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Human rights situations that require the Council's attention

Joint written statement* submitted by Asian Legal Resource Centre, CIVICUS - World Alliance for Citizen Participation, non-governmental organizations in general consultative status, World Organisation Against Torture, Asian Forum for Human Rights and Development, Robert F. Kennedy Center for Justice and 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.

[7 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Bangladesh: Serious Human Rights Violations Must End

The undersigned organisations wish to draw the Human Rights Council's attention to the escalating human rights violations perpetrated by the Bangladesh government. For decades, torture, ill-treatment, extrajudicial killings, enforced disappearances, along with detention and harassment of human rights defenders (HRDs) and journalists have been a part of the modus operandi of law enforcement in Bangladesh.

Culture of Impunity for Torture and Extra-Judicial Killings

Human rights abuses by security forces, including enforced disappearances, extrajudicial killings, and torture, remain pervasive throughout the country, taking place in an environment of absolute impunity. In a 2019 report the OMCT and its partner highlighted more than 300 reported torture incidents in a nine-year span. [1]

The elite force Rapid Action Battalion (RAB) is particularly notorious for widespread abuses. UN human rights experts have voiced concerns about allegations that members of the unit engaged in torture, enforced disappearances, and other human rights violations. [2] The RAB is operating de facto outside the control of any civilian and judicial authority rendering the prospect of accountability illusory. Trade-offs between the government and the RAB and the suppression of dissenting voices in order to gain or remain in power in a politically difficult environment are some of the root causes for torture and the ensuing impunity.

On 10 December 2021, the United States of America government designated the RAB as a "foreign entity that is responsible for or complicit in, or has directly or indirectly engaged in, serious human rights abuse," under the Global Magnitsky Human Rights Accountability Act. The United States of America Treasury Department subsequently imposed sanctions on six current and former commanders of the RAB while the United States of America State Department imposed visa restrictions against two former commanders of the RAB. These sanctions have reignited calls for the UN to ban RAB members from deployment in peacekeeping operations. In response to these sanctions, the Bangladeshi government has intensified reprisals against human rights defenders, victims of human rights violations, and their families. In the past month alone, the police have been appearing unannounced to the homes of families of victims of enforced disappearances, to coerce them into signing blank papers or pre-written statements to the effect that their relative had gone missing and the family had hidden that information. Some relatives have faced repeated visits and questioning by the authorities and have been taken to the police station at night for several hours of questioning. These family members have continued to live in a cycle of fear without justice.

Human Rights Defenders and Journalists Under Attack

In recent years, the government passed several laws that limit the work of HRDs and are used to silence government critics, journalists, lawyers, and political opponents. The Foreign Donation (Voluntary Activities) Regulation Act 2016 enables government officials to inspect, monitor, and evaluate the activities of NGOs and their members, and requires anyone receiving foreign contributions to get approval from the NGO Affairs Bureau. As a result, many organisations have had to close down or stop their activities.

The Information and Communication Technology Act 2006 (amended 2009 and 2013) (ICT Act) has been used to suppress and silence activists, journalists, and government critics, leading to tainted convictions for publishing or transmitting defamatory or false information, with a view to prejudicing the state or hurting religious sentiments or causing a deterioration of law and order. This is irrespective of the veracity of the information or the public interest in such information being published or transmitted.

Similarly, the Digital Security Act (DSA), enacted in 2018, has vague provisions criminalising legitimate forms of expression. The UN Special Rapporteurs on freedom of expression and on the situation of HRDs have noted that the sections in the DSA are vague in defining categories of speech and gives the Bangladeshi government broad discretion to unduly penalize individuals for holding or sharing personal opinions. Law enforcement

agencies have been using the DSA to penalize people for social media posts that are critical of the government or public officials. More than 1,000 people have been charged under the DSA since its enactment and have been subjected to a wide range of human rights violations including enforced disappearance, detention, and torture simply for exercising their right to freedom of expression. For instance, in February 2021, writer and blogger Mushtaq Ahmed died in prison after languishing there for 10 months without trial solely for criticising the government's response to the Covid-19 pandemic. On 17 January 2022, a court in Mymensingh district charged Mohammad Abdul Kaium, a member of Odhikar HRDs Network, under the DSA for documenting cases of enforced disappearances, extrajudicial killings, and other human rights violations. He is facing up to five years in jail.

Instead of taking steps toward reform and addressing rampant human rights violations, the Bangladesh government systematically cracks down on victims' families, HRDs, and journalists who speak out against violations.

The police have also launched investigations against human rights activists and journalists in exile. To investigate Mohammad Ashrafuzzaman, exiled Hong Kong, China-based Liaison Officer at the Asian Human Rights Commission, an officer from the police's intelligence agency visited the home of Ashrafuzzaman's family in the district town of Jashore in 2021. His relatives and friends confirmed that the police questioned them about his personal and professional information and collected information and addresses of other members of his extended family.

This recent intensification of reprisals following the sanction designations comes at a time of already worrisome and frequent persecution of human rights defenders, journalists, and dissidents, who often face reprisals in the form of arbitrary detention, torture, and acts of harassment, including physical and digital surveillance, intimidation, and trumped-up charges. Peaceful rallies or demonstrations are also often met with the use of excessive force by the authorities.

The Bangladesh government has notably continued to prosecute Odhikar's Secretary Adilur Rahman Khan and Director ASM Nasiruddin Elan in a trumped-up cyber crime case at the Cyber Tribunal of Dhaka, in a further attempt to sanction and silence their human rights activities. The case was filed against the two in relation to a fact-finding report issued by Odhikar documenting extrajudicial killings by security forces and law enforcement agencies during a protest in May 2013. Heightened surveillance by plain clothed men on motorbikes in front of the home of Adilur Rahman Khan since the United States of America sanctions against the RAB has raised great concerns over the personal safety of the human rights advocate.

Recommendations

We urge the Human Rights Council to call on the Government of Bangladesh to:

- Immediately put an end to any extrajudicial killings, torture, and arbitrary arrest, and hold perpetrators accountable for these acts;
- Immediately put an end to all acts of harassment against HRDs and ensure in all circumstances that they are able to carry out their legitimate activities without any hindrance and fear of reprisals;
- Release all arbitrarily detained HRDs as well as all individuals detained solely for expressing critical or dissenting views;
- Review and amend the ICT Act, the Foreign Donation (Voluntary Activities) Regulation Act and the DSA in accordance with international standards;
- Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights instruments ratified by Bangladesh.

Advocacy Forum - Nepal; Asian Federation Against Involuntary Disappearances (AFAD); Capital Punishment Justice Project (CPJP); Commission for the Disappeared and Victims of Violence (KontraS); Cross Cultural Foundation; Human Rights Organization of Nepal (HURON); Spravedlivost; SUARAM Malaysia; Youth for Human Rights Documentation (YHRD), NGO(s) without consultative status, also share the views expressed in this statement.

[1] OMCT and Odhikar, Cycle of Fear. Combating Impunity for torture and Strengthening the Rule of Law in Bangladesh, 2019.

[2] See CAT Concluding Observations UN Doc. CAT/C/BGD/CO/, August 2019; UN High Commissioner for Human Rights Michelle Bachelet statement, March 1, 2021; UN Doc. A/HRC/WGEID/125/1, December 6, 2021.