



# General Assembly

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## Human Rights Council

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Agenda item 4

Human rights situations that require the Council's attention

### **Written statement\* submitted by ODHIKAR - Coalition for Human Rights, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2014]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## *Voices Gagged: The Persecution against Human Rights Defenders in Bangladesh*

1. In Bangladesh human rights violations are rampant. There are allegations of torture, disappearance and extra-judicial killings perpetrated by security forces, including the Rapid Action Battalion (RAB) and the Detective Branch of Police (DB). According to information gathered by Odhikar, between August 01, 2013 and August 24, 2014 at least 51 persons have become victims of enforced disappearances and 224 were killed extra judicially. The present Government led by Awami League<sup>1</sup>, has undertaken the practice of gagging the voices of human rights defenders and victims of violence. Under the present context, Odhikar highlights the most pressing situations in this report-

### **A. Human Rights Defenders are at risk:**

2. Odhikar is a vocal, 19-year old human organisation, which focuses on civil and political rights. Committed to raise its voice against human rights violations, Odhikar fights against impunity to bring justice for victims; works as a pressure group to stop human rights violations and for improving the condition of the criminal justice system in Bangladesh. Odhikar has faced intimidation and threats under all political regimes. Since 2009, Odhikar has been suppressed and put under pressure by the present Awami League regime due to its ability to highlight and protest human rights violations, in both the national and international forums. The Organisation has gone through several crisis, hindrance, harassment and adversity; brought about by the government and its agencies. The levels of surveillance and intimidation by the authorities include telephone tapping, following and monitoring staff and intimidation, harassment and abduction and persecution.
3. Odhikar experienced high levels of harassment after the submission of its human rights report at the second cycle of the Universal Periodic Review<sup>2</sup>, at the UN Human Rights Council in April 2013. The report highlighted violations of human rights and criticized the state actors for perpetration and neglect. The government, through the NGO Affairs Bureau, which is under the Prime Minister's Office, has now refused to approve of Odhikar's projects and release its foreign funding. This has led the organisation into serious crises.
4. At 10:20 pm on August 10, 2013, Secretary of Odhikar, Adilur Rahman Khan, a lawyer of the Supreme Court of Bangladesh, was abducted by plain clothed members of the Detective Branch of police and detained in jail, in relation to Odhikar's fact-finding report on allegations of extrajudicial

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<sup>1</sup>The Awami League-led Government came to power through landslide victory in the 9<sup>th</sup> Parliamentary Elections on December 29, 2008; and again on January 05, 2014 through controversial 10<sup>th</sup> Parliamentary Elections, boycotted by almost all opposition parties including Bangladesh Nationalist Party and its alliance. 153 candidates from the ruling Awami League and its alliance were elected uncontested out of the 300 constituencies, even before the elections were held. As a result, a total of 40,802,739 voters out of 91,948,861 voters could not cast their votes. Among the rest of the voters, only 12-15 percent could cast their votes on Election Day, as reported by various newspapers and election monitoring organisations.

<sup>2</sup> <http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2012/10/report-UPR-report-ALRC-and-Odhikar-2012-eng.pdf>

<http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/04/statement-UPR-Session-2013-eng.pdf>

killings during an operation carried out on May 5-6, 2013 by security forces in Dhaka. On October 8, 2013 the High Court Division of Supreme Court of Bangladesh granted ad-interim bail to Adilur Rahman Khan. He was released from jail on 11 October 2013, after spending 62 days in detention. Odhikar's Director ASM Nasiruddin Elan was also charged; and the Cyber Crime Tribunal Judge issued a warrant of arrest against him on September 11, 2013. Elan voluntarily surrendered before the Cyber Crimes Tribunal and his lawyers appeared before the Tribunal and sought bail. The Judge rejected the bail plea and ordered that Elan be sent to jail. On November 24, 2013, the High Court Division ordered six-month ad interim bail to Nasiruddin Elan. He was released on December 1, 2013.

