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CAPITAL
PUNISHMENT
JUSTICE
PROJECT



ROBERT F.
KENNEDY
HUMAN
RIGHTS

OMCT
SOS-Torture Network

Index: ASA 13/8438/2024

Monday 19 August 2024

Re: Requesting urgent action towards UN human rights monitoring and investigation in Bangladesh

Excellencies,

Recent events have placed Bangladesh at a critical juncture. Given the current precarity of the situation, the UN Human Rights Council should urgently support the establishment of an independent international justice and accountability mechanism to investigate recent rights violations during protests, and additionally ensure ongoing independent UN monitoring of the situation and reporting to the Council.

Hundreds are presumed to have been killed, and thousands injured, during the unprecedented crackdown on the 'Bangla-Blockade' quota-reform protests, with excessive use of force, between July 15 and August 5, 2024. These protests ultimately led to Prime Minister Sheikh Hasina's resignation on August 5, 2024. The UN human rights chief, Volker Türk, has pledged a UN-led investigation into the killing of protesters.¹

Soon after Sheikh Hasina resigned and left the country, tens of thousands of Bangladeshis celebrated the end of her rule.² In some places, however, celebrations turned violent, with hundreds killed or injured as demonstrators engaged in reprisals against those perceived to have supported Hasina's government.³ Thousands of Hindu minorities gathered at the border, seeking to enter India, fearing further attacks.⁴

An interim government led by Nobel Peace Prize laureate Muhammad Yunus has been sworn in to office but with communities divided, there are severe risks of further grave human rights abuses. Police have been targeted as reprisals for past abuses, leading to the death of several

¹ Prothom Alo, "UN-led investigation to be launched soon: UN rights chief," August 14, 2024, <https://en.prothomalo.com/bangladesh/qch1513y43>

² BBC, "'Free again': An uncertain Bangladesh emerges from Sheikh Hasina's grip," August 6, 2024, www.bbc.com/news/articles/c20rrd573nzo

³ Human Rights Watch, "Vandalism, Attacks Follow Bangladesh Prime Minister's Exit," August 8, 2024.

⁴ Prothom Alo, "Hindu community members gather at Hatibandha border following 'rumour of Indian leaders' arrival,'" August 12, 2024, <https://en.prothomalo.com/bangladesh/local-news/4fxlo92tob>

policemen and vandalising of police stations. This has resulted in severe gaps in law enforcement and protection for minority groups and others facing violent attacks.⁵

We therefore urge you to take immediate steps to ensure an independent investigation and accountability and to prevent further human rights violations by ensuring that the UN Human Rights Council:

- Establishes an **independent mechanism with a comprehensive mandate to investigate, collect, store and analyse evidence** and cooperate with credible and independent national and international bodies towards accountability in relation to the violent incidents of July and August 2024 and its root causes. The material scope of an investigation should encompass acts by all relevant actors, including security force abuses and violence against peaceful protesters by ruling party supporters during protests between July 15 and August 5, 2024, as well as attacks on minorities and perceived Awami League supporters in the aftermath of Sheikh Hasina's resignation on and after August 5.
- Mandates a **comprehensive monitoring and reporting process on the situation in Bangladesh** by the newly-established independent mechanism and/or the Office of the UN High Commissioner for Human Rights, throughout the interim government's transition period, with regular updates to the Council.
- Through these entities, **monitors whether the Bangladeshi authorities comply with their obligation under international human rights law** to impartially, independently, and effectively investigate any person reasonably suspected of criminal responsibility for crimes under international law and other serious human rights abuses, and to ensure that alleged perpetrators are brought to justice through fair trials without recourse to the death penalty.
- Supports the establishment of a national independent accountability mechanism, that operates in accordance with international standards, **accounting for violations prior to July 2024, including but not limited to enforced disappearances, extrajudicial killings, and torture** with capacity for truth telling and reparations.
- Supports the interim government to urgently **strengthen its legal and judicial capacity** to undertake investigations into crimes under international law and gross human rights violations and ensure the full independence of legal and judicial bodies, including an effective national human rights commission in line with the Paris Principles.

The deadliest crackdown in Bangladesh's history

At least 440 people were killed, and thousands were injured in three weeks in July and August, as Bangladeshi security forces and supporters of Sheikh Hasina's Awami League party quashed student-led protests.⁶ The protests were sparked in early July 2024 when courts reinstated a quota reserving 30 percent of government jobs for the relatives of veterans of the country's independence war, which protesters argued favoured supporters of the then-ruling party. These protests were peaceful until July 15, when members of the Bangladesh Chatra League (BCL) and Jubo League, youth groups of the Awami League party, backed by security forces, violently dispersed the protesters, killing six people.⁷

⁵ Prothom Alo, "People being barred from entering Dhanmondi 32, beaten up," August 15, 2024, <https://en.prothomalo.com/bangladesh/city/2hne2b2zsj>

⁶ Prothom Alo, "109 killed in clashes in a single day," August 12, 2024, <https://en.prothomalo.com/bangladesh/qhf6h8cwxxy>

⁷ The Daily Star, "6 killed as violence spreads," July 17, 2024, www.thedailystar.net/news/bangladesh/crime-justice/news/6-killed-violence-spreads-3658766

Solidarity protests spread across the country, and in some places turned violent.⁸ In addition to the police, the government deployed the Border Guards Bangladesh (BGB), the Rapid Action Battalion (RAB) and the army to quell the protests. The government additionally ordered a curfew and shut down the internet. Following these measures, on August 4, over 114 people were killed as protesters clashed with security forces and ruling party activists. The next day, August 5, 2024, tens of thousands defied the curfew and started marching towards the capital, Dhaka. Sheikh Hasina fled the country on the same day.⁹

A petition convened by Amnesty International, demanding a thorough, effective, independent and impartial investigation into the deaths and other human rights violations, has been signed by over 15,000 people from 96 countries and territories.¹⁰

Human rights organizations monitored and documented the grave human rights violations committed by Bangladeshi security forces and authorities during the policing of the protests.¹¹ United Nations officials and experts repeatedly warned against the unnecessary and excessive use of force.¹²

Evidence collected and verified by Amnesty International demonstrates that Bangladeshi security forces repeatedly used unlawful force against unarmed student protesters, including the use of tear gas in enclosed spaces and indiscriminately firing rubber bullets, shotguns loaded with pellets, and assault rifles loaded with lethal ammunition.¹³ Members of the BCL and Jubo League reportedly attacked protesters, including as they were receiving medical treatment in hospitals.¹⁴

Nearly 10,000 people were arrested and detained.¹⁵ Over 200,000 faced criminal charges over alleged protest related violence.¹⁶ The mass arrest and arbitrary detention of student protesters further perpetuated a climate of fear.

Bangladesh's repeated failure to comply with international law

Security forces used unlawful force, including lethal force, against protesters, disregarding the right to life and to freedom from torture and other cruel, inhuman or degrading treatment or punishment, and the United Nations Basic Principles on the Use of Force and Firearms by

⁸ Prothom Alo, "Quota protests death toll 147: Home minister," July 28, 2024, <https://en.prothomalo.com/bangladesh/local-news/4fxlo92tob>

⁹ Human Rights Watch, "Bangladesh: Prime Minister Hasina Resigns amid Mass Protests," August 6, 2024, <https://www.hrw.org/news/2024/08/06/bangladesh-prime-minister-hasina-resigns-amid-mass-protests>.

¹⁰ Amnesty International, "Bangladesh must immediately end crackdown against protesters," <https://www.amnesty.org/en/petition/bangladesh-must-immediately-end-crackdown-against-protesters/>

¹¹ Human Rights Watch, "Bangladesh: Security Forces Target Unarmed Students," July 22, 2024, www.hrw.org/news/2024/07/22/bangladesh-security-forces-target-unarmed-students

¹² OHCHR, "Shocking violence in Bangladesh must stop – Türk," August 4, 2024, <https://www.ohchr.org/en/statements/2024/08/shocking-violence-in-bangladesh-must-stop-turk>

¹³ Amnesty International, "Bangladesh: Witness testimony, video and photographic analysis confirm police used unlawful force against protesters," July 17, 2024, <https://www.amnesty.org/en/latest/news/2024/07/bangladesh-witness-testimony-video-and-photographic-analysis-confirm-police-used-unlawful-force-against-protesters/>; Amnesty International, "Bangladesh: Further video and photographic analysis confirm police unlawfully used lethal and less-lethal weapons against protesters," July 25, 2024, <https://www.amnesty.org/en/latest/news/2024/07/bangladesh-further-video-and-photographic-analysis-confirm-police-unlawfully-used-lethal-and-less-lethal-weapons-against-protesters/>

¹⁴ Daily Sun, "Chhatra League activists storm DMCH premises in search of protesters," July 16, 2024, <https://www.daily-sun.com/post/758061>

¹⁵ Prothom Alo, "403 more arrested across the country," July 30, 2024, <https://en.prothomalo.com/bangladesh/f0izqcw38>; Amnesty International, "Bangladesh: End punitive mass arrests and arbitrary detention of student leaders and protesters," July 29, 2024, www.amnesty.org/en/latest/news/2024/07/bangladesh-end-punitive-mass-arrests-and-arbitrary-detention-of-student-leaders-and-protesters/

¹⁶ The Daily Star, "Cases after violence: Over 2 lakh accused in Dhaka city," July 29, 2024, <https://www.thedailystar.net/news/bangladesh/crime-justice/news/cases-after-violence-over-2-lakh-accused-dhaka-city-3664161>

Law Enforcement Officials. Human rights organizations have also received reports of torture and other ill-treatment of protesters after they were detained.

On July 18, the government implemented a nationwide internet shutdown, making it almost impossible for activists, protesters, and journalists to communicate and report on abuses. On July 19, the authorities imposed a ban on all rallies and processions, with orders to shoot-on-site anyone out after curfew.¹⁷

The total shutdown of the internet was unnecessary and disproportionate, and harmed security, mobility, and livelihoods of Bangladeshi people. It also inhibited human rights monitors and journalists from documenting abuses at precisely the time when people were most at risk. Nationwide internet access was partially restored on July 23. Mobile internet was restored on July 28 after an 11-day blackout.¹⁸

The shoot-on-sight curfew across the country marked an unprecedented clampdown on the rights to freedom of expression and peaceful assembly.¹⁹ Such blanket restrictions and coercive interventions violate Bangladesh's international obligations as a state party to the International Covenant on Civil and Political Rights.

History of Abuses and Demands for an Independent International Investigation

According to Bangladeshi human rights monitors, security forces carried out over 600 enforced disappearances since 2009, when Sheikh Hasina first took office. While some people were later released, produced in court, or said to have died during an armed exchange with security forces, nearly 100 people remain missing.²⁰ The government refused to take up the offer from the United Nations to help establish a specialized mechanism to investigate allegations of enforced disappearances in line with international standards.²¹ Instead, Bangladesh authorities continue to harass and intimidate victims' families.²²

The government ignored repeated requests from the UN Committee against Torture to follow up on its recommendations, as required.²³ The Committee's recommendations included the independent monitoring of all detention sites and investigation of all allegations of torture and other ill-treatment by law enforcement officials. The United States government brought human rights sanctions against the Rapid Action Battalion in 2021, notorious for extrajudicial executions, disappearances and torture.²⁴

¹⁷ The Guardian, "Bangladesh police given 'shoot-on-sight' orders amid national curfew," July 20, 2024, www.theguardian.com/world/article/2024/jul/20/bangladesh-police-given-shoot-on-sight-orders-amid-national-curfew

¹⁸ Al Jazeera, "Bangladesh restores mobile internet after 11-day blackout to quell protests," July 28, 2024, <https://www.aljazeera.com/news/2024/7/28/bangladesh-restores-mobile-internet-after-11-day-blackout-to-quell-protests>

¹⁹ This recent deadly crackdown on the student protests has taken place against a wider backdrop of increasing intolerance and suppression of dissent in Bangladesh, through the deployment of repressive legislation by successive governments, such as Section 57 of the ICT Act 2006, the Digital Security Act 2018 and the nearly identical Cyber Security Act 2023 which replaced it, to target any form of dissent or criticism of the state, including by journalists, human rights defenders and activists.

²⁰ Human Rights Watch, "Where No Sun Can Enter: A Decade of Enforced Disappearances in Bangladesh," August 16, 2021, www.hrw.org/report/2021/08/16/where-no-sun-can-enter/decade-enforced-disappearances-bangladesh#2451

²¹ Human Rights Watch, "Bangladesh: Allow UN to Assist 'Disappearance Inquiries,'" August 29, 2022, www.hrw.org/news/2022/08/29/bangladesh-allow-un-assist-disappearance-inquiries#:~:text=In%20August%202021%2C%20Human%20Rights,was%20to%20deny%20the%20allegations

²² Human Rights Watch, "Bangladesh: Open Forced Disappearances Inquiry," August 29, 2023, www.hrw.org/news/2023/08/29/bangladesh-open-forced-disappearances-inquiry

²³ OHCHR, Letter on follow up to CAT report, March 3, 2022,

tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FBGD%2F48021&Lang=en

²⁴ US Department of the Treasury, "Treasury Sanctions Perpetrators of Serious Human Rights Abuse on International Human Rights Day," December 10 2021, home.treasury.gov/news/press-releases/jy0526

After Sheikh Hasina resigned and fled the country, security forces have released some “disappeared” individuals who were held in unlawful detention for many years.²⁵ The military has pledged to investigate other sites in which detainees were held in secret.²⁶

Families of the disappeared, and those killed in so-called “crossfire” under the Sheikh Hasina government,²⁷ are calling for an independent Commission of Inquiry to establish the facts, identify perpetrators, and ensure proper prosecutions.

We emphasize the urgent need to secure and preserve evidence and to establish the responsibility of military commanders and civilian superiors for crimes committed by subordinate forces under their effective command, control or authority.

Thanking you for your attention,

Signed:

1. Amnesty International
2. Anti-Death Penalty Asia Network
3. Asian Federation Against Involuntary Disappearances
4. Asian Forum for Human Rights and Development (FORUM-ASIA)
5. Capital Punishment Justice Project
6. CIVICUS: World Alliance for Citizen Participation
7. Fortify Rights
8. Human Rights Watch
9. The International Truth and Justice Project
10. International Federation for Human Rights
11. International Organization for Transitional Justice and Peace
12. Robert F. Kennedy Human Rights
13. World Organisation against Torture

²⁵ Prothom Alo, “Michael Chakma released from ‘Aynaghor,’” August 7, 2024, <https://en.prothomalo.com/bangladesh/czennpwfpd>

²⁶ The Daily Star, “Enforced disappearance: No one inside Dhaka facility now, says DGFI,” August 7, 2024, <https://www.thedailystar.net/news/bangladesh/news/enforced-disappearance-no-one-inside-dhaka-facility-now-says-dgfi-3671501>

²⁷ Amnesty International, “Killed In ‘Crossfire.’ Allegations of Extrajudicial Executions in Bangladesh in the Guise of a War on Drugs,” November 4, 2019, (Index: ASA 13/1265/2019)