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**Submission by:** Front Line Defenders – The International Foundation for the  
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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 namely '[Crushing Student Protests: Bangladesh's Repression of the Quota Reform & Road Safety Movements](#)' in 2020 and '[Digital Security Act: A Hanging Sword on Human Rights Defenders in Bangladesh](#)' in 2022 and also information received from independent human rights defenders in Bangladesh.

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## Introduction

1. This submission focuses on the restrictions, threats, and challenges faced by human rights defenders (HRDs) in Bangladesh since the country's third UPR in May 2018.
2. HRDs in Bangladesh continue to face mass surveillance, physical attacks, judicial harassment, arbitrary arrest and various other forms of intimidation and harassment.
3. Despite these risks, there has been inadequate action on the part of the government to address the protection needs of HRDs and the Bangladeshi authorities often carry out or abet smear campaigns and stigmatization against HRDs.

## Developments since the last UPR

4. During the third cycle of UPR, Bangladesh received a total of 251 recommendations. Among the 178 accepted (supported) recommendations, the most notable pertaining to HRDs were on: freedom of expression and review of legislation that is inconsistent with international human rights standards;<sup>1</sup> a safe space for all political actors; repealing restrictive legislation affecting journalists, HRDs and civil society organizations;<sup>2</sup> and investigations to hold to account those attacking HRDs.<sup>3</sup> Although Bangladesh accepted these recommendations, almost five years after the review the Bangladeshi authorities have failed to fulfil their responsibility to protect HRDs, instead continuing the trend of penalizing HRDs for their legitimate work.

5. On the other hand, Bangladesh rejected (noted) 73 recommendations on critical issues. Most prominent regarding HRDs were on the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance,<sup>4</sup> implementation of the standing invitation to UN special procedures,<sup>5</sup> a positive response to pending requests by UN special procedures,<sup>6</sup> and to repeal all laws and policies that restrict the activities and rights of its citizens and civil society organizations, including the Information and Communication Technology Act of 2006 and the Foreign Donations Regulation Act of 2016.

## Judicial harassment of HRDs - Digital Security Act and other draconian laws

6. During the last UPR cycle, Bangladesh accepted the recommendation to review and redraft the Digital Security Act (DSA) in accordance with the right to online freedom of expression.<sup>7</sup> The DSA criminalizes many forms of freedom of expression, and imposes heavy fines and prison sentences for legitimate forms of dissent. It gives the government

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1. A/HRC/39/12, 147.68, (Ireland), A/HRC/39/12/, 148.13 (Mexico). A/HRC/39/12/, 148.3, (Australia),

2. A/HRC/39/12, 147.71, (Switzerland), A/HRC/39/12, 147.7, (Latvia)

3. A/HRC/39/12, 147.89, (Slovakia), A/HRC/39/12, 147.86, (Ireland), A/HRC/39/12, 147.77, (Netherlands).

4. A/HRC/39/12, 149.6, (Greece),

5. A/HRC/39/12, 149.1, (Czechia)

6. A/HRC/39/12, 149.20, (Latvia)

7. A/HRC/39/12/Add.1, 148.14 (Norway) and A/HRC/39/12/Add.1, 148.14 (Sweden), A/HRC/39/12/, 147.70, (France), A/HRC/39/12/, 147.69 (Estonia).

absolute power to initiate investigations against anyone whose activities are considered a 'threat' by giving law enforcement agencies the ability to arrest without a warrant, simply on suspicion that a crime has been committed through the use of social media. The Center for Governance Studies documented 1257 cases prosecuted under the DSA from 8 October, 2018 to 28 January, 2023.<sup>8</sup> The prime target of the DSA cases are journalists and HRDs.

7. Since the DSA came into force in October 2018, it has been used by law enforcement and members of the ruling party, the Bangladesh Awami League (AL) to stifle dissent. HRDs targeted by judicial complaints filed by AL party members, have been taken into police custody, and reportedly have been tortured or even killed.<sup>9</sup> In some occasions, the accused HRDs were pressured to give up writing or activism in exchange for withdrawing the charges. In most cases, the complainant worked in collusion with law enforcement agencies. Family members and colleagues of the accused HRDs endured intimidation by law enforcement agencies and/or AL party members;

8. On 1 June 2020, the government took the decision to close 25 state-owned jute mills that employed about 73,000 workers, which led to protests by workers. On 26 February 2021, the police arrested **Ruhul Amin**,<sup>10</sup> one of the key organizers of the protest movement under the DSA for his Facebook post protesting the death of writer Mushtaq Ahmed in custody (who had also been accused under the DSA). He was kept handcuffed in the prison and his health deteriorated markedly. After being denied bail twice, he was finally released on bail on 19 April 2021. Ruhul Amin remains under constant surveillance.

9. **Shahnewaz Chowdhury**,<sup>11</sup> an engineer and environmental HRD, was charged under the DSA after he posted on Facebook about the environmental damage caused by the construction of a coal power plant at Banshkhali, Chattogram. On 28 May 2021, Shahnewaz was arrested and accused of spreading "hate, instability and chaos" by publishing offensive and false information on Facebook.<sup>12</sup> After being held in jail for almost three months, Shahnewaz Chowdhury was released on bail on 16 August 2021. As a result of the case and detention, he lost his job, his business was shut down. Shahnewaz continues to face economic hardship due to the costs of defending the case. He lives in constant fear and has reduced his use of social media and other activism. On 30 October 2021, the police submitted a charge sheet against him; his trial is ongoing as of April 2022.

10. Jahangirnagar University student **Mumitul Mimma**<sup>13</sup> was targeted by the university administration and the ruling party student wing – Bangladesh Chatra (Students) League

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8 Center for Governance Studies, "DSA Tracker", <https://freedominfo.net/>

9 Front Line Defenders, "Digital Security Act: A hanging sword on human right defenders in Bangladesh" January 2022 [https://www.frontlinedefenders.org/sites/default/files/dsa\\_report.pdf](https://www.frontlinedefenders.org/sites/default/files/dsa_report.pdf); "Shahidul Alam falsely charged and tortured" August 2018 <https://www.frontlinedefenders.org/en/case/shahidul-alam-falsely-charged-and-tortured>

10 Front Line Defenders, 'Digital Security Act: A Hanging Sword on Human Rights Defenders in Bangladesh', February 2022, [https://www.frontlinedefenders.org/sites/default/files/dsa\\_report.pdf](https://www.frontlinedefenders.org/sites/default/files/dsa_report.pdf).

11 Ibid.

12 Al Jazeera "UN accuses Bangladesh of suppressing environmental activism", October 2022 <https://www.aljazeera.com/news/2022/10/4/bangladeshs-security-act-supresses-environmental-activism-un>

13 Supra note 10.

(BCL) - for her active role in different protest movements in the university. In October and November 2019, when protests against the Vice Chancellor were at their peak (for alleged corruption), Mimma was sued under the DSA, which had a chilling effect on fellow student protesters. A local ruling party leader filed the case at Ashulia police station on 9 November 2019. After being in hiding for 10 days, Mimitul Mimma surrendered at the High Court on 18 November 2019 and received bail. Mimitul Mimma was bombarded with online bullying and attacks, including vulgar and sexist comments; her study was hampered; and she faced many problems finding a job. At present, she lives in constant fear and ongoing surveillance. She has reduced her use of social media and other activism, while her case still ongoing.

11. Other laws have also been used against HRDs. On 23 January 2023, HRD and journalist **Raghunath Kha**<sup>14</sup> was detained by police dressed in civilian clothes near the Day Night College area. He was then officially arrested at the Debhata Police Station, in Satkhira, seven hours after his arrest, and charged in two distinct cases. The HRD had been dealing with a land rights issue in the Khalishakhali area of Satkhira district. The police charged Raghunath in two distinct cases.<sup>15</sup> On 29 January 2023, he was released on bail and his cases are ongoing.

