

PRESS RELEASE - THE OBSERVATORY

BANGLADESH: Arrest of Odhikar Director, a new step in persecution of prominent human rights organisation

Geneva-Paris, November 6, 2013. *The World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), within the framework of the Observatory for the Protection of Human Rights Defenders, express their deep concern as Mr. ASM Nasiruddin Elan, the Director of the prominent human rights non-governmental organisation Odhikar, was sent to jail today after he appeared before the Dhaka Cyber Crimes Tribunal.*

Today, Mr. **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, 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. At 12:20 in the afternoon Judge Shamsul Alam rejected the plea for bail and ordered that Mr. Elan be arrested and taken to Dhaka Central Jail.

“The arrest order by the specially set up Cyber Crimes Tribunal on the basis of vaguely defined crimes under the ICT Act is appalling and we are very concerned for the safety and physical integrity of Mr. Elan in detention”, said today Gerald Staberock, Secretary General of OMCT. *“Publishing human rights reports even if their conclusions may be contested or unpleasant for the authorities is not a crime”,* he added.

“We call upon the authorities of Bangladesh to release Mr. Elan immediately and unconditionally”, said Karim Lahidji, President of FIDH. *“It is time to return to the rule of law, ensuring that the ICT Act is revised and applied in a manner compliant with international human rights law”,* he added.

On September 4, 2013 Mr. ASM Nasiruddin Elan and Mr. **Adilur Rahman Khan**, Secretary of Odhikar and a member of OMCT General Assembly, were accused of allegedly “distorting images by using photo shop and publishing a fabricated report, which enraged public sentiment”, in relation to Odhikar above-mentioned report. If found guilty, they might face up to 14 years in jail or Tk 10,000,000 (about 93,660 €) fine under the ICT Act and seven years’ jail term under the Penal Code.

The Observatory considers the prosecution against Messrs. Nasiruddin Elan and Adilur Rahman Khan as arbitrary since it only aims at sanctioning and preventing their activities as human rights defenders, therefore contradicting international human rights standards and Bangladesh’s obligations. Accordingly, the Observatory calls upon the authorities of Bangladesh to put an end to any harassment against Odhikar and its members.

The Observatory recalls that Mr. Khan was arbitrarily detained from August 10, 2013 to October 11, 2013, when he was finally released on bail, after spending more than two months in Kashimpur prison. On September 11, 2013, the Cyber Crimes Tribunal issued an arrest warrant against Mr. Nasiruddin Elan, who was granted an order of “no arrest or harassment” for four weeks from the High Court Division of the Supreme Court on October 10, 2013.

In addition, on October 21, 2013, Mr. Adilur Rahman Khan appeared before the Cyber Crime Tribunal, where the Tribunal Judge fixed the next date of hearing on November 10, 2013 and asked Odhikar’s lawyers at the time to ensure the presence of Mr. Nasiruddin Elan at that hearing.

More generally, the Observatory calls upon the authorities in Bangladesh to ensure full respect for the rights set forth in the United Nations Declaration on Human Rights Defenders.

For more information, please contact:

- **OMCT: Delphine Reculeau: +41 22 809 49 39**
- **FIDH: Audrey Couprie/Arthur Manet: +33 1 43 55 25 18**