

# **AMNESTY INTERNATIONAL PUBLIC STATEMENT**

Index: ASA 13/001/2015  
20 January 2015

## **BANGLADESH: HUMAN RIGHTS DETERIORATE AS POLITICAL VIOLENCE ESCALATES**

The human rights situation in Bangladesh continues to deteriorate as the government and opposition supporters have battled each other in the streets of Dhaka and other major cities in the past three weeks.

Street violence continues to claim lives and lead to injuries, against the background of an opposition-imposed blockade on transportation. At the same time, several senior members of the opposition with no proven link to the violence have been detained on accusation of instigating it. Harassment of media editors and executives covering stories not favoured by the authorities continues, while security forces have announced their intention to open fire on anyone suspected of carrying a bomb.

Meanwhile, in yet another manifestation of the current repressive climate for human rights in Bangladesh, the International Crimes Tribunal (ICT) appears to be using contempt of court convictions in a way that shrinks the space for freedom of expression.<sup>1</sup>

Amnesty International is urging the Government of Bangladesh to:

- Carry out thorough and impartial investigations into all instances of arson attacks and killings and bring those responsible to justice in fair trials;
- Release anyone detained solely for exercising their rights to freedom of expression or peaceful assembly;
- Ensure that law enforcement officials do not use excessive or unnecessary force and that where force is used, that force is in accordance with international standards;
- Ensure that all the institutions of the state abide by the human rights obligations to which Bangladesh has committed.

More detailed recommendations and the incidents that they relate to can be seen in the sections that follow.

### **BACKGROUND**

Violations of the rights to freedom of expression and peaceful assembly are occurring in the context of a long standing conflict between the governing Awami League party, led by Prime Minister Sheikh Hasina, and the opposition Bangladesh Nationalist Party (BNP), led by Begum Khaleda Zia. Both leaders have alternated in government since the early 1990s.

The current BNP street protests relate to last year's 5 January elections, which it had boycotted. The party had demanded that the elections must be held under a caretaker government as they had since 1996. The government responded that with the changes to the constitution, a caretaker government was not possible and offered to hold elections under an interim all-party government headed by Prime Minister Sheikh Hasina. The BNP rejected the offer. Consequently, the Awami League and its allies won the majority of seats in the elections, more than half of them uncontested.

This year, the BNP announced plans for protest rallies from 5 January to mark its opposition to the outcome of those elections, calling on the government to resign and for new elections to take place. Government supporters also began preparing for counter rallies.

Police banned all rallies, saying this was to prevent violent clashes between government and opposition supporters. In response, the BNP called on its supporters to observe an indefinite nationwide blockade on cars and buses until the ban was lifted.

In addition, police cordoned off the office the BNP leader, Begum Khaleda Zia for more than two weeks from 3 January.

### **ARSON ATTACKS**

More than 100 vehicles and buses have been set on fire since 5 January when the opposition declared a transport blockade, with the government and opposition blaming each other for the violence. Unidentified people have hurled bombs at cars or buses, before fleeing the scene. Scores of people have been injured and more than a dozen killed in these arson attacks. Among the dead were four people whose bus was travelling from Kurigram to Dhaka when doused with petrol and set on fire on 13 January. Six other passengers in that bus were reportedly injured in the attack and needed hospital treatment. A similar attack on a bus on 19 January caused severe burn injuries to at least two women after a petrol bomb was hurled at it in Rajshahi.

While most of the arson incidents appear to be connected to opposition protests, in at least two incidents opposition politicians have been the targets of the attacks. In one incident the car belonging to Sabihuddin Ahmed, an advisor to the BNP leader, was set on fire on 10 January by unidentified men as he was attending a meeting with the BNP chairperson, Begum Khaleda Zia.

In another incident on 13 January, three unidentified men were seen to attack the car belonging to Reaz Rahman, another advisor to the BNP leader. He was reported to have been hit by bullets and is undergoing hospital treatment for that and other injuries.

Authorities have not launched impartial and thorough investigations into these attacks; instead, they have simply put the blame on opposition leaders and supporters.

### **KILLINGS**

At least 27 people have died during clashes between government and opposition

supporters, arson attacks, or from shooting by security forces. At least two people were reported killed on 7 January when police opened fire on BNP supporters in the southern district of Noakhali.

Amnesty International is calling upon the government to launch a thorough inquiry into all killings during the protests and to bring those responsible to justice in fair trials without recourse to the death penalty.

During the current upheavals, the Border Guards Bangladesh (BGB), a security force deployed to maintain law and order, announced their intention to open fire on anyone carrying a petrol bomb.

International standards require law enforcement officials to use firearms only as a last resort and only when strictly necessary to protect themselves or others against the imminent threat of death or serious injury. The use of force by law enforcement officials must comply with the principles of necessity and proportionality even in exceptional circumstances, including internal political instability or other public emergency.

Law enforcement tasks must always be carried out in a way that ensures full respect for the right to life, liberty and security of all persons, including those suspected of crime. The use of force by state officials must strictly adhere to the safeguards set out in the *UN Code of Conduct for Law Enforcement Officials* (1979) and the *UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (1990).

Amnesty International is calling on the Bangladeshi authorities to ensure that law enforcement officials do not use excessive and unnecessary force and that where force is used, it is used in accordance with international standards.

The authorities must also thoroughly and independently investigate all cases of suspected unlawful killings and other excessive use of force or firearms resulting in death or serious injury, especially those committed during the current political violence

## **FREEDOM OF EXPRESSION UNDER CONTINUED ATTACK**

The detention of the chairman of a TV channel on 6 January has raised concern over the shrinking space for freedom of expression and freedom of peaceful assembly.

Abdus Salam, chairman of Bangladeshi TV channel Ekushey TV, was detained on 6 January under the Pornography Act on the accusation that the TV station had aired a programme in 2014 concerning prostitution, in which blurred images of some women were briefly shown. A few months after the show was aired, a woman filed a complaint alleging that the programme had damaged her reputation. While no sign of police action came to light following her complaint, police officials later arrested Abdus Salam on the grounds that he had allowed the programme to be aired.

Ekushey TV has been airing extensive footage of the opposition BNP activities during the party's recent protests. Newspaper reports suggest his arrest may have been motivated to deter the channel from further reporting on opposition activity.

A separate newspaper report quoting government sources said on 6 January that the TV channel might also face legal action under the Information and Communication Technology Act for giving too much coverage to “a person wanted in over a dozen cases, including criminal ones,” in reference to Tarique Rahman, a BNP leader residing in London who had featured regularly in Ekushey TV broadcasts.

Amnesty International has frequently highlighted the shrinking of space for freedom of expression in Bangladesh in recent years. Newspapers and TV editors have been under severe pressure not to publish or broadcast the views of government critics. Those leaning towards the opposition parties are often obstructed from taking part in talk shows.

Amnesty International considers the detention of Abdus Salam to be solely for the exercise of his right to freedom of expression and is calling on the government to release him immediately and unconditionally.

### **DETENTION OF OPPOSITION LEADERS**

Opposition leaders have been detained arbitrarily in what appears to be solely for the peaceful exercise of their right to freedom of assembly. Detective Branch of Police took Mirza Fakhru Islam Alamgir, BNP's Acting Secretary General, into custody on 6 January. He had gone to the Dhaka Press Club on the previous day to attend a public gathering organized by his party. However, fearing arrest after scuffles began between pro and anti-BNP activists in the vicinity of the Press Club, he decided to stay inside. He was arrested shortly after leaving the club.

A police official said he had been detained on charges of involvement in the arson attacks carried out against a number of buses in the past few days, allegedly carried out by opposition supporters. This accusation resembles similar charges the police had filed against him in the past. He was detained twice in 2013 during the BNP's anti-government protests, and was accused on the grounds that as a high-ranking official of the party he should bear responsibility for any act of violence by the BNP supporters. Police have brought no evidence against him and the accusations remain unresolved.

On 8 January 2015, another BNP leader, Shamsheer Mobin Chowdhury, was arrested at his home in Dhaka. The charges against him were that he had been involved in an attack on an Awami League MP on 24 December 2014, as well as involvement in arson attacks. His family said they have clear evidence showing he was not at the scene of any of the alleged attacks. He had also been detained on charges of involvement in arson attacks during last year's BNP protest rallies, but the case against him too remains unresolved.

