

# 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

[www.lrwc.org](http://www.lrwc.org); [lrwc@portal.ca](mailto:lrwc@portal.ca); Tel : +1 604 738 0338 ;Fax : +1 604 736 1175  
3220 West 13<sup>th</sup> Avenue, Vancouver, B.C. CANADA V6K 2V5

February 19, 2014

Ms. Sheikh Hasina,  
Prime Minister,  
Office of the Prime Minister,  
Gona Bhaban, Old Sangsad Bhaban, Tejgaon,  
Dhaka, Bangladesh  
Fax: +880 2 8113243, Email: [info@pmo.gov.bd](mailto:info@pmo.gov.bd)

Mr. Muhiuddin Khan Alamgir,  
Minister for Home Affairs,  
Ministry of Home Affairs,  
Bangladesh Secretariat Building 4,  
Dhaka, Bangladesh  
Email: [mkalamgir@yahoo.com](mailto:mkalamgir@yahoo.com);  
[minister@mha.gov.bd](mailto:minister@mha.gov.bd)

Barrister Shafique Ahmed,  
Ministry of Law, Justice and Parliamentary Affairs,  
Bangladesh Secretariat,  
Dhaka, Bangladesh,  
Email: [info@minlaw.gov.bd](mailto:info@minlaw.gov.bd)

Mr. Hasan Mahmud Khandaker, Inspector General  
of Police,  
Police Headquarters, Phoenix Road,  
Dhaka-1000, Bangladesh,  
Email : [ig@police.gov.bd](mailto:ig@police.gov.bd)

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

**Re: Bangladesh ignores request from the UN Working Group on Arbitrary Detention to  
discontinue prosecution of Adilur Rahman Khan and steps up surveillance**

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.

LRWC is writing to request the immediate withdrawal of charges against Adilur Rahman Khan, Secretary of Odhikar in compliance with the request from the United Nations Working Group on Arbitrary Detention (WGAD). LRWC further requests Bangladesh withdraw charges against Odhikar Director ASM Nasiruddin Elan and take steps to prevent further surveillance and other harassment of Mr. Khan and all others working with Odhikar.

Mr. Khan was arrested on 10 August 2013 ostensibly on charges related to publication by Odhikar of a report calling for an inquiry into the deaths of 61 people killed during a during an operation carried out by security forces against Hefazat-e Islam activists on May 5-6, 2013 in Dhaka. Mr. Khan and Odhikar Director ASM Nasiruddin Elan, were subsequently charged under Section 57 of the Information and Communication Technology (ICT) Act 2006 ("publishing false images and information" and "disrupting the law and order situation of the country." We note that the ICT was amended by Cabinet on 19 August to make certain offences cognizable and non-bailable and to increase the maximum sentence from ten to fourteen years. Odhikar and other NGOs expressed concern with the proposed amendments and their potential use against NGOs. For example, Gerald Staberock, Secretary General of OMCT said, "The new

law seems to specifically target human rights defender Adil Rahman Khan and other members of Odhikar”.

The United Nations Working Group on Arbitrary Detention (WGAD) reviewed the case and determined that the detention and prosecution of Mr. Khan was “directed from his peaceful exercise of the right to freedom of expression” and was therefore contrary to the UDHR and the ICCPR provisions. The WGAD requested that Bangladesh immediately release Mr. Khan and “discontinue the criminal proceedings against him.” The WGAD Opinion (A/HRC/WGAD/2013/) was adopted during the 68<sup>th</sup> session of the WGAD 13-22 November 2013 and was released to the public in December 2013.

While Mr. Khan was released on ad-interim bail on 8 October 2013, the prosecution has not been discontinued as requested by the WGAD. The charges were approved by the Court on 8 January 2014. We do not know if the court was provided with a copy of the WGAD Opinion or advised of the WGAD request for discontinuance of the prosecution. In addition Bangladesh authorities are interfering with protected freedoms of expression, to engage in human rights advocacy and rights to personal and professional safety by failing to prevent and punish unwarranted surveillance and harassment by state agents and others.

Particulars of unwarranted harassment include:

- The Special Branch of Police has Mr. Khan and members of his family under surveillance;
- Unidentified men have questioned Mr. Khan and other people working in the building where Odhikar’s office is located; and
- The Detective Branch of the Police is monitoring the Odhikar office and staff members;
- Two men on motorcycles followed Mr. Khan and members of his family on February 5, 2014, and sped away when asked to produce identification.

We note that surveillance of human rights defenders by intelligence agencies appears to have increased since the Awami League resumed power in a contested parliamentary election on January 5, 2014.

As a member of the United Nations, Bangladesh is expected to comply with and respect the UDHR<sup>1</sup> and the various principles, guidelines, standards and recommendations adopted by the UN General Assembly and other prominent international organizations relating to pre-trial detention, as well as relevant rules of customary international law relating to arbitrary arrest and detention. Specifically:

Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”, and

Article 12.2, which provides that the State shall “take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of his or her rights”;

Bangladesh’s commitment under the UDHR prohibits further acts of surveillance and harassment against the staff of the human rights non-governmental organisation Odhikar, and in particular against Mr. Adilur Rahman Khan, Odhikar Secretary and a member of OMCT General Assembly, and his relatives.

---

<sup>1</sup> *Universal Declaration of Human Rights* (UDHR), adopted 10 Dec. 1984, online <http://www.un.org/en/documents/udhr/index.shtml>.

