



**Permanent Mission of Bangladesh**

65, Rue de Lausanne

1202 Geneva

Phone: +41 (0) 22 906 8020

Fax : +41 (0) 22 738 4616

E-mail : [permanentmission.geneva@mofa.gov.bd](mailto:permanentmission.geneva@mofa.gov.bd)

Website: [www.genevamission.mofa.gov.bd](http://www.genevamission.mofa.gov.bd)

**No: BMG/HR-306(A)**

The Permanent Mission of the People's Republic of Bangladesh to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights (OHCHR) and with reference to the latter's communication number AL BGD 4/2022 dated 22 December 2022, has the honour to forward herewith response of the Government of Bangladesh to the Joint Communication sent by the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders.

The Permanent Mission of the People's Republic of Bangladesh to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights (OHCHR) the assurances of its highest consideration.

Geneva, 22 February 2023

Office of the High Commissioner for Human Rights (OHCHR)  
Palais Wilson  
52 Rue des Paquis, CH-1201 Geneva  
(kind Attention : Ms. Beatriz Balbin)  
Email : [registry@ohchr.org](mailto:registry@ohchr.org), [ohchr-registry@un.org](mailto:ohchr-registry@un.org)



Copy to :

01. Ms. Aua Baldé, Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Email : [hrc-wg-eid@un.org](mailto:hrc-wg-eid@un.org)
02. Ms. Clement Nyaletsossi Voule, Special Rapporteur on the rights to freedom of peaceful assembly and of association, Email : [hrc-sr-freeassembly@un.org](mailto:hrc-sr-freeassembly@un.org)
03. Ms. Mary Lawlor, Special Rapporteur on the situation of human rights defenders, Email : [hrc-sr-defenders@un.org](mailto:hrc-sr-defenders@un.org)

**Response of the Government of Bangladesh Pertinent to AL BGD 4/2022; Dated 22 December 2022, a Joint Communication sent by the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special**

---

The Government of Bangladesh remains committed to constructive engagement and cooperation with the United Nations, its representatives and mechanisms in the field of human rights. Bangladesh has been intensely engaged through complying with her treaty body obligations, inviting the Special Procedure Mandate holders and cooperating with them during their country visit, and also through exchange of communications with the mechanisms in clarifying the cases and issues brought to the attention of the Government.

2. However, the Government is appalled that her sincere gesture of cooperation has not been proportionately reciprocated. The Government received yet another Joint Communication (JC) from the Special Procedure on the same “alleged **smear campaign** against Bangladesh-based human rights organization Odhikar as well as acts of intimidation and harassment against its Secretary, Mr. Adilur Rahman Khan”, although the Government adequately responded to the same issue three times through the following communications :

- i) Note verbale no. 19.00.0000.204.39.487.19 (02)/318 dated 8 June 2022 communicated to all the Diplomatic Missions including the United Nations Office in Dhaka (<[un.bd@one.un.org](mailto:un.bd@one.un.org)>) the legal position of the Government vis-à-vis Odhikar, as well as its Secretary, and exposing the political motivation of the said NGO and its Chief;
- ii) Detailed reply vide communicated dated April 2022 to the Joint Urgent Appeal (AL BGD 4/2022 dated 22 December 2022) regarding allegation of intimidation and reprisal of the above;
- iii) Detailed reply with a Note Verbale no. BMG/HR-306 (A) on 22 July 2022 in response to the OHCHR (NY)’s communication dated 27 June 2022 seeking clarification on the same issue.

3. The aforementioned communications are being enclosed herewith in **Annex A-C** for ready reference.

4. Although the Secretary General’s annual report noted the clarification provided by the Government through the report A/HRC/51/4 dated 14 September 2022, however, to utter disappointment, the Joint Communication (JC) dated 22 December 2022 continued to repeat the same allegation without reflecting on the clarification provided by the Government three times in the past. Therefore, the Government would like to seek clarification as to what is actually being referred to as ‘**smear campaign**’? Although the JC acknowledged the reply of the Government to communication JUA BGD 2/2022 only, the clarifications of the Government was not intended for the acknowledgement only. Indeed it is provided for the special procedure to take note of the

factual explanation and to understand the motive of its source which they are receiving the information from. In the absence of that, the repetitions of the same allegation with same formulation of words would lead the Government to assume that either there is a clear disconnect within the human rights mechanism, or the mechanism wishes to prejudge the accuracy and veracity of the allegations and, to directly intervene in the field to protect individuals from reprisals.

