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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

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

[30 May 2016]

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

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BANGLADESH: Effective interventions needed for protecting people's freedom of expression

Exercising the right to freedom of opinion and expression has become more challenging than ever in Bangladesh. The government uses a number of draconian laws and institutions, including the Judiciary, to silence citizens, especially human rights defenders and members of the civil society. Citizens are being imprisoned and detained for making critical comments about the Prime Minister and her family in social networking sites like Facebook. The Asian Legal Resource Centre (ALRC) once again raises the matter with the United Nations Human Rights Council, seeking its effective intervention to promote and protect these rights.

Television talk shows on private TV channels face constant scrutiny by intelligence agencies. The intelligence agencies have a list of names that the government wants to ensure do not speak on TV programmes. Journalists and newspaper editors are facing the highest number of criminal, sedition, and defamation cases in the country's history.

It is well known that the government shut down *The Daily Amaradesh* in April 2013 when the police arrested Acting Editor Mahmudur Rahman. For over three years, the Editor has been detained arbitrarily and the newspaper has remained shut. He is now facing 73 fabricated criminal cases with the government adding cases at will to keep him in detention. Most of the cases involve matters such as charges of car vandalism and arson attacks at a time when Mr. Rahman did not come out of his office for four months prior to being arrested.

Whenever the courts have granted him bail in relation to the case, the police have shown him "arrested" in another pending case. The 72nd case, which Mr. Rahman has been shown arrested by the police, is more interesting than most. The complaint shows that the alleged crime of a bomb blast occurred on a date when Mr. Rahman was already in detention for more than three weeks. And, the 73rd case is allegedly for "conspiring to abduct and kill the son of the Prime Minister in the United States". Despite the Bangladesh Government's claims of having information on a plot to abduct and kill the Prime Minister's son in the jurisdiction of the United States the US Federal Court has not accepted it as a fact as the evidences in a trial of a bribery case involving former agent of the Federal Bureau of Investigation (FBI) and a Bangladeshi origin US immigrant.

The background to this is that prior to Mr. Rahman's arrest, the newspaper, which Mr. Rahman used to edit, published a report that was based on official documents relating to various corruptions involving the son of the Prime Minister and the Prime Minister's adviser on energy and mineral resources.

In the same 73rd case, Mr. Shefik Rehman, an 82-year-old Bangladeshi origin British national, who has served as Editor of several weekly, fortnightly, and daily newspapers, has been arrested on 16 April 2016. Since the arrest, Mr. Rehman is detained in Kashipur High Security Prison; his health is deteriorating due to ill-treatment and due to lack of necessary health-care and specialised meals. Mr. Rehman, who advises the main opposition leader in Bangladesh, has been writing articles criticising the incumbent government's policies and actions.

The ALRC previously informed the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression about the arbitrary detention of Mr. Abdus Salam, Chairman of *Ekushey TV*, in a fabricated pornography case. Mr. Salam still remains in detention without having faced trial. The government facilitated the process of forcing Salam's company to handover the ownership of the TV channel to another company having close allegiance with the ruling party.

The former President of the National Press Club of Bangladesh and Editor of *Economic Times* Mr. Shawkat Mahmud was also arrested on 18 August 2015 from Dhaka. The police detained him in a case of arson. Since his arrest, the police have fabricated 23 criminal cases against him, one after another. He is arbitrarily detained in prison without any guarantee of fair trial.

The Daily Star's editor Mr. Mahfuz Anam has currently 79 cases against him for sedition and defamation as part of the governmental attempts to intimidate the media.

Furthermore, the government has recently decided to setup a centre named “Cyber Threat Detection and Response Network”. This centre is aimed to “encroach on citizens' private life” by constant monitoring of the online and social media activities of the people around the clock. The government will be able to block and shut down sites anytime.

The government has also drafted a Bill titled “Crimes of Distorting the History of Liberation War”. This law reportedly contains vague terminologies without specific definition related to the offences of “distorting history”. Facts and statistics related to the liberation war are something that is still debated in society and academia. There is serious lack of substantial documentation about the factual authenticity of the “official” and private versions of events related to the liberation war of Bangladesh. The government has itself failed to articulate and archive undisputed facts in one place for the nation to know the true history behind the emergence of the nation-state.

In the new Bill, the government has made provisions for anyone denying the “events” or distorting the events of the history or “provoking” or “assisting” anyone or “joining in the conspiracy” or taking any “initiative or effort” with anyone to commit an offence to be liable to be punished in a manner that their offence would be treated as equivalent to “sedition”, and mandating imprisonment. The police will be empowered to arrest and detain so-called offenders. This Bill has been one of the attempts by the incumbent government to curtail the freedom of opinion and expressions allowing the police to intensify the unabated abusive exercise of power.

Detaining people for Facebook posts continues in Bangladesh. For instance, the police arrested Ms. Sanjida Akter (21) from her workplace in Dhaka on 22 January 2016 for allegedly writing “humiliating comments” about the Prime Minister in an alleged “fake” Facebook account, using the name of a cameraperson of the government owned Bangladesh Television (BTV). She has been detained in prison.

In the last few years, numerous people have been detained for writing critical or satirical comments about the Prime Minister and her family. The Information and Communications Technology Act, 2006, which has been amended twice, in 2013 and in 2015, is used in detaining people for writing Facebook posts. About a dozen people have already been convicted with different jail terms from six months to seven years. Apart from fabricating cases involving violation of different laws, “contempt of court” has been used as one of the tools to silence the critics.

The members of the civil society have been constantly facing intimidation from intelligence and law-enforcement agencies. High profile politicians also publicly threaten them with dire consequences for criticising the government and dysfunctional public institutions. The Foreign Donations Regulation (Amendment) Act-2016 is being used for intimidating non-governmental organisations (NGO).

The incumbent government – which renewed its power through a fake general election by seizing 153 “unopposed” seats out of a total of 300 parliamentary constituencies, without a single vote being cast in the 5 January 2014 election – does not allow anyone to criticise the electoral system. The parliament's opposition occupies portfolios of the Cabinet while the “opposition” party's chief former military dictator General Ershad has been appointed as the “Special Envoy to the Prime Minister” with the status of Cabinet Minister.

Dr. Iftekharuzzaman, Executive Director of Transparency International-Bangladesh (TIB) has received threats from the Members of Parliament for criticising the Parliament as a “so called parliament” and terming the opposition as a “B-team of the government”. Having been annoyed with Dr. Iftekharuzzaman's remarks, the Parliamentary Standing Committee of the Ministry of Law, Justice and Parliamentary Affairs has recommended amendment of the Foreign Donations Regulation (Amendment) Act. It has been proposed that newly added provision of law should empower the government to “cease the activities of any NGO” for “insulting or derogatory remarks” on constitutional bodies like the Parliament, Judiciary, Attorney General, and Election Commission.

Even without making such legal provisions, the Government has stopped the activities of human rights organisation *Odhikar* since 2014, by freezing its bank accounts. It is globally known that the government detained *Odhikar*'s Secretary, Adilur Rahman Khan, a human rights advocate, and his colleague A.S.M. Nasiruddin Elan, in 2013, for publishing a fact-finding report on extrajudicial killing of at least 61 people in an overnight crackdown on 5 May 2013. Now, the government is again using the Anti-Corruption Commission (ACC) to harass Adilur, referring to a project funded by the European Union.

The ACC claims that it lodged a case against Mr. Adilur Rahman Khan and *Odhikar* for “money laundering”. In a notice dated 18 May 2016, the ACC asked Adilur to submit all necessary documents at 3 p.m. on 25 May 2016, by appearing before the Deputy Director of ACC in person. The government in 2014 stopped the EU funded project’s disbursement of money. As a result, the three-year project could not be fully implemented after the second year. The reports¹ of activities and financial auditing were submitted in compliance with the requirements of the EU and the Government of Bangladesh on time. There was no objection raised either by the donor or by the Government since the submission of the documents. Now, the ACC, as a tool in the hand of the government, has commenced a new phase of harassment against *Odhikar* and Adilur Rahman Khan. The ACC has refused to share details of the complaints brought against *Odhikar* when Adilur asked the officer for copies of the complaint. The ACC Deputy Director Jalal Uddin Ahammad told Adilur, “Rules do not allow sharing the documents regarding the complaint”. When asked about specifics on the exact rules, the officer did not answer the question.

It is important to note that there is no possibility to get prompt remedies from the justice mechanisms that are in place in Bangladesh. In fact, the justice system collaborates with the law-enforcement agencies and the Executive authorities in the process of silencing dissenting voices. The spree of killings of bloggers, who are being hacked to death in identical fashion across the country, shows the realities about the intent of the government and the capabilities of the justice mechanisms in administering justice.

Although Bangladesh is a long-standing Member of the Human Rights Council, it has not invited the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to visit the country, despite the request being sent by the mandate in September 2014. Given the continuously deteriorating situation the mandate should be invited to visit the country immediately, to support which, the international community needs to be insistent with Bangladesh.

The ALRC requests the Special Procedures and the Council to intervene into the situation of Bangladesh for the promotion and protection of the people’s right to freedom of opinion and expression. The UN High Commissioner for Human Rights should send a team to observe the situation on the ground and report back to the Council for further actions.

¹ Asian Human Rights Commission's Statement: BANGLADESH: Stop the reprisals against *Odhikar*