SUBODH S. BHARATI
Barrister & Solicitor

October 25, 2019

VIA EMAIL

CIC – Backlog Reduction Office
1148 Hornby Street
Vancouver, British Columbia
V6Z 2C3

Re: KHAN, Younus
And Re: 2nd Set of Pre-Removal Risk Assessment Redetermination Submissions
Client ID: 6643-3193

I continue to be retained by Mr. Younus Khan (hereinafter "Younus" or the "Applicant") in regards to his immigration matters. As you are aware, on the 29th of April 2019 the Federal Court ordered that the PRRA of Mr. Khan be redetermined for a second time. Please accept these additional submissions and enclosures in support of his Pre-Removal Risk Assessment application. It should be noted that in addition to these submissions, Mr. Khan continues to rely on all his previous submissions and evidence.

FEDERAL COURT DECISION AND PREVIOUS PRRA DECISION

As indicated in the Federal Court Judgement granting judicial review, the Senior Immigration Officer who decided the previous PRRA accepted that:

- Mr. Khan's Affidavit was the basis for his claim
- A hospital not attested to the Applicant's injuries
- A letter from the BNP indicated that the Applicant was a root level leader

Nevertheless, the Officer concluded that there was insufficient objective evidence that Mr. Khan would be at risk upon return to Bangladesh.

The Department of Justice in its submissions indicating that the Officer's rejection was solely based on future risk of harm and there was NOT a lack of credibility finding. The Federal Court determined that an ORAL hearing SHOULD have been held given the implicit veiled credibility finding in seeking corroboration that the Applicant's active role in the BNP

In rejecting the Officer's decision as unreasonable the Federal Court also accepted that substantive objective country condition documentation that individuals considered to be leaders and activists in the BNP continue to be targeted.

Given this it is respectfully requested that in determining this second PRRA redetermination, the guidance of the Federal Court be followed and that given the acceptance of Mr. Khan's role in the BNP, the objective evidence regarding the risk he faces be accepted and this PRRA be granted.

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CONTINUED POLITICAL CRISIS IN BANGLADESH

It is respectfully submitted that all documents in the IRB's National Documentation Package be considered by the officer. These documents continue to indicated that widespread politically-motivated violence by state forces targeting the Bangladesh Nationalist Party has continued and intensified.

For example the Asylum Research Centre, Bangladesh Query Response highlights the continued persecution of BNP members. It states in part that:

> Enforced disappearance has become a common phenomenon for the public. Often, bodies of political activists, who were picked up by the Detective Branch (DB) of the Police, are found with bullet wounds several days after their disappearance. As a result, almost every day, the law enforcement agencies circulate the stories of 'gun battles' after killing detainees. Several victims of such extrajudicial murder have been found to be non-political persons, and the law-enforcing agencies have killed them for their family's failure to pay the demanded sum of money".
>
> Furthermore, "Since January 2015, more than 15,000 activists of the opposition have been arrested and detained in prison. All the victims have alleged being tortured in custody. In several cases, the police have arrested the wives, siblings, or parents, when the targeted opposition leader was not found at home".
>
> According to Odhikar, "104 persons were extra judicially killed, between January and June 2015. […] 19 were leaders-activists of BNP".171 Of 26 persons that died in detention, one was reportedly affiliated to the BNP, "On May 3, 2015 a convicted prisoner of the BDR Mutiny and former MP of BNP, Nasiruddin Pintu died in Rajshahi Medical College Hospital. His family alleged that Pintu was killed intentionally by being deprived of proper Treatment".172 In its annual report for 2015 Odhikar noted that "Of the 185 persons who were killed extra-judicially, 20 were leaders-activists of BNP and its affiliated organisations; 15 were activists of Jamaat-Shibir and its affiliated organisations; four were leaders-activists of Awami League".[1]

This corroborated by the 2017 Human Rights Watch Report, "We Don't Have Him" which states:

> Since 2013, law enforcement authorities in Bangladesh have illegally detained scores of opposition activists and held them in secret without producing them before courts, as the law requires. In most cases, those arrested remain in custody for weeks or months before being formally arrested or released. Others however are killed in so-called armed exchanges, and many remain "disappeared."
> ….
>
> Such disappearances continue, but many of the targets are now political opponents. In 2016, human rights organizations and the media documented over 90 people disappeared, of which 21 were killed. Nine remain disappeared at time of writing. In the first five months of 2017, Odhikar reported an additional 48 disappearances. In February 2017, the United Nations Working Group on Enforced or Involuntary Disappearances called on the Bangladesh government to halt the increasing number of enforced disappearances. In April 2017, Swedish Radio reported on a

[1] *IRB National Documentation Package for Bangladesh*, March 29, 2019, Document #4.4, ["Attached"]

> secretly recorded interview with a senior officer in the Rapid Action Battalion (RAB), a counterterror unit of police and military, who admitted that the force routinely picks up people, kills them, and disposes of the bodies.[2]

A 2018 Human Rights Watch Report indicates that 100's of BNP supporters have been arrested and detained.

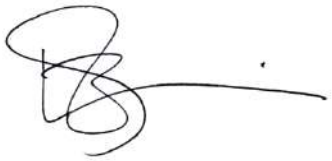
> Bangladesh authorities should stop the arbitrary arrests and detention of opposition Bangladesh Nationalist Party (BNP) supporters and others, Human Rights Watch said today. Hundreds have been arrested or placed under preventive detention ahead of a February 8, 2018 verdict on the corruption case against BNP chairperson, Begum Khaleda Zia, and five others, including her son.[3]

The continued persecution of BNP members is corroborated by a 2019 VOA news report which indicates that:

> "Police in Bangladesh registered thousands of criminal cases on incidents that had not taken place in real life at all. Fictitious cases were filed against many people who were dead, infirm or migrant during the period of the falsely-claimed violent incidents in the country," Hong Kong-based Bangladeshi rights activist Mohammad Ashrafuzzaman said.
>
> In Bangladesh, police can file criminal complaints against anyone without having to provide any evidence, whereas charging them officially with a crime takes place in court and requires a level of evidence that the person charged was likely to have been involved in the crime.
>
> "Police filed cases against as many as 2.5 million leaders, workers and supporters of our party in the past nine or ten years. Almost all cases were related to violence and rioting. They filed these bogus cases simply to keep our leaders and activists away from political activities," said opposition Bangladesh Nationalist Party (BNP) senior joint secretary Ruhul Kabir Rizvi Ahmed.[4]

As such, given the previous findings of the Officer as well as the repeated findings of the Federal court that removing Mr. Khan to Bangladesh would result in irreparable harm, it is respectfully submitted that this PRRA application be approved.

Sincerely,



Subodh Bharati
Barrister and Solicitor

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[2] *IRB National Documentation Package for Bangladesh*, March 29, 2019, Document #10.1, ["Attached"]

[3] Human Rights Watch, *Bangladesh: End Crackdown on Opposition Supporters,* February 8, 2018 [Attached]

[4] VOA News, *Bangladesh Police Accused of Harassment With Fake Cases*, March 13, 2019 [Attached]

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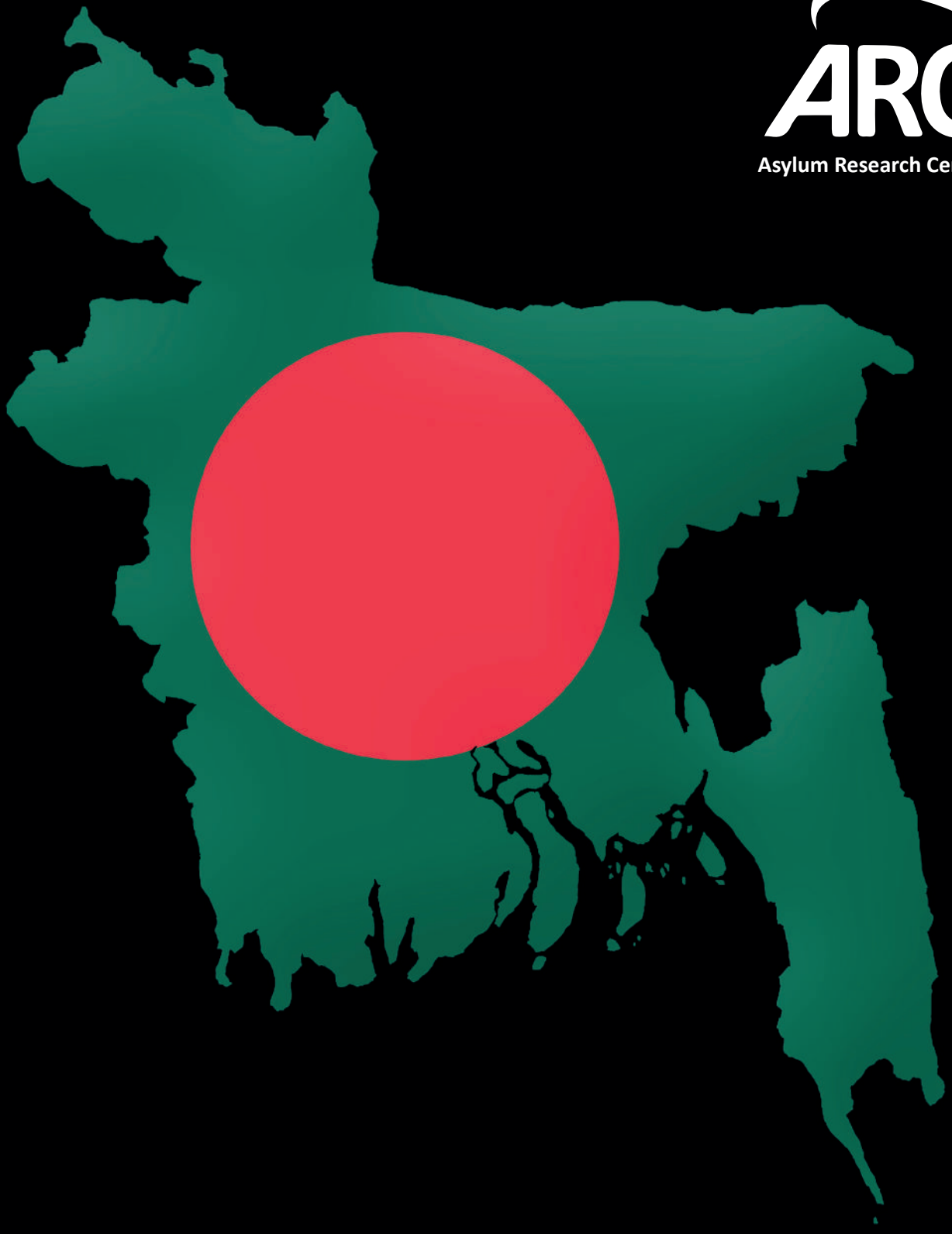

Asylum Research Centre

Bangladesh Query Response

Awami League (AL) and supporters of the Bangladesh National Party(BNP)

15 December 2016 (COI up to 30 November 2016)

Cover photo © Ludvig/shutterstock.com

15 December 2016 (COI up to 30 November 2016)

Bangladesh Query Response:
Awami League (AL) and supporters of the Bangladesh National Party (BNP)

Explanatory Note

Sources and databases consulted

List of Acronyms

Issues for research.

1. How do supporters of the Awami League (AL) and supporters of the Bangladesh National Party (BNP) treat each other?
    a. Is there information about the use of harassment, threats, intimidation, coercion, extortion and/or violence?
    b. Is there any information about AL members in particular attempting to force BNP members to switch their allegiance to the AL?
    c. Is there any information about AL members using threats, intimidation and/or violence against BNP members to obtain property (including land) from BNP members?

2. Are AL members and BNP members both represented in all parts of the country?
    a. Do tensions between the two groups of political supporters exist in all parts of the country?

3. What influence do the AL and BNP have within universities in Bangladesh?
    a. Are there any groups supporting a particular political party at schools and universities?
    b. Are students obliged to support one of the political parties upon entering university?

4. Willingness or ability of the State to provide protection to individuals from political persecution
    a. To what extent is the AL in control of the state apparatus, including the judiciary, law enforcement agencies and the security forces?
    b. Are the judiciary, law enforcement agencies and security forces affected by corruption?
    c. Do the judiciary, law enforcement agencies, including the police, fulfil their role regardless of the political affiliation of civilians?
    d. State treatment of (perceived) BNP members

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Explanatory Note

This report presents country of origin information (COI) on Bangladesh up to 30th November 2016 on issues identified to be of relevance by UNHCR in refugee status determination for Bangladeshi nationals.

The COI presented is illustrative, but not exhaustive of the information available in the public domain, nor is it determinative of any individual human rights or asylum claim. All sources are publicly available and a direct hyperlink has been provided. A list of sources and databases consulted is also provided, to enable users to conduct further research and to conduct source assessments. Research focused on **events**, which occurred between 2015 and 30 November 2016 and all sources were accessed in December 2016. Sources pre-dating the cut-off point for research were included to provided background information where necessary.

This document is intended to be used as a tool to help to identify relevant COI and the COI referred to in this report can be considered by decision makers in assessing asylum applications and appeals. **However, this document should not be submitted in full or in isolation as evidence to refugee decision making authorities**. Whilst every attempt has been made to ensure accuracy, the authors accept no responsibility for any errors included in this report.

Sources and databases consulted

Not all of the sources listed here have been consulted for each issue addressed in the report. Additional sources to those individually listed were consulted via database searches. This non-exhaustive list is intended to assist in further case-specific research. To find out more about an organisation, view the 'About Us' tab of a source's website.

Databases

European Country of Origin Information Network (ECOI)
Google
Relief Web
UNHCR Refworld

Sources

Ain o Salish Kendra
Amnesty International [Bangladesh pages]
Armed Conflict Location & Event Date Project (ACLED)
Article 19
Asia Society
Asian Human Rights Commission [Bangladesh pages]
Asian Legal Resource Centre
Assessment Capacities Project (ACAPS)
Awami League website
Bangladesh Nationalist Party website
Brookings Institution
Carnegie Endowment for International Peace
Centre for Strategic and International Studies
CHR. Michelsen Institute (CMI)
CIA World Factbook [Bangladesh pages]
Council on Foreign Relations
Daily Observer
Daily Star
Dhaka Tribune
Education International
Foreign Affairs (published by Council on Foreign Relations)
Freedom House
Fund for Peace – Fragile States Index 2016
Global Coalition to Prevent Education from Attack
Heidelberg Institute for International Conflict Research
Human Rights Watch [Bangladesh pages]
The Independent [Bangladesh]
Institute for Economics & Peace – Global Peace Index 2016
Integrated Regional Information Networks (IRIN) [Bangladesh pages]
International Bar Association
International Commission of Jurists
International Crisis Group [Bangladesh pages]
International Federation for Human Rights [Bangladesh pages]
International Institute for Strategic Studies
Inter Press Service
The Jamestown Foundation [Bangladesh pages]
Minority Rights Group International

National Consortium for the Study of Terrorism and Responses to Terrorism (START) – Global Terrorism Database (GTD)
New Age
New Nation
Odhikar
Open Society Foundations [Asia pages]
Radio Free Europe/Radio Liberty
South Asia Terrorism Portal (SATP)
Transparency International
UK Foreign and Commonwealth Office
United Nations News Centre
United Nations Office of the High Commissioner for Human Rights (OHCHR)
Uppsala Universitet – UCDP Conflict Encyclopedia [Bangladesh pages]
United States Department of State
United States Institute of Peace

List of Acronyms

AL	Awami League
BCL	Bangladesh Chhatra League [AL student wing]
BGB	Border Guard Bangladesh
BNP	Bangladesh National(ist) Party
CrPC	Code of Criminal Procedure
JAMAKON	National Human Rights Commission of Bangladesh
JCD	Jatiyatabadi Chhatra Dal [BNP student wing]
RAB	Rapid Action Battalion

1. How do supporters of the Awami League (AL) and supporters of the Bangladesh National Party (BNP) treat each other?

a. Is there information about the use of harassment, threats, intimidation, coercion, extortion and/or violence?

According to Amnesty International, there has been a "long standing conflict between the governing Awami League party, led by Prime Minister Sheikh Hasina, and the opposition Bangladesh Nationalist Party (BNP), led by Begum Khaleda Zia. Both leaders have alternated in government since the early 1990s".[1] Describing historical political violence the International Crisis Group noted that "In 14,000 incidents between 2002 and the end of 2013, including 369 days of hartals (strikes), more than 2,400 died and 126,300 were injured. Violence during strikes accounted for a quarter of the documented violence. The AL and BNP individually accounted for more than 40 per cent of the incidents against each other".[2] Odhikar provides a breakdown of political violence from 2009 to March 2016[3]:

odhikar
অধিকার

Political Violence: 2001- 2016

Year (s)	Killed	Injured	Total
2016 (Jan-March)	56	3200	3256
2015	197	8312	8509
2014	190	9429	9619
2013	504	24176	24680
2012	169	17161	17,330
2011	135	11,532	11,667
2010	220	13,999	14,219
2009	251	15,559	15,810
2008	50	3,185	3,235
2007	79	2,688	2,767
2006	374	21,265	21,639
2005	310	8,997	9,307
2004	526	6,235	6,761
2003	436	6,281	6,717
2002	420	8,741	9,161
2001	656	25,770	26,426
Total	4573	186530	191103

Year (s)	Due to intra party clash activists/ leader killed			Injuries: Intra party clash			Total Incidents of Intra Party clash		
	AL	BNP	Others	AL	BNP	Others	AL	BNP	Others
2016 (Jan-March)	17	0	0	1138	35	5	115	3	1
2015	40	2	0	3884	157	12	364	11	1
2014	43	2	0	4247	397	119	374	39	6
2013	28	6	0	2980	1592	68	263	140	3
2012	37	6	0	4330	1619	47	382	146	5
2011	22	3	1	3770	1234	20	340	104	4
2010	38	7	9	5614	1146	60	576	92	9
2009	38	2	0	6092	865	0	663	75	0
Total	263	28	10	32055	7045	331	3077	610	29

[1] Amnesty International, *Bangladesh: Human Rights Deteriorate as Political Violence Escalates*, 20 January 2015

[2] International Crisis Group, *Political Conflict, Extremism and Criminal Justice in Bangladesh*, 11 April 2016, *III. A. Party-backed Violence and Criminality p.4*

[3] Odhikar, *Political Violence: 2001- 2016*, March 2016

2015

The U.S. State Department report covering events in 2015 considered that "Politically motivated and intraparty violence remained serious problems".[4] The International Crisis Group reported that "On 5 January [2015], the first anniversary of the deeply contested 2014 elections, the most violent in Bangladesh's history, clashes between government and opposition groups led to several deaths and scores injured".[5] According to Odhikar, "On January 5, 2015, in the presence of police, Awami League activists opened fire at a [BNP led] 20-Party Alliance rally which was preparing to bring out a procession with black flags, after a public meeting at Tebaria Hat in Natore district. Chhatra Dal [BNP student wing] leaders Rakib Hossain and Raihan Ali were seriously wounded and 15-20 more activists were injured".[6] According to Amnesty International as of 20 January 2015 "At least 27 people have died during clashes between government and opposition supporters, arson attacks, or from shooting by security forces".[7] The U.S. State Department report covering events in 2015 noted that "Political violence increased early in the year after the anniversary of the January 2014 elections. During nearly three months of a nationwide blockade and general strikes, more than 100 were killed and hundreds more maimed in burning of buses and other violence".[8]

The Armed Conflict Location & Event Data Project (ACLED) reported that "In the days leading up to the one year anniversary of the January 2014 elections, violence against opposition parties and general political violence soared. High levels of violent partisan confrontation is due to inter-party clashes between the ruling Awami League (AL) and the opposition Bangladesh Nationalist Party (BNP), as well as intra-party infighting. These disputes and clashes often involve party student and youth wings".[9]

The International Crisis Group explained in a February 2015 report that "Along with reliance on the security apparatus to counter dissent, the AL has used violent elements of its student and labour wings, the Chhatra League and Jubo League respectively, and other front organisations against the opposition, including in January 2015, in anticipation of and in response to BNP protests".[10] It should also be noted that as reported on the BNP website, Jatiyatabadi Chhatra Dal [BNP student wing] operates according to its own constitution.[11]

ACLED further reported that "Marking the one-year anniversary of Bangladesh's contested elections on 5 January, the opposition Bangladesh National Party (BNP), declared a transportation shutdown and general hartal (strike) to force the government to resign and elections to take place. The ruling Awami League's (AL) decision two days earlier to confine BNP leader, Khaleda Zia (former prime minister), to her party's headquarters in Dhaka, triggered violent clashes between AL and BNP activists. Opposition protests were accompanied by a rise in militia activity, including the launching

[4] U.S. State Department, *Country Reports on Human Rights Practices for 2015: Bangladesh*, 13 April 2016, *Executive Summary*
[5] International Crisis Group, *Mapping Bangladesh's Political Crisis*, 9 February 2015, *Executive Summary p. ii*
[6] Odhikar, *Six-Months Human Rights Monitoring Report*, *1* July 2015, *paragraph 3*
[7] Amnesty International, *Bangladesh: Human Rights Deteriorate as Political Violence Escalates*, 20 January 2015
[8] U.S. State Department, *Country Reports on Human Rights Practices for 2015: Bangladesh*, 13 April 2016, *Section 1.a. Arbitrary or Unlawful Deprivation of Life*
[9] Armed Conflict Location & Event Data Project, *Conflict Trends (No. 1); Real-time Analysis of Asian Political Violence*, March 2015, *Bangladesh p.5*
[10] International Crisis Group, *Mapping Bangladesh's Political Crisis*, 9 February 2015, *V. B. 1. Unchecked criminality p.21*
[11] Bangladesh National Party website, *Constitution*, undated [accessed 13 December 2016]

of a series of petrol bomb attacks against passengers travelling in buses and other vehicles, particularly trucks. About 200 people have been killed from burn injuries and thousands Injured".[12]

For further individual incidents of BNP and AL violence during the January 2015 *hartal* (strikes), see:

- South Asia Terrorism Portal, *Bangladesh Timeline Year 2015*, 2015

According to ACLED, reporting on trends between January and August 2015, "In Bangladesh, the political rivalry between the Bangladesh National Party and Awami League created an environment in which both parties, along with unidentified armed groups, targeted civilians in 212 recorded incidents".[13] Reportedly, "Groups that participated in the most violence included the BNP and Awami League militias, the two groups responsible for feuding during the hartal [strikes]".[14] Reporting on violence as a result of political rivalry, ACLED reported that "At its peak in February [2015], ACLED tracked 76 violent events targeting civilians. Only 34 events occurred in June, July, and August [2015] combined. Both the BNP and AL target civilians in order to contest the party in power (currently the AL), a common tactic that they have used for years".[15]

In February 2015 New Age reported that "At least 15 people, including a Bangladesh Nationalist Party leader, were injured as Bangladesh Chhatra League [AL student wing] and Jatiyatabadi Chhatra Dal [BNP student wing] clashed in Sunamganj".[16]

Odhikar reported that "On April 23, 2015 the Awami League supported Projonmo League attacked a human chain organised by Jatiyatabadi Sangskritik Jote [BNP supported cultural alliance] in protest of attacks on the motorcade of Khaleda Zia, in front of the National Press Club. Later on April 25, a group of 30-35 activists of the ruling party led by Amir Hossain, attacked a human chain at the same place, organised by Swadhinota Forum [a pro-BNP organisation] in protest of attacks on the motorcade of Khaleda Zia. During the attack BNP executive member and former parliamentarian, Khaleda Yeasmin, was beaten".[17]

Also according to Odhikar, "On April 28, 2015 elections were held in Dhaka North, Dhaka South and Chittagong City Corporations. […] The supporters of the ruling party attacked and even shot at BNP Chairperson Khaleda Zia's motorcades several times, while she was campaigning for candidates".[18]

In August 2015 the Bangladesh Independent reported that "At least 10 persons were injured in a clash between the Awami League (AL) and Bangladesh nationalist party (BNP) activists at Tebaria in Natore […] the AL activists while moving towards the venue at around 6 pm beat a local Chhatra Dal [BNP student wing] activist. As the news of beating of the BNP man spread, a clash between AL and BNP activists broke out in the town's Tebaria area".[19]
The Daily Star reported that in August 2015, "A ward-level activist of Jubo Dal, youth front of BNP, was allegedly stabbed to death in broad daylight by miscreants in Chittagong city today. […] The

[12] Armed Conflict Location & Event Data Project, *Conflict Trends (No. 2); Real-time Analysis of Asian Political Violence,* May 2015, *Bangladesh p.3*
[13] Armed Conflict Location & Event Data Project, *Conflict Trends (No. 3); Real-time Analysis of Asian Political Violence*, August 2015, *Targeting civilians p.6*
[14] Armed Conflict Location & Event Data Project, *Conflict Trends (No. 4); Real-time Analysis of Asian Political Violence*, February 2016, *A Review: Violence in South and Southeast Asia 2015 p.3*
[15] Armed Conflict Location & Event Data Project, *Conflict Trends (No. 3); Real-time Analysis of Asian Political Violence*, August 2015, *Targeting civilians p.7*
[16] New Age, *15 injured in BCL-JCD clash*, 4 February 2015
[17] Odhikar, *Six-Months Human Rights Monitoring Report*, *1* July 2015, *paragraph 80*
[18] Odhikar, *Six-Months Human Rights Monitoring Report*, *1* July 2015, *paragraph 9*
[19] Independent, *10 hurt as AL, BNP clash*, 31 August 2015

victim's elder brother, Md Wasim, alleged that local Awami League activists led by one Sohel swooped on Saidul".[20]

Odhikar, reporting on the September 2015 by-election in Dohar Upazila noted that "activists of Awami League, Jubo League and Chhatra League, led by Keraniganj Upazila Chairman, Shahin Ahmed, forcibly ousted the polling agents of the candidates supported by BNP and Independent candidates from different polling stations and intimidated voters".[21]

In November 2015 the Bangladesh Independent reported that "Four activists of Jatiyatabadi Chhatra Dal (JCD) [BNP student wing] were injured in an attack allegedly by Bangladesh Chhatra League (BCL) [AL student wing] men at Doshmail Bazar in Sadar upazila […]. Locals said the BCL activists swooped on the JCD men around 5pm while they were going to join a programme marking BNP chairperson Khaleda Zia's jail release day. The attackers beat and hacked the JCD men activists, leaving four of the injured".[22] The same source noted on 23 November 2015 that "At least 10 people were injured in a clash between activists of Bangladesh Chhatra League (BCL) and Jatiyatabadi Chhatra Dal (JCD) on the Bishwanath Degree College campus in Bishwanath upazila".[23]

Odhikar, also reporting on the 2015 municipal elections stated that "In the wake of the government declaration for Municipality polls under political banners, violent attacks by supporters of the ruling party-nominated candidates took place on the candidates nominated by the main opposition (though not in parliament) BNP and other political parties, and on the independent candidates. The attack from the ruling party men came in the form of infringement of their right to electoral campaign, physical attack and even abduction. […] The incidents of pre-election violence left two killed and 657 persons injured. Three persons were killed and 401 persons were injured on polling day while one was killed and 234 persons were injured in post-election violence".[24]

Furthermore with regards to violence in the lead up to the 2015 Municipality Elections and on polling day Odhikar noted that:

> On December 10, 2015, the leaders and activists of the Bangladesh Chhatra League— BCL (the student wing of Awami League) attacked leaders and activists of the BNP who were returning home from an electoral campaign for the BNP nominated candidate of Monohardi Municipality in the Narshingdi District. Two of the BNP men were injured. Chhatra League activists also set fire to their motorcycles.
> On December 13, 2015, 10 BNP men, including Abdul Hye, the President of Munshiganj District unit BNP, who is also a former Member of Parliament (MP); and the local mayoral candidate from BNP, Iradat Hossain Manu were injured when leaders and activists of the Awami League (AL) and the Bangladesh Chhatra League (BCL) attacked them during an electoral campaign.
> On December 20, 2015 ruling party (AL) men attacked the electoral campaign of Nasiruddin Ahmed, a BNP-nominated mayoral candidate for Tarabo Municipality in Narayanganj District. 15 people were injured during this incident.
> On December 29, 2015 at around 8:00 pm, an altercation took place in front of the polling centre at the Nitarkandi Bangbandhu Governemnt Primary School in Bazitpur Municipality under Kishoreganj District, between the supporters of Anowar Hossain Ashraf who was a mayoral candidate and a younger brother of MPAfzal Hossain, affiliated to the ruling AL; and supporters of the BNP-nominated mayoral candidate, Ehesan Kufia. Three BNP activists, Azim, Mamun and Sadek were injured in the incident. The BNP-nominated mayoral candidate Ehesan Kufia alleged that armed supporters of the

[20] Daily Star, *Jubo Dal activist killed in Ctg*, 14 August 2015
[21] Odhikar, *Annual Human Rights Report 2015 : Odhikar Report on Bangladesh*, 16 November 2016, *paragraph 10*
[22] Independent (Bangladesh), *10 hurt in BCL-JCD clash*, 23 November 2015
[23] Independent (Bangladesh), *10 hurt in BCL-JCD clash*, 23 November 2015
[24] Odhikar, *Municipality Elections 2015*, 28 March 2016, *Election violence p.6*

AL-nominated candidate, Anowar Hossain Ashraf attacked the Nitarkandi Bangabandhu Government Primary School in the evening before the election day and started stuffing ballot boxes in favour of their own candidate. When the BNP men came to the school on hearing the news, they alleged that they came under attack from the AL activists. [25]

The same Odhikar report provides further details by municipality.

The Independent (Bangladesh) reported on 28 December 2015 that "Tension ran high with clashes between Awami League and BNP activists erupting in different parts of the country as campaigning for the forthcoming municipality elections drew to a close yesterday. Nearly 50 people were injured in the clashes among the political opponents".[26]

Ain o Salish Kendra provided the following breakdown of political violence in Bangladesh in 2015:[27]

JANUARY - DECEMBER 2015

ASK DOCUMENTATION

Breakdown of Inter Party and Police Clashes

Political Violence

Political Party & Program	Incident	Injured	Dead
AL-BNP	25	212	4
AL-Jamaat-Shibir	1	5	1
BNP-Jamaat -Shibir	1		1
Jasad-AL	3	32	1
Hartal country wide (4 day)	6	41	
Blockade (19 days)	76	227	24
Hartal & Blockade (66 days)	390	1861	78
Inter Party Clash			
AL-AL	226	2378	33
JP-JP	3	26	
BNP-BNP	6	58	
Law Enforcing Agency's clashes with political parties			
BNP-Police	11	177	1
Jamaat- Shibir-Police	4	38	
Awami League-Police	4	51	
BNP-Jamaat-Police	3	30	1
AL-BNP-Police	10	204	3
Leftiest - Police	4	75	
Violence in UP Election	1	30	2
Violence in City Corporation	22	150	
Violence in Municipal Election	68	716	4
Violence in By-Election	1	7	
Total	**865**	**6318**	**153**

Source: Prothom Alo, Ittefaq, Samakal, Sangbad, Noyadiganto, Daily Star, New Age, Dhaka Tribune and Ain o Salish Kendra (ASK)

[25] Odhikar, *Municipality Elections 2015*, 28 March 2016
[26] Independent (Bangladesh), *50 hurt as poll violence continues*, 28 December 2015
[27] Ain o Salish Kendra, *Political Violence : January-December 2015*, 7 January 2016

2016

The Daily Star reported that in February 2016, "A Jatiyatabadi Chhatra Dal [BNP student wing] leader of Dhaka University was critically injured in an attack by some leaders and activists of Bangladesh Chhatra League [AL student wing] on the campus".[28] In February 2016 New Age reported that "Some activists of Bangladesh Chhatra League of Jagannath University unit […] allegedly beat up a leader of rival Jatiyatabadi Chhatra Dal, the Bangladesh Nationalist Party-backed student organisation, on the campus".[29]

In March 2016 the Daily Star reported that "A Jatiyatabadi Chhatra Dal leader was killed early yesterday allegedly by members of the ruling Awami League over a feud centring on the upcoming union parishad polls in Pirojpur. The victim, Shamsul Haque Chhotto, 28, was organising secretary of the Nazirpur upazila unit of pro-BNP student body Chhatra Dal".[30]

Also in March 2016 the Independent (Bangladesh) reported that "Ruling Awami League nominated candidate and his supporters attacked and injured BNP candidate and one of his supporters in Dhamshwar union of Daulatdpur upazil".[31] The same source noted that during the third phase of the Union Parishad polls in April 2016, "In Pabna, BNP activist Emdad Hossain, 60, a resident of Bahadurpur village in Chatmohor upazila of the district, was killed and at least 10 others were injured in a post-election triangular clash among members of Border Guard Bangladesh (BGB), leaders and activists of Awami League and BNP. […] In Chandpur, 25 people, including a policeman, were injured in separate clashes between the leaders and activists of local Awami League and BNP units during election to some 25 UPs in Faridganj and Hajiganj upazilas".[32]

ACLED reported with regards to Union Parishad (local government) electoral violence in Bangladesh between March and June 2016 that (emphasis added):

> Between March and June, local elections in Bangladesh and in West Bengal, India, led to a spike in political violence. Despite a long-standing history of electoral violence in both areas, the extent and pattern of violence, especially in Bangladesh, is considered unprecedented (Gulf Times 2016). […]
> The Union Parishad (Local Government, UP) elections were held in Bangladesh between March 22 and June 4, 2016. During the elections, 263 events of political violence and protest are recorded, averaging 25 events per week. In comparison, an average of 12 events per week occurred before and after the election period. […]
> **In Bangladesh, competition between the two main parties, the Bangladesh Awami League (AL) and the Bangladesh Nationalist Party (BNP) historically drives such violence. During the local elections this year, however, most of the violence took place between members of the same parties, and the majority within the AL.**
> For the first time, UP elections were held along party lines. As a result, supporters of AL rebel candidates clashed with supporters of ruling AL candidates, with "renegades […] challenging regular party aspirants" (The Times of India 2016).
> **ACLED data shows that the ruling AL is involved in 70 of the 263 events, while the main opposition party, the BNP, is involved in only 13 events. Only 6 of these events were clashes between the two main parties, AL and BNP, while 21 events were clashes between members of the ruling AL**. […]
> In Bangladesh, Riots and Protests accounts for the majority of cases with a share of 65%, while Battles, Violence against Civilians, and Remote Violence account for only 18%, 16%, and 1%

[28] Daily Star, *BCL attack sends JCD leader of DU to hospital*, 28 February 2016
[29] New Age, *BCL men beat up JCD leader at JnU*, 7 February 2016
[30] Daily Star, *JCD leader killed in Pirojpur*, 10 March 2016
[31] Independent (Bangladesh), *BNP candidate, supporters hurt in attack*, 28 March 2016
[32] Independent (Bangladesh), *Stray violence marks third phase UP polls; one killed*, 24 April 2016

respectively (The News Today 2016). ACLED data suggest that at least 101 persons were killed during the violence (The News Today 2016).[33]

Also reporting on the March 2016 Union Parishad elections, the Daily Observer noted that "an injured man in a terrible violence between supporters of Awami League (AL) and BNP-backed chairman contenders at Adampur Bazar in Bahrampur Union under Dashmina of Patuakhali […] succumbed to his injuries at Dhaka Medical College Hospital (DMCH). […] With the death of the BNP activist, Shahjahan, the death toll rose to 25 centering the polls across the country and injury to several thousand, some with bullet wounds and in critical condition".[34]

An April 2016 International Crisis Group report noted that "The political conflict between the AL and BNP has resulted in high levels of violence and a brutal state response".[35] It also considered that "Since mid-2015, there has been a veneer of calm. The BNP contested mayoral elections in 234 municipalities in December, and, while alleging massive rigging, refrained from violent confrontation. It also avoided violence when marking the second anniversary of the disputed elections in January 2016".[36]

The New Age reported that in May 2016 "Ruling Awami League-backed Chhatra League activists […] set fire to two hostels of Rajshahi College in retaliation of an attack on one of their fellows allegedly carried out by BNP-backed Jatiyatabadi Chhatra Dal men. Police said Chhatra Dal activists beat Shahinur Rahman Shaheen, a BCL activist, over previous enmity. Later, in retaliation, BCL men went to Abdur Rouf and Mostofa Kamal Hostel and ransacked three rooms of the JCD men. At one stage, the agitated BCL men also set fire to the rooms, a witness said, preferring not to be named".[37]

According to Odhikar's report on the first 6 months of 2016, "The criminal activities of the student and youth wing (Chhatra League and Jubo League) activists of the ruling (Awami League) party increased across the country in these six months. They attacked 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".[38]

The Daily Observer reported in July 2016 that "A group of Bangladesh Chhatra League (BCL) activists, the student wing of ruling Awami League, of Jagannath University (JnU) unit […] allegedly beat up an activist of Jatiyatabadi Chhatra Dal (JCD) on the campus. The victim JCD man was identified as Mohiuddin Mahi, a seventh batch student of Psychology Department of the university".[39]

In August 2016 the Daily Observer recorded that "An activist of Jatiyatabadi Chhatra Dal (JCD) of Jahangirnagar University (JU) unit was allegedly beaten up by some Bangladesh Chhatra League (BCL) men on the campus".[40] Also in August 2016 New Age reported that "At least eight activists of Jatiyatabadi Chhatra Dal were injured […] as the activists of Bangladesh Chhatra League, ruling party backed student organisation, attacked JCD's rally on KP Basu Road in Jhenaidah".[41]

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[33] Armed Conflict Location & Event Data Project, *Conflict Trends (No. 5); Real-Time Analysis of Asian Political Violence*, September 2016, *Special Focus Topic: Electoral Violence in West Bengal and Bangladesh p.5*
[34] Daily Observer, *Police yet to bring perpetrators of poll violence to book*, 25 March 2016
[35] International Crisis Group, *Political Conflict, Extremism and Criminal Justice in Bangladesh*, 11 April 2016, *Executive Summary p.2*
[36] International Crisis Group, *Political Conflict, Extremism and Criminal Justice in Bangladesh*, 11 April 2016, *Executive Summary p.4*
[37] New Age, *BCL men set fire to Rajshahi College hostels*, 18 May 2016
[38] Odhikar, *Six-Month Human Rights Monitoring Report 2016*, 24 October 2016, *Executive Summary*
[39] Daily Observer, *BCL men beat up JCD activist at JnU*, 20 July 2016
[40] Daily Observer, *JU BCL men beat up JCD activist*, 4 August 2016
[41] New Age, *Eight injured as BCL men attack JCD rally in Jhenaidah*, 25 August 2016

Odhikar noted with regards to the October 2016 Union Parishad elections that "In 48 Union Parishads under Noakhali District, activists of Awami League forcibly ousted polling agents of BNP candidates, from most of the polling centres and cast fake votes after snatching the ballot boxes. […] Leaders and activists of Jubo League and Chhatra League forced the voters to vote for the Awami League candidates in Chor Martin Darul Ulum Madrassa polling centre, under Kamalnagar Upazila in Lakshmipur District. When the other candidates protested, Jubo League and Chhatra League activists attacked the BNP candidate Ali Ahmed".[42] The same source further reported that "On October 21, 2016 activists of Chhatra League and Jubo League led by Sony, Ashraf and Mohammad Zahir attacked the Council of Ward unit BNP of Chorgazi Union under Ramgati Upazila in Lakshmipur District. During the attack 10 motorbikes were destroyed and three motorbikes were taken. At least 10 leaders and activists of BNP, including the Convener of Chorgazi Union unit BNP, Mir Farhad Hossain were injured during the attack".[43]

Similarly the Daily Observer cited BNP senior joint secretary general Ruhul Kabir Rizvi as noting in October 2016 that "BNP leaders and activists were attacked and harassed in many UPs to discourage and intimidate voters so that they do not go to the voting centres. […] 'As per the information we've received so far from different areas, Jubo League and Chhatra League cadres have captured most polling stations and openly stuffing ballots in favour of their election symbol boat. Common voters are also not allowed to go to polling stations'".[44]

Ain o Salish Kendra provided the following breakdown of political violence in Bangladesh between January and October 2016:[45]

[42] Odhikar, *Human Rights Monitoring Report October 1 – 31, 2016*, 1 November 2016, *paragraphs 6 and 8*
[43] Odhikar, *Human Rights Monitoring Report October 1 – 31, 2016*, 1 November 2016, *paragraph 23*
[44] Daily Observer, *Widespread election frauds and terrorism in 31 UPs: BNP Observer*, 31 October 2016
[45] Ain o Salish Kendra, *Political Violence : January-October 2016*, 8 November 2016

JANUARY - OCTOBER 2016

ASK DOCUMENTATION

Political Violence

Breakdown of Inter Party and Police Clashes

Political Party & Program	Incident	Injured	Dead
AL-BNP	10	135	1
AL-Jamaat-Shibir	1		1
AL-BNP-Jamaat Shibir	1	5	
AL-JP	1	24	2
AL-Jashad	1	6	
AL-Jubadal	1	10	
Countrywide Hartal (6.5 day)	7	20	
Internal Clash			
AL - AL	81	940	16
Chittroleague-Chittroleague	20	105	2
Juboleague-Juboleague	3	20	1
Chittroleague- Juboleague	2	21	
AL- Juboleague	1	2	
AL- Chattroleague	1		
JP & Its affiliated organization	1	2	
BNP & Its affiliated organization	5	49	1
Law Enforcing Agency's clashed with political parties			
BNP-Police	1	5	
Jamaat- Shibir-Police			
Awami League-Police	2	8	
Chittroleague- Police	3	16	
BNP-Jamaat-Police			
AL-BNP-Police			
CPB-Bashad-Police	2	40	
Bam morcha-BCL-Police	1	50	
Violence in UP Election	699	9220	143
Violence in City Corporation Election			
Violence in Municipal Election	25	319	4
Violence in By-Election	1	8	
Total	**870**	**11005**	**171**

Note: Awami League-77, BNP-8, Gram Police-1, Police-1 and General pepole- 84 death in political violence.

