



09 August, 2018

To,

- a. Office of the UN High Commissioner for Human Rights (OHCHR), Geneva;
- b. Working Group of Arbitrary Detention;
- c. Nils Melzer, *UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*;
- d. Michel Forst, *UN Special Rapporteur on the Situation of Human Rights Defenders*;
- e. David Kaye, *UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*.

Sub: Illegal arrest of Dr Shahidul Alam: Request for urgent action

The Commonwealth Human Rights Initiative (CHRI) draws your urgent attention to the manner of arrest of Dr. Shahidul Alam, the well-known Bangladeshi photo journalist and human rights defender, by the Detective Branch of the Dhaka Metropolitan Police and his subsequent alleged torture, inhuman and degrading treatment in police custody. This recent episode is yet another disturbing indicator of the arbitrary manner in which the Government of Bangladesh is curbing rights to personal liberty, media freedom as well as the freedom of speech and expression. We request your immediate intervention in urging the Government of Bangladesh to ensure his physical safety and all due process rights.

Factual background

It has been averred before the Additional Chief Metropolitan Magistrate (ACMM), Dhaka that on 05 August, 2018, at about 10:15pm (local time) Dr. Shahidul Alam was forcibly apprehended from his residence in the Dhanmondi neighbourhood of Dhaka, and taken away in a motor vehicle by a group of police personnel in plain clothes. He was blindfolded and handcuffed. After several failed attempts by his partner to ascertain his whereabouts, the Dhaka Metropolitan Police informed her at about 2.00pm that he had been picked up by the Detective Branch of the Police and that a case would be filed against him.

It was not until 6:00 pm on 06 August, 2018 (about 20 hours later) that Dr. Shahidul Alam was produced before the ACMM. He stated before the ACMM that he was physically and psychologically tortured in police custody. He said that he was forced to give the police the login details of his Facebook account. He stated that he was pressurised not to make any statements against the Government, failing which criminal proceedings would be brought against him. He also complained that he was threatened that his partner would be picked up in a similar manner if he did not cooperate with the police.

Despite Dr. Shahidul Alam's unequivocal statement and visible indications of torture on his body, the ACMM remanded him to police custody for seven days and refused to allow counsels plea for an immediate medical examination. It was only after his counsels moved the High Court Division of the Supreme Court of Bangladesh that he was sent for medical examination and treatment on the Court's direction. The police delayed even this process for several hours, holding him overnight in custody again. He was taken to a Dhaka hospital for medical examination on the orders of the High Court. On 08 August, 2018 he was sent back to Detective Branch of the Police from the hospital.

Fundamental rights violations

Dr. Shahidul Alam's arbitrary detention without any warrant and thereafter subjecting him to torture and ill-treatment in police custody, merely for expressing his opinions, constitute gross violations of his fundamental rights, guaranteed by Articles 31, 32, 33, 35 and 39 of the Constitution of Bangladesh. The country's Constitution prohibits any deprivation of life and liberty and prohibits torture and cruel, degrading and inhuman treatment. The *Penal Code, 1860* further makes clear that physical and psychological ill-treatment of the accused by law enforcement officials is impermissible and punishable.

The torture, inhuman and degrading treatment meted out to Dr. Shahidul Alam constitute a blatant and shameful violation of the fundamental freedoms and guarantees enshrined in the International Covenant on Civil and Political Rights and the UN Convention against Torture. Bangladesh is a party to both international treaties.

Urgent action required

CHRI strongly believes that Dr. Shahidul Alam's arrest marks a gross violation of his basic rights and freedoms, and connotes an even bigger threat to the general state of free expression in Bangladesh. It is apparent from the statement in this video (<http://www.newagebd.net/video/1746/Shahidul-Alam>) and the physical condition of Dr. Shahidul Alam, that he was brutally tortured while in custody. The fact that he was sent to police custody again makes him vulnerable to further torture and degrading treatment at their hands.

CHRI urges the Office of UN High Commissioner for Human Rights and Special Procedures and OHCHR to immediately take note of the urgency of the situation and call upon the Government of Bangladesh to immediately and unconditionally release Dr. Shahidul Alam without any further harm or abuse for he appears to be a 'Prisoner of Conscience' who has been detained for peacefully exercising his right to freedom of speech and expression. Pending his release, the Office of the High Commissioner for Human Rights and UN Special Procedures must ensure that Dr. Shahidul Alam is not subjected to any kind of torture or ill-treatment, has regular access to his family, lawyers of his choice, and adequate medical care.

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Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, founded in 1987 and mandated to ensure the practical realisation of human rights in the countries of the Commonwealth. CHRI has Special Consultative Status with the Economic & Social Council of the United Nations and accredited to the Commonwealth. The objectives of CHRI are to promote awareness of and adherence to the Commonwealth Harare Principles, the Universal Declaration of Human Rights and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights in Commonwealth member states.

Relevant media and NGO reports:

- South Asia Media Defenders Network (SAMDEN): <http://www.humanrightsinitiative.org/press-releases/release-shahidul-alam-immediately-samden-urges-dhaka>
- DW: <https://www.dw.com/en/bangladesh-arrests-top-photographer-amid-student-protests/a-44972531>
- The Guardian: <https://www.theguardian.com/world/2018/aug/06/famed-bangladeshi-photographer-held-over-road-protest-comments>
- Daily Star: <https://www.thedailystar.net/news/country/torture-on-shahidul-alam-in-custody-human-rights-watch-probe-report-1617139>
- Committee to Protect Journalists: <https://cpj.org/2018/08/bangladeshi-photographer-shahidul-alam-detained-af.php>
- Human Rights Watch: <https://www.hrw.org/news/2018/08/06/bangladesh-stop-attacks-student-protesters-critics>
- Amnesty International: <https://www.amnesty.org/en/latest/news/2018/08/bangladesh-release-photographer-end-violent-crackdown/>

Videos:

- New Age: <http://www.newagebd.net/video/1746/Shahidul-Alam>
- The Wire: <https://thewire.in/south-asia/bangladesh-photographer-shahidul-alam-arrested-facebook-dhaka-protests>

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