



The Law Society of
Upper Canada | Barreau
du Haut-Canada

February 23, 2017

Office of the Treasurer

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His Excellency Abdul Hamid
President of the People's Republic of Bangladesh
President's Office
Bangabhaban, Dhaka

Your Excellency:

Re: Arrest and detention of lawyer Mir Ahmed Bin Quasem

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the arrest and detention of lawyer Mir Ahmed Bin Quasem. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Mir Ahmed Bin Quasem is a Bangladeshi human rights lawyer and a member of the Bar Council of England and Wales. He defended his father, Mir Quasem Ali, the leader of the opposition party Jamaat-e-Islami, against accusations of war crimes. Following a trial that was considered unfair by several international non-governmental organizations, Mir Quasem Ali was convicted in November 2014 and executed in September 2016.

It is the Law Society's understanding that Mir Ahmed Bin Quasem was arrested at his home and forcibly dragged into a waiting car by several men in civilian clothes on August 9, 2016. The men claimed to be members of the administration, but did not identify themselves as belonging to any specific branch of the security forces. They also refused to show an arrest warrant. Mir Ahmed Bin Quasem's wife and cousin were present at the time of the arrest. Human Rights Watch reports that in the weeks prior to his arrest, Mir Ahmed Bin Quasem was worried about his safety, but he did not want to leave the country because he wanted to support his family before his father's execution.

Although the Bangladeshi government has denied that it is holding Mir Ahmed Bin Quasem in custody, his family has learned that he was first held at the headquarters of the Rapid Action Battalion before being moved to the headquarters of the Detective Branch. The most recent reports indicate that the

charges against Mir Ahmed Bin Quasem have not yet been disclosed to his family, he has not been produced before a magistrate as required by law, and he has not been allowed access to his family or lawyers.

The Law Society is deeply concerned about the arbitrary arrest and detention of Mir Ahmed Bin Quasem's. According to Human Rights Watch, Bangladeshi law enforcement authorities have a long history of politically motivated arrests and disappearances. In many cases, detainees are tortured or even killed. Moreover, we strongly believe that lawyers should be able to carry out their duties without fear for their lives, liberty and security.

The Law Society urges Your Excellency to comply with Bangladesh's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of Bangladesh to:

- a. immediately and unconditionally release Mir Ahmed Bin Quasem;
- b. to put an end to arbitrary, secret arrests and detentions;
- c. put an end to all acts of harassment against Mir Ahmed Bin Quasem and all other human rights lawyers and defenders in Bangladesh;
- d. guarantee in all circumstances the physical and psychological integrity of Mir Ahmed Bin Quasem; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

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David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

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