



William's Desk

February 24, 2012

Prof. Mizanur Rahman Khan

Chairman

National Human Rights Commission

Gulfeshan Plaza (11th Floor)

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BANGLADESH

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Re: BANGLADESH: Protect rights activist and inhabitants of Mayadip

Dear Chairman of NHRC of Bangladesh,

Name of victim:

1. Shahed Kayes (36), son of late M.A Kayes, vill- Sahapur, Sonargaon-1440, Narayanganj, an engineer who dedicated himself for educating the children of underprivileged communities that face socio-economic discrimination, chief advisor of the illegal sand extraction protection committee formed by the district administration of Narayanganj
2. Md. Jilani (35), son of Md. Sundar Ali, vill- Nunertek, Ananda bazar, Sonargaon, Narayanganj, present member of the Nunertek-Mayadip of Baradi union parishad
3. Md. Almas Master (67), son of late Ambar Ali Bepari, Mayadip, Nunertek, Ananda bazar, Sonargaon, Narayanganj,
4. Shab Mia (59), son of late Surat Ali, Mayadip, Nunertek, Ananda bazar, Sonargaon, Narayanganj,
5. Mohor Ali (46), son of late Mamtajuddin, Mayadip, Nunertek, Ananda bazar, Sonargaon, Narayanganj

All are the members of illegal sand extraction protection committee officially formed by the former District Commissioner Md. Shamsur Rahman of Naryanganj District

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Alleged perpetrators:

1. Mr. Abu Nayeem Iqbal, Proprietor of 'Micro International', Uddabganj, Sonargaon, Narayanganj
2. Mr. Monirujjaman Monir, Sonargaon Correspondent, the Daily Prothom Alo (A Bengali Daily News Paper in Bangladesh), Vabanathpur, Sonargaon, Narayanganj
3. Mr. Mostafijur Rahman Masum, Mograpara, Sonargaon, Narayanganj
4. Ms. Selina Islam, Proprietor, 'Four Point Constructing Co. Ltd.', Chalivanga, Meghna thana, Comilla
5. Mr. Tajul Islam, ex member of Baradi union parishad, Sonargaon, Narayanganj
6. Mr. Md. Osman, ex member of Baradi union parishad, Nunertek, Baradi, Sonargaon, Narayanganj
7. Mr. Abdul Latif, Nunertek, Baradi, Sonargaon, Narayanganj
8. Md. Hosen, Nunertek, Baradi, Sonargaon, Narayanganj
9. Mr. Md. Kashem, Nunertek, Baradi, Sonargaon, Narayanganj
10. Md. Yunus Ali, OC (Officer in Charge), Sonargaon Police Station, Sonargaon, Narayanganj
11. Md. Yousuf, Ex OC (Officer in Charge), Meghna Police Station, Comilla district

Date of incident: 9 February 2012

Place of incident: Mayadip Island and surrounding areas under the jurisdiction of the Sonargaon police station in Narayanganj district

I am writing to voice my deep concern regarding standing death threats to Mr. Shahed Kayes, an engineer who dedicated himself for educating the children of underprivileged communities that face socio-economic discrimination, based in Sonargaon upazilla (sub-district) of Narayanganj.

I have learned from the Asian Human Rights Commission that a High Court Division Bench of the Supreme Court of Bangladesh passed a stay order on 26 April 2011 prohibiting the leasing of the areas that threaten the habitations in Mayadip. The Court ordered the administrative officials of the government, who were amongst the respondents of the writ petition, to take immediate action to stop sand extraction from the area that endangers the locality.

Despite the Court's order, 'Micro International', reportedly owned by Mr. Abu Nayeem Iqbal from Uddabganj, Sonargaon, and another new company called 'Four Point Constructing Co. Ltd.' which is owned by Ms. Selina Islam from Chalivanga village under the jurisdiction of the Meghna police station have been continuously extracting sands from the Meghna River near Mayadip and Nunertek islands. These two Companies are extracting sands by placing around 35 dredgers every day.

The constant removal of sand is now threatening the existence of the islanders. When the affected inhabitants of the islands observed the vulnerability and realized that the authorities were doing little to protect their land from the illegal sand-miners, hundreds islanders including women and children came

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out of their houses on 3 October 2011. They captured one dredger and six perpetrators while the remainder of the dredging workers and perpetrators fled the scene.

After this incident the islanders informed the Upazila Nirbahi Officer (UNO), who is the chief executive officer of the Sonargaon subdistrict, and also Deputy Commissioner (DC) of Narayanganj district. The administration sent a team of the Sonargaon police to the scene. Meanwhile, when the Sonargaon police arrived at the scene in the Meghna River, another police team from the Meghna police station of the Comilla district also arrived at the same place and tried to snatch away the perpetrators and dredging workers, who had been captured by the inhabitants. Despite repeated efforts by the Meghna police, who came beyond their geographical and administrative jurisdiction to save the perpetrators, due to the islanders' constant resistance and pressure upon the Sonargaon police the attempts failed and the Meghna police went away. Then the Sonargaon police seized a dredging machine called 'Apurba Dredging Prokalpo' and arrested six perpetrators namely Kamal (age 22), Jamal (aged 20), Mijan (aged 28), Abdur Rahman (aged 30), Abul Hosen (aged 22), Jewel (aged 32).

On the same day Mr. Md. Jilani, a councilor of the local union council of Mayadip-Nunertek filed a case against the perpetrators with the Sonargaon police station. Later, having been informed about the the perpetrators filled a fabricated case against the inhabitants of Mayadip and Nunertek with the Meghna police under the jurisdiction of Comilla district.

Following these incidents, the mining of sand ceased for the following ten days. However, both companies - 'Micro International' and 'Four Point Constructing Co. Ltd.' jointly started mining sand again from the area adjacent to Mayadip-Nunertek island.

The island-dwellers led by Mr. Shahed Kayes, an educationist and environmental rights activist, who was made the Chief Adviser to the Illegal Sand Extraction Prevention Committee formed by the immediate past Deputy Commissioner of Narayanganj district Mr. Shamsur Rahman for protecting Mayadip island, informed the UNO and Assistant Commissioner (Land) Mr. Tariqul Alam of the Sonargaon sub-district.

Following the complaints from the affected inhabitants, on 2 January, 2012, a team of Coast Guard came to the scene and caught three sand miners named Bappy, Shahjahan and Delowar Hosen from the Meghna River. The AC (Land), who is entitled to exercise his powers of an executive magistrate, held a Mobile Court at the scene according to the Mobile Court Act-2009 and instantly fined the three perpetrators of an amount of BDT 300,000 and BDT 100,000 each.

But from the following day, 3 January 2012, the illegal sand extractors again started extracting sands from the same place. Currently, around 45 dredging machines are being used to extract the sands from the same of Meghna River and sands are being taken away by around 50 balgates (one kinds of water vehicle

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to carry the sands) loaded with sand every day.

As a result, some places of the island are sliding down into the Meghna River. If it continues like that both the islands Mayadip and Nunertek will drown under the water within a year or so and thousands of island-dwellers who were previously landless will be homeless again and the environment of the whole habitation will be slashing down in short period of time. Currently, the sand-extractors extract sands regularly from 10pm to 5am when the inhabitants of Mayadip and Nunertek islands remain asleep.

When contacted by local rights groups the district administration of Narayanganj asserted that no company, including Micro International, had been given permission in any form to dredge the Meghna River let alone the question of extracting sands from the area. The administration expressed their complete ignorance about the Four Point Constructing Co. Ltd., which were already extracting sands in the same area. The civil and police administration apparently connived with the sand-extractors.

Moreover, the sand-miners started threatening Mr. Shahed Kayes and the active members, who protest against the illegal extraction of sand from the Mayadip-Nunertek areas adjacent to the Meghna River, with death. For the past several weeks the perpetrators spreading information through their own men that they will kill Mr. Shahed Kayes, the Chief Advisor of the Illegal Sand Extraction Prevention Committee at Mayadip-Nunertek, Sonargaon. The Deputy Commissioner of Narayanganj district Mr. Manoj Kanti Baral, who is the head of the district's administration, and the police of authorities the district have already been informed on the death threats to the activists, including Mr. Shahed Kayes. However, the administration has not yet taken any action, either to stop the extraction of sand from the area, or to protect the activists from the ongoing death threats.

The Officer-in-Charge (OC) of the Sonargaon police station Police Inspector Mr. Md. Yunus Ali, who had been involved in protecting the sand-miners from the very beginning, was transferred to elsewhere. Recently, Inspector Yunus has returned to the Sonargaon police and has again been directly involved in helping the illegal sand grabbing using his official capacity. For example, Inspector Yunus registered fabricated case against the rights activists and inhabitants filed by the illegal sand miners. The police submitted their investigation report charging against the rights activists and the island-dwellers in the fabricated case.

I am aware that according to Section 4 of the Balumahal and Soil Management Law 2010, removing sand or soil is prohibited from any place that fall within one kilometer of a residential area and where there are risks of erosion of a river bank due to extraction of sand or soil and if there is any risk of destruction of geographical, fisheries and aqua-environmental system and infrastructure.

I am also informed that according to Section 11 the same law no person or company or group shall be

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entitled to extract sand or soil from a place that is not officially leased to them by the concerned authorities. Any offender shall be liable of up to two years of imprisonment and, or, penalty of a minimum BDT 50,000 to BDT one million for the crime.

I have learned that the politicians attached to the ruling regime, and the politicians of the opposition who are able to maintain extra-ordinary relationships with the ruling regime, enjoy impunity from the criminal justice system of Bangladesh as a default practice. They established their control over the local police and civil administration, who are also institutionally corrupt, as political masters as soon as they assume power either by election or otherwise. Thus, they are treated as persons above the law of the land, at least, during that particular regime. The country's criminal justice is absolutely incapable of credibly prosecuting these people due to the impaired capacity of the system itself, even though the offenders' identity is changed while the same regime falls into the category of the opposition.

By taking the advantage of their identity of the ruling regime and of the dysfunctional institutions the politicians engage their muscle powers and patronize various types of lawlessness to attain undue personal benefits both in cash and in kind that enable them to become wealthy, bypassing the public interests.

In the case of the sand-mining from the Meghna River adjacent to Mayadip and Nunertek islands the local politicians of both Narayanganj and Comilla districts are reportedly involved in the extractions of sand through their goons. A number of parliamentarians of Narayanganj district are protecting the private companies that are involved in extracting sands in the area.

I urge you to ensure protection of the life of Mr. Shahed Kayes and the fellow activists who have been defending the rights of the inhabitants of the Mayadip and Nunertek islands. The identified perpetrators, and the political masters of the sand-extractors, must be brought to book and prosecuted through the due process of law. The fabricated charges against the rights activists must be dropped immediately.

Yours sincerely,
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