

Mandates of the Special Rapporteur in the field of cultural rights; 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 the human rights of internally displaced persons; the Special Rapporteur on minority issues and the Special Rapporteur on freedom of religion or belief

REFERENCE:
AL BGD 8/2018

19 December 2018

Excellency,

We have the honour to address you in our capacities as Special Rapporteur in the field of cultural rights; 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 the human rights of internally displaced persons; Special Rapporteur on minority issues and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 37/12, 34/18, 34/5, 32/11, 34/6 and 31/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged rise of religious fundamentalism, which has reportedly led to extremist violence against religious minorities, human rights defenders and secular writers or media workers, as well as the fear of targeted violence against religious minorities in the context of the upcoming general elections.**

We draw the attention of your Excellency's Government to previous communications sent by the Special Procedures of the Human Rights Council on related issues, including a joint allegation letter sent on 18 January 2013 (case number BGD 2/2013) concerning violent attack against a secular blogger; a joint urgent appeal sent on 22 March 2013 (case number BGD 5/2013) regarding the increasing climate of violence and attacks against media religious minorities and media workers in the context of the proceedings at the Bangladesh International Crimes Tribunal; a joint allegation letter sent on 30 April 2015 (case number BGD 2/2015) concerning the killings of two secular bloggers; a joint allegation letter sent on 24 November 2015 (case number BGD 7/2015) concerning the murder of a secular publisher and a secular writer; a joint urgent appeal sent on 28 June 2017 (case number BGD 3/2017) concerning threats and incitement to violence from a fundamentalist group against a human rights defender; a communication raising concerns at the adoption of the Digital Security Act sent on 14 June 2018 (case number BGD 4/2018) and a joint urgent appeal sent on 10 August 2018 (case number BGD 7/2018) concerning alleged arbitrary detention and torture of two journalists .

We are grateful for the acknowledgments of receipt received from Your Excellency's Government concerning case numbers BGD 2/2013, BGD 2/2015 and BGD 7/2015. However, we regret that substantive replies to the other aforementioned communications have still not been received from your Excellency's Government.

According to the information received:

Attacks on religious minorities:

The Hindu population has sometimes faced persecution in Bangladesh since its independence in 1971. However, the situation has greatly worsened in recent years. In the periods 1991-1992 and 2001-2002 they faced large scale attacks, including murder, rape, land grabbing and the destruction of temples by Muslim fundamentalists. With the rise of Muslim fundamentalism in Bangladesh, atrocities committed by extremist groups against the Hindu minority increased at an alarming rate.

In 2010, the government of Bangladesh, headed by the secularist party Awami League, established an International Crimes Tribunal to investigate and prosecute war crimes perpetrated during Bangladesh's 1971 independence war. The establishment of the tribunal, which indicted leaders of the Islamist party, Jamaat-i-Islami (Jamaat) and centre-right Bangladesh Nationalist Party (BNP), was violently opposed by Muslim fundamentalist groups. Following the Tribunal's 2013 verdicts, large scale protests and violent clashes took place across the country. During the protests, the homes, businesses and places of worship of members of the Hindu minority were attacked by fundamentalist groups. Abductions and sexual and gender-based violence, including forced conversions of Hindu girls were also reported. The violence also targeted Christian and Buddhist minorities, as well as ethnic minorities in the Chittagong Hill Tracts and secularists.

Attacks against human rights defenders, secularists, and writers:

Between February 2013 and June 2016, at least 14 human rights defenders were murdered in Bangladesh, purportedly in connection with their human rights activities. In many cases, Muslim fundamentalist groups claimed responsibility for the acts. In addition, several secular bloggers, publishers and university lecturers who shared secular views and criticised the influence of fundamentalism on Bangladeshi politics have been systematically targeted by religious fundamentalists during this period. Some fundamentalist groups published a list of the names of 84 bloggers whom they accused of blasphemy and demanded be punished. In this climate of violence, the bloggers and human rights defenders reportedly did not receive protection or assistance from the authorities and therefore live in constant fear for their lives. The relevant authorities also reportedly failed to properly investigate most of the murders.

What began in 2013 as an assault on bloggers soon became a very dangerous environment for any Bangladeshi human rights defenders who advocates for reforms based on universal human rights or secularism.