Source: Prothom Alo, Ittefaq, Samakal, Sangbad, Noyadiganto, Daily Star, New Age, Dhaka Tribune and Ain o Salish Kendra (ASK)

In its November 2016 human rights monitoring report, Odhikar noted that "According to information gathered by Odhikar, in November 2016, eight persons were killed and 327 persons were injured in political violence".[46] The Daily Observer reporting on the November 2016 Union Parishad elections cited BNP joint secretary general Ruhul Kabir Rizvi as stating that "the ruling party men established their control over almost all polling stations in Barisal, Noakhali, Feni, Lalmonirhat, Thakurgaon, Patuakhali, Laxmipur, Narsingdi, Mymensingh, Brahmanbaria, Natore, Pirojpur, Shariatpur, Jessore and Manikganj districts. They ousted the agents of BNP candidates from the polling centres. He said the BNP leaders and activists were attacked and harassed in many UPs to discourage voters so that they do not go to the voting centres".[47]

In its monthly human rights monitoring reports for July to November 2016 Odhikar reported that Leaders and activists of the Awami League at different levels, including Chhatra League and Jubo League, were involved in criminal activities, that Chhatra League and Jubo League activists were involved in several incidents of internal conflict linked to vested interest using political influence.[48]

[46] Odhikar, *Human Rights Monitoring Report November 1 – 30, 2016*, 1 December 2016, *paragraph 1*
[47] Daily Observer, *Sporadic violence marks third phase of UP polls*, 1 November 2016
[48] Odhikar, *Human Rights Monitoring Report July 1 – 31, 2016*, 1 August 2016, *paragraph 8*
Odhikar, *Human Rights Monitoring Report August 1 – 31, 2016*, 1 September 2016, *paragraph 2*
Odhikar, *Human Rights Monitoring Report September 1 – 30, 2016*, 1 October 2016, *paragraph 2*
Odhikar, *Human Rights Monitoring Report October 1 – 31, 2016*, 1 November 2016, *paragraph 2*

Intra- party political violence

It should be noted that Odhikar has also reported internal violence within the respective parties; for example between January to June 2015 "22 persons were killed in the internal conflict of the Awami League while one person was killed in the internal conflicts of BNP. During this period 1478 persons were injured in the internal conflicts of Awami League while 69 persons were injured in conflicts within the BNP. In addition to that, there were 155 incidents of internal violence in the Awami League and six in the BNP recorded during this period".[49] For the whole of 2015 these figures increased as follows: "3884 persons were injured in the internal conflicts of Awami League while 157 persons were injured in conflicts within the BNP. In addition, there were 364 incidents of internal violence in the Awami League and 11 in the BNP".[50]

For example, reporting on violence between the AL and BNP youth wings during the City Corporation elections in Dhaka and Chittagong on April 28 2015 Odhikar noted that "Many incidents of internal altercation and casualties took place between Chhatra League [AL student wing] and Jubo League [AL Youth wing] activists as a result of criminalisation of politics. Activists of Chhatra League and Jubo League were also seen using firearms openly during clashes, which were also published in the daily papers".[51] Odhikar reported "On May 13, 2015 Mosharraf Hossain, a Masters degree student of the Department of Criminology and Police Science at Mawlana Bhashani Science and Technology University, was killed in a violent altercation between the two groups of Chhatra League; over establishing supremacy in the University campus".[52] Moreover, "On December 19, 2015 a violent altercation took place between supporters of two factions of the Kushtia Islami University unit Chhatra League, led by the university unit Chhatra League, President Saiful Islam and General Secretary, Amit Kumar and supporters of the university Chhatra League Vice-President, Mizanur Rahman. At least 10 people from both the groups were injured. Both groups used firearms and home-made weapons during the clash".[53]

Moreover, "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 BNP4 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".[54]

See Odhikar's table of political violence from 2009 to March 2016 presented above at page 6 for further data on intra-party political violence.

Odhikar, *Human Rights Monitoring Report November 1 – 30, 2016*, 1 December 2016, *paragraphs 1-2*

[49] Odhikar, *Six-Months Human Rights Monitoring Report*, *1* July 2015, *paragraph 1*

[50] Odhikar, *Annual Human Rights Report 2015 : Odhikar Report on Bangladesh*, 16 November 2016, *paragraph 1*

[51] Odhikar, *Six-Months Human Rights Monitoring Report*, *1* July 2015, *paragraph 2*

[52] Odhikar, *Annual Human Rights Report 2015 : Odhikar Report on Bangladesh*, 16 November 2016, *paragraph 6*

[53] Odhikar, *Annual Human Rights Report 2015 : Odhikar Report on Bangladesh*, 16 November 2016, *paragraph 6*

[54] Odhikar, *Six-Month Human Rights Monitoring Report 2016*, 24 October 2016, *paragraph 1*

b. Is there any information about AL members attempting to force BNP members to switch their allegiance to the AL?

No specific COI was found on this point amongst the sources consulted within the research timeframe for this report. However sources did document AL members attempting to influence elections.

Odhikar, reporting on polling day for the 2015 municipality elections noted that "The voters and rival candidates alleged that agents of the ruling party candidate were publicly forcing voters to cast their votes for the AL candidate".[55] Similarly with regards to February 2016 municipality elections it noted, "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".[56] Odhikar noted with regards to the October 2016 Union Parishad elections that "Leaders and activists of Jubo League and Chhatra League forced the voters to vote for the Awami League candidates in Chor Martin Darul Ulum Madrassa polling centre, under Kamalnagar Upazila in Lakshmipur District. When the other candidates protested, Jubo League and Chhatra League activists attacked the BNP candidate Ali Ahmed. The members of the law enforcement agencies caught t[w]o attackers but later released them".[57]

c. Is there any information about AL members using threats, intimidation and/or violence against BNP members to obtain property (including land) from BNP members?

No specific COI was found on this point amongst the sources consulted within the research timeframe for this report.

2. Are AL members and BNP members both represented in all parts of the country?

Election results

The CIA World Factbook explains that "The BNP and AL alternated in power between 1991 and 2013, with the exception of a military-backed, emergency caretaker regime that suspended parliamentary elections planned for January 2007 in an effort to reform the political system and root out corruption".[58] The AL is led by Sheikh Hasina who has been Prime Minister since 6 January 2009.[59] The last parliamentary elections were held on 5 January 2014 (next to be held by January 2019), in which the AL-led Alliance won 79% of the votes by party, equating to 234 of 300 elected seats (50 other seats are reserved for women, "indirectly elected by the elected members by proportional representation vote using the single transferable vote method").[60] The BNP, led by Khaleda Zia,

[55] Odhikar, *Annual Human Rights Report 2015 : Odhikar Report on Bangladesh*, 16 November 2016, *paragraph 17*
[56] Odhikar, *Six-Month Human Rights Monitoring Report 2016*, 24 October 2016, *paragraph 9*
[57] Odhikar, *Human Rights Monitoring Report October 1 – 31, 2016*, 1 November 2016, *paragraph 8*
[58] CIA, *World Factbook: Bangladesh chapter*, *last* updated 10 November 2016
[59] CIA, *World Factbook: Bangladesh chapter*, *last* updated 10 November 2016
[60] CIA, *World Factbook: Bangladesh chapter*, *last* updated 10 November 2016

boycotted the parliamentary elections.[61] According to the U.S. State Department this left "more than half of all seats uncontested and many more only nominally contested".[62]

In 2016 Union Parishad (local government) elections were held in Bangladesh. The BNP reported the results as follows:

> The Union Parishad elections were held in 6 phases in 4 thousand 103 UPs across the country. Results came out for 4 thousand 2 UPs, and for the rest 101 UPs, polls will be held later. Even though the results of this farcical election is completely irrelevant, the Election Commission announced that among chairman seats, the ruling party, the Awami League, won 2 thousand 661, Bangladesh Nationalist Party in 367, other parties (Jatyo Party, Jatyo Shomajtantrik Dol JSD, Jatyo Party-JP, Workers Party, Islami Andolon Bangladesh, Zaker Party and Jamiate Ulama e Islam Bangladesh) 60, and Independent candidates in 898, most of whom are rebel candidates of the Awami League. […]
> In this election, 31.29% of votes were secured by the Independent candidates. […]
> One of the largest party the BNP managed to secure only 18.98% votes, whereas the Awami League secured 45.46%, and the rest of the parties, namely Jatyo Party, Jatyo Shomajtantrik Dol JSD, Jatyo Paty JP, Workers Party, Islami Andolon Bangladesh, Zaker Party and Jamiat E Ulamai Islam Bangladesh) got 2.3% votes. These statistics provided by the EC are very hard to believe.[63]

Reporting a high number of uncontested victories, the same source further noted that "Election Commission sources said that 217 Awami League candidates won uncontested for the post of Chairman. The BNP Chairman candidates were absent in 554 UPs. Among these, in 102 UPs the BNP candidates' lives were threatened, so they had to step back. In 188 UPs, they could not submit their nomination papers due to obstruction by the Awami League. In 59 UPs, they were forced to withdraw their nomination. In many places, their nomination papers were declared 'Rejected' by the Election Office. This shows the kind of adversity and helplessness faced by the BNP candidates".[64]

Size and structure of the parties

The Armed Conflict Location & Event Data Project describes the AL as secular and socialist and the BNP as having an Islamic orientation.[65] International Crisis Group describes the AL and BNP as the "the two largest parties" in Bangladesh.[66] Elucidating further the 2016 Bertelsmann Foundation report noted that:

> Bangladeshi politics is dominated by two parties, the AL and the BNP, and is highly polarized. The political polarization is also based on ideological divisions concerning the historical roles of the two major political parties, but they do not differ much on their approach to politics. The level of polarization is so strong that the two political parties do not hesitate to play a game of destructive politics to pressure the government to fulfill their demands; they are even willing to risk the very existence of democracy in Bangladesh. The degree of voter volatility continues to fluctuate between 15% to 20%. This group comprises those who lack party affiliations and can make a difference to the support base of the two major party alliances.[67]

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[61] CIA, *World Factbook: Bangladesh chapter*, *last* updated 10 November 2016
[62] U.S. State Department, *Country Reports on Human Rights Practices for 2015: Bangladesh*, 13 April 2016, *Section 3. Elections and political participation*
[63] BNP, *Union Parishad Election 2016: A review*, [undated], accessed 13 December 2016
[64] BNP, *Union Parishad Election 2016: A review*, [undated], accessed 13 December 2016
[65] Armed Conflict Location & Event Data Project, *Conflict Trends (No. 2); Real-time Analysis of Asian Political Violence,* May 2015, *Bangladesh p.3*
[66] International Crisis Group, *Bangladesh government must step back from chaos*, 8 April 2016
[67] Bertelsmann Foundation, *BTI 2016; Bangladesh Country Report*, 2016, *5. Political and Social Integration p.12*

The International Crisis Group explained in a February 2015 report that the AL and BNP have highly centralised structures but "Where the parties differ is at the lower tiers, where, unlike the AL, the BNP is not strongly organised. In a majority of districts, it lacks effective party committees and rarely conducts voter registration or membership drives".[68]

Reporting with regards to clientelism in Bangladesh the 2016 Bertelsmann Foundation report (covering the period from 1 February 2013 to 31 January 2015) noted that:

> Major political parties have strong organizations, operate in a hierarchical manner and follow well-planned command structures. They have student, youth, labor and women organizations as well as professional groups and cultural organizations. These groups play a vital role in interest aggregation and mobilization and help the party to provide political input for managing diverse interests. A culture of clientelism dominates all parties. Those who contribute money, provide muscle power or organize local-level support enjoy benefits when the party comes to power. These benefits include government contracts, access to jobs and business opportunities. The client groups help organize violence during blockades to help the political party to establish street superiority to pressure the government. They contribute to the volatile political situation. Clientelism is pervasive in Bangladesh, affecting administrative efficiency and governance and contributing to the further marginalization of the people at the bottom of the society. […]
> Because of the polarization and politicization of Bangladeshi society, most interest groups are organized along party lines. There are religious and ethnic minority groups that are affiliated with the two major political parties.[69]

Support base of the parties

The 2016 Bertelsmann Foundation report (covering the period from 1 February 2013 to 31 January 2015) noted that "The two dominant parties have grassroots organization and each has the support of about 35% of electorate".[70] In August 2014 CHR.Michelsen Institute (CMI) and the Centre for Policy Dialogue (CPD) published a working paper on the 'Political Parties in Bangladesh' which analysed, amongst others the party ideology, organisational structure, leadership, membership, support base, and factionalism of the AL, BNP, Jatiya Party and Jamaat.[71] According to the report the AL "which led the struggle for national liberation, self-describes itself as the 'proliberation force' in Bangladesh politics committed to promoting secular and social democratic values associated with the nation's foundational principles: nationalism, democracy, secularism and socialism"[72], compared to the BNP whose "ideological principles […] can be drawn from the aims and objectives of the party as described in the party constitution which include: Bangladeshi nationalism, democracy, free market economy and 'preserving the age old human values of the Bangladeshi people through the teaching of Islam, religion of the majority of Bangladeshi people and other religions'".[73] The same source also noted that both the AL and the BNP also have "some associate organisations or front organisations" which are described as follows:

> Bangladesh Awami League
>
> Article 25 (a) of the constitution of the AL lists eleven associate organisations. They are Bangladesh Chhatra League, Bangladesh Mohila Awami League, Bangladesh Krishak League, Bangladesh Awami Jubo League, Bangladesh Jubo Mohila League, Awami Swechhashebok League, Jatiya Shramik League,

[68] International Crisis Group, *Mapping Bangladesh's Political Crisis*, 9 February 2015, *1. BNP Politics p.10*
[69] Bertelsmann Foundation, *BTI 2016; Bangladesh Country Report*, 2016, *5. Political and Social Integration p.12*
[70] Bertelsmann Foundation, *BTI 2016; Bangladesh Country Report*, 2016, *5. Political and Social Integration p.12*
[71] CMI/CPD, *Political Parties in Bangladesh*, August 2014, *3.1 Ideology, p. 11*
[72] CMI/CPD, *Political Parties in Bangladesh*, August 2014, *3.1 Ideology, p. 11*
[73] CMI/CPD, *Political Parties in Bangladesh*, August 2014, *3.1 Ideology, p. 12*

> Awami Ainjibee Parishad and Bangladesh Tanti League. It is noted that the Bangladesh Chhatra League and Jatiya Shramik League are to be run according to their own constitutions.
> Frequent newspaper reports highlight a lack of discipline in the functioning of many of these associate organisations. They are faction ridden and often use violent means to settle their disputes. […]
> In addition to organisational weakness, two of the associate organisations, Chhatra League and Jubo League, have earned a negative image for the party as their members frequently indulge in violent contestations to grab business tenders and extort money or to establish authority in various educational institutions. Though the AL president and other party leaders have many times lamented about the criminal activities of these associate organisations and the party president has tried to distance herself from these organisations, the AL central leaders have not been able to control the rent-seeking and violent behaviour of the members of these associate organisations.
>
> Bangladesh Nationalist Party (BNP)
>
> BNP lists nine front organisations. These are: Jatiyatabadi Muktijoddha Dal, Jatiyatabadi Jubo Dal, Jatiyatabadi Mohila Dal, Jatiyatabadi Samajik Sangskritik Sangstha, Jatiyatabadi Krishak Dal, Jatiyatabadi Swechhashebok Dal, Jatiyatabadi Tanti Dal, Jatiyatabadi Olama Dal and Jatiyatabadi Matshyajibee Dal.
> As the RPO [Representation of the People Order] prohibits establishment of any organisation as an affiliated body drawn from teachers or students of any educational institution or the employees or workers of any financial, commerce or industrial institutions, BNP lists two organisations, Jatiyatabadi Chhatra Dal and Jatiyatabadi Shramik Dal as associate organisations of the party which are to operate according to their own constitutions.
> However, in practice these two organisations function very much as front organisations. The committee members are chosen by the BNP chairperson. Similar to the AL, BNP's associated student and labour organisations are perennially engaged in inter and intra-party violence. Their contestations too revolve around the same kind of issues such as grabbing business or land or extorting money or establishing authority in campuses of educational institutions. Newspaper reports indicate that the leadership of the Chhatra Dal is dominated not by students, but by middle aged people who are engaged in business or service or are full-time politicians.[74]

With regards to the parties' support base, the same source found that:

> Similar to most parties in South Asia which appeal to and try to secure support across communities, classes and occupational groups, the major political parties in Bangladesh, especially AL, BNP and Jatiya Party are mostly 'catch all' parties (International IDEA 2007: 66). These are electoral parties, and hence they need to demonstrate that they represent all classes and groups, and not specific social groups. However, these 'catch all' parties still maintain some core group of supporters.
> Of the four parties in this study, two, AL and BNP, have the widest support across the country. Each of these two parties had demonstrated nearly 30 per cent of vote share in the parliamentary elections held since 1991. No study has looked at the specific support base of the different political parties.
> However, it is believed that AL, which is formally committed to secularism and pluralism, has greater support base among the religious and ethnic minorities. Traditionally, AL also drew support from the rural areas but in recent years the party has also picked up support from the urban middle classes and business groups.
> BNP, in contrast, was founded with greater support from the urban and higher income groups, particularly civil and military bureaucracy and business community.[75]

With further regards to the AL support base, The Washington Post noted in a July 2016 article that "The Awami League has maintained power in Bangladesh since 2009 by creating a broad-based coalition of Bangladeshi nationalists, moderate Islamists and secularists. To keep its diverse support

[74] CMI/CPD, *Political Parties in Bangladesh*, August 2014, *3.2.3 Associate Organisations and Front Organisations of the Political Parties, p. 29*
[75] CMI/CPD, *Political Parties in Bangladesh*, August 2014, *3.4.2 Support Base of the Political Parties, p. 33/34*

base intact, the Awami League has combined quasi-democratic elections with pervasive political repression".[76]

a. Do tensions between the two groups of political supporters exist in all parts of the country?

Reporting on violence as a result of political rivalry in June, July and August 2015, the Armed Conflict Location & Event Data Project considered that "Both the BNP and AL target civilians in order to contest the party in power (currently the AL), a common tactic that they have used for years. This targeting is widespread throughout the country and not limited to the capital or any geographic region due to the nature of BNP and AL's national political machines".[77]

For the geographical location of illustrative incidents of BNP/AL violence, see above response to:

1. How do supporters of the Awami League (AL) and supporters of the Bangladesh National Party (BNP) treat each other? a. Is there information about the use of harassment, threats, intimidation, coercion, extortion and/or violence?

3. What influence do the AL and BNP have within universities in Bangladesh?

a. Are there any groups supporting a particular political party at schools and universities?

Describing the historical relationship between the AL and BNP student wings, an April 2016 International Crisis Group report explained that "Party-linked student and youth groups that played a key role in opposing authoritarianism before Bangladesh's birth and during military rule have mostly served as coercive wings for their parties since the 1990s. They are used to expand influence and entrench control, often by force, over resources and turf, including on college campuses. They are also used to enforce *hartals* and other forms of street agitation. With student politics 'becoming synonymous with thuggery in the last twenty years', the BNP's student wing, Jatiyatabadi Chhatra Dal, and youth wing, Juba Dal, and the AL's student wing, the Bangladesh Awami Chhatra League, and youth wing, Juba League are also increasingly involved in violent criminal activities".[78]

A January 2015 BD chronicle[79] article reporting on the number of casualties from independence (1972) to 2014 noted that "university campuses have become the alter upon which the victims of power politics are sacrificing their lives. Clashes between political factions often use modern and lethal weapons. These violent incidents have claimed the lives of some 147 students thus far. These terrible incidents of killing are primarily the result of establishing dominance in the campus and dormitories and controlling tender businesses. No incident of political killing in the university campuses has been tried yet".[80] It identified the following 5 public university campuses where the

[76] The Washington Post, *Here's how the Bangladesh government is making religious violence more likely*, 21 July 2016
[77] Armed Conflict Location & Event Data Project, *Conflict Trends (No. 3); Real-time Analysis of Asian Political Violence*, August 2015, *Targeting civilians p.7*
[78] International Crisis Group, *Political Conflict, Extremism and Criminal Justice in Bangladesh*, 11 April 2016, *III. A. Party-backed Violence and Criminality p.4*
[79] Cited on the Perspective website
[80] Perspective, *Public universities or battle grounds? 147 killed in five universities since liberation*, January 2015

147 were killed "in political conflicts and clashes: University of Dhaka –74; University of Rajshahi – 27; University of Chittagong –24; Bangladesh Agricultural University-16; Jahangirnagar University – 6".[81]

A 2015 Conflict Research Group report explained with regards to the organisation of AL and BNP student wings that:

> These organisations, both from AL and BNP are organised with a hierarchy of committees, under a president and a general secretary, starting from the Central level committee to Union and Ward committees or to University, College and Student Hall committees. Both organisations are divided into factions rallying under different leaders. Many of these leaders became important politicians later, depending on their position in the student and youth movements, at the local, the regional or the national level.[82]

According to Odhikar's annual report for 2015, "incidents of extortion, capturing tender bids, criminalisation in educational institutions and illegal occupation of hostels [Residential hall for the students in colleges and universities] in colleges and universities have been perpetrated by the front organsations [sic], including the ruling Awami League-backed Bangladesh Chhatra League and Jubo League; and the ordinary people and students have been victims of such violence".[83]

The April 2016 International Crisis Group report further noted that:

> Moreover, student and youth organisations also provide ruling parties a recruitment pool for state institutions, including law enforcement agencies, which commonly ignore their violence and criminality. If linked to government, such groups in effect operate above the law. Even without such links, they exercise significant influence, enhancing their party's recruitment potential. The temptation of financial reward through extortion and other means also attracts students from economically deprived backgrounds to these groups.[84]

In February 2016 the New Age reported that "Bangladesh Nationalist Party-backed student organisation Jatiyatabadi Chhatra Dal got its 736-member full-fledged central committee on Saturday night. BNP chairperson Khaleda Zia approved the committee 16 months after she announced 153-member partial central committee with by Rajib Ahsan as president and Akramul Hasan as general secretary in October 2014. A release sent by Chhatra Dal office secretary Abdus Sattar also stated that Chhatra Dal committees for different units including Dhaka University, its halls, Jagnnath University, Jahangirnagar University, Dhaka city north, south, east and west, Dhaka College, Titumir College, Tejgaon College, Kabi Nazrul Govt college, Bangla College, Sher-e-Bangla College, private university and Dhaka district units were also announced".[85]
A July 2016 New Nation article explained that the Chhatra League operates in public universities, but was denied permission to begin activities at private universities:

> […] ruling party's student wing Bangladesh Chhatra League (BCL) has demanded permission to open their unit and start activities at all private universities for what they say curving militant activities among students. It is known to all that BCL has destabilized all public universities where their muscle flexing and criminal activities made academic activities worst victims. The most worrying fact is that

[81] Perspective, *Public universities or battle grounds? 147 killed in five universities since liberation*, January 2015
[82] Conflict Research Group, *The Distribution of Political Violence in Bangladesh (2002-2013)*, 2015 2.2.2 Student, youth and other wings p.18
[83] Odhikar, *Annual Human Rights Report 2015 : Odhikar Report on Bangladesh*, 16 November 2016, *Political Violence: Intra Party Conflicts p.5*
[84] International Crisis Group, *Political Conflict, Extremism and Criminal Justice in Bangladesh*, 11 April 2016, *III. A. Party-backed Violence and Criminality p.4*
[85] New Age, *JCD gets 736-member full-fledged central committee*, 7 February 2016

> students who may have opinion that differ from the ruling party dominated student front may have difficulty to stay and run studies peacefully. It will essentially turn the private university campuses into battlegrounds of rival parties with physical safety of many at stake. Private universities have therefore denied such permission, although students rightly deserve constructive platform to express their views and join in creative activities for their career building.[86]

Reporting on the same development, in July 2016 the Daily Star cited Mirza Azam, who was a parliamentary standing committee member in the education ministry between 2009 and 2014 as stating that "most of about 40 private universities approved before 2005 were owned by the BNP-Jamaat men" and reportedly, since 2009, the ruling AL government approved over 40 private universities.[87]

In October 2016 the Daily Observer reported that "Strongly denouncing the attack on Sylhet college student Khadiza Akter reportedly by a BCL leader, BNP […] alleged that the country's all educational institutions have been made 'Chhatra League's party offices'. In a statement, BNP Secretary General Mirza Fakhrul Islam Alamgir said, 'The entire country and all the educational institutions have also become a death valley due to continued terrorism, abduction, killing and extortion by the Chhatra League'."[88]

For further illustrative incidents of AL and BNP student wing violence, see the above response to:

1. How do supporters of the Awami League (AL) and supporters of the Bangladesh National Party (BNP) treat each other? a. Is there information about the use of harassment, threats, intimidation, coercion, extortion and/or violence?

b. Are students obliged to support one of the political parties upon entering university?

The International Crisis Group explained in a February 2015 report that "The Chhatra League [AL student wing] and Jubo League [AL Youth wing] allegedly run extortion rackets within and outside campuses, often forcibly extracting donations for political activities, such as the annual commemoration of Mujib's murder. Local chapters of the student wing compete, often violently, for campus control, while labour-wing factions quarrel equally violently. Such practices are also common among BNP and Jamaat student and other associated groups, but the scale of violence within AL factions is far higher, given the stakes involved in competition over state resources".[89] Moreover, "The temptation of financial reward through extortion and other means also attracts students from economically deprived backgrounds to these groups".[90]

A June 2014 New Age article provides some historical context with regards to Chhatra League university enrolment:

> THE attempt by leaders and activists of the Chhatra League at meddling in the admission process in at least four colleges in Rajshahi, Khulna, Jessore and Lakshmipur on Tuesday and Monday is not

[86] The New Nation, *Private varsities not place for student politics*, 18 July 2016
[87] Daily Star, *BCL to form committees at all private universities*, 16 July 2016
[88] Daily Observer, *Edn institutions now 'BCL offices', alleges BNP*, 6 October 2016
[89] International Crisis Group, *Mapping Bangladesh's Political Crisis*, 9 February 2015, *V. B. 1. Unchecked criminality p.22*
[90] International Crisis Group, *Political Conflict, Extremism and Criminal Justice in Bangladesh*, 11 April 2016, *III. A. Party-backed Violence and Criminality p.4*

> unprecedented. The Awami League-backed student organisation has apparently made meddling in the process of admission to educational institutions and recruitment to government offices a habit of a sort since the AL-led government assumed office in January 2009, not to speak of its involvement in inter- and intra-party clashes on campuses of different educational institutions, often hampering academic activities and leading to the closure of such institutions for varying periods.
> Money seems to have been the driving force behind such acts; the latest incidents have not been any exceptions. According to a report published in New Age on Wednesday, Chhatra League leaders took money from admission seekers and then tried to force their enrolment. What is a bit out of the ordinary is that the leaders apparently demanded that the admission seekers of their choice should be enrolled under a Chhatra League quota. The idea of a Chhatra League quota is not quite unheard of though. In March this year, a Dhaka University teacher and convener of the pro-AL 'Blue Panel' suggested that there need not be any 'other criteria than being a Bangladesh Chhatra League activist' for recruitment in government jobs.[91]

4. Willingness or ability of the State to provide protection to individuals from political persecution

The 2016 Bertelsmann Foundation report (covering the period from 1 February 2013 to 31 January 2015) considered that "The impunity enjoyed by ruling-party activists, particularly the members of the student wing, has created an environment of fear and illustrated the weakness of the state apparatuses".[92] The Asian Human Rights Commission considered in its annual report for 2015 on Bangladesh that "The Bangladeshis do not trust the country's police as far as the protection of people's property, dignity, or rights are concerned. The reputation of the police, as the main institution for law enforcement, remains at rock bottom due to several realities". [93] It further noted that:

> The police have failed to prove their competence in the functions of complaint registration, investigation of ordinary criminal cases, and human rights violation cases. The citizens of the country observe that their police are not involved in providing protection to the people in general. Instead, the police have institutionally enslaved themselves to maintain the status quo of the existing power structure; they protect the political and financial elites of the society at the costs of people's lives, liberties, sweat, and assets.[94]

Odhikar's report on the first 6 months of 2015 reports with regards to the lack of accountability of law enforcement agencies that, "The government is abusing the law enforcement agencies in order to resist the opposition political parties. As a result, they are enjoying impunity. For this reason, many members of the law enforcement agencies have been engaged in unlawful activities".[95]

With regards to judicial resources the 2015 Asian Human Rights Commission report noted that:

> According to a study of the Supreme Court, as of 31 March 2015 there were 3,098,569 cases pending with all the courts of Bangladesh. Of them, 15,383 were with the Appellate Division, 369,813 with the High Court, and 2,713,373 with the lower courts. According to the statistics, 4329 cases are being registered everyday while 3278 are being disposed of, and 1051 cases are being added to the backlogs daily. On average, 384,000 cases are being added to the backlog every year. Insufficient number of judges and other supporting human resources, inefficiency on the part of the judicial

[91] New Age, *Chhatra League continues with marauding ways*, 26 June 2014
[92] Bertelsmann Foundation, *BTI 2016; Bangladesh Country Report*, 2016, *1. Stateness p.5*
[93] Asian Human Rights Commission, *Asia Report 2015: Bangladesh*, 2015, *p. 2*
[94] Asian Human Rights Commission, *Asia Report 2015: Bangladesh*, 2015, *p. 2*
[95] Odhikar, *Six-Months Human Rights Monitoring Report*, *1* July 2015, *paragraph 49*

> officers and staffs, unprofessional intent of the judicial officers to uphold justice, unprofessional attitudes of lawyers and prosecutors, corruption in the judicial system, and the spree of fabricating cases by the police are allegedly responsible for the backlog and delay in adjudication of cases. The Judiciary either does not want to utilise, or does not know how to identify, its most efficient judicial officers to administer justice.[96]

Freedom House's annual report for 2015 stated that "The court system is prone to corruption and severely backlogged, with an estimated 2.3 million pending cases. Pretrial detention is often lengthy, and many defendants lack counsel. The indigent have little access to justice through the courts. […] Suspects are routinely subject to arbitrary arrest and detention, demands for bribes, and physical abuse by police".[97] Similarly, the UK Foreign and Commonwealth's 2015 annual report considered that "An overloaded justice system and delays in processing through the courts contributed to a culture of violence where people take the law into their own hands".[98]

In January 2016 the UN Special Rapporteur on freedom of religion or belief published his Report of the Special Rapporteur on freedom of religion or belief on his mission to Bangladesh in which he noted that he "repeatedly came across assessments that constitutional provisions, legal norms and political reform agendas lack consistent implementation, in particular at the local level. This problem seems to affect various societal sectors, such as education, public welfare, religious affairs, property issues and even guarantees of physical safety by law enforcement agencies".[99]

A 2016 JAMAKON (National Human Rights Commission of Bangladesh) submission to the UN Human Rights Committee stated that "excessive delay in justice delivery system, political interference and corruption in judiciary create obstacle in ensuring right to fair trial. In particular, political interference in lower judiciary is a big challenge in their independent functioning. There is widespread allegation against the law enforcement agencies for extracting confessional statements with the use of force and torture in violation of legal norms. Absence of adequate legal aid to the poor litigants may vitiate fair trial principles".[100] Furthermore:

> Realisation of equal protection of law requires access to justice for all. But access to justice remains a hollow promise to the vast majority of people of Bangladesh for many reasons. Prohibitive cost of litigation, inordinate delay in the courts, corruption in the justice delivery spheres, backlogging of cases, and complex procedural rules are few, if not exhaustive causes, which remain as obstacles to access to justice. Legal system continues to be inaccessible to economically and socially disadvantaged segments of society as they can not afford to pay lawyers to vindicate their rights, which itself constitutes a violation of human rights. Many poor people also live far away from centres providing legal services and have very few legal resources and facilities in their communities. The lack of human and physical resources, inadequate training, malfunctioning of systems can also restrict the access to justice to a significant extent.
>
> The government enacted the Legal Aid Services Act, 2000 which aims at legal aid to the poor litigants. But this Act remains largely unimplemented due to lack of awareness about the law and lack of institutional capacity to deliver the services.[101]

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[96] Asian Human Rights Commission, *Asia Report 2015: Bangladesh*, 2015, *p. 10*

[97] Freedom House, *Freedom in the World 2016 - Bangladesh*, 24 May 2016

[98] UK Foreign and Commonwealth Office, *The 2015 Foreign & Commonwealth Office Report: Human Rights & Democracy*, 21 April 2016 *Bangladesh p.36*

[99] UN Human Rights Council, *Report of the Special Rapporteur on freedom of religion or belief on his mission to Bangladesh*, 22 January 2016, *paragraph 40*

[100] JAMAKON (National Human Rights Commission of Bangladesh), *JAMAKON Report to the UN Human Rights Committee*, 2016 *paragraph 35*

[101] JAMAKON (National Human Rights Commission of Bangladesh), *JAMAKON Report to the UN Human Rights Committee*, 2016 *paragraph 47*

Reporting on the prevention of electoral violence the United States Institute of Peace considered in a March 2016 report that "Weak security sectors in Bangladesh […] contribute to violence".[102]

An April 2016 International Crisis Group report explained with regards to police resources that:

> The force, moreover, is grossly understaffed, with an estimated 161,000 officers serving a population of 160 million, roughly 1:1,000.86 Constables, with no investigative authority or training, and functions largely limited to patrols or guarding VIPs, are two-thirds of the force. The 40,000 officers with authority to investigate are overburdened: an officer typically investigates some fifteen cases a month.
> Investigative capacity is also low. According to common practice in stations, the officer who records a complaint conducts the preliminary investigation and submits a charge sheet. Criminal cases largely depend on confessions to judicial magistrates under Section 164 of the CrPC [Code of Criminal Procedure]. Allegations are widespread that police misuse a fifteenday CrPC remand provision to force confessions by torture and blackmail. Defendants often retract confessions in court, claiming duress. Prosecutors argue that police failure to produce credible witnesses also undermines convictions. Yet, witnesses will not come forth without an adequately resourced protection program. More importantly, the CrPC and Evidence Act should be amended to make forensic and documentary, rather than ocular, evidence the foundation of investigation.[103]

A June 2016 Joint written statement submitted to the UN Human Rights Council by International PEN, the Center for Inquiry, the International Press Institute, Reporters Sans Frontiers, European Humanist Federation, International Humanist and Ethical Union, Freemuse considered that the Bangladeshi justice system is "failing to protect fundamental freedoms":

> Successive governments have been accused of conducting extra-judicial executions, enforced disappearances and torture against opponents and critics with impunity. Police recruitment is partisan and inadequate; the prosecutorial system is underdeveloped; there is a lack of independence of the lower levels of the judiciary from the executive and the Supreme Court has been unwilling or unable to prevent executive interference and politicisation of justice. The failure of the state to uphold fundamental rights and freedoms allows extremist groups to spread fear and intolerance and to drive those with opposing views into self-censorship and/or exile through violent acts committed with virtual impunity.[104]

In an August 2016 submission to the UN Human Rights Council the Asian Legal Resource Centre noted that with regards to access to justice for state perpetrated violence, particular enforced disappearances that:

> The process of seeking justice is encountered with numerous hurdles. The police refuse to register complaints that accuse the personnel of the law-enforcement agencies and paramilitary forces. Lawyers, those who practice in the Magistrate's Courts, do not want to risk their life by helping the families of the disappeared victims in filing complaints against the law-enforcement agencies. Instead, both the police and the lawyers suggest that if the complaints are re-written by removing the names of the law-enforcement agencies and replacing "disappearances" by "kidnapping", then the complaints might be registered, provided that adequate bribes are paid to the police. Credible

[102] United States Institute of Peace, *Electing Peace: What Works in Preventing Election Violence*, 14 March 2016

[103] International Crisis Group, *Political Conflict, Extremism and Criminal Justice in Bangladesh*, 11 April 2016, *V B. Policing and Political Interference p.15*

[104] International PEN, the Center for Inquiry, the International Press Institute, Reporters Sans Frontiers, European Humanist Federation, International Humanist and Ethical Union, Freemuse, nongovernmental organizations in special consultative status, the International Publishers Association, non-governmental organization on the roster, *Bangladesh: Urgent, concrete steps required to protect freedom of expression*, 8 June 2016

> investigation of the cases is impossible in the existing justice institutional system. And, thus, not a single case of disappearance has been investigated properly. Most victims are afraid to register complaints, as their families start facing constant surveillance, intimidations, and threats since their dear ones are disappeared by State agents. Apart from the intimidation, filling a case will open the window for the police and prosecutors to extort bribes that may make them bankrupt in the long run.[105]

a. To what extent is the AL in control of the state apparatus, including the judiciary, law enforcement agencies and the security forces?

The 2016 Bertelsmann Foundation report (covering the period from 1 February 2013 to 31 January 2015) described a "partisan influence over the civil administration –including law enforcing agencies", as amongst the "principal causes for the continuing deterioration of law and order".[106]

The Asian Human Rights Commission considered in its annual report on Bangladesh for 2015 that "Always, the ruling politicians and their powerful allies control the police from centralised and decentralised hierarchies. They control and influence the process of recruitment, posting, promotion, and rewarding of the police, preferring nepotism and corruption against merits and professional competence".[107] Freedom House's annual report for 2015 stated that amongst other issues, "political polarization" has "long undermined government accountability" and that "anticorruption efforts have been weakened by politicized enforcement and subversion of the judicial process".[108]

The U.S. State Department report covering events in 2015 considered that "Authorities failed at times to maintain effective control over security forces".[109] The same source further explained that:

> Police, who fall under the jurisdiction of the Ministry of Home Affairs, have a mandate to maintain internal security and law and order. The Police Special Branch has immigration jurisdiction, while the Border Guard Bangladesh and coast guard--under the same ministry--enforce the country's borders. The army, organized under the Prime Minister's Office, is responsible for external security, but can be called to help with a variety of domestic security responsibilities when required "in aid to civil authority." The army and ministry security forces maintained a significant presence in the Chittagong Hill Tracts (CHT) to monitor the 1997 CHT Peace Accord.
>
> Civilian authorities maintained effective control over the military, and the government has mechanisms to investigate and punish abuse and corruption within the security forces. These mechanisms were not regularly employed, however. The government took steps to improve police professionalism, discipline, training, and responsiveness and to reduce corruption. Police basic training continued to incorporate instruction on the appropriate use of force as part of efforts to implement community-based policing.
>
> Despite such efforts, security forces, including the RAB [Rapid Action Battalion], continued to commit abuses with impunity. Plaintiffs were reluctant to accuse police in criminal cases due to lengthy trial

[105] Asian Legal Resource Centre, *BANGLADESH: Enforced Disappearances should not be taken for granted*, 29 August 2016
[106] Bertelsmann Foundation, *BTI 2016; Bangladesh Country Report*, 2016, *1. Stateness p.5*
[107] Asian Human Rights Commission, *Asia Report 2015: Bangladesh*, 2015, *p. 2*
[108] Freedom House, *Freedom in the World 2016 - Bangladesh*, 24 May 2016
[109] U.S. State Department, *Country Reports on Human Rights Practices for 2015: Bangladesh*, 13 April 2016, *Executive Summary*

> procedures and fear of retribution. Reluctance to bring charges against police also perpetuated a climate of impunity. [110]

The International Crisis Group noted in a February 2015 report with regards to politicised justice within the law enforcement apparatus that "When in government, the AL (like the BNP) has tended to respond to civil agitation, even when grievances are legitimate, by using and strengthening the state's coercive arm" and that "The RAB [Rapid Action Battalion] has come to symbolise heavy-handed, politically-motivated law enforcement".[111] Further describing the RAB it noted that:

> The AL had opposed its 2004 creation by the BNP government and called for its disbandment. Today, the 9,000-strong force, comprising fourteen battalions from the police, border and coast guards and other agencies, but especially the military, is the most prominent and feared security agency. It is headed by the police inspector general, but, circumventing the home ministry, personnel are administratively controlled by their parent institutions.[112]

In September 2016 Human Rights Watch issued a report on '"Kneecapping" and Maiming of Detainees by Bangladesh Security Forces' which noted with regards to the RAB that:

> Despite promises of accountability by a series of governments—including the last one led by the BNP, which created RAB in 2004; the subsequent military-backed caretaker regime; and the current government of the Awami League, in power since 2009—RAB continues to operate as a death squad with impunity. Although RAB is officially led by a senior police officer, in practice RAB is run by the military as the police are treated as subservient to the army. Human Rights Watch has called upon the government to disband RAB and replace it with a rights respecting civilian force.[113]

In December 2015 the Islamic Human Rights Commission submitted an Alternative Report on the Implementation of the International Covenant on Civil and Political Rights which considered that "It is clear that instead of strengthening and protecting its independence, Awami League governments have seen the judiciary as an effective tool with which to attack the political opposition. Successive Awami League governments have deliberately packed the higher levels of the judiciary with those lawyers closely affiliated with the ruling party. To date the Awami League has appointed scores of judges to the High Court Division of Bangladesh".[114] The 2016 Bertelsmann Foundation report similarly noted that "Despite the official separation of the judiciary from the executive, some critical aspects of independence have yet to be achieved. Issues such as the basis of judicial appointments, security of tenure, and the ongoing patterns of political patronage and interference remain unaddressed".[115]

An April 2016 International Crisis Group report considered that "Bangladesh's law enforcement and judicial system is tasked with suppressing the Awami League (AL) government's political rivals, while also countering criminality and violent extremism. Over-stretched, it is failing both to enforce the law and to stabilise the polity. Current law and order challenges are largely rooted in the intense

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[110] U.S. State Department, *Country Reports on Human Rights Practices for 2015: Bangladesh*, 13 April 2016, *Section 1.d. Role of the police and security apparatus*

[111] International Crisis Group, *Mapping Bangladesh's Political Crisis*, 9 February 2015, *IV. C. 2. The law enforcement apparatus p.16*

[112] International Crisis Group, *Mapping Bangladesh's Political Crisis*, 9 February 2015, *IV. C. 2. The law enforcement apparatus p.17*

[113] Human Rights Watch, *"No Right to Live" "Kneecapping" and Maiming of Detainees by Bangladesh Security Forces*, 28 September 2016, *I. Background: Security Forces Abuse and Lack of Accountability p.10*

[114] Islamic Human Rights Commission, *NGO Alternative Report on the Implementation of the International Covenant on Civil and Political Rights (Adoption of List of Issues) 116th Session (7 March 2016); Bangladesh*, 23 December 2015, *AWAMI LEAGUE'S UNDERMINING of INDEPENDENT JUDICIARY*

[115] Bertelsmann Foundation, *BTI 2016; Bangladesh Country Report*, 2016, *3. Rule of Law p.9*

rivalry between the government and its political opposition, the Bangladesh Nationalist Party (BNP) and its Jamaat-e-Islami ally".[116] The same source explained with regards to Policing and Political Interference that:

> A legal scholar noted that the AL and BNP have both relied on the law enforcement apparatus to strengthen their "right to rule" instead of the "rule of law". The police are widely perceived as politicised, corrupt and inept. Police recruitment and appointments are largely on partisan grounds, and parliamentarians regularly interfere in postings and transfers of officers in their constituencies. Most senior and midlevel positions are filled by officers who demonstrate allegiance to ruling parties and take their cues from the government of the day. While appointments and transfers of low-ranking officers up to inspector are done internally, the home ministry controls these, and promotions, for assistant superintendents and above.
> Many top officials, such as the inspector general, the Dhaka police chief, national police spokesperson and heads of elite forces such as the RAB reportedly have direct links to the prime minister or her office. Senior officials also often influence investigations, driven by partisanship, nepotism or financial gain; public statements by the prime minister or ministers identifying or supporting suspected perpetrators hamper investigations, and charges are often politicised.[117]

In June 2016 the Asian Legal Resource Centre submitted to the UN Human Rights Council that "The law enforcement system is utterly coercive, lacking any system of checks and balances, and coupled with impunity, existing solely for the purpose of perpetuating the power of those at the helm in the ruling parties".[118] A further June 2016 submission by the same source to the UN Human Rights Council considered that "The governments of the day uses law-enforcement agencies and security forces to silence the opposition and any individual or groups that it wishes to eliminate for its own benefit. Integral to that purpose, the government also subjugates the judicial institutions so that there is no challenge that the Executive authorities are forced to face. By controlling the recruitment, promotion, and postings of judges, prosecutors, state attorneys, police and paramilitary officers, the Executive authorities make sure that everyone behaves the way the government wants".[119] Furthermore, "Substandard lawyers, lacking merit and efficiency, having allegiance with the ruling political camps, are recruited as prosecutors and fail to maintain the standards of fair trial".[120]

A November 2016 Minority Rights Group International report on the challenges facing religious minorities in Bangladesh noted with regards to access to protection that "At present, a recurrent problem is the failure of police to adequately investigate or even recognize allegations of rights abuses, including serious incidents such as physical assault or abduction, leaving victims and their families with no legal recourse. The persistent problem of impunity for those responsible for crimes such as land grabbing, intimidation and even murder has been an essential element in the continued abuse of minorities. […] This problem is illustrated by the recurrence of targeted post-election unrest, a cycle that Bangladesh has so far failed to break".[121]

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[116] International Crisis Group, *Political Conflict, Extremism and Criminal Justice in Bangladesh*, 11 April 2016, *I. Introduction p. 1*

[117] International Crisis Group, *Political Conflict, Extremism and Criminal Justice in Bangladesh*, 11 April 2016, *V B. Policing and Political Interference p.14*

[118] Asian Legal Resource Centre, *BANGLADESH: Justice mechanisms require re-engineering*, 3 June 2016

[119] Asian Legal Resource Centre, *Written statement* submitted to the UN Human Rights Council by the Asian Legal Resource Centre, a non-governmental organization in general consultative status BANGLADESH: Democracy and competent justice mechanisms needed to stop extrajudicial executions*, 2 June 2016

[120] Asian Legal Resource Centre, *Written statement* submitted to the UN Human Rights Council by the Asian Legal Resource Centre, a non-governmental organization in general consultative status BANGLADESH: Democracy and competent justice mechanisms needed to stop extrajudicial executions*, 2 June 2016

[121] Minority Rights Group, *Under threat: The challenges facing religious minorities in Bangladesh*, 17 November 2016, *4.4 The problem of impunity and the status of rights implementation p.19*

b. Are law enforcement agencies and security forces affected by corruption?

According to a March 2015 Asian Legal Resource Centre submission to the UN Human Rights Council, "Overwhelming politicised recruitment in law enforcement agencies, in all branches of the Judiciary, military and paramilitary forces, intelligence agencies, Election Commission, and civil bureaucracy have entangled public life in Bangladesh with inconceivable harassment and relentless repression. The subjugated institutions have learned to serve the ruling elites of the day allowing them to gain undeserved wealth, power, and privilege at the cost the vast majority of the people".[122] Similarly, the Asian Human Rights Commission considered in its 2015 annual report on Bangladesh that:

> The political and financial elites intervene in the process of complaint registration, criminal investigation, forensic examination, arrest and detention of persons, release from detention, fabrication of cases, and dropping of all charges, on a daily basis, across the country. This practice has contributed to embed a culture of impunity so deep that the judicial institutions act subjectively when the crimes of the law-enforcement agencies come to the courts for adjudication.
> The police, ultimately, enjoy impunity as long as they serve the ruling elites. The police are sure of their job-security if they keep their political masters satisfied. As a result, the entire institution has lost its "chain of command" and has instead a "chain of corruption". […]
> Policing in Bangladesh to the police is: more case, more arrests, more torture, and more money through bribery. Unsatisfactory payment or failure to pay demanded amount of money brings extended detention, fabricated cases, permanent disability, or extrajudicial death, without the personnel who commit these crimes suffering any repercussions.[123]

The same source further considered that "The 'independence' of Bangladesh's Judiciary is still an illusion. […] The recruitment, elevation, promotion, and posting of Judges of all branches mostly take place from a political perspective so that the ruling political party of the day benefits from the process".[124]

Freedom House's annual report for 2015 stated that "Endemic corruption and criminality, weak rule of law, limited bureaucratic transparency, and political polarization have long undermined government accountability. […] Bangladesh was ranked 139 out of 168 countries and territories surveyed by Transparency International's 2015 Corruption Perceptions Index. Under the AL government, anticorruption efforts have been weakened by politicized enforcement and subversion of the judicial process".[125] The same source stated that "Politicization of the judiciary remains an issue despite a 1999 Supreme Court directive ordering the separation of the judiciary from the executive. Political authorities have continued to make appointments to the higher judiciary, in some cases demonstrating an overt political bias. Harassment of witnesses and the dismissal of cases following political pressure are also of increasing concern".[126] Furthermore, "Suspects are routinely subject to arbitrary arrest and detention, demands for bribes, and physical abuse by police".[127]

The 2016 Bertelsmann Foundation report noted that "Corruption remains an endemic problem in Bangladesh, permeating all levels of society. […] Misuse of public office for personal gain, nexus

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[122] Asian Legal Resource Centre, *BANGLADESH: Government promotes extrajudicial executions to silence political dissent*, 3 March 2015, *paragraph 6*
[123] Asian Human Rights Commission, *Asia Report 2015: Bangladesh*, 2015, *p. 3*
[124] Asian Human Rights Commission, *Asia Report 2015: Bangladesh*, 2015, *p. 8-9*
[125] Freedom House, *Freedom in the World 2016 - Bangladesh*, 24 May 2016
[126] Freedom House, *Freedom in the World 2016 - Bangladesh*, 24 May 2016
[127] Freedom House, *Freedom in the World 2016 - Bangladesh*, 24 May 2016

between politicians, law enforcement authorities and businessmen and bribery have become political norms".[128]

The U.S. State Department report covering events in 2015 considered that "government took steps to improve police professionalism, discipline, training, and responsiveness and to reduce corruption" but "Despite such efforts, security forces, including the RAB, continued to commit abuses with impunity. […] The inspector general of police continued to train police to address corruption and create a more responsive police force. No assessment of the training's effect on corruption within the police force was available".[129]

The same source further noted "Corruption and a substantial backlog of cases hindered the court system, and the granting of extended continuances effectively prevented many defendants from obtaining fair trials due to witness tampering, victim intimidation, and missing evidence. Human rights observers stated that magistrates, attorneys, and court officials demanded bribes from defendants in many cases. […] The law provides for the right to a fair trial, but the judiciary did not always protect this right due to corruption and weak personnel and institutional capacities. Judges received base pay from 29,200 taka ($365) to 39,600 taka ($495) per month, depending on qualifications. Prosecutors' low monthly retainer of 3,000 taka ($37.50) plus 200 taka ($2.50) per hour spent in court led some to accept bribes to influence the outcome of a case. […] The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. Officials frequently engaged in corrupt practices with impunity. […] The government subjected the judiciary to political pressure […] and cases involving opposition leaders often proceeded in an irregular fashion".[130]

A February 2016 Asian Legal Resource Centre submission to the UN Human Rights Council stated that "Widespread, deep corruption and political servitude of judges are the two defining characteristics of the Bangladesh Judiciary".[131]

An April 2016 International Crisis Group report considered that "The police are widely perceived as politicised, corrupt and inept. […] Senior officials also often influence investigations, driven by partisanship, nepotism or financial gain; public statements by the prime minister or ministers identifying or supporting suspected perpetrators hamper investigations, and charges are often politicised".[132] Furthermore, "Executive interference in the judiciary is rampant. While ruling party members and supporters in effect remain above the law, with the police often refusing to file complaints against them, some use their political influence to push cases through the system for a price. Judges are harassed by prosecutors and have been transferred or threatened with administrative action by law ministry officials for granting bail to opposition activists or giving perceived adverse rulings in politically-sensitive cases".[133]

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[128] Bertelsmann Foundation, *BTI 2016; Bangladesh Country Report*, 2016, *1. Stateness p.5*
[129] U.S. State Department, *Country Reports on Human Rights Practices for 2015: Bangladesh*, 13 April 2016, *Executive Summary* and *Section 4. Corruption and Lack of Transparency in Government*
[130] U.S. State Department, *Country Reports on Human Rights Practices for 2015: Bangladesh*, 13 April 2016, *Section 1.e.Denial of Fair Public Trial* and *Section 4. Corruption and Lack of Transparency in Government*
[131] Asian Legal Resource Centre, *Written statement* submitted to the UN Human Rights Council by the Asian Legal Resource Centre, a non-governmental organization in general consultative status, ASIA: Situation of human rights defenders in China, Thailand, and Bangladesh*, 19 February 2016
[132] International Crisis Group, *Political Conflict, Extremism and Criminal Justice in Bangladesh*, 11 April 2016, *V B. Policing and Political Interference p.14*
[133] International Crisis Group, *Political Conflict, Extremism and Criminal Justice in Bangladesh*, 11 April 2016, *D. Judicial Challenges, 1. Politicisation of the judiciary and provision of justice p.18*

In June 2016 Transparency International Bangladesh issued the results of its 2015 National Household Survey 2015 on Corruption In Service Sectors. The report concluded that "The sectors that occupy the top position in term of incidence of corruption include passport services (77.7%), law enforcement agencies (74.6%), education (60.8%), BRTA (60.1%), land administration (53.4%), judicial services (48.2%), health (37.5%)".[134] With regards to corruption in law enforcement agencies the report found (original emphasis):

> The total size of the sample as calculated by adding samples from all strata i.e. 64 districts and Dhaka and Chittagong cities stands at 15,840. […]
> **Services received**: The survey shows that 9.9% of the surveyed households received services from different law enforcement agencies. Among them, the largest portion (65.6%) received services from police stations, followed by the Traffic Police (17.2%) and Special Branch (13.8%). Another 7.3% of the households received services from other agencies such as Highway Police, CID, Ansar, RAB, Detective Branch, check post police, Court Police or local camp police.
> **Victims of corruption and irregularities**: Among the households that received service from this sector, 74.6% were victims of corruption - from rural areas 74.3% were victims of corruption while for urban service recipients it was 75.2%. Giving bribe was the major type of corruption as faced by 65.9% households, followed by misdemeanour or intimidation (6.5%), filing false cases against them (5.3%), arresting without any valid reason (2.6%), negligence in filing GD or FIR (2.2%), submission of false charge sheet (2.2%), delay in police verification or giving false information in verification (1.7%) and harassment or delaying service (1.0%).[…]
> **Corruption by agencies**: The largest number of households became victim by traffic police (84.4%), followed by special branch (78.5%) and other agencies (81.2%). The least number of households faced corruption from Police Stations (70.5%).
> **Percentage and amount of bribe**: Among the households that received services from the law enforcement agencies, the highest (79.6%) bribed the traffic police followed by Special Branch (74.2%). The lowest (60.0%) paid bribes to police stations. […]
> Of the households that paid bribes to the law enforcement agencies, the highest amount paid is to the police stations (on average Tk 7,697) followed by traffic police (Tk 2,823). The lowest amount they paid on average is to the Special Branch (Tk 942). Other agencies were paid an average of Tk 5,493. […] Percentage of bribes according to services: The bribe paying households gave the highest amount for traffic related services (77.7%), followed by Vehicle requisition and Car detention (76.3%), for getting police verification/ clearance certificate (74.5%), and for filing FIR or case (73.7%). The least bribe was paid for security related service (19.1%). Moreover, bribe had to be paid for arrest (69.7%), GD (61.9%), investigation (55.9%), charge sheet related (48.4%), verbal complaint (39.7%) and other services (52.5%). The highest amount of bribe was paid for charge sheet related services (Tk 17,492 on average) and the lowest amount was paid for police verification/ clearance (Tk 945 on average).[…]
> Reasons for paying bribe: Among the households that had to pay bribes in this sector, 77% informed that they paid the bribe 'because otherwise they would not get the service'. Other reasons for giving bribes include receiving service on time (28.1%), getting service legally (19.5%), getting service illegally (12.9%), getting service before the stipulated time (1.5%) and other reasons (8.2%).[135]

Also in June 2016 the Asian Legal Resource Centre submitted to the UN Human Rights Council that "In Bangladesh, due to a long history of the Judiciary being under the thumb of the Executive and the timely reminders that are made available for compliance with the corrupt and slavish practices, the basic notion of "independence" has not been cultivated within the Judiciary. The grooming of judges and lawyers is such that the judicial officers see themselves as servants of the government in power and thus complying with the wishes of the Executive's is 'normal'".[136] The same source further noted that "The fate of the registration of a complaint depends on the unlawful whims of the

[134] Transparency International Bangladesh, *Corruption In Service Sectors: National Household Survey 2015*, June 2016, *4. Conclusion and Recommendations p.46*
[135] Transparency International Bangladesh, *Corruption In Service Sectors: National Household Survey 2015*, June 2016, *3.2 Law Enforcement Agencies p.21-23*
[136] Asian Legal Resource Centre, *BANGLADESH: Justice mechanisms require re-engineering*, 3 June 2016

police; even though complaints can be lodged with Magistrate Courts, as such Courts do not have any intention of upholding the principles of fair trial, they let the police to play games with the complaints. As it is the same police that possess statutory authority over the process of crime investigation, the system is torturous, coercive, and having an in built chain of corruption from top to bottom. Incorporating modern scientific technologies and well-equipped forensic medicine system, such as DNA profiling infrastructures that are easily accessible, into crime investigation has been deliberately made a low priority in successive governments in Bangladesh".[137]

In an August 2016 submission to the UN Human Rights Council the Asian Legal Resource Centre submitted to the UN Human Rights Council with regards to enforced disappearances that:

> The justice institution has been contributing to make itself dysfunctional and incapable of upholding justice. In reality, the justice institution facilitates the process of creating authoritarian rulers in Bangladesh. The long-cherished practice of politicized recruitments, elevations, and promotions in the justice institutions, particularly the Judiciary as a whole, the Prosecution and State Attorney system, and law-enforcement agencies, in successive tenures, has brought the institutions to their worst state in the history of the country. Now, most of the Judges, State-Attorneys, Prosecutors, and Police officers are the direct beneficiaries of the incumbent authoritarian government. So, these beneficiaries want to maintain the status quo for their own individual interests, while very few of them, who believe in the principles of justice and are interested to uphold the norms, merely survive with high degree of demoralization, fearing the consequences that may go beyond their ability to manage in the given condition.[138]

In September 2016 Human Rights Watch issued a report on '"Kneecapping" and Maiming of Detainees by Bangladesh Security Forces' which noted that of the people interviewed for the report "Many admitted that their family members had paid bribes to obtain bail, prevent additional human rights abuses in custody, or ensure medical treatment".[139] Similarly, Odhikar, reporting on a June 2016 special drive across the country to arrest 'extremists' in which 15,576 people were detained noted that "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. […] Police were also alleged to have been asking for money for the release of arrestees".[140]

In a September 2016 submission to the UN Human Rights Council the Asian Legal Resource Centre noted that "The policing system of Bangladesh maintains the century-old practice of arresting people on 'suspicion'. The police and the paramilitary forces, such as the Rapid Action Battalion (RAB) and Border Guards Bangladesh (BGB), routinely arrest and detain. Following the commission of an 'offence', the police are reluctant to collect admissible evidence regarding the crimes concerned. Instead, they randomly arrest people at their will and later show the detainees 'arrested' in criminal cases. A detainee can be implicated in one or more criminal cases depending on the bargains of bribery, political affiliation, and intervention in the process. Torture is inseparable from arrest and detention in the country".[141]

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[137] Asian Legal Resource Centre, *BANGLADESH: Justice mechanisms require re-engineering*, 3 June 2016
[138] Asian Legal Resource Centre, *BANGLADESH: Enforced Disappearances should not be taken for granted*, 29 August 2016
[139] Human Rights Watch, *"No Right to Live" "Kneecapping" and Maiming of Detainees by Bangladesh Security Forces*, 28 September 2016, *Summary p. 2-3*
[140] Odhikar, *Six-Month Human Rights Monitoring Report 2016*, 24 October 2016, *paragraph 30*
[141] Asian Legal Resource Centre, *BANGLADESH: UN can assist government reform justice institutions to protecting people from arbitrary detention*, 1 September 2016

c. Do law enforcement agencies, including the police, fulfil their role regardless of the political affiliation of civilians?

Reporting on political violence following the January 2015 transport blockades, Amnesty International considered that "Authorities have not launched impartial and thorough investigations into these attacks; instead, they have simply put the blame on opposition leaders and supporters".[142] The International Crisis Group noted in a February 2015 report with regards to politicised justice within the law enforcement apparatus that "Several human rights activists and crime reporters alleged that officers regularly took bribes from detained political workers in return for release and that those who failed to pay might be tortured or even killed".[143]

Odhikar, reporting on the September 2015 by-election in Dohar Upazila noted that activists of Awami League, Jubo League and Chhatra League "forcibly ousted the polling agents of the candidates supported by BNP and Independent candidates from different polling stations and intimidated voters. BNP supported candidate Sirajul Islam and independent candidate Mehbub Karim said that they did not get any assistance from RAB [Rapid Action Battalion], BGB [Border Guard Bangladesh] or the police in this regard".[144] With regards to the February 2016 municipality elections the same source noted that "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 [an auxiliary force] members".[145]

The Asian Human Rights Commission considered in its annual report for 2015 on Bangladesh that "The police do not have any overall goal or intention of providing or assisting the process of justice for the citizens at large. For example, the police fabricate and facilitate the process of fabrication of enormous number of criminal cases against the political opposition and the critics of the government to satisfy the ruling party of the day".[146]

In a January 2016 article the United States Institute of Peace, identifying a number of weaknesses in Bangladesh's electoral process, noted that "Elements of the country's police and army operate as political militias rather than provide nonpartisan security. Allegations of extrajudicial killings, arbitrary arrests, and opposition harassment damage the legitimacy of the democratic process. Efforts should be made to ensure a nonpartisan security sector".[147]

Odhikar reporting on the human rights situation in the first 6 months of 2016 noted "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".[148] In its August 2016 human rights monitoring report Odhikar noted that "Members of the ruling Awami League party and its various branches are getting away with

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[142] Amnesty International, *Bangladesh: Human Rights Deteriorate as Political Violence Escalates*, 20 January 2015

[143] International Crisis Group, *Mapping Bangladesh's Political Crisis*, 9 February 2015, *IV. C. 2. The law enforcement apparatus p.17*

[144] Odhikar, *Annual Human Rights Report 2015 : Odhikar Report on Bangladesh*, 16 November 2016, *paragraph 10*

[145] Odhikar, *Six-Month Human Rights Monitoring Report 2016*, 24 October 2016, *paragraph 10*

[146] Asian Human Rights Commission, *Asia Report 2015: Bangladesh*, 2015, *p. 2*

[147] United States Institute of Peace, *Preventing Violent Extremism through Inclusive Politics in Bangladesh*, 14 January 2016

[148] Odhikar, *Six-Month Human Rights Monitoring Report 2016*, 24 October 2016, *paragraphs 26*

committing various offences due to the fact that the police are explicitly or impliedly assisting them and not the victims. This makes such crimes human rights violations as well".[149]

In a September 2016 submission to the UN Human Rights Council the Asian Legal Resource Centre noted that "Having any political affiliation may determine the fate of the detainee at different stages of the process. For example, if someone is affiliated to the ruling political party, the detainee may be lucky to get an influential leader to intervene in his/her favour. Such intervention will be very effective for the detainee's quick release from police custody, prior to being produced before a Magistrate or being transferred to a prison. The fate would be just the opposite for a detainee who may have affiliation with the opposition party, or have no affiliation with any political group. The pro-opposition or a-political detainees will rarely get bail without approaching the Supreme Court. As a matter of fact, the Attorney General has been pro-actively halting the release of the detainees, despite the Supreme Court's orders, doing so by sending electronic messages to the prison authority claiming, 'the State plans to appeal against the release order'".[150]

In October 2016 Human Rights Watch reported that "Bangladeshi authorities should immediately release three children of opposition leaders convicted of war crimes who were forcibly disappeared and have been illegally detained since August 2016. […] Bangladesh law enforcement authorities have a long history of politically motivated arrests and disappearances, including detaining people and then denying that the person is in custody".[151] Describing the enforced disappearance of Humam Quader Chowdhury, a senior member of the BNP, the same source noted that "Immediately after the arrest, his mother tried to file a general diary complaint, the standard first report of transgressions filed with the police, but the police said they would need permission 'from above' to accept the report".[152] Also in October 2016 the Independent (Bangladesh) reported that "Neither law enforcers nor the party has taken any action against two leaders of Bangladesh Chhatra League (BCL), associate student body of the Awami League (AL), who were seen carrying firearms during a clash in the capital's Gulistan area".[153]

In its November 2016 human rights monitoring report, Odhikar noted that "Leaders and activists of the Awami League at different levels, including Chhatra League and Jubo League, are involved in criminal activities due to the absence of an accountable government created as a result of controversial elections. The volume of such criminalisation has reached a level where they are now attacking ordinary people and citizens belonging to minority communities. The Chhatra League and Jubo League were involved in several incidents of internal conflict which were linked to vested interest; and mainly occurred using political influence. In almost all cases, they got away with their criminal activities".[154]

[149] Odhikar, *Human Rights Monitoring Report August 1 – 31, 2016*, 1 September 2016, *paragraph 33*
[150] Asian Legal Resource Centre, *BANGLADESH: UN can assist government reform justice institutions to protecting people from arbitrary detention*, 1 September 2016
[151] Human Rights Watch, *Bangladesh: End Arbitrary and Secret Arrests - Opposition Leaders' Sons Detained in August, But Government Pretends Not in Custody*, 12 October 2016
[152] Human Rights Watch, *Bangladesh: End Arbitrary and Secret Arrests - Opposition Leaders' Sons Detained in August, But Government Pretends Not in Custody*, 12 October 2016
[153] Independent (Bangladesh), *No action against two gun-toting BCL leaders*, 29 October 2016
[154] Odhikar, *Human Rights Monitoring Report November 1 – 30, 2016*, 1 December 2016, *paragraph 2*

d. State treatment of (perceived) BNP members

According to the Assessment Capacities Project's politics and security overview, "Bangladesh's political environment is tense. The Awami League has ruled Bangladesh since 2008, when elections ended two years of interim military rule. Since winning disputed elections in 2014, the government has responded with an increasingly heavy hand to challenges from its main rival, the Bangladesh National Party (BNP)".[155]

Amnesty International explained that in 2015, "the BNP announced plans for protest rallies from 5 January to mark its opposition to the outcome of those elections, calling on the government to resign and for new elections to take place. Government supporters also began preparing for counter rallies. Police banned all rallies, saying this was to prevent violent clashes between government and opposition supporters. In response, the BNP called on its supporters to observe an indefinite nationwide blockade on cars and buses until the ban was lifted. In addition, police cordoned off the office the BNP leader, Begum Khaleda Zia for more than two weeks from 3 January".[156] The same source described that "At least two people were reported killed on 7 January when police opened fire on BNP supporters in the southern district of Noakhali. […] Opposition leaders have been detained arbitrarily in what appears to be solely for the peaceful exercise of their right to freedom of assembly. Detective Branch of Police took Mirza Fakhrul Islam Alamgir, BNP's Acting Secretary General, into custody on 6 January".[157]

The U.S. State Department report covering events in 2015 reported on political violence during nearly three months of the nationwide blockade and general strikes noting that "Thousands of arrests of BNP activists and allegations of extrajudicial killings, deliberate shootings in the leg by police, and claims of torture accompanied the violence".[158] According to Human Rights Watch, in response to the BNP violent protests, "the government cracked down on opposition members, naming hundreds of them as suspects in violent attacks".[159] Furthermore "Security forces were responsible for serious abuses, including arbitrary arrests, torture, enforced disappearances, and killings".[160]

The Islamic Human Rights Commission reported that "On January 6, 2015 Mirza Fakhrul Islam Alamghir, the acting secretary general of the BNP, was arrested as he left the press club in Dhaka, for allegedly organising a protest the previous day that led to the deaths of four people and dozens of injuries. Two activists were shot dead in clashes between activists from the ruling party and security forces. Another two died the same day at the hands of security forces. Several other BNP leaders have been arrested as well. The authorities have also targeted media perceived to be sympathetic to the opposition".[161] Odhikar reported that "On January 13, 2015 a team of Detective Branch (DB) police arrested BNP's Information and Research Secretary, Habibur Rahman Habib from outside the

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[155] Assessment Capacities Project, *Bangladesh: Politics and Security*, last updated 18 October 2016

[156] Amnesty International, *Bangladesh: Human Rights Deteriorate as Political Violence Escalates*, 20 January 2015

[157] Amnesty International, *Bangladesh: Human Rights Deteriorate as Political Violence Escalates*, 20 January 2015

[158] U.S. State Department, *Country Reports on Human Rights Practices for 2015: Bangladesh*, 13 April 2016, *Section 1.a. Arbitrary or Unlawful Deprivation of Life*

[159] Human Rights Watch, *"No Right to Live" "Kneecapping" and Maiming of Detainees by Bangladesh Security Forces*, 28 September 2016, *Summary p. 5*

[160] Human Rights Watch, *"No Right to Live" "Kneecapping" and Maiming of Detainees by Bangladesh Security Forces*, 28 September 2016, *Election-Related Political Violence p. 12-13*

[161] Islamic Human Rights Commission, *NGO Alternative Report on the Implementation of the International Covenant on Civil and Political Rights (Adoption of List of Issues) 116th Session (7 March 2016); Bangladesh*, 23 December 2015, *CRACKDOWN AGAINST POLITICAL OPPOSITION AND MEDIA*

studio of Channel 24, after he had taken part in a talk-show. In that talk-show, Habibur Rahman Habib had criticized the government strongly for confining BNP Chairperson Khaleda Zia".[162]

Freedom House's annual report for 2015 stated that "Ruling party harassment of the opposition BNP and JI parties remained widespread in 2015. Many BNP party leaders were imprisoned, under house arrest, living in hiding or exile, or facing serious legal charges that could bar them from office. […] A monthlong series of mass opposition protests, hartals (strikes), and transport blockades in early 2015 left more than 60 dead and dozens of others injured; more than 10,000 opposition activists were temporarily detained, and BNP leader Khaleda Zia was confined to the party headquarters for more than a month".[163] For further incidents of BNP arrests following the January 2015 strikes, see:

- South Asia Terrorism Portal, *Bangladesh Timeline Year 2015*, 2015

The U.S. State Department report covering events in 2015 considered that "While political affiliation at times appeared to be a factor in the arrest and prosecution of members of the opposition parties, the government did not prosecute individuals solely on political charges".[164] The same source further noted that "The government generally permitted rallies, but on occasion it prevented political groups from holding meetings and demonstrations. […] During the protracted election anniversary turmoil in March, authorities permitted AL processions in celebration of a national cricket team victory but refused to allow similar BNP events".[165] Moreover, "The government subjected the judiciary to political pressure […] and cases involving opposition leaders often proceeded in an irregular fashion".[166]

The South Asia Terrorism Portal reported that in March 2015, "In Chandpur District, a clash between pro-BNP Chhatra Dal activists and Police left at least five people injured at Chittalekha intersection".[167] Human Rights Watch reported that:

> State abuses took a more sinister turn on March 10, 2015, when BNP spokesperson Salahuddin Ahmed was abducted from a friend's apartment where he had been in hiding. Witnesses said the abductors identified themselves as members of the Detective Branch, while other witnesses reported RAB vehicles in the area. In May, Ahmed was found in India and charged by Indian authorities with illegal entry. He sought protection from the United Nations refugee agency (UNHCR), saying he had been abducted by unknown gunmen and feared for his life if returned to Bangladesh.
> Several other BNP supporters remain disappeared. For example, 19 BNP supporters were picked up by security forces in front of witnesses in a two week period from November 28 to December 11, 2013, during election-related protests. None of them have been returned.
> In 2012, BNP leader Elias Ali went missing, and the authorities have failed to determine his fate.[168]

According to a March 2015 Asian Legal Resource Centre submission to the UN Human Rights Council, "the Bangladesh government is abusing the country's political crisis. It has escalated arbitrary deprivation of the right to life through extrajudicial executions targeting political opposition.

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[162] Odhikar, *Annual Human Rights Report 2015 : Odhikar Report on Bangladesh*, 16 November 2016, *paragraph 55*
[163] Freedom House, *Freedom in the World 2016 - Bangladesh*, 24 May 2016
[164] U.S. State Department, *Country Reports on Human Rights Practices for 2015: Bangladesh*, 13 April 2016, *Section 1.3. Political prisoners and detainees*
[165] U.S. State Department, *Country Reports on Human Rights Practices for 2015: Bangladesh*, 13 April 2016, *Section 2.a. Freedom of Speech and Press*
[166] U.S. State Department, *Country Reports on Human Rights Practices for 2015: Bangladesh*, 13 April 2016, *Section 1.e.Denial of Fair Public Trial* and *Section 4. Corruption and Lack of Transparency in Government*
[167] South Asia Terrorism Portal, *Bangladesh Timeline Year 2015*, 2015, *1 March 2015*
[168] Human Rights Watch, *"No Right to Live" "Kneecapping" and Maiming of Detainees by Bangladesh Security Forces*, 28 September 2016, *Election-Related Political Violence p. 12-13*

Enforced disappearance has become a common phenomenon for the public. Often, bodies of political activists, who were picked up by the Detective Branch (DB) of the Police, are found with bullet wounds several days after their disappearance. As a result, almost every day, the law enforcement agencies circulate the stories of 'gun battles' after killing detainees. Several victims of such extrajudicial murder have been found to be non-political persons, and the law-enforcing agencies have killed them for their family's failure to pay the demanded sum of money".[169] Furthermore, "Since January 2015, more than 15,000 activists of the opposition have been arrested and detained in prison. All the victims have alleged being tortured in custody. In several cases, the police have arrested the wives, siblings, or parents, when the targeted opposition leader was not found at home".[170]

According to Odhikar, "104 persons were extra judicially killed, between January and June 2015. […] 19 were leaders-activists of BNP".[171] Of 26 persons that died in detention, one was reportedly affiliated to the BNP, "On May 3, 2015 a convicted prisoner of the BDR Mutiny and former MP of BNP, Nasiruddin Pintu died in Rajshahi Medical College Hospital. His family alleged that Pintu was killed intentionally by being deprived of proper Treatment".[172] In its annual report for 2015 Odhikar noted that "Of the 185 persons who were killed extra-judicially, 20 were leaders-activists of BNP and its affiliated organisations; 15 were activists of Jamaat-Shibir and its affiliated organisations; four were leaders-activists of Awami League".[173]

Reporting on enforced disappearances of BNP affiliates and BNP youth wing (Jubo Dal) members in 2015 the same source noted:

> On January 14, 2015 at around 3:00 pm, men claiming to be members of the Joint Forces conducted an operation in Mithapukur in Rangpur District and picked up Al-Amin Kabir (35), his wife Beauty Begum (30) and housemaid Moushumi (30) from their house. Al-Amin's cousin Tariqul Islam informed Odhikar that a bus was set on fire at the Mithapukur area during the ongoing blockade, on January 13, 2015. Due to this incident, on January 14, 2015 at around 2:30 pm, men from the Joint Forces wearing RAB, BGB and police uniforms, conducted an operation in their area. They attacked Al-Amin's house at around 3:00 pm; vandalized the home; dragged Al-Amin to the courtyard, tied his hands and legs and beat him severely. Al-Amin's wife Beauty and their domestic help stepped forward to save him. But they were also picked up in the car with Al-Amin. Al-Amin was a court typist and was a BNP supporter. The whereabouts of the three persons are still unknown even after six months. […]
>
> On February 12, 2015 at around 1:00 am, Nur Alam, General Secretary of Pallabi Thana unit Jubo Dal, was taken away from his elder brother's house in Gazipur by approximately 10 plain clothed armed men claiming to be members of a law enforcement agency. On February 26, Nur Alam's wife, Rina Alam, alleged in a press conference at the Dhaka Reporters Unity, that while taking her husband away from the house, the armed men told her to contact Joydevpur Police Station in the morning. She contacted the police station, hospital and DB police office but could not find Nur Alam. Since then, his whereabouts remain unknown.
>
> Joint Secretary General of BNP and former Deputy Minister Salah Uddin Ahmed was allegedly picked up by members of the law enforcement agency from a house in Sector-3 at Uttara, Dhaka. Salah Uddin's wife Hasina Ahmed informed Odhikar that Salah Uddin was operating party programmes in hiding at a residence belonging to a relative in Uttara.58 She said that security guard and caretaker of the house, Akhtaruzzaman told her that on March 10, 2015 at around 10:10 pm, two RAB cars and

[169] Asian Legal Resource Centre, *BANGLADESH: Government promotes extrajudicial executions to silence political dissent*, 3 March 2015, *paragraph 16*

[170] Asian Legal Resource Centre, *BANGLADESH: Government promotes extrajudicial executions to silence political dissent*, 3 March 2015, *paragraph 19*

[171] Odhikar, *Six-Months Human Rights Monitoring Report, 1* July 2015, *paragraphs 12 and 18*

[172] Odhikar, *Six-Months Human Rights Monitoring Report, 1* July 2015, *paragraph 41*

[173] Odhikar, *Annual Human Rights Report 2015 : Odhikar Report on Bangladesh*, 16 November 2016, *paragraph 28*

> two police cars came and parked in front of the house and blocked the road for a while. Later some men in plain clothes claiming to be the members of law enforcement agencies, entered the house forcibly and took Salah Uddin Ahmed away in blindfolds.[174]
> On November 20, 2015 Mozaffar Hossain, President of Rangpur Metropolitan unit BNP and the Vice President of the Central Committee of Jatiyabadi Muktijoddha Dal, was picked up by a group of men in plainclothes, claiming to be members of RAB, from his house in Rangpur. . On November 24, 2015, RAB-13 claimed that Mozaffar Hossain was arrested from Mohendra Nagar area of Lalmonirhat district.128 Later he was produced before the Court after showing him as arrested under Section 54129 of the Cr. P.C.[175]

With regards to deaths in detention of BNP youth wing (Jubo Dal) and volunteer wing (Sechchasebak Dal) activists in 2015 the same source noted that:

> On February 2, 2015 at around 4:00 am, Assistant Sub Inspector Tasneem of Monirampur Police Station, under Jessore District brought the bodies of two Jubo Dal activists, Yusuf Ali and Liton, to the Jessore Medical College Hospital. Police claimed that both had died in a road accident while they were preparing to throw petrol bombs. Yusuf's father Abdul Aziz said that at around 12:30 am on February 2, 2015 a group of men claiming to be police picked up Yusuf from their house. Yusuf's mother Rowshan Ara said that she went to Monirampur Police Station in the morning to search for her son. Rowshan Ara claimed that police killed her son after taking him; and were now staging a 'drama'.[…]
> On January 16, 2015 Sechchasebak Dal [Volunteer wing of the BNP] leader, Mohan Bepai Molla died in Dhaka Medical College Hospital during treatment, under the supervision of the jail authority. The brother-in-law of the deceased, Mohammad Alamin claimed that on January 12, 2015 police of Shah Ali Police Station arrested Mohan under a criminal case and beat him in the police van. Mohan was tortured the whole night in the police station. After he was produced before the Court, the Court sent him to jail. However, his physical condition did not improve and he was taken to Dhaka Medical College Hospital by the jail authorities on January 16, where he died.[176]

Odhikar reported that "On August 8, 2015 a BNP activist named Toiyab Ali Mintu (28) was allegedly shot in his leg after being arrested and severely beaten by police at Monirampur Police Station in Jessore. While under treatment in hospital, Mintu said that police started beating him in the vehicle on way to the police station. Police broke three of his fingers at the police station. Later he was shot in his left leg and taken to the hospital".[177]

Moreover "On October 8, 2015 a Chhatra Dal [Student wing of BNP) leader, Rabiul Islam Nayan (26) was allegedly shot in the leg by police in a residential hotel at Moghbazar in Dhaka".[178] Odhikar, also reporting on the 2015 municipal elections stated that "According to media reports, law enforcement agencies arrested many leaders and activities of the opposition political parties under the guise of blanket arrest, across the country ahead of the elections. In many of the municipalities, the ruling party men attacked houses of the opposition parties' leaders and activists and forced them to leave their constituency or to refrain from electoral activities".[179]

It should also be noted that as reported by Minority Rights Group International "On 18 November [2015], the Bangladesh Supreme Court rejected the death sentence appeal petitions of Ali Ahsan

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[174] Odhikar, *Six-Months Human Rights Monitoring Report, 1* July 2015, *paragraphs 45-47*
[175] Odhikar, *Annual Human Rights Report 2015 : Odhikar Report on Bangladesh*, 16 November 2016, *paragraph 42*
[176] Odhikar, *Six-Months Human Rights Monitoring Report, 1* July 2015, *paragraphs 22 and 27*
[177] Odhikar, *Annual Human Rights Report 2015 : Odhikar Report on Bangladesh*, 16 November 2016, *paragraph 31*
[178] Odhikar, *Annual Human Rights Report 2015 : Odhikar Report on Bangladesh*, 16 November 2016, *paragraph 35*
[179] Odhikar, *Municipality Elections 2015*, 28 March 2016

Mohammed Mujahid of the Jamaat-e-Islami party and Salahuddin Qader Chowdhury of the BNP, both of whom were charged with genocide for their role in killing Hindus, among other charges. Both were subsequently hanged on 22 November, despite accusations that the trials were politically motivated and allegations of procedural misconduct, including arbitrary limiting of witnesses".[180]

The U.S. State Department noted with regards to 2015 local election violence that:

> The December 30 local elections were preceded by months of arrests and other actions against opposition political figures. Polling was largely free and fair, with observers reporting irregularities in approximately 8-12 percent of polling places. There were some incidents of violence between political rivals, but regular voters were not the targets. [181]

In December 2015 the Islamic Human Rights Commission submitted an Alternative Report on the Implementation of the International Covenant on Civil and Political Rights which considered that the Awami League's "tenure has been characterised by a witchhunt against the opposition, particularly the Jammat-e-Islami and the Bangladesh National Party".[182]

2016

Odhikar reporting on the human rights situation in the first 6 months of 2016 noted "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: 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".[183] The same report noted that "Of the 74 persons who were killed extra-judicially, three were leaders-activists of BNP".[184]

An April 2016 International Crisis Group report noted that "The political conflict between the AL and BNP has resulted in high levels of violence and a brutal state response. The government's excesses against political opponents and critics include enforced disappearances, torture and extra-judicial killings. Police tasked with targeting the government's rivals and an overstretched justice system compelled to prosecute opposition leaders and activists now also face a renewed threat from violent extremists. […] Politicising the police and using elite forces, particularly the Rapid Action Battalion (RAB), to silence political dissent, are laying the seeds of future violence".[185] Furthermore, "the AL government continues to deny the opposition legitimate avenues for participation and dissent. In 2015, it suspended some 500 BNP-backed local government representatives and replaced them with pro-AL officials. Thousands of criminal cases have been lodged against opposition members and

[180] Minority Rights Group International, *State of the World's Minorities and Indigenous Peoples 2016 Events of 2015*, April 2016
[181] U.S. State Department, *Country Reports on Human Rights Practices for 2015: Bangladesh*, 13 April 2016, *Section 3 Elections and Political Participation*
[182] Islamic Human Rights Commission, *NGO Alternative Report on the Implementation of the International Covenant on Civil and Political Rights (Adoption of List of Issues) 116th Session (7 March 2016); Bangladesh*, 23 December 2015
[183] Odhikar, *Six-Month Human Rights Monitoring Report 2016*, 24 October 2016, *paragraphs 24-25*
[184] Odhikar, *Six-Month Human Rights Monitoring Report 2016*, 24 October 2016, *paragraph 23*
[185] International Crisis Group, *Political Conflict, Extremism and Criminal Justice in Bangladesh*, 11 April 2016, *Executive Summary p.2*

activists. At least eight top BNP leaders were arrested in 2015. Zia and her son, BNP Vice Chair Tarique Rahman, face corruption and other criminal charges that could imprison them for life".[186]

A June 2016 Joint written statement submitted to the UN Human Rights Council by International PEN, the Center for Inquiry, the International Press Institute, Reporters Sans Frontiers, European Humanist Federation, International Humanist and Ethical Union, Freemuse noted that "Recent years have seen a serious decline in respect for freedom of expression and the associated rights of freedom of association, assembly and of religion or belief in Bangladesh, a member of the United Nations Human Rights Council. Deeply entrenched and widening political differences between the ruling Awami League, the opposition Bangladesh Nationalist Party and their allies are contributing to a government crackdown on freedom of expression, with Bangladesh's vibrant civil society also under attack".[187] According to Odhikar's July 2016 human rights monitoring report, "Of the 15 persons who were killed extra-judicially, one was an activist of BNP".[188]

Reporting on the terrorist attack in Dkaka in July 2016 that killed 20 people the International Federation for Human Rights summarised the government's response thus:

> Sadly, no such investigations nor judicial proceedings have taken place for the numerous attacks against activists and religious minorities in the past year. Instead, under the guise of "preventing the emergence of militancy" in Bangladesh, the Bangladesh security forces executed a wave of mass arrests two weeks ago that resulted in the detention of over 15,500 people in just seven days. However, only a small fraction of those arrested two weeks ago were suspected 'militants', and there were many reports of regular civilians being detained without a warrant and forced to pay bribes in exchange for their release. In addition, members of the political opposition and human rights activists are currently in prison or constantly threatened for speaking out against violations or being critical of the regime. The government has also recently put forth increasingly restrictive laws in the name of national security that severely restrict fundamental freedoms and target human rights defenders and dissenting voices.[189]

Similarly Minority Rights Group International considered that "The launch in June 2016 of a nationwide crackdown on militants following a series of attacks, including the murder of a senior policeman's wife, appeared to signal a shift towards a more concerted response against extremist organizations – yet the operation, which reportedly led to thousands of arrests, was also criticized by civil society groups for widespread allegations of police abuse and corruption, while BNP and Jamaat-e-Islami activists accused authorities of using the round-up to specifically target them".[190]

Human Rights Watch's September 2016 issued a report on '"Kneecapping" and Maiming of Detainees by Bangladesh Security Forces' which noted that:

> This report documents a spate of alleged "kneecappings"—deliberate shootings of detainees, typically in the lower leg—and other unlawful shootings by Bangladeshi security forces since 2013. Several

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[186] International Crisis Group, *Political Conflict, Extremism and Criminal Justice in Bangladesh*, 11 April 2016, *Executive Summary p.3*

[187] International PEN, the Center for Inquiry, the International Press Institute, Reporters Sans Frontiers, European Humanist Federation, International Humanist and Ethical Union, Freemuse, nongovernmental organizations in special consultative status, the International Publishers Association, non-governmental organization on the roster, *Bangladesh: Urgent, concrete steps required to protect freedom of expression*, 8 June 2016

[188] Odhikar, *Human Rights Monitoring Report July 1 – 31, 2016*, 1 August 2016, *paragraph 23*

[189] International Federation for Human Rights, *Terrorist attack in Bangladesh: the government must respond with justice and rule of law*, 4 July 2016

[190] Minority Rights Group, *Under threat: The challenges facing religious minorities in Bangladesh*, 17 November 2016, *4.1 The slide towards extremism p.16*

> opposition party supporters, including members of the Bangladesh Nationalist Party (BNP) and Chhatra Shibir, the student wing of Jamaat-eIslami, said that police in Bangladesh deliberately shot them after detaining them, then falsely claimed that they were shot in self-defense or during violent protests. Other people we spoke with said they were shot in public while attending or passing by anti-government demonstrations. […]
>
> Most of the people interviewed for this report were unwilling to be identified, fearing legal retribution, as almost all are facing criminal cases. Others feared arbitrary arrest, disappearance, torture, or extrajudicial killing—abuses that are all too common in Bangladesh, particularly against opposition party members.[191]

In a September 2016 submission to the UN Human Rights Council the Asian Legal Resource Centre noted that "Arbitrary detention is also unavoidable prior to any political rally or public protest. The law-enforcement agencies detain a large amount of activists, supporters of the opposition parties, as well as ordinary citizens, to silence the society, fearing a people's uprising against a repressive government".[192]

Odhikar noted in its October 2016 human rights monitoring report "Of the 19 persons who were killed extra-judicially, one was a leader of the youth wing of BNP".[193]

In October 2016 Human Rights Watch reported that "Bangladeshi authorities should immediately release three children of opposition leaders convicted of war crimes who were forcibly disappeared and have been illegally detained since August 2016. […] Bangladesh law enforcement authorities have a long history of politically motivated arrests and disappearances, including detaining people and then denying that the person is in custody".[194] It described the case of Humam Quader Chowdhury, a senior member of the BNP and son of Salahuddin Quader Chowdhury, a former leader of the BNP (who was executed in November 2015 following his conviction for war crimes):

> On August 4, 2016, he was pulled out of his car and arrested while traveling with his mother to a courthouse to attend a hearing. His mother said that several men in civilian clothing forced Chowdhury into another vehicle. They were surrounded by other armed men in uniform.
>
> The family had previously reported that on several occasions security force members had harassed and threatened security staff at the family home. Staff members eventually quit out of fear. Several family members went into hiding as a result of the repeated threats and intimidation. Humam Chowdhury had not been allowed to leave Bangladesh for the last seven years and had been turned back with no explanation at the airport each time he tried to leave.
>
> The family has had no news of Humam Chowdhury's whereabouts. Immediately after the arrest, his mother tried to file a general diary complaint, the standard first report of transgressions filed with the police, but the police said they would need permission "from above" to accept the report. A well-placed diplomatic source told the family that the government had confirmed that it was holding Humam Chowdhury and that he had not been harmed. Another source told them that he was being held by the Detective Branch's counterterrorism unit. The family is clinging to this information and rumors for hope that he is alive and well.[195]

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[191] Human Rights Watch, *"No Right to Live" "Kneecapping" and Maiming of Detainees by Bangladesh Security Forces*, 28 September 2016, *Summary p. 2-3*

[192] Asian Legal Resource Centre, *BANGLADESH: UN can assist government reform justice institutions to protecting people from arbitrary detention*, 1 September 2016

[193] Odhikar, *Human Rights Monitoring Report October 1 – 31, 2016*, 1 November 2016, *paragraph 20 (2)*

[194] Human Rights Watch, *Bangladesh: End Arbitrary and Secret Arrests - Opposition Leaders' Sons Detained in August, But Government Pretends Not in Custody*, 12 October 2016

[195] Human Rights Watch, *Bangladesh: End Arbitrary and Secret Arrests - Opposition Leaders' Sons Detained in August, But Government Pretends Not in Custody*, 12 October 2016

Reporting on the same case Amnesty International stated that "To date, the authorities in Bangladesh have continued to deny their role in the deprivations of liberty. This is despite several witness testimonies pointing to the involvement of security forces in the arrests. Credible sources have told Amnesty International that the men have been moved between different security agencies, including the police, the Rapid Action Battalion (a police unit widely implicated in human rights abuses), and the Directorate General of Forces Intelligence (the military intelligence agency), but their current whereabouts are unknown".[196]

In its November 2016 human rights monitoring report, Odhikar noted that "Police claimed that a man named Anisur Rahman (38), a leader of Jatiyatabadi Shramik Dal [Labour wing of BNP], was killed in a 'gunfight' between two groups of criminals at Begaritola area under Monirampur Upazila in Jessore District in the early morning of November 2, 2016. Anisur Rahman's brother Azizur Rahman claimed that police arrested his brother and took him to the Office of the Detective Branch of Police on October 30, 2016. At that time, police demanded one million Taka in exchange for his brother's release. He could not give the money; so the police shot his brother dead".[197] Furthermore, "On November 12, 2016 Gausul Azam Dolar (48), General Secretary of Gaibandha District unit BNP, died at Gaibandha Sadar Hospital while he was incarcerated. President of Gaibandha District unit BNP, Anisuzzaman Khan Babu alleged that Gausul Azam Dolar died due to torture in custody and negligence by the prison authorities. […] Of the 21 persons who were killed extra-judicially, one was an activist of the BNP".[198]

A November 2016 Minority Rights Group International report stated that "the AL government's heavy-handed stifling of dissent – including 'enforced disappearances, torture and extrajudicial killings' – has only served to further impede the country's shrinking democratic space, with civil society and journalists operating in an increasingly restricted environment".[199] The same source further noted that:

> The activities of the International Crimes Tribunal (ICT), set up by the AL in 2009 to try those accused of carrying out human rights abuses during the war for independence, has become increasingly politicized as many of those charged are associated with the opposition BNP or Jamaat-eIslami.[200]

[196] Amnesty International, *Bangladesh: Whereabouts of three men subjected to enforced disappearance must be disclosed*, 5 October 2016
[197] Odhikar, *Human Rights Monitoring Report November 1 – 30, 2016*, 1 December 2016, *paragraph 12*
[198] Odhikar, *Human Rights Monitoring Report November 1 – 30, 2016*, 1 December 2016, *paragraphs 15 and 19*
[199] Minority Rights Group, *Under threat: The challenges facing religious minorities in Bangladesh*, 17 November 2016, *1. Introduction p.3*
[200] Minority Rights Group, *Under threat: The challenges facing religious minorities in Bangladesh*, 17 November 2016, *3.1 Hindus p.7*

HUMAN RIGHTS WATCH

“We Don’t Have Him”

Secret Detentions and Enforced Disappearances in Bangladesh

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"We Don't Have Him"

Secret Detentions and Enforced Disappearances in Bangladesh

Map of Bangladesh I

Summary 1

Lack of Accountability 3

Protecting Rights 4

Key Recommendations 6

Methodology 7

I. Background 8

Political Background 9

Attacks by Extremist Groups 10

History of Disappearances and Extrajudicial Killings 11

International and National Legal Standards 15

II. Ongoing Secret Detentions and Disappearances 18

Killed Following Disappearances 18

Continuing Disappearances 29

Secret Detentions: Disappearances Before Formal Arrests 37

III. Cases of 19 "Disappeared" since 2013 50

November 28: Disappearance of Samarat Molla and Khaled Hossain Sohel 50

December 2: Disappearance of Four Men from Shishu Park 53

December 4: Disappearance of Six Men from Bashundhara 57

December 5: Disappearance of Adnan Chowdhury 66

December 5: Disappearance of Mohammad Kawser 68

December 6: Disappearance of Munna and Jhontu 70

December 7: Disappearance of Sujon and Farhad 73

December 12: Disappearance of Selim Reza Pintu 76

IV. Recommendations 78

To the Bangladesh Government 78

To the National Human Rights Commission 80

To Bangladesh's Bilateral and Multilateral Donors including the United States, United Kingdom, China, and India 80

Acknowledgments 82

NEPAL
INDIA
BANGLADESH
Dhaka
MEHERPUR
COMILLA
JESSORE
NOAKHALI
FENI
LAXMIPUR
SATKHIRA
CHITTAGONG
Chittagong
Bay of Bengal
BURMA

Summary

> My brother asked, "Can I have your identity? What is your force? Are you RAB, CID, DB?" They did not identify themselves. He asked several times. They did not wear any uniform and they had no legal arrest warrant. Nothing. They just said, "Come with us." My brother said, "I am a lawyer and I need to know these things." And then they said, "We will give you five minutes to get ready. Get ready and come with us."
>
> –Sister of Mir Ahmad Bin Quasem, a lawyer for Jamaat-e-Islami who has been "disappeared" since August 2016

> Law enforcement forces, whether it is RAB, police, or any other one, it really doesn't matter because they all are abiding by government orders. The policy of the present government is to arrest someone and "disappear" them. Some of the government forces are very rude and cruel. But it is the government policy that I blame.
>
> –Father of Adnan Chowdhury, a Bangladesh Nationalist Party supporter who has been "disappeared" since December 2013

Since 2013, law enforcement authorities in Bangladesh have illegally detained scores of opposition activists and held them in secret without producing them before courts, as the law requires. In most cases, those arrested remain in custody for weeks or months before being formally arrested or released. Others however are killed in so-called armed exchanges, and many remain "disappeared."

Bangladesh law enforcement agencies have a long history of human rights violations. The ruling Awami League party took office in January 2009 with the promise to end such abuses. However, according to Odhikar, a Dhaka-based human rights organization, Bangladesh law enforcement agencies have since disappeared over 320 people, including suspected criminals, militants, and, more recently, opposition members. Of these, 50 were later killed, and dozens remain disappeared. The rest were either released or formally produced in court as recent arrests.

Such disappearances continue, but many of the targets are now political opponents. In 2016, human rights organizations and the media documented over 90 people disappeared, of which 21 were killed. Nine remain disappeared at time of writing. In the first five months of 2017, Odhikar reported an additional 48 disappearances. In February 2017, the United Nations Working Group on Enforced or Involuntary Disappearances called on the Bangladesh government to halt the increasing number of enforced disappearances. In April 2017, Swedish Radio reported on a secretly recorded interview with a senior officer in the Rapid Action Battalion (RAB), a counterterror unit of police and military, who admitted that the force routinely picks up people, kills them, and disposes of the bodies.

The Awami League has taken contradictory approaches to allegations of disappearances. In November 2016, confronted with cases of enforced disappearances mostly involving political opponents, Home Minister Asaduzzaman Khan Kamal told Voice of America the allegations were baseless; those missing, he said, were hiding "to embarrass the government globally." In March 2017, Law Minister Anisul Huq however acknowledged to the UN Human Rights Committee that disappearances had taken place, but claimed their numbers had been brought down to "a very low level." Huq also said that Bangladeshi law did not recognize enforced disappearances, but "kidnapping or abductions" in the country's "criminal environment" had been successfully investigated, and that the government had a "zero tolerance approach" toward law enforcement agencies committing crimes. "Nobody is above the law, nobody," he said.

This report examines dozens of disappearances since the beginning of 2016, as well as the abduction of 22 activists from the opposition Bangladesh Nationalist Party (BNP) between November 28 and December 11, 2013, just weeks before national elections in January 2014. Nineteen of those abducted in 2013 remain disappeared at time of writing. The report finds that state law enforcement agencies—particularly RAB and the Detective Branch (DB) of the police—have been involved in secret detentions and killings, despite public assertions to the contrary.

Among those picked up in 2016 whose whereabouts remain unknown are Mir Ahmad Bin Quasem and Amaan Azmi, sons of two prominent Jamaat-e-Islami opposition leaders convicted in recent trials for war crimes during Bangladesh's independence campaign in 1971. In addition, 12 of the men killed following an illegal detention in 2016 were known activists of the opposition Jamaat.

For instance, Shahid Al Mahmud, a 24-year-old Jamaat-e-Islami activist, was picked up in front of family members on June 13, 2016. His father, Rajab Ali, described the arrest at a press conference five days later, and said he was worried that his son might be killed. On July 1, the family heard reports of two men killed in a gunfight. Aware of other cases of faked armed encounters, they went to the morgue and discovered Shahid's body. Police claimed that they had opened fire after coming under attack by criminals. Rajab Ali told Human Rights Watch that the police were lying: "The police abducted my son and staged a gunfight drama to justify the killing."

The 19 disappearance cases detailed in this report from 2013 all involve the BNP. The men were picked up in eight separate incidents after the BNP and its ally, Jamaat-e-Islami, launched violent protests involving arson and the use of crude bombs. Witness accounts indicate that RAB participated in at least three incidents in different parts of Dhaka in which eight BNP supporters were disappeared. In two other incidents involving the abduction of six men, witness accounts—including a sighting of the disappeared being escorted by a man with "DB" written on his vest, and another of the disappeared in a DB office—indicate the involvement of DB police officers.

Families of the disappeared have made repeated appeals to the government, visited DB and RAB offices, and sought police investigations. Some have filed cases before the UN Working Group on Enforced or Involuntary Disappearances, while others have sought assistance from the National Human Rights Commission (NHRC), or filed habeas corpus petitions before the High Court.

Lack of Accountability

In almost all cases of enforced disappearances that Human Rights Watch documented, police did not allow the families to file a General Diary (GD)—the simplest way to report a crime or incident to the police—if the complaint contained an allegation that law enforcement authorities were involved. Police either allowed the families only to file a GD stating that the person was "kidnapped" by unidentified men, or more commonly to file a complaint saying that their family member was "missing."

Other than in a couple of cases, the allegations of the families and witnesses have been totally ignored, and there has been no police inquiry. In a few cases where investigations have occurred, the inquiry has been cursory, without any attempt to interview eyewitnesses.

Families had varying experiences with RAB and DB. One desperate father whose son has been missing since 2013 told Human Rights Watch:

> Almost every day I visited the RAB or DB office. RAB guards treated me badly and asked me not to visit regularly. They scolded me and asked me, "Why are you disturbing us again and again." I spent two months in this way.

On the other hand, the family members of Sajedul Islam Sumon, a well-known local BNP leader who was picked up in December 2013, had political connections that enabled them to contact senior RAB officers. The officers informally admitted that RAB had picked up Sumon and five other men. One former senior RAB-1 officer told the family that the men were brought into his custody immediately after being picked up, but were then removed by other RAB officials, and that he now assumed they had all been killed.

The NHRC and courts have been ineffective in dealing with these cases. The commission has not undertaken any investigations of its own. In one case in which the NHRC did intervene on behalf of a family, it was easily brushed off with vague reassurances.

Very few families of those who have been disappeared seek legal remedy. Several told Human Rights Watch they feared legal action would seriously jeopardize the safety of their relatives—most families hope that they will be released after a period of secret, illegal detention. Others said the courts were ineffective as state agencies deny their role.

Protecting Rights

Bangladesh faces serious security challenges. In addition to concern of renewed violent protests by political opponents, authorities are grappling with a surge in attacks by Islamic militants targeting foreigners, religious minorities, writers, bloggers, editors, and gay rights activists that between 2013 and 2016 killed over 50 people.

However, the state has a responsibility to ensure that the law enforcement response does not violate human rights. Enforced disappearances are prohibited under both international human rights law and international humanitarian law. Instead of accepting denials, the courts—if not the government—should order prompt, impartial, and independent investigations, and require that law enforcement authorities either release the missing persons, or provide answers to families about what happened and prosecute those responsible for the abuses.

The government should also invite the Office of the High Commissioner for Human Rights and UN special rapporteurs to investigate serious human rights violations including disappearances, extrajudicial executions, and "kneecappings" and other alleged acts of torture, and make appropriate recommendations to ensure justice, accountability, and security force reform.

Key Recommendations

- Promptly investigate existing allegations of enforced disappearances, locate and release those held secretly by security forces, and prosecute the perpetrators. These should include politically motivated cases involving the disappearances of members or supporters of the opposition Bangladesh Nationalist Party and the Jamaat-e-Islami party.
- Investigate allegations of deaths of individuals in so-called crossfire or gunfights after they were already in security force custody, establish command responsibility, and prosecute those responsible.
- Make strong and repeated public statements at the highest government levels that make clear that all law enforcement authorities and investigation agencies should comply with the law and that all detained people must be brought to court within 24 hours.
- Immediately suspend, pending a full investigation, and remove from RAB, DB, and other law enforcement units or other position any individual for whom there exists credible evidence that they participated in an enforced disappearance. Work to disband RAB, which has been responsible for numerous and serious human rights violations, and replace with a non-military counterterrorism unit.
- Ensure serious and independent investigations by inviting the Office of the High Commissioner for Human Rights and relevant UN special procedures—including the Working Group on Enforced or Involuntary Disappearances, the special rapporteur on extrajudicial, summary or arbitrary executions, and the special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment—to visit Bangladesh to investigate and make appropriate recommendations to ensure justice and accountability, as well as reform of the security forces to act independently and professionally.

Methodology

This report has been researched and written by a consultant for Human Rights Watch.

It provides details of some of the over 90 reported disappearances that took place during 2016. Most of the interviews that form the basis of this part of the research were done by phone, with some additional interviews in person.

It also details 19 disappearances at the end of 2013. It uses material based on initial interviews from August to December 2014 by two journalists who worked at the time at the Bangladesh national newspaper *New Age*. On the first anniversary of the disappearances, the paper published a series of 10 articles.[1] As a consultant with Human Rights Watch, one of the journalists conducted further research from May to August 2016 to obtain new and updated information. The interviews took place primarily in Dhaka, but also with eyewitnesses who have since moved out of the city.

In some cases, names of interviewees have been withheld to reduce the likelihood of reprisals. Over 100 people, including family members and witnesses, were interviewed to document these cases. Interviews were conducted in Bengali and English.

Bangladeshi authorities did not respond to letters that Human Rights Watch submitted in April 2017 requesting information about the specific cases documented in this report. For information on the authorities' versions of the cases, we therefore have relied on news accounts giving details of their responses, where such accounts are available.

[1] David Bergman and Muktadir Rashid, "Picked up a year ago, they're yet to return," *New Age*, November 28, 2014, http://archive.newagebd.net/71268/picked-up-a-year-ago-theyre-yet-to-return (accessed November 27, 2016).

I. Background

Bangladesh has a long history of human rights violations and lack of accountability for security forces.[2] However, the disappearance of 19 Dhaka-based opposition activists over a two-week period at the end of 2013 appears exceptional. The only comparable abuse was at the end of the country's independence war in December 1971, when Pakistan military, aided by local extremists, abducted and killed 17 academics and journalists in Dhaka over a four-day period.[3]

While extrajudicial killings, or deaths in so-called crossfire incidents, have persisted for years, the Awami League committed to end these abuses after it came to power in January 2009. However, over 320 people been "disappeared" by Bangladesh law enforcement agencies for various amounts of time since the government led by Prime Minister Sheikh Hasina Wazed took office, as reported by the nongovernmental organization Odhikar. Since 2013, in a new phenomenon in Bangladesh, many of those targeted have been members of the political opposition.

Many of those disappeared have not returned or were mysteriously killed, often in alleged gunfights.[4] In 2016, there were confirmed reports of at least 90 disappearances.[5] Odhikar

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[2] See Human Rights Watch, *No Right to Live: "Kneecapping" and Maiming of Detainees by Bangladesh Security Forces*, September 2016, https://www.hrw.org/report/2016/09/28/no-right-live/kneecapping-and-maiming-detainees-bangladesh-security-forces; *Democracy in the Crossfire: Opposition Violence and Government Abuses in the 2014 Pre- and Post- Election Period in Bangladesh*, April 2014, https://www.hrw.org/report/2014/04/29/democracy-crossfire/opposition-violence-and-government-abuses-2014-pre-and-post; *Blood on the Streets: The Use of Excessive Force During Bangladesh Protests*, August 2013, https://www.hrw.org/report/2013/08/01/blood-streets/use-excessive-force-during-bangladesh-protests; *"The Fear Never Leaves Me": Torture, Custodial Deaths, and Unfair Trials after the 2009 Mutiny of the Bangladesh Rifles*, July 2012, https://www.hrw.org/report/2012/07/04/fear-never-leaves-me/torture-custodial-deaths-and-unfair-trials-after-2009-mutiny; *"Crossfire": Continued Human Rights Abuses by Bangladesh's Rapid Action Battalion*, May 2011, https://www.hrw.org/report/2011/05/10/crossfire/continued-human-rights-abuses-bangladeshs-rapid-action-battalion; *Ignoring Executions and Torture: Impunity for Bangladesh's Security Forces*, May 2009, https://www.hrw.org/report/2009/05/18/ignoring-executions-and-torture/impunity-bangladeshs-security-forces; *The Torture of Tasneem Khalil: How the Bangladesh Military Abuses Its Power under the State of Emergency*, February 2008, https://www.hrw.org/report/2008/02/13/torture-tasneem-khalil/how-bangladesh-military-abuses-its-power-under-state; *Judge, Jury, and Executioner: Torture and Extrajudicial Killings by Bangladesh's Elite Security Force*, December 2006, https://www.hrw.org/report/2006/12/13/judge-jury-and-executioner/torture-and-extrajudicial-killings-bangladeshs-elite.

[3] For a list of those killed in Dhaka from December 10-15, 1971, see the Bangladesh International Crimes Tribunal judgment relating to these killings, *The Chief Prosecutor Vs. (1) Ashrafuzzaman Khan@ Naeb Ali Khan [absconded] & (2) Chowdhury Mueen Uddin [absconded]*, November 3, 2012, http://www.ict-bd.org/ict2/ICT2%20judgment/CM%20&%20AK.pdf (accessed December 12, 2016).

[4] Data collated by Odhikar, a Dhaka-based human rights organization.

[5] Ibid.

has reported 48 cases from January to May 2017. The total number is likely to be higher, as families or witnesses do not always report disappearances.

Political Background

The Awami League won an overwhelming majority of seats in the new parliament in the December 29, 2008 elections. Bangladesh has a deeply fractured political climate, and for the next five years, the main opposition parties—the Bangladesh Nationalist Party (BNP) and the Jamaat-e-Islami—rarely attended parliament.[6] On June 30, 2011, the government amended the constitution, removing provisions that the government would hand over power to a non-political caretaker administration three months before elections.[7] The BNP and the Jamaat demanded the provision be reintroduced before the 2014 elections to ensure free and fair polling.

The government's refusal prompted the BNP and the Jamaat to lead an 18-party opposition alliance to organize a series of three-day *hartals* (national strikes) and blockades to press their demands. To enforce the strikes, many opposition party activists set fire to cars and government buildings, targeting public vehicles with crude bombs. On November 8, 2013, just after the BNP announced yet another three-day hartal, the government started to crack down on BNP leaders for alleged involvement in the violence.[8]

The opposition continued to call strikes. Related street violence and retaliation by security forces resulted in deaths and injuries. The opposition also announced a poll boycott. International diplomacy, including a visit by a senior United National official, failed to lead to an agreement. Elections took place on January 5, 2014, without the involvement of opposition candidates. Thus, more than half the seats were uncontested.[9]

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[6] Hasan Jahid Tusher and M Abul Kalam Azad, "Govt cancels lease of Khaleda's Cantt house," *The Daily Star*, April 9, 2009, http://www.thedailystar.net/news-detail-83375 (accessed November 27, 2016).

[7] Shakhawat Liton and Rashidul Hasan, "Caretaker system abolished," *The Daily Star*, July 1, 2009, http://www.thedailystar.net/news-detail-192303 (accessed November 27, 2016). In reversing its own demands while in opposition, the Awami League government argued that the appellate division of the Supreme Court had earlier ruled that the caretaker government provisions were unconstitutional, that the election commission was now strong enough to hold a fair election, and that the problem with a caretaker government system was that it facilitated army intervention, as had happened in 2007, resulting in a two-year period of emergency rule.

[8] "Govt goes hard on opposition," *The Daily Star*, November 9, 2013, http://www.thedailystar.net/news/govt-goes-hard-on-opposition (accessed November 27, 2016). As a result of the arrests, the opposition parties extended the hartal by a day.

[9] Eighteen people were reportedly killed in election violence, in addition to attacks on minority communities perceived to be pro-government. See "Turnout low in deadliest polls," *The Daily Star*, January 6, 2016, http://www.thedailystar.net/turnout-low-in-deadliest-polls-5632 (accessed December 12, 2016). See also, Human Rights Watch, *Democracy in the Crossfire*.

Clashes between supporters of the Awami League and opposition parties started again in early 2015, on the anniversary of the controversial elections. By the end of February 2015, up to 120 people had been killed in the political violence.[10] Toward the end of March 2015, under pressure, opposition parties stopped their strikes and picketing. However, a new crackdown on the opposition then began to unfold.[11]

Attacks by Extremist Groups

In parallel to the conflict between the government and political opposition, Islamic militants have since 2013 carried out attacks that have killed over 50 people. The attacks took two different forms.

The motivation for one category of attacks, which were claimed by the Al-Qaeda-affiliated Ansar al-Islam, has been perceived insults to Islam.[12] These attacks include the hacking of Asif Mohiuddin, an outspoken atheist blogger, in January 2013;[13] the killing of secular blogger and political activist Ahmed Rajib Haider in front of his family home in Dhaka the following month;[14] the killing of blogger Avijit Roy, a US national of Bangladeshi origin, in February 2015 in a machete attack that also seriously injured his wife; and the death of seven more people in the months that followed, including two LGBT activists. Some of the targets were among the 84 people publicly named as atheists by extremist groups.[15] Many bloggers and activists have gone into hiding, fled the country, or stopped writing.

A second type of attack, claimed by ISIS (also known as the Islamic State), has targeted foreigners in Bangladesh, as well as members of religious minority groups including

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[10] For a detailed breakdown, see "Political Crisis 2015 – analysis of deaths," Bangladesh Politico, http://bangladeshpolitico.blogspot.com/2015/01/political-crisis-2015-analysis-of-deaths.html (accessed January 17, 2017).

[11] "Political Conflict, Extremism and Criminal Justice in Bangladesh," International Crisis Group, April 11, 2016, https://d2071andvipowj.cloudfront.net/277-political-conflict-extremism-and-criminal-justice-in-bangladesh.pdf (accessed January 16, 2017).

[12] "Special Report: Terror Rising in Bangladesh," Insite Blog on Terrorism and Extremism, April 26, 2016, http://news.siteintelgroup.com/blog/index.php/categories/jihad/entry/410-the-rising-tide-of-terror-in-bangladesh (accessed January 15, 2017).

[13] Joshua Hammer, "The Imperiled Bloggers of Bangladesh," *New York Times*, December 29, 2015, http://www.nytimes.com/2016/01/03/magazine/the-price-of-secularism-in-bangladesh.html (accessed February 1, 2017).

[14] Rajib Haider was not only an "atheist" blogger but also an organizer of the Shahbagh protests that started in February 2013 calling for the imposition of the death penalty on those convicted by the International Crimes Tribunal of crimes committed in the 1971 independence war.

[15] Mukul Devichand, "'Nowhere is safe': Behind the Bangladesh blogger murders," BBC, August 7, 2015, http://www.bbc.com/news/blogs-trending-33822674 (accessed January 21, 2017).

Buddhists, Christians, Hindus, and Shia. These began in September 2015, when unknown attackers shot and killed Italian aid worker Cesare Tavella. In the following ten months, 19 people were killed in similar attacks. On July 1, 2016, militants attacked a café in the upscale Gulshan neighborhood of Dhaka, in which 18 foreign nationals, two Bangladeshis, and two police officers died.[16] Although ISIS claimed responsibility for all these attacks, the government has denied an ISIS connection, as well as the group's presence in Bangladesh, and instead has blamed opposition parties and a revamped version of the local Islamist group Jamaat-ul-Mujahideen Bangladesh (JMB), which police authorities term the neo-JMB.[17]

History of Disappearances and Extrajudicial Killings

One of the first well documented incidents of an apparent enforced disappearance in post-1971 Bangladesh is the case of Kalpana Chakma, an indigenous women's rights activist, who was picked up along with her two brothers from their home in the Chittagong Hill Tracts, allegedly by army officers on election day in 1996. The two brothers escaped after a few days, but Kalpana, a strong critic of the army's role in the Chittagong Hill Tracts, remains missing, presumed dead.[18]

In 2002, the then-ruling BNP started Operation Clean Heart to tackle crime, resulting in thousands of detentions and reports of over 40 deaths, many allegedly through torture.[19] In 2004, the BNP government established RAB as an elite counterterrorism unit combining members of the armed forces and police.[20] In the first two years, Human Rights Watch

[16] "Special Report: Terror Rising in Bangladesh," Insite Blog on Terrorism and Extremism, http://news.siteintelgroup.com/blog/index.php/categories/jihad/entry/410-the-rising-tide-of-terror-in-bangladesh.

[17] "Bangladesh PM Hasina smells link of BNP-Jamaat," *The Daily Star*, October 5, 2017, http://www.thedailystar.net/frontpage/pm-smells-link-bnp-jamaat-152074 (accessed January 21, 2017).

[18] "Kalpana Chakma – Information, disinformation, non-information," Amnesty International, June 14, 2014, https://www.amnesty.org/en/latest/campaigns/2014/06/kalpana-chakma-information-disinformation-non-information/ (accessed November 27, 2016).

[19] "Bangladesh: Revoke 'Shoot at sight,'" Human Rights Watch news release, June 4, 2003, https://www.hrw.org/news/2003/06/04/bangladesh-revoke-shoot-sight.

[20] The Rapid Action Battalion (RAB) was formed in March 2004 as a composite force comprised of members from the military, police, and other law enforcement groups. Members are assigned from their parent organizations, which they return to after serving with the unit. The unit is regarded as an elite counterterrorism force and has targeted, apart from criminal suspects, alleged members of militant Islamist or left-wing groups. RAB has long been criticized for human rights violations and its failure to ensure accountability.

identified 367 people killed by RAB in alleged "crossfire."[21] In several cases, men were picked up by RAB, "disappeared," and killed. RAB denied the detentions.[22]

On January 11, 2007, following violent political protests around planned elections, the military stepped in, proclaiming a state of emergency, and established a caretaker government. In November 2008, near the end of the military-backed caretaker government, the human rights organization Odhikar found that 245 people had been killed in alleged "crossfires" or "gunfights," and 38 people had allegedly been tortured to death since January 2007.[23]

The Awami League came to power in January 2009 promising that "extrajudicial killings will be stopped."[24] That commitment soon faltered.[25] In May 2011, a Human Rights Watch report found that since the Awami League took office, nearly 200 people had been killed in RAB operations.[26] Regardless of who has led them, governments in Bangladesh have justified extrajudicial killings as lawful self-defense.

As the Awami League's term continued, law enforcement authorities started to increasingly target the opposition. While extrajudicial killings continued, reports of enforced disappearances, which until then were rare, increased.[27] Families and eyewitnesses have repeatedly made allegations against the Detective Branch (DB) of the police, in addition to RAB, for its alleged role in these disappearances.[28]

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[21] Human Rights Watch, Judge, Jury, and Executioner.

[22] Ibid., p. 35. See, for example, the case of Sumon Ahmed Majumder killed in July 2004.

[23] "Report on 22 months of Emergency," Odhikar, November 12, 2008, http://odhikar.org/wp-content/uploads/2012/08/22-Months-State-of-Emergency-Report-2008.pdf (accessed December 13, 2016).

[24] "Election Manifesto of Bangladesh Awami League – 2008, Bangladesh Awami League," https://albd.org/~parbonc/index.php/en/resources/articles/4070-election-manifesto-of-bangladesh-awami-league,-9th-parliamentary-election,-2008 (accessed November 25, 2016).

[25] Human Rights Watch, *"Crossfire,"* pp. 3-4.

[26] "Bangladesh: Broken Promises from Government to Halt RAB Killings," Human Rights Watch news release, May 10, 2011, https://www.hrw.org/news/2011/05/10/bangladesh-broken-promises-government-halt-rab-killings.

[27] According to Odhikar, there were 3 disappearances in 2009, 18 in 2010, 31 in 2011, 26 in 2012, 53 in 2013, 39 in 2014, and 65 in 2015.

[28] The Detective Branch (DB), short for the Detective and Criminal Intelligence Division, is a branch of different police forces around the country. See "Detective & Criminal Intelligence Division," Dhaka Metropolitan Police, http://www.dmp.gov.bd/application/index/page/detective-criminal-division (accessed November 27, 2016). Increasingly, DB officers have been identified as being involved in disappearances and killings.

In a few cases, those illegally detained have been released without ever being formally arrested. For instance, in two high profile disappearances, a witness at the International Crimes Tribunal in November 2012 and a BNP spokesperson in April 2015 were picked up and secretly detained in Bangladesh for around six weeks.[29] They were then discovered in Indian territory where they were arrested by Indian authorities for illegal entry. In a more recent case, the police "released" two men at a public meeting attended by the home minister who they said had handed themselves in and turned their back on militancy, though their current whereabouts remain uncertain. In May 2017, Muhammed Iqbal Mahmud, who had been picked up in Dhaka eight months earlier, was left blindfolded on the side of the Dhaka-Raipur road.[30]

In most cases, the men remain in secret detention for weeks or months before the police suddenly claim to have arrested them the previous day. The men are then taken to the magistrate court and are remanded into police custody on the basis of a concocted story.

In other disappearances, the men's fate is more serious—they are killed in alleged "gunfire" or their dead bodies are found. In 2016, this happened to 21 of those disappeared.[31] For some, including the 19 disappeared in 2013 detailed in this report, their whereabouts remain unknown.

As of May 2016, the UN Working Group on Enforced or Involuntary Disappearances had formally received information on 34 cases of alleged enforced disappearances in Bangladesh. In its annual report published in July 2016, the group reiterated "its regrets that no information has been received … concerning the alleged frequent use of enforced disappearance as a tool by law enforcement agencies, paramilitary and armed forces to detain and even extrajudicially execute individuals."[32]

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[29] "India: Protect Bangladesh War Crimes Trial Witness," Human Rights Watch news release, May 16, 2016, https://www.hrw.org/news/2013/05/16/india-protect-bangladesh-war-crimes-trial-witness; David Bergman and Muktadir Rashid, "Anatomy of a Disappearance, and a Reappearance" *The Wire*, May 23, 2015, http://thewire.in/2289/anatomy-of-a-disappearance-and-a-reappearance/ (accessed November 27, 2016).

[30] "Doctor Iqbal returns to home in Lakshmipur seven months after kidnapping," *bdnews24.com,* June 1, 2017, http://bdnews24.com/bangladesh/2017/06/01/kidnapped-doctor-iqbal-returns-to-home-in-lakshmipur-seven-months-after-kidnapping (accessed June 15, 2017).

[31] See, for example, "'Missing Jamaat leader' found dead in Jhenaidah," *The Independent*, August 12, 2016, http://www.theindependentbd.com/post/55492 (accessed November 27, 2016).

[32] UN Human Rights Council, "Report of the Working Group on Enforced or Involuntary Disappearances," A/HRC/33/51, July 28, 2016, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/167/14/PDF/G1616714.pdf (accessed November 27, 2016), p. 19.

The Bangladesh government has also not responded to a request by the Working Group to visit Bangladesh, first sent on March 12, 2013, and resent on November 27, 2015. In February 2017, the group issued a statement, endorsed by four UN special rapporteurs, calling on the Bangladesh government to halt the increasing number of enforced disappearances and reveal the whereabouts of three sons of opposition leaders who had been abducted.[33]

In April 2014, Swedish Radio reported that it had in its possession a secretly recorded interview with a senior RAB official, which it had authenticated, describing RAB's practice of disappearing and killing people. "Everyone is not an expert on forced disappearances. We have to make sure no clue is left behind," the RAB official is quoted as saying.[34]

The government has failed to investigate allegations of disappearances and hold perpetrators to account. In 2014, for example, in response to questions about the 2013 disappearances detailed in this report, the state minister for home affairs, Asaduzzaman Khan, told *New Age* that though "one or two incidents" had happened at that time, "law men were not involved in any of those cases."[35]

One exception to the lack of investigation occurred in Narayanganj district. Seven men, including an Awami League leader, were picked up by RAB officials in April 2014 over a dispute with a party competitor. A few days later, their bloated bodies floated to the surface of the Shitalakkya River, triggering a media storm. The High Court intervened, and the eventual investigation and prosecution resulted in the conviction in January 2017 of 35 people for murder, including three RAB officers.[36]

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[33] "UN expert group urges Bangladesh to stop enforced disappearances," United Nations news release, February 24, 2017, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21220&LangID=E (accessed February 28, 2017).

[34] "Exclusive: Officer exposes brutal killings by Bangladeshi Elite Police Unit RAB," Sveridge Radio, April 4, 2017, https://sverigesradio.se/sida/artikel.aspx?programid=83&artikel=6665807 (accessed 5 May, 2017).

[35] David Bergman and Muktadir Rashid, "Picked up a year ago, they're yet to return," *New Age*, November 28, 2014, http://archive.newagebd.net/71268/picked-up-a-year-ago-theyre-yet-to-return/ (accessed November 27, 2016).

[36] "Narayanganj seven-murder sentences at a glance: 26 get death penalty," *bdnews24.com*, January 16, 2017, http://bdnews24.com/bangladesh/2017/01/16/narayanganj-seven-murder-sentences-at-a-glance-26-get-death-penalty (accessed April 28, 2017).

International and National Legal Standards

Although Bangladesh law does not contain any specific criminal offense of "enforced disappearance," the Penal Code, 1860, contains offenses including "wrongful confinement"; "wrongful confinement in secret"; "abduction"; "kidnapping or abducting with intent secretly and wrongfully to confine person"; "kidnapping or abducting in order to subject person to grievous hurt, slavery"; and "wrongfully concealing or keeping in confinement, kidnapped or abducted person."[37] Penalties for these offenses range from two to ten years' imprisonment. In addition, the Torture and Custodial Death (Prohibition) Act, 2013, makes torture an offense punishable by up to five years' imprisonment. Death by torture is punishable by a life sentence.[38]

The Bangladesh constitution also imposes obligations on the state to protect the fundamental rights of every citizen, forbidding any action that is "detrimental to the life, liberty, body, reputation or property of any person."[39] The state is further obligated to secure the right to life and personal liberty.[40]

In early November 2016, Bangladesh's highest court published guidelines requiring law enforcement officers to undertake a basic set of actions when arresting a person. They include an obligation to inform a close relative or friend of the arrested person about the time and place of the detention; to make clear the location where the person is being held; and to allow the arrested person access to a lawyer or relatives. Officers must prepare a memorandum of arrest to be signed by the arrested person and complete a case diary, which must be handed to a magistrate if the officer requests custody of a suspect for more than 24 hours, setting out the allegations and need for further investigation.[41]

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[37] Penal Code, 1860, secs. 340, 346, 362, 365, 367, and 368, http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=11 (accessed January 15, 2017).

[38] See "Review of the Torture and Custodial Death (Prohibition) Act, 2013," BLAST, December 2015, https://www.blast.org.bd/content/publications/Review%20of%20The%20Torture%20&%20Custodial%20Death(Prevention)%20Act,%202013.pdf (accessed March, 1, 2017).

[39] Constitution of Bangladesh, art. 31, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367 (accessed December 12, 2016).

[40] Ibid., art. 32.

[41] "Guidelines for the Law Enforcement Agencies," *Bangladesh v. Bangladesh Legal Aid and Services Trust (BLAST)*, Civil Appeal No.53 of 2004, May 24, 2016, http://www.supremecourt.gov.bd/resources/documents/734650_Civil_Appeal_No_53_of_2004_final_2016.pdf (accessed January 22, 2017), pp. 389-396.

In Bangladesh, a prosecutor must obtain a prior government "sanction" before lodging any criminal complaint against a state official, permission that is seldom granted.[42] The law allows both police officers and the Rapid Action Battalion to escape prosecution if they can show that they acted in "good faith."[43]

Bangladesh is obliged to follow the standards set out in the 1992 UN General Assembly's Declaration on the Protection of All Persons from Enforced Disappearances (Declaration on Enforced Disappearances).[44] Although non-binding, the declaration reflects the consensus of the international community against this type of human rights violation and provides authoritative guidance as to the safeguards that must be implemented to prevent it. Bangladesh also has obligations under the International Covenant on Civil and Political Rights, which enshrines the right to life, liberty, and security, and right to a fair trial.[45]

Bangladesh is party to the Rome Statute setting up the International Criminal Court.[46] The statute includes enforced disappearances as one of the crimes against humanity over which the court has jurisdiction.[47] The statute defines "enforced disappearance of persons" as "the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons."[48]

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[42] Code of Criminal Procedure, 1898, sec. 132 states: "No Prosecution against any person for any act purporting to be done under this Chapter shall be instituted in any Criminal Court, except with the sanction of the Government."

[43] Ibid., sec. 132 (a) – (d). Armed Police Battalions Ordinance, 1979, sec. 13, as amended, states: "No Suit, prosecution or other legal proceedings shall be against any member of the Force for anything which is done or intended to be done in good faith under this Ordinance." At the 119th meeting of the UN Human Rights Committee, the Bangladesh law minister claimed that this section did not provide any immunity to RAB officers, as it only applied in relation to acts done following orders of the government. See UN Web TV, "Consideration of Bangladesh – 119th session CCPR," 2:22:40, March 7, 2017, http://webtv.un.org/search/consideration-of-bangladesh-contd-3340th-meeting-119th-session-of-human-rights-committee/5350733542001 (accessed March 16, 2017).

[44] Declaration on the Protection of All Persons from Enforced Disappearances, adopted December 18, 1992, G.A. res. 47/133, 47 U.N. GAOR Supp. (No. 49) at 207, U.N. Doc. A/47/49 (1992). The Bangladesh government has not signed the International Convention for the Protection of All Persons from Enforced Disappearance.

[45] International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976. Bangladesh ratified the ICCPR in 2000, subject to reservations to arts. 10, 11, and 14.

[46] Ratified on March 23, 2010.

[47] Rome Statute of the International Criminal Court (Rome Statute), A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, art. 7(1)(i).

[48] Ibid., art. 7(2)(i).

Under the Rome Statute, enforced disappearances amount to a crime against humanity when committed as part of a widespread or systematic "attack on a civilian population," such as a state policy to plan and commit such crimes.[49]

[49] Ibid., art. 8.

II. Ongoing Secret Detentions and Disappearances

Human rights organizations and media have documented over 90 people "disappeared" in 2016, of whom 21 were later found dead. The whereabouts of nine remain unknown at time of writing. The others, after varying periods of secret detention, were "released" before being formally arrested.

There have been additional reports of other disappearances involving people suspected of involvement in the Holey Artisan Bakery attack on July 1, 2016, or linked to the "neo-JMB," which are not included in these numbers. For example, it was reported that alleged militants Tamim Ahmed Chowdhury and Nurul Islam Marjan were detained in state custody for significant periods of time before being killed in so-called counterterrorism operations on August 27, 2016, and January 7, 2017, respectively.[50]

Killed Following Disappearances

The 21 men picked up and killed are set out in the table below. Twelve were Jamaat-e-Islami activists, three were Awami League members, one was a BNP activist, three were allegedly involved in murders, and two were alleged to be criminals.[51] Below the table are further details on eight of the cases, based on interviews with families and witnesses.

[50] David Bergman, "Due process and Bangladesh Counter Terrorism Measures," *The Wire,* October 8, 2016, https://thewire.in/71832/due-process-bangladeshs-counter-terrorism-measures (accessed January 10, 2017).

[51] This list is based on a combination of cases documented by Odhikar and Human Rights Watch.

ILLEGALY DETAINED AND KILLED IN 2016			
Name	**Date of detention**	**Date body was found**	**Summary of family allegations of pick up and death**
Abu Huraira, 55	January 24	February 29	Abu Huraira, a teacher at Kuthi Durgapur Madrasa and a senior member of Jamaat-e-Islami in Jhenaidah, was picked up outside the school where he taught by men who identified themselves as DB members. His body was found a month later on the Jessore-Jhenaidah road.[52]
Mohammad Jasim Uddin, 23	February 12	March 2	Mohammad Jasim Uddin, a student at Jhenaidah Alia Madrasa and a leader of the Jamaat-e-Islami student wing, was picked up in Dhaka by some men in plainclothes claiming to be police. His body was found in a field 20 days later bearing torture marks.
Mukul Rana (Sharif alias Saleh alias Arif)	February 23	June 19	Mukul Rana, accused of involvement in the killing of blogger Avijit Roy, was picked up and put in a microbus from Bashundia intersection in Jessore by men who self-identified as police. Four months later, police said his body was recovered after a gunfight.[53]
Abu Jar Gifari, 21 **Shamim Mahmud, 23**	March 18 March 25	April 13	Abu Jar Gifari, a Jamaat-e-Islami student leader in Jhenaidah, was picked up as he left the mosque after Friday prayers by four armed men in plainclothes, who identified themselves as police. Shamim Mahmud, also a Jamaat-e-Islami student activist, was picked up outside a grocery store by men claiming to be police. Nearly three weeks later, their bodies were recovered, allegedly with bullet wounds, near the cremation ground in Jessore Sadar Upazila.
Sohanur Rahman, 16	April 10	April 20	Sohanur Rahman, a supporter of the Jamaat-e-Islami, was arrested in Ishwarba village in Jhenaidah, in front of his younger brother. His body, with bullet injuries, was found 10 days later.
Shahid Al Mahmud, 24 **Anisur Rahman, 26**	June 13 June 16	July 1	Shahid Al Mahmud, a cattle farmer and Jamaat-e-Islami student activist, was picked up early in the morning from his house in Jhenaidah in front of his parents and taken away in a microbus. Anisur Rahman, also a student activist, was picked up three days later from a hostel in Dhaka.[54] Their bodies were recovered two weeks later. Police claimed they were killed during a gunfight with criminals at the Tatultala-Naldanga road in Jhenaidah.[55]
Ibnul Islam Parvez, 27	June 16	July 2	Ibnul Islam Parvez, former president of the Jhenaidah district town unit Jamaat student wing, was picked up from a hostel in Dhaka (along with Anisur Rahman, see above). Two weeks later, the police said that Parvez's body was found in Aruakandi village following a gunfight.[56]

[52] Interviews with two colleagues of Abu Huraira, February 15, 2017. See also, "Jamaat leader picked up 'by cops' found dead," *Daily Observer*, March 1, 2016, http://www.observerbd.com/2016/03/01/139188.php (accessed January 15, 2017).

[53] "Now confusion over arrest of Mukul's relative," *The Daily Star*, June 22, 2016, http://www.thedailystar.net/frontpage/confusion-over-arrest-mukuls-brother-law-1243570 (accessed January 15, 2017).

[54] "2 Shibir leaders detained weeks ago killed in 'gunfight,'" *New Age*, July 2, 2016, http://archive.newagebd.net/238630/2-shibir-leaders-detained-weeks-ago-killed-gunfight/ (accessed January 15, 2016).

[55] Telephone interviews with Sabdar Rahman, Anisur's father, and Sharifur Rahman, Anisur's brother, January 26, 2017.

[56] "Another Shibir man killed in Gunfight," *New Age*, July 3, 2016, http://newagebd.net/238813/another-shibir-man-killed-gunfight/ (accessed January 15, 2016).

Nurun Nabi, 28 **Nurul Islam Rashed, 27**	June 23	July 5	Nurun Nabi and Nurul Islam Rashed, suspected of involvement in the killing of a police officer's wife, were picked up by police from a house in the Millitarir Pool area in Chittagong where they were staying. Two weeks later, the police stated that their bodies were found following a gunfight at MBW Brick field close to the city.[57]
Saiful Islam, 25	July 1	July 19	Saiful Islam, an activist of the Jamaat-e-Islami student wing, was picked up by police from his hostel in Jhenaidah along with four other students, and was seen the following day by his family at a police station. Nearly three weeks later, police claimed to have found his body close to Jhenaidah highway following a gunfight with criminals.
Faruk Hossain, 42	July 1	July 2	Faruk Hossain, claimed by police to be a member of a gang of robbers, was picked up in Jessore by four men on two motorbikes identifying themselves as police officers. Police later said his body was found following a gunfight.[58]
Oliullah Molla, 38	July 9	July 10	Oliullah Mollah, vice president of a local brick field workers' association and general secretary of his local unit of the Bangladesh Nationalist Party in Satkhira, was picked up by police from the Paruli bazaar area. Police later said his body was found in Ganghati village following a gunfight.
Idris Ali, 56	August 4	August 12	Idris Ali, a madrasa teacher and Jamaat-e-Islami leader in Jhenaidah, was picked up by police while returning to his house at night. Eight days later, his body was found on the Harinakundu-Jhenaidah road with marks of torture.
Mohammad Zahurul Islam, 42	September 7	October 25	Mohammad Zahurul Islam, president of the Jhenaidah town unit of Jamaat-e-Islami and a lecturer at Keyarbazar College, was picked up on his way home for lunch in the Al Hera area by men claiming to be DB members. A month later, police said he was shot dead on the Jhenaidah town bypass road when they opened fire in self- defense.[59]
Tarique Hassan Shajib, 40	September 13	October 25	Tarique Hassan Shajib, member of Jamaat-e-Islami, was picked up just after midnight by men claiming to be police from Al Hera school in Jhenaidah town where the party often held meetings. His body was found on October 25 with that of Zahurul Islam, whose case is described above.[60]
Safinul Islam (alias Safin), 32	September 27	October 26	Safinul Islam, previously convicted in a murder case, was picked up from Dhaka by men identifiable as members of RAB. RAB denied the arrest that time, but a month later, claimed that he was killed in a gunfight at Dadrajonti village in Joypurhat.[61]
Redwan Sabbir **Abu Abdullah** **Sohel Rana**	December 3	December 5	Redwan Sabbir, Abu Abdullah, and Sohel Rana, three Awami League youth wing activists, were picked up by a group of about 12 men, some wearing vests inscribed with "RAB," from a tea stall in Tokia Bazar in Natore, late at night. Their bodies, with bullet wounds, were found two days later in Dinajpur.[62]

[57] "2 suspects in Mitu murder case killed," *The Daily Star*, July 10, 2016, http://www.thedailystar.net/backpage/2-suspects-mitu-murder-case-killed-1251382 (accessed January 15, 2016).

[58] "'Abducted' man killed in 'gunfight'," *The Daily Star*, July 3, 2016, http://www.thedailystar.net/country/abducted-man-killed-gunfight-1249405 (accessed January 15, 2016).

[59] Telephone interview with family members. See also, "Two 'Jamaat men' killed in Jhenaidah 'gunfight'," *New Age*, October 25, 2016, http://www.newagebd.net/article/1417/two-killed-in-jhenaidah-gunfight (accessed January 15, 2017).

[60] Telephone interview with Mahfuza Khanum, Shajib's mother, February 15, 2017.

[61] "Suspected criminal found in Joypurhat 'gunfight'," *Daily Observer*, October 26, 2016, http://www.observerbd.com/details.php?id=40243 (accessed January 15, 2017).

[62] "3 Jubo League men found shot dead," *The Daily Star*, December 6, 2016, http://www.thedailystar.net/frontpage/three-jubo-league-men-found-dead-1325821 (accessed January 15, 2017).

Mohammad Jasim Uddin

Mohammad Jasim Uddin, a student at Jhenaidah Alia Madrasa, was acting president of the Jamaat-e-Islami student wing in Ganna union unit in Jhenaidah district. According to his relatives, he no longer lived at his home in the Kalohati area of Jhenaidah town, fearing arrest. However, as his mother was sick, in February 2016 he decided to visit her. He was picked up soon after. His father, Khalil Rahman, said:

> We had a conversation over the phone on February 11 when he reached Dhaka. He told me that he will come to Jhenaidah the next day, but would not stay long. But then we heard from a friend of Jasim's that he had been taken away by some men who claimed that they were police.[63]

Soon after Jasim went missing, his older brother, Saifur Rahman, went to the Rajbari police station and local RAB offices, but they denied the arrest. On March 4, his family members were informed that a mutilated body had been found at Mostabapur field in Harinakundu Upazila. His brother identified his body. Jasim had been shot in the head, and his hands and legs were tied.[64] His mother said the family did not receive a postmortem report.[65]

Abu Jar Gifari

Abu Jar Gifari, a third-year student at the Jessore MM College, was president of the local Jamaat-e-Islami student wing in Jhenaidah. Citing witnesses, Abu's father, Nur Islam, said that on March 18, 2016, his son was picked up by four armed men who identified themselves as DB members:

> The men approached my son on two motorbikes as he came out of the mosque after attending *juma* prayer. They handcuffed him after he gave his name and dragged him onto a motorbike at gunpoint. Some local people tried to stop this happening but the men aimed their guns at the local

[63] Telephone interview with Khalil Rahman, October 3, 2016.

[64] "Bullet hit body of missing Shibir Leader found," *The Daily Star*, March 5, 2016, http://www.thedailystar.net/city/missing-shibir-leaders-bullet-hit-body-found-786493 (accessed January 9, 2017).

[65] Telephone interview with Rabeya Begum, January 22, 2017.

> people and told people to not to interfere with them as they were performing their "administrative duty."[66]

Later that afternoon, Nur Islam went to the Kaliganj police station where officers denied having carried out any such operation.[67]

Family members also met RAB officials who claimed to have no information regarding Abu's whereabouts. "We were terrified and requested officials of law enforcement agencies not kill him in 'crossfire.' They however insisted that they did not pick him up," his father said.

On the morning of April 13, the family was informed that two bodies had been found near the cremation ground in Jessore Sadar Upazila.[68] His father said:

> We rushed there and witnessed the most heartbreaking scene. My son's body was left there with another youth's body. Both had bullet wounds and marks of torture.[69]

The other body was that of Shamim Mahmud.

Shamim Mahmud

Shamim Mahmud, 23, a second-year student at KC College in Jhenaidah and an activist of the Jamaat-e-Islami student wing, was detained on March 24, 2016. His father, Ruhul Amin, a madrasa teacher, said eyewitnesses told him that his son was sitting at a grocery store reading a newspaper in the afternoon when four men in plainclothes entered and picked him up at gunpoint. Ruhul Amin said:

> When local people tried to rescue Shamim, the men said that they were police and threatened to open fire if anyone tried to stop their "operation."

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[66] Telephone interview with Nur Islam, October 7, 2016.

[67] Ibid.

[68] "Bullet hit bodies of two Shibir men found," *The Daily Star*, April 14, 2016, http://www.thedailystar.net/backpage/bullet-hit-bodies-two-shibir-men-found-1208815 (accessed January 9, 2017).

[69] Ibid.

> Shamim was forcibly put on a motorbike. As the police motorbike went a few meters, Shamim tried to jump off. He was injured and the police still beat him. They took him away unconscious.[70]

Family members went to the Kaliganj police station but officials did not allow them to lodge a GD, and denied that they were involved in picking up Shamim. Instead, they criticized the father for allowing his son to be involved in Jamaat politics. Family members searched for Shamim at the local RAB-6 office and other police stations with no luck. They also approached a local member of parliament. However, no one could provide information about Shamim's whereabouts.

Three weeks later, on April 13, Shamim's body was found along with that of Abu Jar Gifari near the cremation ground in Jessore. The family said that the body had bullet wounds and signs of torture.[71]

Sohanur Rahman

Sohanur Rahman, 16, a high school student in Jhenaidah and a supporter of the Jamaat-e-Islami, was picked up from Ishwarba village on April 10, 2016. Sohanur and his brother, Masud, were waiting for their mother to return from Dhaka when Sohanur was detained, according to their father Mohsin Ali. Mohsin said:

> My younger son Masud said that at about 5:30 p.m., four people on "easy-bikes" [a three wheeled, battery powered vehicle] passed them but returned after some local people pointed them out. One man asked Sohanur his name and when he gave it to them, two people grabbed his shirt collar and dragged him to one of the easy-bikes. Local people rushed over to them and tried to stop the men from taking Sohanur away, but the men on bikes showed their weapons and introduced themselves as plainclothes police officers. Masud cried and requested the police not take his brother away. They told him that they were taking Sohanur to Kaliganj police station.[72]

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[70] Telephone interview with Ruhul Amin, October 3, 2016.

[71] Telephone interview with Ruhul Amin, January 21, 2017.

[72] Telephone interview with Mohsin Ali, October 3, 2016.

Locals identified two of the men as sub-inspectors from the Kaliganj police station. The next day, family members went to the police station. Police denied they had arrested Sohanur and did not initially allow the family members to file a GD, though they later allowed it.[73]

Sohanur's family members also met with their local Awami League lawmaker, the Jhenaidah police superintendent, and the local RAB commander, but no one provided any information on Sohanur's whereabouts. On April 20, Sohanur's body was found in Kharagoda village, about 17 kilometers from their house.[74] His family said that his body showed signs of bullet injuries to the head. His father said that they asked for a copy of the postmortem report, but the police refused to provide one.[75]

Shahid Al Mahmud

Shahid Al Mahmud, 24, was a cattle farmer and activist of the Jamaat-e-Islami student wing. He lived with his parents in Badanpur village in Jhenaidah district. He was detained on June 13, 2016. His father, Rajab Ali, said the family was asleep when the police came:

> Just after midnight, two men broke down the bamboo boundary, entered the compound of our house, and called out Shahid's name as though they were his political associates. My wife and I woke up and went out to the gate, and one of the two men, both dressed in civilian clothes, pulled out a gun and threatened us. I opened the door and men went and pulled Shahid from his room. They allowed him to change his clothes. He was dragged outside and taken into a black microbus. There were other men present, some wearing police uniforms.[76]

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[73] Telephone interview with Mohsin Ali, January 21, 2017.

