



## **FORUM-ASIA and ANFREL concerned about human rights violations and lack of conducive environment for free and fair elections in Bangladesh**

The Asian Forum for Human Rights and Development (FORUM-ASIA), with the participation of the Asian Network for Free Elections (ANFREL), conducted a fact-finding mission in Dhaka, Bangladesh from 7-10 September 2018. In light of the testimonies and data gathered during the mission, we express our utmost concern about the deterioration of human rights and the lack of a conducive environment for free and fair elections in the country.

The following issues indicate how human rights, fundamental freedoms and democratic space are under unprecedented attack in Bangladesh.

Violation of the right to freedom of peaceful assembly:

- The excessive use of force against peaceful protesters calling for a reform of the [quota system](#) for civil service jobs and [road safety](#) in the country was a blatant violation of Bangladeshi people's right to peaceful assembly and express dissent.
- More than 100 people, majority students, have been arrested between 29 July and 15 August as at least 52 cases were filed in different police stations. 5,000 unnamed people were accused for causing violence during the road safety protests.<sup>1</sup>

Violation of the right to freedom of expression:

- The right to freedom of expression is systematically curtailed by the Information Communication and Technology (ICT) Act, in particular by its vague Section 57<sup>2</sup>.
- The recent [unlawful arrest](#) of well-known photographer and social activist Shahidul Alam under Section 57 showcases the lack of free safe space for expressing opinions or criticisms towards the Government both online and offline.<sup>3</sup>
- As of 31 August 2018, a total of 128 persons have been arrested under the ICT Act. In August 2018 alone, 23 persons have been arrested for spreading alleged false and confusing information on Facebook and other social media during the safe road movement protests.<sup>4</sup>
- The replacement of the ICT Act with a [Digital Security Bill 2018](#) poses additional concerns, due to the broader nature of its provisions and disproportionate sentences.<sup>5</sup>

Violation of the right to life:

- 367 cases of extrajudicial killings have been recorded from January to August 2018, mainly committed by the Police and the Rapid Action Battalion (RAB). From 01 January 2009 to 31 August 2018, a total of 1822 persons have been extra-judicially killed. 228 persons have been extra-judicially killed in the context of a war on drugs started in May this year.<sup>6</sup>

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<sup>1</sup> <http://www.newagebd.net/article/48495/100-students-arrested-5000-unnamed-prosecuted-in-52-cases-in-dhaka>

<sup>2</sup> Under this section the publishing of any material in electronic format that 'causes the deterioration of law and order, prejudices the image of the state or person; or causes to hurt religious beliefs' can be punished with minimum of 7 up to a maximum of 14 years imprisonment, without any possibility to get bail.

<sup>3</sup> Shahidul was arrested hours after posting on Facebook a video of the ongoing [protests](#) in Dhaka calling for road safety, and criticizing the Government and the police's handling of the protests in an [interview with Al Jazeera](#).

<sup>4</sup> Data provided by [Odhikar](#) as of 31 August 2018.

<sup>5</sup> Specific concerns are raised in this open letter published on 24 April 2018, <https://www.forum-asia.org/?p=26203>

<sup>6</sup> Data provided by [Odhikar](#) as of 31 August 2018.

- As of 31 August 2018, 27 persons disappeared allegedly by state agencies, while 442 persons are reported disappeared since 2009. Among them there also high profile civil servants, like former Bangladeshi diplomat [Maroof Zaman](#), missing since 4 December 2017.<sup>7</sup>

#### Crackdown on dissent and civic space:

- The combination of judicial harassment, extrajudicial killings and enforced disappearances is nurturing a climate of fear in the country. As a result, civil society organisations, human rights defenders, journalists and members of the opposition are particularly under threat.
- By blocking access to financial resources, legal harassments, surveillance and intimidations by different agencies, civic space is increasingly shrinking. Intimidations such as the one against SHUJAN's Secretary Badiul Alam Majumdar, whose house was [attacked](#) on 4 August 2018, exemplify the climate of fear that human rights defenders deal with in Bangladesh.

#### Independence of democratic institutions:

- The integrity of democratic institutions is cumulatively compromised, as we recorded a widespread deficit trust towards their independence and fairness. The case of Chief Justice Surendra Kumar Sinha, reportedly forced to leave the country in October 2017, casts shadow on the independency of the judiciary and the functioning of democracy in the country.
- Serious concerns were raised during the mission by civil society and media about the independence of the Election Commission and the existence of a conducive environment for free and fair elections.

Noting the systematic violation of fundamental freedoms and rights, the shrinking of civic space and suppression of dissent, and the lack of independence of democratic institutions, we call upon:

#### The Government of Bangladesh to:

- Repeal the draconian Section 57 of the ICT Act and ensure that the Digital Security Bill is in line with international human rights laws and standards;
- Release all protesters who have been arbitrarily detained for exercising their human rights, including photographer Shahidul Alam, and drop all charges against them;
- Carry out prompt, impartial, independent and efficient investigations into all complaints and reports of excessive use of force by the police as well as state-sponsored vigilantes against protesters and journalists;
- End the climate of impunity and promptly investigate all cases of extrajudicial killings and enforced disappearances, establish independent committee to investigate these violations, and cease the deadly anti-narcotics campaign;
- Stop the repression against any form of peaceful dissent and opposition;
- Hand over power to a neutral caretaker government mandated to hold free and fair elections within 90 days from assuming power.

#### The Election Commission to:

- Ensure its impartiality, restore people's faith in the electoral process by closely monitoring the campaign and election period, and ensure that the upcoming elections are free and fair;
- Follow advices from independent experts and civil society and refrain from using electronic voting machines (EVMs) in the upcoming 11<sup>th</sup> parliamentary election without a proper testing period, adequate preparation and security checks;

#### The National Human Rights Commission to:

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<sup>7</sup> Data provided by [Odhikar](#) as of 31 August 2018.

- Recommend to the Government of Bangladesh to respect, protect and promote fundamental freedoms, including right to freedom of peaceful assembly, association and expression;
- Support civil society's efforts in publicly raising concerns and awareness about human rights violations in the country, in particular crackdown on protests, extra-judicially killings and enforced disappearances.

The international community:

- Continue to regularly address and highlight human rights concerns through international mechanisms such as Universal Periodic Review and treaty bodies, and support calls for a conducive environment for free and fair elections.
- Office of the High Commissioner for Human Rights, and relevant UN Special Procedure mandate holders should closely monitor and report to the UN Human Rights Council on the deteriorating human rights situation in Bangladesh, in particular, in the context of the upcoming General Elections.
- We believe that South Asian countries, and India in particular, have a strategic role to play. We call upon them to support the promotion and protection of human rights and democracy in Bangladesh.

**For more information, please contact:**

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