

## URGENT APPEAL - THE OBSERVATORY

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**BGD 001 / 0517 / OBS 051**

Arbitrary detention /  
Judicial harassment

**Bangladesh**

May 12, 2017

The Observatory for the Protection of Human Rights Defenders, a partnership of the World Organisation Against Torture (OMCT) and FIDH, requests your urgent intervention in the following situation in **Bangladesh**.

### **Brief description of the information:**

The Observatory has been informed by reliable sources about the arbitrary detention of two journalists associated with the human rights non-governmental organisation (NGO) Odhikar, Messrs. **Hasan Ali**, a Kushtia District correspondent for *Bangla Vision TV*, and **Aslam Ali**, a staff reporter for *Dainik Kushtia Dorpan*.

According to the information received, on May 9, 2017, Messrs. Hasan Ali and Aslam Ali were taken into custody after surrendering before the Court of Chief Judicial Magistrate at Kushtia District under Section 57(2) of the Information and Communication Technology Act 2006 (ICT ACT - amended in 2009 and 2013)<sup>1</sup>. At the time of publication of this Urgent Appeal, both remained detained in Kushtia District Jail.

On March 30, 2017, Mr. Hasibur Rahman Riju, a police informer, filed a complaint at Kushtia Model Police Station against Messrs. Hasan Ali and Aslam Ali. He accused them of publishing an offensive post under the Facebook name 'Sultan Eslam' by using the cell phone of a worker at a tea stall at Thana Mor of Kushtia town. Mr. Hasibur Rahman Riju alleged that the post defamed him and violated Section 57(2) of ICT Act.

On the same day, police Sub-Inspector Azizur Rahman arrested Messrs. Hasan Ali and Aslam Ali, along with Mr. **Moudud Rana**, a Kushtia District correspondent for the daily *Manab Kantho*, without any warrant. The three were briefly detained at the Kushtia Model Police Station. They were released on the same day after dozens of journalists went to the police station to investigate the arrests.

Police Sub-Inspector Azizur Rahman subsequently recorded the complaint against Messrs. Hasan Ali and Aslam Ali as a case under Section 57 of the ICT Act with Kushtia Model Police Station, based on a statement taken from a boy who worked at a tea stall close to the police station.

On April 11, 2017, Messrs. Hasan Ali and Aslam Ali were granted anticipatory bail for four weeks from a High Division Bench of the Supreme Court, composed of Justice AKM Asaduzzaman and Justice Razik Al Jalil. On May 9, 2017, at the end of the four-week bail period, they appeared before the Court of Chief Judicial Magistrate of Kushtia, which ordered their detention.

The Observatory condemns the arbitrary detention and judicial harassment of Messrs. Hasan Ali and Aslam Ali, which is only aimed at punishing them for their legitimate human rights activities. Both have actively cooperated with Odhikar, and Mr. Hasan Ali has conducted several fact-finding missions in Kushtia District and published many reports on various human rights violations, including extra-judicial killings, torture, rape, and enforced disappearances.

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<sup>1</sup> Under Section 57 of the ICT Act, an individual can face up to 14 years in jail for "publishing fake, obscene or defaming information in electronic form" or information which "prejudices the image of the state or person".

The Observatory urges the authorities to immediately and unconditionally release Messrs. Hasan Ali and Aslam Ali.

**Background information:**

On October 6, 2013, the National Parliament of Bangladesh passed the Information and Communication Technology (Amendment) Act, which prescribed prison terms of seven to 14 years or a fine of 10 million Bangladesh Taka (about 114,000 EUR), or both, for cyber-crimes. In addition, offenses under Sections 54, 56, 57, and 61 of the CT Act are now considered as cognisable and non-bailable. As a consequence, law enforcers are empowered to arrest anyone accused of violating the law without a warrant, in accordance with Section 54 of the Code of Criminal Procedure.

Section 57 of the ICT Act is often used by the Bangladeshi authorities to target, harass and imprison critical voices, including journalists and human rights defenders.