12. On 17 May 2021, woman human rights defender (WHRD) and journalist **Rozina Islam**<sup>16</sup> was arrested at the Secretariat of the Ministry of Health in Dhaka, in connection with a case filed by the Health Ministry.<sup>17</sup> Prior to Rozina Islam being handed over to the Shahbagh police, she was detained for five hours at the Secretariat of the Health Ministry and accused of taking photos of important official documents. She was ordered by the court to be detained and held in pretrial detention from May 2021 until she was released on bail on 23 May 2021. On 23 January 2023, a Dhaka court directed Police Bureau of Investigation (PBI) to further investigate the cases against her.

### **Death in Custody, torture, cruel, inhuman or degrading treatment (CIDT) and conditions of detention for HRDs**

13. Several states made recommendations on the conditions of detention which were accepted by Bangladesh in the last cycle. Notable recommendations focused on implementing the past accepted recommendations in the second cycle on extrajudicial

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14 Front Line Defenders, 'Human rights defender and journalist Raghunath Kha released on bail after being subjected to torture', February 2023, <https://www.frontlinedefenders.org/en/case/human-rights-defender-and-journalist-raghunath-kha-released-bail-after-being-subjected-torture>.

15 He was charged under Sections 15(3) and 25 D of the Special Powers Act 1974, Sections 3, 4, and 6 of the Explosives Substances Act 1908, and under Sections 385 and 448 of the Penal Code 1860.

16 Front Line Defenders, 'Court orders further investigation into Rozina Islam cases', January 2023, <https://www.frontlinedefenders.org/en/case/court-orders-further-investigation-rozina-islam-cases>.

17 She was charged under sections 379 and 411 of the Penal Code, which relate to theft and possession of items of theft; and sections 3 and 5 of the Official Secrets Act of 1923, which relate to 'disclosing information, documents or other articles relating to international relations' and 'disclosure of information, documents or other articles protected from disclosure', respectively.

executions, enforced disappearances, and torture,<sup>18</sup> and to ensure effective protection of HRDs,<sup>19</sup> and enhance efforts to uphold fundamental freedoms.<sup>20</sup> However, the cases of arbitrary detention and torture and CIDT against HRDs remain a concern in Bangladesh.

14. On 29 September 2021, Rohingya HRD **Mohib Ullah**<sup>21</sup> was killed by unidentified individuals in Kutupalong camp in Cox's Bazar, Bangladesh. Mohib Ullah arrived at his office in the Kutupalong camp around 8:30 PM when three armed individuals attacked him. The HRD sustained at least three gunshot injuries to his chest and was pronounced dead by the doctors after being taken to Kutupalong MSF Hospital. The police arrested a number of people in connection with the killing. The trial started on 11 September 2022 but has not made any significant progress, while the main accused individual has died in prison.<sup>22</sup>

15. Writer and HRD **Mushtaq Ahmed**<sup>23</sup> was arrested alongside cartoonist Ahmed Kabir Kishore,<sup>24</sup> in May 2020. Mushtaq had published an article criticising the shortage of personal protective equipment for healthcare workers and had shared Kishore's cartoons about corruption in the government's response to COVID-19. They were arrested by the Rapid Action Battalion (RAB) in Dhaka and held incommunicado for hours. Following a social media outcry, the RAB officially handed them over to police. They were repeatedly denied bail. On the evening of 25 February 2021, Mushtaq was taken to the jail hospital due to a medical emergency and was pronounced dead later that day. His family members alleged that Mushtaq died because of torture in custody. Kishore confirmed that both he and Mushtaq were tortured in custody. Kishore was released on bail on 3 March 2022 and was directly hospitalised.

### **Physical attacks, torture and intimidation of HRDs**

16. Physical attacks against HRDs while they were attending peaceful protests – both by members of law enforcement agencies, and by thugs affiliated with the AL party – were rampant in the period under review. Investigations into the attacks were mostly stalled and failed to make progress.

17. During the road safety movement in July-August 2018, school students protesting on road safety in the wake of several road accident deaths were brutally beaten by AL party members wearing helmets and carrying iron rods. On 5 August 2018 police arrested

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18 A/HRC/39/12, 147.8, (France).

19 A/HRC/39/12, 148.12, (Italy), A/HRC/39/12, 147.80, (Republic of Korea).

20 A/HRC/39/12, 147.44, (Nigeria).

21 Front Line Defenders, 'Rohingya human rights defender Mohib Ullah killed', September 2021, <https://www.frontlinedefenders.org/en/case/rohingya-human-rights-defender-mohib-ullah-killed>

22 Dhaka Tribune, "Rohingya leader Mohib Ullah murder accused dies in Chittagong jail", September 2022, <https://www.dhakatribune.com/rohingya-crisis/2022/09/18/rohingya-leader-mohib-ullah-murder-accused-dies-in-chittagong-jail>

23 Supra note 10.

24 Supra note 10.

hundreds of students, civilians and acclaimed photojournalist **Shahidul Alam**.<sup>25</sup> Shahidul was tortured in custody and eventually released on bail on 20 November 2018. His trial is still ongoing.

18. On 26 January 2023, environmental WHRD **Syeda Rizwana Hasan**<sup>26</sup> and her team were attacked when their vehicles were pelted with stones. The events took place on their visit to the Lake City residential area of Chattogram, a site where the hills have been razed for a housing project, impacting the local environment.

19. On 22 January 2022, WHRD **Mariyam Akhter Pakhi**<sup>27</sup> was attacked by a local leader of the AL party. The attacker, alongside at least 20 men armed with knives, hockey sticks and other weapons, forcefully entered Mariyam Akhter Pakhi's residence around 8:45 pm, and physically assaulted her and her family members. The WHRD filed a complaint regarding the incident on 23 January 2022. A charge-sheet filed by the police was also sent to the Narayanganj Court on 31 January 2022. The perpetrators are free on bail, and the WHRD cannot return to her home due to security concerns.

20. In recent years, Baul singers, promoting free expression and defending secularism, have been increasingly targeted with physical violence or charges claiming that they are 'anti-Islam'. Baul singer **Shariat Boyati**<sup>28</sup> was attacked and threatened to give up singing and arranging folk music events. Unwilling to heed the threats, Shariat Boyati publicly announced at a musical performance and in a video that went viral, that music is not forbidden by the Quran. In response, the religious group Qwomi Olama Parishad demanded his arrest under section 28 of the DSA. Police arrested Shariat Boyati from a music event at Valuka, Mymensingh on 10 January 2020 and took him to Mirzapur police station overnight - blindfolded and handcuffed. He was taken before the court on 11 January 2020 and the court granted three days remand for police interrogation. In a context of intense pressure his bail was delayed until he was granted bail by the High Court on 26 July 2020. Shariat Boyati remains under constant fear and surveillance and he is not able to perform music freely. On 11 March 2021, the police submitted a charge sheet against him. His trial is ongoing.

21. Another Baul singer **Rita Dewan**,<sup>29</sup> performed in a 'Pala Gaan,' an allegorical theatrical production which portrayed a debate between a human and the Creator; the singer played the role of the human. Parts of this 'Pala Gaan' were selectively edited and uploaded on Facebook from a fake account and subsequently shared on YouTube by other users. Subsequently, a complaint against Rita Dewan was filed on 2 February 2020 under the DSA at the Dhaka Cyber Tribunal. The court directed the Police Bureau of Investigation

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25 Front Line Defenders, 'Shahidul Alam falsely charged and tortured in police custody', August 2018, [https://www.frontlinedefenders.org/sites/default/files/urgent\\_appeal\\_bangladesh\\_-\\_shahidul\\_alam\\_falsely\\_charged\\_and\\_tortured\\_in\\_police\\_custody.pdf](https://www.frontlinedefenders.org/sites/default/files/urgent_appeal_bangladesh_-_shahidul_alam_falsely_charged_and_tortured_in_police_custody.pdf).

