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Human rights situations that require the Council's attention

Joint written statement* submitted by World Organisation Against Torture, ODHIKAR - Coalition for Human Rights, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

BANGLADESH: AN INCREASINGLY REPRESSIVE ENVIRONMENT FOR DISSENTING VOICES

Since the controversial Parliamentary Election in January 2014 the human rights situation in Bangladesh has significantly worsened. Allegations of violations including torture, enforced disappearances and extra-judicial killings perpetrated by security forces against dissenting voices, including human rights defenders and political opponents have become widespread. Perpetrators enjoy almost complete impunity despite repeated demands to bring responsible to justice. Human rights defenders face persecution and experience challenges in carrying out their work while the rights to freedom of expression, association and peaceful assembly are being curtailed by draconian laws. The judiciary has increasingly come under pressure from the government. Lack of transparency and accountability as well as corruption in the justice delivery mechanisms have resulted in a serious erosion of the rule of law in the country, allowing the proliferation of human rights violations and impunity.

The following issues are of particular concern:

A. Right to Life

Extrajudicial killings:

Extrajudicial killings continue despite widespread protests by civil society and a 2009 ruling by the High Court of Bangladesh, which asked the government to explain why killing people without a trial is not being declared as illegal, and why measures are not being taken against the perpetrators. Indeed, in most cases, no prompt and thorough investigations into the killings is carried out. In many cases, the Rapid Action Battalion (RAB) and the police claimed that the victims were shot and killed in crossfire or encounters. However, victims' families alleged that their relatives were executed while in custody of members of law enforcement agencies. From January 1st, 2016 to January 31st, 2017, Odhikar documented 194 cases of alleged extra-judicial killings by law enforcement agencies. In 55 cases, victims were allegedly killed by members of the RAB, in 130 cases by the police.

Enforced disappearances

Enforced disappearances are now very common in Bangladesh, and often see the involvement of law enforcement officers. From January 1st, 2016 to January 31st, 2017, Odhikar investigated 95 cases of persons who were forcibly disappeared after having allegedly been picked up by men claiming to be members of law enforcement agencies. This number only includes cases where family members or witnesses reported that the victim was abducted by individuals in law enforcement uniform or by people identifying themselves as law enforcement agents. Out of 95, 11 people were found dead, 66 resurfaced or were found in police custody after a prolonged period of time, while the whereabouts of 18 persons are still unknown.

Torture and other cruel, inhuman or degrading treatment

Torture and ill-treatment are widespread in Bangladesh. In most cases, victims are tortured during interrogation in remand by the police, RAB or other state agents. However, most cases of torture go unreported due to press restrictions and victims' fear of further torture and reprisals. Since 2013 'knee-capping' or shooting in the legs of detainees/accused persons has become a widely used practice by security forces. From January 1st, 2016 to January 31st, 2017, Odhikar documented 17 cases of people who were reportedly shot in the legs by members of different law enforcement agencies. Some of the victims have become disabled as a result. On 24 October 2014, a Torture and Custodial Death (Prevention) Act was passed in Parliament. However, reports of torture in police custody continue to surface, and perpetrators continue to enjoy almost complete impunity for their crimes. Moreover, in January 2017 police demanded to repeal the Act. From January 1st, 2016 to January 31st, 2017, Odhikar documented at least 11 cases of custodial death.

B. Freedom of Opinion and Expression

Repression of journalists

Many of the pro-opposition electronic and print media, such as Channel 1, Diganta TV, Islamic TV and Amar Desh newspaper, have been closed down in the past few years. Spurious charges have been filed against editors and

publishers¹, and journalists have been attacked while gathering information or as a reprisal for publishing articles or reports. In addition to judicial harassment, journalists often face threats and/or physical violence, notably by law enforcement agents. For instance, on February 3, 2017, Abdul Hakim Shimul, a journalist affiliated with Odhikar was shot dead while gathering information during a clash between two groups of the ruling Awami League in Sirajganj. On March 31, 2016, Md. Afzal Hossain, another journalist affiliated with Odhikar, was shot in the leg by a police officer while filming an incident of ballot stuffing at the local governmental elections in Bhola.²

Information and Communication Technology Act 2006 (amended 2009, 2013)

The Information and Communication Technology (ICT) Act has been used to curtail the freedom of expression of critical voices, including human rights defenders, journalists and bloggers. Section 57 of the ICT Act states that publishing or transmitting any defamatory or false information in electronic form is a cognisable and non-bailable offence. In the latest amendment of the Act in October 2013, the punishment for committing such offence has been increased from 10 to 14 years imprisonment and a fine of Taka 10 million. From January 1st, 2016 to January 31st, 2017, 35 persons were arrested under the ICT Act.

Surveillance on social media

Social media are constantly monitored by the government's intelligent agencies including through a social media network monitoring system (SMNMS) that the government bought for the RAB from a US-based company named 'Snaptrends' for 100 million taka. Using this software, the RAB will be able to collect information from all kinds of blogs, including Facebook, Twitter, Instagram, Google plus, YouTube and Wordpress³ and use it against anyone deemed "harmful" to society, state and the government.

C. Freedom of Assembly and Association

Attacks and barriers to meetings and assemblies

The right to freedom of peaceful assembly is one of the foundations of a democratic society and is guaranteed by Article 37 of the Constitution of Bangladesh and Articles 21 of the ICCPR. However, peaceful meetings and assemblies organized by civil society organisations or political parties have been systematically disrupted. There were episodes of police and activists allegedly connected to the ruling party attacking gatherings and conducting mass arrests. In certain cases local administrations issued orders stopping such events under section 144 of the Code of Criminal Procedure.⁴

Repressive law on NGOs

On 5 October 2016, the Parliament of Bangladesh adopted the highly controversial and internationally criticised Foreign Donations (Voluntary Activities) Regulation Bill (2016). This new law will result in tighter controls over the activities of human rights NGOs and severely restrict people's rights to freedom of association. Under this law, no Bangladeshi organisation can receive or use any donation, grant, or any form of contribution from foreign governments, organisations or citizens of a foreign state without prior approval from the NGO Affairs Bureau (NGOAB), which is under the direct supervision of the Prime Minister's Office. The NGOAB is also empowered to inspect, monitor and assess the activities of NGOs that receive foreign funding, allowing direct control and surveillance over the activities of NGOs. Moreover, the law provides for punitive measures for violations of the law by both organisations and individuals, which include fines, disciplinary action and cancellation or suspension of registration. The registration of an NGO can be cancelled or suspended if the government has reason to believe that derogatory remarks have been made against the Constitution, the Judiciary, the Law Commission, the Election Commission or the Attorney General.⁵ The law adds that no person employed in voluntary activities can travel abroad with foreign contributions without prior permission of the Director General of the NGOAB, which is contradictory to Article 12 of the ICCPR.

¹ See for example <http://www.omct.org/human-rights-defenders/urgent-interventions/bangladesh/2016/02/d23596/>

² <http://odhikar.org/joint-statement-bangladesh-call-for-justice-after-another-police-shooting-of-a-human-rights-defender/>

³ See Odhikar's annual human rights report 2016, www.odhikar.org

⁴ Section 144 of the Code of Criminal Procedure, 1898 provides power to the Magistrate to issue orders to stop any meeting or gathering. See http://bdlaws.minlaw.gov.bd/sections_detail.php?id=75§ions_id=20789

⁵ The Daily Star, 10/10/2016; <http://www.thedailystar.net/frontpage/ngos-term-new-law-oppressive-1296727>

D. Recommendations:

Odhikar and OMCT call for the UN Human Rights Council:

1. To urge Bangladesh to take effective action to ensure a safe and enabling environment for human rights defenders' work and to refrain from enacting and imposing repressive laws against dissenting voices.
2. To urge Bangladesh to take effective action to end grave human rights violations, including torture, enforced disappearances and extrajudicial killings, and to ensure accountability of perpetrators and protection of victims and their families.
3. To urge the government of Bangladesh to respect freedom of expression, assembly and association.
4. To ensure that a free and fair election is conducted with the participation of all the political parties under the supervision of a non-partisan election-monitoring group.