

Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right to food and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Ref.: AL BGD 5/2022
(Please use this reference in your reply)

27 December 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association; Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the right to food and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 50/17, 51/8, 44/5, 49/13 and 43/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning attacks and the use of excessive and lethal force, including by law enforcement, against protestors from the Bangladesh Nationalist Party (BNP), who have held demonstrations between July and September 2022 against price rises and attacks on their protests by authorities and opposition parties. The use of excessive and lethal force has caused at least four deaths and a number of injuries.

We would also like to raise a separate incident concerning the violent attack of a protest organized by the Chhatra Odhikar Parishad (COP) by the Chhatra League, the latter being the student wing of the ruling Awami League party, in October 2022. We are especially troubled by reports that police did not intervene to stop the attack and instead arrested COP members who were the reported victims in the incident, some of whom remain in detention.

We have previously raised our concerns regarding the suppression of protests in Bangladesh, including in a communication dated 13 May 2021 (AL BGD 3/2021). We regret that to date we have not received a response to this communication.

According to the information received:

Economic context

Since July 2022, an increased number of protests have taken place across Bangladesh, mainly in response to an increase in food, electricity and fuel prices. In early August 2022, the Government announced a significant increase in the price of petrol by more than 50 per cent (from 86 taka (USD 0.91) to 130 taka (USD 1.37) per liter). The price of diesel and kerosene also rose by 42.5 per cent. The increase in fuel is compounded with increases in the price of staple foods, with the price of rice rising by 22 per cent, farm-grown chicken by 45 per cent, onions by 43 per cent, eggs by 20 per cent and fish by 10 per cent between July and August 2022. At the same time, Bangladesh is experiencing an energy shortage, with a government official announcing on 22 August 2022 that schools would close for one additional day in order to save electricity. Government offices and banks also reduced their opening

hours by one hour for similar reasons. The Government shut its diesel-powered power plants, which accounted for six per cent of electricity output, due to rising fuel costs.

Attack on BNP procession at Bhola

On 26 July 2022, the Bangladesh National Party (BNP) announced a three-day programme of demonstrations in response to the worsening economic and energy conditions. In the morning of 31 July 2022, the local BNP chapter for the Bhola district gathered and decided to hold a procession as part of the programme of demonstration that same day. According to local police, approximately 5,000 BNP supporters joined this procession and the political party had not sought permission from the authorities to hold the procession in advance. Police stopped the procession when it blocked Sadar Road, intervening at the Mohajanpatti area of the road.

The demonstrators reportedly were upset that the police blocked their procession and refused to unblock the road. The local police confirmed that they responded to the protesters by charging at them with batons. The police reported that the demonstrators threw bricks at the police, which led the police to fire teargas and birdshots. BNP officials stated that the police response was unprovoked and that the police opened fire at protesters indiscriminately using rifles with live bullets. As a result of the clashes between the police and BNP supporters, approximately 100 people were injured and two people died. One individual died on 31 July 2022 after being rushed to hospital. Local police stated that the individual had received a few birdshots to the head, but claimed that his cause of death was a brain haemorrhage due to being hit by bricks. The police added that a post-mortem examination would be held and a case filed against BNP leaders and activists. The BNP stated that the indiscriminate shooting by police against supporters caused the death. On 3 August 2022, another BNP supporter who reportedly suffered injuries due to police firing on protestors on 31 July 2022, died due to their injuries in an intensive care unit in hospital.

At least eight protestors were detained by police during the clashes. On 1 August 2022, police filed two cases against 600 individuals for the death of the individual who died on 31 July 2022. The local BNP representative stated it was a false case against them. On 4 August 2022, the individual's next of kin filed a case against 51 unnamed police personnel at Bhola Senior Judicial Magistrate Court for the individual's death. A local BNP official stated the individuals were identified after examining footage of the clashes during the protest. A judge accepted the case and ordered an investigation report be completed by 8 August 2022. The next of kin asked for the Rapid Action Battalion to investigate. On 2 August 2022, a court in Bhola sentenced nine people to jail for obstructing police duties and instructions.

Attack on Narayangonj procession and subsequent incidents

On 1 September 2022, the Narayangonj district unit of the BNP held a procession on the 44th anniversary of the BNP's founding. Approximately 5,000 BNP supporters joined this procession. BNP officials stated the demonstration was peaceful but that the police started to attack the procession

by charging at protestors with batons. Police subsequently opened fire on the demonstrators with rifles using live bullets. The clashes between police and demonstrators reportedly caused at least 300 injuries and one death. A doctor in Narayanganj's main hospital reported that the person killed had been shot in the chest, and added that 20 other people were being treated for gunshot wounds. The BNP also stated that one person had been shot in the eye.

The BNP held 48 rallies and demonstrations throughout Bangladesh between 22 August and 13 September 2022. The party leadership raised serious concerns that the processions and rallies of the party, despite being peaceful, were attacked by opposing political party supporters and the police. The leaders claimed the attacks were an attempt to provoke the BNP protesters into a violent response, which would implicate them in criminal cases. Concerning the use of firearms, BNP leadership has stated that the police had fired at random and had not followed international law.

As of 16 September, the BNP claimed three of their supporters had been killed, more than 2,000 had been injured and more than 200 activists and leaders had been arrested. Cases had also been filed against 4,081 named BNP activists with what have been described by the BNP as “fake” or “trumped up” charges related to violence. 20,000 unidentified individuals involved in the processions had also been accused and charged in these cases. Some of the individuals named in the cases were not present during the related incidents, including due to being physically unable to attend due to their age or medical status, or due to being abroad at the time. As well as attacks on processions, BNP members had also been subjected to attacks on their homes on 50 different occasions. On 9 September 2022, five leading members of the BNP were arrested in connection with a case filed against them concerning clashes between the BNP and the Awami League on 1 September 2022 in Sirajganj.

Attack on Dhakar vigil

On 17 September 2022, the BNP organized a candlelight vigil in the Banani area on Kamal Ataturk Avenue in Dhaka from 7 p.m. to 8 p.m. in response to the deaths of their supporters during protests and the price increases. The BNP notified the local police in advance that the event will take place in front of the Banani Post Office and were granted permission by the authorities to hold the vigil. From 6 p.m. on 17 September, members of the ruling Awami League and other political parties had taken over the area where the BNP wished to hold the vigil and had started giving speeches. Consequently, the BNP changed the venue for their vigil in order to avoid a confrontation.

The vigil went ahead at the new venue from 7 p.m., with participants quietly standing by the road peacefully holding candles. During the vigil, members of the Awami League went past the event and chanted slogans. It is estimated that there were around 400 Awami League supporters in the vicinity of the protests. The BNP supporters did not react. The police in attendance did not intervene.

The vigil ended at 8 p.m. and participants started to leave. The police had left the area. At this time, Awami League supporters reportedly began to throw rocks and bricks at BNP supporters and run towards them with wooden and

iron rods. At least 50 people were injured, including women BNP supporters. Nineteen women were reportedly injured during the attack, with 13 needing to receive treatment in hospital. Tabith Awal, a BNP Dhaka North mayoral candidate, initially escaped the attacks by entering a nearby residence. However, a group of Awami League supporters reportedly entered the property where Mr. Awal hid and hit him on the head, shoulder and back with wooden sticks, causing heavy bleeding, head injuries and a dislocated shoulder. Many BNP supporters reportedly had to seek hospital treatment, with one individual needing treatment in an intensive care unit due to the injuries caused by the attacks. The attacks on the BNP vigil also caused harm to bystanders not involved in the event and caused disruption and damage to property in the vicinity. The police did not intervene to stop the attacks on protesters by the unidentified individuals, and have not investigated the incidents after the event. Similar attacks have occurred in the past by supporters of the aforementioned political party.

Attack against Munshiganj procession

On 21 September 2022, a local BNP branch held a rally in Munshiganj to protest both price hikes and the killing of party activists. During the procession, at around 3.30 p.m., police stopped the procession, which had been up until that point a peaceful demonstration. At this moment, the police tore down and took away the party banner that the BNP had raised during the procession, and started hitting some BNP activists with sticks. A clash ensued between BNP members and the police after this altercation. The police fired at the protestors with rifles and in reaction the protestors retaliated by hitting the police with sticks and pipes, but not firearms. At least 100 BNP supporters were injured and one individual was killed after reportedly being struck by a bullet. On 28 September 2022, the police released an autopsy report, which claimed that the individual died of head injuries and not due to a gunshot wound. Another individual reportedly suffered bullet wounds and was in a critical condition in hospital, although he has since recovered and is no longer hospitalized. An approximate number of eight police officers were also reportedly injured.

