

Report

International Fact Finding Mission

Speaking out Makes of You a Target Human Rights Defenders and Journalists at Risk Grave Violations of Freedom of Expression and Association in Bangladesh

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1. This section of the report takes place in the framework of the joint programme of FIDH and OMCT, the Observatory for the Protection of Human Rights Defenders.

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1. This section of the report takes place in the framework of the joint programme of FIDH and OMCT, the Observatory for the Protection of Human Rights Defenders.

Introduction

Alerted by reports from various NGOs in Bangladesh, the FIDH decided to send an international fact-finding mission in Bangladesh in order to investigate the situation of freedom of expression and association in Bangladesh.

The mission was composed of two representatives: Mrs. Cynthia Gabriel, Deputy Secretary General of FIDH and Executive Director of Suaram (Malaysia); and Dr. Anne-Christine Hubbard (France). The mission took place from 9 to 18 December 2004, and stayed in Dhaka.

Requests for meetings were sent to a number of authorities; the requests were addressed to the authorities in conformity with a well-established practice of the FIDH, through the FIDH member organization in Bangladesh, Odhikar; the letters were notably sent to Mr. Lutfozzaman Babar, State Minister for Home Affairs; Mr. Omar Faruque, Home Secretary; Mr. Abdul Mannan Bhuyan, Minister for Local Government; and Mr. A. F. Hassan Ariff, Attorney General for Bangladesh. Among those authorities, only Mr. Hassan Ariff, Attorney General, accepted to meet with the FIDH Delegation. The others authorities were mobilized by the organization of the SAARC summit (which eventually did not take place due to diplomatic reasons). The mission also met with a number of representatives of NGOs, journalists, etc. (see annex 1). Some of those meetings were also organized by Odhikar. The FIDH would like to thank all the persons met by the mission, as well as Dr. Hameeda Hossain and Mrs. Sultana Kamal from ASK, and Mrs. Aroma Dutta from PRIP Trust. The present report only reflects the views of the FIDH and the Observatory.

The scope of this report is mainly on NGOs and journalists, and does not cover the situation of trade unions and political parties.

I. History and Politics of Bangladesh

Bangladesh has a rich and vast history. Portuguese traders arrived in Bangladesh in the late 15th century. The Dutch, French, and British East India Company followed soon after. Britain's political and economic influence grew significantly and in 1859, the British Crown replaced the East India Company. The state of Bengal (at present Bangladesh and West Bengal, Bihar and Orissa of India) was an independent state till the British East India Company imposed its colonial occupation after the battle of Palassy in 1757. In 1857, the British Crown replaced the East India Company after the defeat of the first insurrection for independence, which was brutally suppressed by the Company army.

In the century that followed, there was a wave of nations seeking independence from their colonial masters and India was among those leading pro independence movements. In the late 19th century and early 20th century, the local people succeeded in getting more independence.

At the core of the struggle was the Indian National Congress.² The Muslims in India then formed the All India Muslim League in 1906. The idea of a separate Muslim state emerged in the 1930s, during discussions for an independent India.

On 23 March 1940, Muhammad Ali JINNAH leader of the Muslim League publicly endorsed the creation of a Muslim state and affirmed the independence granted to two separate countries India and Pakistan. Divided by religion, areas populated in majority with Muslims were designated as Pakistan, which included four provinces in the west and one in the east. East and West Pakistan were separated by more than 1600 miles of Indian soil.

This division apparently became more tense as the years went on. Much focus was on west Pakistan, and the east was clearly neglected from a political and socio-economic point of view. Frictions culminated between east and west Pakistan in an army crackdown on 25 March 1971. Independence was declared by East Pakistan on 26 March 1971 and the war of liberation started. The ensuing war was one of the shortest and bloodiest of modern times; 10 million people, irrespective of religion, out of 75 million, crossed the border to India, which is an unprecedented exodus. The Joint command of the Bangladesh Freedom Fighters and Indian Army defeated the Pakistan army in occupied Bangladesh, which resulted in the surrendering of the Pakistani Army at Dhaka on 16 December 1971, setting the stage for the new country called Bangladesh.

The government formed by the Awami League set up a Constituent Assembly with the parliament members of the then Pakistan National and Provincial Assembly, who were elected from the then East Pakistan. In 1972 a Constitution for Bangladesh came into being by this Constituent Assembly. The Awami League recorded a victory in the first Parliamentary elections in 1973, the credibility of which was challenged by the opposition parties. The Awami League at that time was the main party with broad appeal and ability to espouse the struggle for a new and independent nation. Hardly a year into government, Sheikh Mujibur Rahman³, declared a state of emergency. A para-military force called 'Jatio Rakkhi Bahini' was formed and about 30,000 (thirty thousand) supporters of leftist parties were extra-judicially killed. The Constitution was amended on 25 January 1975 (known as 4th amendment of the Constitution) to limit the powers of the legislative and judicial systems, and all existing political parties were dissolved.

Implementation of promised political reforms was slow, and Mujib was increasingly criticized. On 15 August 1975, Mujib along with his family members except two daughters (who were abroad at that time) was killed in a coup organized by a group of mid-level army officers, a new government, headed by a former minister of Mujib, Khandakar Moshtaque, was formed and Martial Law was declared. Successive military coups occurred on November 3rd (four top Awami League leaders were killed during this time at Dhaka Central Jail) and November 7, resulting in the emergence of Army Chief of Staff Gen. Ziaur Rahman (Zia), as strongman. He pledged the army's support to the civilian government headed by the President, Chief Justice Sayem. Acting at Zia's behest, Sayem then promulgated martial law, naming himself Chief Martial Law Administrator (CMLA).

Ziaur Rahman was elected for a 5-year term as president in 1978. His government removed the remaining restrictions on political parties and encouraged opposition parties to participate in the pending parliamentary elections. In 1979, Ziaur Rahman removed secularism and socialism from the Constitution and inserted "total and absolute faith in Allah"; in 1978, he also allowed Golam Azam, a leader of the Islamic party Jamaat-e-Islami in East Pakistan, to come back to Bangladesh⁴. More than 30 parties participated in the parliamentary elections of February 1979, but Zia's Bangladesh Nationalist Party (BNP) won 207 of the 300 elected seats.

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In May 1981, Zia was assassinated. The Vice-President Justice Abdus Satter took over as Acting President and a Presidential election was held where he was elected President. The then Army Chief of Staff, Lt. Gen. H.M. Ershad took over the reins of power in a bloodless coup in March 1982. He acted to dissolve Parliament, declared martial law, suspended the Constitution, and banned all political activity. Ershad reaffirmed Bangladesh's moderate, non-aligned foreign policy. In December 1983, he assumed the presidency.

Over the ensuing months, Ershad sought a formula for elections to legitimise his position. Ershad then established the Jatiyo Peoples Party as a political vehicle for the transition from martial law. Ershad resigned as the chief of army staff and was elected President in 1986. Awami League and Jamaat e Islami contested the Parliamentary elections under Ershad, which was boycotted by BNP and the leftist 5 (five) party alliance. In 1988, he declared Islam to be the state religion of Bangladesh. In the endless change of political rule, Ershad eventually stepped down in 1990 following growing protests and general strikes to his rule.

On 27 February 1991, BNP won the elections and formed a government with the support of the Jamaat e Islami (JI). The BNP was then led by Begum Khaleda Zia, the wife of former President Ziaur Rahman. In September 1991, the electorate

approved changes to the Constitution, formally creating a parliamentary system and returning governing power to the office of the Prime Minister, as in Bangladesh's original Constitution. In October 1991, members of Parliament elected a new head of state, President Abdur Rahman Biswas.

In 1994, opposition leaders resigned en masse and initiated a joint movement led by Awami League, Jamaat e Islami (JI) and Jatiyo Party to unseat Khaleda Zia's regime. President Abdur Rahman Biswas dissolved the Parliament in November 1995 and an election was held on 15 February 1996 which was boycotted by the main political parties. The new parliament comprised of BNP and independent members amended the Constitution and included the provision of a caretaker government before every Parliament elections. This is known as the 13th amendment of the Constitution. Thereafter the President dissolved the Parliament and a new caretaker government was formed. Former Chief Justice Habibur Rahman was asked to head that government. The Awami league won elections held on 23 June 1996. Sheikh Hasina formed a coalition government with Earshad's Jatiyo Party and ASM Rab's JSD and became the Prime Minister.

In 2001 elections, BNP won and formed coalition government with four parties among which JI, and is still in power. The next elections are supposed to take place in 2006.

2. Indian political party, founded in 1885.

3. Sheikh Mujib, one of the founders of the Awami League, became the country's first Prime Minister in January 1972.

4. He had not supported the independence of Bangladesh in 1971 and had consequently been living in exile in Pakistan until 1978.

II. Freedom of expression

Bangladesh holds the sad record of being, according to NGOs specialised in freedom of expression such as the Committee to Protect Journalists (CPJ) and Reporters Without Borders (RSF), among the most dangerous countries in the world, with the exception of the countries torn by conflicts, for journalists. This is due to a tradition of authoritarianism, which has made it over the years acceptable for the successive governments to restrict media freedom on politicised grounds, and which has found its ways into several pieces of stringent legislation regarding media freedom⁵. Such texts have been systematically used to curtail freedom of expression, and weigh as a Damocles' sword over the heads of independent publications. However, the government has not hesitated to resort to other means, such as financial pressure through the public advertisement system, control over distribution of fair priced paper to the newspapers or, much more worryingly, outright harassment, attacks or intimidation on journalists and newspapers to prevent them from publishing news and views perceived as being inimical to the government, or related to "sensitive" issues, such as political violence, minorities, religious groups, corruption, the armed forces, collusion between local officials and organised crime, the situation in the Chittagong Hill Tracts⁶. As a leading human rights lawyer says, "*the government is very keen on pretending that the problems in Bangladesh are merely law and order issues - when they are actually political problems*".

The very partisan public atmosphere prevailing in Bangladesh certainly does not help in this regard, as newspapers and media outlets (and this holds true of NGOs as well) are informally categorised as "pro-Awami" or "pro-BNP", making them easy targets when a government led by the opposing party seizes power. This has notably been the case with the current BNP government, which has systematically targeted journalists, papers and publications perceived to be "pro-Awami", such as *Prothom Alo* or *Janakantha*. Neither has it acted to punish authors of violence against supposedly "pro-Awami" publications or individuals. The problem is compounded by the often political ownership of papers (either through political leaders, or by the party as such), as is for instance the case with the daily *Dinkal* (owned by the BNP) or the daily *Sanggram*, owned by the Jammat-Islami.

The partisan division in Bangladeshi society, combined with the stringent laws on state secrets (Official secrecy Act 1923), also means that the access to information depends on

personal connections and relationships with high-ranking officials - with the type of subjective pressure and potential corruption such a dependency entails.

The Press Council, formed in 1994, and theoretically independent, has also been engulfed in partisanship, as the current chairman (by statutes, a retired justice) is a sitting MP for the BNP.

Furthermore, it appears that the political alliance between the BNP and religious groups has led to a hardening and a growing intolerance towards secular positions, as well as towards those individuals and groups defending minority (and specifically religious minorities) rights in Bangladesh. Such threats have led to a high degree of self-censorship among journalists. Outright censorship also does exist, as when *Songskar*, a book criticised for ridiculing all faiths and religions, was banned by the government in 2004. The censorship was challenged in court, but the High Court Division rejected the application after hearing. The same happened with a particular issue of the *Far Eastern Economic Review*, which on some issues was blamed for defiling the Qu'ran⁷.

Censorship is also practiced through indirect means, on administrative or technical grounds. This was notably the case with *Ekushey Television* (ETV), Bangladesh's first private television channel, which went on air in 1999. It was known for its independent take on political and social issues. In 2002, a writ petition was filed challenging the validity of the licensing agreement between the (previous) government and ETV. In March 2002, the High Court of Dhaka declared that ETV's license was illegal. An appeal was filed before the Appellate Division challenging the High Court Division Judgment. The Appellate Division upheld the judgment of the High Court Division after hearing. ETV filed Review Application against the Appellate Division Judgment, which was also rejected after hearing on August 29, 2002 by the Appellate Division of the Supreme Court. After the rejection order of the Appellate Division, the government seized ETV's transmission device on the same day and the broadcast was shut down. ETV has re-applied for a fresh license and the Ministry of Information has granted a licence to ETV in April 2005. However, ETV had not been broadcasting again at the time of the finalisation of this report. It should be noted that the ownership of ETV has changed: major share has reportedly been bought by government supporters.

1. International legal framework

Article 19 of the Universal Declaration on Human Rights (UDHR) guarantees the right to freedom of expression: *“Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”*.

The right to freedom of opinion and expression is also enshrined in Article 19 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Bangladesh in 2000⁸.

The UN Human Rights Committee has made clear the importance of freedom of expression in a democracy: *“[T]he free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion. ... this implies that citizens, in particular through the media, should have wide access to information and the opportunity to disseminate information and opinions about the activities of elected bodies and their members”*⁹.

The media merit special protection notably because of their role in informing the public and in acting as watchdog of government.

As reminded by the UN Human Rights Committee, *“protection of the right to freedom of expression, includes not only freedom to ‘impart information and ideas of all kinds’, but also freedom to ‘seek’ and ‘receive’ them ‘regardless of frontiers’ and in whatever medium, ‘either orally, in writing or in print, in the form of art, or through any other media of his choice.’* Because of the development of modern mass media, effective measures are necessary to prevent such control of the media as would interfere with the right of everyone to freedom of expression in a way that is not provided for in art. 19 para 3 of the ICCPR¹⁰.

The UN Declaration on Human Rights Defenders of December 1998 states that “Everyone has the right, individually and in association with others: (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems; ... (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental

freedoms and, through these and other appropriate means, to draw public attention to those matters” (art. 6).

Art 8.2 of that Declaration enshrines the right, “individually and in association with others, to submit to governmental bodies and agencies and organisations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realisation of human rights and fundamental freedoms.”

That Declaration can apply to anybody - including journalists - who is persecuted because of his/ her involvement in human rights issues. The Observatory for the Protection of Human Rights Defenders, a joint programme by the FIDH and the World Organisation Against Torture (OMCT), defines human rights defenders as “Each person victim or risking to be the victim of reprisals, harassment or violation s, due to his/her compromise exercise individually or in association with others, in conformity with international human rights instruments, in favour of the promotion and realisation of rights recognized by the Universal Declaration of Human Rights and guaranteed by several international instruments.”

The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms recognizes those striving for the promotion, protection and realization of social, economic and cultural rights as human rights defenders. Therefore, according the UN Special Representative of the Secretary General on Human Rights defenders, “those defending the right to a healthy environment, or promoting the rights of indigenous peoples would, by no means, fall outside the ambit of any definition of a human rights defender”¹¹.

2. Legislative texts pertaining to freedom of expression and of information, or used to limit it

Although the Constitution enshrines the right to freedom of expression, Bangladesh presents the worrying peculiarity of multiplying seemingly overlapping pieces of legislation which all converge to impose serious restrictions on freedom of expression, as well as to access to information. Furthermore, an unfortunate practice has developed, whereby defamation cases are filed immediately, allowing for the immediate detention of the journalist concerned, irrespective of the veracity of his/her report. This creates tremendous pressure on both media outlets and individual journalists.

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Article 39 of the Bangladesh Constitution states that, “(1) Freedom of thought and conscience is guaranteed. Freedom of thought and conscience, and of speech, (2) Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence- (a) the right of every citizen of freedom of speech and expression; and (b) freedom of the press, are guaranteed.”

The FIDH holds that the constitutional guarantee fails adequately to protect the right to freedom of expression. As currently drafted, it subjects the right to freedom of expression and freedom of the press to “any reasonable restrictions imposed by law”. This falls below the international guarantee, which requires any restriction to be ‘necessary’ rather than merely ‘reasonable’. Furthermore, some of the grounds for restricting freedom of expression under the Constitution, such as “friendly relations with other States” or “contempt of court”, are not permitted under international law.

The **Printing Presses and Publications (Declaration and Registration) Act, 1973**, regulates the licensing of printers, publishers and editors of any book, newspaper or publication. Under the law, the District Magistrates (DM) have been vested with the authority to issue or cancel a licence. Publication of any “news-sheet”, meaning “any document other than a newspaper containing public news or comments on public news” will also require prior written approval of the DM, or Deputy Commissioner. Publication of a newspaper or news-sheet without a licence is an offence to be punished with fine and/or imprisonment. Furthermore, under section 22 of the PPPA, “any police officer or any other person empowered in this behalf by the Government may seize any unauthorised news-sheet or unauthorised newspaper wherever found”. Under section 23, the police may also seize the printing press believed to have produced the “unauthorised” paper of news-sheet.

More worryingly, the 1973 PPPA, amended in the mid-1990s, bars any publisher or printer to print and publish “anything that affects the interest(s) of the State and the government of Bangladesh”. Under the Act, the printers and publishers are required to give separate declarations before the District Magistrate within whose jurisdiction the newspapers are to be printed and published, that they “will not publish in the proposed newspaper anything which is objectionable for, or offensive against, the interests of the People’s Republic of Bangladesh or its government”. Such provisions disproportionately

restrict freedom of expression, as any criticism of government actions might be punishable under the Act.

Section 124A of the Bangladesh Penal Code on seditious speech also unduly restricts freedom of expression. It states that “whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the government established by law be punished with imprisonment for life to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine”. It has to be noted that a note of “explanation” of the law states that “the expression ‘disaffection’ includes disloyalty and all feelings of enmity”.

Such severe penalties, combined with the extremely vague wording of the law, de facto allow for extremely abusive restrictions of freedom of expression.

Several sections of the Bangladesh Penal Code related to defamation, have been systematically used to curb media freedom. This is notably the case with Section 501, related to printing or engraving matter known to be defamatory. Tapas Kanti Baul notes, in the Ain o Salish Kendra’s report on human rights in Bangladesh, that whenever a case is filed under this section, the Court’s response is to issue an arrest warrant pending investigation. It has become a practice that on the first day of the hearing, the Court issues a warrant and in most cases, irrespective of the charge’s gravity, journalists are ordered to be arrested immediately¹². This has led journalists to practice a high degree of self-censorship on a routine basis. The possible penalties include jail terms, fine, or both, and even forcible closure of the publication.

As regards defamation, the FIDH recalls that the UN Special Rapporteur on freedom of expression considers “that the principle of proportionality must be observed when charges are brought against media professionals and others, in order not to undermine the exercise of the right to freedom of opinion and expression and make it an empty shell. While the Special Rapporteur recognizes that, as enshrined in article 19 (3) of the International Covenant on Civil and Political Rights, there are permissible limitations to the exercise of the right to freedom of opinion and expression, in particular when it comes to respecting the rights and reputation of others, States should bear in mind that the principle of proportionality should be observed in restricting the exercise of the right to freedom of expression. In particular, it is the view of the Special Rapporteur that the **sentencing to a**

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prison term for libel or defamation is clearly not a proportionate penalty in this regard¹³ (emphasis added).

As regards criminal libel and defamation, the Special Rapporteur is of the view that sanctioning libel and defamation by prison sentences is not proportionate. Furthermore, he is of the view that **criminal law is not appropriate for regulating such offences**. As stressed in his joint Declaration with the Organisation for Security and Co-operation in Europe (OSCE) Representative on freedom of the media and the Organisation of American States (OAS) Special Rapporteur on freedom of expression, “*criminal defamation is not a justifiable restriction on freedom of expression; all criminal defamation laws should be abolished and replaced, as necessary, with appropriate civil defamation laws*” (emphasis added)¹⁴.

Section 505(b) of the Bangladesh Penal Code further forbids making, publishing or circulating “any statement (...) or report” “*with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State*”. In case of violation of the law, the person concerned “*shall be punished with imprisonment which may extend to seven years or with fine or with both*”.

Section 505A of the Bangladesh Penal Code also constitutes a threat to freedom of opinion and expression. It states that “*whoever - (a) by words, either spoken or written, or by signs or visible representation or otherwise does anything, or (b) makes, publishes or circulates any statement (...) or report, which is, or which is likely to be prejudicial to the interests of the security of Bangladesh with foreign states (...) shall be punished with imprisonment for a term which may extend to seven years, or fine, or with both*”.

Several other sections of the Penal Code allow the authorities to further intrude on the free exercise of freedom of expression, such as **Sections 292 and 293** (offences relating to obscenity), or **Section 295A** (deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious feelings).

Section 99A of the Code of Criminal Procedure allows the government to forfeit “every copy” of a particular issue of a newspaper, or a book, or a publication, if it “*appears to the government to contain (...) any matter which is defamatory to the President (...), Prime Minister of the Government, the Speaker of Parliament (...) or any words or visible representations which incite, or which is likely to incite any*

person or class of persons to commit any cognisable offence”.

The **Special Powers Act**, 1974 has also been used against journalists, as against political opponents. It allows for 30 days detention without trial, renewable for 90 days for a range of crimes listed in the Act, including for suspicion of such crimes. The range of crimes for which that legislation can be used to arrest people is consequently broad.

It has to be added that a draft law of the “Private Broadcast Media (Radio and Television) Bill”, meant to bring the private electronic media, especially the satellite channels, under government’s control, has been circulating for over a year now, and has not been shelved, in spite of serious concerns expressed by the media community as to the unduly restrictions it would impose on private media channels.

Another draft law, related to anti-terrorism, is equally worrying, as it would allow the government to intercept anybody’s emails and tap any phone.

Access to information is also restricted by law. Under **article 148(2)(b), of the Third Schedule of the Bangladesh Constitution**, the Prime Minister, Ministers, Ministers of State and Deputy Ministers are obliged to take an “oath of secrecy”: “*I (...) do solemnly swear (or affirm) that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me (...), except as may be required for the due discharge of my duty*”.

Furthermore, the **Official Secrets Act**, originally adopted in 1923, also restricts access to information when related to “national security”. It bars public servants from handing over to anyone any secret government plan, document, note, sketch, model, signal, information, etc, which are related to “restricted places”, and which, if made public, could pose a threat to the security of the State. The problem is that de facto, the successive governments have tended to classify a vast majority of government documents, even some seemingly as innocuous as the displacement of an officer from one desk to the other, as “secret”.

Other sector-specific laws also restrict access to information in certain areas. Officials of the public-sector business enterprises, e.g., or public servants, are limited in their right to disseminate information to the media. Section 19 of the **Government Servants (Conduct) Rules, 1979**, states for instance that “*a government servant shall not unless*

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generally or specially empowered by the government in this behalf, disclose directly or indirectly to government servants belonging to other Ministries, Divisions or Departments, or to non-official persons or to Press, the contents of any official document or communicate any information which has come into possession in the course of his official duties, or has been prepared or collected by him in the course of his official duties, whether from official sources or otherwise”.