In its Concluding Observations on the initial report of Bangladesh, adopted on March 22, 2017, the UN Human Rights Committee (CCPR) expressed concerns “at 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”. The CCPR was particularly concerned over the arrest of journalists and human rights defenders under the ICT Act, which the Committee called “a de-facto blasphemy law that limits freedom of opinion and expression using vague and overbroad terminology to criminalize publishing information online [...]”<sup>2</sup>.

**Actions requested:**

Please write to the authorities in Bangladesh, urging them to:

- i. Guarantee, in all circumstances, the physical and psychological integrity of Messrs. Hasan Ali and Aslam Ali, as well as of all human rights defenders in Bangladesh;
- ii. Immediately and unconditionally release Messrs. Hasan Ali and Aslam Ali, as their detention is arbitrary since it only aims at sanctioning their legitimate human rights activities;
- iii. Guarantee Messrs. Hasan Ali and Aslam Ali’s right to due process and a fair trial;
- iv. Put an end to any kind of harassment - including at the judicial level - against Messrs. Hasan Ali and Aslam Ali, as well as all human rights defenders in Bangladesh;
- v. Ensure in all circumstances that all human rights defenders in Bangladesh are able to carry out their legitimate activities without any hindrance and fear of reprisals;
- vi. Repeal Section 57 of the ICT Act as well as other laws that are not compatible with Bangladesh’s international human rights obligations;
- vii. Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its Articles 1 and 12.2;
- viii. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Bangladesh.

<sup>2</sup> See UN Document CCPR/C/BGD/CO/1, April 27, 2017.

### Addresses:

- Ms. Sheikh Hasina, Prime Minister of Bangladesh. Fax: +880 2 8113243, Email: [pm@pmo.gov.bd](mailto:pm@pmo.gov.bd)
- Professor Dr. Gowher Rizvi, Adviser to the Prime Minister (International Affairs), Bangladesh. Fax: +880 2 9111312 Email: [advinternational@pmo.gov.bd](mailto:advinternational@pmo.gov.bd)
- Mr. Asaduzzaman Khan, State Minister for Home Affairs of Bangladesh. Fax: +880 2 9515541. Email: [stateminister@mha.gov.bd](mailto:stateminister@mha.gov.bd)
- Mr. Anisul Huq, Minister for Law, Justice and Parliamentary Affairs of Bangladesh. Fax: +880 2 7168557. Email: [minoflaw@law.com](mailto:minoflaw@law.com)
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- Justice Surendra Kumar Sinha, Chief Justice, Supreme Court of Bangladesh, Fax: +880 2 956 5058 /+880 2 7161344, E-mail: [chief@bdcom.com](mailto:chief@bdcom.com) or [supremec@bdcom.com](mailto:supremec@bdcom.com)
- Mr. Mahbubey Alam, Attorney General for Bangladesh, Email: [adv\\_mahbubey@yahoo.com](mailto:adv_mahbubey@yahoo.com)
- H.E. Mr. Abdul Hannan, Ambassador, Permanent Mission of the People's Republic of Bangladesh to the United Nations in Geneva, Switzerland, Fax: +41 22 738 46 16, E-mail: [mission.bangladesh@ties.itu.int](mailto:mission.bangladesh@ties.itu.int)
- Embassy of the People's Republic of Bangladesh in Brussels, Belgium, Fax: +32 2 646 59 98; Email: [bdootbrussels@skynet.be](mailto:bdootbrussels@skynet.be)

Please also write to the diplomatic missions or embassies of Bangladesh in your respective country as well as to the EU diplomatic missions or embassies in Bangladesh.

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Geneva-Paris, May 12, 2017

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

*The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by the World Organisation Against Torture (OMCT) and FIDH. The objective of this programme is to intervene to prevent or remedy situations of repression against human rights defenders. OMCT and FIDH are both members of [ProtectDefenders.eu](http://ProtectDefenders.eu), the European Union Human Rights Defenders Mechanism implemented by international civil society.*

To contact the Observatory, call the emergency line:

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