

# 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, August 12, 2013

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

## **Re: Arbitrary arrest and detention of Mr. Adilur Rahman Khan**

Lawyer's Rights Watch Canada (LRWC) is a committee of Canadian lawyers who promote human rights and the rule of law by providing support internationally to human rights defenders in danger.

We have been informed by reliable sources of the arbitrary arrest of Mr. Adilur Rahman Khan, Secretary of Odhikar, a human rights organisation based in Dhaka, Bangladesh. Odhikar is registered as a non-government organization with the NGO Affairs Bureau of Bangladesh and has special consultative status with Economic and Social Council of the United Nations. Mr. Adilur Rahman Khan is a member of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH); he is a lawyer of the Supreme Court of Bangladesh and a former Deputy Attorney General.

According to information received, on 10 August 2013 at 10:30 pm, Mr. Adilur Khan was arrested without a warrant by eight or nine detectives of the Detective Branch of Police as he was returning home with his family. The police officers showed no arrest warrant. The arrest was reportedly made on the basis

of a “General Diary” complaint.<sup>1</sup> At 12:30 am on 11 August 2013, Mr. Khan’s wife, Mrs. Saira Rahman Khan and Odhikar representatives went to the Detective Branch office at Mintoo Road, Dhaka but were denied entry. Odhikar representatives then attended the Gulshan Police Station at 2:00 am on 11 August, but police officers present stated that they knew of no case against Mr. Rahman Khan and that they had learned of the arrest from the media. At 3:00 am on 11 August 2013, Mrs. Khan, attended the Gulshan Police Station and tried to make a “General Diary” complaint concerning the arbitrary arrest of her husband. The duty officer reportedly refused to accept the complaint, stating the case was ‘sensitive’ and the Officer in Charge also refused to accept the complaint.

At approximately 1:20 pm on 11 August 2013, Mr. Khan was taken before Dhaka Metropolitan Magistrate Amit Kumar Dey, who placed him on five-day remand on charges laid under the *Information and Communication Technology Act 2006*, section 57(1) and (2).<sup>2</sup> The complaint was provided to Mr. Khan’s lawyers only after Mr. Khan was presented before the Court. The charges are purportedly based on two General Diary complaints. In General Diary number 268, dated 10/8/2013, filed by the Detective Branch of Police (North) Mr. Khan is shown to have been arrested under S. 54 of the *Code of Criminal Procedure*. This complaint was signed by Mohammad Ashraful Islam, ID 7199042827, Team 8, Detective Branch Police (North), Dhaka Metropolitan Police. The other complaint, number 514 of 10/8/2013, was lodged in Gulshan Police Station. The charges are believed to be in relation to a report prepared by Odhikar about the killing of 61 people during an operation carried out on May 21<sup>st</sup>, 2013 by law enforcement agencies against Hifazat-e Islam activists at the Motijheel area of downtown Dhaka.

The magistrate denied Mr. Adilur Rahman Khan’s application for pre-trial release and granted permission to the Detective Branch to search Mr. Adilur Rahman Khan’s residence and office for documents. Detective Branch police reportedly searched the Odhikar office on 11 August 2013 between 8.20 pm and 9.00 pm, inspecting files and documents and seizing three laptop computers and two CPUs.

International law requires Bangladesh to ensure rights to life and liberty of all persons and to safeguard the right and duty of Mr. Khan and other lawyers and human rights defenders to engage in human rights advocacy, including advocacy that exposes wrongdoing by government agents.

The international law instruments that impose these mandatory duties on Bangladesh authorities include the *International Covenant on Civil and Political Rights*, ratified by Bangladesh 6 December 2000, the Universal Declaration of Human Rights (1948), the Basic Principles on the Role of Lawyers (1990) and the Declaration on Human Rights Defenders (1998). The UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9<sup>th</sup>, 1998 which declares in

- Article 1, 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”.

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<sup>1</sup> Section 44, *The Police Act*, 1861, available at [http://bdlaws.minlaw.gov.bd/print\\_sections\\_all.php?id=12](http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=12)

<sup>2</sup> [http://www.moict.gov.bd/images/download/ICT\\_ACT\\_2006.pdf](http://www.moict.gov.bd/images/download/ICT_ACT_2006.pdf)

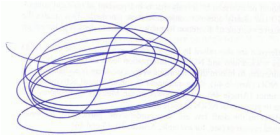
LRWC is very concerned by the arbitrary arrest and continued detention of Mr. Adilur Rahman Khan. It appears that the purpose of the above noted charges is not to ensure the public peace, but rather to invoke extra-legal criminal sanctions against legitimate legal and human rights advocacy by Mr. Khan and Odhikar. Any intentional involvement of state agents to wrongfully deprive a person of liberty violates internationally protected rights and puts the integrity of the legal system at risk. The laying of charges known to be false puts police and judicial authorities at risk of unwittingly participating in the violation of protected rights and an abuse of process.

LRWC request your offices to take all necessary steps to ensure:

1. The immediate release of Mr. Adilur Rahman Khan; and,
2. The withdrawal of unsubstantiated charges; and,
3. That Bangladesh police and judicial authorities understand and adhere to the duties arising from the international law instruments cited above to protect the life and liberty of all persons and the right and duty of lawyers and other to engage in human rights advocacy; and,
4. The prevention and punishment of these internationally protected rights, including violations by state agents.

Thank you for your attention to this serious matter. We look forward to receiving a reply from you and will continue to monitor the situation.

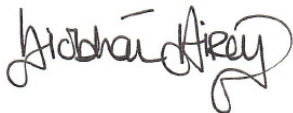
Sincerely,



Gail Davidson, Executive Director, LRWC



Catherine Morris, BA, LLB, LLM  
Member, LRWC



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

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