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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.

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



Bangladesh: Independent Investigative Mechanism Needed for Affording Justice to Victims of Enforced Disappearances

The Asian Legal Resource Centre (ALRC) reiterates the issue of Bangladesh's unabated enforced disappearances with blanket impunity to the United Nations (UN) Human Rights Council's 51st Regular Session.

Halting enforced disappearances in Bangladesh has been an everlasting challenge under the incumbent government. Previously, the ALRC informed the UN Human Rights Council regarding the situation of enforced disappearances since Sheikh Hasina assumed to the office in January 2009. Now, prior to the 51st Regular Session 619 people are documented to have been disappeared under the incumbent government. It should be noted that the actual number of the victims of enforced disappearances are much higher than these figures. Majority of the families have not dared to reveal the information about the abduction and subsequent disappearances of their loved ones due to high degree of surveillance, harassment, intimidation, and threats in the country.

In August 2022 Ms. Michelle Bachelet, the UN High Commissioner for Human Rights, had made an official country visit to Bangladesh, which is the first ever visit by the highest human rights mandate holder of this global multilateral body. During the four days visit – between 14 and 17 August 2022, the High Commissioner had raised her deep concerns over the long term and short term enforced disappearances during her meetings with the Government. Ms. Bachelet said in her first official media briefing before departing from Dhaka, Bangladesh:

“There are continued, alarming allegations of both short-term and long-term enforced disappearances, and concerns about the lack of due process and judicial safeguards. Particularly given the long-standing frustrations at the lack of progress in investigations and other obstacles to justice, I encouraged the Government to create an independent, specialised mechanism that works closely with victims, families and civil society to investigate allegations of enforced disappearances and extrajudicial killings. My Office is ready to provide advice on how such a body could be designed in line with international standards.” High Commissioner Bachelet also urged the government to ‘acknowledge the challenges’ and ‘create an independent specialised mechanism that works closely with victims, families, and civil society to investigate allegations of enforced disappearances and extrajudicial killings’. The High Commissioner observed that “Bangladesh is also entering an election cycle, with general elections due next year, which tends to be a time of increased polarisation and tension”. She has emphasised with a warning that, “The election period will be an important time for Bangladesh to maximize civic and political space, including freedom of expression, association and peaceful assembly of political activists, human rights defenders, opposition parties and journalists. It is also important to ensure that law enforcement forces have the necessary training to manage protests without resorting to the excessive use of force.”

The country visit of the UN High Commissioner for Human Rights had coincided with audiovisual media publication by Sweden-based Netra News managed by Tasneem Khalil, an exiled journalist of Bangladeshi origin, which revealed the interviews of two victims of enforced disappearances. The two victims - namely Sheikh Mohammad Salim, exiled after returning alive from disappearance, and Md. Hasinur Rahman, a retired lieutenant colonel of Bangladesh Army who was disappeared twice in last ten years, described in details about the secret prisons where both victims were held during their period of disappearances. This exclusive investigative report published the photos of secret prisons - from both inside and outside - including the satellite image conforming its location. The report has asserted that two prominent victims Mir Ahmad Bin Quasem, Brigadier General Abdullahil Amaan Al Azmi are held in the secret prison and identified the perpetrators of the Bangladesh Army having the common responsibilities for operating this particular secret prison inside the Dhaka Cantonment.

It should be noted that the Detective Branch (DB) of Police visited disappearance victim Sheikh Mohammad Salim's family's house at Kapashia in Gazipur on 20 August 2022. The police asked Salim's brother to go to the Kapashia police station, which the family did not comply with. Since then plain clothed men were found waiting outside the house. The ruling

party – Bangladesh Awami League’s (BAL) local leaders had intimidated Salim’s family for exposing the details of the secret prisons, as Salim confirmed the ALRC.

The ALRC has repeatedly informed the UN Human Rights Council that the law-enforcement agencies, intelligence units, and security forces operate secret detention facilities in Bangladesh. It also asserted that there are undeniable evidences available to establish that the security forces and law-enforcement agencies are responsible for committing the crime of enforced disappearances. The latest revelation reconfirms the fact about the crime and the identities of a few of the perpetrators.

The ALRC reiterates that the key reason behind the unabated enforced disappearances is to enjoy perpetual state power by Sheikh Hasina through silencing the dissidents and rigging successive elections. Bangladesh’s context clearly suggest that the country does not have a competent criminal justice system and political accountability inside and outside the parliament. Instead, there is a one-party rule established. The checks and balances neither exist in the Parliament nor in the Judiciary. The freedom of press and the freedom of expression are dealt with high degree of censorship, self-censorship and full control by the ruling party’s financial elites and journalists lacking professionalism. Zero accountability of the government promotes zero protection of human rights in the country.

The exercise of the Global Magnitsky Human Rights Accountability Act 2015 - 2016 by the Department of Treasury and the Department of State of the United States of America on 10 December 2021 has contributed to slowdown of the incidents of extrajudicial killings although nothing has significantly changed or improved. The United States of America Treasury Department had designated sanctions against six of the incumbent and former commanders of the Rapid Action Battalion (RAB) for human rights crimes. Moreover, the Department of State of the United States of America imposed visa ban on the incumbent Inspector General of the Bangladesh Police Benazir Ahmed for his command responsibilities as the Director General of the RAB. Since the designation of sanctions against the RAB and its former and incumbent commanders the number of extrajudicial killings and enforced disappearances were reduced but continues with impunity. The Sheikh Hasina government defied the United States of America sanctions by awarding the perpetrators gallantry awards in early January 2022. Additionally, the Bangladesh Government is exploiting the United Nations by nominating its sanctioned police chief Benazir Ahmed for the meetings of the UN at its headquarters in New York to be held from August 31 to September 1, 2022. This nomination, and continuation of enforced disappearances by the law-enforcement agencies, indicates the attitude of the Bangladesh Government that they keep disregarding the calls for holding the perpetrators accountable for human rights abuses.

The scope for one of the key perpetrators of numerous enforced disappearances and thousands of extrajudicial killings to participate in the UN summit transmits a different message to the families of the disappeared victims who cry for justice without having access to the domestic justice mechanisms of Bangladesh. The perpetrators take the advantage of such opportunities of joining the meetings of the UN to blame the victims and human rights organisations and indicate that the UN is not serious about the human rights principles that laid down by itself over the decades.

The largest number of troops from Bangladesh’s armed forces, police, and judiciary participate in the UN Peacekeeping Missions including the perpetrators of gross human rights abuses. In the context of zero accountability for the serious human rights crimes the Government of Bangladesh nominates many of those who perpetrate human rights violations and destroy peace in their native country. As a result, there are growing demands that the perpetrators of enforced disappearance, which is defined as a ‘crime against humanity’ under the Rome Statute of the International Criminal Court, must not be allowed to participate in the UN Peacekeeping Missions until they are thoroughly held accountable in a credible process. The families of the disappeared victims demand that an independent investigation mechanism be created under the mandate of the UN Human Rights Mechanisms to probe the cases of disappearances.

In the aftermath of the country visit by the UN High Commissioner for Human Rights it has been clear once again that enforced disappearances continue in Bangladesh with impunity and persistent denial of access to justice. The circumstances warrant the creation of a mandate

under the UN Human Rights Mechanisms to collect substantive evidence in relation to the crimes of enforced disappearances and extrajudicial killings. As the High Commissioner has indicated in her media briefing that in the lead up to the national elections ‘it is important for Bangladesh for maximizing the civil and political rights’, the ground realities require prompt actions leading to halt of these gross violations of human rights.

The Office of the UN High Commissioner for Human Rights (OHCHR), the Human Rights Council and its Special Procedures need to act together to bring an end to the enforced disappearances in Bangladesh. The UN should create a special investigative mechanism to collect evidence, process the data, and strengthen the process of accountability that can pave the way to afford justice to the victims. The OHCHR, the Council, and Special Procedures mandates should recommend the UN Secretary General and the UN Department of Peacekeeping Operations to ban the perpetrators of enforced disappearances and extrajudicial killings from participating in the UN Peacekeeping Missions and other UN events.

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