

Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on freedom of religion or belief

REFERENCE: AL
BGD 7/2015:

24 November 2015

Excellency,

We have the honour to address you in our capacities as Special Rapporteur in the field of cultural rights, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on freedom of religion or belief pursuant to Human Rights Council resolutions 28/9, 25/2, 26/12, and 22/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the killing of publisher and writer Mr. **Faisal Arefin Dipan**, and the case of publisher Mr. **Ahmedur Rashid Tutul**, who was the victim of a violent attack the same day.

This communication follows-up on a previous allegation letter sent on 30 April 2015, concerning the killings of Bangladeshi-based journalists Mr. Washiqur Rahman Babu and Mr. Avijit Roy ostensibly in response to the exercise of their human right to freedom of expression while writing on religious fundamentalism (case number BGD 2/2015). We regret not having received a response from your Government on these cases.

According to the information received:

On 31 October 2015, Bangladeshi publisher and writer Mr. Faisal Arefin Dipan, was murdered at his publishing house in Dhaka. He had recently published books by the secular writer and blogger Mr. Avijit Roy who was murdered in February 2015 (case number BGD 2/2015).

Earlier that day publisher Mr. Ahmedur Rashid Tutul was the victim of a violent attack, and was injured and hospitalized. Mr. Tutul had published four of Mr. Roy's books.

It is reported that the responsibility for these attacks has been claimed by the armed group Ansar al-Islam, Al-Qaeda in the Indian Subcontinent (AQIS).

It is further alleged that dozens of atheist and secular bloggers are on death lists and that many have stopped writing or fled the country.

While we do not wish to prejudge the accuracy of these allegations, we express grave concern at what appears to be a pattern of violence and intimidation against secular writers, publishers, bloggers/journalists and other intellectuals in the country, ostensibly in response to the exercise of their human right to freedom of expression and freedom of thought, conscience and religion or belief.

In connection with the above alleged facts and concerns, these allegations appear to be in contravention of the right to life, to freedom of opinion and expression, to freedom of thought, conscience, religion or belief and to participate in cultural life as set forth in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which have been ratified by Bangladesh. In this context, please refer to the **Reference to international law annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

We would like to call your Excellency's Government to take all necessary measures to ensure a prompt, thorough, independent and impartial investigation into the killing of Mr. **Faisal Arefin Dipan**, and attacks against Mr. **Ahmedur Rashid Tutul**, , and that the perpetrators and orchestrators of this crime are brought to justice. We also appeal to your Excellency's Government to urgently undertake all necessary measures to ensure the safety of Mr. Tutul and his family, and more generally of all writers, intellectuals and journalists in Bangladesh.

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 the full details, and where available the results, of any investigation, medical examinations, 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.

3. In the event that these allegations are confirmed, and the alleged perpetrators identified, please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
4. Please provide any information about measures taken to allow writers, publishers, bloggers/journalists and other intellectuals to carry out their legitimate activities. Have specific protection measures been put in place, in particular for those on death list?
5. Has the Government publicly and forcefully condemned these killings and attacks?
6. We would also appreciate receiving your reply concerning the killings of Mr. Washiqur Rahman Babu and Mr. Avijit Roy, addressed in our communication case number BGD 2/2015.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any persons responsible for the alleged violations.

It may be our intention to publicly express our concerns in the near future as, in our view, the information upon which we will base ourselves is sufficiently reliable to indicate a matter warranting immediate attention. We will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

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.

Farida Shaheed
Special Rapporteur in the field of cultural rights

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

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

Heiner Bielefeldt

Special Rapporteur on freedom of religion or belief

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, and while we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would like to refer to article 3 of the Universal Declaration of Human Rights and article 6 (1) of the International Covenant on Civil and Political Rights (ICCPR), acceded to 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. Moreover, we would like to refer to articles 18 and 19 of the ICCPR that provides respectively for the right to freedom of thought, conscience, religion or belief and freedom of opinion and expression.

Article 6 (d) of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief further elaborates that the rights to freedom of thought, conscience, religion or belief shall include the freedom to write, issue and disseminate relevant publications in these areas.

We would also like to stress that in accordance with article 27 of the UDHR and article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), acceded to by Bangladesh on 5 October 1998. As stressed by the Committee on Economic, Social and Cultural Rights, the right to take part encompasses the right to participate, access and contribute to cultural life. Participation covers in particular the right of everyone — alone, or in association with others or as a community — to act freely, to choose his or her own identity, to identify or not with one or several communities or to change that choice, to take part in the political life of society, to engage in one's own cultural practices and to express oneself in the language of one's choice. Everyone also has the right to seek and develop cultural knowledge and expressions and to share them with others, as well as to act creatively and take part in creative activity. Access covers in particular the right of everyone — alone, in association with others or as a community — to know and understand his or her own culture and that of others. Contribution to cultural life refers to the right of everyone to be involved in creating the spiritual, material, intellectual and emotional expressions of the community. (E/C.12/GC/21, paras. 14 and 15)

We would further like to refer to Human Rights Council resolution 21/12 on safety of journalists (A/HRC/RES/21/12) adopted on 27 September 2012, which “condemns in the strongest term all attacks and violence against journalists, such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, as well as intimidation and harassment;” and “calls upon States to ensure accountability through the conduct of impartial, speedy and effective investigations into such acts falling within

their jurisdiction, and to bring to justice those responsible and to ensure that victims have access to appropriate remedies.”

The Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, (resolution 1989/65 Economic and Social Council) recall States’ duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions and the obligation to bring to justice all persons identified by the investigation as having participated in those executions. They also provide for the effective protection through judicial or other means of individuals and groups who are in danger of extra-legal, arbitrary or summary executions. The families and dependents of victims of extra-legal, arbitrary or summary executions shall be entitled to fair and adequate compensation within a reasonable period of time.