

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 situation of human rights defenders; the Special Rapporteur on the human rights of migrants and the Special Rapporteur on minority issues

REFERENCE:
AL BGD 5/2021

18 November 2021

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 situation of human rights defenders; Special Rapporteur on the human rights of migrants and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 44/5, 43/4, 43/16, 43/6 and 43/8.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **killing of Rohingya human rights defender Mr. Mohib Ullah in Kutupalong camp in Cox's Bazar, Bangladesh on 29 September 2021 and the death of at least six other Rohingya refugees since then.**

According to the information received:

Mr. Mohib Ullah was a Rohingya human rights defender and refugee. As chairperson of the Arakan Rohingya Society for Peace & Human Rights (ARSPH), he worked extensively to document human rights violations committed by the security forces of Myanmar against members of the Rohingya minority in Rakhine State.

On 29 September 2021, three unidentified individuals entered Mr. Ullah's office in the Kutupalong camp in Cox's Bazar, Bangladesh and fired five rounds of bullets. Three bullets hit Mr. Ullah in the chest. He was taken to Kutupalong MSF Hospital and later pronounced dead.

Prior to his death, Mr. Ullah had received threats, some of which were reported to the authorities.

The Foreign Minister of Bangladesh has stated that the Government will take action on the killing of Mr. Ullah. Several individuals have reportedly been arrested.

Following his death, others, especially activists linked to Mr. Ullah and his family members, have been raising protection concerns and a climate of fear has been mounting in the camps.

On 22 October 2021, seven persons died and several others were injured following an armed attack on a religious centre in "Camp 17".

The Rohingya refugee population of Kutupalong camp is more than 750,000 people. The camp is run by the Refugee Relief and Repatriation Commission

of the Bangladesh Government. Insecurity has reportedly been increasing in Rohingya refugee camps, and several other killings have allegedly occurred as criminality increases and tensions between different groups become more acute. In addition, with the increasing securitization of the camps, refugees have been facing increasing limitations to their freedom of expression and movement.

While we do not wish to prejudge the accuracy of these allegations, we are seriously concerned by the killing of Mr. Ullah and at least six other members of the Rohingya minority. We appreciate that Bangladesh is host to a large Rohingya population and faces resource constraints. However, we would like to highlight the importance of conducting a prompt, effective, thorough, independent, impartial and transparent investigation into the killing of Mr. Ullah and other deaths in accordance with the United Nations *Minnesota Protocol on the Investigation of Potentially Unlawful Death*¹ and in line with Bangladesh's human rights obligations. We would like to request information on the steps taken in this regard as well as to ensure the safety of the population in the camp especially for the Rohingya civil society leadership now at risk. Mr. Ullah's death and the protection concerns raised by other activists are clear examples of the insecurity in the camp, and the apparent attempts to silence moderate civil society voices and stifle their right to freedom of expression.

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 detailed information on any investigations and judicial or other inquiries into the killing of Mr. Ullah as well as other deaths. Please include information on their current status, the specific investigative steps taken and on compliance with the Minnesota Protocol on the Investigation of Potentially Unlawful Death.
3. Please provide information on whether any authorities of Bangladesh were aware of threats made against Mr. Ullah and other vulnerable activists and, if so, any assessment made or steps taken in relation to the threats.
4. Please provide information on the legal and policy framework applicable in Bangladesh for investigating killings in refugee camps.
5. Please provide information on steps taken to prevent and address violence and ensure the safety of the population in Rohingya refugee camps, in particular civil society leaders and women and girls, including through enhanced protection measures in coordination with

¹ Available at: <https://www.ohchr.org/Documents/Publications/MinnesotaProtocol.pdf>

UNHCR and other Governments.

6. Please indicate what measures have been taken to ensure that human rights defenders, including civil society and activists, can operate in an enabling environment and can carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind.
7. Please provide information on the measures taken to ensure the Rohingya population in the camps enjoy basic rights, including freedom of movement and expression.

We would appreciate receiving a response within 60 days. Past 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 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.

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

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

Irene Khan

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

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Felipe González Morales

Special Rapporteur on the human rights of migrants

Fernand de Varennes

Special Rapporteur on minority issues

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 article 6 (1) of the International Covenant on Civil and Political Rights, which Bangladesh acceded to on 06 September 2000, which states that "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life". In this regard, we would like to highlight that the enjoyment of the rights guaranteed in the ICCPR is not limited to citizens of States parties but "must also be available to all individuals, regardless of their nationality or statelessness, such as asylum seekers, refugees, migrant workers and other persons, who may find themselves in the territory or subject to the jurisdiction of the State Party" (ICCPR/C/21/Rev.1/Add. 13 (2004), Para. 10).

We would like to refer to Human Rights Committee General Comment 36. The General Comment states that an important element of the protection afforded to the right to life by the Covenant is the obligation on the States parties, where they know or should have known of potentially unlawful deprivations of life, to investigate and, where appropriate, prosecute the perpetrators of such incidents.

Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations. Investigations must always be independent, impartial, prompt, thorough, effective, credible and transparent.

The General Comment further observes that States parties are thus under a due diligence obligation to take reasonable, positive measures that do not impose disproportionate burdens on them in response to reasonably foreseeable threats to life originating from private persons and entities whose conduct is not attributable to the State. Hence, States parties are obliged to take adequate preventive measures in order to protect individuals against reasonably foreseen threats of being murdered or killed by criminals and organized crime or militia groups, including armed or terrorist groups.

The duty to protect the right to life requires States parties to take special measures of protection towards persons in vulnerable situations whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence. Such persons include human rights defenders.

We would also like to bring to your Excellency's Government's attention the international standards regarding the protection of the rights of persons belonging to minorities, in particular article 27 of the ICCPR and the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt the measures to that end

(article 1) as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination and in full equality before the law (article 4).

Moreover, we would like to refer to article 19 of the ICCPR, which guarantees the right to freedom of expression, which includes “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 connection with the abovementioned allegations, we wish to recall that article 19 protects, inter alia, political discourse, commentary on one’s own and on public affairs, discussion on human rights, journalism, among others (Human Rights Committee, General Comment no. 34, para. 11). In this connection, we recall that the Human Rights Council, in its Resolution 12/16, called on States to refrain from imposing restrictions which are not consistent with article 19(3), including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right 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.

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, and;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone 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.