statistics of Bangladesh Police (Net collection)

- **Crime statistics**
January-October 2009

SL	Name of Offence	2004	2005	2006	2007	2008	2009(Jan-Oct)
1	Dacoity	885	796	795	1047	885	668
2	Robbery	1,207	898	843	1,298	1583	1,431
3	Murder	3,902	3,592	4,166	3,863	4099	3,597
4	Speedy Trial Act	2,053	1,814	1,638	1,980	1700	1576
5	Rioting	754	570	570	263	203	714
6	Cruelty to Women	12,815	11,426	11,068	14,250	14284	10,941
7	Child Abuse	503	555	662	967	962	905
8	Kidnapping	896	765	722	774	817	736
9	Police Assault	280	240	337	278	296	319
10	Burglary	3,356	3,270	2,991	4,439	4552	2,899
11	Theft	8,605	8,101	8,332	12,015	12188	7,805
12	Arms Act	2,370	1,836	1,552	1,746	87417	73,331
13	Explosive Act	477	595	308	232	1529	1,455
14	Narcotics	9,505	14,195	15,479	15,622	239	189
15	Smuggling	4,181	4,334	4,734	5,202	19263	20,250
16	Others	67,531	73,180	76,381	22,802	7962	8,550
	Total	1,19,320	1,23,033	1,30,578	1,57,200	1,57,979	1,20,502

²⁶ ibid

Sl. no	Name of offence	January	February	March	April	May	June	July..	August	September	October	Total
1	Dacoity	109	86	73	62	78	65	64	46	36	49	668
2	Robbery	170	116	114	135	106	113	103	83	396	95	1,431
3	Murder	305	296	329	404	403	370	367	364	404	355	3,597
4	Speed Trail Act	171	159	161	159	169	177	149	151	164	116	1576
5	Rioting	16	10	18	5	7	3	15	9	8	623	714
6	Cruelty to Women	820	937	1036	1155	1108	1208	1254	1131	1000	1293	10,941
7	Child Abuse	57	73	75	95	77	73	122	129	85	119	905
8	Kidnapping	65	70	66	69	76	77	83	76	69	85	736
9	Police Assault	39	22	29	30	38	37	36	33	32	23	319
10	Burglary	348	267	299	279	280	268	323	294	262	279	2,899
11	Theft	888	864	851	762	762	741	781	736	679	741	7,805
12	Others	6616	6808	7400	7738	7937	7747	6999	7323	7576	7187	73,331
13	Arms Act	112	115	123	124	151	175	162	165	157	171	1,455
14	Explosive Act	18	21	18	26	16	14	16	17	15	28	189
15	Narcotics	1685	1734	1633	2033	2295	2441	2209	2251	1677	2292	20,250
16	Smuggling	513	557	612	601	679	684	799	804	2516	785	8,550
17	Total	11932	12135	12837	13677	14184	14193	13482	13612	12924	13626	1,20,502

Source: Bangladesh Police

- According to a report on Thursday by the oldest Bengali newspaper of Bangladesh, the Daily Sangbad, around 4,000 people were murdered, which averages to about 11 deaths each day. There were 10 politically motivated murders and 12,074 torture cases related to women. Tender grabbing was a common feature of the ruling party cadres.
- The way of handling of the February mutiny in the Bangladesh Rifles headquarters in Dhaka was debated while the government could not go into full-fledged trial of the carnage in which 75 people, including 57 army officers, were killed. The government spoke high of its decision on not allowing military intervention to stop mutineers while the opposition criticised the government saying many lives could have been saved if the troops had been moved immediately.
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4. HINDRANCE ON FREEDOM OF EXPRESSION AND OPPRESSION ON JOURNALISTS

In Bangladesh press freedom attacked by the law makers of ruling party Bangladesh Awami League. One after another attacked on journalist by ruling party men, but the government hasn't taken any action against the perpetrator of journalists. Journalist's killings, tortures and oppression are very common feature in Bangladesh. The present government of Bangladesh has committed to the peoples for mass media freedom. But, in practice hasn't like commitment.

During the regime of current government, journalists have been subjected to harassment, attacks and cases filed against them. During the period 2 journalists were killed, 52 injured and 4 have been threatened. In addition, 1 journalist have allegedly abducted 22 have been assaulted. cases filed against journalists were 13.²⁷

The tendency to attack person and properties of Journalist are alarmingly growing.

- Criminals shot dead Atiqul islam, a video editor of private TV channel NTV and snatched his motorbike from the city's Mogbazar area on 16th February, 2009.²⁸
- Azmal Haque Helal was attacked by terrorists on 27th September, 2009 in Pirojpur. He is a senior reporter for the daily Jajjaidin in Bangladesh. Why he was attacked, we don't know. But, in front of police he was attacked. Police wasn't arrest the attackers. Source: BDNews24.com²⁹ Journalist Helal was attacked by some terrorist in a Puja place at Tushkhali in Mothbaria in Pirojpur on 27th September at night during the religious festival of Hindu community. Journalist Helal said, 'I was caught two attackers named Rumman and Shamim. But other attackers were taken them byforced from Helal. When the incident was happening police was seen, but not help to safe journalist Helal, he added.³⁰
- The latest Patuakhali incident apart, harassment either in the form of physical torture or filing false cases is on the rise in recent days across the country. Unidentified terrorists at Mirer Bazar in Gazipur killed the executive director of 'Samprotik Somoy' MM Ahsan Bari on August 26 this year. After gross threatening two journalists from Patuakhali and Chuadanga were flew from their home district with their family. The flu journalists are Israt Hossain Lipton from Patuakhali and Shah Alam from Chuadanga. Both of them working for the bengali daily Prothom Alo. On the other hand government has been withdrawn the cases against ruling party men as a political motivated case which were filed in the regime of army backed caretaker government. But, the political motivated and false-fabricated cases against journalists which were filed in the same regime are still pending. Though, the government has declared the cases against journalists would be withdrawn.³¹
- The reports of the two journalist siblings on encroachment on a river in coastal Patuakhali drew flak from local ruling party lawmaker and a number of 'false cases' were filed against them reportedly under political instigations. Four cases were filed one after another against the two journalists of the Prothom Alo and the Amar Desh at Golachipa in Patuakhali–Israt Hossain Lipton and Saimon Rahman Alit–in last one week allegedly by the cronies of Awami League lawmaker Golam Moula Roni.³² Sources said, the cases were filed in a bid to avenge their reports on grabbing land on a riverbank and setting up a market under the direct patronage of the local lawmaker, family of the journalists claimed.
- Lipton's wife and daughter left their Golachipa town residence and moved to their village home amidst repeated threats from ruling party cadres, family members claimed. On September 8,

²⁷ Odhikar report 2009 (jan-September)

²⁸ The Daily Star 17.2.2009

²⁹ Human Rights Today 28.10.2009

³⁰ ibid

³¹ ibid

³² The Daily Star 1.9.2009

Moslem Bayati filed an extortion case against two journalist brothers with local police station at Galachipa. The second case a rape charge against Lipton was filed by one Nilufa Begum, wife of Selim of Chhotoshiba village under Char Kajal union in the upazila, on September 10, 2009.

Same source told, Laizu Begum, another woman of the same area, filed an extortion case against Lipton and Alit claiming that they took Tk 9,000 from her assuring her of allotting a house under Sidr recovery programme implemented by the Prothom Alo. The last case was filed by Hamidullah of Golachipa municipality area on September 13, 2009 claiming that Lipton and Alit took Tk 30,000 from him promising that a house under the same programme would be allotted to him. While police registered all these cases against the Prothom Alo and Amar Desh Golachipa correspondents, they have so far declined to entertain a case filed by a journalist on September 9, 2009 on charge of attacks on newsmen by the cadres loyal to local MP.³³

- Patuakhali district correspondent for RTV Saluddin filed the case accusing 20/25 persons, all known as cronies of local lawmaker including Israt Hossain Abbas, president of BCL Golachipa upazila unit, as they attacked on two journalists Salahuddin, and Abu Taher Bappa, district correspondent for Bangla Vision, on September 9 when they were going to Golachipa from Patuakhali for their professional duties. A RAB-8 team rescued the journalists from the gang's grip after two hours on the day. The ruling party cadres also kept confined three more journalists—Sankar Lal Das, Patuakhali correspondent for the daily Prothom Alo and ABC Radio, Khondokar Delwar Jalali, Patuakhali correspondent for Channel One and Hanjala Shihab, Patuakhali correspondent for Digonta TV, on the day in an attempt to prevent them from covering river grabbing issue. Benapol correspondent of the daily Sangbad Debul Kumar Das was seriously injured by a group of criminals at Benapol in Jessore on 13 August, 2009.³⁴
- In Chuadanga, the Amar Desh correspondent Dalim Hossain has been put behind bars after a ruling party lawmaker from Chuadanga, Solaiman Haque Joarder Salon and his brother municipality mayor Reazul Islam filed a case on September 1 against 80 including two journalists Dalim Hossain and Shah Alam of the Prothom Alo.³⁵
- During the year, terrorists killed three journalists including a young community journalist. The New Age reporter F.M. Masum was brutally tortured by so called elite forces for reporting corruption scandals of influential politicians. Many journalists were also threatened, tortured and harassed for similar reporting³⁶
- On April 13 2009, The supporters of Gias uddin a Member of Parliament representing Gafargaon, Mymensingh Attacked & brutally injured Abdullah Amin Biplob, district correspondent of Dainik Somokal, in consequence of a published news. No measures was taken against the real culprit.³⁷
- Daily newspaper Amar Desh in its Dec. 17 issue published a report on corruption by the son of Prime Minister Sheikh Hasina, Sajeeb Wazed Joy and the energy adviser to Hasina, Tawfiq-e-Elahi Chowdhury, which has become the most talked about issue in the country. After the report was published, some members from the ruling Bangladesh Awami League as well as some top leaders in the government threatened the newspaper with dire consequences. Reportedly, there was an attempt to also kidnap the journalist who wrote the report.

