

# 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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Monday, May 26, 2014

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

**Re: Attempted abduction and intimidation of Mr. Mohammad Nur Khan, Director  
of Investigation at ASK, in Dhaka.**

Lawyers Rights Watch Canada (“LRWC”) is a committee of Canadian 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 concern about reported actions against an officer of Ain-o-Salish Kendra (ASK), a well known and respected human rights NGO, based in Dhaka.

LRWC has been reliably informed by Odhikar and ASK about the attempt to abduct **Mr. Mohammad Nur Khan**, Director of Investigation at ASK, in Dhaka. According to the information received, and that recently reported in ‘The Daily Star’, on May 15, 2014, at around 5:10 pm, Mr. Mohammad Nur Khan left the ASK office in Lalmatia, Dhaka. Some six or seven youths aged between 28 and 30 began following him as soon as he left his office. He got in a rickshaw with another colleague, and they were just a few yards away from the office when a white microbus deliberately obstructed the rickshaw. Being suspicious, Mr. Nur Khan quickly got down from the rickshaw and ran back to ASK office as the youths were getting out of the vehicle to drag him into it. His colleague noticed five to six people aged around 30 inside the microbus.

LRWC, along with other international human rights organisations such as the Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), condemn the attempted abduction of Mr. Mohammad Nur Khan which appears part of a wider pattern of intimidation aimed at curtailing the legitimate activities of human rights defenders. As Director of Investigation for ASK, Mr. Mohammad Nur Khan has reported on and been a vocal opponent of human rights violations in Bangladesh, including violations believed to have been committed by the Rapid Action Battalion (RAB) since its inception in 2010.

Prior to 15 May, **Mr. Mohammad Nur Khan** observed that he was regularly followed by a person on a motorbike, who has enquired about his movements at the office reception. On April 20, 2014, Mr. Nur Khan had filed a General Diary (No 1557) report with Mohammadpur police station. After the incident of May 15, he filed another General Diary (No 1250) report.

In recent months LRWC has sent other written communications in response to reports of harassment and intimidation of human rights defenders by government and unknown actors. We called on Bangladesh authorities to ensure that human rights defenders are able to carry out their legitimate activities without any hindrance or fear of reprisals. As a State party to the *International Covenant on Civil and Political Rights (ICCPR)*, Bangladesh has legal obligations to protect the life and liberty of all persons within its territory. The UN *Declaration on Human Rights Defenders*, adopted by the General Assembly of the United Nations on December 9, 1998, directs states to take particular measures with respect to human rights defenders to:

- Ensure 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”, as set out in Article 1; and,
- “[T]ake 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” as set out in Article 12.2.

The United Nations Human Rights Committee has determined that failure to act quickly and effectively to prevent violation of a protected right can, itself, constitute a violation of the International Covenant on Civil and Political Rights,

There may be circumstances in which a failure to ensure Covenant rights as required by Article 2 would give rise to violations by States Parties of those rights, as a result of States Parties' permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.<sup>1</sup> (emphasis added)

LRWC calls on the government of Bangladesh to:

1. Conduct an immediate, thorough and impartial investigation to identify those suspected of responsibility for authorizing and carrying out these acts of intimidation against Mr. Mohammad Nur Khan;
2. Ensure the appropriate criminal, civil and/or disciplinary proceedings to determine the identity of the perpetrator(s) and the appropriate sanction(s);
3. Provide protection for the personal and professional safety of Mr. Mohammad Nur Khan.

We thank you in advance for taking effective action.

We await your response to this letter.

Yours sincerely,



Siobhan Airey, M.Sc., LL.M, PhD candidate

Copied to:

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,

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<sup>1</sup> Human Rights Committee, General Comment No. 31 on Article 2 of the Covenant: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc. CCPR/C/74/CRP.4/Rev.6, 21 April 2004, para. 8.

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