The free flow of information is also restricted through the possibility of interception of postal articles, as specified in the **Post Office Act, 1869**, as amended in 1973; section 27B(1) (a) (i) of the Act permits “any officer of the post office authorised by the Post Master general” to “detain any postal article in course of transmission by post which he suspects to contain (...) any newspaper or book” not published in conformity with the PPPA. The officer is also allowed to detain “any document containing any treasonable or seditious matters” (Section 27B (1) (a) (ii)).

3. The situation of journalists

a. General pattern of repression

There is a general pattern of violence, repression and harassment against perceived opposing individuals journalists and publications - with impunity for the perpetrators.

Journalists are frequently harassed, threatened, intimidated or physically assaulted in the course of their work. During the past year, five of them have been killed in the course of their activities. The incidents of violence happen more in outlying cities and districts where journalists tend to be more exposed to pressure groups, powerful individuals, and possibly corrupt authorities.

The BNP government has recently shown a tendency to publicly belittle journalists and media, thus making them further vulnerable. For instance, on March 12, 2005, Industries Minister Matiur Rahman Nizami said that “over-exercise of democracy and press freedom” was the cause of the image crisis of Bangladesh abroad. Furthermore, many journalists interviewed by the FIDH delegation admitted systematically practicing self-censorship when dealing with sensitive issues. On 22 March 2005, Saifur Rahman, Minister for Finance and Planning, in his speech of inauguration of the Accountant General’s office said there should be an institute to oversee independence of newspapers. He commented that

journalists think that they are the only conscientious people in the country. On 28 March 2005, Law, Justice and Parliamentary Affairs Minister Barrister Moudud Ahmed said, “The media should be patriotic and more dutiful. Freedom of the press does not mean freedom to lie, the press in Bangladesh enjoys freedom to lie”¹⁵.

The following list of cases does not include death threats.

March 14, 2005

Rapid Action Battalion (RAB) members assault a photojournalist, SM Gorky, chief photojournalist of the daily *Jugantor*, for taking snaps while they were beating up three youths on the street near Baitul Mukarram National Mosque.

February 25, 2005

The editor, news editor and seven journalists and employees of a local daily, *Dainik Gramer Bani*, are arrested on charge of violating the Press and Publication Act but released on bail the following day. A team of police led by a magistrate raid the office of the *Dainik Gramer Bani* on Ambika Basu Lane in the town at Friday midnight.

December 6, 2004

The members of the Censor Board¹⁶ file four fabricated cases (three defamation cases and another demanding toll) against Kamruzzaman Babu, the cultural reporter for the daily *Prothom Alo*. Babu is physically assaulted by the vice president of the Censor Board for writing a series of reports on indecent film making trends.

November 29, 2004

Some traffickers and members of the Bangladesh Rifles (BDR¹⁷) harass Manik Mia, local correspondent of the daily *Sangbad* as he tries to take a photo of the BDR taking tolls from the traffickers. The BDR members confine the journalist for an hour and assault him physically.

November 11, 2004

A group of assailants, led by Jatiyatabadi Chhattra Dal (JCD - a student movement associated with BNP) cadre Iqbal attack an office of daily *Ajker Paribartan* in Dhaka, injuring and beating up five people, including three newsmen, stealing Tk 50,000 and their material from the office.

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October 24, 2004

Unidentified attackers shoot dead Shahid Anwar, a sub-editor of the daily *Asian Express in Dhaka*, while on his way to his office.

October 8, 2004

Members of the Rapid Action Battalion raid the house of Sheikh Nazrul Islam, editor of the *daily Dainik Tathya* and senior vice President of the Khulna Press Club.

October 2, 2004

Five assailants kill Dipankar Chakrabarty, editor of the daily *Durjoy Bangla*, and vice President of the Bangladesh Federal Union of Journalists with knives and axes while on his way home in the north western city of Sherpur.

September 19, 2004

Unidentified gunmen attack Azharul Islam Montu, a reporter for the daily *Gramer Kagoj* in Satkhira. He had published several articles on drug addiction and drug trafficking in the district.

September 12, 2004

Ziaur Rahamna Zia, a reporter for the daily *The Sunshine* is rescued by police in Rajshahi after five days of abduction.

September 11, 2004

Ramzan Ali Sarkar, a reporter for the daily *Manabzamin*, escapes an attempt on his life in Rangpur (North).

August 25, 2004

Joynul Abedin, a reporter for the daily *Ittefaq*, escapes an attempt on his life as some unidentified gunmen start firing at him in Narsingdi.

August 25, 2004

F H Khokon, correspondent of the daily *Prothom Alo*, escapes a bomb attack in Rajshahi, while on his way back home.

August 22, 2004

Unidentified assailants abduct and kill Kamal Hossain, the general secretary of the Manikchhari Press Club, and

correspondent for *Ajker Kagoj*. He had recently written several articles on criminal activities.

August 18, 2004

A group of unidentified men attack and rob Mohammad Al Mamun, a sub-editor of the daily *Ittefaq*, in Gazipur, Dhaka.

August 16, 2004

Activists of the student wing of the BNP attack and injure Karuzzaman Chowdhury, the President of the Sunamganj Press Club and editor of a regional weekly, *Sunamganj Barta*, for writing a report against them.

August 16, 2004

Aminul Islam Sumon, a journalist for the Bangladesh Crime News Agency, is released from jail after getting an interim bail on August 15. The journalist reports that police brutally torture him while in custody. Aminul Sumon was arrested on August 11 when he went to Wari police station to seek information about the drug business and prostitution in the area. He reported being suddenly brutally assaulted during his questioning, with the sergeant forcing him to write a rejoinder saying he came to the police station for extortion.

August 13, 2004

Unidentified gunmen assault and severely injure Azmal Hossain, a reporter for the daily *Dinkal*, in Bagerhat.

August 6, 2004

Kamal Ahmed, journalist for the local daily *Shitalakhya*, was critically injured in a gun attack in Narayanganj.

August 4, 2004

Abdur Rahman Ali, a reporter of the daily *Prothom Alo*, was severely beaten up by a group of BNP cadres in Comilla for writing reports on the irregularities in distributing relief funds among the flood-affected people.

August 2, 2004

Asaduzzaman Chayon, the correspondent of the daily *Dinkal* and general secretary of the Nilphamari Press Club, was assaulted by unidentified men and critically injured while on his way to pick up his daughter at school.

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August 2, 2004

A group of unidentified men attack and severely injure Obaidur Rahman Babul, a reporter for a regional paper in Cox's Bazar. He had written articles on terrorist activities in the area.

July 30, 2004

A group of criminals raid the office of the daily *Shyamol Sylhet* in Sylhet, at night. *Shyamol Sylhet* had published news items on hijacking and criminal activities in the area.

July 29, 2004

A group of criminals attack the residence of Jafar Ulla, the Kalamkanda (sub-district of Mymensingh) correspondent of the daily *Dinkal* and the general secretary of Kalamkanda Press Club, for writing about the activities of criminals in the region.

July 29, 2004

Unidentified men injure Shahidul Islam Shahid, a correspondent for the daily *Dinkal*, in Manikganj.

July 22, 2004

Police in Jessore arrests Arif Khan, a correspondent of the *Gramer Kagoj*, as well as the secretary of Kumarkhali Reporters' Union, in two fabricated murder and abduction cases.

July 1, 2004

A gang of four unidentified assailants stabs Sohel Rana, a photographer of *Bhorer Kagoj*, in Chittagong.

June 27, 2004

Hamayun Kabir, editor of the daily *Janmabhum* and President of the Khulna Press Club, was bombed to death by an unidentified assailant outside his home in Khulna. The attack occurred while he was in his car with his family.

June 5, 2004

Police baton charged a group of photojournalists in Dhaka, injuring at least four of them, while they were taking pictures of the police during a hartal (political demonstration) in the city.

April 28, 2004

Unidentified assailants stabbed and robbed Sumi Khna,

correspondent of the weekly *2000*, in Chittagong. She quoted one of her assailants as saying "you have gone too far and the consequences will only be more dangerous if you continue to write in such an aggressive manner".

April 16, 2004

Four people including two journalists were assaulted in an attack carried out by Jatiyatabadi Chhattra Dal (JCD - a student movement associated with BNP) cadres in Dhaka. No arrest was ever made.

April 5, 2004

Delwar Hossain, correspondent of the daily *Jugantor*, was shot and injured by unknown assailants in Dhaka.

March 2, 2004

Nabil A Latif, former cultural reporter with the daily *New Age*, is found stabbed to death in Dhaka, and his body dumped in a playground.

February 20, 2004

Mahbubur Rahman Dulu, correspondent of *Dainik Janmabhum*, escaped an attempt on his life in Dhaka. A bystander was killed in the attack.

February 9, 2004

Iqbal Hassan, district correspondent of the daily *Janakantha*, was assaulted and injured by BNP activists for publishing a report about the arson attack on the house of AL supporters by BNP activists.

January 24, 2004

Mohammad Abdul Hanif, officer-in-charge of the Airport Police Station, filed a sedition case in Dhaka against Salauddin Shoib Chowdhury, a former managing director of Inqilab TV. The complaint stated that "*Shoib is engaged in spying and smuggling information out of the country for a long time to tarnish the image of Bangladesh*".

January 15, 2004

Unidentified men kill Manik Chandra SHAHA, correspondent of BBC, Khulna bureau chief of the daily *New Age* and former President of the Khulna Press Club, in a bomb attack at Mizarpur.

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January 8, 2004

Saiful Islam Bablu, working for the paper *Dainik Loksamaj* of Jessore, narrowly escaped an attempt on his life when a powerful bomb thrown by three men missed him, not far from Bablu's residence.

January 3, 2004

Two correspondents of Bangla dailies, Rahat Mahmud Khokon of *Prothom Alo* and Hasib Muhammad Tusher of *Ittefaq* were allegedly beaten up by BNP officials on the campus of Patuakhali University of Science and Technology (PUST) in Dhaka. *Ittefaq* had published a report on the alleged corruption of the PUST vice-chancellor, while *Prothom Alo* had published a report on the fights within the JCD.

The cases of Janakantha and Prothom Alo

The situation of *Janakantha* and *Prothom Alo* exemplifies the pressure and harassment faced by media groups and journalists when perceived as pro-opposition by the ruling party.

Janakantha

The *Janakantha* head office in Dhaka has been attacked and vandalised several times; in August 1999, a bomb was placed in the main entrance hall. The building was evacuated, and the bomb removed before exploding. Early 2002, angry mobs attacked the building, injuring one staff member.

The electricity was cut off for 22 days in January 2002, so the paper had to rely on generators during this period.

Since 2001, the government has also stopped handing any advertisement to the paper. The paper's officials denounce multiple incidents of threats and harassment against its reporters.

Mohammad Atiqullah Khan Masud, its chairman and editor-in-chief, has also had his personal residence damaged twice by the army and police, the last time in August 2003, with the exterior wall completely destroyed, on the grounds that it was illegal; however, the first time Atiqullah Khan immediately got a stay order, not heeded by the government forces. He later got a positive verdict, allowing the construction of the wall, which he then got re-built. Which did not prevent police forces from destroying it again in 2003.

43 lawsuits, filed either against the newspaper or against him personally, and including 35 for defamation, are currently pending. In two districts, people were stopped from accessing *Janakantha* by vested interest groups for several days in mid-December 2004.

Prothom Alo

Here too, the judicial and physical harassment has been unrelenting. *Prothom Alo* has been the target of a string of lawsuits, usually defamation cases, the latest one being a case filed jointly against *Prothom Alo* and the daily *Bhorer Kagoj* in December 2004 for having published a story related to Judge Faisal Mahmud Faizee's possible falsification of his law school graduation exam results. On March 21, 2005, the High Court condemned seven editors, publishers and reporters from both papers *Bhorer Kagoj* for publishing disputed reports about a judge's educational background. Samaresh Baidya, senior reporter for *Bhorer Kagoj*, has been condemned to two months in jail and a fine of 2,000 Tk. (about \$US30); the higher court has stayed his sentence for five weeks. The others were fined 1,000 Tk. (about \$US15) apiece (they were *Bhorer Kagoj* Publisher Saber Hossain Chowdhury and Editor Abed Khan; *Prothom Alo* Publisher Mahfuz Anam, Editor Matiur Rahman, and reporters Ekramul Haque Bulbul and Masud Milad). The court ruled that the newspapers' reports threatened to harm the image of the court, and found that they were "distorted, baseless and false", according to the *United News of Bangladesh* news service. The journalists filed an appeal in April 2005 against their convictions on contempt of court charges at the Appellate Division of the Supreme Court. Baidya is free pending appeal.

In 2003, the adviser to the Prime Minister on Parliamentary Affairs, Salahuddin Chowdhury, who at the time was running for a major position within the OIC, filed a lawsuit against *Prothom Alo* and the *Daily Star* (and only against those two, whereas 8 newspapers filed the same story) for having published an open letter of the opposition leader asking the PM to withdraw his candidacy, notably on grounds of corruption. The case was still pending as of December 2004.

Prothom Alo officials say that their journalists are being threatened on a routine basis - receiving threatening phone calls, anonymous letters, etc. Demonstrations, organised by various extremist groups, are regularly held in front of their offices around Bangladesh, especially in Dhaka. *Prothom Alo* officials regret the lack of police protection when these demonstrations turn violent.

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b. Using the financial leverage against the media

i) The issue of government advertisements

Another privileged means used by the authorities to put pressure on dissenting publications is the economic weapon, particularly through advertisement bans - a particularly effective tool given the dependency of publications on such public advertisements to maintain financial viability. Since 1987, the advertisements are distributed through the Department of Film and Publications (DFP). Formally, the number of advertisements depends on the circulation - the highest circulating paper theoretically getting the highest

number of advertisements, as well as some other conditions, such as "objectivity of news reporting, support to development activities and implementation of the wage board awards for the media workers". However, the successive governments have never respected any of these policy guidelines, and the DFP is known for publishing artificial statistics about the circulation, in order to use it as a political tool either to reward "friendly" publications or to punish opposing ones. The current BNP government is no different, as four papers close to the government get the lion share of public advertisements in spite of the relative confidentiality of some of them, especially *Dinkal* and *Sanggram* (close to the Jamaat-Islami):

| Publication | Monthly ads from government (average over 6 months: July – December 2004) | Daily circulation (number of sold copies on 3 December 2004) |
|--------------------|--|---|
| Dinkal | 15,750 column-inches | 912 |
| Inqilab | 15,230 c-inch | 27,127 |
| Sanggram | 13,700 c-inch | 1127 |
| Ittefaq | 13,400 c-inch | 58,571 |
| Prothom Alo | 1,700 c-inch | 86,913 |
| Daily Star | 2,400 c-inch | 20,260 |

Source: Dhaka Hawker Shamilty, Dhaka Kallan Hawker Shamilty, DFP

Janakantha, perceived to be pro-Awami (see box *supra*), is the only paper to have been completely excluded, since 2001, from government advertisements. Mohammad Atiqullah Khan Masud, its chairman and editor-in-chief, estimates the loss at 50,000 US \$ /mth.

Such centralised system allows for generalised corruption because of the lack of mechanisms for accountable use of resources, the absence of check and balances and the fact that the power is basically concentrated in a few hands of people appointed on the basis of party allegiance; evidently, it is also conducive to important political pressure. The World Bank reportedly demanded to the Bangladeshi government to decentralise the system of public advertisement in 2003 - to no avail. The corruption is also apparent in the fact that most tender advertisements for public markets are only handed to minute publications, which means that very few companies actually have a chance to see them - which allows the government to then hand the market to companies presumably chosen beforehand, and close to it.

ii) Control through the newsprint

Yet another instrument used by the authorities to control or at least pressurise the media is the newsprint. However, it has to be added that, contrary to the situation in countries such as

Pakistan, it appears that the control through the newsprint serve both an organised form of corruption and political pressure on publications.

In Bangladesh, the import tax on imported print is very high: 60% (as opposed to 5% in India, e.g.).

Now this import tax falls to 25% if a publication purchases some of its newsprint at a local Bangladeshi company, Bashumdhra - a privately-owned company, though seemingly with very close ties to the government. The tax reduction (from 60 to 25%) is applied to any amount of imported print equivalent to the amount purchased with Bashumdhra. Bashumdhra, surprisingly enough, is the only company in Bangladesh allowed to import its materials and print free of taxes. There is hence de facto in Bangladesh a captive market for newsprint.

For instance, if we take the case of Prothom Alo: Prothom Alo needs 900 metric tons of newsprint per month: 300 tons will be bought at Bashumdhra 300 tons will be imported with 25% import tax and the remaining 300 tons will be imported at a 60% tax rate.

The added problem is, according to several editors interviewed by the FIDH, that the Bashmudhra newsprint is of very poor quality.

4. Intimidation and threats faced by academics

Academics in Bangladesh do not fare much better than journalists when they dare express opinions considered as challenging the political position as defined by the government, or the Muslim faith.

This was particularly the case of Abul Barkat, economist, professor at the University of Dhaka, whose work has concentrated in the last few years on corruption in Bangladesh, notably when linked to international financial aid, and to the increasing religious fundamentalism in the country. He published a book entitled *An Inquiry into Causes and Consequences of Deprivation of Hindu Minorities in Bangladesh through the Vested Property Act*, which delved into the economic roots of discrimination in Bangladesh.

He received several death threats, starting from 2001 onwards (the threats emanated from the JI and splinter groups), the latest occurring on 11 July and 20 August 2004.

The July 11 threat was signed by the “Mujahedin al Islam”. He has been offered protection by the authorities, which he declined. He admits currently living in fear.

The other intellectuals and academics targeted are Prof. Humayun Azad, Bengali Department of Dhaka University, who died in Germany after being treated for injuries received in February 2004 from knife attacks allegedly by religious extremists; Professor Muhammad Yunus of the Department of Economics at Rajshahi University in Bangladesh was killed on December 24, 2004 in front of his house. Extremist religious groups might be behind that killing, but there is no clear evidence yet about the authors motivation behind this crime.

Death threats by telephone are common against human rights activists and progressive figures. Prof. Muntasir Mamun, History Department of Dhaka University; and Prof. Mahbulul Mokaddes Akash, Economics Department of Dhaka University, have been victims of such threats.

5. In spite of the Attorney General assuring the FIDH delegation that “*there is no restriction whatsoever on freedom of expression in Bangladesh*”, Interview with Attorney General, Dhaka, December 2004.

6. There have been consistent reports of violations of human rights of indigenous Jumma peoples of the Chittagong Hill Tracts.

7. The issue at stake included a photograph of a woman with Quran inscribed on her dress.

8. It should be noted that Bangladesh has not submitted yet its initial report to the UN Human Rights Committee under the Covenant.

9. *Gauthier v. Canada*, 7 April 1999, Communication No. 633/1995, para. 13.4; see also the General Comment of the HRC on Article 25 of the ICCPR, para. 25.

10. *General Comment No. 10: Freedom of expression (Art. 19)*, 29/06/83, para.2.

11. E/CN.4/2001/94, page 31.

12. Ain o Salish Kendra, *Human rights in Bangladesh*, p. 73.

13. E/CN.4/2003/67, 30 December 2002, paras 35 and 36.

14. E/CN.4/2003/67, 30 December 2002, para 73.

15. That declaration was made while the Minister was speaking as chief guest at a roundtable in Dhaka titled *Diseased Politics: Future of Bangladesh* organised by Chironton Bangladesh, a socio-cultural organization.

16. The Censor Board has as a mandate to check if the papers are in conformity with the norms set by the Press Council - in practice, it is a tool in the hands of the government to check publications expressing views opposed to the government's policies.

17. The board security force.

III. Freedom of Association

This section of the report takes place in the framework of the joint programme of FIDH and OMCT, the Observatory for the Protection of Human Rights Defenders.

1. General Remarks

Bangladesh ranks amongst the poorest countries in Asia and the world and is the ninth most populous with a population census of more than 143 million people. It lists as one of 47 countries categorized as least developed with a per capita GDP of USD 351 with 36 % of the population earning less than 1 USD per day¹⁸. It should be noted, however, that the population living below poverty line dropped relatively sharply from about 50 per cent in 1991-92 to about 40 per cent by 2000¹⁹.

Overpopulation, poverty and corruption often exist in concert and Bangladesh is no exception. It ranks amongst the most corrupt nation in the world: Bangladesh is ranked 145 out of 146 countries in the Corruption Perceptions Index 2004 of Transparency International²⁰. The experience of crushing poverty is caused significantly by these factors creating a myriad of malnutrition problems, deplorable living conditions, diseases and deaths. An estimated 50% of the total population is reported to suffer from malnutrition problems. This particularly affects women and young children, and some 13.5 million children under the age of 5 are malnourished. Infant mortality rate stands at 77 per 1000²¹.

Since claiming independence in 1971, Bangladesh politics has never quite succeeded in transiting into a peaceful and stable nation. In the last three decades, the political landscape of the country has instead experienced rocky transitions, assassinations, coups and drastic changes.

The unstable State has for the most part failed to address the challenges of eradicating poverty and developing sustainable economic policies for the country to assist the overwhelmingly poor people. As if to fill this void, Bangladesh has witnessed an

unprecedented and vibrant growth of the non-profit sector, giving birth to very large NGOs; all having played instrumental roles in development aid work for the country.

Many NGOs in Bangladesh have grown into big, large and dynamic agencies. Bangladesh Rural Advancement Committee (BRAC) and PROSHIKA are among such examples of gargantuan organizations that have assumed much responsibility and significance in implementing poverty eradication programs throughout Bangladesh using micro-credit and other approaches, having moved into investments, banking and other industries.

These NGOs are largely funded by foreign donors. The poor citizens come forward to engage various services offered by these groups particularly in micro-finance, healthcare, literacy programs and others. There are of course smaller NGOs coexisting and working alongside the bigger organizations, all of them having pulled together under a coalition called the Association of Development Agencies in Bangladesh (ADAB). The membership of ADAB at its peak was said to be about 860 NGOs. ADAB was considered as friendly towards the previous Awami League government. ADAB at present however is experiencing major difficulties and facing the threat of a split following the harassment of the current government on the coalition with the introduction of the draft NGOs Bill (see below). A new entity called the Federation of NGOs in Bangladesh (FNB), which is believed to be more government friendly, has been recently formed as NNCC in July 2002 and later under the name of FNB (on 4 May 2003).

2. The legal framework for NGO activities in Bangladesh

There is a series of regulations through which the government administers and oversees the operations of NGOs in Bangladesh. The legal framework can be categorized into two parts: a) laws that provide for legal status of organizations and b) laws governing relationships with the government.

Laws Providing for Registration

| Laws | Comments |
|--|---|
| The Societies Registration Act of 1861 | The oldest law in place, which generally governs registration, accounts management etc. |
| The Trust Acts 1882 | Governs charities and trusts. Easiest way to obtain registration through this act, as registration takes place without involving any government institution. |
| The Waqf Ordinance 1962 | For Muslims to settle property for the use of beneficiaries in perpetuity. A property becomes a waqf upon a declaration made by the owner known as the Waqif. The Hindus, Christians and Buddhists have parallel Welfare Trust Ordinances for their respective religious communities. |
| The Companies Act 1913 (amended in 1994) | Meant for registration of private trading companies. Development NGOs have taken the opportunity to register under this act. |

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Laws governing Relationships between NGOs and the State

| | |
|--|--|
| The Voluntary Social Welfare Agencies (Registration and Control) Ordinance 1961. | Enacted during martial law of Pakistan, the ordinance introduced mandatory registration of voluntary associations. It is administered by the social welfare department under the Prime Minister's Department, which is given enormous powers to govern NGOs. Most NGOs are registered under this law. The department reserves the right to suspend the governing body of an NGO at any time. |
| Foreign Donations (Voluntary Activities) Regulation Ordinance 1978 | Designed to monitor the flow of foreign funds to the voluntary sector. No person or organization can receive foreign donations without prior approval from the government. |
| Foreign Contributions (Regulation) Ordinance of 1982 | Incorporated into Bangladesh Constitution to monitor the flow of foreign aid to non profit organizations. |

The NGO Affairs Bureau

NGOs in Bangladesh are regulated by an NGO Affairs Bureau, which comes directly under the purview of the Prime Minister. The bureau was first formed during the Ershad government in 1990, and was primarily shaped as an agency to regulate the activities of NGOs. The bureau serves as the contact point between the government and the NGOs especially with regards to the receipt of foreign funding.

All NGOs which would like to get foreign funding are required to register formally with the NGO Affairs Bureau according to the Foreign Donation (Voluntary Activities) Regulation Ordinance, 1978 and the registration is renewable every five years. All funding applications must be approved by the bureau, and all monies must be received through a specific bank account, where the bank is responsible in furnishing reports to the central bank which in turn reports to the bureau.

Audited reports must be submitted annually, and stiff penalties - starting from stopping fund release to arrest and prison sentences - await offenders for submitting false statements or any other actions in contravention to the law. The state may at any time inspect the accounts and documents of NGOs. Actually, the NGO Affairs Bureau, while auditing and inspecting the accounts of NGOs under the Foreign Donation (Voluntary Activities) Regulation Ordinance, 1978, uses the tactics of delay and harassment to hamper the activities of NGOs.

To receive foreign funding for approved projects, the NGOs must submit the application to the Director General of the NGO Affairs Bureau. The bureau then issues an order for the funds to be released and sends copies of the order to the Ministry and the Central Bank. This process normally takes about 14 days.

While many NGOs feel that the bureau sometimes puts too many bureaucratic measures in place, and sometimes

become a hindrance to their work, it was said that some donor organizations have expressed hope that this could well contribute to a transparent and sound management of NGOs.

However, the Observatory recalls that Article 13 of the UN Declaration on Human Rights Defenders states that "Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration". The controls and monitoring put in place by the authorities on the management of NGOs can in no way be used to actually hinder their activities and prevent them from seeking, receiving and utilising resources, including from abroad, in order to promote and protect human rights (see cases below).

More Recent Developments

NGOs are required to obtain a clearance certificate from local officials annually as part of an already rigorous process, under the NGO Affairs Bureau, to secure approval for the following year's budget and funding. Under that requirement, the local authorities review the programmes of NGOs with a political lens.

The current regulations devoid of any meaningful consultation and feedback from the Association of Development Agencies in Bangladesh (ADAB), an umbrella organisation of the NGOs, and the NGO community in general. The process of obtaining clearances from local officials is time-consuming and costly, and might increase the scope for bribery and corruption at the local level.

The government also intends to impose VAT (value added tax) on certain activities run by NGOs that are deemed commercial. A 1% service charge on all foreign donations is also being contemplated although at this present time, this

clause appears to be under review. It appears that the government has tightened its grip on some leading NGOs alleged to have campaigned for the opposition in the 2001 elections. Funding to these organizations, which include some of the biggest NGOs in the country, has consequently been stalled and cases filed against their members.

The relationship between the umbrella coalition ADAB and the government has come under severe strain, as only a few select organizations have been invited to attend meetings with the NGO Affairs Bureau and the government, lending credence to a deliberate marginalization of some key NGOs in the country. Further with the introduction of the draft NGO Bill (see below), there has been a clear sidelining of ADAB as the spokesperson for NGOs in Bangladesh, leading to a split within the NGO community and the formation of a new NGO coalition called the Federation of NGOs in Bangladesh.

In November 2001, the NGO Affairs Bureau, the Bureau of Anti Corruption, National Security Intelligence, and the Taxation Department began investigating five specific NGOs (BNPS, CDS, IVS, PRIP Trust and PROSHIKA), as well as the NGO umbrella body ADAB. Of all the groups, the government filed charges against PROSHIKA only. Investigations into the others appear to have stalled at this present time.

3. Current Situation of NGOs

NGOs are an important component of Bangladesh society, and have served the population consistently. The non profit sector is also a great proponent of public accountability of the government. However, experience has come to show an often rocky relationship between the government and the non-profit sector. Feeling threatened and inhibited by these large agencies, the government has from time to time turned its oppressive nature on them. The present trend appears as the latest show of apprehension and discomfort, and attempts to purposely punish a select group of these NGOs for not abiding by their neutrality. The NGOs concerned are targeted because they adopt critical views regarding the government policies and are therefore considered as pro-Awami, or because they address issues considered as sensitive by the authorities.

The authorities have thus chosen to attack NGOs on the issues of accountability and domestic internal governance, thereby creating disunity and division among the NGO community.

a. PROSHIKA

PROSHIKA is among the largest NGOs in Bangladesh. Formed almost 30 years ago, in 1976, PROSHIKA is a leading micro-credit organization promoting sustainable development efforts through empowerment programmes for women and men. PROSHIKA has 195 chapters throughout Bangladesh with various types of development aid programs.

The harassment against PROSHIKA began almost as soon as the elections of 2001 were completed and the BNP coalition government came into power. Directing its powerful political wand directly at the organization and its leadership, the last year has seen their offices raided, their leaders arrested with charges of unlawful activities, mismanagement of funds etc, foreign funding to most of their programs blocked and even to the extent of threatening its registration to be cancelled.

PROSHIKA Head office under siege

On 18 April 2004, the Dhaka city (north) unit of Bangladesh Jatiotabadi Jubo Dal, the youth wing of the ruling BNP, staged a demonstration outside the PROSHIKA building. For almost three hours, the demonstrators chanted abusive slogans at its President Dr Qazi Faruque Ahmed, and the organization in general. They accused him of being involved in a conspiracy against the alliance government, of being a dishonest person and stated that the local people would make sure he gets evicted from Mirpur. More than 20 riot police officers were standing guard at the vicinity.

The following day, 19 April, police and Bangladesh Rifles (BDR) personnel cracked down on all 14 Proshika Development Centres around Dhaka, and arrested several group members. Some leaders also had their houses raided at night.

On 20 April, a peaceful protest was held against the intimidation and threats from the local BNP two days before. A contingent of police in riot gear swooped down on them and clubbed the protestors mercilessly. They further humiliated the women and passers-by were also injured in the fracas. Proshika Deputy Director Mr Abdur Rob and four other staff members were arrested. Police cordoned off the PROSHIKA premises and kept the staff and visitors inside for many hours. This event was widely reported in the national dailies. And this was only the beginning of a long process of select discrimination as PROSHIKA workers throughout the country began to face obstruction, threats and intimidation.

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Raids and Attacks

On 2 May 2004, the PROSHIKA headquarters was raided, several senior officers were questioned and documents were seized. Barely ten days after, a second raid by the police took place, this time arresting ten staff members, and remanding a few of them including Mr. Abdur Rob and Mr. Bilkis Begum. Mr. Abdur Rob claimed that he was physically abused. Both persons testified to being coerced to provide confessional statements.

On 13 May, law enforcers conducted a third raid and took with them computers and video tapes from the organizations media unit. Uniformed police officers were deployed at the entrance to monitor the activities of the organization. In total, 126 out of the 195 PROSHIKA offices have been raided and attacked.

On 15 May, all PROSHIKA Board Members were required to post anticipatory bail in case they should be implicated in charges expected to be filed against PROSHIKA under sections 420 (Cheating and dishonesty inducing delivery of property), 406 (Criminal breach of trust) and 109 (Abetment of an offence) of the Penal code.

The raids conducted so far seemed to set the stage for more harassment and intimidation, and on 22 May, the police finally arrested PROSHIKA President Dr. Qazi Faruq Ahmed, and Vice President Mr David William Biswas. Both were charged with mismanagement of funds and fraud under Section 402 of the Criminal Code. The court granted a three days remand for Dr Qazi but denied bail for Mr Biswas and he was sent to jail on allegations of embezzlement of funds, this despite his poor health (Mr Biswas is partially paralysed). The arrests of these two persons led to an outcry by human rights groups.

Dr. Qazi spent several nights in the police detention centre and described his cell to be no bigger than ten feet by six feet. He had to share the small cell with six others and slept on the floor. The most worrying aspect was his diabetic conditions, as there were no facilities to check on his blood sugar levels. Insulin was needed twice a day, and he needed to eat at least every two hours, if not he could suffer the risk of a stroke. Dr Qazi repeatedly asked to be transferred to a hospital, and finally the court granted for this to take place, where he was further detained for two months.

Dr. Qazi was released on bail on 26 July 2004. 17 fraud and taxes-related cases were filed against PROSHIKA and/or Dr. Qazi, including at least two sedition cases. Others are on corruption and embezzlement charges.

The work of PROSHIKA has been severely affected since. Not only has it had to deal with blockages to funding over the last three years, but the recent raids and arrests have created a feeling of insecurity and fear amongst the staff, volunteers and beneficiaries of the organisation.

Tracking PROSHIKA and the Islamic extremists

PROSHIKA has always been working to establish the socio-economic rights of the poor and sought to empower people as part of their core objectives. As peoples aspirations for a democracy grew stronger, the NGOs under the leadership of Dr. Qazi Faruque Ahmed participated against dictatorial rule of Ershad. The religious extremists hostility towards PROSHIKA began to grow with the change in governments.

In 1998, a mob attacked a peaceful rally by grassroots organizations from Brahmanbaria development area. The mob burnt the PROSHIKA office, destroyed public property and attacked people at large. When PROSHIKA tried to lodge a police report against those responsible, the authorities refused to register the complaint, and later on a death sentence through a hartal was made against Dr Qazi.

The Islamic party JI found its way to power in 2001 as a partner of the BNP led four party alliance that attained a majority in the 2001 elections. The overall law and order in the country took a slide soon after the elections, and repression on religious minorities climbed to an all time high.

In October 2001, Prime Minister Khaleda Zia in her address to the nation accused certain NGOs for supporting the Awami League with foreign funds. PROSHIKA was directly implicated in her speech and from here on PROSHIKA became a special target of the government.

Blockage of Funds and Investigations

The government had instructed the NGO Affairs Bureau to block funds from foreign donors to PROSHIKA. Initial investigations into PROSHIKA activities carried out in early 2002 yielded nothing, no report was released by the authorities, and no charges were framed.

The second round of investigations started on 9 December 2002 was concluded only in October 2003, following several extensions. Again, no report on the investigations have been published and the funds are still suspended after more than two years. However, a letter has been sent to PROSHIKA containing 55 allegations on various issues by the government recently.

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It should be noted that the fund blockage on PROSHIKA was also having a broader impact on the beneficiaries of their projects. PROSHIKA assess that impact as follows:

- 1. Because of the blockage of funds of PROSHIKA 1.900 schools with 57.000 students could not be opened. 283.860 students in existing schools are facing difficulties. 2.000 schools from local NGOs could not be supported. Totally about 460.000 children could not go to a school or had to leave the school.
- 2. 282.640 people (adults) could not learn literacy skills because the adult literacy centres are not opened due to the blockage of funds.
- 3. 7.048 skill development trainings could not be organised. That means that 176.000 poor people could not learn the skills.
- 4. According to PROSHIKA, almost 2 million people did not get micro-credits.

Fortunately, the newspapers announced in early 2005 that Proshika eventually received the clearance from the NGOs Affairs Bureau to initiate an important project on sustainable agriculture in partnership with several international NGOs. The concerns expressed by the international community in that regard probably played an important role in prompting such a positive decision. However, at the date of publication of the present report, no follow-up had been done by the government in the sense that Proshika was not officially notified the clearance.

b. Private Rural Initiatives Project (PRIP) TRUST

PRIP, which works on the situation of minorities in Bangladesh, was established in 1989 as a project of US Agency for International Development (US AID). In 1996, it went through a carefully planned transition and was registered as a TRUST under Bangladeshi Trust laws. PRIP is a pioneer local NGO providing funding to projects related to its objectives and using original approaches to capacity building. PRIP also supports work on the situation of Minorities in Bangladesh

PRIP has been leading the call to get the State to cancel the Enemy Property Act 1965 (renamed the Vested Property Act 1971), introduced to oppress minorities in Bangladesh. It denies political freedoms, economic guarantees, social opportunities, and protective security for the individual. As a result of the enactment of this act thousands of Hindus have migrated into India over the past few years out of fear and insecurity. This flow has intensified again after the 2001 elections.

Since 1994, PRIP intensified its work and began collecting data to capture the gravity of the problem. With the engagement of University Professor Mr. Abul Barakat, a comprehensive study on Hindu minorities was done, and a report produced called "Impact of Vested Property Act in Rural Bangladesh: An Exploratory Study". Seminars were organized at various district levels and gained much support. Another book was also published by Mr. Abul Barakat called "Political Economy of Vested Property Act in rural Bangladesh".

On 21 September 2000, PRIP organized a big gathering to introduce the book titled "An Inquiry into the Causes and Consequences of Deprivation of Hindu Minorities in Bangladesh through the Vested Property Act". Finally, on 9 April 2001, Parliament passed the 'Vested Property Return Bill 2001, and decided to return property to the minorities which have been under government control.

Since 2001, PRIP has come under intense pressure and scrutiny by the State. The NGO Affairs Bureau has stalled the transfer of funds to PRIP pending investigations. The organization is running without salaries since April of 2002. PRIP currently survives by accepting service contracts from various donors and by providing technical assistance in the area of capacity building to NGOs.

In January 2002, the NGO Affairs Bureau initiated investigations and produced an 'office order'. PRIP complied and provided all documentation including all financial details. The Bureau further ordered all 52 partners of PRIP to tender their financial documents for cross checking. No evidence of mismanagement could be found.

Moreover, PRIP has been accused of taking sides with a political party during the general election campaigns of 2001, under the Voters Education Program and Election Campaign. However, at the date of publication of this report, the government had not brought any element to sustain that allegation. PRIP Trust has reduced its professional staff from 52 to 14 and most of these now serve on a voluntary basis, ever since funding has been cut.

On 29 March 2005, the NGO Affairs Bureau called PRIP and informed that the government has taken a decision to give clearance to PRIP TRUST for the European Union supported project 'SMILING,' which was awarded to PRIP TRUST in 2002. The mobilisation of national and international human rights organisations and of the European Union itself certainly contributed to that positive decision. On 25 April 2005, the English-speaking daily New Age announced that "The government has decided to release eight million euros-

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equivalent to more than Tk 66 crore-to the PRIP Trust, a NGO whose funds have been held up by the authorities since early 2002 pending investigations”.

Acts of harassment against Aroma Dutta

Despite no formal charges placed against Ms Aroma Dutta, PRIP's Executive Director and a member of PROSHIKA's Executive Board, the local police and the intelligence department have been interrogating her at her office, and on the phone for the last two years. As a single woman and member of a religious minority she is particularly vulnerable to such harassment. They have also gone as far as to query her over her personal life such as her divorce and released this sort of information to the media.

In January 2004 the police officer in charge from the local police station visited Ms Dutta in her office and told her he would have to arrest her unless she paid a large bribe. In May 2004, while Ms Dutta was in New York attending a hearing on repression of religious freedom in Bangladesh organised by the US Commission on International Religious Freedom, the PRIP Trust office was vandalized by an unidentified individual.

Moreover, Bangladeshi authorities threatened to arrest her upon her return to Dhaka. She was therefore escorted by US Embassy officials when returning to Bangladesh.

When she arrived on May 7, 2004 in Dhaka, she felt it necessary to obtain anticipatory bail to protect herself and her family, in the event of her arbitrary arrest. As of December 2004, the government was still intimidating and harassing PRIP Trust, especially since Ms. Dutta was actively working on the rights of minorities in Bangladesh.

c. IVS

Several other NGOs have borne the brunt of scrutiny and harassment by the government. The International Voluntary Service (IVS), provides technical support services to about 100 NGOs at the local level in Bangladesh and conducts training sessions for more than a thousand NGO personnel each year.

Its three year proposal titled “Technical Assistance for Capacity Building of Partner NGOs through National Volunteer Program” submitted on 30 December 2001, have not been approved by the NGO Affairs Bureau. On 20 January 2002, the IVS leadership was informed that an investigation would be conducted on the organization. The IVS welcomed the investigation and informed all its partners as well as the

headquarters in Washington DC. The results of the investigations seemed to suggest that all was adequate. The USAID Dhaka review mentioned that the allegation and corruption charges against IVS seemed baseless and appeared to be politically motivated.

Until today the NGO Affairs Bureau has remained silent and has not made known details of their investigations. Only a brief two lines statement was sent to IVS on 5 August 2003 saying “directed to inform you that the decision of the NGO Bureau on your project will be intimated to you later”.

The IVS subsequently had to close two of its branch offices in Khulna and Rangpur. It also had to terminate the employment of 30 senior level consultants/resource persons. It was also unable to pay salaries of its existing 20 staff for the last one year.

The IVS had also learnt from a donor that the NGO Affairs Bureau had discouraged them from approving funds to them stating that the IVS was too political. More than eight letters have been sent to the bureau and none have been replied thus far.

d. ADAB

The Association of Development Agencies of Bangladesh (ADAB) was formed in 1974 to bring together the vast numbers of groups working on development aid and poverty eradication. In recent times, ADAB has found itself at the centre of a looming controversy and is on the verge of a serious split with member organizations clearly divided and polarized. The tensions apparently came to surface when the chairperson of ADAB took a position considered as favourable to the BNP leader prior to the 2001 elections. Those who supported the move were immediately labeled BNP supporters and those opposing it were categorized as in the other camp. In the aftermath of the 2001 elections several key organizations withdrew from ADAB, criticising several ADAB leaders for taking a partisan approach favourable to the Awami League. This breakaway group moved on to form the Federation of NGOs in Bangladesh (FNB) under the leadership of BRAC. The internal split within ADAB is causing a potentially permanent damage within the coalition, an unhealthy and weakening process among the non-profit sector in Bangladesh. It witnesses once again the extreme polarization of civil society in the country.

Since then ADAB has come under fire and the government has moved to block funds of the organization. The High Court Division in its split Judgment stroke down a provision

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imposing ADAB to get periodical permission from the NGO Affairs Bureau and mentioned that ADAB may work as an NGO but not as an peak body for NGOs (umbrella organization).

e. Harassment of NGOs active on the rights of Minorities in Bangladesh

Monitoring of six major dailies in Bangladesh indicate that since the elections of October 2001, the levels of harassment on the minority communities have heightened. Some of the areas include Agailjhara and Gournadi Thana of Barisal, Pakundia thana of Kishoreganj village Hatgangapara of Bagmara in Rajshahi, Natore, Pabna, village Sobujnagar of Joypurhat Sadar Thana and Satkhira districts.

Large numbers of peoples have left their houses and run away. Migration of minorities has become a consistent and constant flow. In Sirajgong, more than 400 minority families fled from their homes. Land grabbing has occurred on a massive scale. Intolerance, lawlessness, rape, gang rape, corruption, illegal occupation and eviction of minorities have become commonplace.

The information further revealed that NGO workers were killed

or attacked. An employee from the Bangladesh Rural Advancement Committee (BRAC) was chopped to death (1st October 2001, Observer) and 2 staff of PROSHIKA were stabbed and verbally threatened with death (7th October 2001). Valuables were looted in local offices of BRAC and PROSHIKA of Pakundia in Kishoregonj, and there were several other incidents of attacks on local NGOs working in that area.

Eight people - six employees of BRAC and two of Grameen Bank - have been injured in bomb attacks on two BRAC offices and a branch of the bank in February 2005. On 16 February, unidentified men hurled three bombs at the Grameen Bank branch at Nabagram village in Ullapara upazila of Sirajganj district, leaving two bank employees critically hurt. The Grameen Bank operates 1,092 branches in 36,000 rural Bangladesh villages, providing credit to over two million of the country's poorest people in Bangladesh. A similar attack was made on the BRAC (Bangladesh Rural Advancement Committee) office in Porsha upazila in Naogaon district on 15 Febryuary 2005 in the night that severely injured four of the office staff. Earlier, on 13 February 2005, Krishnakumar and Saiful Islam fell victim to another bomb attack on the BRAC office in Kalai upazila sadar in Joypurhat district. The attacks were allegedly made by an extremist Islamic group.²²

18. UNDP Human Development Report 2004, Population living below 1USD a day (1990-2002), p 148.

19. UNDP study shows the poverty decline by 1 percentage point a year, Source: *The Daily Star* September 30, 2003, <http://www.mdgbangla.org/poverty/>

20. Transparency International, Global Corruption Report, p 103.

21. UNDP report 2002.

22. The Daily Star, 17 February 2005, see <http://www.thedailystar.net/2005/02/17/d5021701011.htm>

Conclusions and Recommendations

The present report shows a pattern of grave violations of freedoms of expression and association in Bangladesh. Those freedoms are arbitrarily restricted as soon as journalists, NGOs, academics, etc. cross the “red line”; sensitive issues are views perceived as inimical to the government, or information regarding political violence, minorities, religious groups or corruption.

Freedom of expression is restricted on politicized grounds on the basis of several pieces of stringent legislation. The public advertisement system and the control over the access to fair priced paper/newsprint for the media publications are both used to financially pressurize media considered to be close to the opposition.

The very partisan public atmosphere prevailing in Bangladesh certainly does not help in this regard, as newspapers and media outlets (and this holds true of NGOs as well) are informally categorised as “pro-Awami” or “pro-BNP”, making them easy targets when a government led by the opposing party takes power. Human Rights and development NGOs that are considered as “pro-Awami” are, under the current government, clearly targeted through lengthy checks and controls which do not result in any substantiated claim against the NGOs concerned. As a consequence, funding of a number of those NGOs has been blocked by the authorities, sometimes since more than two years. In that regard, some progress have been achieved in the first half of 2005 notably under international pressure.