Chhatra Odhikar Parishad Protest

On 7 October 2022, in an event unconnected to the above incidents, the Chhatra Odhikar Parishad (COP), an organization dedicated to the welfare of university students, held a remembrance programme at Raju Memorial Sculpture in Dhaka. The programme was in remembrance of Abrar Fahad, a former Bangladesh University of Engineering and Technology student. On 7 October 2019, Mr. Farhad was killed by members of the Awami League's student organization, the Chhatra League, due to his criticism of an agreement between Bangladesh and India.

Around 4 p.m. on 7 October 2022, as the COP programme was about to commence, members of the Chhatra League arrived. The Chhatra League members made threats and demanded that the COP event not take place, however the organizers refused their demand and proceeded with their programme. Before the president of COP was about to start his speech, the Chhatra League members came back with 15 other individuals from their

organization and again attempted to stop the programme. The president refused to stop and continued with his speech. At this point, the Chaatra League members tried to snatch the microphone being used for the programme and another 50 individuals connected to the Chhatra League appeared with iron rods, hockey sticks and bamboo sticks. As Chhatra League supporters got to the base of the sculpture, they picked up chairs and threw them at the COP members attending the event and tore down banners. The COP members began to move back to escape the attack, when the Chhatra League then started to hit them with their rods and sticks.

Many of the COP members were injured due to the attack and went to Dhaka Medical College Hospital emergency room to seek treatment. Mr. Asif Mahmud Shojib Bhuyain was one of the COP members who went to the hospital. Approximately 20 minutes after he and other COP members arrived, around 50 Chhatra League supporters came to the hospital and began physical altercations with the COP members and stood in front of the gate to the hospital. A further 10 minutes later, a further 100 Chhatra League supporters forced their way into the hospital emergency room, and began to strike COP members with objects, forcing Mr. Bhuyain and some COP members to hide in a room to avoid further injuries. Chhatra League members found Mr. Bhuyain and those with whom he was hiding, started beating Mr. Bhuyain and the other COP members, forced them into a washroom and confined them there until police came. When the police arrived, they claimed they were there for the protection of Mr. Bhuyain and the COP members. The police took the COP members out of the hospital and into a police van, during which time Chhatra League members punched and kicked them. Mr. Bhuyain and the other COP members taken by the police were sent to Keraniganj Central Jail and kept in a quarantine cell for six days. No medical treatment was provided to the individuals despite their injuries. Some individuals could not sleep or sit comfortably due to their injuries.

Mr. Akram Hossain, another COP member, was beaten by Chhatra League members when the group attacked the commemoration programme. Mr. Hossain lost consciousness during the attack and woke up in the Dhaka Medical College Hospital emergency room. After a while, Chhatra League members entered the hospital with police officers and started to beat Mr. Hossain and other COP members. Two police officers slapped Mr. Hossain while he was being treated. Despite a doctor suggesting to the police that Mr. Hossain go for an x-ray examination, the police officers did not allow the assessment to take place, arrested him and other COP members and took them to Shahbagh Thana in a police van. Mr. Hossain was also beaten by Chhatra League members when being put in the van. When at Shahbagh Thana in police custody, Mr. Hossain and others were confined to the room of the officer-in-charge. Mr. Hossain was reportedly shouted at, pushed to the floor, and kicked and beaten with a stick by a police commissioner, because the commissioner believed Mr. Hossain chanted slogans during his arrest, which Mr. Hossain denied doing. After Mr. Hossain said to the police commissioner he would inform the university vice-chancellor of his actions against him, the commissioner became angry and told two police officers to pick Mr. Hossain up. As soon as Mr. Hossain was standing, the police commissioner kicked him in the left leg, causing him to fall to the ground.

Mr. Hossain was then taken to a police cell. He was not offered any food or water. At 2 a.m. on 8 October, Mr. Hossain was taken out of the cell for finger printing. At this time, Mr. Hossain discovered that he and 23 other COP members had criminal cases filed against them despite COP being the victims of the attack. Mr. Hossain and the other COP members were not allowed to consult with a doctor or receive medical treatment despite their injuries.

On 8 October 2022, Mr. Hossain and other COP members arrested were taken to court. They were not presented to the magistrate and remained in a court holding cell. After two or three hours, Mr. Hossain and the other individuals had heard that the court ordered that they remain in custody. Mr. Hossain was taken to Keraniganj Central Jail the same evening. Mr. Hossain and the other detainees requested medical treatment due to injuries. Despite being in extreme pain, this request was denied by the authorities. The police applied for a 14-day remand in two separate court cases. Investigating officers and the public prosecutor delayed the hearing twice by not appearing in court. On 11 October 2022, after a bail petition had been filed by counsel for the detained individuals, the court was presented with medical certificates and university examination schedules for the detainees. However, the court again decided not to grant bail. On 20 October 2022, two of the 24 individuals were placed on a one-day remand. On 7 November 2022, Mr. Hossain and seven others were granted bail and were eventually released on 9 November. The 16 other COP members arrested remain in custody. Mr. Hossain reportedly returned to hospital to receive treatment for the injuries he sustained during the Chhatra League attack, as well as a serious fever and low blood pressure. He struggles to sleep and walk due to the pain of his injuries.

Fifteen of the remaining COP detainees were granted bail on 14 November 2022 in one of the cases filed against them. However, the individuals had not been released due to a second bail hearing scheduled for 20 November concerning a second filed case. On 20 November 2022, the additional second bail hearing took place, at which the court granted bail. At time of writing, all 24 COP members originally arrested and detained have been released on bail and are not currently in detention. No charges are known to have been brought against the Chhatra League individuals who perpetrated the attack on the COP programme and its participants.

BNP Rally in December 2022

On 29 October 2022, the BNP announced in a closed-door meeting with party leaders its plan to hold a rally on 10 December. On 15 November 2022, a delegation from the BNP went to the Dhaka Metropolitan Police in order to request permission to hold a rally on 10 December 2022. The party requested that the rally take place at its headquarters at Nayapaltan in Dhaka. A disagreement soon ensued between the BNP and the authorities, with the latter requesting that the BNP hold their rally at Suhrawardy Udyan. The BNP did not wish to change the venue of the rally and insisted that the party be allowed to hold the event at its headquarters.

From 1 December 2022, law enforcement agencies started a 15-day drive to reportedly ward off any untoward incidents leading up to Victory Day on 16 December and other events in December. Police headquarters stated that the

drive looked to arrest militants, narcotics traders and addicts, and fugitives, and to recover illegal weapons. Between 1 to 10 December, 6,500 activists of the BNP have reportedly been arrested on false charges. More than 1,000 arrests have reportedly occurred as a result of this drive. The police also increased security at key entry points and locations in Dhaka.

On 7 December 2022 at approximately 3:30 pm, clashes occurred outside the BNP's Nayapaltan headquarters for approximately 30 minutes. Thousands of BNP members had reportedly assembled at the headquarters in preparation for the 10 December rally. The police stated that they had reported to the headquarters due to reports that crude bombs were held in the premises and later claimed that they found 15 Molotov cocktails. Police entering the headquarters did not have protective gear for explosives. The BNP claim that the police planted bombs in their premises. The police denied that they started the altercations, claiming that it was BNP members who attacked them first and that they responded to disperse the gathering. The BNP stated that their members had gathered peacefully and the police began firing at BNP members in an unprovoked attack. The police reportedly blocked the entrance to the headquarters while searching and used live ammunition, pellets, rubber bullets and tear gas against the gathered individuals. Police kept individuals in the premises for five to six hours and broke furniture and glass. Shooting was also heard inside the building. BNP members reportedly retaliated by throwing bricks. One person was reportedly killed and at least 60 individuals were wounded due to the police response to the gathering. The BNP claimed police told nearby hospitals not to provide medical treatment to the wounded. A police spokesperson said the person killed appeared to have pellet-related injuries. While there are varying reports, police claimed that 500 individuals were reportedly arrested after the clash between supporters and police, including senior BNP members.