LRWC is greatly concerned by the acts of harassment against Odhikar and in particular against Mr. Adilur Rahman Khan and his relatives, as those acts seem to aim at sanctioning and silencing the human rights activities of this organisation. The authorities of Bangladesh must guarantee in all circumstances the physical and psychological integrity of Mr. Adilur Rahman Khan, his relatives and all Odhikar members, and to put an immediate end to any act of harassment against the organisation and respect their obligations under international law.

LRWC calls upon the authorities of Bangladesh to:

1. Withdraw charges against Adilur Rahman Khan, as requested by WGAD, and against ASM Nasiruddin Elan and to discontinue these prosecutions.
2. Prevent state officials from conducting surveillance of Adilur Rahman Khan, ASM., Nasiruddin Elan, all members of Odhikar and their relatives.
3. Prevent non-state actors from engaging in activities capable of interfering with the work of Adilur Rahman Khan, ASM., Nasiruddin Elan and other engaged in Odhikar work.
4. Conform with the provisions of the UDHR, ICCPR and the UN Declaration on Human Rights Defenders.
5. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Bangladesh.

Sincerely,



Gail Davidson, Executive Director, LRWC



Samina Ullah, LRWC Member

CC:

Ms. Sheikh Hasina, Prime Minister, Office of the Prime Minister,  
Gona Bhaban, Old Sangsad Bhaban, Tejgaon, Dhaka, Bangladesh.

Fax: [+880 2 8113243](tel:+88028113243), Email: [pm@pmo.gov.bd](mailto:pm@pmo.gov.bd)

Professor Dr. Gowher Rizvi, Adviser to the Prime Minister (International Affairs),  
Old Sangsad Bhaban, Tejgaon, Dhaka 1215, Bangladesh.

Fax: [+880 2 9111312](tel:+88029111312)

Email: [advinternational@pmo.gov.bd](mailto:advinternational@pmo.gov.bd)

Mr. Asaduzzaman Khan, State Minister for Home Affairs, Ministry of Home Affairs, Bangladesh  
Secretariat Building 8, 1st and 3rd floor, Dhaka, 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, Ministry of Law, Justice and  
Parliamentary Affairs, Bangladesh Secretariat, Dhaka, Bangladesh.

Fax: [+880 2 7168557](tel:+88027168557). Email: [minoqlaw@law.com](mailto:minoqlaw@law.com)

Md. Shahriar Alam, State Minister for Foreign Affairs,  
Segun Bagicha, Dhaka 1000, Bangladesh.

Fax: [+880 2 9562188](tel:+88029562188). Email: [fm@mofa.gov.bd](mailto:fm@mofa.gov.bd)

Mr. Mahbubey Alam, Attorney General for Bangladesh, Attorney General's Office,  
Supreme Court Premises, Dhaka, 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,  
65 rue de Lausanne, 1202 Geneva, Switzerland,  
Fax: [+41 22 738 46 16](tel:+41227384616), E-mail: [mission.bangladesh@ties.itu.int](mailto:mission.bangladesh@ties.itu.int)

Embassy of the People's Republic of Bangladesh in Brussels,  
29-31 rue J. Jordaens, 1000 Brussels, Belgium,  
Fax: [+32 2 646 59 98](tel:+3226465998); Email: [bdootbrussels@skynet.be](mailto:bdootbrussels@skynet.be)

Mrs. Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders  
C/o Office of the High Commissioner for Human Rights  
Palais Wilson United Nations Office at Geneva , CH 1211 Geneva 10 Switzerland  
Fax: +41(0) 22.917.90.06, email: [defenders@ohchr.org](mailto:defenders@ohchr.org)

Mr. El Hadji Malick Sow, Chair-Rapporteur  
Working Group on Arbitrary Detention , c/o Office of the High Commissioner for Human Rights  
United Nations Office at Geneva, 8-14, avenue de la Paix, 1211 Geneva 10, Switzerland  
Fax: +41 22 9179006, e-mail: [wgad@ohchr.org](mailto:wgad@ohchr.org)

H.E. Mr. Abdul Hannan, Ambassador  
Permanent Mission of the People's Republic of Bangladesh to the United Nations in Geneva,  
65 rue de Lausanne, 1202, Geneva, Switzerland  
Fax: +41 22 738 46 16, E-mail: [mission.bangladesh@ties.itu.int](mailto:mission.bangladesh@ties.itu.int)

His Excellency Kamrul Ahsan  
High Commissioner for the People's Republic of Bangladesh to Canada  
Constitution Square Centre, 340 Albert street, Suite – 1250, Ottawa, Ontario, K1R 7Y6  
Fax: +1-613 567 3213; E-mail: [bangla@rogers.com](mailto:bangla@rogers.com)

Ms. Heather Cruden  
High Commissioner of Canada to Bangladesh  
United Nations Road, Baridhara, GPO Box 569, Dhaka 1212, Bangladesh  
Fax: +880 2 882 3043, email: [dhaka@international.gc.ca](mailto:dhaka@international.gc.ca)

The Honourable John Baird, PC, MP, Minister of Foreign Affairs  
House of Commons, Ottawa, Ontario K1A 0A6  
Fax: 613-996-9880 email: [john.baird@parl.gc.ca](mailto:john.baird@parl.gc.ca)

**Bangladesh ignores request from the UN Working Group on Arbitrary Detention to discontinue prosecution of Adilur Rahman Khan and steps up surveillance**