

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 1/2017

17 February 2017

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 26/12, 25/2, 32/32 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 killing of Mr. **Abdul Hakim Shimul**, a journalist and human rights defender affiliated to the non-governmental organization Odhikar. Mr. Shimul was the Shahzadpur-based correspondent for the Bangla daily Dainik Samakal, where he covered issues of alleged corruption and misuse of power by the local elites. He also participated in training sessions and fact-finding missions organized by Odhikar.

Odhikar and its members have been the subject of eleven communications since 2011, most recently on 2 October 2015 (BGD 6/2015).

According to the information received:

On 2 February 2017, Mr. Abdul Hakim Shimul was taking pictures of a clash between two local factions of the political party Awami League in Shahzadpur, Sirajganj district, Rajshahi division, when members of this party alerted the mayor of the municipality of his presence on the site of the clash. The mayor came out and reportedly opened fire at him, gravely injuring him. Mr. Shimul died on 3 February while on his way to Dhaka to receive medical treatment. A complaint was filed before the Shahzadpur police station on the same day. Mr. Shimul had recently publicly criticized the mayor's decision to raise municipality tax.

On 5 February 2017, the mayor of Shahzadpur was arrested by a joint team of the detective branch of Sirajganj and Dhaka Metropolitan Police (DMP) in Shyamoli area, Dhaka, and brought to Sirajganj district prison the following day. He is scheduled to appear before the Chief Judicial Magistrate Court on 13 February 2017.

While we welcome the measures taken to bring the alleged perpetrator to justice, we express grave concern about the killing of Mr. Abdul Hakim Shimul, which appears

to be linked to his legitimate activities as human rights defender and the exercise of his rights to freedom of opinion and expression and freedom of association.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human and labour rights instruments and standards relevant to these allegations.

As it is our responsibility under the mandate 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 provide the details, and when available the results, of the on-going investigation into the killing of Mr. Abdul Hakim Shimul, as well as the measures taken to bring the alleged perpetrator to justice and the sanctions to be taken.
3. Please further indicate what protective measures will be taken to ensure the physical and psychological integrity of the relatives and colleagues of Mr. Abdul Hakim Shimul.
4. Please also indicate what measures have been, or will be, taken to ensure that the rights to freedom of opinion and expression and freedom of peaceful assembly are respected in the country, in particular expression that is critical.
5. Finally, please 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 threats or acts of intimidation and harassment of any sort.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent the re-occurrence of the alleged violations, 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 such 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.

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

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 international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the rights to freedom of opinion and expression and freedom of association as set forth in articles 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Bangladesh in 2000.

In this connection we make reference to Resolution 12/16 of the Human Rights Council, which calls upon states to investigate effectively threats and acts of violence against journalists, and to bring to justice those responsible to combat impunity.

Furthermore, we would like to refer to resolution 24/5 of the Human Rights Council in which the Council “[r]emind[ed] States of their obligation to respect and fully protect the rights of all individuals to... associate freely, including... *human rights defenders*... and to take all necessary measures to ensure that any restrictions on the free exercise of the right to freedom of... association are in accordance with their obligations under international human rights law” (OP2, emphasis added).

We wish to also 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 Articles 1, 2, 6 and 12.

In addition, we would like to refer to Articles 3 of the Universal Declaration of Human Rights and 6 (1) of the ICCPR, which respectively guarantee the right of every individual to life and security and provide that these rights shall be protected by law and that no one shall be arbitrarily deprived of his life. In its General Comment No. 31, the Committee stated that there is a positive obligation on States Parties to ensure the protection of the rights contained in the Covenant against violations by its agents. A failure to investigate violations of the Covenant and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR. (CCPR / C / 21 / Rev.1 / Add.13, paras. 15).

Finally, the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, recall the duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions.