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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 and, with reference to the latter's communication No. AL BGD 1/2024, dated 16 January 2024, has the honour to attach herewith Bangladesh's response to the Reply of Joint Communication received from the UN Special Rapporteurs.

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 the assurances of its highest consideration.

Geneva, 25 March 2024

Office of the High Commissioner for Human Rights (OHCHR)
Palais des Nations
8-14 Avenue de la Paix, CH-1211 Geneva 10
(Attention : Chief, Special Procedures Branch, OHCHR)
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Copy to :

1. The Special Rapporteur on the rights to freedom of peaceful assembly and of association; hrc-sr-freeassembly@un.org
2. The Working group on Arbitrary Detention; hrc-wg-ad@un.org
3. The Special Rapporteur on the Promotion and Protection of the right to freedom of opinion and expression; hrc-sr-freedex@un.org
4. The Special Rapporteur on the situation of human rights defenders : hrc-sr-defenders@un.org
5. The Special Rapporteur on the independence of judges and lawyers: hrc-sr-independencejl@un.org

Response of Government of Bangladesh pertinent to AL BGD 1/2024; Dated 16 January 2022, a joint communication sent by the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Working group on Arbitrary Detention; the Special Rapporteur on the Promotion and Protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the independence of judges and lawyers.

Guided by the obligation for the protection and promotion of human rights which emanates from her constitution, the Government of Bangladesh remains fully committed to constructive engagement and cooperation with the United Nations, its representatives and mechanisms in the field of human rights. Our sincere commitment to progressively realize all human rights of our people is well manifested in Bangladesh's ratification of eight of the nine UN international human rights conventions. Bangladesh's intense engagement with UN Human Rights mechanisms is also reflected in her persistent effort to comply her treaty body obligations, regular hosting of the visit of the Special Procedure mandate holders and fully cooperating with them during their visits in Bangladesh.

2. We truly appreciate the Special Procedure Mandate Holders' increasing engagement with Bangladesh from the belief that such engagement would allow Bangladesh to share her continuous endeavor to attain enormous people-centric development with an aim of progressive realization of all human rights and receive constructive inputs, required to weather the myriad of challenges in this journey. However, with deep regret I am noting that, the joint communication issued by a group of four Special Rapporteurs and a Working Group doesn't commensurate with that expectation of ours.
3. The Government of Bangladesh is wholeheartedly committed to uphold the right of peaceful assembly enshrined in the Article 21 of International Covenant on Civil and Political Rights. The Article 37 of Bangladesh's constitution also guarantees the same. In that spirit the competent authority of the country granted permission to the Bangladesh Nationalist party (BNP) to hold a rally in Nayapaltan, Dhaka on 28 October 2023. Mentionable that, throughout the entire year the BNP arranged mass gatherings and rallies in favor of their unconstitutional demand of restoring the provisions of the 'Caretaker Government' during the poll time which was scrapped in light of a judgment delivered by the highest court of the country. The police administration extended all the assistance to BNP, required to exercise their right to peaceful assembly.
4. However, on 28 October, the BNP activists turned violent and violated all the conditions lawfully imposed by the DMP for upholding the safety and security of life and property. They ran amok in the street and attacked both Government and private establishment indiscriminately. They went to an extent to even attack the residence of the Chief Justice of Bangladesh and the Judges Tower (*residence of other Judges of the Supreme Court*), an act of sheer disrespect to the judiciary. They hurled crude bombs, cocktail bombs and brick chunks targeting the police and brutally beat one policeman to death on that day. They didn't even spare the ambulances and



government vehicles at Rajarbag Police Hospital premises, which caused severe disruption of emergency medical services.

5. During this entire period of terror unleashed by the BNP activists, the law enforcement agencies showed utmost restraints despite numerous provocations. Following their unsuccessful campaign to garner public support, BNP decided to disrupt the normal life of the people by calling nationwide blockades. Since the people of the country were not responding to the series of blockades called by the BNP leadership, they resorted to the sabotage of public transportation system. They even dared to torch buses and trains which resulted in the unfortunate death of many civilians.

6. All these heinous activities in the name of political program aimed at foiling the 12th Parliamentary Election, which the BNP decided to boycott. Although they are entitled to take decision whether to participate or not in the electoral process, preventing people from exercising their right to choose their representatives by sheer use violence is not accepted in any standard. According to Article 25 of the ICCPR, ensuring the right and opportunity of every citizen to vote freely is the sacred duty of every country. Thus, it was incumbent on the government to bring all the perpetrators involved in disrupting normalcy to terrorize people for the purpose of foiling the election to book and the law enforcing agencies rightly did so.

7. In response to the unfounded number of arrests made in connection with the involvement in political activities, we would like to maintain that, despite BNP's countrywide atrocity and destruction, the actions of the law enforcing agencies have remained restrained, rational and within legal parameters. They took appropriate legal recourses and arrested the accused individuals, without any political consideration, under specific allegations and evidence of involvement with these barbaric acts. The exaggerated number of arrests and detentions referred to in the joint communication is far from reality. In fact, during any given time, on average 1,500 to 2,000 individuals usually get arrested in the country each day following specific allegations. The rate of arrests around the election time corroborates this average rendering the allegation of so-called 'mass arrest' of the BNP activists unfounded.

8. It is very unfortunate that our sincere effort to clear up the backlog of a large number of pending cases in order to ensure speedy justice has been misconstrued as 'rushed trial' in the litany of allegations referred in your joint communication. The prosecution has been consistently taking the initiative to dispose of old cases first without any prejudice and like any civilized society the government didn't instruct to the prosecution to choose and pick any particular type of cases to distinguish them from other ones and in all the stages of the trial process access to lawyers is always ensured so that the accused is not deprived of a proper defense.

9. The Government of Bangladesh maintains a 'zero tolerance' policy against any violation of human rights committed by the members of the law enforcement agencies. We conduct thorough investigations and undertake stringent administrative and/or judicial measures, as the



case may be, whenever LEA agents are proven to have unlawfully exercised force or authority. Since 2015, 1,692 criminal cases have been filed against LEA personnel; major departmental punishments were handed to 8,488 Police personnel and minor punishments to more than a hundred thousand. In 2022, a court in the Southern district of Cox's Bazar sentenced seven members of Police to 12 years' imprisonment in a case over kidnapping and extortion of a businessman. In another case in 2021, five people, including three Police personnel, were arrested for alleged abduction and extortion in the Northern district of Dinajpur. These incidents bear the testimony of government's staunch commitment to let no wrongdoers off the hook, no matter how influential they are.

10. On 26th May 2016, the Appellate Division of the Supreme Court of Bangladesh gave some directives as to the responsibilities of LEA, Guidelines for the LEA and Guidelines to the Magistrates, Judges and Tribunals having power to take cognizance of an offence. Our government is committed to the strict adherence of these guidelines. To prevent custodial death, the parliament enacted *Torture and Custodial Death (Prevention) Act, 2013*. Till August 2023, twenty-four cases have been filed under this Act and in 2020, a court in Dhaka sentenced three police officers to life imprisonment for a killing in custody in 2014, which is a testimony of our unflinching the determination to prevent any kind of custodial death. All the deaths that take place in custody are thoroughly investigated as per the law of the land and justice is ensured accordingly.

11. The Constitution of Bangladesh fully guarantees freedom of opinion and speech, in line with Article 19 of UDHR and Article 25 of ICCPR. To enrich the democratic environment, the government has taken effective measures to ensure freedom of expression – both online and offline – and freedom of the press and media. Currently 39 TV channels, 576 daily newspapers, 182 online portals of daily newspapers, 2328 local NGOs and 267 international NGOs are freely operating with no restriction or censorship by the government. The Parliament has recently enacted the 'Cyber Security Act, 2023' replacing the 'Digital Security Act, 2018', noting the various observations from the international community related to it. The new 'Cyber Security Act' protects the freedom of expression of women, minorities, journalists and activists from online targeted harassment and abuse and has consolidated the freedom of expression in the country following the due democratic processes.

At the end we would like to reiterate the Government of Bangladesh's sincere commitment to remain engaged with UN Human Rights mechanism and we will welcome every constructive recommendation with a view to progressively realizing all human rights of our people. However, at the same time, we request to consider the specific social, political, cultural, economic and demographic situation as well as numerous other challenges and constraints of every country before taking baseless allegations of the vested quarter into cognizance.