On 8 December 2022, the BNP held a briefing for the international community where they stated that members of the senior leadership were arrested and charged with possession of explosives. They also stated that the venue for the December 10 rally had not been defined yet, with the party not having a response from law enforcement as to whether their alternative venue of National Eidagh field would be accepted.

An increase in security presence was also witnessed in Dhaka on 8 December, including setting up checkpoints and deployment of law enforcement personnel at strategic locations. The elite SWAT force were positioned in many places and the paramilitary force Ansar were arriving in buses. Nayapaltan Road near the headquarters of the BNP had also been blocked by police citing that the party office was a crime scene. The General Secretary of the Awami League stated that the BNP will not be allowed to carry out rallies on the streets. The BNP stated that if no alternative rally venue could be agreed, the party will proceed with a rally as planned at Nayapaltan.

On 9 December 2022, two senior members of the BNP were detained at 3 a.m. and held for ten hours by the police before being formally arrested on various charges, including blasting explosives, as well as unlawful assembly blocking the road, deterring police from carrying out their duties, attack on police with an intent to kill, damage to properties, and creating panic among the public. At

11 a.m. the same day, the BNP confirmed it planned to go ahead with the 10 December rally. The Dhaka Metropolitan Police gave permission for the BNP to hold the rally at Golapbagh Field in Dhaka. The venue began to fill with individuals on the evening of 9 December. The security presence reportedly continued to increase leading up to the rally, including police patrols on highways linking Dhaka with other Bangladeshi cities.

Political leaders from the ruling Awami League made strong statements in the lead up to the planned rally. On 8 December, the Prime Minister directed Awami League supporters and leaders to stay vigilant and “hit back” if attacked. She also said that “the hand that wants to beat us will have to be broken. The hand that wants to torch things must be burnt in that same fire. They must be made to feel the pain of burns”. On 9 December, the Prime Minister continued her remarks, warning media outlets against “oiling” the BNP, a term used to describe pleasing an entity, and that she will “see to” media outlets who do so. The Prime Minister also reportedly called on Awami League supporters to come to the streets to stop the BNP.

On 10 December 2022, the BNP were able to hold their planned rally at Golapbagh Field, where estimates suggest between 200,000 to 500,000 party supporters assembled. There were no significant reports of authorities stopping the rally from going ahead on the day or reports of violence. However, individuals who wished to attend claimed they were prevented from doing so and internet speeds were reportedly slowed down in the area of the rally. Public transport also appears to have been restricted. The authorities deployed 30,000 law enforcement officers at checkpoints and thoroughly checked individuals trying to enter Dhaka on 10 December at various checkpoints, including through checking through their mobile phones. Members of the Chhatra League, the student wing of the ruling Awami League, reportedly set up checkpoints, and also reportedly harassed, beat up and held opposition activists before handing them over to police.

On 11 December 2022, a court in Dhaka reportedly sent BNP leaders to jail who had been arrested and implicated in two cases after the 7 December clashes between authorities and BNP supporters. Investigating officers argued that the leaders needed to be held longer as they had provided important information that needed to be investigated further. The defence for the leaders stated in separate applications for bail that they were being falsely implicated in the cases in order to harass them. On 12 December 2022, the two senior BNP members arrested on 9 December were reportedly denied bail, alongside 222 other individuals also arrested and detained in connection with the events on 7 December.

While we do not wish to prejudge the accuracy and the veracity of the above-mentioned allegations, we are deeply concerned by the apparent use of excessive and lethal force by security forces against peaceful protesters across various districts in Bangladesh, including the use of tear gas, live ammunition and birdshot, resulting in injuries of several protesters and the death of at least five individuals. We are also deeply concerned at the allegations that live ammunition may have been used against protesters. Firearms or lethal force may only be used in self-defense or in defense of others against imminent threat of death or serious injury and there must be no other feasible option. Based on the information received, it does not appear that the

circumstances of these protests reached this threshold to make the use of force necessary and proportional. Should these allegations be confirmed, they would be in violation of international human rights law, in particular articles 6, 7, 19 and 21 of the International Covenant on Civil and Political Rights (“ICCPR”), as well as articles 1 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), acceded to by Bangladesh on 6 September 2000 and 5 October 1998, respectively.

The absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment applies in the circumstances summarized in this communication. Failure to take all precautions practically possible in the planning, preparation and conduct of law enforcement operations with a view to avoiding unnecessary, excessive or otherwise unlawful use of force contravenes a State’s obligation to prevent acts of cruel, inhuman or degrading treatment or punishment within its jurisdiction (article 2 of UNCAT). In this connection, States must regulate and control the use of force by law enforcement and must ensure that all of their agents are trained, equipped and instructed so as to prevent any act of torture and cruel, inhuman or degrading treatment or punishment within their jurisdiction.

Furthermore, wherever there is reasonable grounds to believe that force amounting to torture or other cruel, inhuman or degrading treatment or punishment has been used, States have a duty to conduct a prompt and impartial investigation in order to ensure full accountability for any such act, including, as appropriate, administrative, civil and criminal accountability, and to provide adequate redress and rehabilitation to any victims.

We are also concerned that supporters of one political party have been able to attack members of another political party and in a separate incident members of an independent student group, including during protests, commemoration events and at their homes, without police intervening to protect the individuals or to investigate potential criminal liability. Law enforcement have a responsibility to prevent harm to others, and failing to do so is a contravention of a State’s obligation of due diligence to protect citizens from harm and other forms of torture, cruel, inhuman or degrading treatment or punishment (*Hajrizi Dzemajl et al. v. Yugoslavia*, CAT/C/29/D/161/2000, UN Committee Against Torture (CAT), 2 December 2002).

All allegations of violence must be investigated in accordance with relevant international standards, including the Istanbul Protocol on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Minnesota Protocol on the Investigation of Potentially Unlawful Death, with the aim to ensure that those responsible are brought to justice, promote accountability and prevent impunity. Investigations should explore, inter alia, the role and legal responsibility of superior officials in regard to violations of the right to life and against torture and other ill-treatment committed by subordinates.

Furthermore, we are troubled by the reported arrests, detentions and legal cases that have been filed against individuals for participating in protests and for being members of the opposition political parties or critical civil society groups, despite reports that the protests were peaceful. We are further troubled by reports that individuals faced physical violence from the authorities while in detention, and were also denied medical treatment, which could possibly amount to torture or other cruel, inhuman and degrading treatment.

We are further concerned at the allegations of arbitrary arrests and detention of individuals, and the use of false charges, including against opposition political leaders and independent civil society groups, in relation to their participation in peaceful protests and their membership in an association.

We are also concerned that the reported attacks and use of excessive force against members of opposition political parties and civil society organizations critical of the government may create political tension and have a negative impact on Bangladesh's ability to hold free and fair elections as scheduled in 2023, especially in the context of previous concerns raised with Bangladesh by the Human Rights Committee about violence used during elections (CCPR/C/BGD/CO/1), paras. 29 and 30). These attacks also hamper the ability of individuals to raise human rights concerns, including the economic and social rights issues related to the rise in food and energy prices, creating a chilling effect on civic space.

We are equally alarmed that the crackdown happened against protesters acclaiming one of their most basic human rights, the right to food, in times of economic hardship and against the background of an aggravating global food crisis, and would expect greater empathy by the Government to their plight

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), and/or clarifications you may have on the above-mentioned allegations, including on the allegations of the use of excessive and lethal force against protesters and the circumstances of the killing and injuring of protesters.
2. Please provide the details, and where available, the results, of any investigation and judicial or other inquiry undertaken in relation to the above allegations of unlawful death, torture or other ill-treatment, and arbitrary detention reported in the context of the protests. Please explain whether they were conducted in compliance with international standards, particularly the Minnesota Protocol on the Investigation of Potentially Unlawful Death and the Istanbul Protocol on Investigation and Documentation of Torture.
3. Please further provide the full list and details of all those arrested or charged due to participation or involvement in the recent protests, as well as details on whether those individuals who were arrested have been released, with or without charge, or are currently still detained. Please provide information on the legal bases of the above-mentioned arrests, detentions and charges, as well as the treatment of detainees in detention, including allegations of torture, cruel, inhuman and

degrading treatment, and the denial of medical treatment, keeping in mind international human rights standards.

4. Please provide information on the status of the case filed on 4 August 2022 against 51 unnamed police personnel at Bhola Senior Judicial Magistrate Court concerning the death of one individual during the Bhola procession.
5. Please provide information on what action has been taken by the authorities, including the police, to protect the participants in these and other peaceful protests from violent attacks by third-party groups. Please also provide information on the status of any interventions and investigations into violent attacks by members of third-party groups on the participants of these protests or on members of opposition political parties and civil society groups more generally.
6. Please explain the decision-making responsibilities behind why police decided to use force in response to peaceful protests, and indicate what measures were taken to ensure that any use of force by security forces during some of the above-mentioned protests would only be used in self-defense or to protect others against imminent threat of death, or serious injury, keeping in mind international human rights standards and the need to avoid unnecessary harm. Please provide further information on any investigations that have taken place or are planned into these allegations of lethal force or excessive use of force by police and armed forces.
7. Please indicate which measures have been or are being taken to ensure accountability for the unlawful acts committed while policing assemblies, including the use of force, notably at the superior and commandant levels.
8. Please provide information on which measures have been taken to open avenues for dialogue with peaceful protestors and address their legitimate concerns regarding the increase in the cost of living in Bangladesh and economic and social rights more generally.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. 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. With regard to the persons detained during the protests and currently deprived of their liberties, please ensure to take all necessary measures to avoid any irreparable harm to their life or personal integrity.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to

indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

We would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit cases through its regular procedure in order to render an opinion on whether a deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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

Clement Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mumba Malila
Vice-Chair of the Working Group on Arbitrary Detention

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Michael Fakhri
Special Rapporteur on the right to food

Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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 international norms and standards applicable to the present case. We would first like to recall article 20 (1) of the Universal Declaration of Human Rights which states that "[e]veryone has the right to freedom of peaceful assembly and association". We would further like to refer to articles 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Bangladesh on 6 September 2000, which guarantee the rights to freedom of expression and opinion and freedom of peaceful assembly respectively. Article 21 states that "[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others".

The Human Rights Committee further stated that "[a]rticle 21 of the Covenant protects peaceful assemblies wherever they take place: outdoors, indoors and online; in public and private spaces; or a combination thereof. Such assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs. They are protected under article 21 whether they are stationary, such as pickets, or mobile, such as processions or marches" (CCPR/C/GC/37, para. 6).

We would like to remind your Excellency's Government the views expressed by the Human Rights Council noting that States must "refrain from imposing restrictions which are not consistent with paragraph 3 [of article 19 of ICCPR], including on 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" (A/HRC/RES/12/16, para. 5 (p) (i)). Moreover, the Human Rights Committee indicated that "restrictions on peaceful assemblies must not be used, explicitly or implicitly, to stifle expression of political opposition to a government (CCPR/C/MDG/CO/4, para. 51), challenges to authority, including calls for democratic changes of government, the constitution or the political system, or the pursuit of self-determination. They should not be used to prohibit insults to the honour and reputation of officials or State organs" (CCPR/C/GC/37, para. 49).

We would further like to recall that the Special Rapporteur on the right to freedom of peaceful assembly and of association has stressed in a report (A/HRC/20/27), that States have a positive obligation under international human rights law not only to actively protect peaceful assemblies, but also to facilitate the exercise of the right to freedom of peaceful assembly. The Human Rights Committee has also stated that States "must also protect participants against possible abuse by non-State actors, such as interference or violence by other members of the public, counterdemonstrators and private security providers" (CCPR/C/GC/37, para. 24). The law only protects assemblies that are not violent and where participants have peaceful intentions, and that shall be presumed. Therefore, acts of sporadic violence or other

punishable acts committed by others do not deprive peaceful individuals of their right to freedom of peaceful assembly (para. 25) (A/HRC/23/39, para. 49). We therefore remain concerned with regards to the allegations that the violence that occurred during peaceful assemblies was engendered by acts from protesters, as this contravenes international human rights laws and standards.

We recall paragraph 3 of the General Assembly Resolution A/C.3/77/L.45 (2022) which reminds that “freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law, including international human rights law and international humanitarian law, which must be respected and protected under all circumstances, including in times of international and non-international armed conflict or internal disturbances and tensions or any other public emergency, that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right.” In addition to the HRC Resolution on “Torture and other cruel, inhuman or degrading treatment or punishment: the roles and responsibilities of police and other law enforcement officials” (A/HRC/46/L.27), which “Calls upon all states to take effective measures to ensure that the use of force by police and other law enforcement officials, including the use of less-lethal weapons, is in conformity with international obligations and the principles of legality, necessity, proportionality, accountability and non-discrimination, and that those using force account for each use of force, bearing in mind that lethal force may only be used to protect against grievous bodily harm or an imminent threat to life (para.12); Emphasizes that, in the context of assemblies, police and other law enforcement officials play a key role in enabling and upholding the right of peaceful assembly and the rights to freedom of expression and of association, and urges all States to ensure that police and other law enforcement officials avoid using force during assemblies, and to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force (para.13); and Affirms that police and other law enforcement officials shall not use firearms against persons except in self-defence or in defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives (para.14)”.

We would also like to recall that “[t]he principles of necessity and proportionality apply to the use of all force, including potentially lethal force. Specific rules apply to the use of firearms for law enforcement, also during assemblies (principle 9 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials). Firearms may be used only against an imminent threat either to protect life or to prevent life-threatening injuries (making the use of force proportionate). In addition, there must be no other feasible option, such as capture or the use of non-lethal force to address the threat to life (making the force necessary)” (A/HRC/31/66, para. 59). Moreover, “[f]irearms should never be used simply to disperse an assembly; indiscriminate firing into a crowd is always unlawful (see A/HRC/26/36, para. 75). Intentional lethal use of force is only lawful where it is strictly unavoidable to protect another life from an imminent threat; this is sometimes referred to as the protect life principle (ibid., para. 70)” (A/HRC/31/66, para. 60). We would also like to draw the attention of your Excellency's Government to Principle 4 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement

Officials, which provides that, “[l]aw enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms”. In its General Comment no. 37, the Human Rights Committee stated that wherever possible, only law enforcement officials who have been trained in the policing of assemblies should be deployed for that purpose, and that, as a general rule, the military should not be used to police assemblies (para. 97). The Committee further noted that only in exceptional cases may an assembly be dispersed (para. 96). This may be the case if the assembly as such is no longer peaceful, or if there is clear evidence of an imminent threat of serious violence, but in all cases the rules on the use of force must be strictly followed.

Right to Food

Article 25 of the Universal Declaration of Human Rights recognizes the right of everyone “to a standard of living adequate for the health and well-being of himself and of his family, including food.” Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognizes “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions.” In interpreting this provision, the Committee on Economic Social and Cultural Rights stressed in its General Comment No. 12 that the core content of the right to adequate food implies, inter alia, the availability of food which refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand (para. 12). While article 11 (1) is subjected to progressive realization to the maximum of States available resources, article 11 (2), provides “the fundamental right to freedom from hunger and malnutrition”, which is of immediate application.

The FAO Right to Food Guidelines to support the progressive realization of the right to adequate food in the context of national food security emphasize that "States should promote and safeguard a free, democratic and just society in order to provide a peaceful, stable and enabling economic, social, political and cultural environment in which individuals can feed themselves and their families in freedom and dignity." The ICESCR requires States to “take appropriate steps to ensure the realization of the right to food” (article 11(1)), and the Committee has defined the corresponding obligations of States to respect, protect, and fulfil the right to food in its General Comment No. 12. According to the Committee, the obligations to respect existing access to adequate food requires State parties to refrain from taking any pressures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food.

We would also like to refer to the report of the former Special Representative of the Secretary-General on the situation of human rights defenders to the General Assembly in 2006 (A/61/312), where the Special Representative urges States to ensure that law enforcement officials are trained in and aware of international human rights standards and international standards for the policing of peaceful assemblies and to investigate allegations of indiscriminate and/or excessive use of force by law enforcement officials.