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**Statement Submitted to Mr. Maina Kiai, the Special Rapporteur on the Rights to
Freedom of Peaceful Assembly and of Association**

***Bangladesh: Freedom of Peaceful Assembly and Association in Jeopardy:
Voices of vocal human rights defenders and organisations gagged***

Even though forty three years have passed since the liberation of Bangladesh, her people are still struggling to constitute a democratic state, based on equality, human dignity and social justice. The present government led by Awami League came to power through the elections on December 29, 2008 and again through ‘controversial’¹ elections on January 05, 2014. There are substantial allegations of custodial torture, enforced disappearance and extra-judicial killings perpetrated by security forces²; and freedom of expression, peaceful assembly and associations are severely hampered by the present government. Odhikar and the human rights defenders associated with it, faced severe oppression in 2013 which is still continuing; On August 10, 2013 men claiming to be police from the Detective Branch picked up the Organisation’s Secretary at 10:20 pm from outside his home and he and the Director of Odhikar were later charged under the Information and Communication Technology Act 2006 (amended in 2009) for fact finding and documenting extrajudicial killings and human rights violations perpetrated at a rally and meeting spanning May 05 and 06, 2013. However, for nineteen years Odhikar has worked on the issues of civil and political rights, and is a vocal activist against torture, enforced disappearances and extrajudicial killings. Regardless of political government, Odhikar remains steadfast and vocal against human rights violations. Due to its stand, Odhikar has always been in the government’s cross-hairs. The Organisation has continuously faced various levels of monitoring and threats over the last 19 years. However, the present government took an extreme role in August 2013, in gagging Odhikar’s voice completely in order to silence the voices of numerous victims.

There are numerous examples since 2009, where police, along with Awami League’s youth and student wing activists, stopped or created hindrance to peaceful assembly and association. The imposition of section 144 of the Code of Criminal Procedure in order to stop assemblies and association of the opposition political parties has been widely visible³. It has been seen that when the Opposition calls a meeting at a certain area at a certain date and time, the Awami League of that same locality also announces a meeting at that very same venue, date and time. To avoid conflict,

¹ The Awami League-led Government came to power again on January 05, 2014 through the 10th Parliamentary Elections, boycotted by all opposition parties including Bangladesh Nationalist Party (BNP) 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 voters could cast their votes on the Election Day, as reported by various newspapers and election monitoring organisations.

² Such human rights violations have been documented by Odhikar over 19 years, and the Organisation’s monthly and annual reports show the trends of violence and highlight case studies. See www.odhikar.org

³ Section 144 of the Code of Criminal Procedure, 1898 provides power to the Magistrate to issue orders to stop any meeting or gathering. See http://bdlaws.minlaw.gov.bd/sections_detail.php?id=75§ions_id=20789

the local administration declares that both meetings will be cancelled to avoid violence and conflict, as per Section 144 of the Code of Criminal Procedure⁴.

Police swooped in several times on activist and Professor of Economics at Jahangirnagar University Anu Muhammad and other leaders and workers of the National Committee to Protect Oil, Gas, Mineral Resources, Power and Port, as they demonstrated against the government's decision to lease out three offshore gas blocks to foreign companies and against other anti-environmental policies; a photo exhibition titled 'Crossfire' organised by Drik Gallery, was due to be opened in March 22, 2010. The police shut down the photo-exhibition about an hour before it was due to open. In May 15, 2012 police put up a barricade near the Central Library at Shahbagh, Dhaka when teachers of non government primary schools marched towards the Prime Minister's office for submitting a memorandum. When the teachers tried to move forward, the police threw hot water on them from water cannons and beat them. Azizur Rahman, Head Teacher of Char Batiani Registered Primary School under Madarganj Upazila in Jamalpur district, was severely injured during this attack and succumbed to his injuries on May 16, 2012 while under treatment.⁵ Mahmudur Rahman, Acting Editor of the daily Amar Desh has been detained in jail since April 2013 for writing on corruption and human rights violations. Apart from closing down the daily Amar Desh, the government has also stopped the airing of three other pro-opposition television channels. These are a few examples of many such incidents. The incidents show that in many cases police baton charged and violently attacked peaceful assemblies and processions.

The present government did not keep its promise to improve the fundamental human rights situation for its citizens. It is committing human rights violations and continuing to impose repressive laws, which were enacted by the earlier governments; or by making these laws more stringent. The Information and Communication Technology Act 2006 was amended twice by this regime - in 2009 and 2013⁶. The Anti-terrorism Act 2009⁷, Foreign Donations (Voluntary Activities) Regulation Act, 2014, Money Laundering Prevention Act 2012, even Anti Corruption Commission Act 2004 are being targeted against vocal human rights defenders, journalists, opposition political party activists and even general citizens who are critical of the government.

To further suppress human rights activism, 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;

⁴ Odhikar has documents such occurrences throughout the years. They are to be found in the monthly human rights reports at www.odhikar.org.

⁵ The daily Prothom Alo/Amar Desh, 17/05/2012

⁶ In the 2006 version of the Act, offences under section 57 carried a maximum of 10 years imprisonment and the offences were bailable. In the 2013 version, the sentence is 7 – 14 years imprisonment and the offence is non-bail able.

⁷ This Act was also amended in 2013 and the death penalty inserted as maximum punishment.

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.

Odhikar's activism and victimisation

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 by all governments. Since 2009, Odhikar has been suppressed and put under pressure by the present Awami League government due to its ability to highlight and protest against human rights violations, in both national and international forums. The Organisation has gone through several crisis, hindrance, harassment and adversity; brought by the government and by various agencies of the State. The levels of surveillance and intimidation by the authorities included telephone tapping, following and monitoring staff and intimidation, harassment and abduction and persecution.

Odhikar experienced high levels of harassment after the submission of its human rights report at the second cycle of the Universal Periodic Review⁸, at the UN Human Rights Council in April 2013. The report highlighted violations of human rights and criticized the state actors for perpetration and negligence. 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 funds. This has led the organisation to the brink of closure.

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 members of the Detective Branch of police and detained in jail, in relation to Odhikar's fact-finding report on allegations of extrajudicial 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 the 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.

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 is virtually shutting down Odhikar, using various forms of harassment, including smear campaigns organised by the government affiliated media.

⁸ <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>

The organisation is continuously under surveillance and its staff is being harassed by various intelligence agencies. Their constant visibility and intimidation in front of the 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.

Since 2014, the NGO Affairs Bureau (under the Prime Minister's Office) has stopped giving approval to release Odhikar's project funds and is not approving any projects. These are the government strategies to stop all human rights activism of Odhikar and close it down by creating severe financial crisis.

However, Odhikar still continues to publish its monthly human rights monitoring reports on human rights abuses perpetrated in Bangladesh.

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 which they already have. Over the last 19 years, Odhikar has submitted all its project reports and financial statements to the NGO Affairs Bureau, as per law and regulations; and over all these years no question was raised regarding such documents. Now the government and its agencies are resorting to attempts to close down Odhikar by using various methods, including using the Anti Corruption Commission. The crackdown and intimidation on Odhikar has had an alarming effect on human rights defenders active in Bangladesh and has created a sense of insecurity among them.

Conclusion

Harsher laws and government policies are filling the gaps in the wall of repression built by suppression, violence, extrajudicial deaths, enforced disappearances and harassment. This wall of repression is closing in on all democratic practices, rights and freedoms enshrined in various International Covenants – most of which Bangladesh is a Party to. If there is no freedom of assembly and association there is no room for democracy to flourish and for constructive criticism to see light. Human rights activists, defenders and organisations ultimately work for the same goal – a better, just, democratic society. Suppressing their activities and their voice – and ultimately the voices of the victims – by methods of distraction and/or denial is a suppression of both human rights and democratic values.