26 Front Line Defenders, 'Environmental lawyer and woman human rights defender Syeda Rizwana Hasan and team attacked and harassed', January 2023, <https://www.frontlinedefenders.org/en/case/environmental-lawyer-and-woman-human-rights-defender-syeda-rizwana-hasan-and-team-attacked-and>

27 Front Line Defenders, 'Physical assault and ongoing threats against woman human rights defender Mariyam Akhter Pakhi and her family members', February 2022, <https://www.frontlinedefenders.org/en/case/physical-assault-and-ongoing-threats-against-woman-human-rights-defender-mariyam-akhter-pakhi>.

28 Supra note 10.

29 Supra note 10.

(PBI) to investigate the allegations and submit a report. On 29 October 2020, the PBI submitted a report accusing Rita Dewan and the tribunal issued an arrest warrant against her. After surrendering to the court she was granted bail but lives in fear and is unable to perform thus cutting her cutting her livelihood. On 10 January 2023, the High Court stayed the proceedings of the case against her.

## **Intimidation of Human Rights organizations and groups**

22. On 13 January 2022, two police officers of the Dhaka Metropolitan police's Counter Terrorism and Transnational Crime and Cyber Crime Department came to the offices of Ain o Salish Kendra (ASK), an organisation that documents human rights abuses in Bangladesh. The police officers asked about their leadership and inquired about the data and sources used for their findings of 80 extrajudicial killings in 2021, which had recently been publicised in a media report.<sup>30</sup>

23. On 5 June 2022, an order issued by the NGO Affairs Bureau, a body regulating non-governmental organisations under the Prime Minister of Bangladesh, rejected human rights organization Odhikar's request to renew its registration. The decision to not renew the registration stemmed from an unproven allegation that the organisation published misleading information about human rights violations and extrajudicial killings that tarnished the government's reputation. The request for renewal of Odhikar's registration had been pending since March 2015 with the NGO Affairs Bureau, resulting in the organisation facing significant hurdles in conducting its legitimate human rights work.<sup>31</sup>

24. The Rapid Action Battalion (RAB) is the security agency responsible for many cases of enforced disappearances in Bangladesh. Following the sanctions imposed by the United States against high-ranking RAB officials in late December 2021, relatives of the disappeared were targeted for their campaigns and engagement with UN mechanisms. RAB is yet to be held accountable domestically.<sup>32</sup>

## **Recommendations**

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

1. Conduct a full and independent review of the DSA, with a view to bring it in compliance with the international human rights obligations of Bangladesh;

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30 OMCT, "Bangladesh: Stop reprisals against human rights defenders and their families", February 2022 <https://www.omct.org/en/resources/statements/bangladesh-stop-reprisals-against-human-rights-defenders-and-their-families>

31 Front Line Defenders, "Joint Statement Condemning the Arbitrary Cancellation of the Registration of Odhikar" <https://www.frontlinedefenders.org/en/statement-report/joint-statement-condemning-arbitrary-cancellation-registration-odhikar>

32 NewAge "Police harassment of Mayer Daak organisers deplorable", November 2021 <https://www.newagebd.net/article/153389/police-harassment-of-mayer-daak-organisers-deplorable>

2. Immediately and unconditionally release and drop charges against all HRDs who have been judicially harassed or detained for their legitimate human rights work;
3. Ensure effective and meaningful public participation, including HRDs, civil society organizations, in drafting any legislation before its enactment;
4. Ensure full respect of the International Covenant on Civil and Political Rights and the UN Declaration on Human Rights Defenders, notably the right to freedom of expression, association, protest and peacefully assembly; in particular ensure that public events and gatherings organised by human rights groups are not disrupted;
5. Develop and enact specific laws and policies to recognise and create a safe and enabling environment for HRDs, giving effect to the International Declaration on Human Rights Defenders at the national level;
6. Cease judicial harassment of HRDs and ensure that all HRDs are able to carry out their legitimate human rights activities free from arbitrary arrest, fear of reprisals and judicial harassment, including by developing relevant protection domestic mechanisms;
7. Accept and fully implement the UPR recommendations on HRDs in a transparent and participatory manner with full involvement of HRDs at all levels.