Journalists are frequently threatened, intimidated or physically assaulted in the course of their work. There is a recent tendency among government representatives to belittle journalists in their public speeches, thereby denigrating them and exposing them to further harassment, including by non-state actors.

Death threats against human rights activists and journalists are common. In 2004, four journalists were killed in connection with their work.. A number of human rights defenders were victims of judicial harassment, including arbitrary arrest, and those involved on women rights and the rights of minorities were particularly targeted.

Attacks are often alleged to come from extremist Islamic groups; those attacks generally remain unpunished - impunity prevails for those who attack journalists, academics and NGOs.

In addition, a number of NGOs activists are victims of judicial harassment, including arbitrary arrests. Human Rights defenders involved on women rights and minority rights are particularly targeted.

The FIDH and the Observatory consequently recommend **to the authorities of Bangladesh**

- to screen its domestic legislation in order to bring it in conformity with the international human rights instruments binding on Bangladesh, in particular with regards to the provisions that are used to restrict freedoms of expression and association
- to put an end to any act of violence and any kind of harassment, including legal persecution, against journalists and human rights defenders
- to stop making public statements denigrating human rights defenders and journalists and, on the contrary, assert clearly and publicly that independent media, independent NGOs and a vibrant civil society are crucial elements of any democracy
- to enquire fully and independently into all allegations of attacks against human rights defenders and journalists, including when the alleged perpetrators are officials or non-state actors
- to enquire into all allegations of torture in pre-trial detention and make sure that confessions obtained under duress are not admissible before the courts
- to decentralise the system of government advertisements in the media
- to cooperate with the UN Treaty Bodies, and in particular submit the initial State reports under the Convention Against Torture (CAT), the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR)
- to fully implement the recommendations addressed to the authorities of Bangladesh by the UN Special Rapporteur on the Right to food, by the Committee on the Rights of the Child (CRC), the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Committee on the Elimination of Racial Discrimination (CERD)
- to extend a standing invitation to the Thematic Special Procedures of the United Nations Commission on Human Rights
- to establish the national human rights institution foreseen in the 1999 legislation

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- to conform with UN Declaration on Human Rights Defenders adopted by the UN General Assembly on 9th December 1998, in particular its article 13 (above mentioned) and its article 12.2, which states that “The State shall 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”
- to invite Mrs Hina Jilani, Special Representative of the UN Secretary General on Human Rights Defenders, to visit Bangladesh.

The FIDH and the Observatory recommend **to the international community:**

- to clearly support the independent civil society in general, and human rights defenders in particular. This support could take the form of diplomatic demarches, public declarations and even financial support to independent human rights NGOs. The EU should in particular base its demarches on the EU Guidelines on human rights defenders, adopted in June 2004.
- To address the violations of freedom of expression and association in general, and the situation of human rights defenders and journalists in particular, at all bilateral and multilateral meetings with the authorities of Bangladesh.

Annex 1: Persons Met by the Delegation, Bangladesh 2004

Officials

- Mesbahul Ilam, Director, NGO Affairs bureau
- Hassan Ariff, Attorney General

Journalists

- Nurul Huda, senior correspondent, Bangladesh Sangbad Sangstha (BSS)
- Priscilla Raj, free lance
- Enayetullah Khan, Editor, *New Age*
- Mohammad Atiqullah Khan Masud, Chairman, *Daily Janakantha*
- Ali Asgar Swapan, Legal Adviser, *Daily Janakantha*
- Monjurul Ahsan Bulbul, *Daily Sangbad*
- Matiur Rahman, Editor, *Daily Prothom Alo*
- Zahiduzzaman Faruque, Editor, *Daily Arthaneeti*
- Iqbal Sobhan Chowdhury, Editor, *The Bangladesh Observer*
- Syed Fahim Munaim, Managing Editor, *The Daily Star*
- Reazuddin Ahmed, Editor, *The News Today*
- Shariar Kabir, free lance

NGOs

- Shaikh A. Halim, Executive director, Village Education Resource Center (VERC), vice-chairman ADAB
- Nayeemul Islam Khan, President, Bangladesh Centre for Development Journalism and Communication
- Samar Roy, Director, Bangladesh Centre for Development Journalism and Communication
- Qazi Faruque Ahmed, President, Proshika
- Afsan Chowdhury, Director, advocacy and human rights, BRAC
- Manzoor Hasan, Deputy Executive Director, BRAC
- Rokeya Rafique, Director, Karmojibi Nari
- Shirin Akhter, President, Karmojibi Nari

- Farooqul Islam Sarkar Alok, director, policy and advocacy
- Zafrul Hasan, executive director, Bangladesh Institute of Labour Studies, BILS
- Kohinoor Mahmood, Programme Officer, BILS
- Syed Sultan Uddin Ahammed, Assistant Executive Director, BILS
- Abdul Matin, Executive Director, International Voluntary Services (Bangladesh)-IVS
- Rosaline Costa, Caritas
- Hameeda Hossain, Ain o Salish Kendra (ASK)
- Tajul Islam, Director, the Federation of NGOs in Bangladesh (FNB)
- Fazlul Huq, Executive Director, Bangladesh Legal Aid and Services Trust (BLAST)
- Rokeya Kabir, Executive Director, Bangladesh Nari Progati Sangha
- Suresh Chandra Haider, AVA
- Masood Alam Ragib Ahsan, director, Odhikar
- Adilur Rahman Khan, Deputy AG
- Saira Rahman Khan, Deputy Director, Odhikar
- Sultana Razia, Programme Officer, Odhikar

Political parties

- Mujahidul Islam Selim, general secretary, Communist Party of Bangladesh
- Manzurul Ahsan Khan, President, central committee, Communist Party of Bangladesh

Misc.

- Tania Amir, advocate
- Arafat Amin Chandan, advocate, Supreme Court of Bangladesh
- Nazrul Islam, associate professor, University of Dhaka

Annex 2: Follow up Mission to Bangladesh, 25-28 September 2005

Introduction

The FIDH decided to send a follow up mission to its first mission in Bangladesh on freedom of expression and association held in December 2004. The findings and data gathered from the December 2004 mission were compiled into a report entitled *Speaking out makes of you a target, Freedom of expression and association in Bangladesh*, that was released to the media in July 2005. The FIDH felt that a follow up mission was necessary, given the explosive and fast deteriorating political landscape in the country.

The delegation was composed of Ms. Cynthia Gabriel, FIDH Deputy Secretary General (Malaysia), and Ms. Elin Wzroncki, in charge of globalisation and human rights within the FIDH international secretariat (France). The mission took place from 25 to 28 September 2005.

The persons met during the mission include NGO activists, members of the diplomatic missions, sections of the administration and journalists. Copies of the July 2005 report were handed over to all the persons met during the mission.

Political Trends/Developments

The mission to Bangladesh took place slightly more than a month after a series of simultaneous bomb explosions rocked the entire nation. On 17 August 2005, it was reported that 63 districts in Bangladesh experienced explosions injuring many and killing at least two persons. Many fear that in addition to random bombings that have become commonplace in Bangladesh, the events of the 17th of August signal a growing arrogance of the fundamentalist elements and militant Islamist outfits, making their presence in the country's political landscape unmistakably visible.

Shortly after the FIDH visit, in December 2005, the country was again placed on high alert when a bomb exploded in the compounds of the court building in central Dhaka, killing several people and injuring lawyers. This episode has deep implications on the rule of law, as never before in Bangladesh's turbulent history has the judiciary received direct attacks of this nature.

Despite several persons being hauled up by the authorities in its investigations on the recent spate of bombings, such as that of Ataur Rahman Sunny, of the banned Jamaatul Mujahideen militant group, and the open condemnation of these acts by Prime Minister, Mr. Khaleda Zia, many people met by the FIDH delegation have expressed concern over the growing culture of impunity under the coalition government of the Bangladesh Nationalist Party (BNP) and the Jammāt Islami. The ambition of these militant groups to make Bangladesh an Islamic country and change the nature of its secular constitution, has gained strength in the recent years.

The FIDH delegation was also alerted that hundreds more 'Madrasahs' or religious schools have sprouted throughout Bangladesh with the aid of government funds and foreign funding. Madrasahs in Bangladesh are both private and state owned.

As a result from these many developments, religious intolerance has been on the rise, with ceremonies and festivals by minority groups being threatened and held under very tense circumstances. A recent example cited include the Hindu 'Puja' being celebrated with a gag order on religious songs being sung as it was being held during the Muslim month of Ramadhan. Ethnic minorities also continue to be marginalized politically, culturally and economically.

Discriminatory practices continue unabated along political lines, with civil society organizations clearly polarized. NGOs and journalists who have been targeted by the government have expressed that harassment on their work remains, in some cases with new twists and turns.

While the next general elections are scheduled for the end of 2006, the government has been quick to quell debates on the polls.

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The case of Ms. Aroma Dutta, Executive Director of Prip Trust

Several developments have taken place with this case since the first FIDH mission (see the following link on the FIDH website: http://www.fidh.org/article.php3?id_article=2502). In mid 2005, the NGO affairs bureau, through a letter, informed PRIP that their pending grant from the European Union, had received clearance, and that the monies would be transferred soon. As a precondition to the release of that funding, Ms. Dutta was asked to resign from the board of Proshika, a development NGO. In an immediate reaction, Ms. Aroma Dutta took the step to resign. In September 2005, more than three months had passed, and PRIP Trust had not yet received the money. At the time of publication of the present note (January 2006), nothing has changed yet.

The Case of PROSHIKA

The case of Dr. Qazi Faruque, President of Proshika, has seen little change between the first and second FIDH missions. All charges against him have not been dropped, but continue to be as a Damocles spade threatening him. In an effort to shrink Proshika's political space, their funds continue to be blocked, and at the point of FIDH meeting with them, funds from the European Union, SIDA, DFID and NOVIB were still being held back by the NGOs Affairs Bureau.

Because of Proshika's sustained work over the years, it is able to develop self reliance, and its micro credit work is ongoing. However its work on health care for poor communities and education through schools, have had to be reduced due to the blockage of funds.

Proshika/ADAB filed a civil suit against the government and the NGO affairs bureau declaring it unconstitutional for NGOs' registration to take place once every five years. The case was still pending in January 2006.

Dr. Qazi Faruque believes that so long as he stands with the progressive forces to resist Islamist forces and backs a secular state, he will continue to be a target of the current government.

The case of IVS

The IVS chapter in Bangladesh had broken away from the international coalition of IVS, as the international group could not face the pressure brought upon by the government. IVS Bangladesh then decided to register itself as IVS Bangladesh.

The NGOs Affairs Bureau has also advised that Mr. Abdul Matin, who heads the IVS, be removed from the board. Only then would the money held by the NGO affairs bureau be released to them. Mr. Abdul Matin has decided that he will not comply to the demands of the NGOs Affairs Bureau.

Journalists

Some of the journalists met by FIDH expressed worry over the ongoing harassment with their work and vulnerabilities faced as journalists. Many extrajudicial killings of journalists have taken place in the past years, because in many ways the press is perceived as challenging those in power. Many of them seem to be conducted by extremist groups, in total impunity: Many cases have been brought before court against journalists, but murderers of journalists very rarely face trial.

Journalists are closest to the news of violations, or to victims. Killings of journalists may therefore take place to stop the news from being broadcast. Mr. Gautam Das, e.g., who was correspondent for national newspaper *Dainik Shamokal* in Faridpur, west of the capital Dhaka, was found dead at his office in Faridpur on 17 November 2005. He had recently written articles about drug-trafficking in the region of Faridpur.¹

At the beginning of July 2005, the Law minister declared during a seminar that freedom of the press is freedom to lie and that press is the biggest enemy of the country. The same month, the Communication minister said that journalists are illiterate.

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On October 21, 2005, the same Minister said that journalists should be put to the Rapid Action Battalion (RAB²) for creating information on terrorism. Other similar declarations were made by members of the government in July 2005: the political advisor to the Prime Minister said that the journalists sell milk but buy wine and the Finance Minister said that 100 to 150 newspapers have done the maximum damage to the country and are tarnishing the image of Bangladesh by giving untrue, false or baseless information.³ To the journalists met by the mission, these declarations directly threaten journalists as they give the green light to extremist groups to target them.

Despite the threats, the *Daily Sangbad*, a local newspaper, in a survey carried out in November 2005 showed that about 71% of journalists said they will not practice self-censorship.

Conclusion

One can conclude that the situation has not really changed for human rights defenders and journalists over the past year. Despite announcements that foreign funding of certain targeted NGOs would eventually be allowed, this did not really occur up to now. In addition, informal pressure was exerted by the NGOs affairs bureau to ensure that, in advance of such a decision, key members of those NGOs would resign, which represents an unacceptable interference with the internal functioning of those NGOs.

The extremist Islamist groups launched a series of bombings on August 17, 2005, but also targeted the judges : according to the Asian Human Rights Commission, a regional human rights NGO based in Hong Kong, between 17 August and 20 November 2005, four persons were killed in the direct attacks on the judges; six other judges and lawyers were attacked; and 13 judges received death threats.⁴

The recommendations included in FIDH report entitled *Speaking out makes of you a target, Freedom of expression and association in Bangladesh* consequently remain fully valid and should be duly taken into account by the authorities of Bangladesh and other actors concerned.

1. Source: RSF, "A young journalist murdered in Faridpur", 17 November 2005.

2. The RAB, an elite force created by the Bangladeshi government in March 2004, is in operating since June 2004. The objective is supposedly to curb organised crime. However, RAB is responsible for a number of extrajudicial executions ("death in crossfire") and there is also an alarming number of deaths in RAB custody. According to Ubinig and Odhikar, from January to October 31, 2005, 91 people were extrajudicially killed by RAB.

3. See *Daily Prothom Alo*, July 16, 2005 and *Sangbad*, July 3, 2005.

4. AHRC Report, *Bangladesh: Judges under the attacks of the Jihadis*, November 2005.

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Persons met by the mission:

- Mr. Shamim Akhtar, Director of the NGOs Affairs Bureau
- Mr. Mohammad Ali, Attorney General for Bangladesh, and Deputy Attorney General
- Mr. Adilur Rahman Khan, member of the Executive Committee, Odhikar
- M. Nasir Uddin Elan, Investigation Officer, Odhikar
- Ms. Sultana Kamal, Executive Director, Ain O Salish Kendra
- Ms. Aroma Dutta, Executive Director, PRIP Trust
- Dr. Qazi Faruque Ahmed, President, Proshika
- Ms. Sr Rosaline Costa, Human Rights Coordinator, Hotline Bangladesh, CARITAS
- A representative from ADAB
- Mr. Abdul Matin, Executive Director, International Voluntary Services-Bangladesh
- Mr. Shaikh A. Halim, Executive Director, Village Education Resource Center
- Mr. Shariah Kabir, Journalist and General Secretary of the South Asian People's Union against fundamentalism and communalism
- Mr. Fazrul Bari, Journalist from Janakantha
- Mr. Bul Bul, Editor Daily Sangbad
- Mr. Jacques-André Costhiles, Ambassador of France in Bangladesh
- Mr. Charles Whiteley, First secretary, Delegation of the European Commission

FIDH represents 141 Human Rights organisations

141 organisations

- Albania**-Albanian Human Rights Group
Algeria-Ligue algérienne de défense des droits de l'Homme
Algeria-Ligue algérienne des droits de l'Homme
Argentina-Centro de Estudios Legales y Sociales
Argentina-Comite de Accion Juridica
Argentina-Liga Argentina por los Derechos del Hombre
Austria-Österreichische Liga für Menschenrechte
Azerbaijan-Human Rights Center of Azerbaijan
Bahrain-Bahrain Human Rights Society
Bangladesh-Odhnikar
Belarus-Human Rights Center Viasna
Belgium-Liga Voor Menschenrechten
Belgium-Ligue des droits de l'Homme
Benin-Ligue pour la défense des droits de l'Homme au Bénin
Bhutan-People's Forum for Human Rights in Bhutan (Nepal)
Bolivia-Asamblea Permanente de los Derechos Humanos de Bolivia
Brazil-Centro de Justicia Global
Brazil-Movimento Nacional de Direitos Humanos
Burkina Faso-Mouvement burkinabé des droits de l'Homme & des peuples
Burundi-Ligue burundaise des droits de l'Homme
Cambodia-Cambodian Human Rights and Development Association
Cambodia-Ligue cambodgienne de défense des droits de l'Homme
Cameroun-Maison des droits de l'Homme
Cameroun-Ligue camerounaise des droits de l'Homme (France)
Canada-Ligue des droits et des libertés du Québec
Central African Republic-Ligue centrafricaine des droits de l'Homme
Chad-Association tchadienne pour la promotion et la défense des droits de l'Homme
Chad-Ligue tchadienne des droits de l'Homme
Chile-Comite de Defensa de los Derechos del Pueblo
China-Human Rights in China (USA, HK)
Colombia-Comite Permanente por la Defensa de los Derechos Humanos
Colombia-Corporación Colectivo de Abogados Jose Alvear Restrepo
Colombia-Instituto Latinoamericano de Servicios Legales Alternativos
Congo Brazzaville-Observatoire congolais des droits de l'Homme
Croatia-Civic Committee for Human Rights
Czech Republic-Human Rights League
Cuba-Comisión Cubana de Derechos Humanos y Reconciliación Nacional
Democratic Republic of Congo-Ligue des Électeurs
Democratic Republic of Congo-Association africaine des droits de l'Homme
Democratic Republic of Congo-Groupe Lotus
Djibouti-Ligue djiboutienne des droits humains
Ecuador-Centro de Derechos Economicos y Sociales
Ecuador-Comisión Ecuimenica de Derechos Humanos
Ecuador-Fundación Regional de Asesoría en Derechos Humanos
Egypt-Egyptian Organization for Human Rights
Egypt-Human Rights Association for the Assistance of Prisoners
El Salvador-Comisión de Derechos Humanos de El Salvador
Ethiopia-Ethiopian Human Rights Council
European Union-FIDH AE
Finland-Finnish League for Human Rights
France-Ligue des droits de l'Homme et du citoyen
French Polynesia-Ligue polynésienne des droits humains
Georgia-Human Rights Information and Documentation Center
Germany-Internationale Liga für Menschenrechte
Greece-Ligue hellénique des droits de l'Homme
Guatemala-Centro Para la Accion Legal en Derechos Humanos
Guatemala-Comisión de Derechos Humanos de Guatemala
Guinea-Organisation guinéenne pour la défense des droits de l'Homme
Guinea Bissau-Liga Guineense dos Direitos do Homen
Iran-Centre des défenseurs des droits de l'Homme en Iran
Iran (France)-Ligue de défense des droits de l'Homme en Iran
Iraq-Iraqi Network for Human Rights Culture and Development (United Kingdom)
Ireland-Irish Council for Civil Liberties
Israel-Adalah
Israel-Association for Civil Rights in Israel
Israel-B'tselem
Israel-Public Committee Against Torture in Israel
Italy-Liga Italiana Dei Diritti Dell'uomo
Italy-Unione Forense Per la Tutela Dei Diritti Dell'uomo
Ivory Coast-Ligue ivoirienne des droits de l'Homme
Ivory Coast-Mouvement ivoirien des droits de l'Homme
Jordan-Amman Center for Human Rights Studies
Jordanie-Jordan Society for Human Rights
Kenya-Kenya Human Rights Commission
Kosovo-Conseil pour la défense des droits de l'Homme et des libertés
Kyrgyzstan-Kyrgyz Committee for Human Rights
Laos-Mouvement lao pour les droits de l'Homme (France)
Latvia-Latvian Human Rights Committee
Lebanon-Association libanaise des droits de l'Homme
Lebanon-Foundation for Human and Humanitarian Rights in Lebanon
Lebanon-Palestinian Human Rights Organization
Liberia-Liberia Watch for Human Rights
Libya-Libyan League for Human Rights (Switzerland)
Lithuania-Lithuanian Human Rights Association
Malaysia-Suaram
Mali-Association malienne des droits de l'Homme
Malta-Malta Association of Human Rights
Mauritania-Association mauritanienne des droits de l'Homme
Mexico-Liga Mexicana por la Defensa de los Derechos Humanos
Mexico-Comisión Mexicana de Defensa y Promoción de los Derechos Humanos
Moldova-League for the Defence of Human Rights
Morocco-Association marocaine des droits humains
Morocco-Organisation marocaine des droits humains
Mozambique-Liga Mocancicana Dos Direitos Humanos
Netherlands-Liga Voor de Rechten Van de Mens
New Caledonia-Ligue des droits de l'Homme de Nouvelle-Calédonie
Nicaragua-Centro Nicaraguense de Derechos Humanos
Niger-Association nigérienne pour la défense des droits de l'Homme
Nigeria-Civil Liberties Organisation
Northern Ireland-Committee On The Administration of Justice
Pakistan-Human Rights Commission of Pakistan
Palestine-Al Haq
Palestine-Palestinian Centre for Human Rights
Panama-Centro de Capacitación Social
Peru-Asociación Pro Derechos Humanos
Peru-Centro de Asesoría Laboral
Philippines-Philippine Alliance of Human Rights Advocates
Portugal-Civitas
Romania-Ligue pour la défense des droits de l'Homme
Russia-Citizen's Watch
Russia-Moscow Research Center for Human Rights
Rwanda-Association pour la défense des droits des personnes et libertés publiques
Rwanda-Collectif des ligues pour la défense des droits de l'Homme au Rwanda
Rwanda-Ligue rwandaise pour la promotion et la défense des droits de l'Homme
Scotland-Scottish Human Rights Centre
Senegal-Organisation nationale des droits de l'Homme
Senegal-Rencontre africaine pour la défense des droits de l'Homme
Serbia and Montenegro-Center for Antitwar Action - Council for Human Rights
South Africa-Human Rights Committee of South Africa
Spain-Asociación Pro Derechos Humanos
Spain-Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos
Sudan-Sudan Organisation Against Torture (United Kingdom)
Sudan-Sudan Human Rights Organization (United Kingdom)
Switzerland-Ligue suisse des droits de l'Homme
Syria-Comité pour la défense des droits de l'Homme en Syrie
Tanzania-The Legal & Human Rights Centre
Thailand-Union for Civil Liberty
Togo-Ligue togolaise des droits de l'Homme
Tunisia-Conseil national pour les libertés en Tunisie
Tunisia-Ligue tunisienne des droits de l'Homme
Turkey-Human Rights Foundation of Turkey
Turkey-Insan Haklari Dernegi / Ankara
Turkey-Insan Haklari Dernegi / Diyarbakir
Uganda-Foundation for Human Rights Initiative
United Kingdom-Liberty
United States-Center for Constitutional Rights
Uzbekistan-Legal Aid Society
Vietnam-Comité Vietnam pour la défense des droits de l'Homme (France)
Yemen-Human Rights Information and Training Center
Yemen-Sisters' Arabic Forum for Human Rights
Zimbabwe-Zimbabwe Human Rights Association Zimrights

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