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BANGLADESH: HOLD A FULL INVESTIGATION INTO THE MURDER OF INDIGENOUS HUMAN RIGHTS DEFENDER MITHUN CHAKMA

Amnesty International calls on the Bangladesh authorities to hold a rigorous investigation, without delay, into the murder of Indigenous human rights defender, Mithun Chakma, and ensure that any persons against whom credible evidence exists are prosecuted in accordance with international standards of due process.

Mithun was fatally shot on 3 January 2018 in Sadar Upazila of Khagrachhari District, while returning home from a court appearance.

Mithun was an Indigenous rights campaigner from the Chittagong Hill Tracts, known for denouncing human rights violations against Indigenous peoples. He was detained without charge on 12 July 2016, where he remained for three months until he was released on bail on 18 October 2016.

Following his release, Mithun was informed of 10 other criminal cases against him. Some of these cases were brought under the Information and Communication Technology (ICT) Act 2006, a law which allows for undue restrictions on the right to freedom of expression, for example by limiting discussion on social media of human rights violations by government agencies. Evidence presented included screenshots of his online activism, such as published articles and tweets.

Among other allegations, Mithun was accused of publishing false information against the government, using social media to provoke extremist organisations to incite violence and break the law and order in the region, and illegal assembly. Claims also included accusations of violence, such as throwing stones at cars and injuring and threatening government officials. Mithun disputed these allegations, many of which were not substantiated by evidence. None of these cases resulted in a conviction.

Due to the volume of cases, Mithun was appearing before the court on a regular basis, which restricted his ability to carry out his Indigenous rights campaigning.

Amnesty is concerned that such cases contribute to a climate in which human rights defenders are afraid to speak out about human rights abuses in Bangladesh. Mithun's murder reinforces concerns about the serious threat that human rights defenders face when exercising their right to freedom of expression in Bangladesh.

Amnesty International reported on this growing threat to freedom of expression in an April 2017 report: [Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh](#).¹

The report found that, since 2013, there have been a number of fatal and near-fatal attacks against Indigenous and secular activists.

The response of Bangladeshi authorities to this wave of violence has been troubling. In a number of cases, perpetrators have not been held to account and senior government officials have failed to condemn the killings. Many activists who approached police after receiving death threats were rebuffed when seeking assistance. The police, for example, did not respond when Niloy Neel, a secular blogger, asked for protection just days before he was murdered.

Mithun's detention in October 2016 was ordered under section 57 of the ICT Act, which criminalises any person who publishes material in electronic form that causes harm to law and order, prejudices the image of the State or a person, or causes hurt to religious sentiment.

The punishment for this crime was previously a maximum of 10 years imprisonment. However, an amendment to this section in 2013 increased the possible sentence to 14 years. The amendment also allowed people to be arrested without a warrant, as was the case for Mithun.

Amnesty is aware that the government plans to repeal section 57 of the ICT Act and replace it with a new Digital Security Act. However, there is concern that draft provisions in this Act will continue to allow authorities to criminalise and punish freedom of expression.

In line with recommendations in the [Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh](#) report, Amnesty International is calling on politicians in Bangladesh to repeal and remove all laws that violate the rights to freedom of expression, peaceful assembly and association, and ensure that bills currently being considered for adoption into law are amended to be brought in line with international human rights law and standards.

Background

Bangladesh has an obligation under international human rights law to ensure the right to freedom of expression. Article 19 of the International Covenant on Civil and Political Rights, to which Bangladesh is a state party, states that this right includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, through any media of a person's choice.

Any restrictions placed on the exercise of this right are permissible only if they are provided by law and demonstrably necessary and proportionate for the purpose of protecting specified public interests (national security, public order, or public health or morals) or the rights or reputations of others.

¹ Amnesty International, *Caught Between Fear and Repression: Attacks on Freedom of Expression in Bangladesh* (Index: ASA 13/6114/2017)

In their [Concluding Observations on the initial report of Bangladesh](#)², the United Nations Human Rights Committee expressed concern about limitations on the rights of bloggers and human rights defenders to exercise their right to freedom of opinion, expression and association in Bangladesh.

In particular, they noted concern about the “lack of police protection, registration of complaints, investigations and prosecutions for incidents of violent killings of “secular bloggers” by extremist groups, as well as death threats, physical attacks, intimidation and harassment of journalists, bloggers and human rights defenders”.³

The Committee also expressed concern about the arrest of human rights defenders in 2016 ‘under the Information and Communication Technology (ICT) Act of 2006 (amended in 2013), a de facto blasphemy law that limits freedom of opinion and expression using vague and overbroad terminology to criminalize publishing information online, that “hurts religious sentiment” and information that prejudices “the image of the State” with a punishment of 7 to 14 years’.⁴

The Committee recommended that Bangladesh immediately undertake a number of measures to protect the rights of bloggers and human rights defenders.

The measures outlined include protection from unlawful killings, physical attacks and harassment; ensuring that police and officials receive adequate training regarding the protection of human rights defenders; registering complaints and thoroughly investigating all attacks on the life, physical integrity and dignity of these persons, bringing perpetrators to justice and providing victims with appropriate remedies.⁵

The Committee also recommended that laws such as the ICT Act be repealed or revised with a view that they conform to the International Covenant on Civil and Political Rights. In particular, the Committee noted that Bangladesh should “clarify the vague, broad and open-ended definition of key terms in these laws and ensure that they are not used as tools to curtail freedom of expression beyond the narrow restrictions permitted in article 19 of the Covenant”.⁶

² United Nations Human Rights Committee, *Concluding observations on the initial report of Bangladesh*, 2017

³ *Ibid.*, paragraph 27.(a)

⁴ *Ibid.*, paragraph 27.(b)

⁵ *Ibid.*, paragraph 28.(a)

⁶ *Ibid.*, paragraph 28.(b)