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**Submission by:** Front Line Defenders – the International Foundation for the Protection of Human Rights Defenders

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Front Line Defenders ([www.frontlinedefenders.org](http://www.frontlinedefenders.org)) is an international NGO based in Ireland with special consultative status with the Economic and Social Council of the United Nations (ECOSOC). Founded in 2001, Front Line Defenders has particular expertise on the issue of security and protection of human rights defenders and works to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998.

The following submission has been prepared by Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders based on research carried out by this organisation and information received from independent human rights defenders in Bangladesh from May 2013 to September 2017, as well as from two missions to Bangladesh undertaken by Front Line Defenders staff in August 2016 and September 2017.

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### Summary of main concerns

1. Human rights defenders (HRDs) in Bangladesh faced killing, abduction, physical attack, judicial harassment, arbitrary arrest, fabricated charges and various other forms of intimidation and harassment. Local extremist groups pledging allegiance to Al-Qaeda in the Indian Subcontinent often claimed responsibility for attacks targeting HRDs, especially those working on women's rights, indigenous peoples' rights, freedom of religion, and other human rights issues. The government failed to properly investigate a majority of murders of HRDs and the level of impunity remained a serious concern.

2. Despite these risks, there was no impetus on the part of the government to address the protection needs of HRDs. The National Human Rights Commission had neither a specific mandate nor mechanism to provide protection to HRDs, while the Bangladeshi authorities often criminalised their work and resorted on several occasions to "victim-blaming" when responding to attacks on HRDs.

### Developments since last UPR

3. During its previous UPR in May 2013, Bangladesh received one recommendation relating to HRDs made by Norway, which called on the state to "step up its efforts to ensure that HRDs are protected and allowed to conduct their work without hindrance, intimidation or harassment, both at the national and local level". Although Bangladesh accepted this recommendation, the four years subsequent to the review demonstrated that the Bangladeshi authorities failed to fulfil their responsibility to protect HRDs.

4. Between May 2013 and October 2017, Front Line Defenders documented 15 killings of HRDs. The organisation also received reports of numerous other killings of HRDs during the period. What began in 2013 as an assault on bloggers sharing secular views and criticising the influence of fundamental Islam on Bangladeshi politics, transitioned into a lethal environment for HRDs advocating for human rights-related reforms to which those pushing a fundamentalist Islamic agenda were opposed.

### Killings of HRDs

5. Between February 2013 and September 2017, at least 15 HRDs and activists were murdered in Bangladesh.

6. On 2 February 2017, [Abdul Hakim Shimul](#) was reporting on a clash between two factions of the local Awami League in Shahzadpur, Sirajganj district, Rajshahi division. The HRD was taking photos of the clash and when he followed protesters to the residence of the mayor of Shahzadpur municipality, the mayor emerged with a shotgun and opened fire. During the shooting, the mayor noticed Abdul Hakim Shimul documenting the incident and subsequently shot the HRD. He was hit by several bullets and died on 3 February 2017 while being transported to Dhaka to receive medical treatment.<sup>1</sup> Bucking the trend of impunity, the mayor, Halimul Haque Miru, was subsequently arrested and at the time of writing remained in detention.

7. On 25 April 2016, LGBTI rights defenders [Xulhaz Mannan](#) and [Mahbub Tonoy](#) were killed by a group of unidentified men in their apartment in Dhaka. Mannan and Tonoy were prominent LGBTI rights defenders involved with Roopbaan, Bangladesh's first LGBTI magazine, launched in 2014.

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1 <https://www.frontlinedefenders.org/en/case/abdul-hakim-shimul-killed>

The magazine promoted wider tolerance of people of diverse sexual orientations. The week prior to his murder, Mannan reported to his friends that he was receiving an increased volume of threatening phone calls, including death threats, and that he expected to be attacked in the near future. He did not report the threats because of the ongoing police persecution of LGBTI rights defenders.<sup>2</sup> Over a year after the murder of the two HRDs, police had yet to send their investigative report to the prosecutor and failed to meet deadlines set by Dhaka Metropolitan Magistrate more than fifteen times.<sup>3</sup> In April 2017, Xulhaz Mannan's family stated that they had not been interviewed by any authority investigating the case.

8. On 7 August 2015, a group of men murdered HRD and blogger **Niloy Chatterjee**, (known by his pen name, Niloy Neel) with machetes in his Dhaka home. Neel was a prominent writer on gender equality on the online platform Mukto-Mona. He wrote about human rights, secularism, and dangers that fundamental Islam posed to advancements in women's rights in Bangladesh. He was a vocal critic of the killings of HRDs and writers in Bangladesh since 2013, and attended many of the protests demanding justice after each killing. Neel reported to the police that he was being followed and that he had received death threats in the months prior to his killing. More than two years after Niloy Neel's murder, although eight suspects were arrested, the investigation team had yet to submit its initial report, and no charge sheet was ever filed against the suspects.

### **Impact of the killings on HRDs, public speech and civil society**

9. The government's failure to condemn strongly and consistently the attacks on HRDs had a severe and wide-reaching impact on Bangladeshi civil society. The wave of killings left a widespread climate of fear within the human rights community, which led many HRDs to seek relocation elsewhere.

10. HRDs unable or unwilling to leave the country – especially those named on “hit lists” published by the Islamist militant group Ansarullah Bangla Team – reduced their public activism and writings in both print and online forums.

11. The killings of HRDs and the subsequent government inaction also led to the disintegration of activist networks and loss of community trust. In particular, HRDs working for LGBTI rights, labour rights, and those who use blogs to raise awareness of violations reported significantly decreasing or entirely ending their communications with fellow HRDs. Many LGBTI rights defenders deleted their social media profiles and changed their phone numbers after the attack on Xulhaz Mannan, severing most ties between the community. Interactions between HRDs and some locally-operating international organisations were also affected.<sup>4</sup>

### **Physical attacks and abductions targeting HRDs**

12. Physical attacks against HRDs while they were attending peaceful protests – both by members of law enforcement agencies and by thugs affiliated with the ruling party – were rampant in the period under review. Investigations into the attacks remained for most of them at a stalemate. In the rare cases where suspects were identified, they tended not to be formally charged.

13. On 5 July 2014, HRDs conducting a fact-finding mission on behalf of the **International Chittagong Hill Tracts Commission (CHTC)** were attacked in their vehicle in Rangamati. Around 50 people threw stones and bricks at the CHTC members' vehicle. CHTC researcher **Ikira Dewan** was struck in the head and was later hospitalised. Dr **Iftexhar Zaman**, the Executive Director of

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2 <https://www.frontlinedefenders.org/en/case/case-history-xulhaz-mannan>

3 <https://bdnews24.com/bangladesh/2017/08/17/investigation-report-on-bangladesh-lgbt-rights-activist-xulhaz-murder-delayed>

4 <https://www.frontlinedefenders.org/en/statement-report/victim-blaming-bangladesh%E2%80%99s-failure-protect-human-rights-defenders>

**Transparency International Bangladesh** and **Sara Hossain**, a lawyer and honorary Executive Director of **Bangladesh Legal Aid and Services Trust** received minor injuries.

14. On 16 April 2014, unidentified men abducted **Abu Bakar Siddique**, husband of **Syeda Rizwana Hasan**, a renowned environmental rights defender, while travelling with his driver from Narayanganj to Dhaka. He was released by his abductors the next day, unharmed, but it is suspected that the abduction was in retaliation for the WHRD's environmental protection work as the Executive Director of the **Bangladeshi Environmental Lawyer's Association** (BELA), especially her campaigns in relation to ship dismantling companies.

15. On 25 July 2013, the Executive Director of the **Subornogram Foundation**, **Shahed Kayes**, was travelling with two other members of the Foundation when he was intercepted by a group of unknown individuals, who then abducted and physically assaulted him in an attempt to kill him. The HRD sustained multiple stab wounds to his neck and left shoulder before being rescued. He was targeted due to his peaceful activism against illegal sand mining near Myadip and Nunertek islands, for which he had been threatened in the past.

### **Threats and harassment**

16. HRDs received threatening telephone calls, text messages, notes left on their vehicles, private messages on Facebook, and public comments on their blogs and Facebook posts. In addition to receiving threats from what appear to be non-state actors – often Islamist militant groups linked to either Al-Qaeda or the Islamic State – HRDs also reported receiving threats and harassment from government officials.

17. On 2 June 2017, WHRD **Sultana Kamal** was publicly threatened with arrest, exile and violence by radical group Hefazat-e-Islam Dhaka City Committee, which wilfully misrepresented the comments she made during a talk show broadcast on the private news channel News 24. Hefazat Vice President, Junayed Al- Habib, further stated that “we will break every bone in [her] body.” Triggered by the threat made by Hefazat, Sultana received various other threats, including on social media. One person posted a photo of Sultana which was edited to make it look like she was being hanged.

