

**Mandates of the Working Group on Enforced or Involuntary Disappearances; 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; and the Special Rapporteur on the situation of human rights defenders**

REFERENCE: AL  
BGD 6/2015:

2 October 2015

Excellency,

We have the honour to address you in our capacities as Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; 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; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 27/1, 25/2, 24/5, and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning alleged acts of harassment and intimidation against human rights defenders and the relatives of victims of enforced disappearances, as well as against a group of non-governmental organizations, including the Asian Federation Against Involuntary Disappearances (AFAD), the Asian Legal Resource Centre (ALRC), the International Federation for Human Rights (FIDH) and Odhikar.

Odhikar and its members have been the subject of previous communications sent by several Special Procedures mandate holders, most recently on 12 August 2015 (UA BGD 5/2015).

According to information received:

Families of victims of enforced disappearance together with the organizations Asian Federation Against Involuntary Disappearances (AFAD), the Asian Legal Resource Centre (ALRC), the International Federation for Human Rights (FIDH) and Odhikar, had planned to hold a commemorative event in Dhaka on the occasion of the International Day of the Victims of Enforced Disappearances on 30 August 2015. However, it is reported that less than 24 hours before the event was scheduled to take place, it was suddenly cancelled by the National Press Club, which is a joint State/private association, and was set to be the venue for the

event. On 29 August 2015, at 5.20 p.m., the National Press Club informed one of the organizers that the President of the Club had ordered that the event be cancelled, claiming that there was another programme scheduled at the same time. However, witnesses reportedly confirmed that no programme was held at the venue on Sunday, and that several police officers were deployed to the Press Club on Sunday morning and remained on the premises throughout the day with no explanation for their presence.

It is also reported that families of the disappeared who were scheduled to speak during the event received threatening phone calls by unidentified callers. In areas outside Dhaka, other commemorations were reportedly also met with threats and police deployment. However, events still went ahead in the districts of Khulna, Rajshahi, and Rajbari, among others.

Concern is expressed at information indicating that the sudden cancellation of the event and the intimidation of the victims' families appear to be related to their legitimate and peaceful work as human rights defenders, and part of a wider effort by Government authorities to silence the voices of those speaking out against Enforced Disappearances and exercising their legitimate rights to freedom of expression, freedom of peaceful assembly and freedom of association. Concern is also expressed that these alleged measures are also an attempt to maintain a climate of impunity for crimes committed by State authorities.

These allegations, if proven correct, appear to contravene, inter alia, articles 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR) that Bangladesh acceded on 6 September 2000, which guarantee the right to freedom of opinion and expression, the right to freedom of peaceful assembly and the right to freedom of association respectively. They also appear to contravene Article 13 (3) of the Declaration on the Protection of all Persons from Enforced Disappearance, which states that “Steps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal”; and Articles 1, 2, 5, 6 and 12 of 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 connection with these allegations and concerns, please refer to the Annex attached to this letter which cites relevant international legal human rights instruments and standards.

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. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

2. Please explain how the cancellation of above-mentioned NGO event due to take place at the National Press Club and unusual police presence at its premises on the date of the scheduled meeting are compatible with international human rights law instruments, including articles 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR) ratified by Bangladesh
3. Please provide information on measures taken to ensure that the relatives of the disappeared are not exposed to any further threats, intimidation or harassment.
4. Please indicate what measures have been taken to ensure that the rights to freedom of expression and opinion, peaceful assembly and association of families of disappeared persons, including those who are actively involved in seeking clarification of the fate of their missing ones, are respected and guaranteed in Bangladesh.
5. Please kindly indicate what measures have been taken to ensure that human rights defenders are able to carry out their legitimate work in a safe and enabling environment without fear of intimidation, harassment or other restrictions of any kind.

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.

Houria Es-Slami  
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

David Kaye  
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

Michel Forst  
Special Rapporteur on the situation of human rights defenders

## **Annex**

### **Reference to relevant international human rights law**

The allegations described in this communication appear to contravene articles 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR) that Bangladesh ratified on 6 September 2000, which guarantee the right to freedom of opinion and expression, the right to freedom of peaceful assembly and the right to freedom of association respectively. They also appear to contravene Article 13 (3) of the Declaration on the Protection of all Persons from Enforced Disappearance, states that “Steps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal”. They further appear to be contrary to Articles 1, 2, 5, 6 and 12 of 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 paragraph 23 of its General Comment No. 34, the Human Rights Committee has urged that States should protect against attacks aimed at silencing those exercising their right to freedom of expression. The Committee has noted that those “persons who engage in the gathering and analysis of information on the human rights situation” are “frequently subjected to threats, intimidation and attacks because of their activities” and has urged that all such attacks be vigorously investigated in a timely fashion, perpetrators prosecuted, and victims receive the appropriate form of redress.

Similarly, the Human Rights Council, in paragraphs 3 and 5 of its Resolution 12/16, has expressed its concern at the violation of human rights, including intimidation, persecution and harassment, threats of acts of violence and censorship against those who seek to promote their rights, including human rights defenders, and has called upon States to take all necessary measures to put an end to violations of these rights and bring those responsible to justice, in order to combat impunity.

Human Rights Council resolution 24/5, and in particular its operative paragraph 2, “reminds States of their obligation to respect and fully protect the rights of all individuals to associate and assemble peacefully, ... including persons espousing minority or dissenting views or beliefs, human rights defenders... 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”.

In its resolution 7/12, the Human Rights Council urged Governments to take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they might be subjected. The protection of families of disappeared persons should be carried out regardless of the existence of criminal investigation.