



STATEMENT

Human Rights and State Oppression

Odhikar 's Responsible Reporting

Since its inception in 1994, for the last 19 years, the human rights organisation Odhikar has carried out its activities in an unbiased and responsible manner. It does not discriminate in any way when it comes to reporting human rights abuses.

Odhikar has published human rights violations in all political regimes. In this way, people are becoming more aware of their rights; and the government, though recommendations are also aware of where the lapses remain. In this manner Odhikar acts as a human rights watchdog.

Due to its credible human rights reporting; and its non-partisan stand, Odhikar is a constant target of state harassment. However, the government's determination to fight for human rights is relentless, and it is this dedication that keeps it going.

When the present government party was in Opposition, it used Odhikar's information on a regular basis. In 2007-2008, in the wave of the 'minus two formula' when Mrs. Khaleda Zia and Mrs. Sheikh Hasina were under arrest, Odhikar protested against this unconstitutional act.

The present opposition party also uses Odhikar's information, data and fact finding reports. This proves that Odhikar's information is credible and reliable in the eyes of all political parties. The root of this credibility is that Odhikar verifies all its information thoroughly in the name of human rights.

Odhikar and its reports and information has also found credibility in the eyes of the United Nations and international human rights organisations. Its fact finding on issues such as

extrajudicial killings, torture in custody, disappearances, violations to freedoms of expression and speech, violations against minority groups, violence against women and extrajudicial killings at the border by the Border Security Force (BSF) of India have gained wide circulation and awareness among people, both at home and abroad. Odhikar also monitors elections, both at the local and national level. It has also sent monitors in abroad as 'International Election Observer'.

Hefazate Islam Rally, the Fact-finding report on allegation of extrajudicial killings and Government's action against Odhikar

One of Odhikar's main areas of concern is 'extrajudicial killing' and making the government more accountable in this regard. On 5 May 2013 a Hefazate Islam meeting was held in Dhaka. On 5 and 6 May people were injured and also killed when law enforcement agencies attacked. Two television channels belonging to supporters of the Opposition were shut down for airing the operation -part of which was done late at night with the electricity switched off. They are still shut down.

Since Odhikar fact finds and reports incidents of extrajudicial killings, it carried out its own fact finding mission into the events of 5 and 6 May 2013. Initially, it found that 61 people had died. In light of this, on 10 June 2013, Odhikar published its fact finding report based on this incident, with the information that it had verified 61 deaths. It must be noted here that, the government reported 11 deaths including that of police, of 5 May and denied that any deaths occurred on the May 5 late night drive.¹ In this regards, the government filed cases against more than 1,33,500 unnamed persons. As a result, the victim families face insecurity and further violations of their rights. In its fact finding report, Odhikar did not mention the names or addresses of the 61 deceased persons, in order to protect victim families from harassment as per their request.

On 10 July, the Information Ministry sent Odhikar a letter asking for the address and parents' names of the 61 deceased victims. On 17 July 2013, Odhikar sent a reply stating that since Odhikar is a human rights organisation, in order to protect the victim families from further abuse,

¹ The Daily Star, 11/5/13; Commented by DMP Commissioner Benazir Ahmed, Jugator 8/5/13; Commented by Hasanul Haq Inu- Bangladesh Protidin 13/8/13

the organisation would hand the list over to an independent Inquiry Commission headed by a Former Chief Justice. Odhikar received no further communication from the said Ministry.

On 10 August, as people were celebrating the second day of Eid festivities, approximately 10 men in plain clothes came outside the residence of Adilur Rahman Khan, the Secretary of Odhikar, at 10:20 at night. He was returning home with his wife and children after visiting relatives. They had no warrant and no identification and said they belonged to the Detective Branch of Police. Adilur Rahman was taken away by them in a white microbus of United Commercial Bank Limited (Dhaka Metro 534206) On hearing the news, Odhikar's human rights defenders immediately informed their national and international network and the media. At 11:30 pm they organized a press conference, where Odhikar Staff and Adilur Rahman Khan's wife spoke. Odhikar's staff came to know from media and different sources that he was taken under the custody of the Detective Branch of Police. (DB). Adilur's wife went to the Gulshan Police Station to file a General Dairy about the abduction, but it was not accepted by the police, who told her it was a 'sensitive issue' and they could not accept this GD.

Prior to Adilur Rahman Khan being brought before the Magistrate in the afternoon of 11 August, neither his family nor Odhikar knew of the reason for his arrest. At Court they learnt that he had been arrested under Section 54 of the Code of Criminal Procedure, 1898 under suspicion of violating Section 57 of the Information and Communication Technology Act, 2006. The public prosecutor asked for 10 days of remand for Adilur Rahman Khan, while his lawyers asked for bail, as arrests under Section 54 were offences. The Magistrate refused bail and ordered that Adilur Rahman Khan be taken into remand for 5 days.

On 12 August, Adilur's lawyers moved a writ petition in the High Court Division of the Supreme Court of Bangladesh, challenging the order of remand and its unconstitutionality. The learned Judge declared the remand illegal and ordered that Adilur be sent to the custody of the Jail and that any further questioning by the police would be done at the jail gate.

On 13 August, Adilur was brought to the Magistrates Court from the DB office to be sent to jail. His lawyer made an application for division for him, given his social standing and education. However the application was not granted by the Magistrate. Adilur was then taken to Dhaka

Central Jail and, three hours later, to Kashimpur Jail in Gazipur. His residence and the Odhikar office and its staff are still is under surveillance.

Bangladesh has been an independent country for 43 years. Odhikar is determined to continue its work to stop human rights violations in Bangladesh and to protest the violations to Adilur Rahman Khan's rights. This is the first time in the history of Bangladesh that a human rights defender has been persecuted in such a manner for his human rights activities and for speaking on behalf of the people of Bangladesh.

