

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on 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 extrajudicial, summary or arbitrary executions; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.**

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (33-27) G/SO 214 (53-24)  
BGD 4/2013

20 February 2013

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 extrajudicial, summary or arbitrary executions; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 16/4, 15/21, 17/5, and 16/23.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **dispersal by law enforcement authorities of a series of peaceful demonstrations organized by teachers and employees of non-governmental schools, colleges and technical educational institutions (Non-MPO Shikkha Pratishthan Shikkhak Karmachari Oikya Jote), and the alleged related excessive use of force against demonstrators.**

According to the information received:

On 9 January 2013, the Prime Minister announced the transfer of all non-governmental primary schools, both registered and non-registered to Governmental control and funding. However, secondary schools were not included in such process which provoked discontent from teachers and employees from these schools who decided to hold a series of protests.

On 10 January 2013, a group of teachers was dispersed by police forces which used teargas and pepper spray, whose chemical composition was reportedly particularly toxic. Protestors were conducting a peaceful hunger strike, by sitting in front of the National Press Club and later gathering at the Central Shaheed Minar premises. According to sources, at least 20 teachers were injured in the course of the dispersal, of whom 10 had to be taken to the Dhaka Medical

Hospital. It is alleged that Mr. Maulana Sekander Ali, a teacher who participated in the assembly and protested in a peaceful manner, died in Patuakhali five days after the police's intervention. It is reported that a journalist working for the TV channel Somoy was also injured in the course of the police operation.

On 12 January 2013, another group of hunger strikers reportedly gathered at the Central Shaheed Minar premises. Police forces allegedly dispersed them. Subsequently, it is further reported that they formed a human chain on a nearby road at Dhaka University, but they were dispersed again. Both dispersions were allegedly executed using batons and pepper spray.

On 13 January 2013, some protesters were allegedly dispersed while peacefully assembling before the National Human Rights Commission's office premises. Police forces reportedly used a water cannon and pepper spray.

On 15 January 2013, a group of demonstrators went to Manik Mia Avenue to start a hunger strike. Sources state that the police set up barricades in order to block them at a corner of the avenue. After being dispersed, a group of teachers went to Sobhanbagh to stage a sit-in before the building Prince Plaza. It is alleged that police officers dispersed them by using tear shells and water cannons.

On 18 January 2013, the teachers reportedly decided to postpone their demonstrations for three months after assurances were given that the Minister of Education would meet them.

On 21 January 2013, the High Court Division of the Supreme Court issued a ruling giving the Government a deadline of three weeks to explain why the police could use pepper spray on demonstrators. The ruling was issued following a writ petition, filed by a Supreme Court lawyer.

Grave concern is expressed about the dispersal by law enforcement authorities of the abovementioned peaceful demonstrations, and the allegations of excessive use of force in this connection, especially in relation to the death of Mr. Maulana Sekander Ali.

While we do not wish to prejudge the accuracy of these allegations, we wish to refer your Excellency's Government to article 19 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Bangladesh on 6 September 2000, 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."

Similarly, we would like to remind your Excellency's Government of article 22 of the ICCPR, which provides that "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests".

In this connection, we would like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

Furthermore, we would like to draw the attention of your Excellency’s Government to Principle 4 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which provides that “Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms.” Furthermore, Principle 5 provides that, “Whenever the use of force and firearms is unavoidable law enforcement officials shall, (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate object to be achieved; (b) Minimize damage and injury, and respect and preserve human life; (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment and (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.” (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 this connection, we would also like to refer to the first thematic report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association to the Human Rights Council, which states that “[w]ith regard to the use of tear gas, the Special Rapporteur recalls that gas does not discriminate between demonstrators and non-demonstrators, healthy people and people with health conditions. He also warns against any modification of the chemical composition of the gas for the sole purpose of inflicting severe pain on protestors and, indirectly, bystanders.” (A/HRC/20/27, para. 35).

With regard to the alleged death which may have resulted from the excessive use of force by law enforcement officials, we wish to stress that, under international law, excessive use of force, including of less lethal means in a manner that may have lethal consequences, is not permitted when policing peaceful assemblies. Principle 12 of UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials 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.” The provisions in Principles 13 and 14 restrict the use of lethal force to situations of violent assemblies only.

Moreover, since 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 be grateful for your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Please indicate the legal basis for the dispersal of the aforementioned peaceful demonstrations, and how such measures are compatible with international human rights norms and standards.
3. Please provide the details, and where available the results, of any investigation, medical, judicial or other inquiries carried out in relation to the aforementioned instances of police brutality, in particular in relation to the death of Mr. Maulana Sekander Ali. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please explain how the physical and psychological integrity of those exercising their right to freedom of peaceful assembly is guaranteed.
5. Please indicate whether compensation has been paid to the family of Mr. Maulana Sekander Ali.

We 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, we 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. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

Frank La Rue  
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

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Juan E. Méndez  
Special Rapporteur on torture and other cruel, inhuman or degrading  
treatment or punishment