

URGENT APPEAL - THE OBSERVATORY

BGD 001 / 0311 / OBS 039
Harassment / Surveillance
Bangladesh
March 22, 2011

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT) requests your urgent intervention in the following situation in **Bangladesh**.

Description of the situation:

The Observatory has been informed by reliable sources about continuing acts of harassment against the members of Odhikar, a human rights organisation composed of lawyers, university professors, journalists, social and development activists committed to human rights.

According to the information received, numerous acts of harassment have been recently taking place against several members of Odhikar, particularly in the aftermath of Odhikar's 3rd "Annual Human Rights Defenders Conference" organised on March 12 and 13, 2011 in Dhaka.

Since March 14, 2011, members of the National Security Intelligence (NSI) reportedly resumed their activities of close monitoring on Odhikar and its members, in particular Mr. **Adilur Rahman Khan** its Secretary and member of OMCT General Assembly. On March 14, 2011, at about 4.30 p.m., one person came to the main (outside) gate of the Odhikar office in Dhaka and asked questions to one of the employees about Mr. Adilur Rahman Khan's family situation, such as how many children he has.

On March 15, 2011, while Mr. Adilur Rahman Khan was returning from the Supreme Court where he appears as an advocate, at about 12.30 p.m., two persons on a motorcycle bearing the license number Dhaka Metro A-07-5535 followed him to his home, located on the ground floor of the building where Odhikar premises are.

On the afternoon of that day, when one of employees – who is also a relative of Mr. Adilur Rahman Khan – walked out of the gate at about 5 p.m. to get some tea from the tea stall, four persons surrounded him and requested information about Mr. Adilur Rahman Khan's schedule. Two of these men had reportedly established themselves opposite the premises all day long, therefore having full view on Odhikar's main gate.

On March 17 at about 7.30 p.m., two persons blocked the road of the same employee, and asked him about the whereabouts of Mr. Adilur Rahman Khan. The employee told the men not to bother him with questions he could not answer, and walked into a nearby house until the men left.

In addition, on March 16, 2011 at about 12.30 p.m., an individual introducing himself as Mr. Mohammad Tota Miah, Deputy Assistant Director of the NSI, came to Odhikar's office and asked the accountant to hand him over all the documents which Odhikar had already submitted to the NGO Affairs Bureau. When the accountant requested to see his identity card or a mandate from the competent authority demanding the supply of such documents, the latter left the office.

Background information:

Previously, on October 5, 6, 7, 9, 17, 23, November 3, and December 25 and 26, 2010, 8 members of Bangladeshi law enforcement – Special Branch of Police and NSI – had visited Odhikar offices and identified themselves as members of the police from the “Special Branch”. During the visits, members of the law enforcement agencies had inquired about Mr. Adilur Rahman Khan, and had requested his curriculum vitae, his passport details and his political background.

On October 17, 2010 in particular, the Deputy Assistant Director of the Munshiganj branch of the NSI, Mr. Abdul Mukit, had called Odhikar Director **Nasiruddin Elan** on his cell phone, seeking information about Odhikar projects. On October 19, 2010 Mr. Nasiruddin Elan had faxed all the relevant information to Mr. Abdul Mukit, who called him the next day, asking him to come to the Munshiganj NSI office. Meanwhile, NSI field officers were also questioning members of Odhikar at the local level in Munshiganj about the work of the organisation.

On October 23, 2010 Mr. Nasiruddin Elan had been to the Munshiganj NSI office to meet with Mr. Abdul Mukit. The Deputy Assistant Director of the NSI had asked many questions to the Odhikar Director, in particular his political background and other affiliations. Mr. Abdul Mukit had told Mr. Nasiruddin Elan that this investigation was being carried out by order of the ‘higher officials’, without providing further information.

The Observatory was also informed of the silence of the Bangladeshi administration following the submission of various human rights projects by Odhikar.

