



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

October 13, 2017

Office of the Treasurer

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His Excellency Dato' Sri Mohd Najib bin Tun Haji Abdul Razak
Prime Minister of Malaysia
Office of the Prime Minister
Main Block, Perdana Putra Building
Federal Government Administrative Centre
62502 Putrajaya, Malaysia

Your Excellency:

Re: Arrest, detention, and deportation of lawyer Adilur Rahman Khan

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the arrest, detention, and deportation of Bangladeshi lawyer Adilur Rahman Khan. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Adilur Rahman Khan is a prominent Bangladeshi human rights lawyer and the Secretary of Odhikar, a human rights organisation founded in 1994 with the aim of monitoring and spreading awareness of human rights throughout Bangladesh. He is also the Vice Chair of Forum-Asia, a member of the OMCT (World Organisation Against Torture) General Assembly and a Vice-President of FIDH (International Federation for Human Rights).¹ The Law Society first intervened on his behalf in December 2015.

It has come to the Law Society's attention that at around 4am on July 20, 2017, Adilur Rahman Khan landed at Kuala Lumpur International Airport, where he was denied entry into Malaysia, arrested and detained by immigration officers. Adilur Rahman Khan was in Malaysia to attend the National Conference on Death Penalty organised by the Anti-Death Penalty Asia Network (ADPAN) from July 21 to 22, 2017.

¹ "Take Action for Adilur Rahman Khan", *Frontline Defenders* (20 July 2017), online: <<https://www.frontlinedefenders.org/en/action/take-action-adilur-rahman-khan-0>> [*Adilur Rahman Khan FD*].

After being detained for more than 16 hours, with no access to a lawyer when he was questioned by officers, Adilur Rahman Khan was forced on a plane and deported back to Bangladesh at 8pm the same day.

In light of these circumstances, the Law Society urges Your Excellency to comply with Malaysia'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, economic 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.

Furthermore, Article 23 provides:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the Government of Bangladesh to:

- a. put an end to all acts of harassment against Adilur Rahman Khan and all other lawyers in Bangladesh;
- b. guarantee in all circumstances the physical and psychological integrity of Adilur Rahman Khan;
- c. ensure that all lawyers are able to travel and to consult with their clients freely both within their own country and abroad;
- d. ensure that lawyers shall not suffer, or be threatened with, prosecution or administrative, economic, or other sanctions for any action taken in accordance with recognized professional duties, standards, and ethics;
- e. ensure that all lawyers in Bangladesh can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- f. 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:

H.E. Dato' Aminah Tun Karim Shaharudin
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His Excellency Abdul Hamid
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Steven Thiru, Malaysian Bar

Adrie van de Streek, Executive Director, Lawyers for Lawyers

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

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales