



17 November 2018

## **Protest against fictitious, baseless and ill-motivated reports against Odhikar published in certain media**

Odhikar, after its inception as a human rights organisation in 1994, has been active and vocal against all human rights violations committed by the state and highlighting such violations for public awareness and campaign; protesting rights violations and urging the government and state to refrain from human rights abuses. In addition to defending human rights, Odhikar has been monitoring the electoral process and election violence since 1996, so that people's right to franchise is ensured. The Organisation has faced various kinds of harassment and obstructions during all the governments since its inception for carrying out human rights activities; as none of the governments were respectful of human rights in Bangladesh. However, the persecution, repression and harassment against Odhikar has become a matter of serious concern under the incumbent government. Odhikar came under government ire particularly in 2013, when it published a report on extrajudicial killings, during an armed operation conducted by law enforcement agencies, due to a rally called by Hefazate Islam. When the government asked Odhikar to submit a detailed list of those killed, including their names and addresses, Odhikar considering the security of the victims' families, demanded the formation of a judicial inquiry committee headed by a retired judge of the Supreme Court of Bangladesh. Odhikar promised to send the list to that committee. No such committee was formed and members of the intelligence agency picked up Odhikar's Secretary and later filed a case under Section 57 of the repressive Information and Communication Technology Act, 2006 (amended 2009) against the Secretary and Director of the Organisation. Both were detained in jail for 62 and 25 days respectively. Furthermore, members of the intelligence agency raided the Odhikar office and confiscated laptop and desktop computers, and various important documents. Later they retrieved a draft, unverified list of those extra judicially killed during such operation and disseminated it to different mass media in order to harass Odhikar and tarnish its image. At that time, the Bangla language daily Janakantha published a fictitious report based on the draft list supplied by the intelligence agency. The agency has yet to return the laptop and desktop computers to Odhikar.

The harassment and repression continued systematically after 2013 and the volunteers of Odhikar have been under surveillance. The NGO Affairs Bureau has stopped giving approval of all project and fund clearances to Odhikar since 2014. As a result, many Odhikar staff members could not even engage with the Organisation as volunteers due to lack of security and financial

reasons. Women human rights defenders who were associated with Odhikar were also victims of threats and intimidation. Odhikar is being tagged as anti-state and anti-government by the government due to its vocal role against human rights violations.

### **Recent repressive situation**

It has been brought to Odhikar's attention that some media have recently been involved in publishing false and fabricated reports against Odhikar, quoting intelligence agencies as their source. For instance, on 11 November 2018, Bibhash Baroi of the daily Janakantha published a report with the headline "Controversial organisation Odhikar once again involved in murky activities" on 13 November, staff reporter of the daily Bangladesh Protidin published a report with the headline titled "Recommendation to stop all the activities of Odhikar". On 16 November, private TV channel, Channel I broadcasted a news report against Odhikar, prepared by its reporter Mostafa Mollik, based on the report. The main subject of all these reports was to stop all activities of Odhikar. The statement of Odhikar in response to the reports published in Janakantha, Bangladesh Protidin and Channel I, are given below:

**Media report:** Both the newspapers reported, with the reference of intelligence agencies, that the latter had recommended stopping all the activities of Odhikar immediately due to its controversial activities, involving the violation of the circular of NGO Affairs Bureau (NGOAB) under the Prime Minister's Office; suspicious financial transactions in 10 bank accounts; and receiving direct cash from donors as funding was stopped due to completion of the project.

**Odhikar's statement:** Such report is completely false, fabricated and ill-motivated. Odhikar never violated the circular of the NGOAB under the Prime Minister's Office. Odhikar has implemented several projects with the approval of the Bureau and submitted the project completion and annual audit reports till 2014, after the organisation was registered with the NGO Affairs Bureau in 1995. However, since April 2014, the NGOAB has closed all human rights related projects, and Odhikar's bank account has been frozen by the concerned authorities. In addition to this, the application for renewal of Odhikar's registration was sent to the NGOAB in September 2014 but it is still pending a decision. As a result, there is no scope to implement projects by receiving money from foreign donors; and due to suspension of bank transactions, the report published in the Daily Janakantha regarding suspicious bank transactions in 10 bank accounts of Odhikar, is completely baseless.

**Media report:** In a letter to the Election Commission from the NGOAB, it has been stated that the Bureau has a list of 119 organisations registered with the Election Commission as "election observers". Odhikar's registration with the NGOAB expired on 25 March 2015. The registration of Odhikar has not been renewed due to unresolved audit reports from eight out of 10 projects and a letter from the Directorate General of Forces Intelligence was not responded to; and improper financial transactions under the project were noted. Furthermore, it appears that the Anti Corruption Commission is monitoring this organisation.

**Odhikar's statement:** According to the circular of the NGOAB, registration of an organization has to be renewed every five years. In accordance to this, Odhikar applied for the renewal of its registration in September 2014 six months before its tenure of registration expired. However, its application is still pending at the Bureau. The NGOAB has neither renewed nor cancelled Odhikar's registration. Meanwhile the Election Commission has abruptly cancelled the registration of Odhikar as an 'election observer' without any notice or a hearing, referring to the unprecedented situation created by the NGOAB, which is contrary to the Election Observation Rules 2017. According to section 6.1 of the Election Observation Rules, "if any specific evidence is found against any registered observer organisation in respect of violation of the Rules, registration of concerned organisation shall be cancelled. Before the commencement of the process of cancellation, the Election Commission Secretariat shall send a notice to the observer organisation regarding the allegations it. The observer organisation can apply to the Commission for hearing within 5 (five) working days after receiving the notice relating to allegations. After recording the hearing at the Commission, the decision taken in respect of the allegations is to be informed to that organisation in writing within 7 (seven) working days. During the hearing, the observer organisation shall get the opportunities to appoint its lawyer and submit evidences with regard to self support". The Election Commission abruptly cancelled the registration of Odhikar without any notice or a hearing, which is contrary to the Election Observation Rules.

