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

Written statement* submitted by 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.

[20 August 2020]

* Issued as received, in the language(s) of submission only.

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Bangladesh: victims of enforced disappearances denied access to justice

The United Nations (UN) Human Rights Council (HRC) is set to hold its 45th Regular Session. Enforced Disappearance is one of the thematic issue on which the independent experts of the Working Group on Enforced or Involuntary Disappearances (WGEID) is scheduled to present its annual report in this Session.

The Asian Legal Resource Centre (ALRC) draws attention of the UN independent experts and the human rights community as a whole to to ask questions regarding what improvements have been achieved in terms of holding the perpetrators of enforced disappearances accountable in countries like Bangladesh where this particular crime against humanity continues under the direct patronisation of the highest level authorities of the State.

The Special Procedures of the UN human rights mechanisms needs to analyse the response received from the State and the information obtained from the victims and independent human rights organisations about the improvement of access to justice to the victims for the heinous crime of enforced disappearance. The UN, while advocating for its Agenda 2030 to achieve the Sustainable Development Goals (SDG), will hardly achieve the SDGs without sincere actions from the States to transform their respective rule of law institutions to allow universal access to justice for everyone.

It is important to understand that States like Bangladesh keeps committing the crime of enforced disappearances for 11 years in a row demonstrating utter disrespect despite being party to the human rights instruments. Since January 2009 to July 2020 there has been at least 572 documented cases of enforced disappearances. Among them 19 people have been disappeared from January to July in 2020 even amidst the COVID-19 pandemic. The actual number of disappearances are few times higher than this figure as the ALRC has not counted those cases that the families are afraid to confirm the involvement of the law-enforcement agencies for disappearing their loved ones. Bangladesh remained in the HRC as its Member during most of the years while the incumbent government used disappearance as one of the tools to silence the dissents for seizing power without people's true mandate.

Human rights organisations' documentations confirm the identities of the victims of enforced disappearances include the members of the mainstream opposition political parties, professionals like lawyers, doctors, academics, researchers, journalists, and dissident writers. The pattern clearly suggest that the government systematically used enforced disappearances to create sheer fear in the society as whole for the incumbent's political gains. In many cases bullet riddled bodies of many disappeared people were later found footing across the country that the officers of the law-enforcement agencies termed to be deaths in 'gun fight' or 'crossfire' or 'encounter'.

It is equally significant to comprehend that committing crimes like arbitrary deprivation of life through extrajudicial killings and enforced disappearances becomes possible in those territories where judiciary is highly dysfunctional for discharging its normative responsibilities. In another word, having a competent and effectively functional judicial system in place and maintaining a pattern of disappearing citizens cannot coexist in a State. If any government claims to have an independent criminal justice mechanism while its law-enforcement agencies enjoy impunity for arbitrary deprivation of life must be officially making untrue statements to the global audience as Bangladesh has been doing consistently.

The recent review reports and concluding observations of the Human Rights Committee and the Committee Against Torture and the recommendations of the 3rd Cycle of Universal Periodic Review (UPR) reflect the human rights realities. These review reports, individually and collectively, expose how Bangladesh's incumbent government undermines the international norms and disregards the recommendations of the UN independent human rights experts.

One of the regrettable aspects is that a number of Member States of the HRC, having reputation for their democracies and functional rule of law systems, provide trainings, arms, surveillance and spying technologies to Bangladesh's law-enforcement agencies and individual perpetrators. These technical, financial, and logistic resources are being used

against the dissenting voices and ordinary citizens in Bangladesh where access to justice for victims is non-existent. Those States and the companies based in the developed democracies should be acceptable to their own countrymen and the international community for their allegiance to the perpetrators of gross human rights violations in other jurisdictions at the costs of the taxpayers' money. Such cooperation has failed to comply with the UN principles of the Corporate Responsibility to Respect Human Rights. The international community must wake up and raise voice against the continued enforced disappearances in Bangladesh. The UN bodies and other influential entities should not keep endorsing the incumbent government of Bangladesh simply for preventing the Rohingya refugees from migrating to Europe and joining the campaign of the alleged 'war on terror'.

The time has come for demonstrating sincere commitment to human rights, democratisation, and the rule of law that Bangladesh's 160 million people deserve and strive for. The Human Rights Council should be a platform for staging drama by the bureaucrats having the smell of blood in their hands. There needs to be practical engagement allowing the WGEID to visit Bangladesh so that it can report back to the Council about the ground realities and steps to be taken in future. The transformation of the criminal justice institutions of Bangladesh is a must for ensuring universal access to justice for the victims of gross human rights abuses. The justice mechanism must acquire the capabilities to replace the coercive law-enforcement system, abolish impunity, and establish unhindered accountability of the perpetrators, including the head of the government for masterminding the crimes.