[74] "Abducted college student found dead in Chudanga," *Daily Sun*, April 20, 2016, http://www.daily-sun.com/post/129965/abducted-college-student-found-dead-in-chudanga (accessed January 9, 2017).

[75] Telephone interview with Mohsin Ali, January 21, 2017.

[76] Telephone interviews with Rajab Ali, October 10, 2016, and January 2, 2017. See also, "Allegation of the killing of Shahid Al Mahmud by police 16 days after his disappearance: Fact finding report," Odhikar, September 8, 2016, http://odhikar.org/allegation-of-the-killing-of-shahid-al-mahmud-by-police-16-days-after-his-disappearance/ (accessed December 27, 2016).

Shakib Al Hassan, who was staying at a neighboring house, said he saw his cousin Shahid being put into the microbus. The human rights group Odhikar interviewed a neighbor, Khabir Uddin, who said he recognized one of the arresting officers.[77]

Abdur Rahim, Shahid's older brother, who lives in Jhenaidah town, said he rushed to the police station after he heard about the arrest, but police denied having any knowledge about it.[78] Later that day he went to other police stations, the local RAB-6, and DB offices, but they all denied any knowledge of the detention.

The following day, June 15, Abdur attempted to file a GD laying out what had happened to his brother and mentioning the police and name of the officer who witnesses claimed was present. He was refused:

> The police refused to accept the GD saying that I cannot accuse plainclothes police officers of involvement and that I should fill in a "missing person" GD. I left the police station without filing anything.[79]

On June 18, the family held a press conference at Jhenaidah Press Club where they described Shahid's detention.[80] On July 1, the family heard reports of two men killed in a "crossfire" incident. Aware of other cases of such faked armed encounters, they went to the morgue and discovered Shahid's body.

The police claimed that a team was patrolling Tatultala-Naldanga road in the early morning on July 1, when at about 3:30 a.m. some criminals hurled several bombs at the police vehicle.[81] The police returned fire. After a 20-minute gun battle, two dead bodies were found, one of whom was Shahid. The police claimed to have recovered a firearm, two bullets, five sharp weapons, and five crude bombs from the spot. They also said that some

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77 Human Rights Watch has not been able to speak to Khabir Uddin.

78 Telephone interview with Abdur Rahim, January 2, 2017.

79 Ibid.

80 "Father looking for missing child", *ManobJamin,* June 19, 2016, http://www.mzamin.com/article.php?mzamin=19186&cat=9/ (accessed January 21, 2017).

81 "Two Shibir Leaders killed in 'Shootout,'" *The Daily Star*, July 2, 2016, http://www.thedailystar.net/frontpage/two-shibir-leaders-killed-shootout-1249009 (accessed January 9, 2017).

officers were wounded. Shahid's father said the police are lying. "The police abducted my son and staged a 'gunfight' drama to justify the killing."[82]

Saiful Islam

Saiful Islam, 25, was a student in the Arabic Literature Department at the Islamic University in Kushtia and an activist of the Jamaat-e-Islami student wing. He lived in a private hostel along with other party activists. Saiful's brother, Abdullah Al Azad, said that in the early morning of July 2, he received a telephone call from Saiful's brother-in-law.

> He said that Saiful had called him and told him that he had been arrested and taken to Jhenaidah Sadar police station, and that the police said he will be released if his father and the ward chairman went to the police station.[83]

Luftur Islam, Saiful's father, said he immediately went to meet the local ward chairman to request his intervention. The chairman told them to go and speak to the police, promising to put in a word. Lutfur, along with a neighbor, Topon, went to the city police station. Saiful's father said that they saw Saiful in one of the cells: "We saw Saiful and some other students in police custody. My son insisted that police would release him if the chairman requested them to do so."[84]

The police agreed that Lutfur could go outside the police station and buy some breakfast for his son. But when he returned, Saiful was gone.

> When I returned to the police station, the cell where my son had been was empty. The police denied that they had arrested anyone named Saiful. When I insisted that I had seen him a few moments earlier, they said that I must have been mistaken and it was illusion.[85]

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[82] Telephone interviews with Rajab Ali, October 10, 2016, and January 2, 2017.

[83] Telephone interviews with Abdullah Al Azad, October 24, 2016, and January 3, 2017. See also, "Shibir Man Killed in 'Gunfight,'" *The Daily Star*, July 20, 2016, http://www.thedailystar.net/backpage/shibir-man-killed-gunfight-1256257 (accessed January 3, 2017).

[84] Telephone interview with Lutfur Islam, October 23, 2016.

[85] Ibid.

Four other students that had been picked up that morning were released in the afternoon. They told Saiful's family members that five of them, including Saiful, had been detained together and brought to the local police station. They did not know what happened to Saiful after they were released.

Fulhari Union Chairman Jamilur Rahman Bipul said that a police officer had called him and asked about Saiful. "I told the police officer that Saiful was a good person and was not involved with any criminal activities in localities. The policeman replied that Saiful was a Shibir activist in the town and the university area."[86]

In subsequent days, Saiful's father went to the RAB and DB offices, but they all denied any knowledge of the arrest. On the morning of July 19, Saiful's family read on the Ekushey TV crawl that a person had been killed in a "gunfight" beside a graveyard in Ariakandi village. Worried, they went to the morgue, where they found Saiful's body.

The police claimed that at about 3 a.m., a police team was patrolling the Dhaka-Jhenaidah highway near Madhupur-Aruakandi graveyard when some criminals hurled crude bombs at the police vehicle. The law enforcers returned fire, triggering the "gunfight," and one of the criminals was shot by police. Others managed to flee, police said.[87]

Oliullah Molla

Oliullah Molla, 38, general secretary of his local unit of BNP, was detained by police from the Paruli bazaar area in Satkhira on July 9, 2016.[88] When his relatives went to the local Shyamnagar police station, they said that the police confirmed the arrest but refused to let them to meet Oliullah. The family also said that local Awami League leaders demanded bribes to ensure his safety. His wife said the family began to fear for his safety:

> At about 3:30 a.m. the following morning, I heard sounds of gunshots from a nearby area. I become frightened wondering whether Oliullah had been

[86] Telephone interview with Jamilur Rahman Bipul, October 23, 2016.

[87] "Shibir Man Killed in 'Gunfight'," *The Daily Star*, http://www.thedailystar.net/backpage/shibir-man-killed-gunfight-1256257.

[88] Telephone interview with Salima Khatun, October 18, 2016.

> shot. My fear was proven right as in the morning I was informed about the murder of my husband.[89]

Sohidullah, Oliullah's brother, said that family members went to the hospital morgue and found that Oliullah had been shot in the head. They also saw that his right eye was out of its socket and his right hand was cut. Police, however, claimed that they were on duty in Ganghati village when at about 3:30 a.m. a group of men sped down the road on motorbikes. The police tried to stop them, but the men instead hurled bombs and opened fire on the police, resulting in a gunfight during which Oliullah was killed.[90]

Idris Ali

Idris Ali, 56, a teacher at the Hossain Ali Aleem Madrasa at Harinakundu Upazila in the Jhenaidah, was a local Jamaat-e-Islami leader. At about 8 p.m. on August 4, 2016, Idris was on his motorbike returning to his house from the market when, according to witnesses, some plainclothes people from a police post stopped him and forcibly dragged him away.[91]

Family members went to their local police station after witnesses told them about the incident. But the officer-in-charge told them that the location where Idris was allegedly taken was not within the station's jurisdiction, and that they should go to the Shailkupa police station to file a GD. Officers there, however, declined to allow them to do so.

Idris's wife held a press conference on August 9 describing the disappearance. On the morning of August 12, the family was informed that the body of a missing madrasa teacher was found on the Harinakundu-Jhenaidah road. A family member said they went to the morgue:

> We went there and found his mutilated body. After conducting autopsy and postmortem examinations, police claimed that it was a case of a road mishap, and Idris's motorcycle was found at the roadside. We, however, identified marks of severe torture on different parts of the body. There were

[89] Ibid.

[90] "BNP activist killed in 'Shootout'," *The Daily Star*, July 11, 2016, http://www.thedailystar.net/backpage/bnp-activist-killed-shootout-1251886 (accessed January 9, 2017).

[91] Telephone interview, details withheld, September 28, 2016.

marks of hammering behind the head. Tendons were slashed. All the parts of the body bore torture marks.[92]

Police claimed that Idris Ali was wanted in several criminal cases, including for the murder of a police officer.[93]

Continuing Disappearances

DISAPPEARED IN 2016, WHERABOUTS REMAIN UNKNOWN		
Name	**Pick up date**	**Summary**
Moazzem Hossain Tapu, 28	January 26	Moazzem Hossain Tapu, an Awami League student wing activist, was picked up from an apartment in Bashundhara Residential Area in Dhaka belonging to a political rival from the same party. The men who picked him up introduced themselves to the building guard as law enforcement officials.
Bivas Sangma, 25 **Probhat Marak, 50** **Rajesh Marak, 22**	April 14	At around 4 a.m. on April 14, about 12 men, some wearing black clothes inscribed with "RAB," came to Gozni village in Sherpur and picked up Bivas Sangma, a student at Tinani Adarsha Degree College, and Probhat Marak, a day laborer, from their homes. The same day, Probhat's son, Rajesh Marak, a student at a private university in Dhaka, was picked up near Bhaluka College in Mymensingh.[94]
Kamrul Islam Sikdar Musa	June 22	Law enforcement officials picked up Kamrul Islam Sikdrar Musa as he approached the house of a friend in the Kathgar area of Chittagong where his wife and children were staying. Police have said that Musa is suspected of killing a senior police official, though they deny picking him up.[95]
Yasin Mohammad Abdus Samad Talukder, 35	July 14	Yasin Mohammad, alleged by police to have been involved in Islamic militancy, was picked up by law enforcement officers from his parked car at the Kakoli bus stand in Dhaka.
Mir Ahmad Bin Quasem, 32	August 9	Mir Ahmad Bin Quasem, the son of an opposition politician, was picked up by law enforcement officers late at night from his home in Dhaka.
Amaan Azmi, 57	August 22	Amaan Azmi, the son of an opposition politician, was picked up by law enforcement officers from his home in Mogh Bazaar, Dhaka, in the evening.
Sheikh Mohammad Lotiful Khabir (alias Anowar Hossain), 45	November 10	Plainclothes dressed men, introducing themselves as from the "administration," picked up Anowar Hossain, a homeopathic doctor, from his clinic next to his house in Boalia, Rajshai.

[92] Ibid.

[93] "'Missing Jamaat leader' found dead in Jhenaidah," *The Independent*, http://www.theindependentbd.com/post/55492.

[94] "3 abducted indigenous people yet to be rescued," *Observer*, April 19, 2016, http://www.observerbd.com/2016/04/19/147397.php (accessed January 12, 2017).

[95] "Musa was arrested a week ago," *The Daily Star*, July 1, 2016, http://www.thedailystar.net/frontpage/musa-was-arrested-week-ago-1248724 (accessed January 21, 2017).

Cases of nine men who were picked up in 2016 and remain disappeared at time of writing are set out in the table above.[96] Some of these people, by the time of publication, may have been released or killed. Below are further details of five of the cases, based on interviews with families and witnesses.

Yasin Talukder

Yasin Mohammad Abdus Samad Talukder, 35, a physics teacher, lived in Dhaka in an apartment with his mother. A Bangladeshi national with dual British citizenship, Yasin went to school in Bangladesh, moved to the United Kingdom in 2001 for higher studies, and returned to Dhaka four years later after suffering an assault. His family has acknowledged that in 2011, British government intelligence officers asked him to attend a number of counterterrorism interviews at the British High Commission due to concerns about his alleged involvement in militancy, and that Yasin allowed the officers access to his computer.[97] According to his family, the intelligence officers concluded he was no threat. The British High Commission declined to respond to questions related to Yasin's background stating that "it cannot discuss individual consular cases."[98]

On July 12, two days before Yasin was picked up, a national paper in Bangladesh published an article stating that Yasin was among the suspects listed in an FIR, filed five months earlier, for conspiring to attack private buildings.[99] Yasin's family question the authenticity of the allegation.

On the morning of July 14, 2016, Yasin had arranged to meet his cousin Sidrat near the Kakoli bus stand so they could drive together to attend a wedding.[100] At about 11:40 a.m., Yasin called his cousin to find out where he was. Sidrat said he was 10 minutes away. Soon after, Sidrat received another phone call from Yasin. He said:

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[96] This list is based on a combination of cases documented by Odhikar and Human Rights Watch.

[97] David Bergman, "British-Bangladeshi Suspected of Militant Links Believed to Be In Secret Detention in Bangladesh," *The Wire,* November 4, 2016, https://thewire.in/77772/british-bangladeshi-suspected-militant-links-detained-secretly-bangladesh-state-four-months/ (accessed January 10, 2017).

[98] Via email, December 5, 2016.

[99] "Gulshan Attack Militant Nibras: Case filed five months back, no effort to arrest," *Prothom Alo*, July 12, 2016.

[100] Interview of Yasin's mother, Dhaka, October 29, 2016.

> I could hear other people shouting. The conversations and shouting was not clear and Yasin was not responding to me. The call went on for three minutes and then the phone disconnected suddenly. When I called again, it was switched off. When I reached the bus stand, I found the car parked in the spot Yasin bhai told me it would be. When I saw he wasn't inside, I started to worry. I walked up and down, looking for my cousin. I then walked to the nearest ticket stall and asked the ticket seller if he knew where the driver of the car was. I asked loud enough hoping that people sitting nearby might volunteer information, but no one did. The ticket seller initially responded with a "don't know, he's probably around somewhere nearby," but his demeanor pretty much confirmed my suspicion that something bad had happened. I walked to some further stalls and asked, but no one said anything. But I felt the initial ticket seller knew something. I went back to him and this time pressured him a bit more. Eventually he mentioned that a black microbus had parked beside the car and that some people had walked over to the car, and then the driver of the car [my cousin] got out and went with them to the microbus.[101]

Sidrat said he kept trying Yasin's phone and then called Yasin's mother and uncle. A police officer stationed at the local police post advised the family to go to Banani police station to file a GD. Yasin's mother said that while the Banani police station refused to accept the complaint, she was able to lodge a GD at the Bashantec police station where she lives.[102] Yasin's mother also informed the British High Commission about what had happened to her son, and was advised to instruct a lawyer.

Two days after the incident, a man who gave his name as Sarwar Jahan and claimed to be from the Police Bureau of Investigation came to the apartment where Yasin and his mother lived. Yasin's mother described the visit:

[101] Written interview with Sidrat, November 3, 2016.

[102] Interview with Yasin's mother, Dhaka, October 29, 2016.

> He asked me all kinds of questions but when I asked him, he did not say anything about my son being detained. I noticed however that the officer had a copy of my son's biometric mobile phone re-registration form.[103]

Then on the night of July 21, seven days after Yasin was picked up, men from RAB came to the house.

> They introduced themselves as Major Nahid and Major Masud. There were also other men with them. They took all my son's electronic equipment including his computers away with them. They did not give me any receipt.[104]

The British High Commission has confirmed that Yasin was "detained in July 2016," and that the Foreign Office was "continuing to press the Bangladesh authorities for consular access."[105] However, the authorities deny that they have Yasin in custody.

Moazzem Hossain Tapu

Moazzem Hossain Tapu, 28, was a former president of the Rampura unit of the Chhatra League, the student wing of the Awami League, and was aspiring to be appointed to a higher political post.

In November 2015, as a result of a clash in Rampura between the local Awami League members, Tapu went into hiding in his home village in Faridganj, Chandpur district.[106] Two months later, on January 26, his mother, Saleha Begum, said that her son called her to say that he was back in Dhaka. He left Faridganj at about 8 a.m.

> Tapu suddenly told me over the phone that he had reached Dhaka as his friends Imon and Tajul had arranged a meeting with members of the Jubo League to reach a mutual understanding and end old rivalries.[107]

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[103] Ibid.

[104] Ibid.

[105] David Bergman, "British-Bangladeshi Suspected of Militant Links Believed to Be In Secret Detention in Bangladesh," *The Wire*, https://thewire.in/77772/british-bangladeshi-suspected-militant-links-detained-secretly-bangladesh-state-four-months.

[106] Telephone interview with Moinul Hossain Opu, January 10, 2017.

[107] Telephone interview with Saleha Begum, January 10, 2017.

Later that night Tapu's brother, Moinul Hossain Opu, said that Imon phoned him to say that Tapu had been picked up from an apartment in Bashundhara Residential Area under Vatara police station. Moinul said:

> We went to the apartment immediately. One of the guards there told us that three people in plainclothes went to the apartment and picked up my brother around midnight. When the guard tried to stop them, they introduced themselves as members of DB.[108]

The family went to the Vatara police station to inquire about his whereabouts.[109] The sub-inspector on duty told them he had no information about Tapu, and they should inquire with the DB or RAB offices. On January 28, the family attempted to file a GD at the station, but the officers would not initially accept it, and asked the family to consult the DB or RAB.

On January 30, the family filed the GD. They followed up two days later, on February 1, filing a First Information Report (FIR) at the police station. They said they did so at the suggestion of the home minister, whom they met regarding Tapu's disappearance. Since several family members hold leadership positions in the Awami League, they have a relationship with the minister, they explained, and met him more than 20 times regarding the case. They added that he made several calls to different law enforcement agencies, including the DB, RAB, and Inspector General's Office on Tapu's behalf.

Based on information provided by the home minister, Tapu's family thinks that Tapu's friends and some Jubo League leaders were behind the disappearance, and they have filed an FIR alleging their involvement. They believe Jubo League leaders bribed an RAB unit to apprehend and detain Tapu, though they did not name police or RAB officers in their complaint.

The case is now being investigated by DB. The family has organized several press conferences seeking information, and complained about threats and demands for bribes.[110] His mother Saleha Begum said: "We've never received an official

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[108] Telephone interview with Moinul Hossain Opu, January 10, 2017.

[109] Telephone interview with Saleha Begum, January 10, 2017.

[110] "BCL man missing for 18 days," *The Daily Star*, February 14, 2016, http://www.thedailystar.net/city/bcl-man-missing-18-days-510808 (accessed January 21, 2017).

acknowledgement that he is in custody. We don't know where he is being held. At least if there was a body, we would know what happened. We don't know if he's dead or alive."[111]

Kamrul Islam Sikdar Musa

Kamrul Islam Sikdar Musa, a sand trader who also allegedly worked as a police informant, was suspected of involvement in the Chittagong murder of the wife of a senior counterterrorism officer.[112] On June 22, 2016, he was picked up in the Kathghar area of Chittagong as he approached a house where he thought it was safe to meet his wife and children, as arranged by a friend, but which in fact had been identified by the police. His wife, Panna Akhter, said:

> I and my two children were surrounded by a police woman and seven or eight policemen in one of the three rooms of the apartment while my brother-in-law [Musa's brother] was kept separate in a second room. My brother-in-law had earlier been picked up and brought that morning by the police to the house.... One of the police officials then went out of the house, and after some time sent a message over police wireless which said that Musa is arrested. When we heard the words, I started crying. I repeatedly asked the police personnel why they have arrested my husband, and they responded by saying, "Don't you read the newspapers. Do not you see what's going on." I told them that I read many things but I want to know what was exact reason behind his arrest. Then the police said, "Do not worry, he will be released."[113]

Panna said that police have refused a GD and denied the arrest, and that authorities have threatened her since her husband's detention for being vocal about what happened to him.[114] In early October, police announced a 500,000 taka (US$6,200) reward for

[111] Telephone interview with Saleha Begum, January 10, 2017.

[112] "Wife of Police Super shot dead in Ctg," *The Daily Star*, June 5, 2016, http://www.thedailystar.net/country/police-officers-wife-shot-dead-ctg-1234663 (accessed January 17, 2017).

[113] Telephone interview with Panna Akhter, January 14, 2017.

[114] "Musa was arrested a week ago," *The Daily Star*, http://www.thedailystar.net/frontpage/musa-was-arrested-week-ago-1248724.

information leading to his arrest.[115] Musa's wife called the reward a "farce" since he was picked up in June.[116]

Mir Ahmad Bin Quasem

Mir Ahmad Bin Quasem, 32, is the son of Mir Quasem Ali, a prominent leader of the opposition Jamaat-e-Islami party who was convicted of war crimes in November 2014 and was facing execution when his son was picked up. Mir Ahmad is a Supreme Court lawyer who was involved in the legal team representing several men prosecuted by the International Crimes Tribunal, including his father. He was picked up from his house late on August 9, 2016, in the presence of his wife and sister, Tahera Tasnim, who said seven or eight men in civilian clothes came to the door around 11 p.m.:

> He asked his wife to open the door and told us to behave normally. I was in the kitchen at this point. When the door was opened, the men asked my sister-in-law, "Where is your husband?" My brother then went to the door and the men said, "You have to come with us." My brother asked, "Can I have your identity? What is your force? Are you RAB, CID, DB?" They did not identify themselves. He asked several times. They did not wear any uniform and they had no legal arrest warrant. Nothing. They just said, "Come with us." My brother said, "I am a lawyer and I need to know these things." And then they said, "We will give you five minutes to get ready. Get ready and come with us." I said, "You cannot take my brother like this without any identity, in the dead of night. Come in the morning and take him." I stood in front of my brother and held the hand of one of the men. The man pulled away my hand and grabbed my brother. We were running behind him. It was total confusion. There was a white microbus and he was put in it. And the vehicle drove away.[117]

The following day, his wife filed a GD in Pallabi Thana but police refused to allow them to describe the men who took Mir Ahmad as law enforcement officials, and instead required

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[115] "Tk 5 lakh reward for capturing Musa," *Prothom Alo*, October 6, 2016, http://en.prothom-alo.com/bangladesh/news/124121/Tk-5-lakh-reward-for-capturing-Musa (accessed January 21, 2017).

[116] Telephone interview with Panna Akhter, January 18, 2017.

[117] Telephone interview with Tahera Tasnim, August 10, 2016. Tahmina Akhter, Mir Ahmad's wife, provided a similar description in email correspondence on August 11, 2016. Copy on file with Human Rights Watch.

them to describe them simply as "civil-dressed" men. On December 22, 2016, she filed an FIR with the same police station.[118]

Mir Ahmad's father, Quasem Ali, was hanged in September. Mir Ahmad was not able to meet his father before the execution or attend his father's funeral.

In the weeks before his arrest, Mir Ahmad had told Human Rights Watch that he was worried that he might be arrested or disappeared. According to his family, a few days before he was picked up, on the same day that Humam Quader Chowdhury was detained (see below), RAB officers visited his apartment late at night.[119]

Amaan Azmi

Amaan Azmi, 57, a retired brigadier general, is the son of Ghulam Azam, a former leader of the Jamaat-e-Islami party who was convicted of war crimes and sentenced to death in 2013. Considering his age of 90, the court ruled that Azam would serve a life sentence rather than face execution. He died of a heart attack in prison in October 2014.

Amaan Azmi was picked up on the evening of August 22, 2016. About 30 men in civilian clothes entered his apartment building, telling staff that they were from DB. Abul Kalam Azad, an employee in the building, said that he saw security forces, most carrying firearms, with over a dozen vehicles cordoning the house:

> I was downstairs and a few of the men started asking me about the whereabouts of Azmi sir. They initially introduced themselves as "people from administration," and later they claimed they were DB. Azmi sir used to live on the top floor but they did not find him there. Since they could not find him, they blindfolded me and started beating me. I repeatedly said I did not know his whereabouts. At this point, some of the men asked me to give them the key to the empty apartment on the fifth floor. I replied that it was with the landlord. Then, they broke down the door and found Azmi sir. I heard sir say, "Since, you are going to take me, let me take some clothes."

[118] First Information Report, "Case 46 on 22/12/2016." Copy of FIR on file with Human Rights Watch.

[119] Interview with Tahera Tasmin, Dhaka, January 15, 2017.

> But, they did not allow Azmi sir to do so. They escorted him to one of the vehicles. When he was in the car, he was blindfolded.[120]

Azmi's wife, mother, and several other staff who were present confirmed that the men said they were from DB. Azad said that the men also seized six cellphones from people in the house, as well as hard disks from the CCTV installed for neighborhood security. The family has had no news of him since. They said Azmi had been concerned about his safety in the months before his arrest.

Secret Detentions: Disappearances Before Formal Arrests

Among the disappearances in 2016 are the cases of men whose whereabouts were unknown, with authorities denying any knowledge of an arrest, until they were brought back into the formal legal system, weeks or months after the original pick up, with police claiming that they had been arrested "the previous night." They remained effectively disappeared until that time. In the cases of two men who were alleged to be militants, police brought them to a public meeting claiming they had surrendered. In May 2017, one man secretly detained in October 2016 was released outside Dhaka.[121]

Nur Mohammed

Nur Mohammed is a leader of the Jamaat-e-Islami in Jhenaidah district unit. His son, Mujahidul Islam, said that law enforcement officers picked up his father at about 1 p.m. on March 2, 2016, while going to the market on his motorcycle:

> My father's bike was not running properly, so he went to a garage in Hatekhola for repairs. The friend who was with my father told me that four to five people approached him and handcuffed him, and they dragged him into an easy-bike. When local people tried to stop them, the men

[120] Telephone interview with Abul Kalam, August 23, 2016.

[121] "CCTV footage shows police van at abduction spot," *Prothom Alo*, November 18, 2016, http://en.prothom-alo.com/bangladesh/news/129525/CCTV-footage-shows-police-van-at-abduction-spot (accessed January 21, 2017). He was released in Dhaka on May 31, 2017. "Doctor Iqbal returns to home in Lakshmipur seven months after kidnapping," *bdnews24.com,* http://bdnews24.com/bangladesh/2017/06/01/kidnapped-doctor-iqbal-returns-to-home-in-lakshmipur-seven-months-after-kidnapping.

> introduced themselves as members of DB. Since then his whereabouts is unknown and his cell phone switched off. Police did not accept our GD.[122]

Sixteen days later, police claimed that Nur was arrested on March 18 in the district of Satkhira where he was "in hiding," and that his information led to the seizure of 15 hand bombs, 40 kilograms of explosives, and jihadist literature.[123] A case was filed against him for possessing explosives and for the murder of a homeopathy doctor in Jhenaidah in January, for which ISIS had previously claimed responsibility.[124]

Noore Alam, Iftisham Ahmed Sami, and Nazim Uddin

Noore Alam, 23, a third-year student of chemistry at Nilphamari Government College, lived with his family in the Ukiler More area. On the night of April 11, 2016, he was picked up from his home by about 10 people who wore plainclothes and introduced themselves as officials from the "administration." Kamrul Alam Nayan, his brother, said:

> I was at the family shop next to our home. My brother was sleeping inside the house. Two people came to the shop after midnight and then two others joined them. They asked to buy a mobile charger. As we spoke, one of the men seized my phone and asked about my brother. I said that my brother was sleeping. When the men said that they wanted to talk to my brother, I asked them to come back in the morning. Then the four of them dragged me out of the shop, closed it, and forced me to our house. Four to six other men in plainclothes dress also joined them. They woke up my brother and gave him few minutes to dress. We asked for an arrest warrant or any legal documents, but the men assured us that they were officials from the "administration" and they were just taking my brother for interrogation, and that he will return in 20 minutes.[125]

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[122] Telephone interview with Mujahidul Islam, January 13, 2017.

[123] "Missing Jamaat leader arrested," *The Daily Star*, March 19, 2016, http://www.thedailystar.net/city/missing-jamaat-leader-arrested-1196212 (accessed January 16, 2017).

[124] "IS Takes credit for homeopaths killing in Jhenaidah," *The Daily Star*, January 9, 2016, http://archive.newagebd.net/191749/is-takes-credit-for-homeopaths-killing-in-jhenaidah/ (accessed January 16, 2017).

[125] Telephone interview with Kamrul Alam Nayan, October 18, 2016.

The men dragged Noore Alam into a waiting microbus. Nayan immediately went to the Nilphamari Sadar police station, but the police claimed that they had not carried out such an operation. Other family members went to local RAB and DB offices, which also denied they had detained Noore Alam. On April 12, his family filed a GD with the Sadar police station.

Iftisham Ahmed Sami, a third-year university student, lived with friends in Dhaka. About 4 a.m. on April 29, 2016, Sami's father, Iftekhar Ahmed Enam, received a phone call from his son's friend and roommate:

> The friend informed me that about 10 to 15 plainclothes men who claimed to be from the "administration" broke into Sami's room and picked him up. A handcuffed young man, who was with the plainclothes people, pointed out Sami. The plainclothes men then asked Sami to change his clothes, and he was then handcuffed and taken to a car waiting outside.[126]

In subsequent days, the father went to the Boalia police station and the local DB and RAB offices, but they all denied any involvement in the arrest.

Nazim Uddin, 42, returned in July 2015 from Malaysia to live in his home town of Jessore. His wife, Nazma Aktar, said that her husband was visiting a friend in Dhaka when he was detained in the Pallabi area on May 25 by three men in plainclothes who claimed to be from the "administration." She said:

> The friend told me that they were on my husband's motorbike when the people in plainclothes intercepted them. Two people dragged my husband into a vehicle and the other one seized the motorbike.[127]

Nazma looked for her husband in RAB and police stations in Dhaka, but no one provided any information. She filed a GD, although the police had initially refused.

On December 6, 2016, eight months after the first of these detentions, police announced that they had arrested Noore, Sami, and Nazim along with two other men they claimed

[126] Telephone interview with Iftekhar Ahmed Enam, December 11, 2016.

[127] Telephone interview with Nazma Akhter, December 11, 2016.

were members of the banned Islamic militant group Harkat-ul-Jihad-al-Islami. When the three men were brought to court, they told the magistrate that they were picked up on earlier dates from different places, providing details. Kazi Shahabuddin Ahmed, assistant commissioner (prosecution), told the court that the five "Huji operatives knew how to concoct a story."[128] The magistrate remanded all five to police custody.

Moulana Mohammad Akhter Hossain

Moulana Mohammad Akhter Hossain, a 28-year-old imam, was picked up by law enforcement officers on May 3, 2016. His brother, Mushfikur Rahman, witnessed the arrest:

> It was around 9:30 p.m. I was asleep in my house at Sukhan Pukur village in Rangpur, when five to six men came and said that they wanted to talk to me and Akhter about the Union Parishad elections that had just taken place. I said that my brother was at his in-laws' house in Birbiria. The men, dressed in plainclothes, then put me inside a white microbus, taking away my cell phone. I took the men to Akhter's in-laws' house. I was asked to call Akhter's name. When Akhter's wife Romana opened the door, we all went inside. The men then said that they were members of DB and that they needed to take Akhter away and talk to him, as he could help locate some other people, and that he would be returned after an hour.
>
> Both of us were then taken inside the microbus. They told Akhter, who was anxious, to stay calm, as otherwise we would be blindfolded and handcuffed. The microbus then stopped in front of Pirgacha Union Parishad Office and the men told me to get off. They also returned my cell phone. I asked them to let my brother go along with me, but the men said, "We have your phone number and we will communicate with you when we need to."[129]

The next day, Akhter's family searched for him at the police station and local DB and RAB offices. All denied involvement in his detention. On May 6, Mushfikur said he went to the Pirgachha police station to file a GD but was told he could only file a missing person

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[128] "Five Huji Suspects Placed on Remand," *The Daily Star*, December 13, 2016, http://www.thedailystar.net/backpage/five-huji-suspects-placed-remand-1329490 (accessed January 9, 2016).

[129] Telephone interview with Mushfikur Rahman, January 14, 2017.

complaint. Two months after he was disappeared, on July 1, police said Akhter was arrested in Dhaka, and that he was a member of the JMB.

Monirul Islam Babu, Abdullah Al Sayem Turjo and Shoaib Biswas

On May 12, 2016, Monirul Islam Babu, 28, Abdullah Al Sayem Turjo, 25, and Shoaib Biswas, 26, were picked up in and around Kalishpur in Khulna, where they are all from.[130] On June 12, one month later, the police claimed they were arrested in Dhaka for militancy.[131]

Shoaib Biswas, a teacher in the Arabic Department at Bismillah Nagar Madrasa, was detained in the morning on his way to work. His father, Maulana Abdus Sattar, spoke with his son when he was subsequently taken to court:

> He told me that he was going to the madrasa on his bicycle when he was picked up by a few men in plainclothes and taken in a white microbus on which it was written, "Emergency Electricity."[132]

Abdullah Al Sayem Turjo is a teacher at the Bismillah Nagar Madrasa in Harintana, Khulna. His colleague, Mufti Hafizur Rahman, said:

> On May 12 at around 6:15 p.m., both of us left the madrasa on our bicycles. When we reached close to Mostor intersection, a 50-year-old man blocked our way. A white microbus with a sticker "Emergency Electricity" was parked there. The person asked for our names. Then the man asked me to leave and told Turjo to stay. I saw some people came down from the microbus and grab Turjo and put him on the microbus. Then the microbus stopped in front of me and they took away my cell phone and left.[133]

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[130] "3 youths go missing being picked up by 'detectives,'" *New Age*, May 19, 2016, http://archive.newagebd.net/230836/3-youths-go-missing-being-picked-up-by-detectives/ (accessed January 17, 2017).

[131] "Abducted a month back, trio arrested with machetes," TerrorismWatchBangladesh, http://www.terrorismwatchbangladesh.us/2016/06/abducted-month-back-trio-arrested-with.html

[132] Telephone interview with Maulana Abdus Sattar, January 12, 2017.

[133] Telephone interview with Mufti Hafizur Rahman, January 12, 2017.

The next day, Turjo's father filed a case at the Harintana police station alleging that some unknown people had kidnapped his son.[134]

Monirul Islam Babu is an electrician who was picked up from his home. His mother, Khadiza Begum, witnessed the incident. She said:

> At around 9 p.m. a man came to our home. When Monirul came out, the man asked whether he was Monirul. The man then left without saying anything. A few minutes later, over 10 people came to the house accompanied by the person who had come earlier. They forcibly took Monirul. When we tried to stop them, they claimed to be members of DB. Some of them had pistols in their waist. They told us that Monirul will be released after he had identified some people. They then dragged Monirul into a white microbus marked "Emergency Electricity." They asked us to communicate with Khalishpur police station and left quickly.[135]

The following day, the family filed a GD with the Khalishpur police station. When he was eventually produced in court after a month-long secret detention, Monirul Islam spoke to his father and told him that "they were blindfolded inside the microbus and traveled a long way. They were kept in a dark room, but not blindfolded or handcuffed."[136]

Rashidun Nabi Bhuiyan (Tipu)

Rashidun Nabi Bhuiyan, 31, also known as Tipu, was living at his village home in the district of Comilla. His wife, Tahera Taslima, said that on the night of May 19, 2016, some uniformed and plainclothes officers raided their house at about 1:30 a.m.:

> We were woken by the sound of vehicles and people's voices, and then around 15 to 20 police and others stormed into our house. They showed me a photo and asked me, "Do you know that person?" I replied, "Yes, he is my husband." My husband then came out of the room. They tied his hands and blindfolded him. I went outside the house and urged them not to take him

[134] Telephone interview with Maulana Abdus Sattar, January 16, 2017.
[135] Telephone interview with Khadiza Begum, January 12, 2017.
[136] Telephone interview with Masudur Rahman, January 16, 2017.

> away, and one of the police officials in uniform told me that my husband was a criminal who had killed two bloggers.[137]

The following morning, Tipu's family members went to the local Nangalkot police station find out whether he had been detained. "The police insisted that they didn't know anything about the incident," his wife said.[138]

In subsequent months, family members met police and RAB officials many times, but no one provided information on Tipu's whereabouts. On October 16, 2016, five months after Tipu's detention, police in Dhaka held a press conference claiming that he had been arrested the previous night at the Sayedabad bus station in Dhaka. Police claimed that Tipu was a leader of the Islamic militant organization, Ansar al-Islam, and that he led the team of five men who attacked Nazimuddin Samad, a university law student and secular activist, on April 6, 2016. Police said Tipu had confessed and had provided the names of his accomplices and information on the subsequent murder of gay rights activists, Xulhaz Mannan and Mahbub Rabbi Tonoy, on April 28.

Brothers Ashfaq-e-Azam Apel and Azharul Hannan

Ashfaq-e-Azam Apel, 27, a recently graduated software engineer, lived in his family home in the city of Rangpur. His father, Shamsul Hoque, said that in the early hours of June 7, 2016, Ashfaq was picked up from the family home by law enforcement officials in front of him and three other family members. He said:

> Plainclothes dressed men introducing themselves as from the "administration" came to our house between 1:30 a.m. and 1:45 a.m. As we opened the door, they—two of them carrying firearms—told me that they needed to interrogate my son and that he will be returned soon. I allowed them to take my son. They put my son into a microbus which was escorted by two motorbikes and another SUV. They took away his mobile phone.[139]

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[137] Telephone interview with Tahera Taslima, September 28, 2016.

[138] Ibid.

[139] Telephone interview with Shamsul Hoque, June 11, 2016.