Despite repeatedly submitting project related information to the Bureau, whenever the latter sought such, Odhikar believes that the NGOAB is deliberately not resolving the audit issues, in order to harass the Organisation. It is to be mentioned that Odhikar has submitted all audited reports of the implemented projects to the NGOAB. However, Odhikar is not informed about the letter from the Director General of Forces Intelligence which is mentioned in the media reports. The reports further stated that "it appears in documents that the Anti-Corruption Commission is monitoring the organisation". However, during government's repression on Odhikar in 2013, the Anti Corruption Commission conducted an investigation into the allegations of corruption; and informed Odhikar in a letter signed on 16 June 2016 that finding no concrete evidence the Commission has settled the matter as 'kept in record' after investigating Odhikar.

**Media report:** On 16 November 2018, Channel I reported that the Bureau had released Odhikar's fund of 370 million 34 thousand 830 taka on 1 January 2013 under a project and it also later released 549 million 400 thousand 718 taka of the same project. The Bureau did not release any more funds after 2013 due to a mismatch in the accounts. In 2012, in a separate project 830 million 49 thousand 790 taka was released by the NGOAB.

**Odhikar's statement:** Channel I has made a fictitious report without mentioning the name of the projects and which has no relation with the actual information. In 2012 and 2013, Odhikar had three projects under implementation. From October 2010 to June 2013, Odhikar received 11 million 233 thousand 419 taka under a project titled "Human Rights Research and Advocacy".

From April 2012 to March 2014, it released 15 million 358 thousand 60 taka and 85 paisa under a project titled “Education o the Convention against Torture and OPCAT Awareness Programme in Bangladesh”; and 3 million 734 thousand 830 taka was released under a project titled “Empowering Women as Human Rights Defenders”from January 2013 to December 2014. The total fund release of these three projects was 30 million 326 thousand 309 taka 85 paisa. Odhikar has already submitted annual audit reports of the three projects to the NGOAB and has the received copies to prove this. However, Channel I has mentioned in its report that Odhikar received funds released by the NGOAB to the total tune of 1 billion 741 million 25 thousand 338 taka in total in 2012 and 2013 from the Bureau, which is absolutely a blatant falsification.

**Media report:** The Daily Janakantah and Bangladesh Protidin also reported that Odhikar has been involved in various ‘anti-state and anti-government activities’, engaged in ‘conspiracy against the country’ and that the Organisation is always tarnishing the country’s image by providing wrong information to the international community regarding elections and the human rights situation. Even the Odhikar’s Secretary Adilur Rahman Khan has written an article in the website of the Asian Network for Free Elections (ANFREL) stating false information. Moreover, it has also been mentioned in the reports that “all the funding of the NGO is currently closed, but their activities are fully operational”.

**Odhikar’s statement:** Odhikar condemns such untrue facts and reports published in the media. Basically the human rights reports which Odhikar produces every month are based on information published in the national daily newspapers, data sent by grass root level human rights defenders associated with Odhikar and victims of human rights violations and their families. Such information/data are being verified, analysed and published as reports. It is to be mentioned that Odhikar is not the only organisation that reports on human rights violations; various regional and international human rights organisations have also been expressing grave concern in a similar way about the human rights abuses in Bangladesh.

Odhikar is trying to continue its activities in a limited scale with contributions from the Executive Committee and members of the General Body, well-wishers of Odhikar and with the voluntary efforts of human rights activists associated with Odhikar.

It is to be noted that on 12 October 2018, Bangladesh was reelected a member of the UN Human Right Council (HRC) for the period of 2019-2021. Before this election, in a letter sent to the President of the United Nations General Assembly on 7 June 2018, the Bangladesh government submitted its human rights pledges and commitments as a part of its candidature for HRC membership.

2018 is the 70th year of the Universal Declaration Human Rights and 20th year of the UN Declaration on Human Rights Defenders. Furthermore, Odhikar is a human rights organisation which has a special consultative status to the Economic and Social Council (ECOSOC) of the United Nations. The report published in the Janakantha recommends that all activities of Odhikar

should be stopped immediately, as suggested by the intelligence agency. Such statement is contrary to Article 38 of the Constitution of the People's Republic of Bangladesh and Article 22 of the International Covenant on Civil and Political Rights. Registration with the NGO Affairs Bureau is applicable for the implementation of project related activities conducted through foreign funds. As per the Constitution, there is no bar to form associations to carry out human rights activities.

Odhikar has never been involved in any controversial activities. Odhikar is an independent human rights organisation, which is working to improve the human rights situation of the country, despite persecution and state repression. In countries where democracy and human rights are respected, human rights activists are not treated as enemies by the government. They are seen as watchdogs and their recommendations taken into consideration. As a result, more improvement occurs in governance, rule of law and the justice mechanism. However, here the concerned government tries to hide the violations and miscarriages of justice, due to the absence of democracy; and continues to violate human rights. The government wants to suppress those human rights activists or organisations who work as whistle-blowers.

In solidarity,

The Odhikar Team

Click on the following link to see the report published in the daily Janakantha

<http://www.dailyjanakantha.com/details/article/383863>

Click on the following link to see the report published in the daily Bangladesh Protidin

<http://www.bd-pratidin.com/national/2018/11/13/375791>

Click on the following link to see the report aired on Channel I

<https://youtu.be/bl5CeFZ7m-Q>