

Bangladesh: Stop judicial harassment of Adilur Rahman Khan and A.S.M Nasiruddin Elan of Odhikar

(Bangkok/Kathmandu, 18 January 2017) – The Asian Forum for Human Rights and Development (FORUM-ASIA) is deeply concerned over the continuous judicial harassment faced by its member Odhikar and its staff members, particularly Secretary Mr. Adilur Rahman Khan, who is also the Vice-Chairman of FORUM-ASIA, and Director Mr. A.S.M Nasiruddin Elan, were charged under Section 57 of the Information Communication and Technology (ICT) Act. FORUM-ASIA urges the Government of Bangladesh to drop the charges against them and repeal the ICT Act for its extensive abuse.

On 9 January 2017, the High Court of Bangladesh rejected the appeal filed by human rights defenders (HRDs) Mr. Adilur Rahman Khan and Mr. A.S.M Nasiruddin Elan, in an attempt to sanction and repress their legitimate human rights activities. This is a continuation of the charges filed against them in September 2013 when both were charged with violation of the Section 57 of the ICT Act of 2006 for ‘publishing false images and information’ and ‘disrupting the law and order situation of the country’. Since then the case has been transferred to the Cyber Crimes Tribunal. Mr. Adilur Rahman Khan was arbitrarily detained for 62 days, and Mr. A.S.M Nasiruddin Elan spent 25 days in detention after the release of the fact-finding report in 2013. Odhikar is also facing problems in implementing its activities, since its registration has not been renewed by the NGO Affairs Bureau (NGOAB) of the Government of Bangladesh.¹

The High Court cancelled its previous order of 21 January 2014 for a stay in the proceedings of the case at the Cyber Crimes Tribunal, and directed the Tribunal in Dhaka to continue with the proceedings. This decision has also cleared the way for the lower court to resume the trial proceedings of a case filed against Mr. Adilur Rahman Khan and Mr. A.S.M Nasiruddin Elan under the ICT Act of 2016.²

The ICT Act was first passed in 2006 and later amended in 2009 and 2013 respectively by the Government of Bangladesh. The law is often used to silent dissent and criticism against the government. Under the Act, a person if found guilty can be imprisoned up to fourteen years for ‘publishing fake, obscene or defaming information in electronic form³’, interpretation of which is widely used to criminalise freedom of expression in Bangladesh.

On 10 January 2017, the lawyers of Mr. Adilur Rahman Khan and Mr. A.S.M Nasiruddin Elan filed an appeal challenging the High Court’s judgement before the Appellate Division of the Supreme Court of Bangladesh. The Chamber Judge of the Appellate Division stayed the High Court’s judgement and ordered a delay for four weeks, giving time to both parties to further prepare for the case.⁴

1 <https://www.fidh.org/en/issues/human-rights-defenders/bangladesh-further-acts-of-judicial-harassment-against-messrs-adilur>

2 <https://www.frontlinedefenders.org/en/case/ongoing-harassment-adilur-rahman-khan>

3 <https://www.forum-asia.org/?p=21477>

4 Ibid.

FORUM-ASIA strongly condemns the systematic intimidation and demands withdrawal of the harassment against Odhikar and its staff members. It reiterates its earlier call⁵ and strongly urges the Government of Bangladesh to stop harassing HRDs, and abide by its human rights commitments under national and international laws, which includes space for civil society organisations.

About FORUM-ASIA:

FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratization.

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⁵ <https://www.forum-asia.org/?p=16661>

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