

**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 promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; 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: UA G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (33-27) G/SO 214 (53-24)  
BGD 15/2013

27 December 2013

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 16/4, 16/5, 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 **alleged violent suppression of public opinion and the alleged torture of members of the political opposition, journalists and human rights defenders since the announcement of the general election on 25 November 2013, as well as in the arbitrary execution of at least 150 individuals.**

In this regard, we would like to recall previous urgent appeals sent to your Excellency's Government regarding the suppression and violence against human rights defenders and journalists.

Mr. **Adilur Rahman Khan** was the subject of urgent appeals sent on 6 September 2013 and on 14 August 2013 by the Chair-Rapporteur of the Working Group on Arbitrary Detention, 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 the situation of human rights defenders, and the Special Rapporteur on torture and other cruel, inhuman or

degrading treatment or punishment. We take note of the letter of your Excellency's Government of 10 September 2013 acknowledging receipt of the said appeal. Mr. **Khan** was also the subject of an urgent appeal sent on 14 March 2011 by 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. We regret that your Excellency's Government has not yet provided responses to the concerns raised in the letters mentioned above.

Mr. **Nasiruddin Elan** was the subject of urgent appeals sent on 13 November 2013 and on 6 September 2013 by the Chairperson of the Working Group on Arbitrary Detention, 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. We take note of the letter of your Excellency's Government on 14 November 2013 and on 10 September 2013, respectively, acknowledging receipt of the said appeal. We regret that your Excellency's Government has not yet provided responses to the concerns raised in the letters mentioned above.

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression sent an urgent appeal concerning the escalating violence on news outlets and media professionals, and particularly concerning the attacks on 18 journalists, namely Messrs. **Zakaria Biblop, Masudur Rahman, Kafi Kamal, Rashed Nizam, Abdus Salam, Sheikh Tofazzal Hossain, Abu Habib, Rasel Ahmed, Riaz Hossain, G.M Shahid, Imdadul Haque Dulal, Luftar Rahman Mithu, Badrul Islam, Nasir Uddin Tota, Abul Hasnat, Mohammad Farid Uddin, Labual Haq Ripon, and Sakirul Kabir Riton**. We take note of the letter of your Excellency's Government on 13 November 2013, acknowledging receipt of the said appeal. While we regret that your Excellency's Government has not yet provided responses to the concerns raised.

According to the information received:

Since the announcement of the general election on 25 November 2013, at least 150 citizens allegedly identified by the incumbent government as supporters of the political opposition have been tortured and killed. It was reported that the individuals were killed after being arrested and tortured by the members of the Rapid Action Battalion (hereinafter referred to as "RAB").

According to reports, torture and other ill-treatment was used by security forces in several prisons aimed at forcing detainees to confess of having committed a crime. The torture methods used by security forces according to the information received included beating, kicking, suspension from the ceiling, food and sleep deprivation and electric shocks. Furthermore, police officers and RAB officials

allegedly distorted records to cover up the torture, including by misrepresenting arrest dates.

It is reported that RAB officers and members of the Border Guards of Bangladesh have allegedly been engaged in rounding up people through excessive use of force, and in burning down houses and private businesses across the country.

According to reports, human rights defenders and other individuals who have expressed public opinions against the current government administration have been detained for prolonged periods of time under false charges. It was further reported that human rights defenders and journalists have been forced to give up on cases of human rights abuse, including cases of arbitrary and extrajudicial executions. Allegedly, the aforementioned individuals have been receiving life-threatening calls by unidentified officials, ordering them to stop informing the national and international community about the state of violence in the country.

While the facts are still being established, there are serious allegations that the country's media has been silenced by death threats and intimidation from security officials.

Without prejudging the accuracy of the information received, we would like to express grave concern about the high number of executions and cases of torture, which have been allegedly politically motivated. We are also concerned about the ongoing acts of violence and impunity against human rights defenders, journalists and civilians who exercise their right of freedom of expression.

We would like to refer your Excellency's Government to paragraph 4 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65 according to which it is incumbent upon States to provide "effective protection through judicial or other means to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats".

We would like to draw your Excellency's Government's attention to paragraph 7 (b) of Resolution 8/8 of the Human Rights Council, which stated that "Intimidation and coercion, as described in article 1 of the Convention against Torture, including serious and credible threats, as well as death threats, to the physical integrity of the victim or of a third person, can amount to cruel, inhuman or degrading treatment or to torture".

