

The Campaign to Free Abducted Barrister Ahmad Bin Quasem



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Preface

Working to release Ahmad Mir Quasem in Bangladesh

Contributor

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For us advocates working within the UK a bad day at work usually involves, at its highest, a relentless ticking off from a difficult Judge. In many parts of the world, however, the perils of representing clients in difficult and unpopular cases can involve serious threat to the life and liberty of the lawyers themselves. No country or lawyer currently better illustrates these dangers than Bangladesh and barrister Ahmad Bin Quasem. Ahmad was abducted in August 2016 from his home. He was representing his father Mir Quasem Ali in a high-profile trial, and his whereabouts remains unknown.

Ahmad Bin Quasem

Ahmad Bin Quasem is a Bangladeshi barrister, also called to the Bar of England and Wales. He had been representing his father Mir Quasem Ali before the International Crimes Tribunal ("ICT") of Bangladesh which was set up in 2010

by the ruling Awami League, led by Prime Minister Sheikh Hasina. The primary mandate of the Tribunal is to try crimes committed by pro-Pakistani groups during the Bangladesh's Liberation War that took place in 1971 and which resulted in the separation of Pakistan and Bangladesh into two sovereign states.

Ahmad's father Mir Quasem Ali, 63, had been a prominent member of the Jamaat-e-Islami party, Bangladesh's largest Islamist party and a successful entrepreneur. He was convicted in 2014 and sentenced to death becoming the seventh opposition leader to be given a capital sentence. The ICT has been widely criticised internationally for a lack of fairness and due process by groups such as Amnesty International, Human Rights Watch, as well as the United Nations High Commissioner for Human Rights and in the independent report of Geoffrey Robertson QC.

The concern that the ICT has been used in order to advance narrow political objectives has been exacerbated by reports of concerted harassment of lawyers representing parties at the Tribunal. Back in 2012, for instance, there were reports of an armed raid by security officers on the offices of a prominent defence lawyer acting at the Tribunal. Brad Adams of the Human Rights Watch had warned back then that:

"A raid by armed intelligence officers on the offices of defence lawyers without a warrant and for no discernible reason marks a very dangerous turn in an already flawed process...The Bangladeshi government needs to publicly condemn this action or risk the appearance of being responsible for this egregious violation of fair trial standards."

Mir Quasem Ali's a former lawyer was also force to quit citing hostile reaction .

The abduction of Ahmad Bin Quasem in this context, therefore, can be seen as a continuation and escalation of a wider campaign to harass and intimidate lawyers in such cases.

The Abduction

The death sentence against Mir Quasem Ali was still pending and subject to challenge back on August 9, 2016 when Ahmad Bin Quasem was abducted. At around 11pm that day he was forcibly taken by security forces from the home where he lived with his family. Ahmad Bin Quasem's wife Tahmina Akhtar reported that a group of seven or eight men in plainclothes came to their house, of whom she said:

"They did not have any arrest warrant. They merely told my husband to get ready and come with them for questioning...When he refused to comply, they dragged him to a white microbus and left,"

This operation followed the same modus operandi of other abductions by the security forces. Since this time there has been no official confirmation of Ahmad Bin Quasem's whereabouts. It is suspected that he was taken to prevent him from participating as a lawyer in appeals on behalf of his father and also from speaking to international contacts about the trial and the pending execution.

International Outcry

Amnesty International is one of many organisations who swiftly called upon Bangladeshi authorities to release Ahmad Bin Quasem. They did so in a statement on August 14, 2016 concerning both he and Hummam Quader Chowdhury (the son of another opposition figure Salauddin Quader Chowdhury who had also been executed as a result of the ICT) who had been abducted in very similar circumstances. Amnesty stated:

"Bangladeshi authorities should immediately end the illegal detentions of Mir Ahmed Bin Quasem and Hummam Quader Chowdhury, arrested respectively on August 9, and August 4, Amnesty International and Human Rights Watch said today.

Both men were arrested without warrants or charges, have not been produced before a magistrate, and have not been allowed access to family or lawyers

There is no question that Bin Quasem and Chowdhury are subject to an enforced disappearance in the custody of the security forces. Yet the Government continues to deny having them. Both men have been refused access to lawyers and their families, and production before a

magistrate," said Champa Patel, South Asia Director at Amnesty International.

"This is a practice which has unfortunately become completely routine in Bangladesh, and has to end."

Since this time Mr Chowdhury has been released.

Indeed, given that Ahmad Bin Quasem is a barrister of the Bar of England and Wales, the Bar has spoken out concerning the abduction. Chairwoman of the Bar Human Rights Committee Kirsty Brimelow QC said:

"BHRC is extremely concerned by reports that Mir Ahmed Bin Quasem has been detained by security forces, especially given his position as defence lawyer in his father's legal case. This is in the context of an on-going clampdown on human rights defenders, lawyers and journalists in Bangladesh.

"Lawyers must be free to represent their clients without fear of intimidation or violence, and states must act to ensure the safety of lawyers and human rights defenders.

"BHRC calls upon Bangladesh to provide urgent confirmation of Mr. Quasem's safety and whereabouts, and to either charge him with a specific crime for which there is credible evidence, or immediately release him.

"Furthermore, Bangladesh must comply with its international law obligations and provide clear proposals on strengthening protections for lawyers, judges and human rights defenders. Accountability is required over the abductions of Mr. Quasem and others."

The On-going Campaign

Barrister Michael Polak of Church Court Chambers has been spearheading the campaign to have Ahmad Bin Quasem released, acting in his capacity as lawyer instructed by his family. This work has involved travelling to Bangladesh in order to speak to a number of Ambassadors from different countries in Embassy's in Dhaka.

Concerning the case, Mr Polak stated:

"The enforced disappearance and arbitrary detention of a lawyer who has not committed any offence is contrary to international law, and is incompatible with the rule of law and human rights that Prime Minister Sheikh Hasina claims to respect. Those in the UK who are able to influence the actions of the Bangladeshi Government need to act now to prevent harm to my client."

Regarding his recent visit to Dhaka, Mr Polak said:

"The international diplomatic community is well aware of the problem of enforced disappearances in Bangladesh under the current Government, with estimates of around 300 people going missing over the last five years. The head of Human Rights at the Commonwealth has also stated that they are engaging with the Bangladeshi Government on this case, and the United Nations Special Rapporteur on the independence of Judges and lawyers, the Special Rapporteur on Torture and the Working Group on Enforced Disappearances have issued a joint

Communication in regards to Mr Bin Quasem's abduction and continued unlawful detention. The Bangladeshi Government is therefore risking the international reputation of the country by continuing to hold my client without charge."

Mr Polak considers that there is more that can be done by prominent people within the UK to speak out against the abduction and to support the safe return of his client. In particular, he indicates that there are figures within the British Labour Party who may be in a position to influence what happens to Ahmad Bin Quasem. He states:

"Mrs Tulip Siddiq, for instance, is the Labour MP for Hampstead and Kilburn. Bangladeshi Prime Minister Sheikh Hasina is her maternal aunt. Mrs Siddiq accompanied PM Sheikh Hasina during bilateral talks between Russia and Bangladesh in January 2013 and has also reportedly campaigned for her aunt's election. Her paternal uncle is Major General (Retired) Tarique Ahmed Siddiqui, Security Adviser to the Prime Minister. Mrs Siddiq's mother and brother are both on the ruling party's Council with the latter said to be being groomed to be the next Bangladeshi Prime Minister. It is clear that Mrs Siddiq MP has a close relationship with the Bangladeshi Prime Minister and other important government figures in Bangladesh.

Whilst we do not hold Mrs Siddiq MP responsible for what has happened to Mr Bin Quasem it is believed by

the international diplomatic community and Bangladeshi commentators that positive contact between her and the Prime Minister on this issue would likely result in Mr Bin Quasem being freed. We strongly encourage her and any others in the UK with a position of influence to speak up for the release of my client."

An Obligation to Speak Up

The continued detention without charge of Ahmad Bin Quasem is of grave and growing concern. We barristers have a duty to stand up and campaign when a fellow lawyer is abducted as a direct consequence of seeking to advance the cause of their client in an unpopular case. Indeed, this represents a fundamental breach of a cornerstone of the rule of law.

We should campaign on Ahmed Bin Quasem's behalf and continue to speak as loudly and forcefully as we can to the authorities in Bangladesh, and any others who may have the ability to influence the authorities there, to remind them of their fundamental duties under the rule of law to protect and safeguard lawyers and to allow them to participate in trials without interference.

Those interested in adding their signatures to a letter from the UK legal community to be delivered to the Bangladeshi High Commissioner or assisting in this campaign in any other way should contact Michal Polak at m.polak@churchcourtcchambers.co.uk

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