

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

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November 15, 2013

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Re: Arbitrary arrest and detention of Odhikar's Director, Mr. ASM Nasiruddin Elan on 6th November 2013

Dear Prime Minister; Ministers of Home Affairs; Law, Justice and Parliamentary Affairs, and Inspector General of Police,

Lawyers Rights Watch Canada ("LRWC") is a committee of lawyers providing support internationally to lawyers and other human rights advocates whose rights, safety, or independence are threatened as a result of their human rights advocacy.

We write to express our strongest condemnation of the latest developments yesterday against an officer of Odhikar, an internationally recognised and respected human rights NGO, based in Dhaka.

On November 6th, **ASM Nasiruddin Elan**, Director of Odhikar and his lawyers appeared before the Dhaka Cyber Crimes Tribunal and appealed for bail in a case filed by the Government under Section 57 of the Information and Communication Technology (ICT) Act, 2006 (amended in 2009) and under Sections 505 and 505A of the Penal Code. The charges against ASM Nasiruddin Elan arise in relation to a fact-finding report issued by Odhikar on the killing of 61 people during an operation carried out on May 5-6, 2013 by security forces against Hefazat-e-Islam activists in Dhaka.

Presiding Judge Shamsul Alam rejected the plea for bail and ordered that Mr. Elan be arrested and taken to Dhaka Central Jail.

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This latest development arises from accusations on September 4, 2013 that Mr. ASM Nasiruddin Elan Director of Odhikar, and Mr. Adilur Rahman Khan, Secretary of Odhikar and a member of OMCT General Assembly, allegedly “distort(ed) images by using photo shop and publishing a fabricated report, which enraged public sentiment”, in Odhikar’s fact-finding report on the May 2013 security forces operation. If found guilty, they may face up to 14 years in jail or a Tk 10,000,000 (about €93,660) fine under the ICT Act and seven years’ jail term under the Penal Code.

Already, Mr. **Adilur Rahman Khan**, Secretary of Odhikar has spent more than two months in Kashimpur prison, under conditions of arbitrary arrest and detention, before finally being released on bail on October 11th 2013.

LRWC considers this latest action, and the prosecution of both Messrs. Nasiruddin Elan and Adilur Rahman Khan, as arbitrary since it clearly aims at sanctioning and preventing their legitimate activities of investigation, reporting and advocacy on human rights issues.

LRWC requests that steps be immediately taken to:

- Ensure the pre-trial release ASM Nasiruddin Elan in accordance with international law;
- Ensure the withdrawal of all unfounded charges and false allegations against ASM Nasiruddin Elan and Mr. Adilur Rahman Khan.
- Ensure that all judges, prosecutors and other officials in this case are properly mandated and empowered to act independently and impartially in accordance with the law, including all international obligations arising from or recognized by, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Basic Principles on the Independence of the Judiciary.
- Ensure that ASM Nasiruddin Elan is provided with proper and adequate medical attention, and ensure the physical and psychological safety and wellbeing of ASM Nasiruddin Elan while in custody.

LRWC also urges your government to ensure: 1) the safety of all human rights defenders advocating for human rights in Bangladesh, and 2) an immediate halt to all forms of intimidation and harassment of human rights defenders in Bangladesh including journalists and others calling for adherence to Bangladesh’s international and domestic law obligations.

We await your response to this letter.

Yours sincerely,



Siobhan Airey, M.Sc., LLM, PhD candidate
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CC:

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