In the morning, the family went to the DB office in Rangpur and the local police station, but they all denied Ashfaq's arrest. The Kotwali police station refused to accept a GD from the father and so he instead filed a missing person report. "I also approached RAB-13 office but they also denied arresting my son," the father said. They said, "We don't have him."[140] On February 1, 2017, seven months after he was originally picked up, RAB said that they had arrested Ashfaq along with three other men following a raid on a hideout in Dhaka. RAB claimed that the men belonged to the JMB and that Ashfaq was "the group's IT expert. He was in charge of maintaining websites and providing technical support."[141]

Shamsul Hoque also said that on January 3, 2017, his younger son, Azharul Hannan, a marine engineer who was present when Ashfaq was picked up in June, was detained in Chittagong. Men put him in handcuffs when he stepped out of the Navy Fleet Club, a navy-run hotel, where he was attending a conference organized by the Military Institute of Science and Technology. Hoque said that police at Bandar police station refused to file a GD, citing an instruction from "high ups." The family have not heard anything more from him.[142]

Rashid Gazi and Kamruzzaman Sagor

Rashid Gazi, 22, a second-year student at Jessore University Science and Technology, and Kamruzzaman Sagor, 22, a student at Jessore MM College, were staying at a private hostel when they were picked up on afternoon of June 19, 2016. Authorities denied the detention at first, and the students were held illegally for nearly a month. RAB eventually claimed that they were arrested on July 14.

Ripon Sardar, Rashid's uncle, talked with the two men when they were at the police station and when they were brought to court. Sardar said that they told him:

> Five to six men in plainclothes, identifying themselves as members of DB, picked up them in a white microbus on June 19. They were blindfolded and handcuffed. The microbus stopped somewhere and another person in the same condition was put next to them. The three were taken into a room

[140] Ibid.

[141] "Neo-JMB IT expert and three others held in Dhaka," *Financial Express*, February 1, 2017 http://www.thefinancialexpress-bd.com/2017/02/01/60652/Neo-JMB-IT-expert-held (accessed April 27, 2017).

[142] Telephone interviews with Shamsul Hoque, January 16 and 18, 2017.

where they were kept blindfolded and handcuffed. A few days later, Rashid and Kamruzzaman heard some heated words exchanged which was followed by a gunshot. They never saw or heard the third person again.[143]

Hasnat Karim and Tahmid Khan

Armed gunmen attacked the Holey Artisan Bakery on the night of July 1, 2016, killing more than 20 people and holding others inside hostage. The next morning, the hostages were rescued after security forces stormed the café, killing the gunmen. The hostages were taken to DB headquarters, where they were questioned by the authorities. This included Hasnat Karim, 47, who had gone to the restaurant with his wife and two children, and Tahmid Khan, 22, who had gone to the restaurant with two friends.

While all the other hostages were released, Karim and Khan were held illegally for a month with the authorities issuing contradictory statements about whether the men were in their custody. Karim has dual nationality with the UK, while Khan is a Canadian resident. On July 13, 2016, nearly two weeks into his illegal detention, Karim briefly met with his wife and mother.[144]

On the evening of August 3, police informed the media that both men had been arrested in Dhaka that day on suspicion of involvement in the Holey attack. The following day, they were brought to a magistrate court which passed an order remanding both into police custody for eight days for questioning. In October, the police told the court that it no longer believed that Khan was involved in the Holey attack, but filed a case against him for "a lack of cooperation with the policing authority," claiming that he failed to appear at two police interviews on July 10 and 21, a period when he was in state custody.[145] In April 2017, a court acquitted him of this charge. Karim, however, remains in jail on a case filed relating to the Holey attack.

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[143] Telephone interview with Ripon Sardar, January 14, 2017.

[144] Interview with family members, August 9, 2016. See also, "Bangladesh: Charge or Release Holey Attack Hostages," Human Rights Watch news release, July 15, 2016, https://www.hrw.org/news/2016/07/15/bangladesh-charge-or-release-holey-attack-hostages.

[145] Shanifa Nasser, "Tahmid Khan to return to Bangladesh court after acquittal on terror charges for 'lack of cooperation,'" *CBC News*, October 3, 2016, http://www.cbc.ca/news/canada/toronto/tahmid-khan-to-return-to-bangladesh-court-after-acquittal-on-terror-charges-for-lack-of-cooperation-1.3789488 (accessed January 7, 2017).

Humam Quader Chowdhury

Humam Quader Chowdhury, 33, is the son of Salahuddin Quader Chowdhury, a prominent leader of the BNP who was executed in November 2015 following his conviction for war crimes. Humam Chowdhury is also involved in BNP politics. On the morning of August 4, 2016, he was traveling with his mother to the Dhaka District Court where they were both due to attend a hearing involving a cybercrime case alleging their involvement in the leak of the judgment convicting Humam's father for war crimes.[146] Humam's mother, Farhat Quader Chowdhury, said:

> It was about 11:30 in the morning. We were on the way to court. Just before you get to the court you have to turn right. The traffic signal was red, so we stopped. The road was quite crowded. A couple of men came up dressed in plainclothes, and opened the door on the right. They asked my son whether he was Humam Quader Chowdhury and he replied that he was Humam, but that he had to go to court. They said, "No, you are coming with us." Humam then got down from the car. I didn't know what to do. They did not seem to have a car—as far as I could see they were walking him down the road.[147]

On February 24, 2017, the UN Working Group on Enforced or Involuntary Disappearances issued a statement calling on the Bangladesh government to provide information as to the whereabouts of three men, including Humam.[148] A week later, on March 2, Humam was released blindfolded and disoriented on the roadside, close to his family home in Dhaka. Humam was unable to explain the location where he had been held.

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[146] Humam and his mother were both prosecuted under the Information, Communication and Technology Act, 2006, for offenses involved in the leaking of a draft of the court judgment convicting Salahuddin Quader Chowdhury of crimes committed in the 1971 independence war. After Humam was secretly detained, the court, on September 15, 2016, acquitted both him and his mother. See "Salauddin Quader's wife, son acquitted in verdict leak case," Dhaka Tribune, September 15, 2016, http://www.dhakatribune.com/bangladesh/2016/09/15/salauddin-quaders-lawyer-gets-10yr-jail-verdict-leak-case/ (accessed December 18, 2016).

[147] Telephone interview with Farhat Quader Chowdhury, August 10, 2016. See also, David Bergman and Muktadir Rashid, "Bangladesh: Sons of convicted war criminals detained," *Al Jazeera*, August 11, 2016, http://www.aljazeera.com/news/2016/08/bangladesh-sons-convicted-war-criminals-detained-160811134823481.html (accessed December 18, 2016).

[148] "UN expert group urges Bangladesh to stop enforced disappearances," United Nations news release, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21220&LangID=E.

Mohammad Akhtaruzzaman and Mohammad Hafizur Rahman

Mohammad Akhteruzzaman, 15, and Mohammad Hafizur Rahman, 17, both students at Kolabari Dakhil Madrasa at Ghoraghat in Dinajpur, were picked up within a week of each other. In November 2016, their fathers held a joint press conference at Dinajpur Press Club.

Akhtaruzzaman's father, Sarowar Hossain, an agricultural worker and small businessman, said that his son was picked up from his family house early in the morning on September 28, 2016, by law enforcement officials:

> They said they wanted to question Akhtaruzzaman. I asked them what offense did Akhteruzzaman commit? But they did not answer. My son was sleeping in his grandfather's house. I woke him up and handed him over to the men.[149]

On October 16, Sarowar Hossain filed a GD at his local police station in Ghoraghat Upazilla stating that his son had gone "missing." At the press conference on November 6, he appealed to the government for his son's return. At the same press conference, Zillur Rahman, father of Hafizur Rahman, said that his son was picked up on October 4:

> At approximately 6 p.m., a group of people introducing themselves as members of a law enforcement force came to my grocery shop situated at Raniganj bazaar and, in my absence, took my son away.[150]

On November 23, RAB brought both Akhtaruzzaman and Hafizur Rahman—along with one other man from the same madrasa—to an "anti-militancy" function in Rangpur, and said that the men were JMB operatives who had surrendered to the authorities. Home Minister Asaduzzaman Khan handed over a check for 500,000 taka (US$6,200) to each of the men for their "rehabilitation."[151] A RAB press release said that Hafizur Rahman and

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[149] Statement of Sarowar Hossain, November 6, 2016. Copy on file with Human Rights Watch.

[150] Statement of Zillur Rahman, November 6, 2016. Copy on file with Human Rights Watch.

[151] In July 2016, RAB announced that it would provide financial rewards to militants who surrendered to the authorities and provided information. In October, RAB announced that two militants would became the first to surrender as part of this scheme. See "Tk 10 lakh reward for militant who returns to normal life: Rab," *The Daily Star*, July 18, 2016, http://www.thedailystar.net/country/joint-drive-against-militants-underway-bogra-1255552. See also, "Bangladesh: Two Militants Become First to Surrender Under Cash-Incentive Program," *BenarNews*, October 5, 2016, http://www.benarnews.org/english/news/bengali/militant-incentive-10052016151827.html (accessed May 2, 2017).

Akhtaruzzaman were brainwashed and radicalized by a JMB recruiter and assigned to carry out subversive activities. They had decided to surrender to law enforcers after the Gulshan and Sholakia attacks, and family members who inspired them to surrender took the two young men to RAB, the release said.[152]

Hafizur Rahman's father gave a different account of the Rangpur event, stating that he first came to know about the ceremony when RAB told him to be present. He said he does not know where his son has been kept since the ceremony:

> I first spoke to my son on the phone 25 days after the ceremony and have since had further conversations. The last time he called me was on January 13, when he asked me about my health and hanged up. That's it. I have no idea where my son is.[153]

Khairul Islam

Khairul Islam, 26, a student at the Islamic University of Technology, was living with his family in Gazipur. His father, Abul Kashem, said men wearing jackets with "DB" written on them came to their house around midnight on the evening of October 21, 2016:

> They said that they were looking for Khairul. I asked them to show any warrant of arrest but they replied that the SP [police superintendent] has asked them to take him away.[154]

However, seven days later, on October 28, 2016, police claimed to have arrested four suspected members of the banned organization Harkat-ul-Jihad-al-Islami, Bangladesh (HuJI-B), along with 14 petrol bombs and four crude bombs in the Nandoain area of Gazipur city. One of them was Khairul, who had been in their custody one week already. The police superintendent in Gazipur said the members of the banned militant outfit were arrested

[152] "3 JMB men surrender to Home Boss," *The Daily Star*, November 24, 2017, http://www.thedailystar.net/backpage/3-jmb-men-surrender-home-boss-1319554 (accessed January 17, 2017).

[153] Telephone interviews with Zillur Rahman, January 14 and 18, 2017.

[154] Telephone interview with Abul Kashem, January 14, 2017.

during a raid at an abandoned cottage inside a forest in Joydevpur at about 8 p.m. the previous day.[155]

[155] "Four Huji-B men held in Gazipur," *The Daily Star*, October 29, 2016, https://dev.thedailystar.net/backpage/four-huji-b-men-held-gazipur-1306099 (accessed January 17, 2017).

III. Cases of 19 "Disappeared" since 2013

The 19 cases of enforced disappearances that occurred over a two-week period at the end of 2013, described in detail below, show the failure of authorities to address allegations and ensure accountability.[156] Some of these men, all Dhaka-based supporters or activists of the Bangladesh Nationalist Party, may have been involved in wrongful actions during the violent election-time protests that began a month before their disappearance. Their family members say that if suspected of criminal action, they should have been prosecuted. Their families have made repeated appeals to the government, visited DB and RAB offices, and sought police investigations.

November 28: Disappearance of Samarat Molla and Khaled Hossain Sohel

On the morning of November 28, 2013, six friends living in Old Dhaka had gone to visit a mutual friend imprisoned in Dhaka Central Jail. Five of them were picked up outside the jail by men in civilian clothes. The sixth member of the group was spared because he had left minutes earlier to perform his prayers.

This case is unusual as three of the friends, who were supporters rather than post-holders of the BNP, were later released and therefore became witnesses to the detention. The other two, Samarat Molla, 27, and Khaled Hossain Sohel, 28, who held posts in the student wing of the opposition BNP, remain disappeared at time of writing.

The Pick Up

On the morning of November 28, Samarat Molla, Khaled Hossain Sohel, and four other BNP supporters—named here "W," "X," "Y," and "Z"—went to the Dhaka Central Jail to visit their mutual friend Sonjoy.[157] All of them lived in Sutrapur, an area in Old Dhaka.

The men came to the prison in two groups at around 11 a.m.: Y, W, and Z in one group, and Samarat, Sohel, and X in another. They obtained "jail tokens" and entered the prison at

[156] The human rights group Odhikar reported a total of 53 disappearances in 2013.

[157] The identities of the four men have been anonymized for their safety. Human Rights Watch reconstructed the detention based on their account.

around noon. Their friend Sonjoy, however, was not brought to the prison meeting room, and after 20 minutes they left the jail.

According to W, X, and Y—the men who were subsequently released—at around 1:15 p.m., Z wanted to say his prayers and went to a nearby mosque, leaving the five friends standing outside the jail. Y then told the others that he had some work and started to leave the prison area. As Y walked away, two men in civilian clothes approached him. He then walked back with about six men following him. Four men, who were all in civilian clothes and did not appear to have any weapons on them, asked each of them their names. "When Samarat Molla gave his name, it was clear from the men's response that they were most interested in him," one witness said. "They took all five of us to a silver colored microbus which was standing just outside the jail wall."[158]

According to Samarat Molla's family members, W, X, and Y later told them that the men had beat up Samarat, accusing him of arson attacks.

After nine days, on December 7, W, X and Y, who were not BNP post-holders, were told that they would be released the following day. They were warned against talking about their detention. At about midnight, the three of them were put into a car. The car stopped after about an hour and a half, and they were pushed out of the vehicle and told to run. They later discovered they were in Bikrampur.[159]

Khaled Hossain Sohel, disappeared since November 28, 2013. © Private

Samarat Molla, disappeared since November 28, 2013. © Private

[158] Interview with witness "W," details withheld, Dhaka, October 21, 2014.

[159] Interview with witnesses, Dhaka, October 21, 2014.

Samarat Molla and Khaled Hossain Sohel remain disappeared.

State Response

A day before he was picked up, police had visited Khaled Hossain Sohel's house in Bangla Bazaar where he usually lived with his wife. The BNP student activist, who according to his family had no criminal cases filed against him, was residing elsewhere in order to avoid arrest. After the police left the house, Sohel's wife, Sayeed Shammi Sultana, said she phoned her husband to warn him.[160]

Sultana discovered her husband was missing after his colleague, Selim Reza Pintu, said that Sohel's phone was not reachable.[161] Fearing he had been arrested, family members and friends started contacting different police stations. Meanwhile, Samarat's family first heard that the men had been picked up by law enforcement authorities late at night on November 28 when they received a call from a friend.[162]

The following day, Sultana lodged a missing person complaint at the Chowk Bazaar police station.[163] Meanwhile, Samarat's sister said that she was initially told she could not file a General Diary if she alleged detention by law enforcement authorities, and was told to come back the next day where she was only allowed to lodge a missing person GD.

Sohel's wife, Sultana, said that she and others assumed that DB officials were responsible as the men who took the five friends were not in uniform, which is usually true of the DB. However, at DB headquarters officers denied the men were in their custody. "The first question the police asked was whether they had any political affiliations. They seemed reluctant to speak to us and told us not to hang round here," Sultana said. She said she and other family members continued to visit the DB office. "The last time we went was the tenth day after they were taken [December 8], and were told not to bother coming."[164]

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[160] Interview with Sayeed Shammi Sultana, Dhaka, May 9, 2016.

[161] Pintu was subsequently picked up on December 11, see below.

[162] Interview with Kaliz Fatima, Samarat's older sister, and Taslima Begum, Samarat's mother, Dhaka, October 10, 2016.

[163] Ibid. The GD, filed by Sultana at the Chowk Bazaar police station, states that her husband "went to Dhaka Central Jail … to see a convict. Since then there is no news of him."

[164] Interview with Sayeed Shammi Sultana, Dhaka, May 9, 2016.

On December 8, three of the friends who had been taken with Sohel were released. One of the men phoned Sultana and she met with him to find out what had happened to her husband. All three are still in hiding at time of writing.

In May 2014, six months after the men disappeared, the police set up a 40-member anti-kidnapping team, and Sultana lodged an application.[165] Soon after, she met with an additional deputy commissioner of police who put her in touch with an official from DB. However, both families have received no further information about the whereabouts or fate of Samarat or Sohel.

December 2: Disappearance of Four Men from Shishu Park

In the early afternoon of December 2, 2013, seven activists of the BNP's student wing, all residents of the Bangshal area in Dhaka, congregated inside the Suhrawardy Udyan park in central Dhaka. They included Mahfuzur Rahman Sohel Sarkar, 35, the Chhatra Dal vice-president of Bangshal Thana; Habibul Bashar Zahir, 27, and Parvez Hossain, 27, the president and secretary of BNP ward 71; and Md Hossain Chanchal, 32, a student wing member.

Five of the activists—including the four men named above—walked to a nearby restaurant at an intersection in central Dhaka known as Shahbagh, while the other two went to the neighboring Shishu Park to purchase tickets so that after lunch they could meet inside.[166] As the five men left the Shahbagh restaurant and walked back toward Shishu Park, four of them—Sohel, Zahir, Parvez, and Chanchal—were picked up by law enforcement officers dressed in civilian dress and bundled into a microbus. Two of the three remaining men witnessed the detention and asked not to be identified. The four men who were picked up have not been seen since.

Habibul Bashar Zahir

[165] This was set up after seven men were picked up by RAB officers in Narayanganj and their bodies were found in April 2014. "DMP forms anti-kidnapping squad," *The Daily Star*, May 3, 2014, http://www.thedailystar.net/dmp-forms-anti-kidnapping-squad-22540 (accessed December 21, 2016).

[166] Three of the seven activists escaped arrest but witnessed the detention. These events have been reconstructed based on interviews with these three men.

The Pick Up

One of the men present at the restaurant, along with the other four who were disappeared, said that that the group had planned to meet at Shishu Park because they considered it safe. He said security forces caught up with them as they were leaving the restaurant:

> I was the first to leave, and I noticed as I left that there were two microbuses parked ahead of us, but I got distracted because I received a phone call. I slowed down and the others went ahead of me. As they got closer to Shishu Park they came to an area of pavement where there are boundary railings of Shishu Park on the right and on the left, another set of railings which separate the pavement from the road. As they entered this area, I suddenly heard someone shouting, "Catch them, catch them." The men could not escape as there were these railings on both sides. As this was happening, I had not quite reached the part of the pavement [with the railings] and so I could cross the road, which is what I did. I saw my friends being grabbed and put into a microbus by men dressed in plainclothes.[167]

Mahfuzur Rahman Sohel Sarkar, disappeared since December 2, 2013. © Private

Habibul Bashar Zahir, disappeared since December 2, 2013. © Private

As soon as the vehicles disappeared, the witness called his political colleagues to warn them to stay away from Shishu Park.[168] One of the two men that had been waiting inside the main entrance of the park also witnessed the detention.[169]

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[167] Interviews, details withheld, November 25, 2014, and September 5, 2016.

[168] One of the men that he called, Ujjal, was picked up later that same day, but Ujjal was produced in court.

[169] Interview with witness, details withheld, November 24, 2014.

State Response

Sohel's father, Md Shamsul Rahman, said that he received a call from one of his son's colleagues who witnessed his son's detention. He said he then tried to find his son:

> After I had finished the call, another son of mine called Sohel's phone. It was answered but there was a lot of noise and crying. I went to Shahbagh police station and asked whether four people had been taken, but the police denied this. I found someone who I knew at the police station, and he showed me the cells and said, "Look, he is not there." I tried to file a GD at the station but the police did not allow me to do that. I went the following day to the DB office but they said that they were not involved and had no information.[170]

Md Hossain Chanchal, disappeared since December 2, 2013. © Private

Rahman was later able to file a GD in his local police station in Bangshal, but the police only allowed him to file a missing person complaint, and not allege that his son was taken by law enforcement officers.[171]

Parvez Hossain, disappeared since December 2, 2013. © Private

Parvez's wife, Farzeena Akhter, said her husband had about six criminal cases lodged against him, which she claimed were all false allegations for his political activities.[172] When she and other family members went to the DB office, they were not allowed into the building. The family filed a missing person GD on December 14, 2013, at the police station.

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[170] Interview with Shamsul Rahman, Dhaka, October 15, 2014.

[171] Ibid. The GD, filed on January 7, 2014, at Bangshal Thana, states that Sohel "went out of the house but never came back.... Even after searching every possible place, we did not find any trace of him."

[172] Interviews with Farzeena Akhter, Dhaka, October 15, 2014, and May 9, 2016.

Chanchal's wife, Reshma Akhter, said that when her husband, who she said had no criminal cases against him, did not return as planned for a family outing, she started calling him but his phone was switched off.[173] She finally called Anwar Hossain, Chanchal's brother. Anwar went to the police but was told that they had not arrested anyone by that name.[174] Chanchal's relatives also went to the DB and RAB offices, but the officials denied having him in custody. They lodged a missing person GD on December 22.

Zahir's brother, Kamal Hossain, who said that his brother had as many as 25 criminal cases of a "political" nature against him, said that the police only allowed him to file a missing person GD, which he did on December 14.[175]

A day or two after the four men were picked up, a local businessman said he saw the four men detained at the DB office:

> On December 3, I visited the DB office at about 3 p.m. to meet a friend of mine who worked there. While I was there, I saw a man detained inside the DB office. On the following day, Sohel's father came to meet me and said that his son and three others had been picked up by the police. Sohel's father showed me a photograph and I recognized him as being the same person who I had seen the previous day in the DB office. I returned to the DB office a day or so later to confirm this. I made another appointment with the DB officer. I did not go directly to his office but went to an area on the ground floor, and I saw about seven detained men. Subsequently, I saw the photographs of the three other men that were picked up and they were of the same men that I had seen inside.[176]

The businessman then discovered that Sohel was thought to be "Chacha Sohel," someone the authorities considered to be "notorious" in the area.

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[173] Interview with Reshma Akhter, Dhaka, May 16, 2016.

[174] Interview with Anwar Hossain, Dhaka, October 15 2014.

[175] The GD, filed at the Bangshal police station by Zahir's older brother, Kamal Hossain, states: "My younger brother went out of the house just like every other day. Later on at 2 p.m. when I called his cell phone number he told me that he was in the TSC arena. Afterwards I found his phone switched off. After searching every possible place we have found no trace of him."

[176] Interview with witness, details withheld, Dhaka, October 9, 2016.

> A senior police officer told me that there are strict instructions from the Prime Minister's Office that Chacha Sohel should not be released because of his crimes. He then told me not to get involved. I called a friend in the Detective Branch with the rank of inspector and he advised me not to call again on this matter to avoid trouble. I was frightened and stopped communication with the BNP people.[177]

The businessman said that he also introduced the relatives of some of the families to a retired major, who said that he was willing to help intervene in the case.

> On around the 13th of December, I brought the major [name withheld] to meet Sohel's father. The father explained what happened to his son and the three other men. The major then called one of his friends serving in DB, and it was on speakerphone and I heard what was said. One official said, "Yes, Sohel was in our custody and we kept him for observation." But he said that Sohel was no longer in the DB office, and that he did not where he is.[178]

December 4: Disappearance of Six Men from Bashundhara

At about 8 p.m. on December 4, 2013, six men were picked up outside a building under construction in Dhaka's Bashundhara Residential Area.

The six men picked up were Sajedul Islam Sumon, 36, the general secretary of BNP ward 38 in Shaheen Bagh; Sumon's cousin, Zahidul Karim Tanvir, 33, whose family owned the under-construction property; Mazharul Islam Russel, 26, Md Al Amin, 26, and Asaduzzaman Rana, 27, three students at Jagannath University who were preparing to take the civil service examinations; and Abdul Quader Bhuiyan Masum, 22, a finance student at Titumir College. Sumon was the only post-holder for the BNP, and according to family

[177] Ibid.
[178] Ibid.

members, the only one with a criminal case filed against him; the others were all supporters and activists. There were two other men present at the time, but they managed to escape.

Sajedul Islam Sumon, disappeared since December 4, 2013. © Private

Zahidul Karim Tanvir, disappeared since December 4, 2013. © Private

The Pick Up

One of the two men who escaped said that the meeting had been called by Sumon. RAB officers arrived soon after:

> For 40 or 45 minutes we were chatting. We were talking about the momentum of protest. After that, four of the men left by foot, leaving four of us—Tanvir, Sumon, myself, and [name withheld] behind. Two of us then went to the other side of a cement mixing machine to have a smoke. Suddenly we saw vehicles approaching. There was more than one car, but I can't say exactly how many. There were some men in black uniforms who came out of the vehicles. They had weapons. The cars had their lights on so I could see the men, the color of their uniform. There was one car with "RAB-1" written on it. I am sure that it was definitely RAB because of the clothes, and because I saw RAB-1 logo on the car. I could make out that people were being taken into a vehicle and that it left.[179]

A construction worker at the site who witnessed the detention said he knew Tanvir because the family owned the property and had seen Sumon earlier. He said:

[179] Interviews, details withheld, Dhaka, November 30, 2014, and May 14, 2016.

> Tanvir and Sumon were still standing there talking when the vehicles came. Four of the men [who came down from the vehicle] wore civil dress and another seven or eight were dressed in the black clothing of RAB, with a cloth around head. All the men had guns. Sumon and Tanvir were both beaten up before they were put in the car. "Why you are arresting us, we are not these type of people," they said at the time of being picked up.[180]

Six hours later, early the following morning, a contractor said he was returning from a night shift to Shaheen Bagh, the area where Sumon's family lives, when he saw Sumon, whom he knew well, inside a car that he thought belonged to law enforcement authorities.[181]

Mazharul Islam Russel, disappeared since December 4, 2013. © Private

Asaduzzaman Rana, disappeared since December 4, 2013. © Private

State Response

Sumon was not at that time staying at his home in Shaheen Bagh because he feared arrest, and was instead living with his cousin, Tanvir, at their apartment in Bashundhara Residential Area. Sumon's sister, Sanjida Islam, said that they first heard that Sumon had been picked up when her family in Shaheen Bagh received a call from her aunt, Tanvir's mother:

> My aunt said that it was RAB. Within half an hour my older sister, my husband, and my mother went to the RAB office in Uttara. I was

[180] Interview with construction worker, details withheld, November 23, 2014.

[181] Interview with witness, details withheld, November 9, 2014. The contractor knew Sumon as he had been involved in organizing the marriage of his daughters. Shaheen Bagh is about 10 km from Bashundhara Residential Area where the six men were picked up.

> pregnant at the time so I did not go. RAB people at the gate did not allow my family members in. The men at the reception denied they were involved in the detention. My sister, father, and mother stayed outside the RAB office throughout that night, and for the next three days one family member or the other was present outside the RAB office.[182]

Md. Al Amin, disappeared since December 4, 2013 © Private

At about 11 p.m., one of the two men who had escaped being picked up came to their house though the back entrance. He told the family that Sumon had been taken away in RAB vehicles. The following day, Sanjida said that family members went to file a complaint with police:

> The next day my mother and older sister went to our local police station in Tejgaon to file a GD but the police said that they had to go to the police station of the PO [place of occurrence]. They then went to Vatara police station but the duty officer refused to allow them to file the GD if they claimed that RAB had taken my brother. They said that they could only give a GD if they said that Sumon was missing. As we did not want to do that, we did not file a GD.[183]

Abdul Quader Bhuiyan Masum, disappeared since December 4, 2013. © Private

Through family connections, Sumon's family contacted a senior RAB officer [name withheld]:

[182] Interview with Sanjida Islam, Dhaka, September 22, 2014.

[183] Ibid.

> He began to speak to my mother on the phone, and to send messages. He made her believe that Sumon was going to be released soon. He said for example one day, "He will be with you next time you say your prayers." Many times, he said that they were going to release Sumon. But nothing happened. This went on for two months.[184]

Family members continued go to the RAB-1 office and RAB headquarters. At the end of January, Sumon's mother and sister were invited to the office to meet an RAB-1 officer. Sanjida said:

> He admitted that Sumon had been detained. They praised my brother, saying that Sumon is good person, had a good reputation. He said that his boss had gone to see Sumon recently, to make sure he was all right in their custody. He suggested to us that we should communicate with Ziaul Ahsan, who was in charge of operations. He gave Ahsan's land line and mobile number to my mother. When we met Ziaul Ahsan, he was very arrogant. He said, "Why are so many army officials calling about Sumon? We have told you that we don't have him and that we are searching for him."[185]

The family gave its first written application to RAB on March 18, 2014, and has since given at least 12 further applications to RAB (most recently on August 21, 2016), and five to other government authorities, including the home ministry, police, and military intelligence. The family has also made a complaint to the National Human Rights Commission and filed a habeas corpus petition in court.

In May 2016, Sanjida met again with one of the RAB officials the family had met earlier, who had been a senior RAB-1 officer at the time of her brother's disappearance, but had since left. He confirmed in a private meeting at a restaurant that RAB-1 had conducted the operation to pick up Sumon. He said that the six men had been in his custody and that he received an order to kill them, but he refused.[186]

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[184] Ibid.

[185] Ibid.

[186] Based on notes taken by Sanjida immediately after the meeting.

According to Sanjida, the official said that RAB's counterterrorism branch—under the command of Lt. Col. Abul Kalam Azad,[187] who subsequently became head of RAB's intelligence wing—took the men from his custody. The official assumed they had been killed.[188] In August 2016, Sanjida met with Azad, but he denied any involvement and, according to Sanjida, said: "We are searching. I will try to let you know whether he is alive or anywhere else."

Russel's sister, Nusrat Jahan Laboni, said she waited all night for her brother to come home, and in the morning discovered that his friends were missing as well.[189] Family members approached RAB, DB, and various police stations several times but no one had any information about the detentions.[190]

Al Amin's father filed a missing person GD at Badda police station that covered the area where they lived.[191] The family also managed to file a First Information Report on January 26, 2014.[192] Al Amin's cousin, Yakoob, went to the construction site and the workers recognized his photograph, confirming that Al Amin was detained by RAB-1:

> I asked the workers how they knew that it was specifically RAB-1. They said that the security guards who work in that area are a little educated. After Al Amin bhai and his friends were taken away by RAB, the workers went running toward the security guards, and the security guards told them that the vehicles had "RAB-1" written on them.[193]

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[187] Abul Kalam Azad died on March 31, 2017. RAB claimed that he had been killed when a bomb exploded during an anti-militant operation in Sylhet. See Kamrul Hasan and Arifur Rahman Rabi, "RAB intelligence chief Azad dies from Sylhet bomb injuries," *The Dhaka Tribune*, March 31, 2017, http://www.dhakatribune.com/bangladesh/2017/03/31/rab-intelligence-chief-azad-dies-sylhet-blast-injuries (accessed on May 5, 2017).

[188] Human Rights Watch carried out a detailed interview with Sanjida the day after the meeting, which took place on May 23, 2016. Copy of the text correspondence setting up the meeting on file with Human Rights Watch.

[189] Interviews with Nusrat Jahan Laboni, October 18, 2013, and May 6, 2016.

[190] Ibid. On December 6, 2013, Russel's older brother filed a GD at the Tejgaon police station, stating that Russel had gone missing on December 4. "In the afternoon, he went out and did not come back," it states. The GD is mistakenly dated November 6. Copy on file with Human Rights Watch.

[191] On December 5, 2013, Al Amin's father filed a GD at the Badda police station, stating that Al Amin had gone missing the previous day. "At around 5 in the afternoon, my oldest son, Md Al Amin, left home to go to Bashundhara, and he did not return until now. His mobile phone is switched off," it states. Copy on file with Human Rights Watch.

[192] Copy on file with Human Rights Watch.

[193] Interviews with Yakoob, Dhaka, May 5, 2014, and May 9, 2016.

Yakoob also went to the RAB office, where officials asked questions about witnesses to the abductions:

> The RAB officer asked me if I had any record or proof with me about the complaint. I replied to them that I had a recording of the statement that the workers and the caretaker gave. I showed the officer the recording. He took a record of the recording. Then I left the office and came back home. Afterward I again contacted the officer to ask them if he has found anything about them yet. The officer replied that he will call us when it will be time. I called him three more times, but he couldn't tell me anything else.[194]

Masum's mother, Ayesha Ali, said the family went to a number of police stations: "They said that no one had been arrested. On December 6, we went to file a GD in Tejgaon industrial area, but they only accepted a GD if we said that he was missing."[195]

Rana's sister, Meenara Begum, said that she too went to the police and RAB offices after she heard of the detention. They also filed a police complaint reporting that Rana was missing.[196]

Tanvir and Sumon are cousins. Tanvir's mother, Nilifur Rana, also said that she went with her relatives to meet with RAB and DB officers, but everyone denied the detention.[197]

National Human Rights Commission

A year after the detentions, in December 2014, Sajedul Islam Sumon's family made a formal complaint to the National Human Rights Commission. On December 17, the then chair of the NHRC wrote to the most senior civil servant of the home ministry setting out the allegation and "appealing to the government to take necessary action to bring back the son of Hazera Khatun and the others to the parents," and to inform NHRC what action the ministry had taken by January 15, 2015.[198]

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[194] Ibid.

[195] Interview with Ayesha Ali, Dhaka, October 18, 2016.

[196] Interviews with Meenara Begum, Dhaka, October 18, 2014, and May 6, 2016. The GD is dated December 5, 2013, and was filed at the Mugda police station by Meenara Begum. "At around 5 p.m. he went out from my rented house, and until now has not returned home. I have tried to look for him in all possible places including relatives' homes but could not find any trace of him," it states. Copy on file with Human Rights Watch.

[197] Interview with Nilifur Rana, Dhaka, November 9, 2014.

[198] Full correspondence of the National Human Rights Commission on file with Human Rights Watch.

The ministry did not respond to this letter or to six other monthly reminders that the NHRC sent. However, on August 28, 2015, the ministry finally replied, stating that Sumon's father had filed a case with the Vatara police station on January 26, 2014, and that the case was under investigation.[199] In a letter dated November 15, 2015, Sumon's mother wrote that they had never filed a case of this kind because when they had gone to do so "the police refused to take the case."[200]

The NHRC then wrote to the ministry stating that the police report did not contain any specific step as to "how you are trying to get the victims back," and asked for a detailed report by December 20, 2015. On January 14, 2016, police sent a letter to Sumon's mother asking her to come to the police station. This meeting never took place. Instead, Sumon's family sent a note to the police setting out the details of Sumon's disappearance.

Response from Courts

In March 2016, Sajedul Islam Sumon's mother filed a habeas corpus petition before the High Court.[201] She said that her son was illegally detained by RAB. The petition said that authorities had shown no inclination to investigate the incident, and that the court should order government authorities to produce him before the court.

On March 10, 2016, the court passed a *rule nisi* calling upon the Bangladesh government and various policing bodies to "show cause as to why the arrest/abduction/causing disappearance of the petitioner's son Sajedul Islam Sumon … should not be declared to be illegal and without lawful jurisdiction," and pass such orders as the court considers necessary.[202]

Following this order, the inspector general of police responded in an affidavit, "It was learnt from the respective units that neither Rapid Action Battalion nor any other unit of Bangladesh Police arrested said Sajedul Islam Sumon."[203] RAB also filed an affidavit with

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[199] Ibid.

[200] Ibid. The case that the ministry and police were referencing had been filed by Al Amin's family.

[201] Writ Petition no. 2604/2016.

[202] Court order relating to WP 2604/2016, given by Justice Syed Muhammed Dastagir Husain and Justice AKM Shahidul Huq, October 1, 2016.

[203] Affidavit in opposition filed by inspector general of police in WP 2604/2016, in response to order of court.

the court stating, "RAB-1 did not pick up or arrest the petitioner's son Sajedul Islam Sumon and others," and that "we are trying to find out the victims."[204]

There had been no further court hearing at time of writing, since the High Court passed its order.

Al Amin's family was the only one to file an FIR involving the abduction.[205] His nephew, Yakoob Ali, said that some six months after the case was filed, an officer from the Vatara police station called and asked if the family had received news about Al Amin. "I said that it was the police that were supposed to be the ones providing the information."[206]

In response to the court order following the habeas corpus application by Sajedul Islam Sumon's family, the police filed documents relating to its investigation into Al Amin's family's FIR with the court. These stated that after Al Amin's father filed a case in January 2014, a police inspector had prepared a draft map; taken statements from the petitioner, people in the surrounding area, and a witness; and had collected the victim's mobile phone records. Police said that three investigating officers had been assigned to, and then taken off, the case. The letter concluded by saying the investigation revealed that along with Al Amin, Sajedul Islam Sumon had been abducted by "an organized criminal gang" that they were trying to identify and catch. It stated: "The case is under investigation and we are deploying modern technologies."[207]

Dhaka Metropolitan Police authorities also said that on November 19, 2014, the investigation responsibility was transferred to the Detective Branch of the police.[208] In April 2016, following the March court order seeking state response to the habeas corpus petition, DB officials contacted Al Amin's family and asked to get more information about the incident. Al Amin's cousin said that the whole exercise was cruel and farcical: "I felt it

[204] Affidavit in opposition filed by Lieutenant Colonel Tuhin Mohammad Masud, commanding officer, RAB-1, in WP 2604/2016, in response to order of court, April 4, 2016.

[205] Case no. 24, Vatara police station, January 26, 2014.

[206] Interview with Yakoob Ali, Dhaka, May 7, 2017.

