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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

**Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of
opinion and expression.**

REFERENCE: AL G/SO 214 (67-17)
BGD 1/2013

4 January 2013

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression pursuant to Human Rights Council resolution 16/4.

In this connection, I would like to bring to your Excellency's Government's attention information I have received concerning **ongoing attacks on media in Bangladesh**.

According to information received:

On 13 December 2012, the prosecutor of the war crimes tribunal of Bangladesh, Mr. Saidur Rahman filed charges of sedition against Mr. Mahmudur Rahman and Mr. Alhaj Hasmat Ali following the publishing of stories based on the leaked transcript of Skype conversations between a Brussels-based human rights activist and lawyer and Judge Mohammed Nizamul Huq of the tribunal. Mr. Mahmudur Rahman is the acting editor and majority owner of the opposition daily Amar Desh, while Mr. Alhaj Hasmat Ali is the paper's publisher. The judge in question allegedly shared details about a case ongoing before the tribunal and requested advice. Following initial denial of the authenticity of the conversation, Judge Huq stepped down from his position on 11 December 2012.

On 13 December 2012, the tribunal reportedly ordered a media blackout on all information concerning the leaked conversation. Mr. Mahmudur Rahman and Mr. Alhaj Hasmat Ali remain at large for the time being.

Mr. Hossain works for the national Daily Star, while Mr. Laskar works for the daily New Age. The two photographers were reportedly covering clashes between the police and supporters of the opposition Bangladesh Nationalist Party, taking photos of burning tires. The police, lead by Mamun Sirajul Haque, allegedly accused them of setting the fire and proceeded to beat them, despite the two

photographers showing their press identification cards. The two journalists were subsequently taken to a police station in the town of Shimrail, and allegedly beaten again. Later on, both journalists were taken to another police station in Siddhirganj, where their mobile phones and cameras were confiscated according to reports. Mr. Laskar's camera was allegedly smashed on the floor by the police. The two journalists were reportedly released in the afternoon on the same day and Mr. Mamun Sirajul Haque was suspended in connection with the incident.

Concern is expressed that, according to information received, violence against the media, in particular police violence, has increased during the past year in Bangladesh.

While I do not wish to prejudge the accuracy of these allegations, I wish to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

In connection with the sedition charges filed against Mr. Mr. Mahmudur Rahman and Mr. Alhaj Hasmat Ali, I would like to draw the attention of your Excellency's Government to the principle enunciated in article 18 of the Johannesburg Principles on National Security, Freedom of Expression and Access to Information, as endorsed in E/CN.4/1996/39 of 1996, that no person may be punished on national security grounds for disclosure of information if (1) the disclosure does not actually harm and is not likely to harm a legitimate national security interest, or (2) the public interest in knowing the information outweighs the harm from disclosure.

I would further like to call your Excellency's Government's attention to the principle enunciated in the above-mentioned Johannesburg Principles on National Security, Freedom of Expression and Access to Information, which provides that expression may be punished as a threat to national security only if a government can demonstrate that: (a) the expression is intended to incite imminent violence; (b) it is likely to incite such violence; and (c) there is a direct and immediate connection between the expression and the likelihood or occurrence of such violence (Principle 6).

Moreover, it is my responsibility under the mandates provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention. Since I am expected to report on these cases to the Human Rights Council, I would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?

3. Please provide the details, and where available, the results, of any investigation or other inquiries which may have been carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

4. Please provide details on how the actions undertaken by public authorities/officials regarding this case are compatible with the international norms and standards of the right to freedom of opinion and expression and the related right to peaceful assembly and association.

I would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, I urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. I also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of my highest consideration.

Frank La Rue
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression