

URGENT APPEAL - THE OBSERVATORY

New information
BGD 001 / 0610 / OBS 075.3
Judicial harassment
Bangladesh
April 8, 2011

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), has received new information and requests your urgent intervention in the following situation in **Bangladesh**.

New information:

The Observatory has been informed by reliable sources about the ongoing judicial harassment against Mr. **Mahmudur Rahman**, who was released on bail on March 17, 2011 from the Gazipur district jail after having served nine months and a half in prison¹. Mr. Rahman is the Editor of the newspaper *Amar Desh*, which regularly reports on ill-treatments in custody and corruption cases in Bangladesh.

According to the information received, on March 28, 2011, Mr. Mahmudur Rahman was scheduled to appear before two different courts - the Chief Metropolitan Magistrate's Court of Dhaka and the District Court of Gopalganj, located at a distance of 250 km from each others - on "defamation" and "cheating" charges, under Section 420, 469, 500, 501 and 34 of the Criminal Code, in relation to articles published in *Amar Desh*.

Therefore, Mr. Mahmudur Rahman himself appeared at Dhaka while his lawyer appeared before the Gopalganj Court and applied for the postponement of the trial and displayed the documents related to the Dhaka Court's summon. The judge in Gopalganj rejected the application and issued an arrest warrant against Mr. Mahmudur Rahman. To date, Mr. Mahmudur Rahman has not been arrested.

During the same hearing, the judge in Gopalganj also issued arrest warrants against two other journalists, Mr. **H. M. Mehedi Hasnat**, correspondent of the *Dainik Destiny* in Kotalipara, and Mr. **Jahangir Hossain Sheikh**, Acting Editor of the weekly *Matrimukti*. The criminal case is related to a report published in *Amar Desh* on April 4, 2010 alleging that some Awami Leaders and their relatives would be involved in war crimes committed in 1971.

The Observatory recalls that Mr. Mahmudur Rahman remains on bail and prosecuted for 49 cases under numerous charges including "defamation", "sedition" and several offences defined in the Anti-Terrorism Act (See background information).

The Observatory firmly denounces the continuing acts of judicial harassment against Mr. Mahmudur Rahman and his colleagues and urges the Bangladeshi authorities to put an end to it as it seems to merely aim at sanctioning their human rights activities.

Background information:

On June 1, 2010, the Tejgaon Thana Officer-in-Charge raided the press office of *Amar Desh* with armed forces, and declared its closure. On June 2, 2010 at approximately 4 a.m., agents of the Tejgaon police station entered the *Amar Desh* offices, arrested Mr. Mahmudur Rahman, who was remaining on the spot, and took him to the Dhaka Cantonment Police

¹ On August 19, 2010, the Appellate Division of the Supreme Court sentenced Mr. Mahmudur Rahman to six months of imprisonment for "gross contempt of court" for having published a report on April 21, 2010 where the role of the Attorney General's Office was criticized.

Station (CPS) for interrogation. The police forces also resorted to excessive use of force against the protesting journalists who attended the scene, beating them with sticks.

On the same day at 4 p.m., Mr. Rahman was reportedly charged under Sections 419, 420 and 500 of the Criminal Code for “cheating by personation”, “dishonestly inducing delivery of property” and “defamation”.

In the early morning, the Tejgaon police station had also filed a case against him (Case No. 2(6)2010), as well as against the *Amar Desh* Deputy Editor Mr. **Syed Abdal Ahmed**, the Assistant Editor Mr. **Sanjeeb Chowdhury**, the City Editor Mr **Zahed Chowdhury**, reporter **Alauddin Arif**, and the office assistant **Saiful Islam**, as well as against 400 unnamed people for, *inter alia*, “obstructing Government officials to perform their duties” during Mr. Rahman's arrest, under Sections 143, 342, 332, 353, 186, 506, 114 of the Criminal Code. Messrs. Syed Abdal Ahmed, Sanjeeb Chowdhury, Zahed Chowdhury, Alauddin Arif and Saiful Islam got pre-arrest ad-interim bail from the High Court Division of the Supreme Court on June 10, 2010.

On June 6, 2010, another case (Case No.5 (6) 2010) was filed against Mr. Rahman at the Kotwali police station for, *inter alia*, “obstructing Government officials to perform their duties” under Sections 143, 186, 332, 353, 225B/34 of the Criminal Code, while he was already in custody.

On June 7, 2010, Mr. Rahman was placed under a four-day detention period, on the basis of the two latter cases.

Moreover, on June 8, 2010, the Magistrates Court No. 7 issued another four-day detention period in Uttara model police station against Mr. Rahman for “printing banned leaflets” under Section 6(1) of the Anti Terrorism Act 2009, as well as an additional four-day detention period for “conspiring against the State” on the basis of a case lodged under Sections 121A (“waging war or attempting to wage war against the State”), 124A (“sedition”) and 114 (“abettor present when offence is committed”) of the Criminal Code, leading to a total remand period of 12 days.

On June 9, 2010, the Magistrates Court ordered that Mr. Rahman be taken in remand to the Tejgaon police station. However, in contravention to these orders, Mr. Rahman was kept in the CPS, inside the Cantonment area.

Mr. Rahman further reported that on the night of June 10, 2010, five or six men entered his cell and removed his clothes, and then proceeded to hit him very hard with their elbows in his chest and back, whereupon he lost consciousness. When he awoke, he found himself lying in the room of the Second Officer of the CPS.

On June 12, 2010, Mr. Rahman was brought before the Magistrates Court on the basis of Case No. 2(6) 2010. He then reported that he was subjected to acts of inhuman and degrading treatment while in detention. He was reportedly unable to stand on the dock and the Magistrate allowed him to sit. The Magistrates Court ordered that Mr. Rahman be sent to jail and undergo a full medical check-up on the basis of jail regulations. The Magistrate also allowed Mr. Rahman's lawyers to meet him for half an hour.

On the same day, the police of the Detective Branch of Dhaka Metropolitan area submitted an application seeking a four-day remand to question Mr. Rahman regarding the case filed at the Uttara police station under the 2009 Anti-Terrorism Act. The remand was granted by the Magistrates Court. Mr. Rahman was then taken to the Detective Branch offices in Dhaka on that day, without any medical check-up being performed.

On June 16, 2010, Mr. Rahman was brought before the Court of Magistrate Ismail Hossain after completion of four days remand at the Detective Branch office in the case under the

Anti-Terrorism Act 2009. The Magistrate ordered the jailor to arrange his medical check up. He underwent treatment at the jail hospital under a medical board. The Magistrate further ordered that he may be taken to remand if he is physically fit.

On June 20, 2010, the jail authority gave the fitness certificate about Mr. Rahman for interrogating him at remand. Then, Mr. Mahmudur Rahman was again placed under a four-day detention remand.

On June 24, 2010, the Magistrates Court ordered Mr. Rahman's transfer to the Dhaka central prison. Before the hearing, on June 23, 2010, Mr. Rahman was kept blindfolded and handcuffed to the window bar of a small room for ten hours, from 7 a.m. to 5 p.m.

On August 19, 2010, the Appellate Division of the Supreme Court sentenced him to six months of imprisonment for "gross contempt of court" for having published a report on April 21, 2010 where the role of the Attorney General's Office was criticized. The Court also fined Mr. Mahmudur Rahman with 100,000 Taka (about 1,130 Euros). The contempt of court notice was brought before the Court by two lawyers reported to be supporters of the Government.

On the same day, the Court also sentenced Mr. **Oliullah Noman**, special correspondent of *Amar Desh*, and Mr. **Hashmat Ali**, publisher of the same newspaper, to fines of 10,000 Taka (about 113 Euros) for contempt of court in relation to their responsibility in the publication of the report. Moreover, Mr. Noman was sentenced to one month imprisonment.

In October 2010, Mr. Rahman was transferred to the Kashimpur jail located at Gazipur and later in January 2011 at Gazipur district jail, which made it more difficult for his lawyers to visit him, as well as for him to access the medical treatment he required.

On March 17, 2011, Mr. Mahmudur Rahman was released from the Gazipur district jail after having served nine months and a half in prison.

Actions requested:

Please write to the Bangladeshi authorities urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Mahmudur Rahman, Mr. H. M. Mehedi Hasnat, and Mr. Jahangir Hossain Sheikh and all staff members of *Amar Desh*, *Dainik Destiny* and *Matrimukti* as well as all human rights defenders in Bangladesh;
- ii. Order a prompt, effective, thorough, independent and impartial investigation into the above-mentioned allegations of ill-treatments, the result of which must be made public, in order to identify all those responsible, bring them before a competent, independent and impartial tribunal and apply to them the penal sanctions as provided by the law;
- iii. Put an end to all acts of harassment - including at the administrative and the judicial levels - against Mr. Rahman and all staff members of *Amar Desh* as well as all human rights defenders in Bangladesh;
- iv. Conform in any circumstances with the provisions of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly, in particular:
 - its Article 1, which states that "everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels",
 - its Article 6 b), which states that "everyone has the right, individually and in association with others: as provided for in human rights and other applicable

- international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms”,
- its Article 9.1, which states that “in the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights”,
 - and its Article 12.2 which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;
- v. Guarantee the respect of human rights and fundamental freedoms in accordance with the Universal Declaration on Human Rights and other international human rights instruments ratified by Bangladesh.

Addresses:

- Ms. Sheikh Hasina, Prime Minister, Office of the Prime Minister, Gona Bhaban, Old Sangsad Bhaban, Tejgaon, Dhaka, Bangladesh, Fax: +880 2 811 3243 / 3244 / 1015 / 1490, Email: info@pmo.gov.bd; pm@pmo.gov.bd
- Ms. Sahara Khatun, Minister for Home Affairs, Ministry of Home Affairs, Bangladesh Secretariat Building 4, Dhaka, Bangladesh. Fax: +880 2 716 0405 / 4788. E-mail: minister@mha.gov.bd
- Barrister Shafique Ahmed, Minister for Law, Justice and Parliamentary Affairs, Ministry of Law, Justice and Parliamentary Affairs, Bangladesh Secretariat, Dhaka, Bangladesh. Fax: +880 2 7168557. Email: info@minlaw.gov.bd
- Mr. A. B. M. Khairul Haque, Chief Justice, Supreme Court of Bangladesh, Supreme Court Building, Ramna, Dhaka-1000, Bangladesh. Fax: +880 2 956 5058 /+880 2 7161344. E-mail: chief@bdcom.com or supremec@bdcom.com
- Prof. Mizanur Rahman, Chairman, National Human Rights Commission, 10th Floor, Gulfeshan Plaza 8, Journalist Selina Parvin Road, Mogbazar, Dhaka, Bangladesh. Fax: +88 02 8333219. E-mail: nhrc.bd@gmail.com
- Mr. Hasan Mahmud Khandaker, Inspector General of Police, Police Headquarters, Phoenix Road, Dhaka-1000, Bangladesh, Fax: +880 2 956 3362 / 956 3363. Email : ig@police.gov.bd
- Ambassador Mr. Abdul Hannan, Permanent Mission of the People’s Republic of Bangladesh to the United Nations in Geneva, 65 rue de Lausanne, 1202 Geneva, Switzerland, Fax: +41 22 738 46 16, E-mail: mission.bangladesh@ties.itu.int
- Embassy of the People’s Republic of Bangladesh in Brussels, 29-31 rue Jacques Jordaens, 1000 Brussels, Belgium, Fax: +32 2 646 59 98; Email: info@bangladeshembassy.be

Please also write to the diplomatic representations of Bangladesh in your respective countries.

Paris-Geneva, April 8, 2011

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

To contact the Observatory, call the emergency line:

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