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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 Special Procedures Branch of the Office of the High Commissioner for Human Rights (OHCHR) and with reference to the latter's communication No. AL BGD 1/2025, dated 07 March 2025, has the honour to enclose herewith the response from the Government of Bangladesh.

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 Special Procedures Branch of the Office of the High Commissioner for Human Rights (OHCHR) the assurances of its highest consideration.

**Encl. as stated (04 pages)**

Geneva, 02 July 2025



**Special Procedure Branch**

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**Response of the Government of Bangladesh to the Joint Communication numbered AL BGD 1/2025 dated 7 March 2025 from the UN Special Rapporteur on the Promotion and Protection of the right to Freedom of Opinion and Expression, the UN Special Rapporteur on the Independence of Judges and Lawyers and the Vice-Chair on Communication of the Working Group on Arbitrary Detention**

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01. The Government of Bangladesh takes note of the Joint Communication referenced AL BGD 1/202, dated 7 March 2025. In the spirit of constructive engagement and cooperation with the mechanisms of the Human Rights Council (HRC), in particular, to that of special procedures, the Government hereby offers clarifications concerning the arrest, prosecution, and present detention of Bangladeshi nationals Ms. Farzana Rupa and Mr. Shakil Ahmed.

02. Ms. Farzana Rupa and Mr. Shakil Ahmed, spouses, both formerly worked for the privately-owned broadcaster-Ekattor TV. The communication shared the information that the couple was dismissed by their employer on 8 August 2024. It is understandable that the date is picked up in a deliberate attempt to implicate the Government behind the dismissal of their job, as the Interim Government with Professor Muhammad Yunus as the Chief Adviser had been sworn in on the evening of the same day, following the fall of the previous government on 5 August. Their separation from Ekattor TV on 08 August 2024 was a decision taken exclusively by that private media outlet; no government body was involved, and no complaint concerning unfair dismissal has, to date, been lodged by the couple with the competent authorities. The Government, therefore, respectfully dissociates itself from any insinuation of executive interference in an employer-employee dispute.

03. On 21 August 2024, Mr. ██████████, brother of late Mr. ██████████, filed a case in the Uttara (East) Police Station against a group of accused, including *inter alia* Ms. Farzana Rupa and Mr. Shakil Ahmed. The plaintiff accused them of the murder of his brother who was killed during the uprising. The offences cited--Sections 302, 114, and 109 of the Penal code, 1860--are cognizable. Under Section 54 of the Code of Criminal Procedure, 1898 (CrPC), the police are, therefore, permitted to arrest suspects without warrant. Accordingly, the Detective Branch arrested the couple at Hazrat Shahjalal International Airport while they were attempting to depart Bangladesh.

04. It is to be noted that the case was filed by the bereaved family member of Mr. ██████████, not by the Government. The Government is constitutionally obliged to protect the rights of her people to seek justice from the Court and hence can't afford to prevent one from seeking justice. The Government is also obliged to ensure the due process of law in every stage of the proceedings which it has been rightly doing in the proceedings initiated against the couple.

05. Article 33 of the Constitution of the People's Republic of Bangladesh obliges law-enforcement officials to produce an arrested person before the nearest magistrate within 24 hours. Ms Rupa and Mr Ahmed were presented before the Metropolitan Magistrate Court, Dhaka, on 22 August 2024 the very next day of the arrest--i.e. less than 24 hours after apprehension--satisfying that constitutional requirement and the jurisprudence of the Supreme Court in *BLAST v Bangladesh* (55 DLR 363). Pursuant to the relevant section of the CrPC, the Metropolitan Magistrate Court authorized four days' police remand to permit initial interrogation. On 26 August 2024, the couple was again produced before the court and in the meanwhile, a few other aggrieved persons had filed several other cases against Ms. Farzana Rupa and Mr. Shakil Ahmed. Upon the plea of the Public Prosecutor, the Court passed an order, granting a five-day

remand in connection with the murder of Mr. ██████ a garments worker killed during the protest. After the end of the five-day remand period, they were produced before the court and bail petition was filed on behalf of them on 31 August 2024. After hearing both parties, the court rejected the bail petition citing the gravity of the alleged offences and passed an order to send them to prison. The allegation that they were arbitrarily arrested or arbitrarily detained is therefore completely unfounded, as Ms. Farzana Rupa and Mr. Shakil Ahmed were duly produced before the court soon after their apprehension, and that in two separate orders, the court granted a total of nine days of police custody for questioning. The record therefore demonstrates uninterrupted judicial oversight and compliance with Article 9 ICCPR and Article 33 of the Constitution.

06. The communication has also quoted some inaccurate facts with regard to the treatment they are receiving in the prison.

07. The detainees are presently held at the Kashimpur High-Security Central Jail (Mr Ahmed) and the Kashimpur Women's Central Jail (Ms Rupa). Both of them are receiving the due facilities they are entitled to as per the Jail Code. Mr. Ahmed had been separated from the regular prisoners and kept in the detention facilities with the prisoners having similar social stature. Placement in separate accommodation is a protective measure, in accordance with the existing Bangladesh Jail Code and the Prisons Act, 1894, designed to avoid potential reprisals against high-profile detainees. Each accused has access to legal counsel, family visitation, medical care and weekly telephone calls in line with the Bangladesh Jail Code and the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules). Records show that both Mr. Ahmed and Ms. Rupa have been availing this access on a regular basis.

08. The same is also ensured for Ms. Farzana Rupa. She was kept with other female prisoners in the *Kalmilata* building at Kashimpur. However, due to security concerns arising from the political situation in the country, she was briefly transferred to *Madhobilata* building, **which was not a condemnation cell**, for two weeks in November last year. Therefore, allegation that Ms. Rupa is confined to a condemnation cell is respectfully refuted.

09. As per the Jail Code, the regular visits by their relatives and lawyers, making phone calls and letter communication with their relatives, and other permissible communications have been allowed. The couple Ms Rupa and Mr. Shakil, being prisoners, was allowed to meet with each other on several occasions. In last November, while availing the phone call facility Ms. Farzana Rupa misbehaved with the prison staffs and following the due process the Prison Authority temporarily revoked her phone call entitlement as part of the disciplinary action. Soon after their arrival in the prison, both of them were examined by the physicians. Mr. Shakil is regularly accessing the medical facilities in the prison. The doctors, medical officers and other staffs are taking due care of their health. While asked about her health during the prisoners' ward inspection by the Senior Jail Super, Ms. Rupa did not raise any issue of inconvenience. Medical check-ups upon admission and at monthly intervals thereafter have revealed no serious health concerns; both detainees retain the right to request specialist treatment under the rule of the Bangladesh Jail Code.

10. During the mass uprising last July-August, unprecedented atrocities were committed by the erstwhile state apparatus and the ruling party affiliates. The Office of the High Commissioner for Human Rights independent Fact-Finding Report has found reasonable grounds to believe that the crimes against humanity took place at that time. The Government has decided to prosecute the perpetrators of these heinous crimes in the International Crimes Tribunal of Bangladesh. Since then, aggrieved individuals are filing complaints with the Tribunal in the hope for judicial redress.

A complaint accusing the involvement of Ms. Farzana Rupa and Mr. Shakil Ahmed among others, as accomplices to the gross human rights violations by the previous regime has also been filed before the Tribunal. The due process will be followed with regard to the complaint.

11. Separate and independent of the murder proceedings, a petition filed before the International Crimes Tribunal (ICT), Bangladesh, in December 2024, alleges that several persons, including the two individuals under reference, committed crimes against humanity by actively abetting unlawful killings during the July–August 2024 mass uprising. The ICT, a domestic court of record established under the International Crimes (Tribunals) Act, 1973, will determine at the cognizance stage whether sufficient prima facie evidence exists. In keeping with the relevant sections of the Act, the accused will enjoy the rights to counsel of choice, to cross-examine witnesses and to appeal any conviction to the Appellate Division of the Supreme Court.

12. Following a student led mass uprising in last August, an Interim Government, led by Professor Muhammad Yunus took office. The Interim Government assumed responsibility in the context of a societal trauma caused by the unprecedented atrocities committed against the mass people by the previous Government and the erstwhile ruling party affiliates in the preceding days. In line with the aspiration of the people, emphatically expressed during the July-August mass uprising, the Interim Government has placed human rights at center of its reform agenda from the very beginning. Soon after assuming the responsibility, the Government took decisive actions to improve and course-correct the country's dismal human rights record under the previous regime through constructive engagement and institutional reforms. Within just one month under the Interim Government, Bangladesh acceded to the International Convention for the Protection of All Persons from Enforced Disappearance and with this became the party to all nine International Human Rights Convention. The Government is committed to put an end to such heinous practice from society and is ensuring that arrested individuals are produced before the courts in due course. The two individuals under reference were notified about the reason for their arrest and they were produced before the court within 24 hours of their apprehension. We would like to respectfully maintain that Article 9 of the ICCPR has not been violated in connection to the imprisonment of Ms. Farzana Rupa and Mr. Shakil Ahmed and reiterate the Government's commitment to respect every individual's right to liberty and security.

13. The Government is aware of its obligation under Article 14 of the ICCPR and committed to ensure the right to a fair trial and guarantees the right to defense. However, the Government also acknowledges the structural limitations entrenched in the country's existing judicial system and initiated a broad-based reform in the judicial process. A Judicial Reform Commission was formed by the Interim Government and tasked to submit the recommendation to overhaul judicial system. The Government has already taken some concrete measures to ensure independence of the Judiciary which involves the promulgation of Supreme Court Judges Appointment Ordinance, 2025 and revival of Supreme Judicial Council. A separate Supreme Court Secretariat will be established soon to ensure the independence of Judges of the subordinate courts. These concrete measures are the testament of Government's sincerity to uphold judicial independence.

14. It is to be noted that Ms. Farzana Rupa and Mr. Shakil Ahmed have not done any journalistic work under the Incumbent Government, hence no reason to be imprisoned for freely expressing their opinion against the incumbent Government. They are imprisoned for their actions committed under the previous regime after being sued by the individuals, not the Government.

15. The Government also takes this opportunity to convey its commitment to fulfill its obligation under Article 19 of the ICCPR. Soon after coming into office, the Government repealed the Cyber Security Act, a repressive legislation widely used to muzzle dissents by the previous regime. The Government has drafted a new legislation and after almost twenty-five revisions to accommodate the views of different stakeholders it has been finalized. In this connection, the Government also acknowledges the constructive opinions on the draft legislations received from Ms. Irene Khan Special Rapporteur on freedom of expression and opinion through the communication referenced OL BGD 2/2025 dated 17 March 2025. Furthermore, a Media Commission was formed by the Government to bring reform in the media landscape. The Commission has already submitted the proposals, and the Government is building consensus with the political parties to ensure lasting reforms based on the proposal received from the Commissions.

16. Finally, the Government of Bangladesh reiterates its unwavering commitment to its obligations under the Constitution and the nine core international human-rights treaties, including the ICCPR. The arrest and detention of Ms Farzana Rupa and Mr Shakil Ahmed stem from private complaints alleging grave offences under national law. The matters now lie sub-judice, and any decision regarding bail or ultimate release does not fall within the executive remit of the Government rather it resides exclusively with the competent courts where they are being represented by lawyers. Recently, on 11 June 2025 following the death of Ms. Farzana Rupa's mother, both Ms. Rupa and Mr. Shakil have been granted parole release at the request of their relatives. Being released on parole they attended the funeral and returned back to the prison. The Government will continue its endeavour to facilitate a fair, expeditious and transparent trial, to ensure humane detention conditions, and to keep the Mandate Holders informed of significant developments.

17. The Government trusts that the clarifications provided herein will assist the Mandate Holders in accurately assessing Bangladesh's compliance with its international obligations.

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