

**Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the situation of human rights defenders.**

REFERENCE: AL  
BGD 6/2014:

30 September 2014

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; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 24/5, 25/2, and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the allegations of **physical attacks against Ms. Shabnam Hafiz, Ms. Saydia Gulrukh, Prof. Samina Lutfu Nitra and Mr. Salim Mahmud, and arrests and detention of Ms. Moshrefa Mishu, Ms. Joly Talukder, Ms. Jesmin Jui and Ms. Shabnam Hafiz / physical attacks, arrests and detention of trade union leaders and other human rights defenders.**

Ms. **Joly Talukder** is Joint General Secretary of the Garments Sramik Trade Union Centre.

Ms. **Shabnam Hafiz** is President of the Garment Workers' Mukti Andolon (Garment Workers' Union).

Ms. **Saydia Gulrukh** is a member of Activist Anthropologists, a group of social anthropologists who promote the rights of garment workers, particularly women.

Ms. **Moshrefa Mishu** is President of the Garments Sromik Oikko (Garment Workers Unity Forum). She was the subject of a previous communication sent to your Excellency's Government by the Special Procedures Mandates of the Chair-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, dated 17 February 2011, case no. BGD 1/2011. While we welcome the response received to that communication, we remain concerned regarding Ms. Moshrefa Mishu's situation, particularly in light of the new allegations.

Ms. **Jesmin Jui** is an organiser in the Garments Sromik Oikko.

Ms. **Samina Lutfa** Nitra is a Professor of Sociology at Dhaka University. She participates in artistic performances related to human rights, and is involved in an environmental rights project in connection with a mine in Phulbari, Dinajpur.

Mr. **Salim Mahmud** is a member of the Garment Sramik (Workers) Front, a trade union.

According to the information received:

On 28 July 2014, at least 1,200 workers from five factories under the Tuba Group began a hunger strike at Hossain Market, Badda, Dhaka, led by Ms. Moshefra Mishu, demanding three months of unpaid wages and festival bonuses. Several human rights defenders and union leaders have reportedly paid frequent visits to the protesters, bringing doctors and medicines including saline. It is claimed that the protesters stated that the hunger strike would end only when their demands are met.

According to reports, on 6 August 2014, the main gate of Hossain Market in Dhaka was locked by an unknown individual. It is alleged that this was done to stop human rights defenders from providing medical supplies to the hunger strikers. Reportedly, on that morning, negotiations failed between the Labour Ministry, the Bangladesh Garment Manufacturers and Exporters Association and several labour organisations that were not involved in the hunger strike. At approximately 12 p.m., it is alleged that the police broke the lock and entered the market, while more police officers surrounded it to prevent human rights defenders and doctors from providing medicine and saline to the hunger strikers.

At 2 p.m., the police allegedly began charging at the crowd that had gathered outside Hossain Market. It is claimed that the police used batons and specifically targeted Ms. Shabnam Hafiz, Ms. Saydia Gulrukh, Prof. Samina Lutfa Nitra and Mr. Salim Mahmud. Allegedly, members of the pro-government workers' union also began to attack the human rights defenders. Ms. Hafiz was reportedly arrested and taken to Badda police station in Dhaka, and released later the same day.

According to reports, on 7 August 2014, police forcefully brought the strike to an end. They allegedly used rubber bullets and tear gas on a crowd outside Hossain Market before entering the building and assaulting the strikers with batons and pepper spray. It is argued that they verbally assaulted Ms. Mishu before arresting her and Ms. Joly Talukder as they were exiting Hossain Market. Allegedly, Ms. Mishu and Ms. Talukder were released later that evening.

On 18 August 2014, the authorities allegedly placed a notice outside the offices of five Tuba Group factories, stating that the five factories would remain closed due to ongoing unrest in relation to payment of the workers' wages.

At approximately 3:30 p.m. on 20 August 2014, Ms. Mishu and Ms. Jesmin Jui were reportedly detained as they were travelling to attend a rally at Hossain

Market to demand the reopening of the Tuba Group factories. Allegedly, Ms. Mishu and Ms. Jui were held in Badda police station for three hours, before being taken to the Office of the Detective Branch on Mintoo Road, Dhaka at 6:30 p.m. They were reportedly released at 7:30 p.m.

Concern is expressed at the alleged physical attacks, arrests and detention of trade union leaders and other human rights defenders.

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.

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 any comment you may have on the above-mentioned allegations of physical attacks, arrests and detention of trade union leaders and other human rights defenders.
2. Has a complaint been lodged by or on behalf of the alleged victims of the attacks?
3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. 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 indicate what measures have been taken to ensure that the legitimate right to meet and assembly peacefully is respected and that the physical and psychological integrity of those exercising this right is guaranteed.
6. Please kindly indicate what measures have been taken to ensure that trade union leaders and human rights defenders in Bangladesh are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort, including excessive use of force.

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.

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

David Kaye

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

Michel Forst

Special Rapporteur on the situation of human rights defenders

**Annex**  
**Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw your attention to the following human rights standards:

We would like 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 to 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.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (a), which provides for **the right to meet or assemble peacefully**;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure **the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action** as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

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 to the General Assembly in 2006 (A/61/312), where the Special Representative urges 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.

We would further like to refer to your Excellency's Government to 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."

We would also like to refer to article 21 of the ICCPR, which provides that "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety,

public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

We would like to refer to 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”.