As a result of the killings, the reigning impunity and the failure of authorities to protect human rights defenders, writers and media workers who report threats, more than 45 of the most prominent Bangladeshi human rights defenders and writers are now dead, in exile, or have ceased writing completely.

Attacks against religious minorities and secularists in the context of elections:

Violence and persecution of religious minorities have accompanied elections in recent times. Members of religious minorities, as well as political figures and anti-fundamentalist members of the religious majority who support the secular and progressive political parties and oppose the centre-right Bangladesh Nationalist Party (BNP) and the Islamist party Jamaat-i-Islami (Jamaat), have been the subject of attacks during national elections. These attacks have been carried out largely by anti-secularist and extremist right-wing groups who perceive religious minorities to be their political opponents and the electoral base of the Awami League (AL). The role of religious minorities in elections is particularly relevant in several constituencies where their vote can impact the outcome of the election of Members of Parliament.

Militant attack against religious minorities, in particular Hindus, escalated dramatically during the general election of 2001. Before the 2001 election, BNP and its supporters unleashed a large-scale campaign of violence against religious minorities that lasted more than 150 days. Hindu women and girls were raped and subject to sexual and other forms of gender-based violence, houses of Hindus were looted, vandalized, and burned, and Hindu temples and sacred sites were destroyed. The post-election violence in 2001 forced almost 200,000 Hindus to flee to safer areas as internally displaced persons or to migrate to India.

Violence against Hindu, Christian and Buddhist minorities also took place during and after the 2014 general elections, with a brutal wave of attacks on the houses, temples and businesses of religious minorities. Armed gangs attacked members of minorities, mostly in the southwestern and northern districts, including Jessore, Satkhira, Thakurgaon, Panchagarh, Chittagong, Nilphamari, Kurgram, Lalmonirhat, Gaibandha and Dinajpur. 5,000 families were reportedly affected by this violence, and hundreds were forced to flee their homes and face internal displacement.

In the run-up to the upcoming general elections in Bangladesh, scheduled for 30 December 2019, religious minorities, especially Hindus, fear renewed attacks against them by fundamentalist groups. Reports indicate that around 380 members of minority groups have been attacked in the first half of 2018.

Between 9 and 12 December 2018, 47 incidents of violence were reported, in which 560 persons were injured and 8 persons killed.

On 14 December 2018, around 9.45 am, the motorcade of Mr. Kamal Hossein, the leader of Jatiyya Oikyafront, came under attack in Mirpur, near the Martyred Intellectuals' Memorial. At least 25 individuals were injured in the attack and at least seven cars were vandalised. The attack was reportedly undertaken by supporters of Aslamul Haque, an Awami League candidate, armed with sticks and rods. The police reportedly arrived at the scene after the attack but did not find the attackers.

Following the attack, the Election Commission Secretary stated that it was unaware of the incident and that they had not received any written complaint.

Attacks on and restrictions to freedom of expression and peaceful assembly in the context of elections:

In advance of the national elections scheduled for 30 December 2018, it has been reported that security forces have arrested and intimidated opposition figures and dissenting voices. Members and supporters of the main opposition parties, some of whom are minorities, have been arrested, killed and disappeared.

In addition to physical attacks, it has been reported that the electoral process is characterized by the use of surveillance, intimidation, and politically motivated prosecution of key opposition members, as well as the use of legislation restricting media and the general public's exercise of freedom of expression, association and assembly.

According to reports, since September 2018 the authorities have brought over 300,000 politically motivated criminal cases against the main opposition party, the Bangladesh Nationalist Party (BNP). The political party Jamaat-i-Islami (Jamaat) has been disqualified from running for elections and several of its members have been arrested.

It has been reported that the Election Commission is not operating independently. It has reportedly disqualified three candidates of the ruling party and 141 candidates from the BNP.

Reports also indicate that a large number of people have been injured during political rallies in clashes between rival party supporters. Reports of campaign violence, mainly targeting opposition candidates and their supporters has increased. In many cases, the police have reportedly denied knowledge of the incidents. In many of the cases involving arrests, those arrested have reportedly been subject to police violence that may amount to torture, including beating with fists, plastic pipes, sugar canes stalks, crushing body parts against the floor and partial drowning.

It is furthermore reported that the authorities have used overbroad legislation to constrain journalists, media and individuals expressing dissenting or critical

opinion. The Digital Security Act adopted in October 2018, has been used as legal basis to restrict the work of journalists. As a result, journalists are reportedly under pressure to self-censor.

On 9 October 2018, the Government announced that it had formed a nine-member monitoring cell to detect “rumours” on social media. According to reports, one hundred police teams operating under the cybercrime unit of the police have been deployed around the country and provided with cyber monitoring tools to monitor social media. One of the teams consist of the Rapid Action Battalion (RAB), a paramilitary force which has been implicated in serious human rights violations, and which is now tasked with monitoring social media for “anti-state propaganda, rumours, fake news and provocations”.

The Bangladesh Telecommunication Regulatory Commission and the Home Ministry’s National Telecommunication Monitoring Centre are seeking bids to set up facilities capable of surveillance and blocking internet activity in the country. On 10 December 2018, after the shutdown of several hours of 58 news websites, the Information Minister called it a “trial run”, warning that “similar shutdowns will continue against news portals that publish and circulate fake and baseless news reports”. The increasing restrictions on freedom of expression, combined with election-related violence and the rise of fundamentalism have together created a climate of fear in Bangladesh, which in our view needs to be urgently addressed by the authorities.

We express serious concern about the alleged rise of religious fundamentalism which has reportedly led to an increase in extremist violence in Bangladesh particularly targeting religious minorities, human rights defenders, and secular writers or media workers; the lack of investigation into killings which have occurred in this context and the alleged lack of protection provided to individuals who have received death threats as well as the impact that this violence has on the exercise of all their human rights, including their right to take part in the conduct of public affairs, their right to participate in cultural life, their freedom of expression and opinion, and their freedom of religion or belief. We are concerned about the reported growth of madrasas which may in some cases be promoting fundamentalist views, and about reports that both of the main political parties in Bangladesh may be increasingly seeking to appease or cooperate with fundamentalist groups. The rise of fundamentalism is already reported to be having a negative impact on Bangladeshi culture, such as fostering objection to some traditional celebrations.

We express further concern that the upcoming general elections in Bangladesh may trigger renewed violence against members of religious minorities, their homes, temples and sources of livelihood, which may lead to mass internal displacement causing further human rights and protection concerns for those affected. Finally, we express serious concern about the alleged clampdown on opposition groups, critical voices and media in the context of the upcoming elections, including through measures such as arrest, detention and surveillance. We are concerned that the use of these measures raises

serious concern as to the possibility of the elections to be conducted in a free and fair manner.

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 rights instruments and standards relevant to these allegations.

As 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 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 indicate what measures have been taken by your Excellency's Government to stop the violence against members of religious minorities, including Hindu, Christian and Buddhist minorities and to ensure their safety and protection.
5. Please provide any information about measures taken to allow writers, publishers and bloggers/journalists to carry out their legitimate activities. Have specific and effective protection measures been put in place, in particular for those on a list calling for their 'punishment' and others who have received death threats?
6. Has the Government publicly and forcefully condemned the killings and attacks against religious minorities, bloggers and human rights defenders?
7. Please provide information about whether any investigation has been carried out against the attack on Mr. Kamal Hossain's motorcade on 14 December 2018, and whether the perpetrators have been identified and brought to justice. If no such investigation has taken place, please explain why.
8. Please indicate what measures have been taken by your Excellency's Government to ensure that freedom of religion or belief, freedom of

expression and the right to participate in cultural life and access cultural heritage are protected in Bangladesh.

9. Please provide details of all measures taken to ensure the protection of internally displaced persons from religious minorities, including their protected right to life and to security of the person. Please provide detailed information on measures taken to ensure protection against arbitrary displacement, particularly of minorities. Please also provide details of any national legislation, policies or programmes directly relevant to protection of persons facing internal displacement in Bangladesh.
10. Please detail the efforts undertaken by your Excellency's Government to implement the recommendations of the United Nations Special Rapporteur on freedom of religion or belief made following his country visit to Bangladesh in 2015.
11. Please detail the efforts taken by your Excellency's Government to combat and provide a counterweight to fundamentalist ideology in accordance with international standards, and to respect and ensure the rights of human rights defenders working to counter fundamentalism.
12. Please indicate what measures have been taken to ensure that human rights defenders in Bangladesh are able to carry out their legitimate work in a safe and enabling environment without fear of threats, acts of intimidation directed against them or their family members, or harassment of any sort, particularly during the current electoral context.
13. Please provide information about the arrests and detention of members of political opposition and other critical voices in the context of elections.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to curb fundamentalist violence and prevent violent attacks against religious minorities, secular media workers and human rights defenders. We also urge you to take specific necessary measures to prevent the eruption of violence against religious minorities before, during and after the upcoming general elections. Such preventive measures must conform to international human rights law, as well as guarantee that the rights and freedoms of the persons and entities mentioned are respected. In the event that threats or attacks are addressed against the above mentioned groups, we urge your Excellency's Government to adopt effective measures to protect targeted persons and ensure their safety and wellbeing. 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 are going to publicly express our concerns as, in our view, the information upon which they are based is sufficiently reliable and indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential human rights implications of these allegations. The public expression of concern on our part will indicate that we have been in contact with your Excellency's Government to clarify the issues in question.

Please accept, Excellency, the assurances of our highest consideration.

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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 further like to refer to 9 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 articles 18, 19 and 22 of the ICCPR that provide respectively for the right to freedom of thought, conscience, religion or belief, freedom of opinion and expression, and freedom of assembly or association.

In this regard, we wish to draw your attention to the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, (resolution 1989/65 Economic and Social Council) which 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. We further highlight Human Rights Committee's general comment No. 36 which recalls that the duty to protect the right to life requires States parties to take special measures of protection towards persons in situation of vulnerability whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence including human rights defenders, journalists and members of ethnic and religious minorities.

We would also 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 ICCPR, 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."

Furthermore, we appeal to your Excellency's Government to ensure the right to freedom of religion or belief in accordance with the principles set forth in article 18 of the ICCPR. Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief (CCPR/C/GC/22). The Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, in its article 2(1) states that "No one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief".

We also refer to Article 25 of the ICCPR which recognizes and protects the right of every citizen to take part in the conduct of public affairs, the right to vote and to be elected and the right to have access to public service. Any restrictions on the right to stand for election must be justifiable on objective and reasonable criteria, and voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind (CCPR/C/GC/25).

We would like to recall article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), acceded to by Bangladesh on 5 October 1998, which protect the right to freely take part in cultural life without discrimination. As stressed by the Committee on Economic, Social and Cultural Rights, the right to take part in cultural life encompasses the right to participate, access and contribute to cultural life (E/C.12/GC/21).

We would also like to draw your attention to the recent report by the Special Rapporteur in the field of cultural rights, which states that Governments must ensure there is a counterweight to fundamentalist and extremist discourses by publicly challenging them, by guaranteeing education, in accordance with international norms, and by creating conditions allowing all people to access, participate in and contribute to cultural life without discrimination (A/HRC/34/56). The Special Rapporteur also stressed that in order to respect, protect and fulfil cultural rights, States must: (a) stop supporting directly or indirectly fundamentalist ideologies; (b) protect all persons from any act of fundamentalist or extremist groups aimed at coercing them into specific identities, beliefs or practices; and (c) design programmes aimed at creating conditions allowing all people to access, participate in and contribute to cultural life, without discrimination. She also recommended that States develop plans of action that are fully gender sensitive to protect religious, ethnic and sexual minorities and women from extremism and fundamentalism, and implement urgent action policies when such groups are the targets of fundamentalist and extremist threats or violence (A/HRC/34/56, para. 97k).

We also wish to draw the attention of your Excellency's Government to Article 27 of the ICCPR establishes that "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."

In this regard, we refer to the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 1.1 of the Declaration provides that "States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity".

We would also like to refer your Excellency's Government to the 1998 Guiding Principles on Internal Displacement, which establishes that every human being shall have the right to be protected against being arbitrarily displaced from his or her home including due to violence, gross human rights violations, discrimination and fear of

persecution (Principle 6). Principle 9, highlights that States are under a particular obligation to protect against the displacement of minorities.

Furthermore, 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".