We urge your Excellency's Government to adopt measures to provide protection. In this regard, the Human Rights Committee has noted in the case of *William Eduardo Delgado Páez v. Colombia*, (Communication No. 195/1985) that the right to security is not limited only to situations of formal deprivation of liberty. States cannot ignore known

threats to the life of persons under their jurisdiction, just because he or she is not arrested or otherwise detained. States parties are under an obligation to take reasonable and appropriate measures to protect them. This was reiterated in the case of Luis Asdrúbal Jiménez Vaca v. Colombia, (CCPR/C/74/D/859/1999).

With regard to the arbitrary executions and deaths as result of torture in custody, we would like to recall the relevant international human rights obligations that your Excellency's Government has undertaken. Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh has acceded to on 6 September 2000, recognizes that every human being has the right not to be arbitrarily deprived of his or her life. The Human Rights Committee has said that it considers article 6 (1) of the ICCPR to include that States parties should take measures to prevent and punish deprivation of life by criminal acts, and to prevent arbitrary killing by their own security forces.

We would like to further draw the attention of your Excellency's Government to the duty of protecting the rights of all individuals who have been detained. While an individual dies as a consequence of injuries sustained while in State custody, there is a presumption of State responsibility. In the case of *Dermit Barbato v. Uruguay*, communication no. 84/1981 (21/10/1982), paragraph 9.2, despite uncertainty as to the exact cause of death, state authorities were held responsible for failing to take adequate measures to protect Hugo Dermit's life, as required by article 6(1) of the International Covenant on Civil and Political Rights, as mentioned above. While we would like to recall the relevant international principles and norms governing the use of force by law enforcement authorities, which provide that any loss of life that results from the excessive use of force without strict compliance with principles of necessity and proportionality is an arbitrary deprivation of life and therefore illegal.

In this regard and following the allegations of torture and ill-treatment to prisoners, we would also like to draw the attention of your Excellency's Government to paragraph 1 of Human Rights Council Resolution 16/23 which "Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

Furthermore, we would like to draw the attention of your Excellency's Government to the Standard Minimum Rules for the Treatment of Prisoners, adopted by the Economic and Social Council by resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977. We would also like to draw your attention to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly on 9 December 1988 (adopted by

General Assembly resolution 43/173 of 9 December 1988). The Committee against Torture and the Human Rights Committee have consistently found that conditions of detention can amount to inhuman and degrading treatment.

We would like to draw the attention of your Excellency's Government to article 15 of the CAT, which provides that, "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made."

We also recall that paragraph 7c of Human Rights Council Resolution 16/23 urges States "To ensure that no statement established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, and calls upon States to consider extending that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, recognizing that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;"

In addition, we would like to recall your Excellency's Government's duty to investigate, prosecute and punish violations of the right of life resulting from injuries sustained in custody, in line with the Principles on effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65. In particular, principle 9 stipulates that there shall be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, while principle 18 provides that "Governments shall ensure that persons identified by the investigation as having participated in extra-legal, arbitrary or summary executions in any territory under their jurisdiction are brought to justice".

Moreover, we would also like to draw your Excellency's Government's attention to paragraph 7b of Human Rights Council Resolution 16/23, which urges States "(t)o take persistent, determined and effective measures to have all allegations of torture or other cruel, inhuman or degrading treatment or punishment investigated promptly, effectively and impartially by an independent, competent domestic authority, as well as whenever there is reasonable ground to believe that such an act has been committed; to hold persons who encourage, order, tolerate or perpetrate such acts responsible, to have them brought to justice and punished in a manner commensurate with the gravity of the offence, including the officials in charge of the place of detention where the prohibited act is found to have been committed; and to take note, in this respect, of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the updated set of principles for the protection of human rights through action to combat impunity as a useful tool in efforts to prevent

and combat torture.” The Human Rights Council added at its 17<sup>th</sup> Session in Resolution 17/5 that this obligation includes granting adequate compensation to the victim or his family, and taking steps to end impunity and the recurrence of such executions.

In addition, 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 on human rights defenders as well as relevant resolutions by the Human Rights Council and reports by the Special Rapporteur:

- 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.

Finally, we would like 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.”

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency’s Government to safeguard the rights of human rights defenders, journalists and civilians in compliance with the above international instruments.

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, when relevant to the case under consideration:

1. Are the facts alleged in the summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victim(s)?
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 whether compensation has been provided to the victim(s) or the family of the victim(s).
6. Please provide information on the measures taken to ensure the safety of those who express their opinions publicly, including human rights defenders and journalists.

We undertake to ensure that your Excellency’s Government’s response will be available in the report we will submit 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 human rights defenders, journalists and civilians 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

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

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