4. Notable that the Secretary General's Annual report A/HRC/51/4 dated 14 September 2022 noted the following :

*“On 12 May 2022, the Government responded to mandate holders and addressed the allegations of reprisals against ODIKHAR. Should there be any incident of intimidation or reprisals, the Government noted that judicial intervention should be sought immediately rather than trying to raise allegations supported by inadequate information.”* The Report further acknowledged that, *“On 22 July 2022, the Government responded to the note verbale sent in connection to the present report (See Annex I) and clarified that the alleged acts of intimidation and harassment against the relatives of the reported disappeared persons, human rights defenders and civil society organizations was a misrepresentation. Regarding the case of Odikhar and Mr. Adilur Rahman Kan and Mr. Nasiruddin Elan, (Secretary and Director of Odikhar), it reiterated their bias against the authorities and clarified that the administrative and legal action against the organizations was due to the corruption findings of an investigation. The Government informed about its decision not to approve Odikhar's application for renewal of registration, for its failure to comply with applicable legislation, the lack of response to respond to the objections in audit reports concerning projects funded with foreign donations and due to irregularities related to fee payments and VAT. The Government clarified that that the Cyber Crime Tribunal had resumed the trial of Odikhar's Secretary and Director in accordance with the law and rejected allegations of intimidation and reprisals against the two”*

5. Although the SG's report dated 14 September 2022 noted the Government's decision delivered on the renewal of registration of Odhikar, the JC provided an old reference of April 2022 communication mentioning that the renewal decision is *pending* with the NGO Affairs Bureau! Despite the continued indifference to the clarifications the Government has been providing, the Government would provide further update hereby with regard to the legal recourse vis-a-vis Appeal of Odhikar for renewal of registration, vide **Annex D**. The Government would deeply appreciate if the Special Procedure mechanism delves into it to note the factual findings. Therefore the Special Procedure should no way regard the legal position of the Government about Odhikar as 'smear campaign'.

6. The Government notes that despite clearly explaining the background and status of legal proceedings against the Secretary of Odhikar vide Note Verbale no. dated April 2022, the JC mentioned that “serious concerns have been raised regarding the political nature of the charges

against him”. It is not clear what it meant by ‘political nature of charges’. Indeed Mr. Adilur Rahman Khan is inherently biased towards a political party - BNP. Does it then suggest that Mr. Adilur Rahman Khan’s criminal activities should have been overlooked only because he has a political background? **Annex-E** would provide historical perspective about how Mr. Khan had been deliberately engaged with propaganda against the Government to secure his political interest.

7. The Government indeed questions the credibility of the NGO Odhikar in its work related to enforced disappearances within the country. The Government apprised the UN Human Rights Mechanism, of the political motivation of ‘Odhikar’ and its Chief Mr. Khan, also informed that Odhikar never turned out with the list of the reported victims of enforced disappearance which the Government repeatedly request them to provide. While the Government does not wish to guide the Special Procedure as to what it should consider as a credible source of information, the Government recalls the Human Rights Council Resolution 5/2 that urged the concerned UN Human Rights Mechanisms to rely on objective and dependable facts based on evidentiary standards. In light of the Work Procedure of the WGEID, the Government would also like to seek clarification and request updated information from the Working Group about the following:

