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## Human Rights Council

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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 ODHIKAR - Coalition for Human Rights, a non-governmental organization in special consultative status**

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

[22 August 2021]

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



## **Bangladesh: Government's use of enforced disappearance as a tool for suppressing political opponents and silencing dissent**

Odhikar draws the special attention of the Human Rights Council and the Special Procedures, to the persistent acts of enforced disappearances in Bangladesh. Bangladesh has been witnessing a series of disappearances over the past several years, but no visible steps had been taken by the government to stop it. Ever since the Awami League political party assumed power in 2009, it has come under criticism for the use of enforced disappearances as a means to suppress its political opponents and silence dissenting voices. The issue has been discussed at various levels of the United Nations for the past decade. Despite international criticism, the Awami League government (which is still in power) has never taken the matter seriously. The targeting of political opponents and other dissidents, by the commission of violations of freedoms of expression, peaceful assembly and association, have accompanied commissions of enforced disappearance and created an atmosphere of repression.

Enforced disappearances continued in Bangladesh amid the COVID-19 pandemic,<sup>1</sup> targeting dissenting voices that are critical of the government's repressive policies and actions.<sup>2</sup> Some of the disappeared have resurfaced in law enforcement custody, having been arrested under the Digital Security Act,<sup>3</sup> a repressive law enacted in 2018 granting law enforcers the powers to arrest anyone accused of transmitting any 'defamatory information' online that 'destroys communal harmony', or 'creates unrest or disorder', or 'hurts religious sentiments or values'. Hundreds of Bangladeshi citizens were arrested by police for peaceful protests or for criticizing the government, the ruling party and its leaders, on social media.<sup>4</sup>

Despite credible information and evidence,<sup>5</sup> the incumbent Awami League government has ignored calls by development partners, the United Nations, human rights organisations, and civil society to end the culture of impunity indulged by law enforcement.<sup>6</sup> There are allegations that victims of enforced disappearance, particularly opposition party leaders and activists, have also been tortured and/or killed extra-judicially by the State security forces. Such killings have been termed as death in "crossfire" or "gunfights". These have become an institutionalized practice.

Families of victims of enforced disappearances have no access to an effective remedy as the police often refuse to record complaints and carry out investigations into such allegations. Despite a high number of cases of enforced disappearances, legal remedies for victims have failed to hold perpetrators accountable.<sup>7</sup>

<sup>1</sup> New Age, "4 abductees remain missing for weeks", (28 June 2021),

<https://www.newagebd.net/article/142154/4-abductees-remain-missing-for-weeks>.

<sup>2</sup> Human Rights Watch, "Bangladesh: Repeal Abusive Law Used in Crackdown on Critics", (1 July 2020), <https://www.hrw.org/news/2020/07/01/bangladesh-repeal-abusive-law-used-crackdown-critics>.

<sup>3</sup> The Business Standard, "3 days after missing, 4 Ctg men charged under DSA in Dhaka", (22 March 2021), <https://www.tbsnews.net/bangladesh/crime/3-days-after-missing-4-ctg-men-charged-under-dsa-dhaka-220582>.

<sup>4</sup> Odhikar, "Annual Human Rights Report 2020 on Bangladesh", (25 January 2021), [http://odhikar.org/wp-content/uploads/2021/01/Annual-HR-Report-2020\\_Eng.pdf](http://odhikar.org/wp-content/uploads/2021/01/Annual-HR-Report-2020_Eng.pdf).

<sup>5</sup> FIDH, "Bangladesh: Enforced disappearances amount to crimes against humanity", (18 April 2019), <https://www.fidh.org/en/region/asia/bangladesh/bangladesh-enforced-disappearances-amount-to-crimes-against-humanity>.

<sup>6</sup> Joint Statement by 12 human rights group, "Bangladesh: End Enforced Disappearances Hold Law Enforcement Accountable", (28 August 2020), [http://odhikar.org/wp-content/uploads/2020/08/Bangladesh-Enforced-Disappearances\\_Joint-Statement\\_28.08.20.pdf](http://odhikar.org/wp-content/uploads/2020/08/Bangladesh-Enforced-Disappearances_Joint-Statement_28.08.20.pdf).

<sup>7</sup> FIDH, "Vanished without a trace: The enforced disappearance of opposition and dissent in Bangladesh", (April 2019), [https://www.fidh.org/IMG/pdf/bangladesh735a\\_web.pdf](https://www.fidh.org/IMG/pdf/bangladesh735a_web.pdf).

