

# URGENT ACTION

## 23 MEN GRANTED BAIL BUT FEAR FOR SAFETY REMAINS

**Twenty-three of the 28 men arrested at a social event outside of Dhaka on 19 May have been granted bail. Though initially apparently held on suspicion of breaching the prohibition of ‘carnal intercourse against the order of nature’ in the Penal Code, the 28 were charged under the Narcotics Control Act 1990. A bail hearing is set for 21 June for the other five. Individuals known to those charged have been called in for questioning.**

Of the **28 young men** arrested during a social event on 19 May in Kerinaganj, a town south of the capital Dhaka, 23 have been granted bail during different court hearings in recent weeks. A bail hearing for the remaining five, who continue to be held at Kashimpur Central Jail (a high security prison), is set for 21 June. It is unclear why these five are still being held and have not yet been granted bail.

Though the individuals have been detained on suspicion of violating the Narcotics Control Act 1990, Amnesty International believes that the arrests were due to the fact that the gathering was known to be frequented by gay men. Sources have informed the organization that the police have been unable to retrieve narcotics from most of those detained. The Narcotics Control Act carries a penalty of up to life imprisonment or death sentence.

Since the initial arrests, some of those who attended the social event but had left prior to the raid have either been invited for “tea” by Rapid Action Battalion (RAB) officials to have an informal conversation, or have been asked to come to the police station for interrogation. Amnesty International is concerned that their names have been leaked during interrogations with those arrested, and that these individuals could now also face arrest. Various media outlets have also published images of some of the men now out on bail, putting their safety at risk.

All sexual conduct between men, including where it is consensual, is a criminal offence in Bangladesh, in violation of international human rights law. Homophobic hostility towards individuals and their families often have serious social repercussions, such as being ostracized from one’s community or losing one’s job. Sources informed Amnesty International that as a result of being arrested, one of the men has had his employment contract terminated and another has been forced into leaving his family home.

### **Please write immediately in Bengali, English or your own language:**

- Urging the authorities to ensure police investigations are conducted fairly and promptly to allow the individuals to resume their lives without fear of harassment or intimidation;
- Urging them to ensure police protection to those who report threats or intimidation based on their real or perceived sexual orientation or gender identity, in consultation with the individuals concerned and in accordance with their wishes; and
- Urging them to repeal all laws which criminalize consensual sexual conduct, including the relevant parts of Section 377 of the Penal Code.

### **PLEASE SEND APPEALS BEFORE 28 JULY 2017 TO:**

Inspector General of Police

AKM Shahidul Hoque  
Police Headquarters  
6 Phoenix Road  
Fulbaria 1000 Dhaka, Bangladesh  
Fax: +880 2 956 3362  
Email: ig@police.gov.bd

**Salutation: Dear Inspector General**

**And copies to:**

Ministry of Home Affairs  
Asaduzzaman Khan  
Bangladesh Secretariat, Building-8  
Dhaka, Bangladesh  
Fax: +880 957 3711  
Email: minister@mha.gov.bd

**Also send copies to diplomatic representatives accredited to your country.** HIS EXCELLENCY MR MOHAMMED NAZMUL QUAUNINE, High Commission for the People’s Republic of Bangladesh, 28 Queen’s Gate London SW7 5JA, 020 7584 0081, Fax 020 7581 7477, info@bhclondon.org.uk, www.bhclondon.org.uk

**Please check with your section office if sending appeals after the above date.** This is the first update of UA 112/17. Further information:

[www.amnesty.org/en/documents/asa13/6305/2017/en/](http://www.amnesty.org/en/documents/asa13/6305/2017/en/)

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### ADDITIONAL INFORMATION

On 18 May, some 150-200 men had gathered for a regular social event, known to be frequented by gay men, in Kerinaganj, a town south of the capital Dhaka. At around 2 am, members of the Rapid Action Battalion (RAB), an elite anti-crime and anti-terrorism unit of the Bangladesh Police, raided the community centre where the event was hosted. Throughout the years, Amnesty International and other rights organisations have documented a range of human rights violations by RAB personnel including extrajudicial executions, torture and enforced disappearances. Multiple sources told Amnesty International that RAB officers physically and verbally assaulted many of those present, and forced all of them to stand in a line. Officers then proceeded to “inspect” them and arrested those they suspected of being gay men, based on their clothing and mannerisms. At least 28 people were arrested, including the owner of the community centre, while the others were allowed to leave. According to media reports, RAB Commander Jahangir Hossain Matuboor said that RAB raided the community centre after locals had filed complaints. He stated that condoms and drugs were found on the premises, and that after being arrested, the men all admitted to “homosexual activities”. The men were then taken to Keraniganj Police Station where they were held on suspicion of drug possession under the Narcotics Control Act 1990.

Under Section 377 of Bangladesh’s Penal Code, “carnal intercourse against the order of nature”, which targets mostly same-sex sexual conduct, carries a maximum sentence of life imprisonment. Criminalising private, consensual sexual conduct between adults of the same sex violates the human rights to privacy and to non-discrimination and is therefore a breach of Bangladesh’s international human rights obligations, including Articles 2(1) and 17 of the International Covenant on Civil and Political Rights. Harassment of LGBTI people by security forces is common in Bangladesh, and many LGBTI people have told Amnesty International that they are extremely hesitant to approach the police. Far from being offered protection, those who have reported abuses say that they are often harassed by police, told to be “less provocative” and even threatened with arrest and criminal charges for “unnatural offences” under Section 377 of the Penal Code.

The situation for LGBTI people in Bangladesh has deteriorated significantly since April 2016 when two prominent LGBTI activists, Xulhaz Mannan and Mahbub Tonoy, were attacked and killed with machetes by the armed group Ansar al-Islam. Xulhaz Mannan was the chairman of Roopban, an LGBTI activist organization, which also published the only LGBTI magazine in the country. Following these murders, the threats against LGBTI people have escalated, forcing many into hiding or to leave Bangladesh to ensure their own safety. Self-censorship is now the norm and even the limited community activities organised by groups like Roopban have almost all ceased. Government officials have not only failed to condemn the murders, but made statements similar to those of Home Minister Asaduzzaman Kamal who in April 2016 said that any movement promoting “unnatural sex” is not allowed in Bangladeshi society. These statements have put LGBTI people at even higher risk and signal that they will not be protected by the state. For more information, see Amnesty International’s recent report *Caught between fear and repression: Attacks on freedom of expression in Bangladesh* (<https://www.amnesty.org/en/latest/news/2017/05/bangladesh-dissenting-voices-trapped-between-fear-and-repression/>).

Further information on UA: 112/17 Index: ASA 13/6499/2017 Issue Date: 16 June 2017