- i) *Whether Odhikar appropriately met the ‘requirement of consideration of cases’. If they did,*
  - a. *What steps did Odhikar take to determine the fate and whereabouts of the disappeared persons, before raising the allegations to the WG?*
  - b. *Whether the WG verified that the steps taken were on behalf of the family, and that the family had given explicit consent to submit the case to the WG?*
  - c. *What information did the WG receive from Odhikar about their ‘efforts to resort to domestic remedies’ ?*
  - d. *What reason did they provide in the event they did not take any action in this regard.*
- ii) *Whether the WG asked Odhikar about why they, despite repeated requests of the Government, did not share with the Government the list of the reported victims of enforced disappearance which they fed to the international community to 'defend' human rights?*

8. The additional information, as much detail as possible, with regard to the above would surely be helpful for the Government to carry out meaningful investigations. If the WG did not ask them the above till date, due diligence to the work of assessing credibility of the source of information demands now to request additional information from the source immediately. If the WGEID continues to accept allegations from Odhikar without assessing credibility, political motivation, evidentiary standards and without considering the ‘minimum elements’ required for consideration of cases, it would only lead the WG to do injustice to their own valuable work for the protection of human rights that the member states entrusted them on.

9. As regards the alleged harassment of Mr. Adilur Rahman Khan at the airport, the immigration authority of Bangladesh remains extra-vigilant and cautious so that any convicted criminals cannot abscond the country to avoid legal recourse. That is why, thorough background check is done by the immigration authority if the concerned person is charged under any case. In fact, in any country of the world, closer scrutiny by the immigration and law enforcing authorities cannot be termed as human rights violation; because in that case the United States would have been the largest human rights violator in the airports. As also mentioned in the communication, Mr. Khan is charged under the Information and Communications Technology Act of 2006 at the Cyber Tribunal of Dhaka. Hence, the Special Branch Police at the immigration had his background checked thoroughly and allowed him to board and to depart accordingly. Being a law graduate and an activist who deals with the legal issues, Mr. Khan must be well aware of the processes. Unfortunately, he used this normal course of action of the immigration authority of a sovereign state as a tool to play victimhood by fabricating a story involving law enforcement agency, intelligence agency etc.

10. The JC brought allegation of intimidation and harassment against Ms. Sanjida Islam Tulee, the coordinator of the NGO - Mayer Dak, since the Officer -in- Charge (OC) of the Tejgaon Police Station visited her house prior to the visit of the US Ambassador there. However, the fact remains that the OC did visit her residence as a part of regular security procedure with a view to ensuring safety of the visiting Ambassador who was scheduled to meet a number of unknown civilians at the residence of the “MaayerDaak”. The OCs of the respective Police Stations are duty bound to ensure full safety and security of the diplomats of Bangladesh in compliance with the provisions of the Vienna Convention of Diplomatic Relations 1961.

11. As per the information given by the source, 45 members of Awami League gathered outside Ms. Tulee's house. The WG may wish to verify with the news of all local dailies that the people gathered outside were not from the ruling party Awami League; they belonged to an NGO “Mayer Kanna”, which is a platform comprised of family members of some 1200 former officers and staff of Bangladesh Air Force who were sentenced to death after facing summary trial and execution during the military regime of military ruler and the founder of the BNP General Ziaur Rahman, back in 1977. For the last 45 years the families of these executed members of Air Force have been seeking justice for their near and dear ones but nobody paid heed to their plea. When they heard

the news of US Ambassador's visit to Ms. Tulee's house, they gathered in front of Ms. Tulee's house to handover a memorandum to the US Ambassador in their pursuit to seek justice for their family members.

12. There was an allegation that unidentified people were hired by the Government to collect photos of female relatives of victims of enforced disappearances, photoshopping and publicising them in social media platforms to portray them as "prostitutes". While the Government does not wish to pay attention to such unsubstantiated claims, the Government would request the WG to ask its source what was holding back the victim to resort to the Digital Security Act' 2018 that ensures respect of the rights or reputations of people and criminalizes spread of defamatory information in cyber space?

13. The Government would continue to remain engaged with the UN human rights mechanism including the Special Procedure in the spirit of cooperation. The only legitimate wish of the Government is that due diligence in full compliance with the mandate as set by the member states would be ensured.

-----