³³ The Daily Prothom Alo & The Daily Amar Desh 21 & 27.8.2009

³⁴ Human Rights Today (blogsite)2.10.2009

³⁵ ibid

³⁶ www.ijj 31.12.2009

³⁷ Odhikar report 2009 (jan-Sep)

Amar Desh published a report headlined “Allegations of US\$5 million bribes against energy adviser Tawfiq-e-Elahi and prime minister’s son Sajeeb Wazed Joy.” The report said about taking of a backhander of Tk 35 crore (\$5 million) from US oil giant Chevron in Dallas, Texas, on Oct 14 to help it secure a contract to set up gas compressor stations in Bangladesh.³⁸

The general secretary of the Awami League Syed Ashraful Islam in a press briefing on Dec. 20, said, “false report publishing is immoral and also a violation of the policy of newspaper and the fundamental rights,” and called for more responsible journalism. The speech can be agreed on principle, but, those who believe in the freedom of speech, freedom of the press and democracy do not threaten the media or journalists. The allegation against Joy and the energy advisor is not a simple issue. So the government should set up an independent and competent panel to investigate the issue. Also, those threatening the newspaper can go to the court and fight a legal case for false reporting. But they cannot threaten the journalist, as that is a denial of press freedom and the right to free expression, which hampers democracy.

5. HUMAN RIGHTS VIOLATION : DETEREORATION OF INSTITUTIONS

5.1 MAKING PARLIAMENT DYSFUNCTIONAL :

Parliament consists of treasury bench and opposition. The small opposition has made the parliament has create some imbalance. Yet failing on the part ensuring it’s participation has made parliament mostly dysfunctional. In the parliament, the absence of opposition lawmakers, led by the Bangladesh Nationalist Party, made the legislative dull. Opposition lawmakers have been boycotting the parliamentary proceedings since the budget session and they have hardly shown any sign of return. The treasury bench also seemed to be reluctant.

The crisis after attending the maiden session of the 9th parliament for the first few days, BNP lawmakers left the House protesting their seating arrangement. Later on, some more demands were added to their list.

Although responsibility belongs to both the parties but main responsibility lies with the ruling party and speaker. This will be the fourth session of the 9th parliament. But top brasses in BNP hint that chances are bleak following a report that the government would rename the Zia International Airport, the largest airport in Bangladesh located in Kurmitola, Dhaka.

"Atmosphere for returning to parliament has worsened," remarked BNP secretary general Khandaker Delwar Hossain

In parliamentary politics, taking the main opposition party in the government’s confidence was identified as one of the major challenges for the government. ‘Although the opposition has the responsibility to play its role in the parliament, the government needs to shoulder the prime responsibility for allowing the opposition’s views on the floor,’ Dilara said. The recommendations of parliamentary standing committees received lukewarm response from the executive.³⁹

³⁸ Bd news24.com

³⁹ 4:39 PMhe Daily New Age 27.12.2009

Deputy Speaker from Opposition : The post-election pledges of the ruling alliance to dedicate the post of the deputy speaker of the parliament to the opposition bench also remained unmet.⁴⁰

6.2 HUMAN RIGHTS COMMISSION

The Government passed the bill of Human Rights Commission on July 9 2009. For selection procedure govt formed a body where 6 out of 7 belongs to ruling party and only 1 from opposition. It means that much expected HRC will be subservient institution to Government will. the commission, under the bill, has also been toothless tiger. According to the bill it can only suggest punishment against those who has been proved guilty.

6.3 ANTI CORRUPTION COMMISSION

The Anti-Corruption Commission chairman, Ghulam Rahman, at a press briefing at his office on October 14, alleged that the anti-graft watchdog was being made toothless. 'A process is under way to clip the claws of the commission after it was made a toothless tiger,' the ACC chairman told reporters pointing the finger at the government which had pledged to strengthen the anti-graft body.

At another seminar on 'Effectiveness of Anti-Corruption Commission: Why and How', held at BRAC Inn Centre on December 10, Ghulam Rahman said it would not be possible to check widespread corruption if political parties do not reduce their dependence on businessmen to meet their political expenses.⁴¹

On January 13, the finance minister, AMA Muhith, told reporters that the government would start taking wealth statements from the ministers and the members of parliament in February to bring transparency in the activities of public officials.

Neither the Anti-Corruption Commission, reconstituted by the present government, has come up with any measures nor have the powerful quarters in the government voluntarily declared their assets and liabilities to comply with the party pledges. The electoral pledge, however, did not define the 'powerful people.' 'No mechanism has yet been devised for the submission of our wealth statements,' the parliament speaker, Abdul Hamid, told New Age in August when he was asked whether the lawmakers had submitted statements on their wealth in keeping with the ruling party's election manifesto.

It may be recalled that the Anti-Corruption Commission, then headed by former army chief Hasan Mashhud Chowdhury, had served notices to 224 individuals, including the two top political leaders — Sheikh Hasina and Khaleda Zia — asking them to submit their wealth statements.

6.4 ABUSE OF ANTI TERRORISM LAW

the government in a cabinet meeting on February 19 2009 approved Anti terrorism Bill to make it into law. No feedback was taken from any corner. in the bill the anti terrorism ordinance promulgated by military backed Care taker Government was redefined. the given definition were so wide and ambiguous that it provides enough room for misuse.

6.5 ODHIKAR TORTURE PREVENTION PROGRAM WAS STOPPED BY GOVERNMENT

Odhikar, a humanrights watchdog organization, took a program on torture prevention titled ' Human Rights Defender Training and Advocacy Program in Bangladesh' with permission from NGO bureau. Odhikar , under the project started training and advocacy program in form of workshop and rally in 5

⁴⁰ The New Age 30.12.2009

⁴¹ The Daily New Age 28.12.2009

districts. A tribunal of torture in relation to incidences of torture during period of emergency was also staged drawing much media attention. The whole program was then cancelled by Government on August 17 2009. The letter received by Odhikar from NGO Bureau stated that the project has been cancelled because of Objection given by Ministry of Home Affairs. there was no prior notification or valid reasons. The decision indicates that government is not willing bring an end to torture and extra-judicial killing.

6.6 SEPARATION OF JUDICIARY COMPROMISED

- While adopting laws for separation of Judiciary, the Government included one significant exception retaining powers for executive magistrates to be given responsibility for certain cases under section 190 of Criminal Code Procedure but no criteria specified raising concern regarding the scope for executive interference.⁴²
 - Attorney General Mahbube Alam's comment
 - Comments of Law Minister and State minister for law & parliament affairs

6.7 POLITICIZATION OF ADMINISTRATION:

The Awami League, in its election manifesto in 2008, said the administration would be freed of politicisation and would be made people-oriented. 'Efficiency, seniority and merit will be the bases of appointment and promotion in public service... A permanent pay commission will be set up for civil servants,' according to the Awami League election manifesto, termed 'Charter for Change.' But the visible scene is opposite that what it pledged.

The government on September 7 promoted 494 officials, mostly from the administration cadre, to the levels of deputy secretary, joint secretary and additional secretary in excess of the approved vacant positions in the organogram. The government has decided to review the promotions as massive irregularities and nepotism have been alleged in the process. About 250 aggrieved officials have filed applications with the establishment ministry seeking review of the promotions.

About 350 officials, including 12 secretaries, 58 additional secretaries, 95 joint secretaries and 87 deputy secretaries, have been dumped at the establishment ministry as officers on special duty, said an official record.⁴³

We are not aware whether the government has initiated any move to reform the civil administration... No suggestions have so far been sought from us, as far as I know,' said an additional secretary, adding that senior officials were not yet consulted. He, however, said there had been a move with the support of the United Nations Development Programme to change the name of the establishment ministry and clearly define its role, with most officials pressing for a performance-based promotion policy to make the administration more functional.