[207] Letter from Zuhair Hossain Khan, detective and crime department north sub-inspector, Uttara Zonal team, to joint commissioner (crime), detective and criminal information department, Dhaka Metropolitan Police, April 11, 2016, annexed to affidavit in opposition filed by the inspector general of police.

[208] Documents annexed to the inspector general of police's affidavit in opposition.

was like a joke—him coming after three years and asking about [my cousin] like this. He said, 'Don't worry, you will get justice.'"

December 5: Disappearance of Adnan Chowdhury

Adnan Chowdhury, disappeared since December 5, 2013. © Private

Early on December 5, RAB men came to the house of Adnan Chowdhury, 28, woke him up, and took him away in front of his father and wife.

The Pick Up

Chowdhury, a BNP supporter, lived with his wife and parents in Shaheen Bagh, the same area of Dhaka where Sajedul Islam Sumon lived.

Marjina Sultana Tonni, his wife, said that Adnan came home late the night of December 4 after visiting the family of local political leader, Sajedul Islam Sumon, who had been picked up along with five party colleagues.[209] Later that night, there was loud knocking, and Adnan's father, Ruhul Amin Chowdhury, answered the door. He told Human Rights Watch:

> There was a knock on the door at about 2 a.m. When I asked, one of them said that they were from the "administration." I did not want to open the door, but he said that they were from a government force and so "I must open the door." There were perhaps 15 to 20 people who came into the house. One of them asked, "Where is Adnan sleeping?" I showed them the room. Some of the men were wearing RAB uniforms with "RAB" written on it on both the front and back. Not all of them were wearing a uniform, some were wearing civil clothes. They told me to sit down in another room.[210]

Adnan's wife said that soon after, some of the men entered their bedroom. She said:

[209] Interview with Marjina Sultana Tonni, Dhaka, October 18, 2014.

[210] Interviews with Ruhul Amin Chowdhury, Dhaka, October 23, 2014, and May 6, 2016.

> When the men opened our door, they asked me to leave the room. I then heard them telling Adnan to change his clothes. I heard some of the men say, "We should talk to his wife and show some sympathy," but they didn't talk to me. Some of the men were wearing black uniforms, the uniform of RAB. Others wore civil dress. One had a jacket with the letters "RAB" written on it in yellow. I saw about 5 or 6 people. Some searched the rooms. At one point, one of the men said, "We will send him back." Another man said to me, "Don't worry."[211]

Ruhul Amin Chowdhury said the officials asked Adnan some questions and then took him away. Some of the other men also searched the rest of the house, and questioned their tenants. He said that his son "was surprised, but did not appear afraid." He saw that the forces had arrived in at least two microbuses and a jeep.[212]

Adnan was a BNP supporter, but he was not particularly politically active. According to his father, Adnan already had a visa and was planning to migrate to Malaysia for work. "Adnan probably didn't think it was so serious. He didn't realize that Sumon will be taken and that they will come after him right away," Ruhul Amin Chowdhury said. "None of us imagined that something like this can happen. That people will disappear."[213]

State Response

The next morning, when Adnan, who did not have any criminal cases filed against him according to his family, did not return home, his father went to the RAB-2 office, the DB office, and the Tejgaon police station to look for this son, but no one could provide information.

> I went back a number of times [to the police station] over the next month to file a GD, but they did not let me file one if I alleged that RAB was involved. I then agreed to drop the word "RAB" and instead put "law enforcement

[211] Interview with Marjina Sultana Tonni, Dhaka, October 18, 2014.
[212] Interview with Ruhul Amin Chowdhury, Dhaka, October 23, 2014.
[213] Ibid., Dhaka, April 5, 2015.

> agency," but the police still did not allow me to file a GD. As a result, I did not file a GD.[214]

Adnan's father said that authorities violated his trust:

> I was sure that if they [RAB] don't find anything against Adnan, they will let him go. They said, "We are taking him. We will bring him back." They betrayed us. They said that they were going to return my son, but they told lies. After the day I visited RAB-1 and RAB-2, I lost all faith in them and did not visit them again. I personally handed over my son to RAB and now they are denying that, so why should I go to them?[215]

Another eyewitness saw Adnan in security force custody when Mohammad Kawsar, 22, was detained shortly afterward.

December 5: Disappearance of Mohammad Kawser

Shortly after RAB picked up Adnan Chowdhury, they brought him to identify Mohammad Kawser, 22, a driver who lived in a room in a compound in West Nakhalpara, a short walk from Adnan's house.

The Pick Up

The gate of the West Nakhalpara compound where Kaswer lived with his wife and child was locked on the night of December 5. The caretaker, who had the key to the gate, said he was asleep at about 3 a.m. when he was woken up by 10 to 15 men asking him to open the gate. They entered the compound. "Many of the men were wearing black uniforms and some had the words 'RAB' written on their back," he said.[216]

The men went to Kawser's room. His wife and child were in Barisal with her parents, and two friends were sharing his room that night. One said:

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[214] Ibid.

[215] Ibid.

[216] Interview with witness, details withheld, Dhaka, November 7, 2014.

> Kawser came back from work at around midnight with a friend. Until about 1:30 in the morning, we were watching TV and chatting inside the room. Then we all fell asleep. Suddenly we heard someone beating very loudly at the door. I said to Kawser, "Open the door." But he did not wake up. The other friend opened it and as soon as he opened it about eight or ten people entered the room and put on the light. Two of the men wore black clothes, and the others wore civil dress. Some had RAB vests.[217]

Mohammad Kawser, disappeared since December 5, 2013. © Private

The witness said he saw Adnan, who had just been picked up by RAB officers.

> They told Adnan to come inside. They used his name which is how I knew. The men were beating us and getting us to wake up as we were still half asleep. Adnan was in handcuffs and they were beating him, slapping him about. Then they asked Adnan, "Who is Kawser?" and he pointed him out. Then both were beaten. They were both screaming. Then the officers searched the room, and took the SIM cards from our phones. The men perhaps stayed for at most 15 minutes and then took Kawser and Adnan out of the room. They told me and Kaswer's friend to stay inside. Later, we tried to come out, but the doors had been locked from the outside. We heard the forces beating and shouting at both of them outside.[218]

State Response

Kawser's mother, Komla Akhter, works in a garment factory and lived in the Farmgate area of Dhaka. She said that one of Kawser's friends informed her of his detention early in the morning. She went to the Tejgaon police station, where she stayed the whole day: "I tried to lodge a GD but the police refused to accept a complaint that mentioned RAB."[219]

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[217] Interviews with witness, details withheld, Dhaka, November 8 and 28, 2014.

[218] Ibid.

[219] Interview with Komla Akhter, Dhaka, October 19, 2014.

December 6: Disappearance of Munna and Jhontu

On the evening of December 6, 2013, BNP student activists Nizam Uddin Munna and Tariqul Islam Jhontu were picked up by law enforcement officers at Mollartek bazaar, near Dhaka's international airport. Their whereabouts remain unknown at time of writing.

Nizam Uddin Munna, disappeared since December 6, 2013. © Private

The Pick Up

Nizam Uddin Munna, 24, was the joint secretary of the BNP student wing at Biman Bandar Thana in Dhaka. Tariqul Islam Jhontu, 28, was the joint secretary of the BNP student wing at Tejgaon College where he was studying. According to his family, Jhontu had three criminal cases lodged against him related to his political activities.

Tariqul Islam Jhontu, disappeared since December 6, 2013. © Private

Between 9 and 9:30 p.m. on December 6, Jamal, a local businessman, was walking home after closing his shop when he saw his friend, Jhontu, in front of a laundry shop on the opposite side of the road. Jamal said he spoke briefly to Jhontu before heading home.[220] At about 10 p.m., Mohammad Joshimuddin, the laundry shop owner, was returning to his shop when he saw Jhontu being detained by men in plainclothes. He said:

> I saw Jhontu handcuffed and being held by one or two men. I have known Jhontu for around seven years as he is a customer. The men holding Jhontu were in plainclothes, and I am not sure whether they had any weapons. I walked past them without saying anything. I was very scared.[221]

[220] Interview with Jamal, Dhaka, November 25, 2014.

[221] Interview with Mohammad Joshimuddin, Dhaka, October 25, 2014.

Joshimuddin said that after he entered his shop, some men arrived and searched the shop. "They were asking me whether Jhontu kept anything here or not, and they searched everywhere, but did not find anything."[222] He then saw Jhontu being bundled into a microbus parked down the road. Joshimuddin said that he did not know the contact details of Jhontu's family, so he contacted Jamal, Jhontu's friend who owned the shop across the street. Jamal said he informed Jhontu's family.[223]

Nizam Uddin Munna went outside to buy medicine and vegetables at about 6:30 p.m. on the same day. Three hours later, Munna called his father, Shamsuddin, and asked him to collect the purchases from him. Shamsuddin said he witnessed his son's arrest:

> I met Munna, who gave me a small bag of vegetables and my medicine. All the shops were closed, with only roadside lights on. Then Munna received a call on his mobile. He did not answer, and instead started walking in the direction of a white large microbus, a Mitsubishi, which was standing in front of Halima Pharmacy, which was closed. When my son walked away, I was curious and walked in the same direction to see what Munna was doing. Then I saw about five plainclothes dressed men, carrying weapons, grab Munna and push him into the microbus. Seeing this, I ran toward the microbus and shouted, "Where are you taking my son?" One of the men replied, "There is an allegation against your son." I asked the men, "Who are you?" One man replied that they were from RAB, but another replied they were from DB. The whole incident hardly took less than a minute. I was pushed away and the microbus moved away with the door open.[224]

State Response

Hasina Begum, Jhontu's mother, said that early the next morning, Jamal, after hearing about the arrest, came and told the family that it was likely that DB had Jhontu in custody.[225] Family members then went to the laundry shop and heard what had happened the night before.

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[222] Ibid.

[223] Interview with Jamal, Dhaka, November 25, 2014.

[224] Interview with Shamsuddin, Dhaka, May 14, 2016.

[225] Interview with Hasina Begum, Dhaka, October 16, 2014.

Saiful Islam Mithu, Jhontu's younger brother, went to the court assuming that Jhontu would be brought there, but he was not.[226] He also tried to file a police complaint:

> On December 9, after spending the whole day in court, I went to Dokinkan police station. I wanted to mention in a GD that DB had taken my brother but the police officer on duty did not allow this. The duty officer said, "If you want to accuse a law enforcing agency of taking your brother, then you have to specify the name of the person in the DB team member who had picked him up. Otherwise you just file a GD saying that your brother is missing." Since I had no idea about the exact identity of the people who had taken my brother I just filed a GD, stating that my brother had gone missing.[227]

Jhontu's brother said he went to several police stations over the next few days but none had any information. He said he went to the RAB offices at least six times, but was not allowed to meet anyone.[228]

Munna's father said he decided to go immediately to the RAB office after witnessing his son's arrest. The guards would not let him in, but he waited outside the gates from about 10 p.m. to midnight. He said he then went to the DB office, and waited in front of the gate all night, trying to look into every vehicle that came and went. He then tried to lodge a police complaint, but was not allowed:

> I approached the local police station. The duty officer told me that the police would not allow a complaint against RAB or any law enforcing agency. I was told that if I wanted to file a GD I would have to describe that my son went missing.[229]

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[226] Interviews with Saiful Islam Mithu, Dhaka, October 25, 2014, and May 16, 2016.

[227] On December 9, 2013, Jhunta's mother, Hasina Begum, filed a GD at Dokinkan police station stating that her son had gone missing. "Around 10:30 at night on 6.12.13, he went out of the home to go to the shop, and never returned," it states. Copy on file with Human Rights Watch.

[228] Interviews with Saiful Islam Mithu, Dhaka, October 25, 2014, and May 16, 2016.

[229] Interview with Shamsuddin, Dhaka, May 14, 2016.

December 7: Disappearance of Sujon and Farhad

Mahabub Hasan Sujon, disappeared since December 7, 2013. © Private

On December 7, 2013, Mahabub Hasan Sujon, president of the BNP student wing in Sabujbagh Thana in Dhaka, and Kazi Farhad, president of one of its wards, were taken from a farmhouse in Sonargaon, an area just outside Dhaka. The two men had arrived there two days earlier and were planning to return the next morning. They remain disappeared.

The Pick Up

Kazi Farhad, disappeared since December 7, 2013. © Private

Azad Md Sadequl Islam, a childhood friend of Sujon, said he received a call on December 5. Sujon, he said, was worried about being arrested, and asked if he could stay at Azad's farmhouse in Sonargaon with his BNP friends for a few days over the weekend.[230] Azad joined them at the farmhouse but left for Dhaka in the evening of December 7, as he had work the following day. Later that night, one of his farmworkers called him to tell him police had taken Sujon away:

> I asked him if it was police, or DB, or RAB, but he couldn't tell for sure. He said that men were in civilian clothes and had claimed to be police. He said when Sujon asked them to show the arrest papers, one of the policemen must have hit him, because the laborers heard Sujon cry out.[231]

One of the workers who witnessed the arrest said that five or six plainclothes men knocked on their door when they were sleeping:

[230] Interview with Azad Md Sadequl Islam, Dhaka, October 20, 2014.

[231] Ibid.

> They told us that they were police. We opened the door and they asked for Sujon. We told them that Sujon is not in our room. After that, they went to the room where Sujon was. Our room was then locked from the outside. They didn't let us out. When they were leaving, they unlocked our door. We saw that Sujon was wearing pants so we assumed that he had changed from his lungi which he was wearing earlier.[232]

There was one later sighting of Sujon. A businessman who lived in Fakirapool close to where Sujon and Farhad rented property said that a couple of days after the two men were taken, he saw police take Sujon back to the rented property where they had lived.

> I was having tea at a street stall. I saw of group of plainclothes men, some carrying guns, coming into the alley. Along with the men I saw Sujon, whom I knew as he had lived in the area. They took him to building no. 266 which was where Sujon used to live. All the men were in plainclothes except one man who wore a jacket with "DB" written on it. I saw that Sujon was handcuffed, and someone was holding his hand, directing him forward. The men stayed in the building for over an hour and came out with bags of material. Sujon was then taken to a white microbus that was parked in front of the Asma Hotel. I heard later that they had knocked down the door of the apartment where Sujon used to live.[233]

State Response

Sujon's father, Abdul Jalil Khan, said he did not like his son's involvement in politics. He said that his son had about 14 "political" cases lodged against him in different police stations alleging involvement in violence. He first heard from Azad that Sujon had been picked up by law enforcement authorities, and then he started looking for his son. He said:

> Azad called me to say that his workers had informed him that Sujon and his colleague Farhad had been picked up by law enforcement officers. I expected that Sujon and his friends would be brought before court the next

[232] Interview with witness, Dhaka, October 20, 2014.

[233] Interview with witness, Dhaka, December 1, 2014.

> day, so my younger son went to the district court in Old Dhaka in the morning, but Sujon was not produced there.[234]

Meanwhile, Sujon's wife and cousin went to the DB office, but they said that they had no information. A few days later the family filed a GD. Sujon's father said:

> They only allowed us to file a missing person GD, not one claiming him to be taken by law enforcement officers. The police said that we could file a case against the house owner [Azad] from where he was taken, but not against police or any other law enforcement agency.[235]

Sujon's family received information from different sources that suggested that DB was involved with the detention. His cousin Shakil said that he went to the DB office a number of times, but received no new information. One of those times was around February 2014. Shakil said:

> I met the assistant commissioner and he also denied knowledge of the incident and suggested that I should meet RAB and go and speak to Colonel Zia. He said if there is a crossfire probably RAB will know about it. He also said that if Sujon was taken by a law enforcement person, "I see very little chance that he is alive."[236]

Farhad's sister filed a GD at the Sabujbagh police station.[237] His wife, Farhana, said that she heard via a relative who was connected to the Prime Minister's Office that it was DB officials that had had arrested him.[238] DB denies this.

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[234] Interview with Abdul Jalil Khan, Dhaka, October 20, 2014.

[235] Ibid. The GD was filed on December 11 at Sabujbagh police station by Sujon's father. It states that Sujon "went outside the house to buy warm clothes for his kids but he has not returned since then, and there is no trace of him after searching all probable places."

[236] Interview with Shakil, Dhaka, October 20, 2014.

[237] GD filed on December 10, 2013, by Khusdia Akhter Shila. It states, "My brother Kazi Farhad left home for work and until this day he has not returned and his mobile is also switched off."

[238] Telephone interview with Farhana, November 11, 2014.

December 12: Disappearance of Selim Reza Pintu

In the early morning of December 12, 2013, law enforcement officers arrested Selim Reza Pintu, secretary of the student wing of the BNP in Sutrapur, from his brother's house in Mirpur, Dhaka. According to his family, he had a number of criminal cases against him, involving alleged vandalism. Five of his political colleagues from the area had previously been picked up on November 28, though three of them were subsequently released. He has not been seen since.

Selim Reza Pintu, disappeared since December 12, 2013. © Private

The Pick Up

The political situation and arrest of BNP supporters meant that Pintu and his wife, Tarannum Nahas, had been living in an apartment in Mirpur belonging to a relative, rather than their own in Sutrapur. On December 12, security officers came searching for Pintu in the middle of night. According to his brother, Aslam Reza Mintu, five or six men with weapons made the arrest, claiming they were from the "administration." Tarannum Nahas, who was in the room with her husband, said Pintu realized that security forces had come for him and decided not to contest his detention:

> Pintu was sleeping, and when he heard the noise he knew what was happening and opened the door to the room. As soon as he opened the door they asked whether he was Pintu. He said, "Yes, I am Pintu." Then two of the men grabbed him. Another man entered the room and asked where were Pintu's mobiles. He had four phones and they took two of them. The other two were in my bag. Pintu asked who the men were. They said, "We are from the administration." He asked to see their ID cards, and they said, "It will not be a problem. You will be safe with us." My husband did not put up any resistance.[239]

[239] Interview with Tarannum Nahas, Dhaka, October 23, 2014.

State Response

Family members went to the local police station the next morning. His sister, Rehana Banu Munni, said:

> They behaved badly toward us and would not initially allow us to file a GD. They said wait for some time. The police did not want to file a GD making an allegation against law enforcement people. However, after a few days a journalist, who was a friend of my brother, came and he helped us to get a GD filed mentioning that he was taken by law enforcement officials.[240]

The GD filed on December 13 states that at 1:15 a.m. on December 12: "Some 6/7 civil dressed men came to our house and identified themselves to have the authority from the government. Then they came inside our house and took my older brother Selim Reza Pintu, 31, away with them in a gray car Dhaka Metro 5070. Afterward we looked for him everywhere in the locality but we could not find him."[241]

Pintu's sister visited different police stations and RAB and DB headquarters. When police set up an anti-kidnapping squad in May 2014, she submitted details of his case.[242] She subsequently met Sanwar Hossain, an additional commissioner responsible for the new squad, who told her to "be patient." She also submitted an application to a senior RAB officer. The family did not receive any further information.

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[240] Interviews with Rehana Banu Munni, Dhaka, September 27, 2014, and May 30, 2016.

[241] Of all the GDs filed relating to the sequence of disappearances in this two-week period, this is the only one in which the police allowed the family to mention that law enforcement authorities were allegedly involved in the initial pick up. Copy on file with Human Rights Watch.

[242] "DMP forms anti-kidnapping squad," *The Daily Star*, http://www.thedailystar.net/dmp-forms-anti-kidnapping-squad-22540.

IV. Recommendations

To the Bangladesh Government

Investigations and Prosecutions

- Promptly investigate existing allegations of enforced disappearances, locate and release those held illegally by security forces, and prosecute the perpetrators. These should include politically motivated cases involving members or supporters of the opposition Bangladesh Nationalist Party and the Jamaat-e-Islami party.
- Investigate allegations of deaths of individuals in so-called crossfire or gunfights after they were already in security force custody, and prosecute officers responsible for these deaths.
- Instruct police stations to accept complaints, including General Diaries and First Information Reports, from family members containing allegations against law enforcement authorities including the DB and RAB. Encourage and empower police to respond to complaints and investigate allegations of enforced disappearances.
- Ensure serious and independent investigations by inviting the Office of the High Commissioner for Human Rights and relevant United Nations special procedures—including the Working Group on Enforced or Involuntary Disappearances, the special rapporteur on extrajudicial, summary or arbitrary executions, and the special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment—to visit Bangladesh to investigate and make appropriate recommendations to ensure justice and accountability, as well as reform of the security forces to act independently and professionally.
- Respond speedily to various queries forwarded by the National Human Rights Commission.
- Respond promptly to queries from the Working Group on Enforced or Involuntary Disappearances.
- Prosecute fully law enforcement authority officers of all ranks, including those with superior authority, who are found to be responsible for enforced disappearances. Punish commanding officers and others in a position of government authority who ordered or knew of these abuses.

- Immediately suspend, pending a full investigation, and remove from RAB, DB, and other law enforcement facilities any individual for whom there exists credible evidence that they participated in an enforced disappearance.
- Work to disband RAB, which has been responsible for numerous and serious human rights violations, and replace with a non-military counterterrorism unit.

Protection

- Make strong and repeated public statements at the highest government levels that make clear that all law enforcement authorities and investigation agencies should comply with the law, and that all detained people must be brought to court within 24 hours.
- Ensure that the police, RAB, DB, and other law enforcement agencies comply with the legally mandated guidelines set out in the judgment of the Appellate Division of the Supreme Court given in May 2016.[243] In particular:
    - Ensure that a relative or friend of the detained person is informed within 12 hours of the arrest about the time and place of arrest and place of detention.[244]
    - Allow an arrested person to consult a lawyer of their choice or meet any of their nearest relations.[245]
- Ensure that independent, qualified forensic experts examine all suspicious deaths to determine exact cause of death.
- Establish an independent commission of inquiry to investigate all cases of disappearances and custodial deaths; ensure it is mandated to recommend cases for prosecution.
- Ensure that people whom state authorities detain are held in known places of detention.
- Expand the mandate of the National Human Rights Commission to ensure unfettered and unannounced access to all places of detention, as well as sufficient powers of investigation.

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[243] "Guidelines for the Law Enforcement Agencies," *Bangladesh v. Bangladesh Legal Aid and Services Trust (BLAST)*, Civil Appeal No. 53 of 2004, May 24, 2016, http://www.supremecourt.gov.bd/resources/documents/734650_Civil_Appeal_No_53_of_2004_final_2016.pdf, p. 389.

[244] Ibid., sec. (ii), p. 389.

[245] Ibid., sec. (ix), p. 391.

Law Reform

- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, and make the requisite changes in the law.

International Cooperation

- Agree to the multiple requests made by UN special mechanisms to visit Bangladesh to conduct investigations and make recommendations.
- Invite the special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the special rapporteur on extrajudicial, summary or arbitrary executions to visit Bangladesh to conduct investigations and make recommendations.
- Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).
- Thoroughly vet all Bangladeshi military and police who apply for UN peacekeeping missions to ensure that they or the unit to which they are attached have not committed human rights violations.

To the National Human Rights Commission

- Strenuously press the government to allow investigations into cases of disappearances and extrajudicial killings.
- Demand that the government respond in a timely and transparent manner to requests for information on cases presented to them.
- Call for free and unfettered access to all places of detention countrywide.
- Call for a list of all places of detention, and ensure that detainees are not being held in secret or unknown locations.

To Bangladesh's Bilateral and Multilateral Donors including the United States, United Kingdom, China, and India

- Use public and private diplomacy to press the Bangladesh government to implement all recommendations made in this report.

- Refuse to work with RAB, DB, or other law enforcement or counterterror operations until they cease enforced disappearances and extrajudicial killings, and agree to measures with both internal and external monitoring to ensure accountability for law enforcement personnel found to be involved in human rights violations.

Acknowledgments

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“We Don’t Have Him”

Secret Detentions and Enforced Disappearances in Bangladesh

Bangladesh law enforcement authorities have detained hundreds of people since 2013, including scores of opposition activists. Those arrested are often held in secret detention for weeks or months before being formally charged or released. Some have been killed in alleged armed exchanges, while many remain disappeared. Although the ruling Awami League took office in January 2009 with a promise to end such abuses, human rights organizations have since documented over 320 disappearances by the country’s law enforcement agencies.

“We Don’t Have Him” documents dozens of the over 90 cases of enforced disappearances in 2016, including 21 detainees who were later killed in alleged gunfights, and 9 who remain disappeared. It also details the abductions by law enforcement of 19 opposition party activists in late 2013, whose whereabouts are still unknown. Drawing from interviews with over 100 people, including witnesses and family members, the report outlines how security forces, including the Rapid Action Battalion (RAB) and the Detective Branch (DB) of the police, have allegedly been involved in secret detentions and killings, contrary to their public denials. The documented cases highlight Bangladesh’s ongoing lack of accountability for security force abuses.

Human Rights Watch calls on the Bangladesh government to promptly investigate allegations of enforced disappearances and extrajudicial killings, locate and release those held illegally by security forces, and prosecute the perpetrators. The government should also invite the Office of the High Commissioner for Human Rights and UN special rapporteurs to investigate serious human rights violations and make appropriate recommendations to ensure justice, accountability, and security force reform.

Relatives hold portraits of disappeared family members at an event calling for the end of enforced disappearances, killings, and abductions, in Dhaka, Bangladesh, August 30, 2014.

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South & Central Asia

Bangladesh Police Accused of Harassment With Fake Cases

By Maaz Hussain
March 13, 2019 01:00 PM

An opposition BNP activist is being arrested by plainclothes policemen in Dhaka. In 2018, thousands of opposition leaders and activists were arrested in Bangladesh on allegedly trumped up cases of political violence.

Police in Bangladesh have filed criminal complaints against tens of thousands of people for violence-related cases in recent years. But the opposition and rights activists say most of the cases, allegedly involving bombing and rioting, were made up.

Opposition parties claim most of those targeted were their leaders, workers and supporters, and that the government used the law enforcement agency to crack down on its political rivals.

A BNP woman leader is being arrested by plaincloth

A BNP woman leader is being arrested by police in Dhaka, March 6, 2018, after she took part in a human chain, which demanded the release of BNP chairperson Khaleda Zia.

“Police in Bangladesh registered thousands of criminal cases on incidents that had not taken place in real life at all. Fictitious cases were filed against many people who were dead, infirm or migrant during the period of the falsely-claimed violent incidents in the country,” Hong Kong-based Bangladeshi rights activist Mohammad Ashrafuzzaman said.

In Bangladesh, police can file criminal complaints against anyone without having to provide any evidence, whereas charging them officially with a crime takes place in court and requires a level of evidence that the person charged was likely to have been involved in the crime.

“Police filed cases against as many as 2.5 million leaders, workers and supporters of our party in the past nine or ten years. Almost all cases were related to violence and rioting. They filed these bogus cases simply to keep our leaders and activists away from political activities,” said opposition Bangladesh Nationalist Party (BNP) senior joint secretary Ruhul Kabir Rizvi Ahmed.

Long history of allegations

Police in Bangladesh have long been accused of abduction, enforced disappearance, extrajudicial killing and other abuses.

While the government denies the abuses, several international human rights groups say they have documented human rights violations committed by the country's police and other law enforcement agencies.

Rights activists note the number of criminal cases began rising sharply after police began targeting opposition party leaders and workers in violence-related cases in recent years.

Global Support Lets Bangladesh PM Withstand Election Worries

Congratulatory messages are flowing to Bangladesh Prime Minister-elect Sheikh Hasina, ensuring she will withstand calls to investigate allegations of widespread serious irregularities in Sunday's election that was dominated by her coalition.Hasina is set to form her third consecutive government and fourth overall, and on Thursday figurehead President M. Abdul Hamid invited her to form a Cabinet. The new members of Parliament took their oaths on Thursday, though seven opposition members boycotted the...

A couple of years after Sheikh Hasina became the prime minister in 2009, her government began cracking down on the opposition forces, largely using the country's law enforcement agencies, said pro-democracy activist Pinaki Bhattacharya.

"When opposition political activists demonstrated in the streets some years ago, police used canes and guns to keep them under control. The opposition parties are too scared to take to streets these days. In this situation, in a proactive step, police have made it a new practice to harass the political opponents of the government by filing the suits against them," Bhattacharya told VOA.

BNP leader Abdul Khalek Sarkar, 86, a resident of

BNP leader Abdul Khalek Sarkar, 86, a resident of Bogra district, says he cannot move around properly, but police have filed a violence-related case against him.

"Police filed cases against people who were dead, too sick to move and even away in jail during the violent incidents in which they stood directly accused. It shows the bogus nature of the cases," he added.

Dead man accused of bombing?

In one instance, police filed a violence-related case against a BNP leader, linking him to an incident which did not take place while he was alive.

"[BNP] leader Nurul Islam had died in August. But, police filed a case against him charging that he took part in a bomb attack in September. They filed the false case just because he was a BNP leader," said a relative of Islam, who does not want to be identified fearing reprisal from the police.

The government insists that police action in the cases has not been politically motivated.

"In all countries the opposition always levels such allegation against the government. This is political statement. Such statements are exaggerated, not based on facts. Police arrested those [opposition] people not on political ground. They were arrested on charges of breaking laws, creating chaos etc.," said Iqbal Sobhan Chowdhury, Prime Minister Hasina's media advisor.

However, rights activists refuse to accept that the cases against the opposition were not politically motivated.

Bangladeshi American political scientist Ali Riaz said that police in Bangladesh have implicated "tens of thousands of innocent people", including those who are physically disabled and children, in "frivolous and fictitious" criminal cases.

Opposition BNP activist Marina Begum is lying at h

Opposition BNP activist Marina Begum is lying at her home at Sirajganj, Bangladesh, blinded by pellets reportedly fired by police.

“The jails are holding more than their capacity. When innocent people with no political connections are facing so many cases and experiencing such traumatic situation, we can understand what the opposition activists are going through for the past years. It shows how authoritarian the government has become and the extent of persecution of any dissent,” said Riaz, who teaches at Illinois State University.

Election rigging

During the recent general election, several general election candidates from the opposition alliance said police blatantly sided with the Awami League to ensure victory for Sheikh Hasina.

“Many of our party leaders and workers became victims of enforced disappearance and extrajudicial killing after police picked them up. A week before the general election armed ruling party goons laid siege to my residence. Police openly said they could not provide safety to me,” said Mosharraf Hossain, who was an opposition BNP candidate in the general election.

But Chowdhury said the charge that the police helped the government rig the general election in favor of the ruling party was baseless.

“These are mere statements. But, these are not based on facts because the opposition till today could not justify their allegation that the election was rigged. They held public hearing. In those public hearing they could not establish their allegation,” the Hasina advisor said.

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February 8, 2018 9:00PM EST

Bangladesh: End Crackdown on Opposition Supporters

Hundreds Detained Ahead of Court Verdict on BNP Leader

Bangladesh Nationalist Party (BNP) Chairperson Begum Khaleda Zia waves to activists as she arrives for a rally in Dhaka in this file picture taken January 20, 2014. A Bangladesh court issued an arrest warrant on March 30, 2016 for former prime minister and opposition leader Zia over a deadly firebombing attack last year, a prosecutor said. © 2017 Reuters

(New York) – Bangladesh authorities should stop the **arbitrary arrests and detention** of opposition Bangladesh Nationalist Party (BNP) supporters and others, Human Rights Watch said today. Hundreds have been arrested or placed under preventive detention ahead of a February 8, 2018 verdict on the corruption case against BNP chairperson, Begum Khaleda Zia, and five others, including her son.

The Bangladesh government should publicly order the security forces to abide by international standards on policing demonstrations, Human Rights Watch said.

"The Bangladesh government is violating the rights to free expression and peaceful assembly by preventing opposition supporters from demonstrating," said Brad Adams, Asia director. "While all political party leaders should warn their supporters against engaging in violence, it's crucial for government security forces to act with restraint at all times."

Should Begum Zia be found guilty of embezzling over US$250,000 received in charity for an orphanage, she could be imprisoned and disqualified from running in elections due in early 2019. Anticipating protests by her supporters if she is convicted, the police have deployed additional forces, **banned gatherings and protests**, and arrested several senior BNP officials.

> **The Bangladesh government's claims to be open and democratic ring hollow as it cracks down on political dissent. "**
>
> **Brad Adams**
> Asia Director

Bangladesh security forces have previously used excessive and **indiscriminate force to contain political protests**. In response to opposition supporters who have caused injuries and deaths and committed arson during demonstrations, the **security forces have arrested, tortured**, killed, and **forcibly disappeared hundreds**.
At a news conference in Dhaka on February 7, Begum Zia accused the government of false allegations to "harass me and my family," but **called on her** supporters to be peaceful. "The ruling [Awami League] party has curbed the rights to protest, banned processions, in an administrative order as it is more frightened than we are over the verdict," she said.

The Dhaka-based group Ain O Salish Kendra said that a "**total of 1,786 persons have been arrested in the last eight days**." An opposition spokesman told Human Rights Watch that thousands had been detained including members of the BNP, the Islamist political party Jamaat-e-Islami, and others not linked to any party. Concerns have also been raised that Awami League and BNP supporters might provoke violence and target each other's supporters.

Human Rights Watch urged the government to publicly order the security forces to abide by the United Nations Basic Principles on the Use of Force and Firearms by law enforcement officials, which state that security forces shall "apply non-violent means before resorting to the use of force and firearms," and that "whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall: (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved; (b) Minimize damage and injury, and respect and preserve human life."

"The Bangladesh government's claims to be open and democratic ring hollow as it cracks down on political dissent," Adams said. "The government has a responsibility to prevent and minimize violence, but it needs to do so in a way that respects basic rights, not flouts them."

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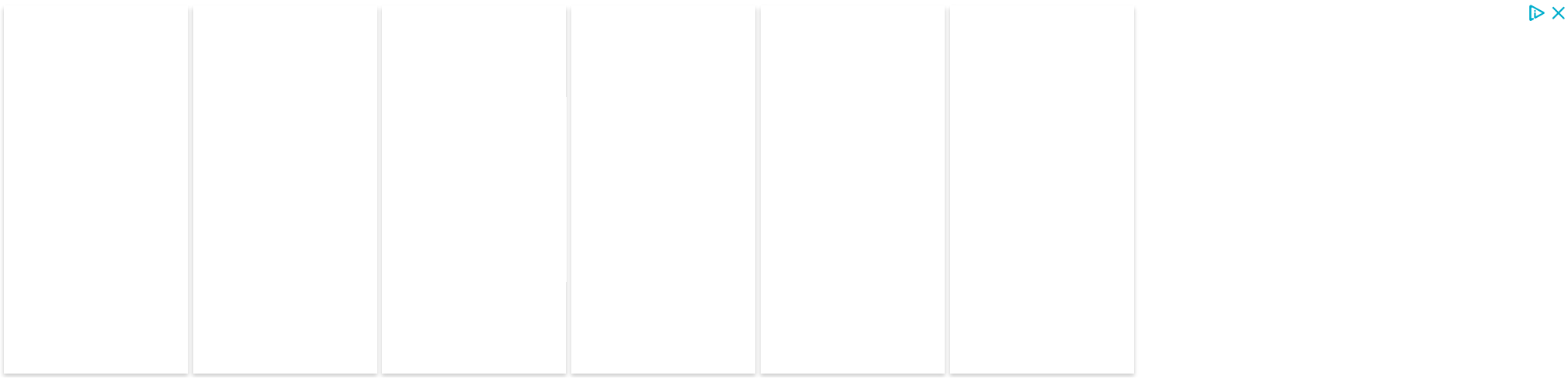

BNP: Khaleda's condition now at a dangerous stage

Tribune Desk

Published at 09:16 pm May 20th, 2019

File photo of BNP Chairperson Khaleda Zia being taken for a health checkup from her cabin at the Bangabandhu Sheikh Mujib Medical University Hospital on Wednesday, October 24, 2018 **Focus Bangla**

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Rizvi also alleged that Prime Minister Sheikh Hasina is trying to kill Khaleda in jail through persecution

BNP alleged that its Chairperson Khaleda Zia's health condition has reached a dangerous stage, as she had been subjected to the government's politics of vengeance.

Speaking at a press conference at BNP's Nayapaltan central office on Monday, party's Senior Joint Secretary General Ruhul Kabir Rizvi also alleged that Prime Minister Sheikh Hasina is trying to kill Khaleda in jail through persecution.

"Khaleda Zia only took rice porridge for the last four days as small blisters had infected the inside of her mouth. She is now bedridden as her condition reached a dangerous stage in this month of Ramadan," he said.

Mentioning that the Prime Minister announced in London Khaleda is to be kept in jail for her entire life, Rizvi said Sheikh Hasina is working to implement it, reports UNB.

"You (PM) are trying to kill the most popular leader Khaleda Zia. You have exposed yourself in London with your comment

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He said, "People now know that the Prime Minister is currently at the final stage of implementing her blueprint to eliminate Khaleda in jail through brutal repression."

The BNP leader also criticized Sheikh Hasina for what he said showing cruel attitude to the BNP chief's illness. "How come she (PM) makes a joke over the illness of a 74-year-old seriously ill leader?"

Rizvi urged the Prime Minister to take steps to free Khaleda Zia from jail, abandoning the 'vindictive attitude'.

He also alleged that the government has spread panic among people by resorting to enforced disappearance, extrajudicial killing, and repressive acts.

The BNP leader accused the ruling party men of indulging in massive corruption as the government has no accountability to people due to absence of democracy.

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BNP Chairperson Khaleda Zia Ruhul Kabir Rizvi

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