

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

Ref.: AL BGD 6/2024
(Please use this reference in your reply)

22 July 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 52/9, 53/4 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning violent attacks by groups associated with the ruling party and the police crackdown on students participating in ongoing peaceful protests across the country.

Special Procedures mandate holders have previously expressed concerns about the repression of peaceful demonstrations and undue restrictions of the right to freedom of assembly, including in [AL BGD 1/2024](#), [AL BGD 5/2022](#) and [AL BGD 3/2021](#). We take note of the response provided by your Excellency's Government on [25 March 2024](#) to AL BGD 1/2024, while we invite you to provide a substantive response to the remaining communications.

According to the information received:

Since 1 July 2024, students have been participating in nationwide, mostly peaceful protests against the re-instatement of a system of quotas for Government positions. These demonstrations have taken place at numerous educational institutions across the country throughout the last several days.

The participants in these peaceful protests have been subjected to attacks in university campuses across the country. Such attacks have been perpetrated by large numbers of individuals, who according to local media reports, are affiliated with the "Bangladesh Chhatra League" (BCL) and the "Bangladesh Awami Jubo League", the student and youth wing respectively of the ruling party "Awami League". The BCL was also involved in incidents of violence against protesters in 2018 and 2021.

At the time of sending this communication, the clashes between protesters, pro-government organisations, including the BCL and Jubo League, and the police have resulted in at least 32 deaths and thousands of injured, according to reports. Hundreds of participants and organizers of the protests have also been detained.

According to reports, the protests were entirely peaceful until 15 July 2024, when individuals reportedly associated with the BCL started attacking students taking part in the protests in Dhaka University. These individuals were reportedly armed with rods, sticks, and clubs with a few even brandishing revolvers. These incidents of violence against protesters by the said group follows previous similar patterns documented in 2023. Numerous protesters, including female students, were victims of a second round of attacks at the Dhaka Medical College Hospital, where they were seeking treatment for their injuries.

On 16 July 2024, a student died during the protests taking place near the Begum Rokeya University, in the city of Rangpur. Reports indicate that the police reportedly opened fire employing 12-gauge shotguns at approximately 15 meters away from the victim, after a group of protesters attacked some police officers stationed nearby. The victim reportedly had injuries allegedly caused by rubber bullets and pellet ammunition, although the exact circumstances and cause of the death are still to be clarified. At least a dozen other students were injured during the police reaction.

On 17 July 2024, in the Dhaka University and Jahangirnagar University campus, large numbers of police, Rapid Action Battalion (RAB) and Border Guard Bangladesh (BGB) officers reportedly employed rubber bullets, tear gas and sound grenades to disperse student protesters, leading to dozens being injured. Further, the protesters also were subjected to violence by members of the Chhatra League and Bangladesh Awami Jubo League groups. Some students were reportedly beaten and their phones searched by individuals, until police officers intervened to protect them. Universities and schools across the country have been closed indefinitely.

On 18 July 2024, a journalist working for the Dhaka Times was reportedly killed while covering the clash between police and protesting students. Large convoys of Armoured Personnel Carriers were deployed from the Dhaka Cantonment, while video footage appeared to show a RAB vehicle running over a person. Additionally, the State broadcaster Bangladesh Television was set on fire by an unidentified group of people. Protesters reportedly rejected a Government offer to hold talks arguing that “discussions and opening fire do not go hand in hand”. The Government declared a “High Security Alert” for the entire country.

Furthermore, since 16 July 2024, the Government has reportedly blocked mobile internet services without warning and, since 18 July, the authorities have imposed a near-total internet shutdown. Websites of several newspapers have remained inaccessible, while telecommunications have been disrupted.

Without prejudging the accuracy of these allegations, we would like to express our grave concern about the alleged use of unlawful force against student protesters by State security forces and the authorities’ failure to ensure their protection from the violent attacks perpetrated by groups of individuals reportedly affiliated with the

Government. These allegations are particularly concerning in the light of the information received about an alarming escalation of the violence in the last hours.

We are concerned about the allegations of excessive, disproportionate and lethal use of force by police and security forces in response to the protests. We acknowledge that according to some reports, in some cases certain individuals may have resorted to violence during the demonstrations. However, we recall legal principles dictate that the measures to separate individuals using violence from those protesting peacefully should be proportionate to the evaluated risk, necessary, with a specific focus, and applied guaranteeing the security of all protesters. We are also troubled by the attacks on protesters by private parties, who are alleged to be sympathisers of the Government, as well as the alleged insufficient efforts by the relevant authorities to prevent and investigate these allegations thus far.

Should the allegations be confirmed, they could amount to violations of the rights to life, to liberty and security, to peaceful assembly and to freedom of expression enshrined in the Universal Declaration of Human Rights (UDHR) and of the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh acceded on 6 September 2000. These allegations would be in contradiction with the States' responsibility to protect peaceful protesters and ensure that there is an enabling environment for protesters to assemble safely. We note 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 (A/HRC/20/27).

We also recall that arrest and detention due to peaceful exercise of rights protected by the Covenant, including freedom of expression and association, may be arbitrary. Additionally, full compliance with procedural safeguards upon arrest and during the first hours of deprivation of liberty is essential to prevent possible human rights violations. These safeguards include immediate registration and judicial oversight of the detention, notification of family members as soon as an individual is deprived of liberty, and the assistance of a defence lawyer of one's choice.

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 information about the measures taken to ensure the protection and security of the students participating in these peaceful protests as well as to guarantee that the Government's response to the protests is in line with international human rights standards, including

protecting the exercise of their rights to freedom of assembly and expression without fear of repression or attacks against their lives and physical integrity.

3. Please provide information on the number of students, human rights defenders or activists detained in the context of these demonstrations in July 2024, indicating how many of them have been or are expected to be judicially prosecuted, for what type of offence, if they have been offered access to legal counselling. Please indicate the steps taken to review that their detention is in line with the relevant international human rights standards. Please also inform about the steps taken to ensure the prompt release of those detained that against whom no legal charges will be presented.
4. Please indicate the factual and legal basis for the disruption of the internet and telecommunications, indicating the steps taken to re-establish these services as soon as possible.
5. Please provide detailed information about the steps your Excellency's Government is taking to exhaustively investigate the reported use of excessive and lethal force, misuse of less lethal weapons and allegations of repression against students participating in these peaceful protests. Please further indicate the steps taken to ensure accountability for serious violations against those who were exercising their rights to peaceful assembly or expression during these protests.
6. Please provide any information on any investigations, judicial or administrative proceedings that have been put in place in relation to the killings that have taken place in the context of these protests, with the purpose of identifying and eventually prosecuting those responsible for this death, indicating the results of these investigations. Please indicate whether investigations have adhered to the relevant international standards, including the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary or Summary Executions (Minnesota Protocol). If no investigation has been put in place, please explain the reason for it.

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 your Excellency's Government to take the necessary measures to ensure the protection and safety of the students participating in peaceful protests and to guarantee the right to freedom of assembly and expression without fear of attacks against their lives and physical integrity or repression. Additionally, we call on the authorities to ensure that the response to the protests by State security forces remains in line with international human rights standards. We further urge the authorities conduct impartial, prompt and exhaustive investigations into the allegations above mentioned and bring to justice the perpetrators of attacks on

peaceful protesters and the police authorities who have breached the law or failed to prevent such attacks, ensuring full accountability.

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.

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

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

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

Gina Romero

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

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, I would like to draw the attention of your Excellency's Government to the right to peaceful assembly and the right to freedom of opinion and expression as set forth in articles 19 and X of the Universal Declaration of Human Rights (UDHR) and articles 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh acceded on 6 September 2000. Additionally, I would like to refer your Excellency's Government to articles 6, 9, 14, and 22 of the ICCPR, which provide for the rights to life, to liberty and security of the person, not to be subjected to arbitrary arrest or detention, to be promptly informed of the reasons for the arrest and of any charges against him or her, to be brought promptly before a judge, to a fair trial within a reasonable time, and to freedom of association. These articles shall be read individually and together with article 2.3. of the ICCPR, which provides for the right to an effective remedy for every person whose rights contained in the Covenant have been violated.

Article 21 of the ICCPR protects the right to peaceful assembly. The Human Rights Committee has confirmed that article 21 “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” ([CCPR/C/GC/37](#), para. 6). Restrictions on peaceful assemblies must not be used, explicitly or implicitly, to stifle expression of political opposition to a government, challenges to authority, including calls for democratic changes of government, the constitution or the political system, or the pursuit of self-determination. (CCPR/C/MDG/CO/4, para. 51). They should not be used to prohibit insults to the honour and reputation of officials or State organs” (CCPR/C/GC/37, para. 49).

Article 19 of the ICCPR guarantees the right to freedom of opinion without interference and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. As interpreted by the Human Rights Committee in its [general comment No. 34](#), States parties to the ICCPR are required to guarantee the right to freedom of expression, which included “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (paragraph 11) as well as expression of criticism or dissent. The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (paragraph 23).

Any restriction to the right to freedom of expression must be a) “provided by law”; b) “necessary” and c) for the purpose of protecting “the rights or reputation of others”, “national security, public order, public health and morals”. The Human Rights Committee has clarified that not only should the restrictions be enacted in law but that the language of the law should be clear, precise, accessible and predictable. Furthermore, “necessity” implies that the restrictions must be proportionate to the objectives to be achieved and must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated. In this regard, the Human Rights Committee stated that the restrictions must be “the least intrusive instrument among those which might achieve their protective function”. (Paragraph 34, [CCPR/C/GC/34](#)).

Although article 19(3) recognizes “national security” as a legitimate aim, national security considerations should be “limited in application to situations in which the interest of the whole nation is at stake, which would thereby exclude restrictions in the sole interest of a government, regime, or power group”. States should “demonstrate the risk that specific expression poses to a definite interest in national security or public order, that the measure chosen complies with necessity and proportionality and is the least restrictive means to protect the interest, and that any restriction is subject to independent oversight” (A/71/373).

In its general comment no. 35, the Human Rights Committee has found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), or on discriminatory grounds, in violation of article 2, paragraph 1, article 3 or article 26, are in principle arbitrary.

Additionally, we refer to article 6 of the ICCPR, which protects the right to life. We recall that the right to life constitutes a norm of *jus cogens* and customary international law from which no derogation is permitted under any circumstances, according to article 4(2) of the ICCPR. In this regard, States parties have a duty to refrain from engaging in conduct resulting in arbitrary deprivation of life and must also exercise due diligence to protect the lives of individuals against deprivations caused by persons or entities whose conduct is not attributable to the State, establishing an appropriate framework of laws, institutions and procedures for that purpose. The Human Rights Committee in its general comment No. 36 recalled that the State's duty to protect applies to all persons within its jurisdiction, that is, all persons whose enjoyment of the right to life depends on its power or effective control (CCPR/C/GC/36).

A State bears a duty to conduct thorough, prompt, and impartial investigations of all suspected cases of extra-legal or arbitrary killings and the obligation to bring to justice all persons identified by the investigation as having participated in those crimes, as laid down in the [Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions](#), adopted by the Economic and Social Council resolution 1989. We underscore the importance of conducting

investigations into all suspected unlawful deaths in line with international standards, including the *Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions* and the [Revised United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions \(the Minnesota Protocol on the Investigation of a Potentially Unlawful Death \(2016\)\)](#).

Investigations and prosecutions of potentially unlawful deprivations of life must be aimed at ensuring that those responsible are brought to justice, promoting accountability and preventing impunity. Investigations should explore, inter alia, the legal responsibility of superior officials with regards to violations of the right to life committed by their subordinates. They must always be independent, impartial, prompt, thorough, effective, credible and transparent. In the event that a violation is found, full reparation must be provided, including adequate measures of compensation, rehabilitation and satisfaction.

Finally, we refer to the obligation to provide victims of human rights violations with effective remedies. The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by the General Assembly in 2006, provide that victims of a gross violation of international human rights law or a serious violation of international humanitarian law must be guaranteed: equal and effective access to justice; adequate, effective and prompt reparation for harm suffered; and access to relevant information concerning violations and reparation mechanisms.