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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 ODHIKAR - Coalition for Human Rights, a non-governmental organization 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.

[30 May 2023]

* Issued as received, in the language of submission only.



Bangladesh: Rights to Freedom of Expression and Peaceful Assembly Must Be Ensured by Repealing Repressive Laws and Policies

ODHIKAR – Coalition for Human Rights draws the special attention of the Human Rights Council and UN human rights monitoring mechanisms regarding violation of rights to freedom of expression, peaceful assembly and of association, and systematic harassment and intimidation against human rights defenders (HRDs), journalists, and violent crackdowns on political opposition and dissidents by Bangladeshi authorities using repressive laws, excessive force, and lethal weapons. Attacks on peaceful rallies of the opposition political parties and dissenting voices, violating right to freedom of peaceful assembly, and making arbitrary arrests and detentions followed by torture and extrajudicial killings in Bangladesh have become of grave concern.

Restrictions and interference from the government and members of the ruling party in the freedom of expression and media is highly visible. Bangladeshi authorities are imposing the repressive Digital Security Act (DSA), 2018 on citizens to curb freedom of expression. The DSA is increasingly being used to suppress expressions of dissent on social media, websites and other digital platforms. The authorities have targeted critics of the government on the pretext that they have made false, offensive, derogatory or defamatory statements online. Meanwhile the government has bought advanced surveillance technology from an Israeli company, Wispear1 to monitor citizens, thus violating right to privacy in personal and other communications which are protected under Article 43 of the Constitution of the People's Republic of Bangladesh.

Most of the media in Bangladesh are under the control of the government or government-backed individuals. As a result, objective and impartial news dissemination is now disrupted. Due to the lack of freedom of expression, people use alternative media, including Facebook, to express their views and share news/information. However, the government is suppressing dissidents and creating an environment of fear by taking the freedom of media away through enforcement of draconian laws and policies.

According to Odhikar, from January to March 2023, 54 journalists were injured, 17 were assaulted, two was arrested and eight were threatened over the carrying out of their professional duties, while a total of 27 people were arrested under the Digital Security Act, 2018 for criticizing the Prime Minister, high-ranking persons of the government and/or their family members; and for posting 'provocative' religious comments.

The police arrested Prothom Alo's staff reporter Shamsuzzaman Shams on 29 March at around 4:00 am from his residence at Savar, for publishing "false and fabricated" news in Prothom Alo regarding price hikes, on 26 March. The police also seized a laptop, two cell phones and a portable hard disk used by Shamsuzzaman. A case was filed against him under the Digital Security Act. After 30 hours of detention on 30 March, Shamsuzzaman was brought to court by the police. On 3 April, Shamsuzzaman was granted bail from the court in a case filed with Ramna Police Station under the DSA.²

In Bangladesh, the government and ruling party members continue to persecute the relatives of Bangladeshi bloggers, human rights activists and journalists, who are living abroad or are in exile. On 17 March 2023, Mahinur Ahmed Khan, the brother of journalist Zulkarnain Saer Khan³ living in Europe, was attacked by four unidentified men with iron rods and sticks in front of his house in the West Sheorapara area of Mirpur, Dhaka.

Civil society organisations (CSOs) and human rights defenders have repeatedly been raising concerns over the abuse of the DSA. On 31 March 2023, United Nations High Commissioner for Human Rights, Volker Türk said in a statement that the Digital Security Act is being used to arrest, harass and intimidate journalists and human rights defenders across Bangladesh, and to suppress the voices of online critics. He called on the authorities to immediately suspend its application of the DSA and bring necessary amendments to its provisions to bring the law in line with international human rights law.⁴

The incumbent Awami League government continues to suppress opposition parties and dissidents by curtailing their right to freedom of assembly.

The current government has made it mandatory to obtain police permission for organising a rally or procession and even indoor meetings, which is a violation of Article 37 of the Constitution of Bangladesh. Between January and May 2023, the government attacked peaceful meetings and processions of BNP and other opposition political parties and organisations, using law enforcement agencies and its student and youth wings. In many cases, the police and the ruling Awami League leaders jointly carried out these attacks.

The government carried out a massive crackdown on the leaders and activists of the opposition political parties (especially BNP and Jamaat-e-Islami) using false and fictitious cases as its weapons. Members of the law enforcement agencies have filed cases against thousands of opposition party leaders and activists.⁵ The ruling Awami League has created an atmosphere of conflict across the country by announcing programmes on the same day and at the same venue and time as the BNP.⁶ The ruling party members set up guard on the streets and create obstacles for the leaders and activists of the opposition party on the way to the meetings and attacked and injured them on their way back.⁷ On 11 February 2023, 15 people were shot when police opened fire on BNP leaders and activists in Satgram Union under Araihaaj Upazila in Narayanganj during the BNP rally at Ward and Union level across the country.⁸

On 26 March 2023, during the Independence Day of Bangladesh, the police blocked and arrested opposition party leaders and activists while they were going to the Martyr's memorial to pay tribute. Police carried out a raid the night before the programme and arrested BNP leaders and activists on false charges.⁹

On 19 May 2023, at least 15 BNP leaders and activists sustained bullet injuries, in police firing during a clash with BNP over holding a pre-scheduled rally of the party in front of Khulna Press Club in the city. It was learnt that police opened fire on them, charged at them with batons and used tear-gas to dismantle the rally.¹⁰

It has been reported that Opposition political activists and dissidents are seeking refuge abroad due to the widespread political repression in the country. In 2022, about 34,000 Bangladeshi citizens applied for asylum in EU countries.¹¹

Recommendations:

Odhikar calls on the UN Human Rights Council to:

1. Pressurise the Bangladesh government to end the crackdown on people's right to freedom of expression, cease interference with media and repeal all repressive laws, including the Special Powers Act, 1974, the Information and Communication Technology Act, 2006 and the Digital Security Act, 2018
2. Urge Bangladesh to refrain from political and judicial harassment against journalists, human rights defenders and civil society activists.
3. Pressurise Bangladeshi authorities to adopt and/or amend laws and policies where applicable in compliance with international human rights law and standards.
4. Urge Bangladesh to allow the Special Rapporteur on the Rights to Freedom of Opinion and Expression and the Rights to Freedom of Peaceful Assembly and of Association for a country visit.
5. Urge Bangladesh to continue constructive cooperation with the UN human rights mechanisms to protect and promote human rights.

1. Haaretz, 10 January 2023; <https://www.haaretz.com/israel-news/security-aviation/2023-01-10/ty-article/.premium/israeli-spy-tech-sold-to-bangladesh-despite-dismal-human-rights-record/00000185-9692-d16a-a987-f6b75dd00000>, The Times of Israel, 10 January 2023; <https://www.timesofisrael.com/israeli-owned-firms-reportedly-selling-spyware-to-bangladesh-with-no-oversight>

2. Daily Star, 9 April 2023; <https://www.thedailystar.net/news/bangladesh/news/prothom-alo-reporter-shams-gets-bail-another-dsa-case-3292716>
3. Zulqarnain Saer Khan is an investigative journalist lives in exile in the United Kingdom of Great Britain and Northern Ireland. where he works as a researcher with Qatari broadcaster Al-Jazeera's investigative unit, recently published investigative reports on alleged corruption by government officials with the ruling Awami League party, favouritism and human rights abuses and the country's expanding surveillance apparatus.
4. OHCHR, 23 March 2023; <https://www.ohchr.org/en/press-releases/2023/03/bangladesh-turk-urges-immediate-suspension-digital-security-act-media>
5. Jugantor, 13 February 2023; <https://www.jugantor.com/todays-paper/last-page/644535>
6. New Age, 15 February 2023; <https://www.newagebd.net/article/194476/>
7. Jugantor, 12 February 2023; <https://www.jugantor.com/country-news/644447/>
8. Narayanganj Post, 12 February 2023; <https://www.narayanganjpost.com/english/politics/news/355>
9. Prothom Alo, 11 February 2023; <https://www.prothomalo.com/bangladesh/district/chxvkrpxjd> and Naya Diganta, 11 February 2023; <https://www.dailynayadiganta.com/khulna/727039/>
10. The Business Post, 19 May 2023; <https://businesspostbd.com/national/bnp-police-clash-leaves-at-least-30-injured-in-khulna>
11. New Age, 28 February 2023; <https://www.newagebd.net/article/195597/34000-bangladeshis-among-1-million-asylum-seekers-in-eu-in-2022>