18. On 13 October 2016, environmental rights defender **Anu Muhammad** received death threats on his phone referring to his campaigning against the Rampal power plant project in Sundarbans, Khulna, southern Bangladesh. The first one stated “Death keeps no calendar, and Ansatullah knows no time!”. The second one said “Say 'yes' to Rampal, otherwise, you must will be hacked to death incredibly by us!”. The term Ansatullah in the first message appears to refer to Ansarullah, which is an Islamic extremist group in Bangladesh that was responsible for the murder of secular activists, bloggers and publishers.<sup>5</sup>

### **Authorities' failure to protect HRDs**

19. In the face of threats targeting HRDs, the Bangladeshi police routinely refused or ignored requests for protection. In many of the killings mentioned above, the HRDs had previously received death threats which had been reported to, but not addressed by, the police.

20. Upon trying to file complaints, HRDs were instructed to visit other precincts, where their reports were also refused to be accepted. Police told several HRDs, including those who were subsequently attacked and killed, to “just leave the country” when they tried to file a complaint and request protection. Others were told “we can't help you, you're a blogger.”

21. Meanwhile, the Bangladeshi authorities' response to the wave of violent attacks against HRDs reflected a troubling unwillingness to condemn the killings. Statements from senior government

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5 <https://www.frontlinedefenders.org/en/case/death-threats-against-anu-muhammad>

officials, including the Prime Minister, often at best seemed indifferent to the plight of secular activists, and at worst amounted to blaming the victims themselves for their own deaths.

### **Judicial harassment**

22. Instead of providing adequate protection to threatened HRDs and investigating the attacks targeting them, the authorities repeatedly criminalised their work.

23. On 13 June 2017, Manikganj Judge, Mahbubur Rahman, filed a case under section 57 of the Information and Communication Technology (ICT) Act against HRD **Golam Mujtaba Dhruba**, for an article he published on 11 June 2017 concerning abuse of power committed by local judge Mahbubur Rahman. In his case report, the judge claimed that the journalist had manipulated the facts and threatened him over the phone.<sup>6</sup>

24. On 13 March 2017, HRD and executive director of **Rights Jessore, Binay Krishno Mallick**, was picked up by a dozen policemen from his home in Jessore town and taken to a police station, where a forgery case was filed against him. Earlier that day, he had held a press conference during which he alleged that the district superintendent of police was harassing him and his family members over a protest movement he was involved in concerning the destruction of homes from a piece of land leased from the government. He was released on bail the next day but the charges are still pending.<sup>7</sup>

### **Restrictions on freedom of assembly and movement**

25. HRDs and NGOs faced serious restrictions from both state and non-state actors on their right to peacefully gather and do their work.

26. On 17 August 2017, HRDs and members of progressive group **Ganajagaran Mancha** were attacked with sticks and bricks as they were taking part in a human-chain protest to demand that the authorities strengthen relief activities in flood-affected districts. They were also collecting donations for flood victims.<sup>8</sup>

27. On 13 April 2016, a day before the LGBTI rights march “Rainbow Rally” was to take place in Dhaka for the third consecutive year, the event was banned by the authorities due to security concerns following threats by extremist groups<sup>9</sup>.

28. On 16 August 2015, the Ministry of Housing and Public Works issued an order to all local administrations stating that “[...] some organisations are using public places to hold meetings using banners carrying the unconstitutional word ‘Indigenous’”. The order instructed the local administration to remain careful when granting permission to organisations willing to hold meetings in public places, thus impacting the right to free assembly of groups working on indigenous rights.<sup>10</sup>

### **HRDs in the midst of the Rohingya humanitarian crisis**

29. On 7 September 2017, Burmese photojournalists **Minzayar Oo** and **Hkun Lat** were arrested by the police in Cox’s Bazar where they were documenting the dire conditions in which hundreds of thousand Rohingya lived after they fled violence in Rakhine state. They were taken to Dhaka for interrogation and accused of violating immigration laws and gathering secret information. A court granted them bail on 23 September 2017 but the charges have not been dropped.<sup>11</sup>

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6 <https://www.frontlinedefenders.org/en/case/golam-mujtaba-dhruba-prosecuted-under-information-and-communication-technology-act>