Indeed, although Odhikar sent a letter to the NGO Affairs Bureau on July 7, 2010 demanding approval of project titled ‘*Promotion of Human Rights in Bangladesh through Documentation, Fact-finding and Advocacy*’ (funded by the Finnish NGO Foundation for Human Rights – KIOS), and another on December 28, 2010 for the project titled ‘*Education on the Convention against Torture and OPCAT Awareness Programme in Bangladesh*’ (funded by the European Union), both projects are reportedly still pending with the Bureau for its approval and clearance, although Odhikar has already clarified a number of queries.

The Observatory highlights in that regard that according to its Rules of Business, the NGO Affairs Bureau has to issue a decision on a proposed project within 45 days after the reception of all relevant information, and that after it has examined the project proposal, the Bureau needs to send it to the relevant Ministry which has 21 days to provide its comments regarding the project. The Rules of Business further state that if the Ministry fails to send its comment within the specified period, it is considered that the Ministry has no objection regarding the project¹.

Previously, through a letter dated February 11, 2010, the NGO Affairs Bureau had refused to grant extension of one of Odhikar projects².

The Observatory expresses its deepest concern about the ongoing acts of harassment against Odhikar and its members, which seem to merely aim at hindering their human rights activities.

Actions requested:

Please write to the Bangladeshi authorities urging them to:

¹ See Section 7(Gha) and 7(Chha) of the Rules of Business of the NGO Affairs Bureau, dated May 29, 2001.

² See Open letter of the Observatory dated February 18, 2010.

i. Guarantee in all circumstances the physical and psychological integrity of Mr. Adilur Rahman Khan, Mr. Nasiruddin Elan, and all staff members of Odhikar as well as all human rights defenders in Bangladesh;

iii. Conform in all circumstances with the provisions of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly, in particular:

- its Article 5 which provides that “for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels: (a) to meet or assemble peacefully; (b) To form, join and participate in non-governmental organizations, associations or groups; (c) To communicate with non-governmental or intergovernmental organizations”;
- its Article 6.a which states that “everyone has the right, individually and in association with others, to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms”;
- and its Article 12.2 which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.”

iv. Guarantee the respect of human rights and fundamental freedoms in accordance with the Universal Declaration on Human Rights and other international human rights instruments ratified by Bangladesh.

Addresses:

- Ms. Sheikh Hasina, Prime Minister, Office of the Prime Minister, Gona Bhaban, Old Sangsad Bhaban, Tejgaon, Dhaka, Bangladesh, Fax: +880 2 811 3243, Email: info@pmo.gov.bd ; pm@pmo.gov.bd
- Ms. Sahara Khatun, Minister for Home Affairs, Ministry of Home Affairs, Bangladesh Secretariat Building 4, Dhaka, Bangladesh, Fax: +880 2 716 9667 or +880 2 717 1611. Email: minister@mha.gov.bd
- Barrister Shafique Ahmed, Minister for Law, Justice and Parliamentary Affairs, Ministry of Law, Justice and Parliamentary Affairs, Bangladesh Secretariat, Dhaka, Bangladesh, Email: info@minlaw.gov.bd
- Prof. Mizanur Rahman, Chairman, National Human Rights Commission, Dhaka, Bangladesh. E-mail: nhrc.bd@gmail.com
- Mr. Hasan Mahmud Khandoker, Inspector General of Police, Police Headquarters, Phoenix Road, Dhaka-1000, Bangladesh, Fax: +880 2 712 5840. Email : ig@police.gov.bd
- Ambassador Mr. Md. Abdul Hannan, Permanent Mission of the People’s Republic of Bangladesh to the United Nations in Geneva, 65 rue de Lausanne, 1202 Geneva, Switzerland, Fax: +41 22 738 46 16, E-mail: mission.bangladesh@ties.itu.int
- Embassy of the People’s Republic of Bangladesh in Brussels, 29-31 rue Jacques Jordaens, 1000 Brussels, Belgium, Fax: +32 2 646 59 98; Email: info@bangladeshembassy.be

Please also write to the diplomatic representations of Bangladesh in your respective countries.



Paris-Geneva, March 22, 2011

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, an OMCT and FIDH venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

To contact the Observatory, call the emergency line:

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- Tel and fax OMCT: + 41 22 809 49 39 / 41 22 809 49 29
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