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**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.**

REFERENCE: UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (53-24)  
BGD 9/2013

14 August 2013

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 15/18, 16/4, 15/21, 16/5, and 16/23.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received concerning the situation of Mr. **Adilur Rahman Khan**, Secretary of Odhikar, a non-governmental organization which disseminates information relating to human rights and human rights abuses through monitoring and training projects. Odhikar was founded in 1995 and advocates for civil and political rights. It is a member of various international networks.

Mr. Adilur Rahman Khan was the subject of an urgent appeal by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders on 14 March 2011. We regret that your Excellency's Government has not yet provided a substantive response to the concerns raised in the letter.

Odhikar was the subject of communications sent to your Excellency's Government by several Special Procedures mandate holders on 11 October 2011, 14 March 2011, and 11 March 2010. We acknowledge receipt of the response transmitted by your Excellency's Government on 3 April 2011.

According to the information received:

On 10 August 2013, Mr. Adilur Rahman Khan was reportedly arrested at his home in Dhaka by a group of men in plain clothes who identified themselves as officers from the Detective Branch of Dhaka Metropolitan Police. He was taken into custody in the absence of an arrest warrant, and was refused access to a lawyer. His family, colleagues and lawyers were not informed of his whereabouts.

On 11 August 2013, Mr. Adilur Rahman Khan was brought before the Chief Metropolitan Magistrate Court. It is reported that the charges held against him include offences under Section 54 of the Criminal Procedure Code and the Information and Communications Technology Act (2006), which are related to the publication by Odhikar on 10 June 2013 of an investigative report on the 61 individuals who were allegedly killed by security forces on 5 May 2013 during the demonstration organized by Hefazat-e-islam. During the hearing the public prosecutor stated that the photos published by Odhikar on its website were falsified and the figures of casualties during the said demonstration were incorrect. Mr. Adilur Rahman Khan was granted 5 days remand.

On the same day, the premises of Odhikar were reportedly searched by the officers from the Detective Branch who examined the records, files and documents of the organization. They seized three laptops and two central processing units.

On 12 August 2013, the High Court stayed the remand order for six weeks, and issued a notice to the Government with a view to explaining within two weeks why the lower court order granting remand should not be cancelled. The High Court vacation bench also allowed the Detective Branch of Dhaka Metropolitan Police to interrogate Mr. Khan at the Dhaka Central Prison gate premises, if necessary.

On 13 August 2013, Mr. Adilur Rahman Khan appeared before the Magistrates Court. His lawyer filed an application seeking a preferential treatment at the Dhaka Centre Jail on the basis of education or social status, in accordance with the law. However, the application was rejected and Mr. Adilur Rahman Khan was sent to Dhaka Central Jail, before being transferred to Kashimpur-1 jail.

According to the information received, such arrests are often accompanied by brutal forms of torture and death in custody. It is further alleged that Mr. Khan is at very acute risk of torture.

Serious concerns are expressed that the arrest and detention Mr. Adilur Rahman Khan, and the charges held against him, may be linked to his legitimate human rights activities and the exercise of his right to freedom of association within Odhikar. Similar concerns are expressed about his physical and psychological integrity while in detention. Finally, concerns are expressed about the searches of Odhikar's premises by security forces, and the seizure of IT equipment.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Mr. Adilur Rahman Khan is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR), and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

We would also like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth *inter alia* in the UDHR, the ICCPR and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which your Excellency's Government acceded on 5 October 1998. In this context, we would like to draw the attention of your Excellency's Government to paragraph 1 of Human Rights Council Resolution 16/23 which "Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

We would like to recall article 19 of the ICCPR, which provides that "[e]veryone shall have the right to freedom of expression; this right shall include 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."

Similarly, we would also like to refer to article 22 of the ICCPR, which provides that "[e]veryone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests".

In this connection, we would like to further refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that "reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law."

We would also like to bring to the attention of your Excellency's Government the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and

fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the Declaration:

- article 5 points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations;

- article 6 point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems; and

- article 12 paras 2 and 3 which provide 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 the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency’s Government to safeguard the rights of Mr. Adilur Rahman Khan in compliance with the above international instruments.

Moreover, since it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the summary of the case accurate?
2. Please confirm the legal basis of the arrest and detention Mr. Adilur Rahman Khan, and the charges held against him, as well as the searches of Odhikar’s premises. Please indicate how such measures are compatible with the abovementioned international human rights norms and standards.

3. Please explain what measures have been taken to guarantee the physical and psychological integrity of Mr. Khan while in detention.

We undertake to ensure that your Excellency's Government's response is reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Adilur Rahman Khan are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

El Hadji Malick Sow  
Chair-Rapporteur of the Working Group on Arbitrary Detention

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to freedom of  
opinion and expression

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and of  
association

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders

Juan E. Méndez  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or  
punishment