

Bangladesh: immediately release human rights defender Nasiruddin Elan

The International Commission of Jurists (ICJ) today called on the Bangladeshi authorities to immediately and unconditionally release Nasiruddin Elan, Director of the human rights group Odhikar.

Odhikar is an affiliate organization of the ICJ.

On 6 November 2013, a Dhaka cyber crimes tribunal rejected Nasiruddin Elan's bail application and ordered his detention in Dhaka Central Jail.

Nasiruddin Elan has been accused of distorting information, presenting false evidence and manipulating photographs of a Government crackdown on a rally by Hefazat-e-Islam, an Islamist political organization, in May this year. The action reportedly resulted in multiple deaths and injuries. Odhikar had reported that 61 protestors were killed by the Rapid Action Battalion (RAB) and the police. The Government contests the number of casualties.

"What we are seeing is a continuing unlawful attack on Odhikar and voices critical of the Government', said Ben Schonveld, ICJ's South Asia Director. 'Nasiruddin Elan is being arbitrarily detained for the lawful exercise of the right to freedom of expression and his legitimate work as a human rights defender."

On 4 September 2013, the Detective Branch of Police filed a charge sheet against Nasiruddin Elan under Section 57 of the Information and Communication Technology (ICT) Act 2006 and sections 505 and 505(A) of the Bangladesh Penal Code. On 11 September 2013, a Dhaka cyber crimes tribunal took cognizance of the charges against him and issued a warrant for his arrest.

Section 57 of the ICT Act criminalizes publishing or transmitting material that is 'fake and obscene', tends to deprave and corrupt persons' or causes to 'prejudice the image of the State'.

“Not only is section 57 of the ICT Act vaguely defined and overbroad, it imposes restrictions to free speech that are not permissible under Article 19 of ICCPR, giving authorities a free hand to silence public discourse,” said Schonveld.

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.’

Under Article 9 of the ICCPR, there is a presumption of pre-trial release. A person can only be denied pre-trial release where it is reasonable and necessary in all of the circumstances to prevent absconding, interference with evidence or recidivism.

“The Government should immediately drop its opposition to Nasiruddin Elan’s bail application,’ Schonveld said. ‘We are concerned that he will be one of the many detainees who faces torture and ill-treatment during detention, as documented by Odhikar and other human rights organizations.”

The ICJ calls on the Bangladesh authorities to immediately release Nasiruddin Elan; unconditionally drop all charges against Nasiruddin Elan and Secretary of Odhikar, Adilur Rahman Khan; and ensure Nasiruddin Elan is not subjected to any form of ill-treatment while in custody. The Government should amend the ICT Act to bring it in line with its international legal obligation. It should also cease its attacks on Odhikar and respect and ensure the protection of its activities in defense of human rights.

Additional Information

Cyber crimes tribunals have been constituted under the ICT Act to try offences prescribed by the Act.

The Hefazat-e-Islam rally was in protest to the government’s inaction against those allegedly responsible for blasphemy and hurting religious sentiment.

Adilur Rahman, the Secretary of Odhikar, was arrested on 10 August 2013. Rahman and Nasiruddin Elan were charged on 14 September for distorting information, presenting false evidence and manipulating photographs in relation to the Hefazat-e-Islam rally in May this year.

Rahman's bail applications were rejected three times. He was finally granted interim bail for six months by the High Court on 8 October 2013, and released from jail on 11 October 2013, after more than a month in arbitrary detention.

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