7 <https://www.frontlinedefenders.org/en/case/judicial-harassment-binay-krishno-mallick>

8 <http://bdnews24.com/bangladesh/2017/08/18/imran-h-sarker-other-ganajagaran-activists-attacked-at-shahbagh>

9 <https://www.frontlinedefenders.org/en/case/case-history-xulhaz-mannan>

10 Kapaeeng Foundation, Human Rights Report 2015 on Indigenous Peoples in Bangladesh <http://dtp.unsw.edu.au/sites/default/files/John%20Tripura.pdf>

11 <https://rsf.org/en/news/two-burmese-journalists-arrested-bangladesh-while-covering-rohingya-exodus>

30. This arrest had a chilling effect on HRDs documenting the situation of Rohingya refugees and caused a certain amount of self-censorship on the issue. Bangladeshi authorities also issued regulations forbidding people to transport or shelter migrants, which puts HRDs and NGOs at risk of judicial harassment.

31. Meanwhile, because of the laws preventing international NGOs from taking part in the relief efforts, local human rights organisations temporarily put aside some of their core activities to focus on helping refugees and providing basic services in the makeshift camps along the border with Myanmar.

### **Legal framework**

32. Restrictive legislation further imperils the work of HRDs in Bangladesh.

33. The **Information and Communication Technology (ICT) Act** of 2006, amended in 2013, limits freedom of opinion and expression using vague terminology to criminalise publishing information online that “hurts religious sentiment”, “creates possibility to deteriorate law and order,” or prejudices “the image of the State”. The Act is ambiguous as to what constitutes an offence, giving judges extensive powers of interpretation. The 2013 amendments notably increased the maximum sentence from 10 to 14 years for offences under section 57, relating to “publishing fake, obscene or defaming information”, added a minimum sentence of seven years and allowed police to make arrests without a warrant of those accused.

34. Section 57 was repeatedly used as a way to restrict freedom of expression for HRDs and journalists, as censorship of digital content and surveillance of telecommunications and social media became increasingly common.

35. Faced with the criticisms surrounding section 57 of the ICT Act and calls to repeal it, Bangladeshi lawmakers drafted the **2016 Digital Security Act**, intended to address the need for cybercrime legislation. More than a year after the draft was approved, it had not been enacted, but the draft includes several worrying provisions for HRDs. It would confer excessive powers on the police without judicial oversight, provide for disproportionate sentences, including lengthy imprisonment, and introduce an unnecessary number of computer-related offences. Moreover, the language used in the draft is broad and confusing, which could lead to discretionary interpretations.

36. On 5 October 2016, the Parliament of Bangladesh passed the **Foreign Donations (Voluntary Activities) Regulation Act**, which restricted the space for HRDs and NGOs in Bangladesh and limited their ability to operate and secure resources. According to the Act, any foreign funded NGO which engaged in “anti-state activities” or made “inimical” or “derogatory” comments about the Constitution and constitutional institutions of Bangladesh would be considered offenders. The terms “inimical” and “derogatory” are undefined and offences can result in de-registration of the NGO in question (articles 6, 19 and 22).

### **Recommendations**

37. Front Line Defenders calls upon the member states of the UN Human Rights Council to urge the Bangladeshi government to prioritise the protection of HRDs and in doing so:

- 1. Ensure that investigation into cases of killings, abduction attempts, physical attacks and threats against HRDs are effective, impartial, and prompt;**
- 2. Fully guarantee the exercise of the right to freedom of peaceful assembly, and ensure that public events and gatherings organised by human rights groups are not disrupted;**
- 3. Review restrictive laws including the Information and Communication Technology Act, the Foreign Donations Regulation Act and the draft Digital Security Act with a view**

**to ensuring their full compliance with international human rights law and that they are not used against the legitimate work carried out by HRDs;**

**4. Cease judicial harassment of HRDs and ensure that all HRDs are able to carry out their legitimate human rights activities free from arbitrary arrest and judicial harassment;**

**5. Accept and fully implement the UPR recommendations on HRDs in a transparent and participatory manner with full involvement of HRDs at all levels;**

**6. Ensure full respect of the International Covenant on Civil and Political Rights and the UN Declaration on Human Rights Defenders, including in particular the right to freedom of expression, association and assembly.**

**7. Ensure that HRDs are given adequate protection through domestic mechanisms and allowed to conduct their work without hindrance, intimidation or harassment.**