Many efficient officials are now getting frustrated because of discrimination in the latest promotions and postings... I fear the bureaucracy will fail to deliver the goods as expected as the right persons are not put in the right places,' the senior official said in the past week.

When he was asked whether honest and efficient officials were recently deprived of promotion on political considerations, the prime minister's adviser on the establishment ministry and administrative

⁴² Asian Human Rights Commission Statement June , 2009

⁴³ The New Age 30.12.2009

affairs, HT Imam, earlier said political considerations usually come up in promotions in the top administration as the government has some 'grey areas.'

At the first meeting with top bureaucrats on January 11, Prime Minister Sheikh Hasina said they should always have a positive attitude towards the public and the laws which go against the people's welfare should be either amended or scrapped. 'I do not like to hear that you cannot implement any welfare projects because of legal barriers. The laws should be changed, if required,' she reportedly told the secretaries. But nothing has so far been done to speed up the functioning of the administration, a number of frustrated officials said. They, however, thanked the government for increasing the salaries of government officials and employees.

Proposals have been prepared several times to introduce a personal appraisal system in place of the outdated 'annual confidential report' to evaluate the performance of officials but it has still remained on paper. Neither the promotion process nor the performance evaluation system has been improved to bring about qualitative changes as promised by the government, said an establishment ministry official.

Former cabinet secretary Akbar Ali Khan, also a former adviser to the caretaker government, resigned in October as chairman of the Regulatory Reforms Commission. He complained that he was not getting any cooperation from the government in his efforts to make necessary changes in rules and regulations.

A number of public servants are said to be embarrassed with their juniors taking the helm of the administration after the latest round of promotions in the civil bureaucracy, especially to the levels of additional secretary and secretary, which has adversely affected the functioning of the government machinery. A number of aggrieved officials told that it was a disgrace for them that they had to work under the officials who were once their juniors or at the same levels and whose performances were evaluated by them. Many such officers now prefer becoming officers on special duty to serving in a 'disgraceful position,' said a deputy secretary, who was also denied promotion several times.

7. CORRUPTION

Fighting corruption was second of the five priority pledges of the Awami League, which won a landslide victory in the December 29, 2008 general elections. 'Multi-pronged measures to fight corruption will be taken. Powerful people will need to submit wealth statements every year. Strict measures will be taken to eliminate bribery, extortion, rent-seeking and corruption,' reads the AL election manifesto, which released by Hasina, also the party president, on December 12, just before the election.

It said, strong measures would be taken against people who amassed undisclosed money, loan defaulters, tender manipulators, and user of muscle power in every sphere of the state and society. She also stressed the need for aggressive anti-corruption drives, saying the ruling party members would be brought to justice if they were found guilty of being engaged in corruption.

- Media reports, meanwhile, said corruption relating to bribery and tender manipulation increased among politicians and their relatives in recent times in comparison to that during two years of a military-controlled administration, which had launched an anti-corruption drive, mostly against political leaders. The Awami League-led government, now one year in office, is yet to take any of

those measures to materialize its election manifesto rather soon after assuming power the ruling partymen got started indulged in rampant corruption.

- Corruption in every chair of the government offices has been more rampant than in the previous years. Students have kept only their names enrolled in colleges and universities to carry with them only their political identity; instead of studying they are indulged in toll collections. In different enterprises, members of trade unions in the name of guarding welfare of employees have been collecting subscriptions under duress from both the employees and the clients. In order to please their political cohorts, sycophantic office bosses are depriving their subordinates of their genuine dues in respect of promotions and postings. Innocent public servants are being dumped in the sidelines on mere suspicion that they could belong to an opposition party, either BNP or Jamat-e-Islami. Money power emboldened by political patronisation is bleaching black images into white and white into pink and in some cases, when money cannot be extorted as expected, black images once laundered into pink are being dyed back to black.
- Lobbying and sharing commissions are nowadays deemed the safest and the best business for a middleman to thrive on. Fleecing banks in the name of waiver of interest is now the quick fix to recover personal losses. Capital is being siphoned off out of a running industry to make the enterprise look sick to the bank that had financed the company.
- Extracting money from the government exchequer in the name of ‘stimulus package’ is a new fashion the exporters have invented to fatten their funds. Dr Jafar Iqbal, a professor, popular science fiction writer and renowned columnist, wrote in a Bangla newspaper: Two Vice Chancellors, one of Comilla University and the other of Pabna University, had to quit their jobs as they could no more withstand the unjust pressures for doing the undoable. They had mentioned in their resignation letters ‘undue pressures from local Awami League leaders’ as the main reason for their tendering resignation.
- Tender manipulation was unprecedentedly rampant throughout the country since the ruling party assumed power. Angered by tender manipulation in public offices, Hasina also repeatedly warned her party activists not to disrupt tender process. Not much of action was taken against such crimes in the year.⁴⁴
- The prime minister’s repeated directions against felling of trees, freeing rivers of encroachment and easing nagging snarl-up in Dhaka could not yield any results.

8. HUMAN RIGHTS VIOLANCE AGAINST WOMEN & MINORITIES :

8.1 VIOLANCE AGAINST WOMEN :

The violence against women particularly rape have gone alarmingly high. It is alarming to note that whenever Awami league comes to power incidences of rape increases.

Rape:

- During the tenure of the AL led current Government, i.e. from January to September a total of 338 women and girls were raped. Of them 158 were adults and 180 were children. Of 158

⁴⁴ The Daily New age 30.12.2009

adult women, 50 were killed after being raped and 68 were subjected to gang rape. Of 180 female children 22 killed after being raped and 52 were gang raped.

- On 25 September 2009 an adolescent was gang raped by 10 activist of chhatra league while she was returning from a puja mandap in kolapara upazilla of Patuakhali district. The victims family was threatened by the rapist to not take any legal measures. Rafiqul Islam, general Secretary of Upazilla Awami League forced the victim and her father sign a blank sheet of paper. Police arrested none rather the journalist were reported the case were threatened.
- There are two reported incidences where by Awami student front where activists the act of videography by using mobile camera of the rape act and the sending it to pornography market by CDs or uploading the scene on websites. In such cases victim suicides, leaves the education institution and goes to hide.⁴⁵
- Other criminal acts observed were violence against women, sexual harassment of women and girls in educational institutions, offices, factories and other workplaces. So-called social leaders victimized at least 15 families by issuing extrajudicial penalties such as beatings and canings in the name of arbitration, mediation or conciliation⁴⁶
- **Dowry related violence** : during the period a total of 247 women were subjected to dowry related violence. 176 women of them died due to violence and 64 of them tortured various ways. Failing to tolerate, 7 of them committed suicide.
- **Acid Attacks** : A total of 77 persons were victims of acid attacks. of them 45 were women, 12 were girls, 3 were boys and 17 were men.⁴⁷
- **Illegal fatwas** : there were 27 instances of issuing illegal fatwas. Fatwa is informal arbitration decision made by local influentials using the Imam or clerics. Such fatwas are based on extreme misinterpretation of Islamic principles.⁴⁸

8.2 REPRESSION ON RMG WORKERS :

95% of RMG workers are women who are grossly underpaid from dawn to night. the tripartite agreement between between Owner, garments workers and govt are not being followed leaving their problem unaddressed and causing unrest. A total of 1039 incidence of unrest took place in last 9 months.

8.2 REPRESSION AGAINST MINORITIES

- Repression of minorities and indigenous people has been an ongoing event with impunity to the perpetrators. The murdered include a converted Christian NGO worker Swapan Mondal, Hindu freedom fighter Nirapad Kobiraj – killed by the RAB under the excuse of crossfire, a senior citizen Jatindra Lal Dey, an indigenous girl Maching Khai Marma who was also raped, schoolteacher Akhil Saha, Ashish Sarker, and businessmen Sumon Goala and Goutam Sarker.
- Nabapur cases of evicting a full family from a house by local Awami league leader in a plot to grab the house property.

⁴⁵ Daily star..

⁴⁶ www.ijj.org 3012.2009

⁴⁷ women rights

⁴⁸ xx

9. INDIA -BANGALDESH BORDER VIOLANCE

The BSF have been continuing gross violation of Human Rights at India-Bangaldesh Border. in the last 9 months XX Bangladeshi people reportedly killed, 59 injured, 92 missing,1 abducted and 11 Bengali speaking Indian Citizen have been pushed into Bangladesh.⁴⁹ No measures on the part of government has been observed to bring an end to this killing.

CONCLUSION

Democracy cannot function effectively in the absence of good governance. Both are complimentary to each other. For good governance first required is good polity, effective institutions, responsive civil society, conscious and aware citizen. Democracy may turn autocracy if opposition are not in proper place and human rights are not ensured. In the case of the political systems which have experience the collapse of democracy and emergence of authoritarianism, one of the common denominator always was politicized and dysfunctional administration.

⁴⁹ Odhikar Report October 2009