

# International Commission of Jurists

ICJ – International Commission of Jurists  
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## **Bangladesh: immediately release human rights defender Adilur Rahman Khan!**

The ICJ is calling for the immediate release of Adilur Rahman Khan, a prominent Supreme Court lawyer and human rights defender in Bangladesh.

Mr Khan is the Secretary of Odhikar, a Bangladeshi human rights organization that has documented human rights violations allegedly carried out by Bangladeshi security forces.

Plainclothes police officers arrested Mr Khan from his home on 10 August 2013 without an arrest warrant.

“Adilur Rahman Khan is being charged for the lawful exercise of the right to freedom of expression, so Bangladeshi authorities must immediately and unconditionally drop all charges against him and release him,” said Ben Schonveld, ICJ’s South Asia director. “Until the charges are dropped, he must be released on bail.”

Adilur Rahman Khan was charged on 11 August under section 57 of the Information and Communication Technology Act, 2006, for distorting information regarding a police operation on a Hefazat-e Islam rally in May this year.

Odhikar reported that 61 people had been killed in the police crackdown on the rally. The government denied any casualties.

He was not allowed to speak with his family or his lawyers until August 11, when a Magistrate’s Court refused bail and remanded him for a further five days of custodial interrogation.

On August 12, the High Court Division of the Supreme Court stayed the remand order, directing that Mr. Khan be sent back to jail, where he could be interrogated ‘at the gate of the prison.’

“Adilur Rahman Khan’s arrest is illustrative of a deeply worrying government strategy to muzzle and discredit the work of human rights defenders and distract attention from human rights violations,” added Schonveld. “The High Court’s stay of the remand order is a positive development. However, the Bangladesh government must uphold its obligations under domestic and international law to guarantee freedom of expression and allow human rights defenders to carry out their work.”

Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh is a party, guarantees ‘freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.’

The UN Basic Principles on the Role of Lawyers provide that lawyers must be allowed to carry out their work ‘without intimidation, hindrance, harassment or improper interference.’

Further, lawyers shall, in particular, have the right to take part in public discussions of matters concerning the law, administration of justice and the promotion and protection of human rights.

In addition, the UN Declaration on Human Rights Defenders clarifies that States must create an enabling environment for human rights defenders and take all necessary measures to protect human rights defenders ‘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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The report further suggests that *the complainant shall not be permitted to withdraw a complaint once made so as to ensure that all cases of sexual harassment are properly dealt with under the law of the land. We apprehend that permitting either mandatory conciliation, even if at the instance of the complainant, or permitting the complainant to withdraw her complaint will negatively impact the ability of women to bring valid complaints before the Tribunal. It cannot be gainsaid that the myriad pressurizing influences that are brought to bear upon women in our society may act to disable her from pursuing a valid complaint.*

- The employer will be free to set up internal complaint redressal mechanism but the complainant cannot be forced to take the aid of the same. Further the employers may undertake any steps to educate/ sensitize the employees.
- Further it has been laid down that the liability cannot be saddled on the employers in every case except where “ *the employer has (a) by an act or omission facilitated the specific act of sexual harassment complained of; (b) permitted the creation of an environment at the workplace where acts of sexual harassment have become widespread and systemic; or (c) been found in breach of any other obligation under the Act, including but not limited to, the proper disclosure of the sexual harassment policy and the mode of filing of a complaint or the forwarding of any complaint received by either the employer, or by any person appointed by the employer on its behalf, to the Tribunal at the instance of the complainant.*”

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