

November 1, 2018

Her Excellency Michelle Bachelet
High Commissioner for Human Rights
Palais Wilson
52 rue des Pâquis
CH-1201 Geneva, Switzerland.

Your Excellency:

Congratulations on your new role as United Nations High Commissioner for Human Rights. As you take up your new mandate, the undersigned organizations urge you to make Bangladesh a focus of your efforts in the coming months and to undertake an official visit to Bangladesh as soon as possible. It is our understanding that your predecessor, Prince Zeid bin Ra'ad Zeid al-Hussein, was in advanced talks with the Government of Bangladesh regarding a visit to the country. We strongly urge you to resume that discussion and schedule a visit without delay.

In your opening remarks to the 39th Session of the UN Human Rights Council on September 10, 2018, you rightly commended Bangladesh for its role hosting Rohingya refugees and for making significant development advancements. But you were also right to make it clear that Bangladesh's human rights record in recent years has been deeply concerning. In addition to the crackdown on peaceful student protests and the violent anti-drug campaign that you referenced in your remarks—both of which warrant close attention—the Government of Bangladesh has also engaged in attacks against independent media and journalists, human rights defenders, and opposition figures. These abuses are further enabled by the recent passage of the Digital Security Act,¹ which criminalizes the legitimate exercise of the right to freedom of opinion and expression and the right to freedom of association. Enforced disappearances continue to occur at an alarming rate (34 people were reportedly disappeared in September alone),² and reports of torture in custody continue to surface despite passage of the Torture and Custodial Death (Prevention) Act 2013.³

In addition, the government is cracking down on political dissidents and opposition activists. The opposition Bangladesh Nationalist Party (BNP) reports that, over the past two months, police have registered 3,736 cases, resulting in charges against 313,130 party leaders and activists. The BNP insists that all of these cases and charges are politically motivated; the Awami League Government disputes this characterization. The spree of criminal cases

¹ See, Dhaka Tribune, "Bangladesh signs Digital Security Bill into Law," October 8, 2018, *available at*, <https://www.dhakatribune.com/bangladesh/2018/10/08/president-signs-digital-security-bill-into-law>; see also Forum Asia, Digital Security Act English translation (2016), *available at*, <https://www.forum-asia.org/uploads/wp/2016/08/Digital-Security-Act-English-09.03.2016.pdf>.

² See, Odhikar "Human Rights Monitoring Report of September 2018"; see also, New Age, "Enforced Disappearances Double: Odhikar Report," October 3, 2018, *available at* <http://www.newagebd.net/article/52199/enforced-disappearance-doubles-odhikar-report>.

³ According to data gathered by Odhikar, at least 125 persons were tortured to death by law enforcement agencies from January 2009 to May 2018.

against opposition figures is being conducted in such a fashion that the police have filed several cases against opposition leaders who have died or have been living abroad for years.⁴ In trials widely condemned as politically motivated, top opposition leaders have been sentenced to death or lengthy prison sentences prior to the upcoming general election, which is expected to take place in December 2018.⁵

The UN Human Rights Committee noted concerns in its 2017 Concluding Observations regarding:

- The “reported high rate of extrajudicial killings by police officers, soldiers and Rapid Action Battalion force members and at reports of enforced disappearances, as well as the excessive use of force by State actors”;
- The absence of “ongoing investigations into cases of torture in the State party...[despite] information that torture and ill-treatment by law enforcement or military personnel is widespread in the State party during interrogations to extract confessions”; and
- The “limitations on the rights of journalists, bloggers, human rights defenders and civil society organizations in the State party to exercise their right to freedom of opinion, expression and association”.

These concerns were exhaustively raised by members of the UN Human Rights Council earlier this year during Bangladesh’s 3rd cycle Universal Periodic Review. Bangladesh failed to accept a number of key recommendations, including to ratify the International Convention for the Protection of All Persons from Enforced Disappearance; to issue a standing invitation to all UN Special Procedures; to amend or repeal laws that do not comply with international standards by restricting legitimate expression or association; and to fight against impunity by committing to investigate alleged human rights abuses by security forces.

Although serious concerns have been raised by non-governmental organizations, as well as by UN bodies and UN Member States, there have been only four visits by UN Special Procedures mandate-holders in the last ten years. These were the UN Special Rapporteur on Freedom of Religion and Belief (2016); the UN Special Rapporteur on Violence Against Women (2013); and a joint visit by the UN Independent Expert on Human Rights and Extreme Poverty and the UN Independent Expert on the Right to Safe Drinking Water and Sanitation (2010). These are welcomed visits, and important mandates and issues for Bangladesh. But at this critical juncture, the Government of Bangladesh must grant broader access to UN Special Procedures.

In addition to undertaking an official visit to Bangladesh yourself, we urge you to press the Government of Bangladesh to accept visit requests from the UN Special Rapporteur on

⁴ See e.g., Prothom Alo, "Police sue another dead man for sabotage," October 9, 2018, available at, <https://en.prothomalo.com/bangladesh/news/184686/Police-sue-another-dead-man-for-sabotage>.

⁵ See e.g., NewAge Bangladesh, “Babar, Pintu, 17 others to die, Tarique, Harris, 17 others jailed for life,” October 10, 2018, available at, <http://www.newagebd.net/article/52831/aug-21-grenade-attack-19-get-death-penalty-tarique-among-17-life-term>.

Human Rights Defenders; the UN Special Rapporteur on Freedom of Expression; the UN Special Rapporteur on Freedom of Assembly and Association; the UN Special Rapporteur on Torture; the UN Special Rapporteur on Extrajudicial Executions; the UN Working Group on Enforced Disappearances; and the UN Working Group on Arbitrary Detention. These are the mandates that can most directly address many of the core issues raised by UN Member States during the UPR, the UN Human Rights Committee, and by you in your opening remarks to the UN Human Rights Council.

Your office has a critical role to play. Bangladesh remains a close partner of the UN and particularly the UN High Commissioner for Refugees. Bangladesh is also one of the largest contributors of military personnel to UN Peacekeeping missions. But it must also be a closer partner of the UN human rights mechanisms. In previous election cycles there has been a marked increase in violence and repression. Attention from your office and other UN human rights bodies can help reverse this trend. We are committed to working with you and your office, as well as with the Government of Bangladesh, to ensure that a visit can take place soon.

Sincerely,

1. 350.org
2. Asian Human Rights Commission
3. Asian Forum for Human Rights and Development (FORUM-ASIA)
4. Asian Network for Free Elections (ANFREL)
5. Association For Human Rights in Ethiopia (AHRE)
6. Center for Civil Liberties, Ukraine
7. CIVICUS
8. Commonwealth Human Rights Initiative (CHRI), India
9. Freedom Now
10. Human Rights Concern, Eritrea
11. Human Rights Defenders Network, Sierra Leone
12. International Federation for Human Rights (FIDH)
13. Karapatan, The Philippines
14. Lokataru Foundation, Indonesia
15. Odhikar, Bangladesh
16. Phenix Center for Economic Studies, Jordan
17. Robert F. Kennedy Human Rights
18. Sudanese Development Initiative (SUDIA), Sudan
19. The Article 20 Network
20. Transparency International
21. World Organisation against Torture (OMCT)
22. MARUAH, Singapore
23. Transparent Election Foundation of Afghanistan (TEFA)
24. Citizen Congress Watch (CCW), Taiwan
25. Uganda National NGO Forum