

Bangladesh: End Political Prosecution of Rights Leaders 10 Years of Reprisals Against Odhikar Officials for Documenting Violations

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The Bangladesh authorities should cease their continued criminalization and harassment of Bangladesh human rights group, Odhikar, 21 human rights groups said today. Authorities should drop politically-motivated charges against Odhikar's leaders, Adilur Rahman Khan and ASM Nasiruddin Elan.

On August 10, 2013, Khan, secretary of Odhikar and a prominent human rights activist, was arbitrarily detained after the group published a fact-finding report on extrajudicial killings and excessive use of force to disperse a protest in Bangladesh. Khan's whereabouts remained unknown for several hours until the police filed a case against him under the Information and Communication Technology Act, 2006, (ICT Act), a [law considered so draconian](#) that certain provisions of it were replaced by the government in 2018 when the Digital Security Act was adopted.

Khan was held in custody for 62 days, while Elan, who was detained later, was held in custody for 25 days. Both were released on bail.

Ten years later, Khan and Elan continue to be prosecuted for trumped-up allegations of publishing "fake, distorted and defamatory" material. Their lawyers have alleged [judicial harassment](#) at the Cyber Tribunal of Dhaka, saying it has unduly favored the prosecution. Government officials, including senior members of the cabinet, have repeatedly and publicly criticized Odhikar for its human rights work.

Following years of stalling, the government accelerated hearings in their case especially following the designation of [US sanctions against the country's abusive Rapid Action Battalion \(RAB\) and its officials](#) in December 2021, which Bangladesh authorities blame on human rights groups like Odhikar. Khan and Elan have appeared for all scheduled hearings at the Cyber Tribunal, sometimes being forced to stand in cages.

The judge finally closed the examination of witnesses on April 5, 2023, but then permitted the prosecution to submit an application for further investigation without specifying what component of the case would be subject to further investigation. The judge overruled the objections of Odhikar's lawyers against the further investigation after closure of examination of witnesses and wrote in his order that the decision was made with the consent of both parties. On this occasion, the judge also ordered three international observers from the missions of Switzerland, the UN, and the US to leave the court without explanation.

The assignment to the Criminal Investigation Department (CID) to conduct a “further investigation” after the announcement of closure of the examination of prosecution witnesses without a valid reason raises concerns about fair due process.

The further investigation report of the CID was submitted to the Metropolitan Magistrate Court on June 22. Khan and Elan appeared in court as scheduled on July 9, but were told that the Cyber Tribunal had not yet received the updated case docket. The next day, they learned that the Cyber Tribunal had set July 17 as the next hearing to examine the new witnesses identified in the CID’s further investigations. Khan and Elan only received a copy of the further investigation report on July 16, and new prosecution witnesses were presented in court on July 17 and 20 without providing enough time for the defense to prepare for cross examination. These decisions have put in question the fairness of the trial as they have, among other things, particularly hindered the right to adequate time and facilities to prepare a defense.

Ten years after Khan’s abduction, closing arguments will be heard in Khan and Elan’s case, and their sentencing of up to ten years of imprisonment if convicted is imminent. Throughout this case that has served to continuously criticize their human rights work, they have been denied their right to fair trial and have been [demonized](#) by the government. We stand with both courageous human rights defenders and urge the Bangladeshi government to immediately and unconditionally drop all charges against them. We remind the government that those working to document and expose human rights violations should be able to conduct their important work without fear of harassment, intimidation, and reprisals.

Signed:

1. Amnesty International
2. Anti-Death Penalty Asia Network
3. Asian Federation Against Involuntary Disappearances
4. Asian Forum for Human Rights and Development (FORUM-ASIA)
5. Asian Human Rights Commission
6. Banglar Manabdhikar Surakha Mancha (MASUM)
7. Capital Punishment Justice Project, Australia
8. CIVICUS: World Alliance for Citizen Participation
9. CrimeInfo, Japan
10. Eleos Justice, Monash University, Australia
11. Front Line Defenders
12. Human Rights First
13. Human Rights Watch
14. International Coalition Against Enforced Disappearances (ICAED)
15. International Federation for Human Rights (FIDH), within the framework of the Observatory for the Protection of Human Rights Defenders

16. Japan Innocence and Death Penalty Information Center
17. Malaysians Against Death Penalty and Torture (MADPET)
18. Martin Ennals Foundation
19. Programme Against Custodial Torture and Impunity (PACTI)
20. Robert F. Kennedy Human Rights
21. World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders