

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on extrajudicial, summary or arbitrary executions

REFERENCE: AL
BGD 2/2015:

30 April 2015

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 and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 25/2 and 26/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the killings of Bangladeshi-based journalists Mr. **Washiqur Rahman Babu**, who authored his own blog under the name Kutshit Hasher Chhana (Ugly Duckling), and Mr. **Avijit Roy**, founder of the blogging platform Mukto-Mona.

According to the information received:

On 30 March 2015, three men reportedly attacked Mr. Rahman Babu on his way to work in Dhaka. Mr. Rahman Babu was brutally hacked to death by three assailants wielding large knives just 500 yards from his home. Reports indicate that Rahman was attacked for his writings on religion. Mr. Rahman Babu has been described as critical of Islamic fundamentalism. Police allegedly arrested two suspects for the murder after the attack as they tried to flee the scene and was searching for a third man.

On 26 February 2014, blogger Mr. Roy and his wife were attacked by assailants wielding sharp weapons on the Dhaka University campus while leaving a book fair. A group of men ambushed the couple; at least two of the attackers struck the couple with meat cleavers. Mr. Roy was killed and his wife was critically injured. Mr. Roy, a Bangladesh-born US citizen, was known for his advocacy of human rights and the rights of atheists and his criticism of religious fundamentalism. He had publicly reported explicit threats received from militant Islamist groups, including a death threat from a well-known Islamist activist, who was reportedly arrested following Mr. Roy's murder.

While we do not wish to prejudge the accuracy of these allegations, we express grave concern at the killing of journalists, ostensibly in response to the exercise of their human right to freedom of expression.

In connection with the above alleged facts and concerns, these allegations appear to be in contravention of the right to life, and to freedom of opinion and expression, as set forth in the International Covenant on Civil and Political Rights (ICCPR), ratified by Bangladesh on 6 September 2000. In this context, 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.

We would like to call your Excellency's Government to take all necessary measures to ensure a prompt, thorough, independent and impartial investigation into the killings of Mr. Washiqur Rahman and Mr. Avijit Roy, and that the perpetrators and orchestrators of this crime are brought to justice. We also appeal to your Excellency's Government to urgently undertake all necessary measures to ensure the safety of journalists in Bangladesh.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide the full details, and where available the results, of any investigation, medical examinations, and judicial or other inquiry undertaken in relation to these allegations. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. In the event that these allegations are confirmed, and the alleged perpetrators identified, please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
4. Please provide any information about measures taken to allow journalists to carry out their legitimate activities.

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.

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

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, and 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.

We would like to refer to article 3 of the Universal Declaration of Human Rights and article 6 (1) of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Bangladesh on 6 September 2000, which provides that every individual has the right to life and security of the person, that this right shall be protected by law, and that no person shall be arbitrarily deprived of his or her life. Moreover, we would like to refer to article 19 of the ICCPR that provides for the right to freedom of opinion and expression.

We would further like to refer to Human Rights Council resolution 21/12 on safety of journalists (A/HRC/RES/21/12) adopted on 27 September 2012, which "condemns in the strongest term all attacks and violence against journalists, such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, as well as intimidation and harassment;" and "calls upon States to ensure accountability through the conduct of impartial, speedy and effective investigations into such acts falling within their jurisdiction, and to bring to justice those responsible and to ensure that victims have access to appropriate remedies."

The Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, (resolution 1989/65 Economic and Social Council) recall States' duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions and the obligation to bring to justice all persons identified by the investigation as having participated in those executions. They also provide for the effective protection through judicial or other means of individuals and groups who are in danger of extra-legal, arbitrary or summary executions. The families and dependents of victims of extra-legal, arbitrary or summary executions shall be entitled to fair and adequate compensation within a reasonable period of time.