

Bangladesh: Re-open Shuttered Newspaper; Free Editor

Investigate Serious Allegations of Torture in Detention

July 7, 2010

(New York) - The Bangladesh authorities' forced closing of a daily newspaper linked to the political opposition and the detention of its editor appear to have violated both freedom of expression and due process, Human Rights Watch said today. The government should immediately ensure that an impartial investigation is conducted into allegations by the editor, Mahmudur Rahman, that he was beaten and abused in custody, Human Rights Watch said.

Human Rights Watch called on the government to reinstate the printing license of the newspaper, *Amar Desh*, and to allow it to re-open immediately and operate without hindrance. The government also should ensure that Rahman is either immediately released or immediately given a free and fair trial in accordance with international standards. Rahman told the magistrate that he was severely beaten in police custody and that the Rapid Action Battalion, the anti-crime and anti-terrorism elite force of the Bangladesh police, later blindfolded him and handcuffed him to the window bars in a cell, forcing him to stand there for a long period of time without food or water.

"Shutting down a newspaper and jailing its editor shows the Bangladesh government apparently fears a free and unencumbered press," said Tej Thapa, South Asia researcher at Human Rights Watch. "Intimidation and violence against the media betray the principles of a robust democracy, which is what the ruling Awami League said it was striving for when it campaigned for office."

More than 100 police in riot gear stormed the offices of *Amar Desh* in the middle of the night of June 2, 2010, and arrested Rahman. At least 34 charges have been lodged against him, including 28 involving defamation. The police shut down the printing press, said the paper's license to print had been revoked, and took away all copies of the newspaper that had been printed for that morning's distribution. Police officers attacked and wounded several journalists working the late night shift.

Rahman and his staff had been under pressure from the government for critical reporting about the Bangladesh government. The paper has remained shut ever since, with the government trying to justify its actions by accusing Rahman of fraud. In multiple rulings on freedom of expression, the European Court of Human Rights has held that suspension of newspapers will be a human rights violation unless the authorities demonstrate very strong justifications, including that less stringent restrictions were not possible.

"Questioning government actions and highlighting corruption and abuses of power are critically important media functions in any democracy," Thapa said. "Rather than send in police with batons and padlocks, the government should respond to legitimate criticisms by addressing them. Unsubstantiated allegations of fraud against an editor are no justification for shutting down a newspaper."

Human Rights Watch called on the judicial authorities in Bangladesh to act swiftly either to release Rahman, or if they have lawfully obtained evidence to bring him to trial, to ensure that he receives a free and fair trial.

The authorities should also fully examine the credibility and legitimacy of any evidence they have gathered. The publisher of *Amar Desh*, Mohammad Hasmat Ali, told Rahman that members of National Security Intelligence took him to their headquarters and forced him to sign two blank sheets of paper. The authorities subsequently claimed that Ali had signed two statements, and that they had decided to take legal action against Rahman on the basis of those statements.

Bangladesh is a state party to both the Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and to the International Covenant on Civil and Political Rights (ICCPR). Under CAT, the Bangladesh government must ensure that any person who alleges he has been subject to torture has the right "to complain to and to have his case promptly and impartially examined by competent authorities." Under article 14 of the ICCPR, the Bangladesh government must ensure a fair and public trial for anyone charged with a criminal offense, and such a trial must take place "without undue delay." Article 19 of the ICCPR requires Bangladesh to protect freedom of expression, which can only be restricted if clearly set out by law for a handful of permitted reasons (including national security) and only when strictly necessary.

"The government of Bangladesh should ensure a fair and independent investigation into all the charges against Rahman as well as his serious allegations of torture," Thapa said. "The government needs to make clear to government security forces that the era of torture with impunity is over."

<http://www.hrw.org/en/news/2010/07/07/bangladesh-re-open-shuttered-newspaper-free-editor>

Related Materials:

[Ignoring Executions and Torture](#)

Shutting down a newspaper and jailing its editor shows the Bangladesh government apparently fears a free and unencumbered press. Intimidation and violence against the media betray the principles of a robust democracy, which is what the ruling Awami League said it was striving for when it campaigned for office.

Tej Thapa, South Asia researcher
