

**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)  
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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 **the arrest of journalists and the adoption of disproportional punitive measures disrupting the activities of newspapers and televisions.**

According to the information received:

Daily Inqilab, one of the country's oldest Bengali-language newspapers, was reportedly temporarily shut down on 16 January 2014, after the daily published an article on the alleged involvement of Indian troops in joint forces operation in the District of Satkhira, Bangladesh. It was reported that police seized printing equipment and computers and sealed off access to the paper's printing press. Three journalists were arrested during the operation at the newspapers office after the publication of the article: **Ahmed Atiq**, the story's lead reporter, **Rabiulla Robi**, the news editor, and **Rafiq Mohammad**, deputy chief reporter. On 20 February, the request for bail of the three journalists was accepted.

On 9 January 2014, Mr. **Salah Uddin Shoaib Choudhury**, editor of the Bangladeshi tabloid Weekly Blitz, was sentenced to seven years in detention after being convicted of harming the country's interests under section 505(A) of the penal code for intentionally writing distorting and damaging materials. Mr. Choudhury had written articles about anti-Israeli attitudes in Muslim countries and the spread of Islamist militancy in Bangladesh. A previous arrest of Mr. Choudhury was the object of a joint urgent appeal sent to your Excellency's Government by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Chairperson-Rapporteur of the

Working Group on Arbitrary Detention and Special Representative of the Secretary-General on human rights defenders, on 04 December 2003.

Additional episodes of forced closure of media enterprises and arrest of journalists were also reported over the last year.

On 6 May 2013, the broadcasting of Diganta Television and Islamic Television, was suspended on charges of inciting religious extremism and causing social unrest. Reportedly, on that same day, both channels had tried to cover a mass rally (“Hifazat-e-Islam”) in Dhaka.

In April 2013, the printing press of the newspaper Amar Desh was raided and sealed by police, and its editor, Mahmudur Rahman, was arrested. Mr. Rahman was arrested on charges of publishing false and derogatory information that incited religious tension, sedition, and unlawful publication. The trial for this case is still ongoing.

The detention and allegations of torture and ill-treatment of Mr. Mahmudur Rahman were the object of an urgent appeal sent to your Excellency’s Government on 30 April 2013 by the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. Another episode of detention of Mr. Rahman and closure of the Amar Desh newspaper by authorities was the object of a joint urgent appeal sent to your Excellency’s Government on 17 June 2010 by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

Grave concerns are expressed that journalists exercising their legitimate right to freedom of opinion and expression are unduly targeted for arbitrary arrests and detention due to their journalistic activities. Further concerns are expressed that the disproportional and recurrent use of punitive measures by Bengali authorities against journalists and the media over the last year can seriously impair the freedom and pluralism of the media in the country.

While I do not wish to prejudge the accuracy of these allegations, I would like 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 (ICCPR), 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.”

I also wish to reiterate the principle enunciated by Human Rights Council resolution 12/16, which calls on States, while noting that article 19, paragraph 3, of the ICCPR provides that the exercise of the right to freedom of opinion and expression carries with it special duties and responsibilities, to refrain from imposing restrictions which are not consistent with paragraph 3 of that article, including on (ii) the free flow of information and ideas, including practices such as the banning or closing of publications or other media and the abuse of administrative measures and censorship.

I further deem it appropriate to make reference to the principle enunciated, *inter alia*, by the Human Rights Council in its resolution 12/16, which called upon all States to refrain from the use of imprisonment or the imposition of fines for offences relating to the media, which are disproportionate to the gravity of the offence and which violate international human rights law.

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 above summary of the case accurate?
2. Please provide the details of the prosecution against Ahmed Atiq, Rabiulla Robi, Rafiq Mohammad, and Mahmudur Rahman and its compatibility with the international norms and standards of the right to freedom of opinion and expression?
3. Please provide the details of the trial of Salah Uddin Shoaib Choudhury and its compatibility with the international norms and standards of the right to freedom of opinion and expression?
4. Please provide the details of the closure orders imposed on the Daily Inqilab and Amar Desh and its compatibility with the international norms and standards of the right to freedom of opinion and expression?
5. Please provide information on the revocation of the broadcasting frequencies used by Diganta Television and Islamic Television and its compatibility with the international norms and standards of the right to freedom of opinion and expression?

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