

URGENT APPEAL - THE OBSERVATORY

BGD 001 / 0610 / OBS 075

Arbitrary detention / Closure of newspaper /
Judicial harassment / Ill-treatments

Bangladesh

June 15, 2010

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), requests your urgent intervention in the following situation in **Bangladesh**.

Description of the situation:

The Observatory has been informed by Odhikar about the closure of *Amar Desh*, an opposition Bangladeshi daily newspaper which regularly reports on corruption cases and about the acts of harassment and ill-treatment against several member of its staff, including Mr. **Mahmudur Rahman**, *Amar Desh's* Editor, presently arbitrarily detained. This harassment intervenes after the publication of reports on cases of corruption of top Government officials as well as of sensitive and undisclosed sections of a Government-appointed investigation committee report on a Bangladesh Rifles¹ massacre.

According to the information received, on June 1, 2010, the Tejgaon Thana Officer-in-Charge raided the press office of *Amar Desh* with armed forces, and declared its closure. On June 2, 2010 at approximately 4 am, agents of the Tejgaon police station entered the *Amar Desh* offices, arrested Mr. Mahmudur Rahman, who was remaining on the spot, and took him to the Dhaka Cantonment Police Station (CPS) for interrogation. The police forces also resorted to excessive use of force against the protesting journalists who attended the scene, beating them with sticks.

On the same day at 4 pm, Mr. Rahman was reportedly charged under Sections 419, 420 and 500 of the Penal Code for "cheating by personation", "dishonestly inducing delivery of property" and "defamation".

In the early morning, the Tejgaon Police Station had also filed a case against him (Case No. 2(6)2010), as well as against the *Amar Desh* Deputy Editor Mr. **Syed Abdal Ahmed**, the Assistant Editor Mr. **Sanjeeb Chowdhury**, the City Editor Mr. **Jahed Chowdhury**, reporter **Alauddin Arif**, and the office assistant **Saiful Islam**, as well as 400 unnamed people for, *inter alia*, "obstructing Government officials to perform their duties" during Mr. Rahman's arrest, under Sections 143, 342, 332, 353, 186, 506, 114 of the Penal Code.

On June 6, another case (Case No.5 (6) 2010) was filed against Mr. Rahman at the Kowali police station for, *inter alia*, "obstructing Government officials to perform their duties" under Sections 143, 186, 332, 353, 225B/34 of the Penal Code, while he was already in custody.

On June 7, Mr. Rahman was placed under a four-day detention period, on the basis of the two latter cases.

Messrs. Syed Abdal Ahmed, Sanjeeb Chowdhury, Jahed Chowdhury, Alauddin Arif and Saiful Islam, were not arrested, but were given a pre-arrest bail from the High Court Division of the Supreme Court on June 10.

Moreover, on June 8, 2010, the Magistrates Court No. 7 issued another four-day detention period in Uttara Model Police Station against Mr. Mahmudur Rahman, for "printing banned

¹ The Bangladesh Rifles are paramilitary forces that deal with security matters at the borders of the country.

leaflets” under Section 6(1) of the Anti Terrorism Act 2009, as well as an additional four-day detention period for “conspiring against the State” on the basis of a case lodged under Sections 121A (“waging war or attempting to wage war against the State”), 124A (“sedition”) and 114 (“abettor present when offence is committed”) of the Penal Code, leading to a total remand period of 12 days.

On June 9, 2010, the Magistrates Court ordered that he be taken in remand to the Tejgaon police station. However, in contravention to these orders, Mr. Mahmudur Rahman was kept in the CPS, inside the Cantonment area.

Mr. Mahmudur Rahman further reported that on the night of June 10, five or six men entered his cell and removed his clothes, and then proceeded to hit him very hard with their elbows in his chest and back, whereupon he lost consciousness. When he awoke, he found himself lying in the room of the Second Officer of the CPS.

On June 12, 2010, Mr. Mahmudur Rahman was brought before the Magistrates Court on the basis of Case No. 2(6)2010. He then reported that he was subjected to acts of inhuman and degrading treatment while in detention. He was reportedly unable to stand on the dock and the Magistrate allowed him to sit. The Magistrates Court ordered that Mr. Mahmudur Rahman be sent to jail and undergo a full medical check-up on the basis of jail regulations. The Magistrate also allowed Mr. Mahmudur Rahman's lawyers to meet him for half an hour.

On the same day, the police of the Detective Branch of Dhaka Metropolitan area submitted an application seeking a four-day remand to question Mr. Mahmudur Rahman regarding the case filed at the Uttara police station under the 2009 Anti-Terrorism Act. The remand was granted by the Magistrates Court. Mr. Mahmudur Rahman was then taken to the Detective Branch offices in Dhaka on that day, without any medical check-up being performed.

The Observatory denounces the arbitrary detention of and acts of ill-treatment against Mr. Mahmudur Rahman, as well as the acts of judicial and administrative harassment against him and his colleagues, which seem to merely aim at sanctioning their freedom to report on corruption cases. The Observatory is also deeply concerned with Mr. Rahman's physical and psychological integrity.

The Observatory further recalls that acts of torture and ill-treatment are contrary to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to which Bangladesh is bound since October 5, 1998, and shall be punishable with individual criminal sanctions.

Actions requested:

Please write to the Bangladeshi authorities urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr Mahmudur Rahman, members of *Amar Desh* as well as all human rights defenders in Bangladesh;
- ii. Release Mr. Mahmudur Rahman immediately and unconditionally since his detention is arbitrary as it seems to only aim at sanctioning his human rights activities;
- iii. Order a prompt, effective, thorough, independent and impartial investigation into the above-mentioned allegations of ill-treatments, the result of which must be made public, in order to identify all those responsible, bring them before a competent, independent and impartial tribunal and apply to them the penal sanctions as provided by the law;
- iv. Put an end to all acts of harassment - including at the administrative and the judicial levels - against Messrs. Mahmudur Rahman, Syed Abdal Ahmed, Sanjeeb Chowdhury,

Jahed Chowdhury, Alauddin Arif and Saiful Islam, members of *Amar Desh* as well as all human rights defenders in Bangladesh;

v. Conform in any circumstances with the provisions of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly, in particular its article 1, which states that “everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels”, and its article 12.2 which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, 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 present Declaration”;

vi. Guarantee the respect of human rights and fundamental freedoms in accordance with the Universal Declaration on Human Rights and other international human rights instruments ratified by Bangladesh.

Addresses:

- Ms. Sheikh Hasina, Prime Minister, Office of the Prime Minister, Gona Bhaban, Old Sangsad Bhaban, Tejgaon, Dhaka, Bangladesh, Fax: +880 2 8113243, Email: info@pmo.gov.bd
- Ms. Sahara Khatun, Minister for Home Affairs, Ministry of Home Affairs, Bangladesh Secretariat Building 4, Dhaka, Bangladesh, Email: mediacell@homemin-bd.org
- Barrister Shafique Ahmed, Minister for Law, Justice and Parliamentary Affairs, Ministry of Law, Justice and Parliamentary Affairs, Bangladesh Secretariat, Dhaka, Bangladesh, Email: info@minlaw.gov.bd
- Mr. Nur Mohammad, Inspector General of Police, Police Headquarters, Phoenix Road, Dhaka-1000, Bangladesh, Email : ig@police.gov.bd, nur0011@yahoo.com
- Ambassador Mr. Abdul Hannan, Permanent Mission of the People’s Republic of Bangladesh to the United Nations in Geneva, 65 rue de Lausanne, 1202 Geneva, Switzerland, Fax: +41 22 738 46 16, E-mail: mission.bangladesh@ties.itu.int
- Mr. Syed Maudud Ali, Embassy of the People’s Republic of Bangladesh in Brussels, 29-31 rue J. Jordaens, 1000 Brussels, Belgium, Fax: +32 2 646 59 98; Email: bdootbrussels@fregates.be

Please also write to the diplomatic representations of Bangladesh in your respective countries.

Paris-Geneva, June 15, 2010

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

To contact the Observatory, call the emergency line:

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