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## Human Rights Council

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Agenda item 4

Human rights situations that require the Council's attention

### **Joint written statement\* submitted by the World Organisation Against Torture, the 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.

[15 May 2017]

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

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## **BANGLADESH: Freedoms of Expression, Assembly and Association Are Under Serious Threat**

The current human rights situation in Bangladesh is catastrophic due to an absence of democracy and a lack of functional institutions, which have been aggravated by an increasingly repressive political context.

The rights to freedom of opinion and expression, freedom of peaceful assembly and of association are constantly violated while human rights defenders (HRDs) are facing systematic persecution under the present authoritarian government. Gross human rights violations as well as the promulgation of draconian laws against HRDs, teachers, bloggers, journalists and online activists, are widespread. Suppression of dissenting voices has become a regular practice due to a culture of impunity, lack of accountability and dysfunctional justice delivery mechanisms. The following issues are major concerns in relation to freedom of expression, assembly and association:

### **A. Enactment of Repressive Laws:**

On 5 October 2016, the National Parliament passed the “Foreign Donation (Voluntary Activities) Regulation Act 2016”, which creates great limitations to the work of civil and political rights organisations. The “Information and Communication Technology Act 2006 (amended 2009, 2013)” and the “Special Powers Act 1974” continue to be used as a tool to judicially harass those critical of the government. Those criticizing or commenting against the high-ups in the government or their family members, especially on Facebook, are often arrested under sedition charges. .

In 2016, the government drafted several repressive bills, which, if passed will severely violate the civil and political rights of Bangladeshi people. The Ministry of Information drafted a ‘National Broadcasting Act’, including sanctions such as imprisonment and monetary fines for violations of provisions contained in such Act as well as of orders or directives of the National Broadcasting Commission.<sup>1</sup> A draft of the ‘Distortion of the History of Bangladesh Liberation War Crimes Act’ is currently under review. It considers misinterpretation or disrespect to any documents relating to the liberation war and/or the denial of “incidents” occurred between March 1 and March 25, 1971, a crime. There is no explanation what would be an “incident” and what would be a ‘distortion’<sup>2</sup>. The Press Council finalised the draft of a Bill for a “Press Council (amendment) Act, 2016” incorporating provisions for stopping the publication of any newspaper or media for a maximum of three days or for a 500,000 taka fine, if the media and news agencies contravene any decision or Order of the Press Council.

### **B. Freedom of Opinion and Expression:**

The right to freedom of opinion and expression in Bangladesh is under serious threat due to the government control over the media, especially the electronic media. Journalists constantly face reprisals such as threats, physical attacks, arrests, persecution and detention and abuse in remand, in violation of Article 39<sup>3</sup> of the Bangladesh Constitution and of Article 19 of the ICCPR. In February 2017, a correspondent of the daily Samakal and HRDs, associated with Odhikar,

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<sup>1</sup> According to the draft, violations of any rules or provisions of this law will result in a sentence of up to three months imprisonment and at least five hundred thousand taka fine or both. If violations of this Act continue the accused person will be fined up to one hundred thousand taka per day. It is also mentioned in the draft law that if someone broadcasts in violation of this law, he will be fined up to 100 million taka. Such fine can be recovered by an administrative order. The Act also states that if anyone is harmed by an administrative order, he/she will not be able to seek legal recourse.

<sup>2</sup> According to section 6(1) of the proposed Act, “if anybody was instigated or abetted in or engaged in conspiracy with someone or took any initiative or attempt, that person will be punished as per the law. Anyone will be able to file a case under this Act. Violations of any section of this law will result in a sentence of up to five years imprisonment and ten million taka fine. Furthermore, cases filed under this Act will be investigated and prosecuted in a short and specified period of time.

<sup>3</sup> Article 39: (1) Freedom of thought and conscience is guaranteed. (2) Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence– (a) the right of every citizen to freedom of speech and expression; and (b) freedom of the press, are guaranteed.

Abdul Hakim Shimul was shot dead by a Municipality Mayor and ruling party leader while he was covering an incident of political violence.<sup>4</sup> According to Odhikar, from January 2016 to April 2017, one journalist was killed, 60 were injured, 16 were threatened, 18 were assaulted and 33 were sued. Besides these heinous attacks on journalists and HRDs, attempts to silence dissenting voices through legal, administrative, and judicial means continue. No measures have been taken by the government to prevent and/or investigate any of these events.

From January 2016 to April 2017, Odhikar documented 48 cases of people arrested under the “Information and Communication Technology Act 2006 (amended 2009, 2013)” for expressing their opinion, including on social media - a trend that shows that the government is severely repressing those critics of the government.

A few emblematic cases of the repression of free expression and of the judicial harassment of journalists and HRDs include: **Mahmudur Rahman**, the Acting Editor of the Daily Amar Desh, who was arrested on 11 April 2013 and spent 1322 days in arbitrary detention until his release on bail on 24 November 2016.<sup>5</sup> Despite his release on bail, Mahmudur Rahman is still facing prosecution under 81 cases, mainly for defamation and sedition. **Shafik Rehman**, 81-year-old author and journalist, who was arrested on 16 April 2016 by plain clothed police officers without a warrant. He was eventually charged with “conspiring to abduct and assassinate” Prime Minister Sheikh Hasina’s son, and was repeatedly denied bail despite his advanced age and frail medical condition. He was finally freed from jail on 6 September 2016.<sup>6</sup> **Mahfuz Anam**, Editor of *The Daily Star*, is facing 82 cases of sedition and defamation for having published reports in 2007 that accused the incumbent Prime Minister Sheikh Hasina of corruption. On 11 April 2016, the High Court stayed the proceedings of 72 of the cases filed against him for three months, later extended to June 2017; the High Court stayed the remaining 10 cases on 13 June 2016. **Shaukat Mahmud**, Editor of *Weekly Economic Times* and President of the Bangladesh Federal Union of Journalists, was arrested on 18 August 2015 and spent nearly a year in arbitrary detention charged with 24 fabricated criminal cases of arson and vandalism. On 22 June 2016 he was finally released on bail on order of the High Court. His case is still under investigation.

### C. Freedom of Peaceful Assembly and of Association:

The rights to freedom of assembly and association continue to be severely curtailed by the government, in violation of Article 37 of the Bangladesh Constitution and Articles 21 and 22 of the ICCPR. Several meetings and rallies organised by the opposition political parties and civil society organisations in 2016 and in the first four months of 2017 were disrupted by ruling party activists and members of the law enforcement agencies<sup>7</sup>. In many cases, leaders and activists of the ruling party, including the student and youth wings of Awami League attacked rallies and assemblies of the opposition parties along with the members of the law enforcement agencies.<sup>8</sup>

The right to access funding is an integral part of the right to freedom of association, which in Bangladesh, is restricted in various ways, including through the use of the “Foreign Donation (Voluntary Activities) Regulation Act 2016” against human rights organisations, including Odhikar. The NGO Affairs Bureau (NGOAB), which is under the Prime Minister’s Office, has, for the last three years, barred the release of all project-related funds to Odhikar and withheld renewal of its registration in order to stop its human rights activities.

### D. Recommendations:

Odhikar and OMCT call for the UN Human Rights Council to:

1. *Urge the Government of Bangladesh to take effective action to ensure a safe and enabling environment for HRDs and to stop judicial harassment against dissenting voices.*

<sup>4</sup> ‘Bullet-hit journalist dies in Sirajganj’ New Age, 04/02/2017, <http://www.newagebd.net/article/8386/bullet-hit-journalist-dies-in-sirajganj>

<sup>5</sup> For more information see <https://www.fidh.org/en/issues/human-rights-defenders/bangladesh-mahmudur-rahman-finally-freed-after-more-than-three-years>

<sup>6</sup> <http://www.thedailystar.net/backpage/shafik-rehman-out-bail-1281874>

<sup>7</sup> “Police order bus to plough through Rampal protest march in Mirpur” Dhaka Tribune, 26/01/2017, <http://www.dhakatribune.com/bangladesh/2017/jan/26/cops-order-bus-plough-through-rampal-protest-march-mirpur>

<sup>8</sup> For details, please see Odhikar’s monthly human rights reports, [www.odhikar.org](http://www.odhikar.org)

2. *Urge the Government of Bangladesh to repeal all repressive laws and legal provisions contravening the Constitution of Bangladesh and international Conventions and Treaties.*
  3. *Urge the Government of Bangladesh to respect and ensure the rights to freedom of expression, assembly and association of all citizens.*
  4. *Support the restoration of democracy and the rule of law in Bangladesh by ensuring that a free and fair election is held under a neutral government and under the supervision of the United Nations.*
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