5. Apart from arresting and detaining Adilur and Elan, the Detective Branch of Dhaka Metropolitan police raided Odhikar's office and seized computers containing important and sensitive documents of victims and their families. The government has virtually shut down Odhikar, using various forms of harassment, including smear campaigns organised by the government affiliated media. The Organisation is continuously under surveillance and its staff being harassed by various intelligence agencies. Their constant visibility and intimidation in front of Odhikar office is hindering regular organisational activities. Odhikar's local-level human rights defenders have also been intimidated, questioned and harassed and a few have virtually stopped human rights activities due to security issues. Due to constant barriers, surveillance and intimidation, seven regular staff have departed. However, Odhikar continues to publish its monthly human rights monitoring reports on human rights abuses perpetrated in Bangladesh.
6. The NGO Affairs Bureau (NGOAB) and Anti-Corruption Commission (ACC) are 'investigating Odhikar', checking funding sources and financial reports; and harassing the Organisation for information they already have. The NGOAB which is under the Prime Minister's Office has barred the release of funds for Odhikar's projects which the Bureau had earlier approved. The crackdown and intimidation on Odhikar has had an alarming effect on human rights defenders active in Bangladesh. It has created a sense of insecurity among the human rights community.

## **B. Repressive Foreign Donations (Voluntary Activities) Regulation Act, 2014**

7. On June 2, 2014 the Cabinet approved the Bill of the new law 'The Foreign Donations (Voluntary Activities) Regulation Act, 2014'. Under this, individuals or NGOs who receive funds individually or collectively in order to implement projects will come under constant monitoring and evaluation. Those in authority have been given the power to provide registration of NGOs under this law - which can be easily misused. Moreover, the former are also authorised to suspend or cancel registration if any 'irregularities' are found against any NGO during project implementation. The affected NGO or person involved with such organisation may appeal to the Secretary, Prime Minister's Office within 30 (thirty) working days of the order for punishment, but the decision given by the Secretary shall be deemed final. The law will prohibit any autonomous organisation like a university, from receiving foreign donations; which might put barriers to promote education programmes in Bangladesh. Odhikar believes that the proposed NGO Law will violate freedom of expression and association; and will control human rights and voluntary organisations, which are vocal against human rights abuses.

### C. Barriers to Freedom of the Media

8. Most of the media, in particular, electronic media in Bangladesh are owned and controlled by government supporters. The State owned television BTV is under full government control. Electronic and print media owned by individuals and groups known to be 'pro-opposition' such as Channel 1, Diganta TV, Islamic TV and the daily Amar Desh have been shut down.
9. On August 4, 2014 the Cabinet approved the National Broadcast Policy-2014, with scope for the government to misuse the policy in the name of maintaining the standard of news, programmes and advertisements in the electronic media. Once in force, all contents of radio and television will come under strict government monitoring. According to this draft Policy, 'false', 'discriminatory' and 'misleading information' and 'statistics' must be avoided in news and programmes.
10. Incidents of attacks on journalists occur during the time of gathering news/information or due to publishing reports. It has been alleged that in most cases, leaders and activists of the ruling party were involved in such incidents. The Acting Editor of the daily Amar Desh, Mahmudur Rahman has been detained in Kashimpur Jail 2 since April 11, 2013. A total number of 69 fabricated cases have been filed against him. He was allegedly tortured while in custody and in spite of his ill health he has been denied proper medical treatment.

### D. Proposed Sixteenth Amendment to the Constitution is to Curb Freedom of the Judiciary

11. On August 18, 2014 the Cabinet approved the draft of the 16<sup>th</sup> Constitutional amendment. This Amendment seeks to take away the Supreme Judicial Council's power to impeach Supreme Court Judges; and give it to Parliament. Given the extremely fragile state of Rule of Law and Independence of Judiciary in Bangladesh; Odhikar believes that the Sixteenth Amendment will put adverse pressure on judges, which would eventually create more hindrance to the judicial process.

### E. Recommendations:

Odhikar urges to the UN Human Rights Council:

1. *To ensure that the Bangladesh Government stop persecution against Odhikar and ensure security to human rights defenders and refrain from the enactment of the Foreign Donations (Voluntary Activities) Regulation Act, 2014.*
2. *To address the Government of Bangladesh to ensure freedom of expression and media; allow the broadcasting of banned media; free Amar Desh Acting Editor Mahmudur Rahman; and repeal the National Broadcasting Policy 2014 and Information and Communication Technology Act 2006 (amended 2013).*
3. *To ensure that the Bangladesh Government refrains from enacting the Sixteenth Amendment to the Constitution of Bangladesh, which will suppress the independence of Judiciary.*
4. *To ensure the conducting of a free and fair election within a shortest possible time with the participation of all the political parties under the supervision of a neutral government.*