



# General Assembly

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## Human Rights Council

Twenty-seventh session

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2014]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).



## **BANGLADESH: Justice not afforded to victims of enforced disappearance**

1. The Asian Legal Resource Centre (ALRC) has made written submissions in the recent Sessions of the UN Human Rights Council on the prevalence of enforced disappearances in Bangladesh. To reiterate the overwhelming fact, victims of enforced disappearances in Bangladesh have no option of legal remedy from the criminal justice system. When this is reality, justice is simply a bridge too far.
2. Article 32 of the Bangladesh Constitution guarantees the right to life and liberty, which reads: "No person shall be deprived of life or personal liberty save in accordance with law". This provision exists only on paper. The life of the families of the victims of enforced disappearances tells the real tale.
3. The ALRC refers to the April 2013 statement of Bangladesh's former Foreign Minister Ms. Dipu Moni during the second cycle of the Universal Periodic Review (UPR) on Bangladesh at the Council. She stated that "enforced disappearance is not defined as a criminal offence in Bangladesh's penal law, and thus it does not take place in the country."
4. The criminal justice institutions of Bangladesh maintain this governmental position to refuse justice to victims. The entire judiciary has been rendered incapable of addressing the situation. The government wants the judiciary, which misses few opportunities to undermine its own independence, not to function, or rather to function in such a way that no remedies can result in cases of disappearances.
5. The families of victims of enforced disappearances are refused access to the complaint mechanism whenever allegations are brought against the agents of the state. The police refuse to register such complaints. The few families that are not dissuaded are forced to modify their complaints by removing the names of the law-enforcement agents from the list of the alleged perpetrators. The complaints are registered only when the complainants bring allegations against "unidentified persons". This makes the case, one of a "missing person", rather than a case of enforced disappearance. As a result, seeking justice for the disappeared victims is impossible at the stage of registration of the complaint itself, never mind the dream of credible investigation or prosecution. Additionally, state agents systematically intimidate the relatives of the disappeared victims, forcing families into silence.
6. One of the recent incidents involves seven victims, which includes the City Councillor of Narayanganj City Corporation and a lawyer of district Bar Association, who were abducted and disappeared by the Rapid Action Battalion (RAB). The local Bar Association leaders filed a writ petition at the High Court Division, seeking the Court's order for the arrest of certain RAB officers. The Court, accordingly, ordered the arrest of the officers. Meanwhile, the victims' bodies were found floating in a river.
7. The High Court ended up passing an order against RAB officers for murdering citizens for the first time in Bangladesh history. However, as soon as this order was pronounced the Prime Minister and Law Minister of Bangladesh began criticising the judiciary publicly for creating "anarchy" in the country. The Prime Minister warned the judiciary "not to intervene beyond the limit". The government's warnings amount to threats to the judiciary on one hand, and serve as an endorsement for the crimes of disappearances on the other.
8. In earlier Written Submissions, the ALRC has shown how the Office of the Bangladesh Attorney General prevents families from obtaining judicial remedies in the cases of disappearance. The Attorney General acts as a postman for law-enforcement agencies, placing the alleged agencies' statements that deny any involvement in disappearing the citizens before the Court. Thus, rights of the families of the disappeared, to obtain judicial remedy, are systematically negated in Bangladesh. The judiciary, ever vigilant on suo moto action to counter satirical comments of individuals on social networking sites, shies from habeas corpus writ cases in order to appease the government. The prevailing condition of repression and impunity contributes to the further weakening of criminal justice institutions.

9. The ALRC urges the Human Rights Council to hold Bangladesh accountable before the international community for its failure to provide remedies to victims and families of victims of enforced disappearance. Basic institutions related to criminal justice need reform so that rule of law can make its entry into the jurisdiction of Bangladesh.

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