

Open Letter to Government of Bangladesh**23 March 2011**

Her Excellency **Sheikh Hasina**
Prime Minister of Bangladesh
Old Sangsad Bhaban Tejgaon,
Dhaka-1215 Bangladesh

Re: Call for the end of harassment against Odhikar staff

Your Excellency Madame Prime Minister,

The Asian Forum for Human Rights and Development (FORUM-ASIA), a membership based regional human rights organization, writes this letter expressing our deep concerns over the continued harassment of Mr. Adilur Rahman Khan and Odhikar by national security agencies. Mr. Khan, a prominent human rights defender, is an advocate in the Supreme Court of Bangladesh and the Secretary of Odhikar, a human rights organization based in Dhaka.

On 14 March, 2011, an unknown person came to the main gate of the Odhikar office and made inquiries about Mr. Khan's family and the number of children he has. The next day Mr. Khan was followed by two persons on a motorcycle from the Supreme Court to his house, which is located on the ground floor of the Odhikar office. In the afternoon, one of his family's employees walked out of the gate to buy tea when he found himself encircled by four unknown persons. They requested information about the schedule of Mr. Khan's movements and his whereabouts. Two of them remained stationed all day outside the office of Odhikar, monitoring activities and staff movements.

On 16 March, 2011, a person who identified himself as Mohammad Tota Miah, Deputy Assistant Director (DAD) of the National Security Intelligence (NSI), visited the Odhikar office and demanded the accountant hand over all documents which Odhikar had already submitted to the NGO Affairs Bureau. When the accountant requested to see his identity card or an authorization letter the person left. Two other men, stationed opposite from the Odhikar office, kept on monitoring the activities of Odhikar's staff. On 17 March 2011 two persons blocked the way of another family employee, interrogating him about Mr. Khan. The employee told them not to ask questions he cannot answer and ducked into a nearby house until they left.

Odhikar and its Secretary Adilur Rahman Khan have been under surveillance of the intelligence agencies since October 2010. On 07 October, 2010, two officers from the City Special Branch (Gulshan Zone) visited Odhikar and wanted Mr. Khan's curriculum vitae, passport details and his political background. Adilur Rahman Khan told them to bring an official letter from their authority in order to get information. On 09 October, in the afternoon, an Additional Superintendent of Police (City Special Branch) called up Adilur Rahman Khan and asked him to visit the Special Branch Office. Mr. Khan asked for an official letter and he replied that it was only an invitation to 'develop a relationship'. Mr. Khan invited him to tea at his law chambers in Gulshan on 10 October 2010 at 7:00 pm. The meeting never took place.

On the afternoon of 25 December 2010, a Sub-Inspector of the Special Branch of Police called Odhikar wanting the cell number and the National Identification Number (National ID number) of Adilur Rahman Khan. The Secretary was not in the Odhikar office that day. He also asked for Odhikar's registration number, date of registration and the date of last re-registration. He also came to the Odhikar office at about 4:00 in the afternoon and at 7:00 in the evening looking for the Secretary. On 26 December 2010 in the evening, a man in plain clothes claiming to be a policeman from the Gulshan Police Station came to the gate of the Odhikar building and asked the security guard whether this was Advocate Adilur Rahman Khan's residence and if he was keeping 'well'. When Mr. Khan was fetched, the man had left.

We are alarmed by this increased surveillance of Mr. Khan's activities and the disturbing inquiries made by unknown persons about his family members. We believe that the surveillance of Mr. Khan and the monitoring of his workplace are directly related to his work as a human rights defender. It is clear that these surveillance and intimidation tactics are being used to threaten Mr. Khan and the Odhikar staff, and are meant to impose a chilling effect on his actions and the activities of Odhikar. All this is similar to the activities of intelligence agencies directed towards Odhikar and Mr. Adilur Rahman Khan in the second half of 2010, as written above and pointed out by FORUM-ASIA in a letter addressed to Foreign Minister Ms. Dipu Moni.

We would like to recall that Bangladesh is a state party to the International Covenant on Civil and Political Rights (ICCPR), having ratified the Convention in 2000. Article 17 of the ICCPR provides that "no person shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence." International human rights law allows for the limitation of this right, but "interference authorized by States can only take place on the basis of law, which itself must comply with the provisions, aims and objectives of the Covenant." Surveillance conducted by intelligence agencies is a form of interference with the privacy of human rights defenders and women human rights defenders. From the information received, such interference cannot be deemed as lawful under international human rights law.

We consider that the intimidation and surveillance of human rights defenders contravenes the international obligations of Bangladesh. The work and commitment of Odhikar and its staff towards the promotion and protection of human rights in Bangladesh is unquestionable. In conformity with Article 12.2 of the UN Declaration on Human Rights Defenders, the State of Bangladesh should "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."

Therefore, we call on your government to:

- Take concrete measures to withdraw the surveillance of the activities of Odhikar and Mr. Adilur Rahman Khan.
- Investigate the reports of inappropriate inquiries made into Mr. Adilur Rahman Khan's family.
- Ensure that all human rights defenders and women human rights defenders in Bangladesh can freely conduct legitimate activities promoting and protecting human rights, in accordance with the UN Declaration on Human Rights Defenders.

We respectfully thank you for your consideration and express our sincere hope that your Excellency will take these recommendations into account.

Sincerely,

Mr. Yap Swee Seng

Executive Director

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CC:

Dr. Mizanur Rahman

Chairperson

National Human Rights Commission of Bangladesh