The manner in which Odhikar has been defamed by government propaganda machines and the unlawful manner in which Adilur Rahman has been treated is clean proof that the government has scant regard for human rights and human rights defenders.

The present Minister for Information, Hasanul Huq Inu, also the leader of the Jatio Samajtantrik Dol (JSD), a left political party of which Adilur Rahman Khan was an active member (and was the Convener of Munshigonj district unit), has now launched a campaign against Odhikar, despite being a speaker at several of Odhikar's seminars in the past. He has stated "the agenda of Odhikar is not to safeguard human rights. Its main agenda is to protect the interest of Jamaat-e-Islami, Hefazate Islam and terrorists."² Odhikar condemns this statement of the Information Minister. Odhikar highlights human rights abuses regardless of the gender, religion, race or even the political ideology of the victim.

On 12 August 2013, the Home Ministry gave a press note stating "..... Odhikar took some pictures of those who died and of those who were injured during the day and photo shopped them and stated that they were pictures of those who died in the night time operation."³ Odhikar rejects this press note and would like to state that the negative campaign against Odhikar and its Secretary is unfounded, false and malicious.

Adilur Rahman Khan comes from a family of freedom fighters. His father, as a medical student, even took part in the language movement of 1952. Even before the creation of Odhikar, he was

² Commented by Hasanul Huq Inu-/Bangladesh Protidin, 14/08/13

³ Jugantor 13/8/13

working for human rights. He challenged the illegal detention of more than 300 people of the Chittagong Hill Tracts, who had been detained under the Special Powers Act 1974; he took part in the anti-Ershad movement and was vocal in protesting the violations that occurred during this dictator's regime; he was also a member of the prosecution team against H.M Ershad. Finally, to put a rest to the Information Minister's utterly ridiculous allegations, Adilur Rahman Khan was one of the members of the Ekatturer Ghatok Dalal Nirmul Committee, a people's committee set up and led by Ms. Jahanara Imam, to collect evidence against the collaborators of the Pakistani Army during the 1971 war; and demand their trial.

On 11 August, at approximately 8:30 in the evening, police from the Detective Branch came to Odhikar's Office and seized three laptops and two CPU's. The computers contained names and information of those who were killed on May 5 and 6 and many information of the last 19 years. Fearing for the safety of the victim families if the list was misused, Odhikar sent copies to the four human rights organizations and the UN. Odhikar sent the list of 61 victims to the United Nation's Special Rapporteur on Extrajudicial Killings, Amnesty International, Human Rights Watch, the Asian Human Rights Commission; and in Bangladesh, to the Ain O Salish Kendra, requesting all to safeguard the rights of the victim families and, if they wished, to carry out their own investigation to verify the list, since the government would not form an Inquiry Committee. Odhikar is still awaiting the return of its computers.

The Role of Media

Odhikar is a strong advocate of freedom of speech and expression. It regularly mentors the violation of such freedoms and attacks on the press and media. Odhikar recognises that to ensure a vibrant democracy, a free press is vital. When Adilur Rahman Khan was taken away by the Detective Branch of Police, it was the press who first came to Odhikar's assistance, calling up and going to the DB office and attending the urgent press conference hurriedly organised at 11:30 pm on 10 August. Without their help and regular reporting Odhikar would not have been able to move so fast to confirm Adilur's whereabouts.

It is truly unfortunate that in Bangladesh today, the government has either shut down or taken control of opposition-owned media and press. As a result smear campaigns against Odhikar and

Adilur Rahman Khan are rampant in the government loyal newspapers and electronic media. For example, on 18 August 2013, The Daily Janakantha reported that “ Odhikar reported Sohel dead, but he is studying in Uzani Madrassa,” stating Sohel was one of the persons that Odhikar claimed had died on 6 May 2013. Odhikar categorically denies this false information. There is no ‘ Sohel’ in the list of the 61 names. This can be verified by cross checking with the organisations Odhikar gave the list to. Electronic media like Independent TV, Ekattor TV or online media bdnews24.com are also in on the smear campaign against Odhikar and are known for their pro- Government stand.

Draft amendment of Information Communication and Technology Act 2006

On 19 August a draft amendment of the Information Communication and Technology Act, 2006 was approved by the Cabinet. The amendments were made to section 54, 56, 57 and 61 of the Law the said offence has been mentioned as cognizable and non bailable and the maximum punishment increased from 10 to 14 years. A person accused of violating the law would be arrested without any warrant and the offences will be considered non-bailable. Incidentally, these were the circumstances under which Adilur Rahman Khan was taken away. There was no warrant and he was denied bail. Information and Technology Ministry Secretary Nazrul Islam Khan said that, the Law has been sent to the Ministry for vetting. The law will be the Information and Technology (Amendment) Ordinance. Odhikar is concerned that it will be a repressive law and used to take revenge as all other bad laws. The Government has been enacting such laws to shut down the voices of the human rights activists, and journalist and general people.

The Government is gagging Odhikar’s voice

Odhikar believes that the Government is taking repressive actions against the Organisation and its Secretary Adilur Rahman Khan because of the bold steps of Odhikar and its protests against border killings and human rights violations by the State; and also for its credible election monitoring capacity.

Odhikar publish its monthly human rights monitoring report mainly based on the data collected by Odhikar’s field level activists. In the context of present repressive situation, the Government is creating barriers in the activities of the human rights defenders of Odhikar. In this situation,

Odhikar, for the first time in its nineteen years, will not be able to publish the monthly human rights monitoring report of August 2013.

Odhikar expects cooperation from the people to meet the repressive situation, so that it can once again be the voice against repression and for human rights and democratic practices in Bangladesh.

N.B. Odhikar requests media to publish this full statement.

End of Report