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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 promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on the situation of human rights defenders.

REFERENCE: AL G/SO 214 (67-17) G/SO 214 (56-23) G/SO 214 (107-9)
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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 freedom of religion or belief; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolution 16/4, 14/11, and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the attack on **Mr. Asif Mohiuddin** in Dhaka.

According to the information received:

Mr. Mohiuddin is a prominent blogger, whose Bengali language blog "Almighty only in name, but impotent in reality" is reportedly one of the most visited websites in Bangladesh. In his blog, Mr. Mohiuddin, who is an atheist, frequently criticized religion, and also provided commentaries on free speech and other human rights issues.

On 14 January 2013, Mr. Mohiuddin was attacked by three unidentified men as he was leaving his office in Uttara district. He was stabbed several times in the neck and back and remains in critical condition. Police sources indicated that an investigation would be opened into his case.

Mr. Mohiuddin faced harassment in the past. In October 2011, he was reportedly arrested by police in relation to blog posts which, according to the police, triggered student protests against increased university fees. He was allegedly detained for 18 hours, blindfolded, starved and kept awake, and warned that he should discontinue his blog.

Concern is expressed that the stabbing of Mr. Mohiuddin may be related to his peaceful activities in defence of human rights, including his commentary on freedom of opinion and expression, freedom of belief and other human rights related issues. Further concerns are expressed for the physical and psychological integrity of Mr. Mohiuddin.

While we do not wish to prejudge the accuracy of these allegations, we wish 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, 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 also deem it appropriate to make reference to Resolution 12/16 of the Human Rights Council which calls upon states to ensure that victims of violations of the right to freedom of expression have an effective remedy, to investigate effectively threats and acts of violence, including terrorist acts, against journalists, including in situations of armed conflict, and to bring to justice those responsible to combat impunity.

In this connection, 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, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, 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, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters; and

- article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone,

individually and in association with others, 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. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We would further like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief of Mr. Mohiuddin in accordance with the principles set forth in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief and article 18 of the UDHR and the ICCPR that your Excellency's Government ratified on 14 January 1982.

The Human Rights Committee's general comment 22 states that "[A]rticle 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief".

In addition, we would like to refer to General Assembly resolutions 63/181 and 64/164, in which the Assembly urged States to step up their efforts to ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights.

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we 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. Has a complaint been lodged by Mr. Asif Mohiuddin or on his behalf?
3. Please provide the details, and where available the results, of any judicial investigation, or any criminal charges, prosecution medical examinations, and other inquiries carried out in relation to this case.
4. Please indicate what measures have been taken by your Excellency's Government to ensure that freedom of religion or belief and freedom of expression are protected in Bangladesh

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 Mr. Asif Mohiuddin 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

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders