

**Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association;
and the Special Rapporteur on extrajudicial, summary or arbitrary executions**

REFERENCE: AL
BGD 1/2015:

10 April 2015

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 24/5 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 extrajudicial killings in the context of a major political crisis.

According to the information received:

Following the 2014 national elections, political polarisation between the ruling Awami League and the opposition Bangladesh Nationalist Party (BNP) escalated into a major political crisis. Confrontations between the two sides resulted in serious human rights violations and abuses in the country, including killings by non-State actors and by law enforcement officials during protests. The BNP is an alliance of twenty opposition political parties.

Since the beginning of 2015, anti-government protests intensified, sometimes resulting in violent clashes between supporters of the two political parties. Protests were apparently triggered by a series of repressive or restrictive measures taken by the government against the BNP, including its prohibition from holding a political meeting on 5 January 2015, the detention and arrest of its leaders, restrictions to freedom of movement of its Chairperson and a ban on demonstrations. These clashes have resulted in numerous deaths since the beginning of the year.

Between 6 January and 7 February 2015, 49 individuals were killed as a result of petrol bombs used by opposition demonstrators. Reportedly, petrol bomb attacks are often hurled indiscriminately at private vehicles attempting to pass through

strikes and transport blockades called by the opposition. These attacks took place in several areas of the countries including Dhaka, Bogra, Gaibandha and Barisal.

In response to the violence, the Government authorized, in January 2015, law enforcement forces to take any action whenever and wherever deemed necessary to stop the attacks on citizens during the blockades and general strikes, including directives allowing the use of lethal force against people suspected of carrying out the attacks. From 5 January to 8 February 2015, 32 individuals were reportedly killed by police forces.

No investigation has reportedly been carried out into any of these killings.

Without prejudging the accuracy of the information made available to us, we express deep concerns about the indiscriminate use of petrol bomb attacks by opposition demonstrators which have led to the death of at least 49 individuals. We express similar concern about allegations of excessive use of force by security forces, including apparent extrajudicial killings, which have led to the death of at least 32 individuals. Our concern is heightened by the directives allegedly adopted by the Government authorizing law enforcement officials to use lethal force against people suspected of carrying out the aforementioned attacks, which may result in further human rights violations. That no investigation has been carried out into these various killings is a matter of further serious concern.

The alleged acts appear to be in contravention of international human rights law to which Bangladesh is obligated: the right to life and security of the person, and the right for peaceful protesters to assemble without intimidation or harassment.

In connection with the above alleged facts and concerns, 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.

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 by the Government to law-enforcement personnel concerning the precise circumstances in which the use of lethal force is authorized, and indicate how these measures comply with Bangladesh's international human rights legal 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 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.
4. 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?
5. Please provide any information about measures taken to allow political parties to carry out their legitimate activities, including peaceful protests and the conduct of public affairs.

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 person(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.

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

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

Annex
Reference to international human rights law

In connection with the concerns expressed in this letter, the following international human rights standards appear to be relevant:

The International Covenant on Civil and Political Rights (ICCPR), ratified/acceded to by Bangladesh on 6 Sep 2000, 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 (article 6). Additionally in its General Comment No. 31, the Human Rights Committee has observed that there is a positive obligation on States Parties to ensure protection of Covenant rights of individuals against violations by its agents and by private persons or entities. States Parties permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice or redress the harm caused by private persons or entities could give rise to a breach of the Covenant (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18).

The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990). In particular, principle 12 provides that “everyone is allowed to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the UDHR and the ICCPR, Governments and law enforcement agencies and officials shall recognize that force and firearms may be used only in accordance with principles 13 and 14.” These provisions provide that force may only be used as a last resort when unavoidable and require exercising the utmost restraint and restrict the use of firearms to situations of violent assemblies only when less dangerous means are not practicable, to the minimum extent necessary and only under the conditions stipulated in principle 9.

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 urge your Excellency’s Government in line with the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Prevention and Investigation Principles), in particular principle 9, that there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. This principle was reiterated by the Human Rights Council in Resolution 26/12 on the “Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions” (OP 4). The Council added that this includes the obligation “to identify and bring to justice those responsible ... to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and prevent the recurrence of such executions.”