

## Mandates of the Working Group on Arbitrary Detention

REFERENCE:  
UA BGD 2/2017

16 March 2017

Excellency,

I have the honour to address you in my capacity as Vice-Chair Rapporteur of the Working Group on Arbitrary Detention pursuant to Human Rights Council resolutions 33/30 and 26/7.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the arrest and detention of Mr. **Hasmat Karim**, an individual who, along with his family, was held hostage by gunmen during the armed attack on the 'Holey Artisan Bakery' in Dhaka. Despite being held hostage by gunmen, Mr. Karim has been detained by the authorities since 2 July 2016. He was held and interrogated at the Bangladesh Detective Branch until 3 August 2016, formally arrested on 4 August 2016 and is currently being held in Kashimpur prison without access to a lawyer, without charge and without medical attention.

According to the information received:

On 1 July 2016, at approximately 9.20 p.m., a group of five armed gunmen attacked the 'Holey Artisan Bakery' in Dhaka. During the siege and its aftermath, 20 individuals were killed and several more were held hostage.

Mr. Karim and his family were at the restaurant celebrating his daughter's birthday. The family survived the attack as they were able to prove that they were Muslim by reciting verses of the Koran. The attackers said they would not hurt their fellow Muslims.

During the siege, Mr. Karim's uncle phoned him. The gunmen asked Mr. Karim to call back and tell him to let the police know not to proceed towards the café or the hostages would be killed. The gunmen then made Mr. Karim walk in front of them as a body shield as they tried to secure the premises and see where the police were.

The following morning at approximately 7.00 a.m., the Security Services commenced an operation to take back the Bakery and free the hostages. The gunmen were killed, and the remaining 13 hostages rescued. Two police officers were also killed. All of the surviving hostages were taken for questioning. They all were released except for Mr. Karim and another individual.

It is alleged that the police have issued several false statements regarding Mr. Karim's employment history in order to continue detaining him. In particular, the police falsely linked him with one of the attackers, who was a student at the North South University (NSU) of Dhaka, where Mr. Karim used to be a lecturer. The police claimed that he had been fired from his post as a lecturer at NSU because of his purported links to a "militant organization". The source states that Mr. Karim left this position in order to work as a civil engineer with his father. Reportedly, the University confirmed that Mr. Karim left his job voluntarily.

On 3 August, Mr. Karim's family was summoned to the police station, where they were informed that Mr. Karim would be officially detained and brought before a court. The family was also told that after a 3- or 4-day remand period, they could apply for bail and bring Mr. Karim home. Consequently, on 4 August 2016, Mr. Karim was officially detained pursuant to Section 54 of the Criminal Procedure Code and given eight further days in remand. Mr. Karim's family was then directed to sign a document that it would not undertake proceedings against the Government.

On 13 August 2016, Mr. Karim was brought to a court in connection to the "Gulshan Attack Case", outlined above. He was again sent to remand for eight days. His detention was 'legalised' by being presented in front of a magistrate judge on the claim that he was arrested on the same day (13 August). The police misrepresented the circumstances of Mr. Karim's arrest to the court.

On 14 August 2016, authorities froze the business bank accounts of Mr. Karim's father. No justification was provided for this action. On the same day, a local lawyer who went to the Magistrates Court on Mr. Karim's behalf was pressured by the authorities to stop representing him.

On 22 August 2016, Mr. Karim was presented in court at the end of his remand period. The police did not request a further period of remand for their investigations. Mr. Karim was sent to Keraniganj prison without any charge. A hearing concerning his bail application was scheduled to take place on 24 August 2016. On that date, the Magistrate Court heard his bail application but denied it without motivating his decision.

On 2 September 2016, Mr. Karim was transferred from Keraniganj prison to a level 4 high security building in Kashimpur prison. On 4 October 2016, two months after he was brought before the court, a copy of allegations against him was released. No clear grounds for his continued detention were presented. On 30 October 2016, bail application was denied by a district court.

On 4 November 2016, Mr. Karim was refused temporary guarded parole to attend his father's funeral services, a right afforded even to convicted murderers and other criminals. Applications were made to a number of authorities on his behalf, including the Home Ministry and Prime Minister's offices.

Mr. Karim is still detained without charges. He is being denied regular contact with his family. He is being interrogated without the presence of a lawyer. Moreover, being a British citizen, Mr. Karim was also denied access to British consular protection, up until 13 February 2017. He was then granted consular access; however, any such meetings between the parties are supervised by the Bangladesh Detective Branch. Consequently, no open discussion can take place for fear of repercussions.

Without expressing at this stage any opinion on the facts of the case and on whether the detention of the above-mentioned person 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), which Bangladesh acceded to on 6 September 2000.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

I would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As 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:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide the information on the legal grounds for the arrest and detention of Mr. Karim in connection with the case mentioned above and how these measures are compatible with the international human rights obligations of Bangladesh, in particular under the ICCPR ratified in 2000.

3. Please provide information of any measures taken to ensure the due process and fair trial rights of Mr. Karim under the article 14 of the ICCPR.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

In addition, I would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such urgent appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent action procedure and the regular procedure.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

José Guevara  
Vice-Chair-Rapporteur of the Working Group on Arbitrary Detention