The denial by the Bangladeshi authority of its continued practice of enforced disappearance - particularly targeting political opposition activists and dissidents - and its unwillingness to take any action to address this serious crime deserves condemnation. In addition, many families and relatives of the disappeared have faced threats and harassment by law enforcement agencies and ruling party members for speaking out about the disappearance of their family members in public.<sup>8</sup>

Odhikar has documented 603 cases of enforced disappearance in Bangladesh between January 2009 and June 2021. Among them, 153 persons are still disappeared, bodies of 81 disappeared victims have recovered, and 369 persons have been returned alive after several days/months/years of being disappeared. Furthermore, a large number of surfaced victims of enforced disappearance, have later been shown as arrested under different criminal laws and sent to jail through court orders. There may be more unreported cases in a country of 170 million, as due to the fear of being disappeared or reprisals, many people do not dare to speak. Enforced disappearances, along with an array of other grave human rights violations, are not new in Bangladesh. However, the state-sponsored human rights abuses, including enforced disappearances have become a systematic tool of repression since 2009, when the Awami League led government assumed power.

On 16 August 2021, Human Rights Watch released a new report on enforced disappearances in Bangladesh, based on over 115 interviews conducted between July 2020 and March 2021 with victims, their family members, and witnesses to enforced disappearances. The report found that Bangladesh authorities consistently refuse to investigate enforced disappearances and hold those responsible accountable. HRW verified 86 cases of enforced disappearance in Bangladesh over the last decade, in which the victim's whereabouts remain unknown.<sup>9</sup>

Bangladesh has neither ratified the International Convention for the Protection of All Persons from Enforced Disappearance nor has it passed domestic law to recognize enforced disappearances as a crime. The Working Group on Enforced or Involuntary Disappearances (WGEID) recently sent a letter to the Government of Bangladesh, asking for the whereabouts and fate of 34 people who have disappeared in Bangladesh at different times.<sup>10</sup>

The Working Group had earlier also asked the Bangladesh government about the whereabouts and fate of several disappeared persons. The government did not respond to those letters sent by the Working Group. Even though the WGEID wanted to visit Bangladesh as expressed in several communications since 2013, the government did not respond.<sup>11</sup> On the contrary, the government has always denied the incidents of disappearance perpetrated by members of law enforcement agencies and security forces.

The WGEID expressed its concern that it has been raising similar reports regarding the situation of enforced disappearance in Bangladesh for decades, but was alarmed that it continues to receive cases, many of which relate to individuals linked to opposition political parties, and by the apparent impunity for the practice in the country. It also strongly regrets the lack of engagement with the Working Group. It has not received replies to any outstanding cases this year and that only one case has ever been clarified since the Working Group transmitted the first case to the government in 1996.<sup>12</sup>

<sup>8</sup> Dhaka Tribune, "Bangladesh urged to hold law enforcement accountable for enforced disappearances", (29 August 2020), <https://www.dhakatribune.com/bangladesh/2020/08/29/bangladesh-urged-to-hold-law-enforcement-accountable-for-enforced-disappearances>.

<sup>9</sup> Human Rights Watch, "Where No Sun Can Enter: A Decade of Enforced Disappearances in Bangladesh" (16 August 2021), <https://www.hrw.org/report/2021/08/16/where-no-sun-can-enter/decade-enforced-disappearances-bangladesh>.

<sup>10</sup> Bangla Tribune, "UN seeks location and fate of 34 missing persons", (9 August 2021), <https://www.banglatribune.com/695071>.

<sup>11</sup> The Daily Star, "Enforced Disappearances: UN working group wants to visit Bangladesh" (22 February 2021), <https://www.thedailystar.net/backpage/news/enforced-disappearances-un-working-group-wants-visit-bangladesh-2048845>.

<sup>12</sup> UN Working Group on Enforced or Involuntary Disappearances, Post-Sessional Report, 123rd session (15-19 February 2021) A/HRC/WGEID/123/1.

Human rights defenders and victim-families have been calling for an independent commission of inquiry for a long time. No such commission has been formed. They have been asking the government to investigate into all these incidents through an independent and unbiased inquiry commission to find the whereabouts and fate of the disappeared persons and take stern action against the persons responsible for the disappearances.

Odhikar urges the UN Human Rights Council to pressurise the Bangladesh government by using UN human rights mechanisms, to end enforced disappearances and other gross human rights violations. The Bangladesh government must allow the UN WGEID to visit Bangladesh so that it can lead an independent international investigation into enforced disappearances in Bangladesh. Odhikar believes that the UN can influence the Bangladeshi authorities and security forces to end this culture of impunity and bring justice to victims and their families.

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