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October 9, 2013

Bangladesh's authorities are trying to block the process of releasing the human rights defender Adilur Rahman Khan, today, October 9, 2013.

A Division Bench of the High Court Division of the Supreme Court of Bangladesh granted six months interim bail to Adilur Rahman Khan yesterday, 8 October 2013. Nearly after two months since the detention started on August 10 the High Court has granted bail following rejection of the bail petitions by the Magistrate's Court once and Cyber Crimes Tribunal twice respectively. The Court passed this order after hearing Adilur's petition, moved by Supreme Court Bar's president Barrister AJ Mohammad Ali, in a Division Bench of the High Court. The Court ordered immediate release of Adilur, as there is no other case against him, asking the order should be served to the prison authorities by special messenger. It also directed the government and the police to explain why Adilur would not be granted regular bail.



Adilur was expected to be released from Kashimpur Central Jail-1 while the process of sending the Court's order was in progress amidst rumours and suspicion that the authorities may re-arrest him in fresh fabricated cases, as there is such culture of re-arresting targeted persons in front of the gates of the prisons immediately after their release.

Today, in the afternoon, in less than 24 hours since the High Court granted bail to Adilur, the Office of the Attorney General has challenged yesterday's bail order before the Bench of the Chamber Judge of the Supreme Court. The Attorney General requested the Chamber Judge's Bench to stay the High Court's order, however, the Court rejected the governmental plea while hearing the matter this afternoon.

The Attorney General's appeal is part of the governmental strategy to prolong Adilur's detention.

The Asian Human Rights Commission is aware that the government has amended the Information and Communications Technology Act, 2006, last week, ensuring that the crimes fall under Sections 54, 56, 57 and 61 'cognizable' and 'non-bailable' that were 'non-cognizable' and 'bailable' in the original law, despite the fact that the definitions of the crimes are mostly vague in the legislation. These amendments amount to retrospective legislation.

Constitutionally the Attorney General's role is to appear for the government of Bangladesh. However, the Attorney General's Office has been highly politicised and now it represents the wishes of the ruling regime.

The fate of Adilur is still uncertain. The government has established the 'Cyber Crimes Tribunal' headed by a Sessions Judge. According to the information received, the Cyber Crimes Tribunal judge AKM Shamsul Alam, in the latest hearing, on 25 September, rejected Adilur's bail petition and ordered to execute the warrant of arrest previously issued against *Odhikar's* Director Mr. ASM Nasiruddin Elan. The Tribunal, which on September 18 took the cognizance of charges of committing crimes under Section 57 of the Information and Communications Technology Act, 2006, and Sections 505 (c) and 505A of the Penal Code, 1860, had set the next date of hearing the case for 21 October. However, tomorrow is the last day of court and it will not resume again until the holidays for the Eid-ul Azha is finished. It seems that the government is trying hard to keep Adilur behind bars so as to strangle the voice of Odhikar before the national elections.

Significantly, a number of prominent lawyers having different political and strategic backgrounds appeared before the Court on behalf of Adilur while the bail petition was moved by former Attorney General Mr. AJ Mohammad Ali, a barrister and president of the Supreme Court Bar Association.

The Asian Human Rights Commission urges the civil society organisations in Bangladesh and the diplomatic community to intervene on behalf of Adilur Rahman Khan to ensure his speedy release. We also call upon the United Nations Human Rights High Commissioner's office and the international community to intervene on his behalf.

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