Neither Mirza Fakhru Islam Alamgir nor Shamsheer Mobin Chowdhury are known to have advocated or engaged in violent events.

The latest charge against them once again appears to be politically motivated, a pretext for the authorities to keep them in detention and out of contact with their party. Their detentions appear to have come about solely because of their position as leading members of the opposition.

Amnesty International considers the detention of Mirza Fakhru Islam Alamgir and Shamsher Mobin Chowdhury to be on the basis of their political belief and association and is calling for their immediate and unconditional release.

The Government of Bangladesh must demonstrate its commitment to international human rights law by ensuring that no one is arbitrarily detained, harassed or intimidated for exercising their right to freedom of assembly or freedom of expression.

## **CONTEMPT OF COURT CONVICTIONS**

The narrow space for freedom of expression also seems to be shrinking in a separate context, as the International Crimes Tribunal (ICT) appears to be using contempt of court convictions in an attempt to silence criticism.

This relates especially to the ICT's reaction against those expressing concern for the contempt of court conviction of David Bergman by the ICT.

David Bergman was sentenced on 2 December 2014 to a symbolic "simple imprisonment till the rising of the court" and a fine of Taka 5,000 (about US\$56) for comments he made in three separate blog postings regarding legal proceedings before the ICT.

Concerns about Bergman's conviction have been widely expressed by people inside and outside Bangladesh. Last December, Amnesty International, Human Rights Watch, and the International Commission of Jurists jointly stated: "The December 2 conviction of journalist David Bergman on contempt charges by Bangladesh's International Crimes Tribunal (ICT) further shrinks the narrowing space for observers to comment on the war crimes proceedings."

A letter signed by nearly 50 individuals in Bangladesh, published in the newspaper *Prothom Alo*, also expressed "deep concern about the use of contempt of court law to curb freedom of expression" and at the recent conviction and sentencing of journalist David Bergman on charges of contempt of court.

On 14 January, in response to the publication of the letter, the registrar of the ICT told reporters that all those who expressed their concern about the contempt of court conviction of David Bergman should "clarify their statement by January 27".

The ICT's order as published on their website states:

"It has come to our [Tribunal-2] notice that The Daily *Prothom Alo* [20 December 2014] and The New York Times [Editorial, 23 December 2014] have published a news item and 'Editorial' respectively over the order dated 02 December 2014 punishing David Bergman for the offence of contempt.

"1. Taking those into suo moto notice we have perused the alleged news item published in The Daily *Prothom Alo* [20 December 2014] and the 'Editorial' published in the New York Times [23 December 2014]. Prima facie the news item and the editorial in question seem to have been based on misconception and exceeding limit

of recognised norms.”<sup>2</sup>

The ICT has said that so far the editor of Bangladeshi newspaper *Prothom Alo* has submitted a copy of the statement to the tribunal, and Dr Shahdeen Malik, whose name appears at the top of the statement, and Hana Shams Ahmed who emailed the statement to *Prothom Alo*, have been asked to provide the addresses of signatories.

Furthermore, the ICT stated that:

“12. The way the makers to the ‘statement’ have expressed their concern on the matter arising out of the order convicting David Bergman for the offence of contempt prima facie appears to have tended to belittle the authority and institutional dignity of the Tribunal in the mind of public which goes against ‘public interest’.”<sup>3</sup>

Amnesty International is alarmed by this development as it unlawfully restricts freedom of expression. As a state party to the International Covenant on Civil and Political Rights (ICCPR), all of Bangladesh’s branches of governmental authority, including the judiciary, must respect and protect freedom of expression. Any restrictions must be necessary and strictly proportionate to protect national security, public order, public health, morals, or the rights of others – none of which were at stake in Bergman’s blogs or in the concerns raised by the signatories of the above letter.

---

<sup>1</sup> The International Crimes Tribunal is a Bangladesh court that tries people accused of mass human rights abuses during the 1971 independence war.

<sup>2</sup> ICT BD (ICT-2) Miscellaneous case No.04 of 2014

Order No.01, Dated: 28.12.2014 <http://ict-bd.org/ict2/Order%202/Order%2001.pdf>

<sup>3</sup> Order No.04; Dated 14.1.2015 <http://ict-bd.org/ict2/Order%203/Order%20No.4%20dt%2014.1.pdf>