



Statement on the ongoing harassment of lawyer and human rights defender Shahanur Islam

14 August 2023

Lawyers for Lawyers is concerned about the continued harassment of Bangladeshi lawyer Shahanur Islam. Lawyers for Lawyers has strong reasons to believe Mr Islam is being persecuted for his work to defend the rights of ethnic, religious and sexual minorities in his capacity as a lawyer and human rights defender.

Mr Islam is a lawyer and human rights defender known for advocating for members of ethnic, religious and sexual minorities in Bangladesh. He has advised and represented, amongst others, victims of torture and extrajudicial killings and has provided support to indigenous peoples, victims of child marriage or domestic abuse and sexual minorities in Bangladesh since 2008. Mr Islam has worked for and with Plan International, USAID, Amnesty International and in recent years has co-founded Justice Makers Bangladesh, which offers support to minorities.

Due to his human rights work, Mr Islam has faced several instances of harassment over the years. Most recently, Mr Islam and his family members are faced with intimidation and death threats related to his work advising and representing sexual minorities in Bangladesh.

On 11th July 2023, an officer from the Special Branch of Police (SB) in Badalgachhi, Naogaon, visited the house of Shahanur Islam. He sought detailed information about him and his family members, including his mother, wife, child, and sisters. The information requested included their names, dates of birth, national identity numbers, education, occupations, and travel history. Additionally, he contacted Mr. Islam through Facebook Messenger, requesting his detailed CV.

On June 21st 2023, a campaign was initiated against Mr. Islam on an Islamic extremist Facebook group called Caravan, whose motto is "Look at the world through the eyes of Islam." The campaign called upon Bangladesh Ulamae Keram, speakers, responsible imams, khatibs, online activists, Islamic groups and organisations, as well as writers, to banish lawyer Shahanur Islam because of his advocacy work for LGBTQI+ rights. Additionally, they also called for the ban of JusticeMakers Bangladesh, an organisation founded by Shahanur Islam.

In another instance, on 19th February 2023, an officer from the Special Branch (SB) of the Police also sought detailed information about his wife, child, elderly mother, mother-in-law, siblings, and himself. The officer contacted one of Mr. Islam's cousins, inquiring about their education, professions, national ID card and passport details, addresses, political affiliations, activities against the government, ages, and more. The officer also questioned his current residence abroad, expected return to Bangladesh, reason for staying abroad, financial

support, work related to establishing LGBT rights, and advocacy for the decriminalization of homosexuality in Bangladesh.

In August, September and October 2022, Mr Islam received threats against him and his family from several different telephone numbers, relating to his LGBTIQ+ work.

Before this, Mr Islam had already faced harassment in relation to a pro bono case concerning a land grabbing in Naogaon Court. Mr Islam had been warned by a local political leader to not file this case. In 2020, Mr Islam suffered serious injuries following a physical assault by approximately ten individuals on court premises of the Naogaon district court, just after leaving a hearing in the forgery of court proceedings (summon) in the aforementioned case. It is alleged that the attack was aimed at intimidating Mr Islam to withdraw the case.

Mr Islam subsequently filed a case against the local political leader, and the ten individuals who attacked him. Since then, Mr Islam has suffered harassment relating to his case against this local political leader. In February of 2022 a public prosecutor threatened Mr Islam in open court not to pursue his case. On 6 October 2022, Mr Islam, together with one of his family members, was stopped by several individuals who threatened to kill Mr Islam if he did not withdraw the case against the local political leader or the individuals that assaulted him in 2020.

In 2017, the same local political leader allegedly made claims against Mr Islam and two of his family members, which led to the Naogaon Magistrate Court issuing warrants against Mr Islam and his family members. Mr Islam subsequently voluntarily reported himself to the authorities and was granted bail.

Lawyers such as Mr Islam play a vital role in upholding the rule of law and in the protection of human rights. Their work is indispensable to public confidence in the administration of justice and to ensure access to justice for all. On 17 January 2023, the UN Special Rapporteur on the Independence of Judges and Lawyers and the UN Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity issued a communication to the government of Bangladesh urging protection of Mr Islam.ⁱ

Lawyers for Lawyers would like to remind the authorities of Bangladesh that Bangladesh has ratified and signed the International Covenant on Civil and Political Rights (the “**ICCPR**”) and should take cognisance of the United Nations Basic Principles on the Role of Lawyers.

We would like to draw the attention of the Bangladeshi government to the ICCPR, which states that (i) no one shall be subjected to cruel, inhuman or degrading treatment or punishment,ⁱⁱ (ii) everyone shall have the right to liberty and security of personⁱⁱⁱ and (iii) all persons shall be equal before the courts and tribunals and shall be entitled to a fair and public hearing.^{iv}

In addition, the United Nations Basic Principles on the Role of Lawyers state that governments must ensure that lawyers “are able to perform all of their professional functions without intimidation, hindrance or improper interference”.^v The Basic Principles further require that “lawyers shall not be identified with their clients’ causes as a result of discharging their functions”.^{vi} They further stipulate that “charges or complaints made against lawyers in their professional capacity shall be processed expeditiously and fairly under appropriate procedures”.^{vii} The Basic Principles further state that “where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities”.^{viii}

In view of the above, Lawyers for Lawyers respectfully urges the government of Bangladesh to:

- **Ensure that Mr Islam is able to perform his professional functions without intimidation, hindrance, threats, violence or harassment;**
- **Investigate, without undue delay, thoroughly and transparently all threats, intimidation and use of violence against Mr Islam and to bring to justice any perpetrators of such crimes in proceedings that respect international fair trial guarantees;**
- **Drop any and all charges against Mr Islam, unless and insofar sufficient credible evidence is presented without delay in proceedings that comply with international fair trial guarantees; and**
- **Ensure that all lawyers and human rights defenders in Bangladesh are able to carry out their legitimate professional activities without fear of reprisals and free of undue interference.**

ⁱ Mandates of the Special Rapporteur on the independence of judges and lawyers and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, 'Communications Report', Ref: UA BGD 1/2023, 17 January 2023.

ⁱⁱ Article 7 ICCPR.

ⁱⁱⁱ Article 9(1) ICCPR.

^{iv} Article 14(1) ICCPR.

^v Basic Principle 16(a).

^{vi} Basic Principle 18.

^{vii} Basic Principle 27.

^{viii} Basic Principle 17.