

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on extrajudicial, summary or arbitrary executions**

REFERENCE: UA  
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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 25/2, 24/5, 25/18, and 26/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of the excessive use of force by the police to disperse a demonstration in Chittagong, and the subsequent filing of criminal cases against a significant number of the demonstrators.**

According to the information received:

Between mid-March and 4 April 2016, up to 15,000 protesters were reported to have gathered and marched in Chittagong, in opposition to the seizure of their land for proposed coal plants by the Bangladeshi conglomerate S. Alam. S. Alam is planning to build two coal plants in cooperation with two Chinese firms-SEPCOIII Electric Power and HTG. The project is one of 20 coal plants planned for Bangladesh. These projects may lead to forced evictions of several thousand people in fertile coastal farming areas and the demolition of temples and schools.

It is reported that on 4 April 2016, a protest was taking place when police used excessive force and opened fire on the protesters, killing at least four people and severely injuring others. Some of the protesters have also been reported missing. The police have claimed that they were forced to open fire when the protestors allegedly attacked them. The protesters maintain that they were acting peacefully throughout the protest.

No independent investigation has reportedly been carried out or initiated into any of these killings. The police have filed criminal cases against 3,200 of the protestors.

The clashes in Chittagong are the latest in a series of similar incidents. It is the largest loss of life at a protest against forcible eviction due to proposed coal plants in Bangladesh since 2006, when three people were killed at a protest against the Phulbari Coal Mine. In the past, local people and activists opposing the proposed Rampal coal plant near the Sundarbans were reportedly constantly harassed through threats, intimidations, assaults and filing of false cases.

Grave concern is expressed about the allegations of the excessive use of force by the police against peaceful protestors leading to the killing of at least four persons and injury of several others. Serious concern is expressed regarding the fate and whereabouts of the missing persons, as well as about their physical and psychological integrity. Further concern is further expressed at the filing of criminal cases against 3,200 persons, restricting the legitimate exercise of the rights to freedom of expression and freedom of peaceful assembly.

Additional concern is expressed about the broader impact of the above allegations, which may have a deterrent effect on the exercise of the rights to freedom of expression and freedom of peaceful assembly of civil society in the country.

We would like to draw the attention of your Excellency's Government to article 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Bangladesh on 6 September 2000, which provides that every individual has the right to life and security of the person, that this right shall be protected by law, and that no person shall be arbitrarily deprived of his or her life. We would like to remind your Excellency's Government of the duty to investigate, prosecute, and punish all violations of the right to life.

We would also like to draw the attention of your Excellency's Government to resolution 25/38 of the Human Rights Council, which urges states to avoid using force during peaceful protests, and to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force. In addition, we would like to draw the attention of your Excellency's Government to the Basic Principles of Force and Firearms by Law Enforcement Officials and to the joint report of the Special Rapporteur on freedom of peaceful assembly and association and the Special Rapporteur on extrajudicial, summary or arbitrary executions report on the proper management of assemblies (A/HRC/31/66), which provide that force may only be used as a last resort when unavoidable and only when less dangerous means are not practicable.

We would also like to refer your Excellency's Government to articles 19 and 22 of the ICCPR, which guarantee the right to freedom of opinion and expression and the right to freedom of association, respectively. The 2014 report of the previous Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression emphasizes in this regard the central role of freedom of expression in the

effective functioning of a vibrant democratic political system, and recalls the responsibility of States to ensure an environment in which a diverse range of opinions and ideas can be freely and openly expressed and debated (A/HRC/26/30).

We would like further to refer your Excellency's Government to the fundamental principles set forth in 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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We would also like to refer to the report of the former Special Representative of the Secretary-General on the situation of human rights defenders, urging States to ensure that law enforcement officials are trained in and aware of international human rights standards and international standards for the policing of peaceful assemblies and to investigate allegations of indiscriminate and/or excessive use of force by law enforcement officials (A/HRC/20/17).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response to the initial steps taken by your Excellency's Government to safeguard the rights of the peaceful protestors in compliance with international instruments, including the steps that have been taken to conduct an independent investigation of the incident.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information about the directives issued, if any, by the Government to law-enforcement personnel concerning the precise circumstances in which the use of lethal force is authorized, and indicate how these directives comply with the international human rights obligations of Bangladesh under the ICCPR, as well as the requirements of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
3. Please provide the details, and where available the results, of any investigation and judicial or other inquiry undertaken in relation to these

allegations. If no inquiries have taken place, or if they have been inconclusive, please explain why.

4. Please provide information about the legal grounds and justifications for the filing of criminal cases against 3,200 of the demonstrators, and how this complies with the obligations of Bangladesh under international human rights norms and standards.
5. Please provide any information about measures taken or to be taken to ensure that peaceful protests can be carried out without the threat or use of force.

While awaiting your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the protestors are respected, and to ensure accountability of any persons(s) responsible for the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst  
Special Rapporteur on the situation of human rights defenders

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions